

**ICANN
Transcription ICANN Barcelona
GNSO – RPM Working Group Session 1 of 4
Sunday 21 October 2018 at 1515 CEST**

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Julie Hedlund: And thank you everybody. We're going to go ahead and start. This is, again, the GNSO RPMs PDP Working Group working session. And I am Julie Hedlund from ICANN Staff and turning over to Kathy Kleiman. Let's begin.

Kathy Kleiman: Hi. This is Kathy Kleiman, one of the three co-chairs. And I'm going to let all three co-chairs say hello as we kick off this meeting. All three of us will be co-chairing today, which should be fun.

So, go - oh, and after - after the co-chairs introduce themselves, we will go around the table and just ask the Working Group your names and affiliations so that we can take email addresses and, you know, translate them into people. So, Phil, and then Brian and then the Working Group.

Philip Corwin: Philip Corwin. I'll be brief. Welcome everyone. Thank you for being here whether in person or on the line and I look forward to today's discussions.

Brian Beckham: Hello. Brian Beckham from the World Intellectual Property Organization.
Welcome everyone.

Kathy Kleiman: Martin if we might. Again, name and affiliation, please?

Martin Huba: Hello. This is Martin Huba from the Non-Commercial Stakeholders Group.
I'm from Argentina and I besides having my own work from my house, I
represent (NGO). Thanks.

David McAuley Hey everybody. David McAuley is my name and I'm with VeriSign.

Lori Schulman: I'm Lori Schulman. I'm with the International Trademark Association and the
IPC.

Susan Payne: Susan Payne. I'm with Valideus and Com Laude. And I'm with the IPC.

Brian King: I'm Brian King. I'm a policy director at MarkMonitor, primarily focused on the
IPC.

Griffin Barnett: My name is Griffin Barnett. I'm with Winterfeldt IP Group in Washington, D.C.
and also with the IPC.

Petter Rindforth: Petter Rindforth representing FICPI and IPC.

Renee Fossen Renee Fossen (FORUM), URS Provider.

Ivette Paulovics: Ivett Paulovics, URS Case Manager for MFSD URS Provider.

DeFrancesco Varsano: (DeFrancesco Varsano) from MSC Mediation, Case Manager.

Maxim Alzoba: Maxim Alzoba (unintelligible)Moscow) with the Registries.

Zak Muscovitch: Zak Muscovitch, Internet Commerce Association.

John McElwaine: John McElwaine, Nelson Mullins, IPC.

Justine Chew: Justine Chew. I am a (Physician) At-Large for the (unintelligible).

Brian Scarpelli: Brian Scarpelli with ACT the APP Association and the Intellectual Property Constituency.

Chris Casavale: Chris Casavale, Nelson Mullins, IPC.

Woman 1: And this is (Unintelligible) Staff (who has two) (unintelligible). One is George Kirikos. The other is Paul Tattersfield.

Kathy Kleiman: And now we're going to turn it over to Staff to review some slides that will kind of give us an overview of where we are and what we'll be doing today.

Julie Hedlund: Thank you Kathy. And this is (Julie Hubman) from Staff. And just on the agenda today, we will have the initial review of URS Proposals - probably not at today's sessions. Just to remind everybody, this is the first of two sessions that relate to the review of URS Proposals. Session One today and Session Four tomorrow are both on the same topic and so it's not anticipated that we'll get to the initial report process today. That's much more likely to occur at our fourth session, four of four, tomorrow.

And so, here's the current status. So - and this is also to help those of you who are not in the Working Group, but are just also interested in where this Working Group currently is in its work. The Working Groups that's continuing to review its review of the Uniform Rapid Suspension, URS Dispute Resolution Procedure.

There were three Sub Teams that proposed operational fixes and policy recommendations to enhance URS based on feedback from experienced URS providers and practitioners and analysis of URS cases.

Our Working Group completed the deliberations on all Sub Team proposals in September of 2018. And following that, individual Working Group members also submitted 33 proposals. The Working Group completed deliberations on all individual proposals on 12 October. And here, at ICANN 63, the Working Group is reviewing the individual proposals as mentioned in Sessions One and Four.

So, what will that consist of? The review of Sub Team proposals. First of all, just a little bit of background. Sorry, I was jumping ahead. A little bit of background. What do the Sub Team Proposals consist of? So, as mentioned there were three Sub Teams. They were addressing topics for feedback from the URS Providers and Practitioners and identifying data sources to analyze certain categories of URS cases.

During ICANN 62, the three Sub Teams presented their updates. Following ICANN 62, the providers and document Sub Teams continued their deliberations, while the practitioner Sub Team concluded its work. And in September of 2018, the working group deliberated on the Sub Team Preliminary Findings and Issues. Seventeen suggested policy recommendations and 17 operational fixes. Thank you.

So, now, following the Sub Team Proposals, we had the individual proposals. And first the Working Group agreed to a procedure for determining which proposals to include in the initial report. I'm not going to read all of that text there, but just so you know, that is, sort of the framework that's governing the review of the individual proposals. And, in particular, the review is to decide how to include the individual proposals in the initial report. And that is the levels of support to include those proposals in the initial report.

Staff has provided draft suggestions on how proposals could be included in the initial report based on level (of) support for that inclusion. The Working Group now will review those suggestions, along with the reference chat room

discussions and transcripts. And the individual proposals will present any revisions to their proposals. And we do, in fact, have two revisions that have been submitted and that will be presented at the beginning of this session today.

And then, once this review is concluded, the levels of support and determination, with respect to inclusion (in) the initial report will be based on these deliberations at ICANN 63. The Working Group will have the opportunity to review the proposals and levels of support as they appear in the draft initial report. And the Working Group will have the opportunity to provide revisions before the report is published for public comment.

And that is the end of the preamble for today's session and I will turn things back over to the co-chairs. Thank you.

Kathy Kleiman: This is Kathy Kleiman. It's my understanding we have two revised proposals and (Julie), I was hoping you could tell us who they are and let's introduce them - what we agreed to, I think - was it a four or five minute - since we love setting time clocks now right? Four or five minutes for just a recap. We're not going into the full half-hour presentations that we've done in the past. But just a recap of what the current proposal is? How it's a combination of the initial proposal and things that were heard during the Working Group discussion debate and what's been incorporated to make it better?

So, kind of a four-or-five-minute sales pitch. Did we decide if it was four or five minutes? Four. And, because there was a Leadership call on this. Okay. So, let me turn it back to (Julie).

Julie Hedlund: Oh, thank you very much. Yes. So, we have two proposals. The first proposal is presented by George Kirikos. And that is the proposal that has been posted in the Adobe Connect Room and then also on the screen here. It may actually be easier for the people in the room to view it in Adobe

Connect since it's obviously pretty small here on the screen. So, I do suggest if you're not already in the Adobe Connect Room, please go ahead and join.

And without further ado, let's - we'll go to George, but since you asked Kathy - the other proposal, revised proposal, is from Griffin and David - David McAuley and Griffin - and Griffin - over there. Pardon me. And so, we'll start with George and then we'll go to the next revised proposal. Thank you and over to you George.

George Kirikos: Thanks. George Kirikos for the transcript. It's actually five minutes initially and then two-minute questions, followed by a four-minute response. That's the rules, so, start my clock.

This is Proposal Number 35, which is actually a revision of Proposal Number 12, which was presented a couple of weeks ago. And this proposal is for a policy change to the - saying that complainants, excluding prior registrants of a domain name, have to prove that a domain name was created in bad faith, with the creation date of the domain name being the relevant date for the test, replacing the currently ambiguous registered in bad faith standard.

And I've changed this based on feedback from Rebecca when it was presented initially. In the event that a prior registrant of the domain name brings a dispute as a complainant, they instead need only prove that a domain name was acquired in bad faith. And in that case, the acquisition date of the domain name by the current registrant is the relevant date. And all other remaining (prongs) of the three-part test shall continue as before. Use in bad faith, illegitimate interest (confusingly) similar to trademark, that we're familiar with.

And so, the motivation for this proposal was, as before, that there was ambiguity regarding the term registered, (kind of like the law) interpreted that to mean that it was the date that the current registrant acquired the domain name rather than its creation date. And that is essentially inconsistent with

law. And inconsistent with how things like trademarks, copywrite, and patents are assigned, where there's no negative impact by assigning that asset to another person.

And so, this proposal aims to reduce the risk and harm to a domain registrants of ownership transfers thereby protecting registrant rights. And we already previously discussed the motivation, in terms of what the WIPO panel views are, which are, I think, I consider those to be incorrect. And, one case where they were correct - correctly interpreted - was the (Unintelligible) dot com - UDRP.

And, if we turn to section 8 of the proposal, I've added a court precedent in the California Courts regarding Gopets versus Hise where they actually take on this issue meaning - saying, the primary question before us is whether the term registration applies only to the initial registration of the domain name or whether it also applies to a registration of a currently registered domain name by a new registrant. And the Court held that such reregistration is not a registration within the meaning of the applicable law.

And so that's a very important point that supports this proposal, even in its initial form. And now, if you took Section 7 of the document - oh sorry, Section 6 - I reference the adjustment that I've made to the initial proposal based on Rebecca Tushnet's great feedback.

So, she noticed an unintended consequence namely that a prior registrant, whose domain name was stolen, or was inadvertently allowed to expire and was auctioned by Registrar after expiration, but prior to being deleted and thus was transferred to future owners was not knowingly done in the manner designed (to reserve) the domain's creation date as the priority date as a successor in interest, might not be able to assert their trademark rights against the new registrant.

The revised proposal removed that scenario and so, by making that tweak, it distinguishes between a normal domain name transfer that's intended to preserve all the rights naturally inherent in a domain name, including the creation date of the party date. And unusual, or exceptional domain transfers that don't have such intentions, such as stolen domains or domains that are inadvertently allowed to expire that are auctioned by a prior Registrant - sorry, auctioned by a Registrar prior to being deleted.

So, I'm happy to listen to any further questions. Obviously, I've already achieved enough support to go through all the comments and just more (verbiage) then, just makes it slightly better for that stolen domain case scenario or case where the prior registrant might want to assert rights against a future registrant where there wasn't really intentional transfer of all the rights to the domain name to that party. Thank you.

Kathy Kleiman: This is Kathy. Thank you, George. Just a reminder that this is not a formal presentation in the same sense of new proposals. This is, we're looking at, kind of, renewed proposals. So, the timeframes are different. We will open up to brief comments or questions for George from anyone in the room about this proposal. Susan, please.

Susan Payne: Yes, thank you. It's just - oh, sorry, Susan Payne from (unintelligible). It's just a quick comment. As I understand it, from what George has said this has already got the apparent level of support to go forward into the initial reports. For the record, just for the (unintelligible) of doubt, I am strongly opposed to this one. I don't mind it going out for public comment I guess. But, I think, to the extent that it's included in our draft report and goes out to public comment, it needs to be made absolutely clear that there is no agreement within this Working Group that there is any ambiguity in the language whatsoever.

The transfer of a domain name to a new party is new registration. There's no ambiguity here and so, to the extent that people are being asked to comment

on this proposal, it must be very clear that the assertion that there's ambiguity comes from George and not from the Working Group. Thanks.

Kathy Kleiman: Thank you Susan. Phil?

Philip Corwin: Yes, Phil Corwin for the record. Susan, I think we've already discussed that in addition to whatever gloss a proponent of a particular proposal puts on it, there will be other language in the initial report which will be available for review by the entire Working Group before anything is put out for comment.

Kathy Kleiman: (Max)

Maxim Alzoba: Maxim Alzoba for the transcript. We should understand that if this comes out and hypothetically approved, it will have huge technological consequences. There is no way to, in the current (Internet) system, to store information about the (past) of the domain after it was deleted once.

For example, you register some domain dot something - dot com for example - and then it was deleted and then I registered it. And someone wants to check what was the initial registration date. There is no way. It's not in the system.

And the second note is that - what to do with the millions of the current registrations? We do not have bam, bam, bam, bam initial registration date. But we should be careful with the system. It's not simple. Thanks.

Kathy Kleiman: Thank you Maxim. Other questions? Brian please.

Brian Beckham: Thank you. Brian Beckham for the record. And I want to be clear here that I am not speaking in my chair capacity. And I understand we will discuss how to come to an agreement on where and how proposals are put into the Working Group report given that we've created a low bar for inclusion.

But I want to fully support Susan's comments and, again, register for the record as I have done in the email list, my strongest objections of this being included as having significant support for purposes of the initial report. thank you.

Kathy Kleiman: Thank you. Other comments. Any change from people who are participating remotely. We thank you for joining us remotely. Okay. In that case we'll call on George for a two to three-minute summary and we'll move onto the next proposal.

George Kirikos: Thanks, George Kirikos, can you hear me?

Kathy Kleiman: Yes, we can.

George Kirikos: Oh, thanks. Just to address Maxim's concerns. When I say creation date. I mean the creation date that is obviously within the Whois itself. So, domain name deletion does reset the creation date. So, there's actually no implementation problems with that. But the Whois would actually show the creation date and if the domain gets fully deleted, then it gets reset.

For Susan's question about the ambiguities, I obviously respectfully disagree with her about that ambiguity. We saw panelists make creative reinterpretations of the policy because (unintelligible) (registered) were never defined in the actual policy. And so, we've seen domain renewals being called registrations. For example, that's the (Octogen) analysis which has been (or seen) in disrepute right now.

But also, there's no clear definition of what happens when a domain is transferred amongst, you know, family members. So, succession planning for families. The resolution of the estate after a death. Corporate reorganizations. So, essentially, this proposal is saying that trademark holders have to look at what domain names are already registered before they create a trademark. Just like domain name holders are able to look at

what trademarks are in existence before they register a domain name. And so, this makes the issue symmetrical.

And so, the only impact this will have on trademark holders is on trademarks that are registered after a domain name has already been created. And that's not the classic cybersquatting scenario. The classic cybersquatting scenario is a trademark already exists and a cyber squatter creates a domain name and, you know, misuses that domain name. So, those disputes are unaffected by this proposal.

Where it is effective is where a domain name already exists and a trademark holder register - creates a new trademark and then that domain name changes hands after the date of that trademark. And so, what this proposal is saying is that those kinds of disputes are very complicated and should not go under the UDRP or URS. But instead, more sophisticated Courts where the more sophisticated process of the Courts with Due Process can be ensured in terms of cross-examination, discovery, and so on.

So, this is, obviously against trademark holders who want to have the upper expansionist view of trademarks as opposed to domain names. But it really puts them out both on a level playing field. Thank you.

Kathy Kleiman: Thank you George. (Julie's) printed out there's an online comment. So, I will give it to you to read. Thank you.

Julie Hedlund: Thank you. Thank you very much Kathy. The comment is from Paul Tattersfield. I respectfully think George is looking at this in the wrong way. You need greater granularity. Some problems are temporal, some are not, e.g. "passive holding" could be considered subject to (Laches) Doctrine whereas someone selling counterfeit goods could never. End of comment.

Kathy Kleiman: Great. Thank you. And thank you to George and Rebecca for doing what the Working Group asked them to do which was go back and revise based on

issues and concerns they had heard. Are there anymore comments on this proposal? Thank you, Brian.

Brian Beckham: Thank you Kathy. Brian Beckham. And, again I say that this comment is in (birth) of my capacity as co-chair and as a Working Group member. I wonder what's our process for addressing factual inaccuracies in proposals. So, for example, the claim that this proposal would have no impact on rights holders is, to put it mildly, ludicrous. Imagine a domain name registered in 1999. The next twitter or Facebook comes along and they have a trademark registration in 2018 and the registrant of that domain name is blatantly infringing that mark by its content on the website. Of course, it would have an impact on that (unintelligible).

So, I just use that example to ask the question, how do we, as a Working Group, want to go back correcting factual inaccuracies in the proposals? Do we do that now? Do we do it when it comes to drafting the text of the initial report? Thank you.

Philip Corwin: Brian. Phil Corwin for the record. In response, let me say two things quickly. One, I think we've all agreed that there's going to be an initial report drafted by staff sometime early next year and everyone in the Working Group's going to have a chance to review that draft and opine as to where they think it states things incorrectly or omits critical facts and we'll just have to hash that out when we get to it.

And now I'm going to sound like a broken record and - but I've said this before. We've set a low bar for inclusion of individual proposals, which are quite different then Sub Team recommendations - for the purpose of soliciting public comment.

I suspect that when we get that public comment we will see quite clearly that most of these individual proposals, no matter what perspective they're coming from in their proposed form, fall far short of achieving consents and

some will need to be modified significantly to have any chance of doing so. And so, I think - and that commenters will have ample opportunity in their comments to comment on factual inaccuracies, as well.

So, I think we all - I just want to remind everyone that the exercise we're going through now is simply about what's going to be in the initial report and really more accurately, everything's going to be in the initial report that's been proposed, one way or another. And the public can comment on it whether comment is requested or not.

It's going to be quite different from when we're approaching the final report, where if there's no convincing demonstration of a likelihood of consensus support, it's not going in the final report. Thank you.

Kathy Kleiman: Thank you. We note that George's hand is up. George go ahead please, for a brief comment.

George Kirikos: Yes, George Kirikos for the transcript. Perhaps something was unclear, but I didn't say - I didn't mean to suggest that right holders - there's an echo - hello -

Kathy Kleiman: We can hear you.

George Kirikos: Yes, on my side there's an echo. Oh - oh that's better. I didn't mean to suggest - and I hope it's clear that I didn't say that trademark holders would not be impacted at all. I said that a certain subset, namely the trademark holders whose trademarks predate the domain name, obviously, would be unaffected because, obviously, you could keep resetting the date, but it's still going to be after the trademark. It's only going to happen if the domain name predates the trademark, and that's an intended consequence - intended.

As for these, you know, facts. You know, sometimes facts are up for debate. One person's fact is another person's opinion and so, we should be careful

that we don't permit opponents of a proposal to attack the proposal and dilute it before it goes out for public comment based on their disagreement on a set of facts. Thank you.

Philip Corwin: Yes, we have two remaining hands up to comment. Greg Shatan and Susan Payne. I would ask you to make it brief. We have one more revised proposal. Well, George, you've got to - we don't see you if you don't put it in the chat room. All right. Can you make it brief, because we have another revised proposal to consider and then we've got to go through the staff recommendations on suggested levels for all the proposals? And we've got to do that in this session because then we've got the analysis group presentation.

So, please comment briefly. Thank you.

Greg Shatan: Thanks. Greg Shatan for the record. I disagree in the strongest terms with George's final statement. First off, you may be entitled to your own opinions, but you're not entitled to your own facts, as Daniel Patrick Moynihan said, and many other wise people said since then.

We are not living in a post factual society here and I can't - as much as some people would like that. And no, the facts are not debatable. Opinions are debatable. Facts are interpretable. But the facts themselves are not debatable.

Secondly, the idea that we're going to publish unalloyed, one person's proposal without any changes to that proposal - we set a low bar for the proposals to be put in. We didn't set a low bar for the rationale and the other stuff in there - it's not for the whole thing. I think the idea that we're going to put all this out for public comment as is, is not what I expected when I heard a low bar. And I did not expect that the actual proposal would adopt the entire text of these proposals as is.

I think that we might as well just put the stuff on toilet paper at that point, because we're really publishing crap. Thank you.

Kathy Kleiman: This is Kathy. I'm going to put myself in the que. But, let's be nice about our language if we could. We've been asked by the Council to really be as polite and professional as possible - using my words, not theirs. But we just had a long discussion on this.

So, but also, we're going to be talking about the format of the report. Subsequent procedures really kind of gave us a precedent by putting a lot of different discussion items in their report. I thought it was a little too long, 300 pages, but there's precedent there. So, all of this is going to go in somewhere and I just want to share that with you. We'll be getting to this in more detail. The question is really where. But this is all part of the discussion we've had in the Working Group and the public will know and it will go out in the initial report somewhere.

So, just sharing that - who's next in the que? Susan?

(Georges Nahitchevansky): Georges Nahitchevansky for the record. So, first of all, I strongly oppose this proposal. There's been a lot written about it. It just puts a giant, you know, railroad in destroying the entire URS and, you know, and eventually, I guess the UDRP if this, if something like this was to be presented in that way.

This creation date thing is going to be rife with abuse and it's going to create massive problems and, basically, disrupt a lot of certainty that now exists that George claims doesn't exist. But it does exist if you just look at, you know, the 50-thousand plus cases that have been decided in the UDRP context.

Second of all, this low bar is really, you know, and I've written about it. It just seems very surprising to me that we're at this point, two-and-a-half years after the process when all these issues were raised two-and-a-half years ago

- they were all written out in various ways - and here we are two-and-a-half years later and we can't seem to cull any of these down to something more manageable.

Instead we're throwing everything and the kitchen sink to public comment. So, why didn't we do that two years - two-and-a-half years ago? We might as well have just thrown it all out to public comment at that time? That's it.

Kathy Kleiman: Thank you. Susan are you still in the que? And then we're drawing the line on this and moving onto the next proposal and Griffin will be presenting it. Thank you.

Susan Payne: Thanks. Susan. Yes, just a very quick comment. It's not specifically about this proposal, but it is about the process of seeking public comment on these - on all of these individual proposals.

And I still make the point that, you know, it's okay, you know, if you think there's factual inaccuracy you can raise yourself when you comment back on the proposal. And I get that. But I think there's a real danger in that. There are plenty of people out there who don't know if something is fake news or not. And therefore, I think we have a duty to at least indicate that there is a disagreement of fact. Over whether something in a proposal is correct or not.

And so, I'm just really asking when we come to the drafting of the report, that we can - if necessary, in relation to all of the proposals - make it incredibly clear that the facts as stated by the proposers are not necessarily real news, they may be fake news.

Julie Hedlund: This is (Julie Hubman) from Staff and we'll talk more about this when we - after we get to all the proposals, but, with respect to how things are portrayed in the initial report - when that is drafted, we'll try to be as - well, we will try to be faithful to the transcript. So, that means, to the extent that the Working Group members who are expressing concerns about facts, about the

proposals, what's in the proposals, the subject of the proposals - that is part of the deliberation and what we're doing right now is deliberating. And what we've done in the last few weeks is deliberating. Those deliberations will be captured.

I know that Greg is familiar with that process that Staff has endeavored to do, also in (Subpro). So, we have a precedent - it's maybe not a perfect one - it's maybe not great - but we are attempting to reflect the deliberations on all of these proposals and make that as clear as possible to those who will then be reviewing the (unintelligible).

Philip Corwin: Phil Corwin. Just two quick comments. One, to back up what (Julie) just said, I would certainly, as a co-chair, strive to make sure (and again) the entire Working Group is going to get to review and comment on the draft initial report - that where there's significant comment that facts portrayed in a particular proposal are inaccurate - that the initial report will reflect the fact that many Working Groups members differ with the purported facts.

Second, I think I've already heard on this particular proposal, that it's likely that it will not achieve consensus for support when we see the public comments. I don't know if there's some modification that it could get consensus support, but, you know, it's clear within this room, there's no consensus in support of it at this moment.

And, finally, whether we should have set a higher bar - we're dealing with the fact that even with the low bar, we're seeing disagreement over whether staff properly designated things and we'd have even more disagreement had we set a higher bar, but short of consensus. So, we're trying to get through the process with the expectation that most of these individual proposals, as proposed at this point of time, are - we're going to see comments, many strongly in favor, many strongly opposed. Some probably saying this is premature and these should be in Phase two. And we're going to come back after reviewing those public comments and saying, does the proponent want

to make significant modifications? If not, we shouldn't spend a great deal of time discussing this further because the community has already indicated that consensus does not appear to exist. Thank you.

Kathy Kleiman: And just a reminder of protocol for the ICANN meetings and overall participation. When folks are participating remotely and then puts something in as a comment or a question, then we do read that out for the transcript. And we do have a comment here from George Kirikos.

It is - when Susan says we, does she suggest we have a "consensus call" as to what is fact? Perfect. We just - okay. So, (obviously in the) microphone. Susan declines.

Okay. So now we turn this over to our next revised proposal. Our second and last. This is a combined - a newly combined proposal if I remember correctly. A separate proposal introduced by Griffin Barnett and David McAuley and now they are being joined and Griffin will be presenting. Thank you.

Griffin Barnett: Thank you. This is Griffin Barnett for the record. Yes, so I'm just going to read the proposed - the revised proposal language and just note that it's sort of a combination of Proposals Number 9 and 10 that were previously submitted respectfully, by David McAuley and a group of individuals, including myself. And so, this revised version of those two proposals is intended to, you know, replace those two.

And so, the Proposal language is this - eliminate the existing post-default De Novo Review Period and instead replace the current URS Appeal filing period to 60-days with the possibility of obtaining an additional 30-days to file a URS Appeal as a matter of right, upon request within the initial 60-day filing period.

And so, that's the new proposal and basically the rationale on all the other components that were parts of the original proposals, kind of, still, I think, are

applicable here to this revised version. We just wanted to find an approach that kind of took both proposals and, kind of, sought a, sort of, a middle ground between the two. And I'll stop there. Thank you.

Kathy Kleiman: Thank you Griffin. Appreciate it - we appreciate the work you and David did. Would anyone like to comment on this? David.

David McAuley: Thanks Kathy. David McAuley. I just want to make it a matter of record that I worked with Griffin and support this. And he took the lead on doing it so I'm grateful for that. Thanks Griffin. And that's all I want to say. Thanks.

Kathy Kleiman: Thank you David. We've got George and then Michael in the queue. All right, George, go ahead please.

George Kirikos: George Kirikos here for the transcript. While I don't necessarily support this Proposal, I do believe it's thought out and deserves having public input. My concern is though that the URS, itself, (didn't) have issues with (noted) periods - that's - there's a high level of defaults. And this does nothing to necessarily improve the level of defaults. And so, this would, you know, be something where it reduces due process even further for Registrants.

And in terms of actual impact, all this does is preclude the ability to, you know, shorten the time period of an appeal of the decision and (add) actual impact on the rights holder essentially because the domain name will still be suspended regardless - you know, whether they appeal seven months - five months - the time period doesn't really matter too much. But it, you know, protects the Registrants ability to have their side of the issue well argued. Thank you.

Kathy Kleiman: Thank you George. Michael please.

Michael Karanicolas: Hi. Thanks. Michael Karanicolas for the record. So, I was one of those who expressed opposition to the initial proposal. So, I just wanted to

comment that these revisions don't allay my concerns that I expressed at the time. I think that the URS, in addition to what George mentioned about the high rates of default, you know, I think that the URS is fundamentally a trade-off. (With) the low notification requirements are balanced by that ability to get a De Novo Review and by doing away with that - that sort of interrupts that balance. And so, I think this is still problematic.

That being said, I understand that we have a low bar for inclusion. That's the standard that we've been applying all this time. I think that we should stay consistent with that standard and I understand and don't object to its inclusion on that basis. Thank you.

Kathy Kleiman: Thank you Michael. Anyone else in the que? Then it goes back to Griffin and David for a quick wrap-up.

Griffin Barnett: Thanks. This is Griffin Barnett again for the record. And, yes, just - I mean, I take the comments and I appreciate with the - I agree with the consistent approach in terms of the low threshold for inclusion in the report. And I would just say, you know, I think the aim of this is to - we look at, you know, yes, the default rate under the URS is what it is. This is not necessarily intended to improve that aspect of URS, but really just to - we took a look at when were people filing under the existing process in terms of post default De Novo Review Period that exists now. Most of those - in fact, I think all of them that have been filed in the current six months - with the possibility of an additional six-month extension period for a post default De Novo Review - they were filing in about, I think, a week after the default took place, right?

So, we looked at that and said, well do we need six months to a year? Is that really being taken advantage of? And our thinking was well, no. The evidence suggests it's not and so the ideal was to try to streamline the URS where we felt we could and where we thought it was still reasonable in light of that evidence that we saw.

So, that's kind of the gist of it and, you know, we obviously took some initial proposals and worked with them to revise it down to this. And, again, I'll also note that this expands the appeal filing period, which currently is 14-days. And so, it's meant to kind of capture both of those aspects. So, I'll leave my comments there and see if David has anything else to add. Thanks.

Kathy Kleiman: Okay. David said no. Just so, I'll put it in so our remote participants can hear. Also, I wanted to note, you will notice Brian Beckham has left us. He had an obligation to GAC. So, he will, of course, rejoin us for future meetings.

Okay. So, thank you. That concludes our review of the revised proposals. Again, I appreciate everyone's time on sitting down and spending more time on working through proposals and sharing them with us, in light of discussions in the Working Group.

We now go to the table that Staff has prepared. This was prepared last week, just as we all were about to, you know, get on planes. And so, Staff is going to walk us through and we're here really to talk about whether we agree. We're all seeing this table. We've seen it, but no one's edited it. We're all kind of seeing it together and trying - looking at this. This is just the individual proposals, because, of course, we've already done the Sub Team recommendations.

So, the individual proposals. I'm really trying to decide where they're going in the initial report. With that and - oh, Phil go ahead please.

Philip Corwin: Yes. Phil Corwin. I have a quick comment. And, (Julie), how much time do we have left in this first session? Does it end at 4:45?

Julie Hedlund: Correct.

Philip Corwin So, we have 40 minutes left. We have close to three dozen individual proposals to renew. Co-chairs asked Staff to review the chat, the transcript, their notes on discussions of all these proposals. I just want to say there's a lot to get through in 40 minutes. And remind everyone that everything you see is going to be in the initial report one way or another.

All of the Sub Team recommendations are going to be in a section of the report as Sub Team Recommendations on the URS. All the individual proposals that got adequate support are going to be in a section that says, these proposals got adequate support. And then all the other ones that were designated as falling short and just getting limited support, are going to be noted in the record that they were proposed and that was the result. And there's nothing to prevent anyone in the community from commenting on any of them. So, everything will be there one way or another. And, everything is available for comment whether we're specifically asking for comment or not.

So, as Staff goes through this, unless you feel really strongly that they really made a big mistake in terms designating something as having achieved adequate support or as not achieving it and only getting limited support - which is, I guess, more likely to come up in conversation - just let them get through it.

If we get - if everybody wants to comment, say something about every one of these, we're never going to get through this today. Or even at this ICANN meeting. Thank you.

George Kirikos: Phil, I just have one quick question.

Philip Corwin: Yes George.

George Kirikos: Are we - when this goes out, is this going to say what is adequate support in terms of our group? Because, you know, adequate support sounds like you have 50% of the people saying yes. If the low bar is something much

significantly lower and it's only like 25% of the folks, or what not, then what does limited mean? What does all that mean? So, is there some explanation as to what that is so the folks reviewing it will know what the support actually was?

Philip Corwin: I'm going to defer to Staff on that one.

Julie Hedlund: And thank you. This is (Julie Hubman) from Staff. So, it might be helpful to reiterate something, at this point, so we all know what we're looking at here. So, this table is just a tool. It's a tool to help the Working Group decide what should appear in the initial report.

And there are more slides on this, but we were going to then switch to - and even before I say all this - there are actually two - we have two sessions here at ICANN 63 that are specifically on this discussion - the URS Review of the Individual Proposals. So, we have today's and we also have Session Four tomorrow.

So, we don't actually have to finish everything today. It'd be nice, I guess, if we did, but we do have more time. There's another 90-minute session. And at that session, we'll also talk about how the initial report is structured and how things appear in there.

So, this is not going to appear in the initial report. This table is just to look at the proposals and say, we think there's adequate support or not - to include something in the initial report. But keeping in mind that this is, itself, a deliberation and the working group has already deliberated on the initial - on the individual proposals.

Deliberations are part of the initial report. So, at a very bear minimum, if this Working Group has discussed something and deliberated on it, it does appear in the initial report. That's part of the transparency of the process. The other questions, of course, are then, does something appear as a

recommendation where there's significant support, say, (for somebody) has a recommendation that might be, for instance, the Sub Team proposals. Or, does something appear as an option? Does it appear as something that we want to ask the community questions on? Or does it just appear in the deliberations and a link in the annex?

Also, keep in mind, that anything that appears in the initial report can get commented on. So, you know, even if you were to relegate it to some, you know, annex or something - you know, anybody can comment on it. And if it's been deliberated, it really should appear in the initial report.

George Kirikos: Thank you Julie. But does this mean that they are just taking this one for example. When you say adequate support - how will it be characterized in your report?

Julie Hedlund: Thank you for that. Again, (Julie Hubman) from Staff. So, what Staff will do in the initial drafting of the initial report and keeping in mind that the Working Group will actually be writing the initial report. Staff can start with the draft, but what Staff will start with is the actual transcripts, the chat room, the (lists) and glean from that the deliberations, at the base level, on all the Working Group deliberations and reflect that as carefully and accurately as is possible, with links to transcripts and chats and so on, in the initial report.

So, you won't see a - oh this thing got adequate support - like you're seeing in the table here, because this is just a tool for this Working Group. What you will see is something along the lines of some Working Group members raised concerns about - and I'm not specifically talking about this one - that the scope of "X" proposal for these reasons - some members thought that this was a useful proposal because of "X" reasons. You know, or, one Working Group member thought this was wonderful and, you know, many thought not. I mean, that's just, you know, a very basic example.

But if you were to look at the (Subpro), report, you would see a lot of this kind of language there as well. Where, you try to accurately reflect as much as possible what the actual discussion was. So, you're not going to see something like, the Working Group thought this had adequate support. It's going to be much more reflective of the actual deliberations.

Philip Corwin: I see a hand up from John McElwaine and after him Petter Rindforth. Okay, could you try to use the chat room so I don't - thank you.

John McElwaine: Thanks. John McElwaine for the record. So, I might be corrected by Staff or the co-chairs here. I might have, maybe a streamline path forward - and this goes to the email that I sent to Staff and to the co-chairs.

The way I read the Charter, we have to look at the enumerated list of issues in the attachment that was - that's what we were supposed to do. And a lot of our proposals go to and refine some of those issues. There are, probably, a handful - I don't know off the top of my head - of proposals that are outside that list. And the Charter appears to say that we are only to consider those revisions, additions, and modifications when we, as a Working Group (have) consensus, that we're supposed to do so.

So, I suppose there's two paths forward, if I'm reading everything right. We either decide a consensus in the group that we're going to look at everything and have a really low bar - in which case, I don't see why we even discuss any of this, just put it all in. Or, that we do decide that we have to have consensus to take one of these issues that's not in the attachment and put it in the initial report.

I mean, I think that's what the Charter says. I'm happy to be corrected.
Thanks.

Philip Corwin: Thanks John. So, I think it's Petter? And then Michael. And then Kathy wanted to speak. And is that it?

Kathy Kleiman: George.

Philip Corwin: George. Okay. Petter.

Petter Rindforth: Just to echo a little bit what John just said, I think it seems that some of the proposals we can fairly easily see some kind of level of consensus. But there is, obviously, also some recent suggestions that I'm not sure that we have that specific consensus level. And, to me, if I wouldn't have been in this Working Group, but been an external (proprietary one) to such a report, I would be very confused to see some suggestions from a Working Group that I've agreed ultimately that this is a majority suggestion from the Working Group.

So, my question is more of an - I mean, is it possible to have some specific initial topics where we can actually easily see that there is enough consensus to be official suggestions from the Working Group and then have some additional open questions from some Working Group members? I'm not against to put in new questions (or so), but I want to avoid that external readers of our initial report see all the suggestions as some kind of consensus suggestions from the Working Group. Thanks.

Philip Corwin: Hold on to Michael. Petter, I'm just going to say that I think there's consensus agreement that none of the individual proposals, at this point of time, have consensus support. In fact, we don't hold a consensus call for the final report of Phase One until sometime next year and that's when we'll be in a position to designate things as having consensus support.

At this point, we're just asking the community to comment on various ideas to test whether there's community consensus in favor of anything.

We intend to make that clear - yes, and again we will make - we will strive to make exceedingly clear when we put out the initial report - that these are not

consensus proposals. They are not even recommendations. They are individual proposals on which we are inviting community feedback.

And as I said, personally, I expect most will fall far short of achieving consensus. And with that, I'll turn to Michael.

Michael Karanicolas: Michael Karanicolas for the record. Yes, so I very much appreciated that clarification. I, you know, looking at the adequate support versus limited support - I think that that was always going to attract a lot of controversy as people want to push proposals on to one side or the other.

I - given the low threshold that we've agreed on and that we've been using for this entire time, I think that what's far more important is to capture the substance of the arguments that have been made against the proposals or in favor of the proposals. So, hearing that that's, what I think is going to be the focus in terms of the recording, I think that that's very good.

And just to add, in response to John's point earlier. In terms of certain proposals as being outside of a scope for a mandate - you know, some of these - if you look at the list of issues, some of them are incredibly general. So, the very first bullet which talks about, have the RPMs been sufficient to meet their objectives or do there need to be changes made?

You know, it's incredibly general. Have there been abuses and if there have been abuses, how do we remedy that? These are incredibly general bullet points and I honestly don't see the argument that any of the proposals that have been suggested are outside of that mandate as general as it is. Thank you.

Philip Corwin: Okay, now Kathy has rescinded her place in line, which leaves (Mr.) Kirikos to comment and then I hope we can move onto the Staff presentation. George.

George Kirikos: George Kirikos for the transcript. Can you hear me?

Kathy Kleiman: Yes, George.

George Kirikos: Thanks. I would think we would want to err on the side of inclusion rather than exclusion for several reasons. Namely that that's (about) what we've been doing all along. So, to try to change it after the fact is problematic because I think you have to go back and really get input from all the members as to what their real intentions were, going back two or three weeks.

Because obviously, some people might strategically oppose a proposal for inclusion, simple because they oppose the proposal itself. Rather than it being properly formed. And so, we have to avoid that issue.

Also, there's a huge benefit from inclusion. Namely that, for many of these proposals, in terms of supporting data, the Working Group didn't actually reach out to registrants. Like, there was data from the URS providers. There was some feedback from trademark lawyers, mostly from the co-complainant's side. And so, this is an opportunity for the public, not to just give their opinions on proposals, but also data and rationale to support (that) opinion.

And so, that's a very important aspect of the public (unintelligible) (period) that we should take into account. Just, (broadly) speaking more generally, part of the problem we got into is that we keep changing the rules. Initially all the topics that could interact with both the URS and the EDRP, were intended to be (shifted) towards Phase two.

But then what happened was, when it went through the Sub Team Proposals, when that issue arose, you know, people made exceptions saying that, no, it should go into Phase One. And then, similarly, when the individual proposals were made, people said, no, I want it to be in Phase One, even though (unintelligible) definitely applies to both URS and EDRP.

And so, had all those proposals been in Phase two as originally intended because they impact both the EDRP and the URS, I think we would have had many fewer proposals going out for public comment. And that was actually one of the issues that people raised, you know, that there's 35 proposals being sent out just for the individual ones and all the Sub Team proposals. There would be a lot fewer if all the ones that don't - that are only URS specific and never can touch upon the EDRP - if those were shifted to Phase two of our work, with the understanding that eventually these will all be (unintelligible) change of policy, but, you know, just at the appropriate time once all the directions are considered.

And lastly, some of the - this document in particular there's inaccuracies. For example, I mention on the mailing list that Proposal 18, 19, and 20 - Zak Muscovitch openly said that the (unintelligible) supported them. But if you go, it said only that (Michael) (Unintelligible) supported 18. So that's inaccurate. And, so I wanted to point that out now. Thank you. Bye.

Kathy Kleiman: Thank you George. And, we'll certainly be getting to the details and if there're factual inaccuracies in the table, we'll get there. And so, let's talk about that. I wanted to make - this is Kathy - I wanted to make one more general comment which is that for those people who have been in Working Groups since the beginning of time - in the old days we made up our format. And now, with Staff, there's more consistency across Working Groups.

So, some of what we're doing may be new to some of us because it's coming in through Staff. They're suggesting it as part of the consistency across Working Groups. So, again, in our initial report, we will have the Sub Team Recommendations first, the 34 Operational Fixes, and Policy - (Job) Policy Recommendations.

So, here, we're talking about the individual proposals and Julie will walk us through the table of, kind of, internally what type of support they've gotten and we can discuss that.

As you note, in the columns there isn't the detail of the discussion yet - that back-and-forth that Staff has promised to capture. That will be later. And (Unintelligible) Staff will bring the (unintelligible), in part, because they're really good at it and part because we asked them to in Panama City. So, over to (Julie).

Julie Hedlund: All right. Thank you everybody. This is (Julie Hubman) from Staff. So, the document in the Adobe Connect Room, which is probably the easiest place to view it is unsynced so you can walk through this yourself. I'm not going to read everything here because you can read it yourself.

And, just noting, as a reminder, that when Staff sent this out we did welcome, on behalf of the co-chairs, input on this preliminary draft suggestion of levels of support for including proposals in the initial report. So, these aren't levels of support for the proposals or the substance of the proposals themselves. This is Staff reviewing transcripts and chats to gage the level of the support for inclusion in the initial report and as we go through this, please do let us know if you think this is inaccurate. That is why we are presenting it to you because we do need your help to make sure that it is accurate.

And I'll just note one thing too - and some of you have been participating in (PDDVs) for a long time may know this as well - but to the extent that we can reflect that there is agreement on - including something as a recommendation - you know, and that reflected in the deliberations - we will do so.

You know, certainly staff welcomes discussion where, you know, Working Group members say, hey we all think this is a good proposal and, you know, a lot of us do. Or something that we can capture. We weren't seeing that level of agreement. That's why we've put things in here as they are.

And just as a reminder too, we as, Staff, we're not looking for consensus or trying to, at this point, gage agreement on proposals. That will come when the final report is developed. So, what we'll do is the best we can to gage and reflect the deliberations and we do welcome your feedback in that respect, so that we can get this right. And, Kathy?

Kathy Kleiman: Yes. But Julie. Let me just check. This is Kathy. We don't want to reenact the discussion here.

Julie Hedlund: No.

Kathy Kleiman: Okay. And I just wanted to check. Okay.

Julie Hedlund: No, no, no, no. We've already talked about use proposals, okay. We did that deliberation, we don't need to do it again. This is just you looking at this table and letting us know where you think there might need to be changes. So, thank you. And thanks for that clarification Kathy. We don't have two weeks of hours and hours with meetings to do this again.

All right. So, starting at the top. Number 35. Number 5, pardon me. This is a small type face isn't it? Okay, so, our Staff direct assessment was adequate support. That's - I'm not going to read through what you see here because you can read it yourselves.

Okay, yes - let me - the reason we're starting with this one is, the framework is - that these are arranged according to the URS topics. The topics that we've been using for quite some time in the super consolidated table are just carried over here for ease of organization. So, we've just kept that same structure and that is also the way we structured the individual proposals as we received them on the Wiki. And so, we are starting with A, the Complaint and the individual proposals that fit under that topic.

And we had suggested that we saw adequate support, which would mean that - and also part of the structure is where we thought we saw adequate support. We were suggesting that the proposal would appear in the options under consideration section of the initial report. And where we are asking for specific questions seeking feedback in the deliberations. And basically, everything that gets deliberated on goes into the deliberations. And then an annex which is a link to the proposal, so that people can see the full text of the proposal.

Any objections? All right. I'm just going to pause for a second. It's going to be a lot easier if I actually work up a PDF then trying to fuss around with the Adobe Connect Room. Apologies for that.

Julie Hedlund: All right that's much better. Sorry for that delay. Okay. Next item is - okay and this is jumping all over. Next one is Number 7, also from George Kirikos. Also, again, adequate support. And some Working Group member support. Some opposed. Some have concerns regarding the necessity and scope of the proposal due to the ongoing EPDP and future impact to gTLD Registration data. And a suggestion that domain name registrant should be required to appoint an agent for service process. And including in the proposal as options. Under considerations specific questions seeking feedback, deliberations and annex.

Pardon me. The google doc jumped ahead. So, since I was on 7. Let's stay on 7 and I'll go back to Number 6, which is from (Claudio). Any objections to adequate support for Number 7. Moving back then to...

Kathy Kleiman: Just provided it's noted that there is no legal contact in the WHOIS right now.

Julie Hedlund: Thank you for that. We'll capture that. Number 6 from Claudio DiGangi. Also, adequate support. Some Working Group members support and some oppose. There was some supplemental information that was provided. We

have a link to that email. And again, suggestion including an option. Specific question seeking feedback, deliberations, and annex. Okay.

Kathy Kleiman: Kathy Kleiman. Just to make life interesting, I thought - I wasn't sure that Claudio's proposal did get adequate support. But, I got a lot of - I sensed a lot of confusion on this and concern about multiple unrelated complainants and, kind of, how a quick and dirty system like the URS might handle something like that. I don't remember - but since that's the purpose of today's conversation - just a quick thought is, you know, is this more a limited support, kind of, proposal?

Georges Nahitchevansky: I'm George Nahitchevansky for the record. So, I think that if you take Claudio's proposal - which I support for a lot of practical reasons, for consolidation and I think it's manageable. The point is, if we have this low bar and we're going through all these and you have - the Staff has noted them as adequate support - can we just say they're all in and they move onto the public, you know, whatever comment? And just focus on the handful that were marked by Staff as limited or no support.

We'll just assume that all the ones that have adequate support had people pro and against them and they should go (to comment) and we can like save everybody in the group a bunch of time here and move forward to those that really are the more questionable ones. Thank you.

Philip Corwin: Let me ask the - the co-chairs are just here as administrators, not as deciders. Let me ask the people in this room and online. We can continue to quickly go through all the proposals and put in the ones that got adequate, that Staff designated as having adequate support, just for the record, to give people an opportunity if think the Staff designation was incorrect.

Or, we could simply - and then proceed to, you know, go through them in order and that'll pick up some of the limited ones in order to - or we could just ask right now, whether there is any proposal designated by Staff as having

adequate support that anyone in this room, or in the chat room generally, believes was incorrectly designated and did not achieve adequate support? Dispose of those, and then go onto the ones that have limited support.

What is the will of this Working Group? How do you want to proceed?

Male 1: (Unintelligible) but what's the significance of something being limited or adequate support? I don't understand that. I might of...

Julie Hedlund: So, this is (Julie Hubman) for Staff. So, there's just a handful Staff put down as limited support. We don't actually have a definition for what is adequate or limited support. At least when we were looking at the transcripts and the chat room for limited support this - and we tried to note this in the table - it seemed to be instances where there was the proponent who wouldn't actually support and maybe one other person. And then there were significant, you know, a fair number of opposers.

But this is subjective, as you might imagine. And I know there's been some talk about doing some kind of poll or something. But generally, at this stage, we do, really, try to avoid doing polls. So, Staff would suggest that if there's any question in anyone's mind that something has been - is not limited support - say for instance somebody piped up on the list and said they supported it. There's something else that came up that we missed. We'd probably be better to err on the side of saying adequate support. Just to make sure that, well, you know, again, that we're not missing something.

John McElwaine: I'd like to make a motion and join Phil, that basically anything that's been marked as adequate by Staff, just - unless somebody has an objection to one in particular and thinks it is inadequate and they want to raise it - since we're moving everything forward to public comment, I think it's adequate you move to public comment and let's just focus on the ones that have been designated limited or no support.

Philip Corwin: But is that because it's not going to get put into the report if it has limited support?

John McElwaine: Okay, so what if we don't just put it in a different section and get some, you know, go get a beer?

Philip Corwin: We can't go get a beer John because we still have to have the analysis discussion.

John McElwaine: For the analysis. That's what I mean. Drink while we're listening to them.

Philip Corwin: You want to run out and get us a keg, I wouldn't object. I would say I like beer, but that's a dangerous statement these days.

John McElwaine: I mean seriously, we can't really define what's limited and adequate and people, you know, why don't we just - if it's just a handful, why don't we just put them all out there?

Philip Corwin: I don't think they're two different proposals. My proposal is basically - everything that's been marked adequate, moves to public comment. Everything that you've marked as limited or not gets discussed today and then we can decide based on what John is saying, whether or not they move forward or not.

Kathy Kleiman: But I could be wrong. I thought I heard (Mark) - John, I apologize, John saying - this is Kathy - move it all over into the adequate column and call it a day.

Philip Corwin: George had a comment.

Kathy Kleiman: And Zak, are you in the que? George please.

George Kirikos: Yes, George Kirikos. I'm a little bit confused because I thought we said that today we were not going to make any final decisions, that all of these were up for debate until the draft - initial report was going to be put out.

I would strongly support putting all of them into initial report (and) not make any distinction between what is called limited support versus what is called adequate support. Because none of these proposals reflect any consensus call, et cetera. And furthermore, if you go back to the (August 28 rules) - you know, we're supposed to have, like, a reading of the room within the - when the presentation was being made i.e. in the Adobe Connect and people who spoke.

But then also consult with the mailing list and that consultation with the mailing list never really happened. So, what would happen is that any proposal which is deemed to be "limited support" which is also subjective, means that that proponent would have to go out and solicit feedback from all the Working Group members and say, you know, these are a whole bunch of other people that weren't counted. And so, it gets into a question of voting and numbers and so on.

I think all the proposals should just be put out and not have to worry about numbers at this point. Because, you know, the issue of the voting and so on. Thank you.

Kathy Kleiman: So it sounds - this is Kathy. It sounds like George is seconding John's proposal.

Julie Hedlund: There's a comment.

Kathy Kleiman: Oh, there's a comment that Julie wants to read and then Griffin.

Julie Hedlund: This is a comment from Paul Tattersfield. Begin comment - Some of these proposals are not sensible from any perspective. Some are simply pointless

and some are incredibly damaging. And the only consensus will be consensus against. Putting such comments out to public comment is not only a scandalous waste of time, it makes the Working Group that was (constituted) 18 months ago incompetent.

Kathy Kleiman: Griffin please.

Philip Corwin: I just want to respond as a co-chair to (Mr.) Tattersfield and to, just general - I don't pretend that the co-chairs possess all wisdom, or even a great deal of wisdom. We're doing our best. But, if you're not happy with the way we're doing this, present another way forward that won't be equally or more contentious and tell us how that's going to work. Because if we set a higher bar, we're going to be involved in weeks and weeks - perhaps months, of arguments about what gets put out to public comment.

The co-chairs attitude is basically, rather than have that happen, set a low bar and now (unintelligible) bar may go just a little bit lower. And let the community tell us where consensus lies and, I think, again, it will be quite apparent when we get the comments back that most, if not all, of these individual proposals as presently constituted cannot have consensus support within the Working Group or the community. But let's not pre-decide that. Let's give everybody a chance to comment on the record. Thank you.
Griffin.

Griffin Barnett: Thanks. Yes, Griffin Barnett for the record. I just wanted to clarify something about John's way forward, which I think I agree with. The only caveat is we're saying that we're going to move forward with all the adequate and limited support proposals. Are we also lumping in the ones that currently are designated as no support? Or is that a different category? Thanks.

Kathy Kleiman: Do we have any with no support? I don't think so. I'm in the cue as well. Okay, so this is Kathy. I just wanted to comment on one of the underlying

questions which is why did we have the discussions in the Working Group at all on these individual proposals?

One is because they were individual proposals and they also - I wanted to share - this is going to frame the debate for the community. The discussions back-and-forth are going to be summarized by Staff. We'll have a chance to edit so that the community is not getting this material cold.

And again, we saw this in the (Subpro) Working Group Report as well. They did frame it. They did provide some background and history and discussion and back-and-forth. And that will help the community immeasurably - either support or not support.

But I agree with Phil. Very few of the individual proposals are likely to get consensus in the end, but, you know, they're there - so we kind of have to put them out.

Phil's keeping the que.

Philip Corwin: Well, there are no hands raised. Who still wants to speak. John and then George. Let me note that we have five minutes left in this first session.

John McElwaine: So, just to fair and maybe too lawyerly on it, my first proposal was a little bit, sort of the opposite issue. Which, you know, getting to what Paul Tattersfield put into the chat room. We're more concerned in having a very limited number of different proposals go out, then I think we ought to set a high bar and say that there must be consensus for anything not listed in the attachment. I don't get the feel from this group that that is where we're headed, which is why I made the second suggestion. I just wanted to clarify that.

Philip Corwin: Yes, John, if I can just respond and Staff can tell me if I'm wrong. My understanding of the Working Group Guidelines is, we can't determine -

there's a specific prescribed procedure for determining consensus which is done before the final report. It's a consensus (goal) process, so we have no mechanism by which we could even determine consensus at this point.

And frankly, I think it would be irresponsible of us, just within the limited Working Group, to try to say something has consensus in that without first giving the community a chance to weigh in on various proposals.

John McElwaine: (Unintelligible) browser, (but) that's what's in the charter.

(Georges Nahitchevansky: George Nahitchevansky. So, I was a supporter of Paul's comments as I noted earlier, but I understand the logic and I'm fine with moving forward with having everything go to public comment because this is where we are.

But the point I was making on John's proposal is that I'm fine if all of them go in. But I don't want them to be characterized - the limited ones - as being limited if there is actually adequate support. So, if they're going to be all put in equally and they are going to all appear equally, then I'm fine with that. But if they're going to be designated in different camps, then I'm not fine with it.

Kathy Kleiman: So, this is Kathy. Are you a third support for John's proposal? Is that - are we all...

((Crosstalk))

(Georges Nahitchevansky: With the caveat that I just stated.

Philip Corwin: So, George. Just to clarify you're saying that if we're going to put them all in, they shouldn't carry an adequate or limited designation. They just should be presented as these are proposals from individual members of the Working Group and the community is invited to comment on it.

(Georges Nahitchevansky: That is correct.

Julie Hedlund: We would still have to reflect with the deliberations around those proposals. But we wouldn't be giving them - we wouldn't, in any case, be giving them any levels of support since that's not done at this stage with the initial report.

Kathy Kleiman: I guess we should say is there any disagreement then?

Julie Hedlund: Hands up. Greg, George, Michael.

Kathy Kleiman: My computer died so I'm deferring.

Philip Corwin: Okay. So, Greg I'm going to - we have, like, two minutes left in this session, so I'm going to ask each of these folks - I've got Greg Shatan, George Kirikos and - no that's it? And could you keep it to, like, 30-45 seconds so we can wrap up this first session. Thank you.

Greg Shatan: I'm Greg Shatan for the record. The Charter does say that we should put in preliminary recommendation in the reports. Let's not get stuck on the semantics of consensus and the fact that that's only done for the final report.

The preliminary report ideally, and usually, until this and the (Subpro) Group came along, tended to look quite a bit like the final report, although it was a little bit - it was half - you know, it was half-cooked. But it was not just raw ingredients being thrown together.

So, we've abrogated our duty to come up with any preliminary recommendations for this report and instead we're throwing out stuff, none of which are actually recommendations at all, because they're not backed by any - or then they're not - it's, we're basically putting something out at a much earlier stage in the development process even though it took us two years to get here.

So, let's not be confused about what a preliminary report traditionally has been. This is really the report before the preliminary report. Which is fine and I think that's what we have to do at this point because I think that's what kind of what we're - what we've committed to. And we're not going to do any high bar or any deliberations at this point to try to separate the wheat from the chaff. We're just putting the whole field out there to the field. Thanks.

Kathy Kleiman: This is Kathy. I would respectfully disagree Greg. We are putting out...

Greg Shatan: Which part?

Kathy Kleiman: ...34 very well-baked, data drive, well-developed Sub Team recommendations that have then come through the Working Group. What we're doing also though, is say, did we forget something? And we have individual propo - did we forget something? Is there something else we should be considering?

Again, the likelihood - it's a low bar for publication. It's going to be a much, much higher bar actually going into the final report. But there's actually a lot of preliminary recommendations that have a lot of work in them and a lot of thought and a lot of discussion, both with the Sub Team and with the Working Group.

So, that's one section one section and we had a flag on that in the slide (unintelligible). But this is, you know, again, did we forget something? Is there something more to consider? And so, asking the world whether, you know, what they think of these individual proposals, flag those individual proposals - it's something Staff has asked us to do, it's something (Subpro) did, and it's something it looks like we'll be doing because we've been talking about it for weeks now. Thanks.

Greg Shatan: I'd just like to revise my earlier remarks because I agree with Kathy that as to the Sub Team recommendations, those are well-baked preliminary

recommendations, should be considered preliminary recommendations. It's just after all this other stuff, it is what it is and we don't need to say anymore of what it is. Thanks.

Philip Corwin: Okay and there's one hand left. George Kirikos, we're past our time for this first session, so George, I'm going to ask you for no more than 30 seconds, so we can then proceed to Part two, meeting two today and get a presentation from the analysis group. George.

George Kirikos: George Kirikos for the transcript. Yes, I agree with the other speakers that the term -- there's an echo -- that the proposals should all appear equally without any designations as to limited or adequate support.

Although I disagree that necessarily the Sub Team proposals were "well-baked". A lot of them were formed by a small group and really haven't been reviewed by the broader Working Group in much detail. We did go through them once, but we didn't really form a consensus, or even take a consensus call on those, so, I wouldn't call those necessarily preliminary recommendations. Thank you.

Philip Corwin: Thank you George. And now we're going to turn it back to Staff to introduce our Second session.

Julie Hedlund: We actually do have a break. So, you won't get a break. (Laughter). The next session starts at 1700 local time. So, in slightly less than 15 minutes.

Philip Corwin: So, we have no vote on this? Are we - did we come to a consensus or not?

Julie Hedlund: And, keep in mind that there's - this discussion on URS Proposals has another whole session tomorrow for 90-minutes. We can just have beer or whatever. But I don't know, but - at any rate, we've got another whole session on the - the timing was that Analysis Group was unavailable for this next session and for tomorrow morning's session. And then we have time to

come back to the URS Proposals where we're going to talk about how the initial report is structured and so on. And anything else that you want to talk about.

So, a break until, roughly the top of the hour. We stay in the same room, so that means not only in the physical room, but the Adobe Connection will stay the same.

END