IGO-INGO Access to Curative Rights Protection Mechanisms Working Group
TRANSCRIPT
Monday 08 September 2014 at 19:00 UTC

Note: The following is the output of transcribing from an audio recording. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. http://audio.icann.org/gnso/gnso-igo-ingo-crp-access-20140908-en.mp3

<u>Attendees:</u>
Imran Ahmed Shah – NCUC
Phil Corwin – BC
George Kirikos - Individual
Jay Chapman – Individual
Jim Bikoff – IPC
Nat Cohen – BC
Osvaldo Novoa – ISPCP
Paul Tattersfield – Individual
Petter Rindforth – IPC
Val Sherman – IPC
Griffin Barnett – IPC
Mason Cole – RySG
Reg Levy – RySG
Kathy Kleiman-NCUC
Kristine Dorrain – Individual
David Heasley – IPC
Alexander Lerman – no SOI

<u>Apologies:</u>
John Mcgrann – RrSG
David Maher - RySG

<u>ICANN staff:</u>
Mary Wong
Steve Chan
Nathalie Peregrine

Nathalie Peregrine: Good morning, good afternoon, good evening everybody and welcome to the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group on the 8th of September, 2014.

On the call today we have Petter Rindforth, Jay Chapman, Reg Levy, Paul Tattersfield, Nat Cohen, Kathy Kleiman, Phil Corwin, George Kirikos, Jim Bikoff, Mason Cole, Val Sherman, Kristine Dorrain, Griffin Barnett and David Heasley. We have received apologies from John Mcgrann and David Maher.

And from staff we have Steve Chan, Mary Wong and myself, Nathalie Peregrine.

I'd like to remind you all to please mute your phones and microphones when not speaking to avoid any background noise or interference and equally to remember to state your names before speaking for the purposes of the transcript. Thank you ever so much and over to you, Petter.

Petter Rindforth: Thank you. Petter Rindforth here. The next point is if there are any new Statements of Interest? I don't hear or see anything. Any new members or new participants that were not on the first call we had?

Kristine Dorrain: This is Kristine Dorrain. (Unintelligible).

Petter Rindforth: Sorry I missed that.

Kristine Dorrain: Hi, this is Kristine Dorrain. I am a new participant. Did you need something from me? I think my Statement of Interest should be updated.

Petter Rindforth: Yeah, okay thanks. Just give us five seconds of your - some personal introduction on your interest in this working group.

Kristine Dorrain: Oh okay awesome. Well I was sort of following this issue on the side. I am the Director of Arbitration for National Arbitration Forum. We handle UDRP and URS disputes for ICANN. And ICANN reached out to us and asked us to provide some information to the group and so I joined because I can

sometimes be of help in providing useful background information when these sorts of conversations come up. So I'm excited to be involved. Thanks.

Petter Rindforth: Thanks. And we especially welcome, excellent to have you on the group. One of the things - I don't want to pass already to that point of the agenda but one of the things we plan is actually to have a presentation from National Arbitration Forum on the dispute issues and related to the work on this working group so that's fantastic to have you online and as a member of the group.

Okay, then we go to the chair's introduction. Well, I made one the first meeting we had. And just make it quick summary of that. I'm based in Sweden, IP lawyer and I'm representing the International Federation on Intellectual Property Attorneys, that's IPC, Intellectual Properties Constituency.

And I'm representing IPC in the GNSO Council. And I also (unintelligible) as an arbitrator analyst for domain disputes for around 14 years now. So it's - I hope to also in both in a practical or neutral way participate in this working group with my experience on how to solve disputes and (whether it's) - it is in the dispute resolution policies we have or if we need to create something new. Thanks.

So, Phil.

Phil Corwin: Yeah, thank you, Petter. Philip Corwin. I know most of you. I've been participating in ICANN activities since 2006. I participate in the Business Constituency on behalf of the Internet Commerce Association. I'm counsel to that trade group. I've worked with other clients on a variety of ICANN matters. I have my own public policy consulting firm in Washington DC. I'm also a counsel to a small IP law firm based in Washington.

And look forward to the work of the group and to seeing if we can reach consensus on the scope of the problem and whether there is a clear consensus on a way to address it. Thank you.

Petter Rindforth: Thanks. And we pass on to the next point, briefing on the status of the previous IGO-INGO Working Group recommendations. And I'll pass it on to - is it Mary or Steve or Nathalie that will give us that update?

Mary Wong: Petter, this is Mary. I'm afraid you're stuck with me for the update today.

Petter Rindforth: Excellent. Please go ahead.

Mary Wong: Thank you very much. This is Mary Wong from ICANN staff for the record. Hello, everybody, and welcome to all members and our new members since our first call.

This status update is being provided for a number of reasons. One is the most fundamental reason is that the scope of the task that we as this group are being chartered to do, grew directly out of one of the consensus recommendations from the prior IGO-INGO Working Group.

Where our group, at the moment, is chartered to focus on what we are calling curative rights protections, that is dispute resolution procedures such as the UDRP and the URS, like I said, that's one specific recommendation that came out of the earlier IGO-INGO Working Group that was looking very generally at a variety of potential protections, curative as well as so-called preventative such as reservations and so forth for IGOs and INGOs in both legacy and new gTLDs. So that's the most fundamental reason.

But this group, I think, was also interested in the outcome of the other consensus recommendations that came out of that working group largely because some of those recommendations have been adopted by the ICANN

Board but a number remain outstanding in the sense that they have not yet been adopted by the Board, they're under discussion at the Board level.

And a reason for that is that those consensus recommendations that came out of this working group are viewed as inconsistent in some ways with Government Advisory Committee advice that the Board has received on the same topic.

And Petter will get into this a little further as the next agenda item because, as I mentioned, this is a conversation that's happening not just at Board level but between the Board and the GNSO Council and of course the Government Advisory Committee, or the GAC as well.

So as a precursor to our work it was viewed as potentially helpful for everyone in this group, especially if you haven't been following what's been going on in terms of the earlier work, to have a sense of what's going on there and where we are.

But before I get into timelines and specific recommendations I think it's very important to note a couple of things. One is that if you looked at the correspondence between the Board, through its New gTLD Program Committee and the GNSO Council, it's made very clear by the NGPC that not only are they aware that our group has been chartered to work on curative rights issues but that it is a full blown PDP that will be running its course.

So it's very important to note that this is acknowledged by the Board and so nothing that is happening in terms of the outstanding recommendations, will in any way, you know, basically affect the work of this group or our timeline.

It may be, of course, that the outcome of those outstanding recommendations plus the work of our group may change the extent of protections for IGOs or INGOs. I use the word "may" because obviously we are only just starting on

our work. But it's very important to note that they really are two different processes.

And so this is more of an informational update and as we go on with our work we will have a work plan and we will look at each of those questions and tasks that the charter - that the Council gave to us - has asked us to tackle.

So the first slide shows some key dates from the GNSO's perspective. All this is taken from the briefing note that was circulated I believe it was last week and it's been uploaded to the wiki. And the whole point of this is they were looking at where things started and where they are.

So you notice that the original PDP was initiated somewhat less than 2 years ago finished its work and came up with a final report within something like a year of its initiation.

And I just want to pause here and bring it back to our group. What we talked about in our first meeting was what it means to do a PDP and what the Working Group Guidelines are for every PDP working group.

And the outcome is procedurally that the working group, including our own, after our deliberations will prepare an initial report for public comment, we'll then review those public comments and prepare a final report. And that is the final report that goes to the GNSO Council.

That final report may contain consensus recommendations, may contain no consensus recommendations, may contain a multitude of recommendations but that's really where we're going to aim for, for our group from here on out.

Going back to the informational point here, you see that in February the Board passed a resolution acknowledging receipt of the policy recommendations on this topic from the GNSO and asked this New gTLD Program Committee to develop a proposal, an approach, that would

essentially take into account both the GAC advice received on protections as well as the GNSO's consensus recommendations.

This was done within a month or so. And so there is a proposal from the NGPC that was sent to the GAC and for which my belief is that the GAC is considering but not has not formally responded to.

The point that we will lead into for Item Number 4 today on our agenda is what happens next, which is that within the last couple of months as the NGPC continues to look at the GAC advice as well as the GNSO's recommendations it's also been discussing possible next steps with the GNSO Council.

Here the NGPC, in a letter on the 16th of June, this is where they made it clear that they are aware of our curative rights PDP going forward and so in respect not of that but of the outstanding recommendations it referred the GNSO to our PDP manual which does allow for the GNSO Council to consider modifying consensus recommendations from a working group.

And I'll talk you through how that works in a couple of slides' time. And I'll leave this slide for now because we'll come back to the status of the NGPC request from June in the next agenda item.

The next couple of slides really just sum up what the recommendations are that were adopted by the Board and it concerns certain names and identifiers that are to be specified as being ineligible for delegation at the top level. Those have been passed and here you see some of them. I won't go into detail because that's in the final report and the briefing note.

You'll notice that this really mostly concerns full names of the affected organizations. Similarly, at the second level, certain names are to be withheld from registration so where the first recommendations concern top level, this

was about second level. And again, we're talking largely here about full names particularly for IGOs.

For INGOs, rather than being withheld from registration at the second level through Spec 5, for INGOs, they would be protected in terms of their full names by entry into the trademark clearinghouse for a similar period of claims protection as trademark holders.

So these are the ones that have been adopted by the Board. The status at the moment is that an implementation review team is being formed. That was one of the directions from the GNSO Council. And the implementation review team will be comprised largely of volunteers from the original PDP working group and they will work with ICANN staff primarily from the Global Domains Division to implement these adopted recommendations.

I think what's of more interest or greater interest to many members of this group is this next slide. What exactly are those recommendations that have not been adopted by the Board and that are still under discussion and that may be modified by the GNSO Council? And here's the summary on this slide.

Essentially this is not about INGOs, it is mostly, except for the Red Cross, it is mostly however IGOs. And where the GNSO had come out in its original PDP was that where IGO acronyms or abbreviations are concerned, they would not be withheld from registration either at the top or second level.

And in the briefing note we go into some detail as to what the GAC advice is on this particular issue. And I can pull up the briefing note if necessary.

What may also be of interest to this group is, you know, if the NGPC is asking the GNSO Council to consider modifying what were consensus recommendations from one of its own working groups, how can this be done? What is the authorization and what is the process?

Here I've summarized Section 16 of the GNSO PDP manual that lays out all the steps in the process. The big gatekeeper here, if you like, is that these have to be done before Board approval. And if I refer back to the letter send by the NGPC again, and all the discussions between the Board and the GNSO Council, the emphasis has been that the Board does not want to reject GNSO Council or GNSO recommendations.

Obviously it also doesn't want to reject GAC advice. So the Board, at this point, is really exploring ways of reconciliation between the two or in some ways coming up with implementable recommendations that will be satisfactory to all the stakeholders. So before they do that they want to make sure that all the available processes are at least looked at.

The process is this, the working group that originally came up with the recommendations will be reconvened but not to go back to the beginning and develop things all over again. Rather they will be given a proposed amendment by the GNSO Council should the Council be minded to go down this path. And again, here we come to Agenda Item 4.

But assuming, for the sake of this informational briefing, that the Council thinks that modifying a prior recommendation might be useful it developed a modification and it does two things. Like I said, first it has to send that proposed modification back to the original working group for that group's feedback.

And the thinking here clearly obviously is that that group is the most familiar with the issue and has gone through all the arguments. On top of that the second thing that the Council has to do, and this is in Section 16, is it has to open a public comment period for that proposal.

So both of these things have to be done and so there's two forms of feedback from the original group that can be viewed as expert in the background and from the community at large.

Following that, the Council then makes a final determination and takes a vote on whether it wishes to go ahead with the modification. And I want to leave it there for the moment because, like I said, this goes into Agenda Item 4.

But I do want to emphasize that not only is this PDP something that has been acknowledged across the board, including by the NGPC as chartered for a specific task and moving forward, the outstanding recommendations really do not directly impinge the charter of this working group because none of the GNSO's recommendations that are pending at the moment, that haven't been adopted, deal with curative rights for the simple reason that that original PDP working group referred the curative rights issue to a second working group which is us.

And I see that Phil has raised his hand. Please go ahead, Phil.

Phil Corwin: Yeah, Mary. And you may have just answered the question I was going to ask but let's clarify. On Slide 6 we've got the list of the unresolved issues that may be modified or may not be modified by the GNSO Council and the prior working group. If they decide to modify them through the (unintelligible) of that prior group, my question - what I want to clarify is what's left for us?

                 And I guess what's left for us is whether they - either UDRP or URS should be modified to address the concerns of the IGOs, INGOs or whether a new DRP should be created. Is that correct?

Mary Wong: I believe I got all of that. Let me know if I didn't Phil. But basically what you said, you know, whether or not to modify either the UDRP or the URS or whether an alternative DRP might be appropriate all that is particularly and specifically within the purview of this working group.

And so nothing that the GNSO Council may modify or may consider modifying would touch on these two topics. Was that your question?

Phil Corwin: Okay so the two topics are curative rights and what's the other one?

Mary Wong: I'm sorry, they're both curative rights in the sense of whether to modify or whether to have a new DRP...

Phil Corwin: Okay.

Mary Wong: ...I mean, any or either would be really to address curative protections for IGOs and INGOs.

Phil Corwin: Okay. All right, thank you.

((Crosstalk))

Mary Wong: ...curative umbrella I guess.

Phil Corwin: Okay. All right why don't you go on and tell us what the Council did last week.

Mary Wong: Okay. And so I guess we're moving to Item 4. And, George, I noticed that you asked a question in Adobe Connect. And, yeah, this was discussed during the Council meeting with Chris Disspain on the 4th of September last week.

So we can move to that unless anyone else has a question on the prior process or on the status of the prior recommendations. I see no hands and hear no voices so, Petter, I'm going to turn that back over to you but let me know if you want me to chime in on anything.

Petter Rindforth: Thanks. Petter Rindforth here. Yeah, as said, we had in fact prepared for a motion on a proposed modification of the GNSO Council's recommendations on the last meeting.

And in short what was stated was the - for the GNSO Council to reconvene the IGO-INGO PDP Working Group and reconfirm the chair and the GNSO Council requests the reconvened group to consider the feasibility and practicability of the proposed amendment modifications of the GNSO's recommendations pertaining to the duration and mechanism of protection for IGO acronyms and certain additional identifiers, the Red Cross National Societies.

And also that the GNSO Council requests the working group to provide the Council with its recommendation in relation to the proposed amendment modifications within 45 days of the reconvening of the working group.

And also that the GNSO Council requests that within 7 calendar days of this resolution ICANN staff publish the proposed amendment modification for public comment for a period of no less than 30 days and following receipt of the working group's response and the closure of the public comment period the GNSO Council will consider all responses received in determining whether or not to adopt the proposed amendment modification and notify the NGPC of its decision accordingly.

However, the GNSO Council meeting we had a further information and discussion about this. And well the decision was in fact to withdraw this motion and to work on this issue at least until next meeting to get more information from the groups and also from GAC exactly what additions and changes they want to see.

I made in fact some kind of summarizing from the discussion that I still saw from both GNSO and from GAC's point of view that there is a need to have a rapid takedown and as it was identified to have some sort of UDRP.

So I don't think it will be at the end any changes to our working group on the issues. But of course there may be some additional action points. And so I think we should at least proceed - go on with our work and start hopefully with the next meeting with information from dispute resolution providers on how these issues are dealt with today.

And then hopefully pretty soon we will also have some kind of solution from the GNSO Council on how to deal with this. As the Board said, frankly, they can reject the GAC and accept the GNSO and they can do the vice versa but the best is of course to have a neutral describe - description of the problems and how to deal with them and actually to still have GNSO to deal with the main issues especially when it comes to dispute resolutions. Thanks.

Now do you have anything to add to this, Mary?

Mary Wong: Thanks, Petter. This is Mary. No, I think you covered the gist of the meeting very well. And again, I think the point here is the acknowledgement that our group has been chartered to deal with a specific issue of interest to the GAC and to the IGOs and that, you know, we should run our course and come up with whatever recommendations, if any.

In the meantime the discussions between the Board and the GAC and IGOs and the GNSO Council will continue. Certainly there were two aspects to the remaining recommendations and to GAC advice regarding specific names of the Red Cross Societies as well as IGO acronyms.

So again, like I said previously, whatever happens in those discussions that are going forward what the outcomes are there, what the outcomes are here with our group may change the landscape ultimately for how and the extent to which IGOs may be protected and INGOs to some extent as well. But it won't affect - what was clarified on the 4th of September call was that it won't affect how we do our work or really the charter with which we have been entrusted.

And Petter, I see that George asked a question about the Board versus the New gTLD Committee. Do you want me to take a stab at that or would you like to take that...

((Crosstalk))

Petter Rindforth: Yes, please.

Mary Wong: Oh okay. So, George, your question for those who are not in Adobe is whether this was acknowledged by the entire Board or just a subset of the Board and the New gTLD Committee.

By this I assume - now let me know if I'm wrong - but I assume you mean the acknowledgement of the existence of this PDP and the work of our working group going forward.

The NGPC obviously was tasked to deal with this issue by the Board for the reason that the GAC advice pertaining to IGOs as well as to the Red Cross and so forth, were in relation only to new gTLDs. So that's why the IGO and INGO issue was given over to the NGPC.

Our understanding, and Petter, I think this came across on the Thursday meeting, was that the NGPC being entrusted with this, is expressing the view of the Board in terms of the future conduct of both the discussions with the GAC on this issue as well as the acknowledgement of the work of our current working group.

So, George, I hope that answers your question. And, Petter, I don't know if you have anything to add on that.

Petter Rindforth: Thanks. Petter here. No, you're perfectly right. I mean, this is not actually an issue that we should be - or that we are on different sides of the use and our working group and GNSO Council and GAC.

Frankly, I think if we put all the political views aside I think there are not so heavy changes or additions that may be needed. But I'll leave that for that discussion.

And as said, I see no reason for us to stop working for what we know more about this. We have our specific task and what was actually discussed in this new discussions more of related to trademark clearinghouse and if there should be staff for a specific - (to) letter acronyms representing and that kind of thing.

So still when it comes to the pure dispute resolutions how to deal with it and whether or not it's necessary, I still see that we have it on the board.

Mary Wong: Phil, did you have a follow up or a question?

Phil Corwin: Yeah, just to clarify, Petter, if I could ask, my understanding the prior working group and then the GNSO Council when it adopted those recommendations that was unanimous, correct? And based on the slides it appears that the GNSO Council went quite a long way toward satisfying GAC concerns but there are these remaining issues of the national Red Cross names and IGO acronyms, is that correct so far what I just said?

Petter Rindforth: Yeah, you're correct.

Phil Corwin: Okay. Do you have any sense of whether the GNSO Council is inclined to make further modifications in that previously unanimous recommendation or is that still up for discussion?

Petter Rindforth: Well, Petter here. Actually as I said, we had prepared to make a decision on that generally but as a result of the discussion and further information on the Council meeting we had we, at least some members, stated that they needed some more time to discuss it with their groups of interest, etcetera.

So I think more of that was the reason why we decided not to go forward with this issue at the last meeting.

Phil Corwin: Okay. All right and the last observation I'd make, and then I'll let others chime in. Clearly if the Council - if the working group was to change its recommendation to block registrations of the acronyms at the top and second level, you know, I'm not sure I would agree with that. I still am waiting for the information on the basis of the rights claimed on them.

But that would certainly affect our work in terms of if you can't register them then other than confusingly similar acronyms there wouldn't seem to be much need for curative rights protection. But I just wanted to make that observation but let's see what the Council does in further deliberations.

Petter Rindforth: Well if I - just might add to that? I think that - and the GAC recommendations these solutions are limited to the new gTLDs whereas as we see in the GNSO Council whatever come up from our point of view or other solutions should be for all gTLDs. So, I mean, that's - there may still - even if you lock names there may still be some that is already registered and need to be dealt with, with this dispute resolution.

And also if I could...

((Crosstalk))

Phil Corwin: Yeah.

Petter Rindforth: ...it's not clear for how long time it will be blocked. I mean, from - I guess from GAC point of view they want it to be forever. I'm not sure that this is actually, at least not for the time being, total accepted by the GNSO Council.

Phil Corwin: Okay. All right thank you, Petter.

Mary Wong: Petter, this is Mary. Can I get in the queue?

Petter Rindforth: Yes.

Mary Wong: Oh I guess I am the queue. So just for everyone's information, if you're in Adobe Connect, to follow up on what Petter and Phil have been discussing, what I've put up is a table. And you can ignore the third column at the moment because that part of the motion that Petter described as having been withdrawn for the time being following the last discussion with the NGPC by the GNSO Council.

What might be helpful is to look at the first two columns. And the first column is the GAC advice and the second is the GNSO's consensus recommendations which may or may not end up changing. So if you look here at the bottom of this page, and I'm going to unsync the document, the IGO acronym protections as being recommended by the GAC only for new gTLDs is in the left column and what's being recommended - what was recommended by the GNSO's working group is in the middle.

And so as Petter mentioned, a lot of the discussions that are ongoing about the remaining recommendations really are about the trademark clearinghouse or the TMCH. And it boils down to, if I, you know, take the risk of simplifying, you know, the difference between a 90 days claims protection as suggested by the working group and what does it mean to say permanent protection at minimal cost to the IGOs as suggested by the GAC.

And that's the illustration I would say of how those discussions, you know, really don't impinge on the curative side of things in terms of the substance of the work this group has to do even though the ultimate landscape may be affected by the outcomes of those discussions.

And, Phil, in response also following up on Petter's reply to your question, my sense as staff, having sat through the discussions of the Council in London and obviously as some of you have also done following the Council and its mailing list and at its last few meetings, my sense is that the Council is very conscious of the fact that many of these - or all of these recommendations - I correct myself - are consensus recommendations of a working group.

And so it's not going to take any modification lightly as a task. And hence these discussions with the NGPC and hence the deliberations over the possible motion Petter mentioned, they have really taken place in something like three or four Council meetings starting in London.

So hopefully that gives some sense of what I would characterize as caution and prudence that the Council in its role as manager of the PDP rather than as developers of the actual recommendations it's how conscious it is of that role and how careful it's being in this particular instance. Thanks.

Petter Rindforth: Thanks. Phil, do you want to add something to this?

Phil Corwin: No, I think we've exhausted that topic for the moment.

Petter Rindforth: Yeah.

Phil Corwin: From my perspective.

Petter Rindforth: Okay. Let me proceed to scheduling further - future meetings. And as we heard from - problem from the last Doodle poll people who cannot do on Mondays at 7 UTC can do Tuesdays at 4 UTC. But as stated from the start it

was some while ago and we had on a much number of new people join since then.

So - and we nearly - the best is to find a fixed day and time each week so we - I mean, I talk from my own point of view from other kinds of meetings. And it's actually better to have it on a specific day and time even if it's not the 100% best time of the day for all of us rather than - have to check out for each week which day and which time.

So what we can do now is to schedule the next meeting for Monday next week - Monday the 15th at same time as today or Tuesday at 4 UTC. And at same time send out the Doodle poll again for - to find a common day and time for our subsequent meetings starting with the week of September 22.

The (unintelligible) is to just do the Doodle poll now but in order to go on with our work in a practical way and also to have fixed - at least one more fixed day for possible upcoming speakers and so I'd prefer to set up a fixed day for a meeting next week.

And well I guess it's not so practical to ask everybody to raise their hands right now on whether Monday or Tuesday next week are the best for you but maybe if Mary can send out something for that and then at the same time also set up the Doodle poll for our upcoming meetings.

Mary Wong: Yes, Petter, we can do that.

Petter Rindforth: Anyone that don't think that's a good idea or have other proposals? Okay, I take it as a basic okay at least.

Jim Bikoff: Petter? Jim Bikoff.

Petter Rindforth: Yes.

Jim Bikoff: Tuesday is very tough for us; we prefer Monday at this time. But, you know, I guess - I thought you said for next week you preferred keeping it Monday this time. But now is that up for question?

Petter Rindforth: Well I said Monday or Tuesday of - I would say if I can just also point out a personal view, I also prefer Monday actually at this time for the next meeting. If we say like this, if anyone that is on the meeting today, is anyone - had problems participating on the same time next week next Monday? Okay, well like that.

                   I see that most - well I see no one that cannot participate. And I also see that Mondays are probably a good day. But so let's say that we meet Monday September 15 and then at the same time during this week we send out the Doodle poll to try to find something that we can go on with for the rest of the year at least.

                   Okay, then we come to Point 6, Next Steps. We - I think there was - is there a work plan for us already? Mary?

Mary Wong: Oh sorry, Petter, yeah, I figured that question was directed at staff. Yes, staff has prepared a suggested work plan based on a number of things. And we've shared an extract of that with the two co chairs and we're in the midst of discussing it with the chairs. The idea is to send the full work plan to the whole working group after it's been reviewed by the co chairs.

                   And I should probably remind folks that as part of the Working Group Guidelines the - a working group is required to prepare a work plan. And here I'm going to take the opportunity to answer a question Phil had earlier today that I have not been able to get to as part of the chair's discussion.

                   Obviously the work plan can, in many cases, does change with a number of different circumstances. Either a group finds itself going faster or more slowly

than anticipated or, you know, it discovers something in the course of the deliberations that requires adjusting the milestones.

So the initial work plan is really just an initial plan. The idea is to show the different milestones at any one point in time the group can check itself against that and definitely see if that work plan needs to be further adjusted.

Most of the time for most working groups we tie the milestones to two different things. One is obviously what is the logical timeframe for a particular task. Two is ICANN meetings. And we've tried to do that for this particular plan.

I think one question that sometimes does come up for folks is, you know, what happens if the working group reaches a deadlock or what happens if, in this particular case, for example, one question could be what happens if the working group decides that, you know, no recommendations are necessary?

All that may require adjustment to the work plan; that may also ultimately be the recommendation that, you know, it is the status quo that nothing changes. The PDP manual and the Working Group Guidelines do prescribe that we have to come out with an initial report and a final report.

There are also provisions there for terminating a PDP in some fairly significant circumstances. So the long answer to a short question is that there is a work plan, it is an initial work plan and it really serves as just looking ahead from where we are now to what our significant milestones might be.

So the thought, to answer (Imran)'s question in the chat is that at the next meeting we will share that work plan, walk through with everybody what the different tasks mean because in some of those there might be certain sub tasks, in some of those sub groups may be deployed.

We will probably also want to talk to you about when and how you want to reach out to the other ICANN supporting organizations and advisory committees as well as the GNSO's constituencies and stakeholder groups.

Again, that's part of the manual and the guidelines. And the idea is to get as comprehensive and representative feedback as possible from across the community and at a early stage in the group's work so that it can be helpful to the group as it starts tackling some of the chartered tasks.

So that's probably going to be at least part of the agenda for next week which of course will be finalized by the co chairs. And I see that one of them has his hand up. Phil. Phil, are you on mute?

Phil Corwin: Thank you, Mary. I thought I had taken that off. Yeah, having looked at the initial work plan extract I think, you know, it is - early on we're going to be hearing I guess about the extent to which these - rather than saying IGOs and INGOs - I'll just say these organizations have tried to use UDRP or URS, although that's very new and how they fared whether to the extent to which these organizations have trademarked their full names or acronyms and whether there's any bars to that.

But in particular what I want to hear about is what is the, you know, differentiating the Red Cross and the Olympic Committee which are separate cases and have their own histories. The extent, if any, of the recognized rights of these organizations and their names and acronyms because ICANN of course should make sure that existing rights are protected but ICANN is not a treaty organization or a legislature that can create rights.

So I think as early on as possible I think we ought to get a good grasp of what the rights are because I don't think you can design a process to cure offenses to rights until you know if the rights exist and what their scope is. And it appears that we'll be discussing that fairly early in the process, is that correct?

Mary Wong: This is Mary. And, Phil, that's correct. I mean, that was the idea behind the
                    draft that staff circulated to you and Petter. One of the complications for this
                    particular working group compared to others is the shear number of tasks that
                    are in the charter many of which impact or overlap with another task. So it
                    was a bit of a dizzying exercise certainly for Steve who did the brunt of the
                    work, not me.

                    So the idea is exactly as you say, that in order for the group to be in a
                    position to come up with any sense of how it wants to proceed with a process
                    and recommendations is to get an understanding of the landscape and that
                    landscape would include the legal landscape of exactly what those
                    protections are for the different organizations being considered.

Phil Corwin: Okay, thank you.

Jim Bikoff: Mary, can I respond to Phil's question? It's Jim Bikoff.

Mary Wong: Jim? If Phil and Petter are fine, I think that's fine. Petter was in the queue. I
                    don't know if Petter - it was on this point or if you'd like to let Jim take this
                    point and then go back to you?

Petter Rindforth: Yes. Jim.

Jim Bikoff: Okay, thank you. I was just going to say for Phil's benefit, Phil, if you look
                    back at the documents on the IGO INGO PDP Working Group you'll see that
                    there was extensive discussion for many months about the protections and
                    there are charts outlining the protections for at least the IOC and Red Cross
                    which are treaty and national law protections.

                    But it's all been laid out and I think that, you know, duplicating that effort
                    might be, you know, taking up time that we could spend on the other
                    questions because unless, you know, unless there have been supplements to

those charts that outline the protections they are what they are. I think there may have been one or two additions in protection but otherwise I think they're pretty much the same.

Phil Corwin: Yeah, Jim, on that, yeah, I'm not advocating duplicating the work but this is a new working group with new members. And the fact that the work exists will be a lot easier - make it a lot easier for us to come up to speed on what the scope of the rights are in particular for the Red Cross, for the Olympic Committee, but then for the other group of organizations.

But we've got to understand what the scope of the rights is before we can talk about having a process to protect the rights.

Jim Bikoff: Well but I would only add one other thing and that is in the case of the IOC and in the case I think of the Red Cross, although I can't speak for them at this point, the IOC has full rights to use the curative rights provisions, both the UDRP and the URS. And it has used them for many, many years. So there is no - I mean, we're not talking about the need for them to obtain curative rights; they have those rights and they are exercising them on a daily basis.

Phil Corwin: Okay, good to know.

Petter Rindforth: Thanks. Petter here. Just make a short summary of what you have just discussed. And as we've actually basically discussed on the first meeting also, some of the work has already been done in other working groups and with the URS and UDRP etcetera.

And if you look at all the discussion points and questions we have there are a great number of them but many of them are closely related and actually very important to deal with on the first basic stage.

And I identified three initial issues that I don't actually think we need to work so much about but to summarize what is out today. And one issue is to have

a updated information presentation on what UDRP and URS is today the differences and what - how they can deal with these kind of disputes.

And other initial basic issues of course the idea of identification of IGOs and INGOs and, I mean, the we have a specific list from the initial working group and it's - I noted that it's actually stating that these are the sources for us to identify IGOs and INGOs. But on the other hand some of the action points we have was actually to make that identification. So that's the step - Step 2 that should also be quite easily to summarize.

And then also of course to get a summary on the existing rights protections from - for IGOs and INGOs. What is the problem, why are we actually dealing with this issue in this working group? And once we have a clear answer on these three initial questions then we can decide on how to work further and actually start doing the real work.

And my initial idea was to have sub working groups dealing with this and to come up within let's say 14 days, two weeks from when they were set up to make summarized presentations. But I'm not sure that this is the best way to do it.

But let's have this as one of the specific issues on the next meeting so that we can really start doing our work with specific points of actions. Thanks.

Mary Wong: Petter, Phil, thank you. And thanks everybody. I see a note by George - one note by George in a chat. And of course this chat transcript, like the meeting, will be recorded and all be uploaded to the wiki for those who didn't attend the meeting as well as for those who want to refresh their memories.

Petter, Phil, from the staff perspective we don't have any other business. So I don't know if you'd like us to go ahead and close the call at this time or if you have any concluding remarks to make?

Phil Corwin: Yes. Phil here. From my perspective I think we're done for the day. We got - cover some ground here and we'll be - I guess we reached the understanding that we'll be having this call at the same time next Monday. So I think we're done for this call. Petter, agree?

Petter Rindforth: Yeah, I agree.

Phil Corwin: Okay.

Petter Rindforth: Thank you so much for today.

Phil Corwin: Thank you.

Petter Rindforth: Thanks. Bye.

Jim Bikoff: Bye, thanks.

Mary Wong: Thanks, everybody.

Man: Bye, bye.

Nathalie Peregrine: Thank you very much, (Karen), you may now stop the recordings.

END