
ICANN Transcription
Review of all Rights Protection Mechanisms (RPMs)
Wednesday, 16 October 2019 at 17:00 UTC

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TERRI AGNEW: Good morning, good afternoon, good evening, and welcome to the review of all rights protection mechanism – RPMs – in all gTLDs PDP working group taking place on the 16th of October 2019.

In the interest of time, there'll be no roll call as we have quite a few participants. Attendance will be taken via the Zoom room. In the interest of time, there'll be no roll call. Attendance will be taken via the Zoom room. If you're only on the audio bridge, could you please identify yourselves now? Rebecca, are you on audio only at this time?

REBECCA TUSHNET: Yes, I am only on audio.

TERRI AGNEW: Perfect. Great. Thank you. That's noted. I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I'll turn it back over to our chair, Phil Corwin. Please begin.

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PHIL CORWIN: Thank you. Welcome, everyone, to what will be our next to last call before Montréal, possibly our last call depending on how much progress we'll make today and what we can get done if we have a call next week. You see the agenda on the screen in front of you, and it's pretty clear. Any updates to statements of interest?

Hearing none, first item on the agenda is the status of questions 7, 8, 12 and 15. So if I recall this correctly, 7 – and please, staff, if I screw this up, step in and correct me – which has to do with the design marks, we're going to be publishing the Kleiman-Muscovitch proposal and the Shatan proposal on that subject with appropriate context to guide the community in the initial report and put that out for community comment. Any discussion on that one?

Okay, good. Question 8, which is on geographic indicators, I believe we have a final proposal worked out between Professor Tushnet, Claudio, and others who weighed in on this, and that will be a formal proposal from the working group for community comment in the initial report. Any comment on that one?

REBECCA TUSHNET: If you don't mind.

PHIL CORWIN: Sure. Don't mind at all.

REBECCA TUSHNET: I just want to flag, just to be clear, I don't think we have unanimous [inaudible] and I believe Paul Tattersfield, if he's on the call, can speak to this, but since we don't need 100%, I don't think that actually stops us. But I just wanted to note that. Thank you.

PHIL CORWIN: Yeah, and in fact we do not need unanimous agreement, even – while we need consensus for putting a recommendation or a proposal in the final report, that does not require complete unanimity. And we certainly don't need the standard we've been suing for working group proposals in the initial report is wide support, and we appear to have pretty much wide support for that proposal to get community comment on it. So question 8 is locked down and closed out, and we'll come back to it after we see what the community says, and of course, starting in Montréal, we'll be discussing the actual text of the initial report which staff is working on, which will provide the context for the community for commenting on all of these various proposals and questions we're asking of the community.

Question 12, this has to do with trademark clearinghouse operational considerations, and we were waiting on a proposal from Maxim, and Maxim just submitted that proposal about 20 minutes ago, so I'm going to – he's on the call with us, isn't he? Is Maxim on with us?

MAXIM ALZOBA: Yes.

PHIL CORWIN: Maxim, did you want to present your proposal as a way to open discussion?

MAXIM ALZOBA: Yes, if possible.

PHIL CORWIN: It's quite possible, and you're welcome to proceed.

MAXIM ALZOBA: The idea of the proposal is that TMCH is an important software and hardware platform to insure that right protection mechanisms are in place, and given the operational historical experience of registries where [some] services were offline sometimes, and from the operational perspective, it's important that all services offered by TMCH are available.

For example, if registries do not upload file with registrations, there will be no awareness about some registrations among those who trademark owners for the particular string.

It's not only limited to sunrise periods, but it has to be available during claims periods. And also given that some TLDs have either ongoing TLD claims, which never end, or get extended year by year.

So the [inaudible] proposal, it says that given the importance of TMCH to the rollout of new gTLDs, sunrise periods and claims periods in those which have [passed] sunrise period by the

availability of the main TMCH [database] and services is a necessity.

Accordingly, the TMCH providers must provide a better design of the TMCH system with improved redundancy and availability. The Implementation Review Team may want to consider requiring the creation of [two individual] TMCH curators with appropriate synchronization and redundancy.

In case [existence of only one] TMCH provider is proven or regarded to be the only feasible option either due to financial or technological reasons, the need of the better technological design will arise. Not limited to [two individual TMCH inside of the] TMCH platform, an requirements to avoid maintenance [down the way] rendering the system partially inaccessible or partially functional.

And then reference to the particular situation which happened a few times about availability of registries to upload [inaudible]. Basically, that's it. I'm happy to answer questions if any.

PHIL CORWIN: Maxim, as I understand, what you're proposing is that – I believe this is based on experience with the TMCH [inaudible].

MAXIM ALZOBA: Yes, it's based on the experience –

PHIL CORWIN: [inaudible] Yeah, let me just finish. I was getting some clicking in my phone. You feel that there have been operational issues with

the TMCH, which have made it difficult in some cases for contracted parties to comply with the RPMs, and the proposal is that there should be improvements in the technical operation and reliability of the clearinghouse, and that [inaudible] considered both technical things that might be done to improve uptime as well as consideration of whether there should be a second provider, mirror provider to assure that if one is down, the other is up, and we'd be putting this out for community comment and input based on the community's experience with the clearinghouse, and soliciting their suggestions for how its operation might be improved. Is that an appropriate reading of your proposal?

MAXIM ALZOBA:

To some extent. Also, I think it's not limited to registries not being compliant due to technological issues with TMCH. It might also affect those trademark owners whose strings for which they have rights, for example in some new gTLD which starts, and during the sunrise, there is no access for the TLD to TMCH. It will have issues, both for registry, for registrars, and also for registrants, and to say more for trademark owners registered within TMCH [inaudible]. Thanks.

PHIL CORWIN:

Okay. I see Mary Wong's hand up. I'm going to call on Mary to intervene here. Go ahead, Mary.

MARY WONG:

Thanks, Phil. I hope you can all hear me. I just had a clarifying question for Maxim at this stage from the staff side and a couple

of comments from the group, realizing of course since Maxim just sent this in, we'll need to go back and find out more information and background that the working group will need.

So the clarifying question is this; Maxim, are you referring to the trademark database which is run by IBM? Because I think it would be helpful if that's made specific going forward, since obviously, we have contracts on the ICANN side with Deloitte as the validator and IBM as the maintainer and the service provider for the trademark database.

So I see your comment in the chat, so I'll take it, and hopefully it's clear that your proposal relates not to the validation function but to the provision of the database. So thank you for that.

Then in terms of the clarifying – Go ahead, Maxim.

MAXIM ALZOBA:

Actually, since the design decisions are hidden from us, it might be limited just to software, hardware implementation of IBM, or might be an issue with the logical design of TMCH inside. We cannot know, because currently for us, it's just a black box. So there is a need of review of how system works, and it might not be limited to software functions. It might be bad data flow design decisions. Thank you.

MARY WONG:

Thank you, Maxim. So Phil, I'll just make that clarifying comment, if I may. And like I said, we'll need to get further into some of this, not just with respect to the cases that Maxim – I think you said

was reported to our GDD colleagues, but what that problem was, because just conceptually on a policy level, the validation function is different and kept separate from the database [submission,] and that's fairly clear in the technical specs for the TMCH.

So the point that staff would like to make is that if the working group wants to investigate this further, number one, as Maxim acknowledges in the proposal, this is probably a question for implementation, and secondly, when the first implementation occurred for the 2012 round, there was a community-based implementation advisory group, and I believe some of these questions were discussed by them so that we would need on the staff side to go back and look at those deliberations, and that's it, Phil. Thank you.

PHIL CORWIN:

Right. before I say anything further, are there any comments on this proposal from members of the working group? Alright. I'm not hearing any. I'm assuming based on the lack of comment that there's no objection to this that concerns about the reliability and the availability of the trademark clearinghouse for contracted parties and on behalf of trademark owners is a valid concern.

I'm a little – not concerned, but I think probably this proposal needs a little work to be put into a proper shape to be a proposal for inclusion in the initial report. I wonder if I might suggest that Maxim work with staff to kind of work on the language a bit of this proposal, which seems to be noncontroversial and addressing an important topic, and then come back to the working group with a somewhat clarified proposal. And based on what Mary just said, I

think staff is well placed to work with the proponent of the proposal on some final language for this.

Is that a useful and acceptable way to proceed?

MAXIM ALZOBA:

Yes. I think definitely, the language requires some refinement, and yeah, it has to be more formal. And to answer to the question about SLA, SLA is about keeping the required periods of unavailability, but when the situation is – with the current design, it doesn't matter which SLA we have if it doesn't work. Thanks.

PHIL CORWIN:

Okay. Then what I'm going to suggest, hearing no further comment or objection, is that, Maxim, you work offline with staff to refine and clarify the language of this basically operational and noncontroversial proposal relating to the reliability and availability of the TMCH database and related services, and that once you've worked out that language, I would think you could do that over the next few days, that staff publish it to the working group e-mail list for review by the entire working group.

And then we can include the refined language in the initial report to solicit community comment on their experiences with any operational problems with the TMCH and their input on what would be the best way to address those shortfalls.

Any last comments on that? if not, we'll proceed in that manner and wait for Maxim and staff to get revised language back to the working group on the e-mail list.

Good. Alright. Well, thank you, Maxim, for that very helpful proposal on an important subject, and now we return to the agenda, please. Can we have that on the screen?

Okay. So the final question under item two status is question 15. That's Michael Karanicolas' proposal on – and I don't see – you know what? I'm going to defer discussion of this. I got an e-mail from Michael yesterday saying that he was tied up on another call and would be joining us midway through on this one. I'm going to wait for discussion on that. I believe that where we left that last week was that his proposal for trademark – this is not a proposal on which we're going to achieve wide support or there's a division within the working group, but that the issue of making the database transparent will be put out for community feedback in the initial report with appropriate contextual language written by staff laying out both sides of the argument as articulated over the extensive discussion we had.

So I'm going to just state that for the record, and we'll come back to that when Michael joins us, and I'm going to ask staff to watch for when he joins us, and send me a text just to make sure I catch that.

So that moves us on to item three, remaining deferred charter questions, and let's go through these. And these are ones in which we haven't received proposals so far as I'm aware. Is question 16 the first one, staff?

JULIE HEDLUND: That is the first one. Thank you.

PHIL CORWIN: Okay, so the charter question was whether the scope of the clearinghouse and the protection mechanism which flow from this which is sunrise registration and trademark claims reflect the appropriate balance between the rights of trademark holders and the rights of non-trademark registrants. That's kind of a high-level policy philosophical question, and we had put it aside. We haven't received any specific proposals on that, so unless there is a proposal, we're going to close it out. Any comment on question 16?

Okay, going once, going twice, it's gone. And now we'll assume the next one is question one. Claudio?

CLAUDIO DIGANGI: Could you read that out? Because I didn't have that other question in front of me.

PHIL CORWIN: Which one?

CLAUDIO DIGANGI: The question you just noted was closed out.

PHIL CORWIN: Question 16 was whether the scope of the clearinghouse and the protection mechanisms which flow from it reflect appropriate balance between trademark holder rights and non-trademark

registrants. And we haven't gotten any specific proposals on that high-level question, and unless you have her proposal for us, Claudio, it's being closed out right now.

CLAUDIO DIGANGI: Yeah. If we want to include something, I could draft something that reflects the varying views of the group. We don't have a consensus on that answer, and if you wanted me to just put something that said that, I'd be happy to do that.

PHIL CORWIN: In that case, Claudio, I'd propose that you draft something up and work with staff, because that would be kind of background language in the initial report on this charter question and staff will be noting these questions and whether or not there are any proposal on them. So I would say just work with staff, and they'll welcome your input as useful. And for other people of the working group, rest assured that the final language of the initial report – all of it – is subject to full review by the working group before it's published. And Julie has her hand up. Go ahead, Julie.

JULIE HEDLUND: Thank you, Phil. Apologies, but it was staff's understanding that we've had the call for proposals out for all of these questions for several weeks now. There is no requirement for this working group to have proposals on any of these questions. And we're already quite late and actually we're anticipating closing up discussion of these questions.

So we're wondering about whether or not we really would open up for new proposals now that we are trying to actually close these discussions.

PHIL CORWIN:

Yeah. Julie, let me step in here. I don't believe Claudio was saying he was going to submit a proposal. I think Claudio was volunteering to draft some language reflecting some discussions held in the working group on this, and I suggested that since staff is really preparing the language of the initial report, that he work with you. But we're not talking about coming back with a proposal on that. He's basically volunteering to do a first draft or some language laying out the pros and cons voiced by working group members and then working with you. But this would be not a proposal that we would return to, but just the background language in the initial report, it's going to have all the charter questions and discuss whether there are any proposals – which here is not on this one – and kind of whether there was any discussion within the working group – which there was some on this – but no conclusion, no agreement.

So that's all we're talking about, is a draft of proposed initial report language which will be reviewed by the entire working group, not a proposal, as I understand what Claudio just said.

JULIE HEDLUND:

Thank you. And if I may follow up, and as will be described and we'll spend some time describing how the initial report is drafted, but staff is already beginning to work on capturing the

recommendations that have been discussed thus far and also the deliberations, and these are being captured from the transcripts and recordings of past meetings, and that would be true for this question as well.

Claudio and all working group members will have an opportunity to review that language, and we'll certainly welcome Claudio and others' input on it, but we'd like to suggest that we proceed to draft the language as we would normally do for these initial reports, and we do then, once we've done that, welcome Claudio and others' input.

PHIL CORWIN:

Okay. And in fact, in the chat, Claudio has said that approach is fine with him. Susan Payne has noted we've had [inaudible] discussions of this general subject in the sunrise and claims discussions. So we'll proceed that way where staff is working on draft initial report language. We're going to start discussing that language in Montréal, and everyone in the working group is going to have an opportunity to review all of those draft proposed languages and provide feedback to the rest of the working group and staff before we ever agree on final text of initial reports. So we'll proceed that way as a general matter on the initial report. Okay?

So let's move on to question 1, which I believe was the next one up. I'm going to read the question, particularly for those just on the phone. And again, this is a question on which there's been no specific proposal. So unless one is coming in – and we've seen

none so far – we've had the window open for several weeks for proposals on these, it's being shut out today.

The question is, is the TMCH clearly communicating, one, the criteria it applies when determining whether or not to accept marks for entry into the trademark clearinghouse, two, options for rights holders when their submissions are rejected, and three, options for third parties who may have challenges to or questions about recordables in the trademark clearinghouse?

So that's the question. It's in the charter. There have been no specific proposals on that charter question. Any discussion of charter question one?

Okay, hearing none, charter question one is closed out. and again, like all the charter questions, it'll be in the initial report, and there'll be staff prepared language outlining based upon the transcripts discussions within the working group that touched on this general question. Of course, members of the community can always comment on these charter questions even where there's no specific proposal, but that's it for question 1.

Alright, and now moving on to question 2. Should the trademark clearinghouse-be responsible for educating rights holders, domain name registrants, and potential registrants about the services it provides? If so, how? If the TMCH is not to be responsible, who should be?

That's the question. We've had some discussion in the course of our deliberations that touch on this question. Staff just put another document up here. Okay, this is an e-mail received on October 1

from Martin Silva Valent to the working group, and this was on this question we just discussed. Let me read this out, the text of Martin's e-mail.

And it says the TMCH should be responsible for educating rights holders, domain name registrants and potential registrants about the services it provides. First, the TMCH services are for the community, so for the TMCH to have a successful interaction with the community, the community needs to have a meaningful knowledge of the TMCH services.

Second, the TMCH is the best place to explain its own services and correctly identify the stakeholders it interacts with. Third, the trademark clearinghouse already provides some level of educational material and efforts toward trademark owners and implementing these efforts to further develop education and outreach for current and potential registrants which serve the fuller community.

Fourth, this proposal is aligned in the same direction as some of the new trademark claim notice recommendations where the working group identified a clear interest in giving meaningful knowledge to all parties of the community when presented at a TMCH action for it to fully serve its purpose.

So Martin – is he with us today? Yeah, Martin, I just read your whole proposal. Could you clarify, is this a proposal, and did you want to speak to it beyond the language that I just read? Since you're with us today.

MARTIN SILVA VALENT: Thank you very much, Phil, for reading it. You saved me work there. I think it's pretty self-explanatory. I actually wrote this – I realize now – on this birthday. So crazy.

And for me, it was a low hanging fruit. I just saw it, it was like, "Oh, I have a very iffy idea on this specific issue." I just put it in. I think it pretty much explains itself. The trademark clearinghouse needs people to know about it. it's a very cryptic thing, and really, they are the best ones in explaining all their insights and they can identify exactly what communication problems they're having. I think it's better to let them do that than having some generic communications staff just checking the box but not really having a meaningful communication.

And they're already doing some of that. We are not asking something strange to their behavior or – they are already doing outreach and different materials. So for me, this was a low hanging fruit. It wasn't such a difficult subject. That's it. Thank you.

PHIL CORWIN: Okay. So, is there discussion – before I open it to working group discussion, staff, do you view this as a proposal or a question to be put to the community? And could you remind us – I know we've had some discussion in the working group on this general question of education beyond just trademark owners and the responsibility for that.

Let me ask for any quick comment from staff, and then I see Julie's hand up and then Claudio and Susan Payne. So Julie, why

don't you just weigh in with any staff observations? And we'll open it up to working group members.

JULIE HEDLUND:

Thank you very much. Just very briefly, from a staff point of view, this probably needs to be written a little differently to sort of recommendation form. Right now, it's probably more of a question, and also, as to whether or not there's been previous discussion on this outreach question, yes, there has been, and not to go back to the table, but some of that is reflected in the table that you saw previously and will be picked up to be brought into the deliberations. This is back in the discussions in some of the discussions relating to URS and the educational materials, and also to the previous discussions that happened in 2017.

So there has been some discussion on this, but from that discussion, there had not been any specific proposals. So thank you.

PHIL CORWIN:

Julie, was there consensus or division in those discussions? Forgive me for not remembering.

JULIE HEDLUND:

I don't think there was conclusion with respect to any specific recommendations in this previous discussion.

PHIL CORWIN: Okay. Alright. Claudio, you have your hand up. I see you're in the chat room now. And then Susan Payne.

CLAUDIO DIGANGI: Yes. Thank you, Martin, for doing this on your birthday of all things. It's amazing, and glad to hear your voice again. I support this, and I just wanted to add a friendly amendment if it's okay with Martin.

In the last round, ICANN had allocated some funds – I'm not sure if it was in the millions of dollars, [inaudible], but it was not an extraordinary amount of money – to marketing the program in general, to raise awareness of what it was doing so applicants knew that they could apply, so brand owners knew they could protect their marks through the TMCH and things like that.

So my friendly amendment would be that this effort that Martin is setting forth here would work in conjunction with whatever marketing ICANN is doing in the next round to support knowledge around what it's doing with the new gTLD program in general, and that includes the TMCH as a very important component of that, because if we just leave this all to Deloitte -and I would envision this would [involve a good] expenditure of money, and I think it fits into the general ICANN marketing program. Thank you.

PHIL CORWIN: Okay. Thank you, Claudio. By the way, Martin, I hope you had more fun on your birthday than just writing this e-mail. And with that, I'm going to call on Susan Payne, and after her, Jason Schaeffer.

SUSAN PAYNE:

Thanks. I'm not specifically objecting to this or disagreeing that it's possible that some particular groups feel that they weren't provided with sufficient information. I just on the one hand in relation to this specific proposal as it's currently drafted, it's not clear to me what we're expecting falls within the remit of Deloitte and what we're expecting might fall elsewhere. And if it's not clear to working group members, then I think it's not going to be clear to whoever works on the implementation of this, and indeed, Deloitte themselves.

And I guess to some extent, I'm sort of acuating what Claudio is saying, which is that I think some of this isn't Deloitte's responsibility. Some of this is probably at an ICANN level. If we think that people need to be better educated about what the RPMs do and don't do and what they cover and don't cover, then I think that's a global piece of information that should be coming centrally.

And we've talked about for example the need for information about the URS. Well, it doesn't make sense to me to have the information about URS in one place and separately expecting people to be able to find information about sunrise and claims or the trademark clearinghouse in Deloitte's gift.

Now, I firmly believe that they to be producing the kind of clear information and guidelines that they are producing about exactly what you have to demonstrate and how you submit your mark and what you do, and so on, but I'm not convinced that this is the role of Deloitte.

PHIL CORWIN: Okay. Let me say two things here before moving on to the next speaker. One, I'm hearing some sentiment that Deloitte may have some responsibility but not the sole responsibility, that we should be looking to ICANN and perhaps others to make information broadly available.

And two, what I'm going to suggest – and we just did this with Maxim – is that Martin, based on the full discussion we have today, work with staff to reword this proposal and republish it to the working group e-mail list in the next few days. It's starting to look like with Maxim's proposal being redrafted and clarified, and probably the same thing with Martin's that we're probably going to want to use our October 23rd working group meeting to at least discuss those revised proposals. It may not take 90 minutes, but we ought to see the revisions and come back and discuss them before we go into Montréal.

And with that, I'm going to all on Jason Schaeffer, followed by Greg Shatan, and then Martin wanted to weigh back in. Claudio, is that an old hand? If it is, please drop it. But Jason, go ahead, please.

JASON SCHAEFFER: Thank you, Phil. I actually just wanted to go on the record and state that I do support what Maxim's doing here. I tend to disagree with some of the sentiment that's been raised by Susan and Claudio to the point that I'm not so sure involving ICANN at this level is required. Maybe there is some level of coordination, but I

can say from at the GDD meetings and extensive other conversations we've had, we've had a terrible time figuring out how to allocate funds and get support for the gTLD program – broader support which is so critical to what we're doing.

Particularly from a registry standpoint, we need ICANN to be focused on improving overall marketing. So while this could be underneath that, I don't want to distract from that ability. As we all know, there's a large pool of money sitting there, and we're not getting a lot of movement on that point. So I'd rather not confuse it.

Deloitte, to my knowledge, I recall has done some outreach. In the early days, I know there was outreach. They're the ones that are intimately aware of how the program works and should work, and yes, we need to provide the guidance, evidence of our working group and what we've been finding, so they do need some clear instruction, but upon getting clear instruction, I think Deloitte is well suited, and they should take responsibility for this as they're the ones getting paid and they have the funding, and that should be part of their line item in their budget.

So I think it's a great idea, and I'm happy to see if ICANN can work with Deloitte, but I'd much rather see ICANN focus its efforts on promoting the broader program and dealing with rights protection mechanisms as well, and the specialists so to speak, or the ones that are operating the program of the TMCH, should be the ones bearing the cost and the brunt of this. Thank you.

PHIL CORWIN: Okay. Well, Jason, thank you for that. Given that there's a number of working group members interested in this subject – and I'd ask you all consider maybe some correspondence with Martin in helping him with his effort to restate this proposal somewhat, and now I'm going to call on Greg Shatan.

GREG SHATAN: Thanks. I think there needs to be some definitional clarification based on the discussion so far. We're discussing the services the TMCH provides. The TMCH does not provide URS or claims or sunrise as such. It provides a database service and a data feed. That's what they should be explaining.

[It seemed] at least in some of the discussion that was contemplated or that that would also be providing education on the RPMs. So I think I don't see that as their responsibility at all, so I think we need to clarify what this proposal's actually referring to in that regard. Thanks.

PHIL CORWIN: Okay. Thank you, Greg. I want to hear from Martin, but first I want to read a couple of the chat comments that have been going on while we've been discussing this matter.

I see Mary Wong wrote to Jason, "I believe ICANN Org has clarified previously that it doesn't have a role in marketing gTLDs." I think we're aware of that.

And then Maxim said to Susan, "In a broad sense, there are things relevant to this, like URS, UDRP." Marie Pattullo said, "Can we not

have agreed text and then links on relevant sites – including that of Deloitte – to that text?”

Maxim wanted a reference to RPMs page somewhere on ICANN, that TMCH is a part of it.

So Martin, go ahead. It's clear to me that you've raised an important issue and there's strong interest among members of the working group. I don't know if we can get to a proposal that has wide support, but we probably will be putting this issue of education efforts out to the community for feedback in the initial report, and I'd urge you to work with other interested members of the working group and then get to staff some revised version of this proposal for publication on the working group e-mail list within the next few days so we can come back and discuss that revision next week in our final call before Montréal.

With that, Martin's hand's been up so let Martin speak, please.

BRIAN BECKHAM: I'm on audio only, I'd like to get in the queue.

PHIL CORWIN: Sure, Brian. And Greg, your hand is still up, if you could lower that if you're done. We're calling on Martin now to speak.

MARTIN SILVA VALENT: Brian, if your comment is on my proposal, maybe you want to go first.

BRIAN BECKHAM: Yeah. Thanks, Martin. I think that actually makes sense. I want to say it's not clear to me that this is really something that's for the working group to opine on. To be clear, I think the idea of educating people generally is a good one, but I think to some extent, Deloitte has a vested interest in doing that itself.

And just like we decided a long time ago that for example extortionate pricing claims for sunrises that in some people's views violated the spirit of the RPMs program, it's not clear to me that it's for us to do anything more than to say we think there should be some outreach and leave it to Deloitte and ICANN and others to take the ball from there. Thanks.

PHIL CORWIN: Brian, let me ask. Since the question this is responding to is a charter question, the community did put this question before the working group, so would you object to asking for community input on this in the initial report, understanding that it may not lead to any specific proposal that has consensus in the final report?

BRIAN BECKHAM: Yeah. Thanks. I think that's useful to mention, which is that we did wrestle for some time with the charter questions. It didn't go through the normal vetting process. so there may be things in there that would not have made the cut, as it were.

I think we're sort of at that eternal crossroads of certainly we can't limit people's comments, so even if we don't put out something

specific on this, then people are obviously free to comment. And this is just me speaking personally, I think it would be perfectly fine to say there's an idea that there should be some education. But I guess I'm just not clear that we really have much remit to go too deep into the specifics here.

PHIL CORWIN: Okay. Alright, Martin, you've been waiting patiently. Please go ahead.

MARTIN SILVA VALENT: Thank you very much, Phil. Just to be clear, I think we all sort of share the end goal here, which is to have a fully informed committee so that the trademark clearinghouse can do its best.

Saying that, I understand that specifically as a concern, we have an asymmetry of information in the community, so that's why maybe I jumped into this question. Saying that, that's my goal. I don't have any specific desire to have Deloitte invest their money or that. That's just a means to an end.

Maybe when I was thinking of trademark clearinghouse, I wasn't thinking necessarily between Deloitte and ICANN as specific institutions. I was thinking of trademark clearinghouse as an institution itself. So maybe when Greg says Deloitte only manages database, so my question there would be, okay, but is that all that trademark clearinghouse is, or is the website of the trademark clearinghouse also part of Deloitte, is it part of ICANN?

Because if [the media] of the trademark clearinghouse is ICANN-managed and ICANN-owned, and Deloitte only manages the database as a dumb database, doesn't really do operations of any sort, it's just like a machine that gives answers back, well, maybe yes, ICANN is the one that has the burden of education.

But if Deloitte manages the web and the social network or whatever communications, e-mail list or e-mail services that trademark clearinghouse is using, then Deloitte is the one that has to have the educational burden.

And saying that the trademark clearinghouse has the educational burden doesn't mean that ICANN is off the hook. ICANN still have a broader obligation of education of the rights protection mechanisms in general. This is just saying trademark clearinghouse as an institution has to educate. It's in the best position, it's already doing some way.

So I think all comments sort of – I don't want to say agree with me, but I can definitely make something out of them, because I agree it's about finding who's in the best position and who should do it in the end. But my comment was probably broader than that. So your comments are on point, or at least help us to make my broader comment into an actual proposal. Thanks.

PHIL CORWIN:

Okay. Alright. Martin, thank you for that. I don't see other hands up right now other than yours. Wait, Susan Payne. Let me note that we're 53 minutes past the hour, so we have 37 minutes left, and then Greg – and then Mary Wong. So I hope we can close

discussion on this shortly and move on our agenda, especially since we're going to be getting a revised proposal. But go ahead, and please keep your comments as brief as possible to fully express your thoughts. Susan.

SUSAN PAYNE:

Yeah, thanks. Super quick. What was occurring to me as people were talking and as I've been reading some of the chat, including the one that Jason has just recently posted, is that actually, we might find that it's a negative outcome for us to be too specific about who we think should be doing something.

In an ideal world, you want to identify who the party is and what you expect of them, but there is a contract between ICANN and Deloitte for the services that Deloitte operate and then there's another one, as Mary has told us, with IBM as well.

And we don't know what that contract says in detail. We've seen extracts of it, but not the full contract. And frankly, if that contract doesn't impose an obligation on Deloitte to do certain things, then us making a recommendation that they have to do something is simply going to be a waste of a recommendation, because when it comes to it, the board will say, "Oh, what a shame. Contract doesn't allow, therefore there's nothing we can do with this recommendation, at least until a new contract is entered into."

So I'm kind of suggesting maybe we don't want to be too prescriptive or we may find that our actual recommendation has no teeth.

PHIL CORWIN: Okay. Let me ask you one question, Susan. Contracts are usually periodically renegotiated and revised. I don't know the term of the contracts with IBM and Deloitte, but I assume there will be some opportunity – they're not forever – for ICANN if the community was strongly in favor of some educational role for Deloitte would be able to address that in contract renegotiations.

SUSAN PAYNE: Is that a question, Phil?

PHIL CORWIN: It's just my personal thought, with my chair hat off. If you want to respond quickly, and then we'll go on to Greg and Kathy, and then Mary, and then Claudio, and then hopefully we can put this item to bed until next week's meeting when we'll discuss a revised version.

SUSAN PAYNE: Sure. In which case I would say yeah, of course. As and when a contract comes up for renewal, one's able to renegotiate. But we don't know when that is. That's all I'm trying to say.

PHIL CORWIN: Okay. Greg, brief as possible, please.

GREG SHATAN: Thanks. First, I think we need to distinguish when we say this is a proposal. Are we actually proposing that this is a proposed answer

to a charter question, or are we actually proposing a recommendation that will ultimately come from the GNSO and go to the board? And whilst not necessarily a policy recommendation as such, it's going to have the force of a recommendation, or are we just essentially answering the question but not recommending anything? I think there's a big difference between the two.

Also, one of the problems with these last-minute proposals is – and I know we've had general discussions about this, but we haven't explored the contracts in any depth, so I don't know if they're public, what they say. We don't know other than anecdotally what TMCH does or doesn't do, and to assume that they only educate trademark holders, as it seems [this does,] is an assumption.

So I think we just need to kind of proceed carefully with how this gets expressed and what it's intended to accomplish. Thanks.

REBECCA TUSHNET: Can I raise my hand super fast?

PHIL CORWIN: Yeah, Rebecca, I'll put you in the queue. Kathy Kleiman, you're next.

KATHY KLEIMAN: I think Mary was next, Phil. Happy to wait.

PHIL CORWIN: Well, you're ahead of her in line, but Mary, did you want to inform us here? And then we can go back to the working group members.

MARY WONG: Sure. It's really brief because I realized that since some of the questions were asked of staff on the record – for those listening to the recording and not following the chat, maybe they'll miss the answers.

So to Martin's earlier question about whether ICANN Org has any control over the TMCH provider's website and marketing, the answer is no. That is their website and they produce the materials, they do the webinars, the outreach.

To the question about the contract renewal, it was an initial five-year term between ICANN and Deloitte that expired on the fifth anniversary of the first entering into force of a registry agreement under the new gTLD program, I believe. And then after that first five-year period, it is a consecutive one-year renewal unless there is a 180-day notice of termination.

So this is in the information that is on the Wiki page that I put in the chat earlier on when we were talking about SLAs, and so for those working group members wanting to refresh their memories, since we did talk about the TMCH a while ago, that page contains the contract information, the information about the trademark's functional specifications, the TMCH requirements, the guidelines and so forth. Thanks, Phil.

PHIL CORWIN: Yeah, Mary, before you go, two clarifying questions. One, has that initial five-year period ended? Has that been reached yet, or is that shortly in the future? And second, it wasn't clear to me whether renewal as is without any amendment versus termination where the only two options within the contract or whether either party can seek amendments to the initial text of the initial agreement at those renewal periods. Could you educate us on that?

MARY WONG: I can try, Phil. I believe that that initial five-year period has been up, and so we are in the one-year renewal terms right now. I believe as well that the renewal terms have not come with any substantial amendment of the existing terms of the contract, although I can double check on that. There certainly are termination provisions in the contract, but as I said, we're in the consecutive one-year term renewals right now.

PHIL CORWIN: Alright. Why don't you look into that? My question was whether either party to that contract can seek modest adjustments of the language at each one-year renewal period. So why don't you look into that and get back to us? And I think Kathy was next. Greg, is that an old hand? I thought you'd already spoken. Or is that a new hand? Greg is gone. So it's Kathy, Claudio, and was there anyone else on the phone who wanted to speak to this? I think it might have been.

REBECCA TUSHNET: Rebecca.

PHIL CORWIN: Thank you for reminding me. So let's go Kathy, then Claudio, then Rebecca, and then we'll see if we can close this one out for today. Kathy.

KATHY KLEIMAN: Thanks, Phil. I think this proposal raises some interesting questions and we're hearing about some gaps. So I think this is really important. The contract doesn't worry me. Nearly every one of our questions, revised charter questions impacts a contract somehow or another. So I'm not worried about that. We're all lawyers, we know how to redraft.

But the idea that we should be educating everyone, trademark owners, domain name registrants and potential registrants, seems to me to be a theme that we've heard about now throughout our discussions on sunrise and trademark claims subteams and others.

I thought we all agreed that the clearer the information is for everyone, the clearer the knowledge is about the rights protection mechanisms for everyone involved in this process, the better, and we've actually carved out specific smaller areas where we're providing additional information, additional translations to better inform that knowledge.

So I think this proposal kind of addresses – we've kind of sideloaded it a little bit, but this proposal seems to address that

general educational, informational awareness issue on a larger basis, and maybe fill in any gaps that exist. So it seems valuable, and I look forward to seeing what Martin and others rewrite on this.

But I also want to point out that trademark.clearinghouse.com is a very logical place to go for information. It is run by Deloitte, it does come up on search engines. So the idea that it would have information that would point all three groups or anyone seeking more information about RPMs to the right places and provide more information seems very logical, and not very expensive. Thanks much. Bye.

PHIL CORWIN:

Okay. Kathy, thank you for that. I'm going to call on Claudio. I need to step away for 60 seconds. So Claudio, you speak. If I finish before I'm back online, Rebecca is next, but I'll be back in just about 60 seconds. Go ahead, Claudio.

CLAUDIO DIGANGI:

Thank you. Yeah, just looking this over, I think Martin was just seeking to flesh out what was behind this question, and I think we probably maybe have more agreement than it may appear, but as Greg noted, it might help to get some additional clarity on the details. But I've been discussing this with Jason in the chat about who would pick up the costs, and Susan mentioned this would be a contractual issue, that would couldn't pin it on Deloitte. And Martin said in the chat that as the proponent of the proposal, he has no intention of pinning it on Deloitte.

So it sounds like there could be general agreement if maybe we could just flesh out the issues a little bit more, and see if it would fit in with the type of education that ICANN is doing, and maybe we could just scope it in a way where we're all kind of on the same page about it. Thanks.

REBECCA TUSHNET: Hi. I'm following directions to go ahead. I just wanted to say super quickly, Mary brought this up and Kathy reinforced it, I think anybody interested in this question should go look at what the TMCH website is already saying, because it's already out there, they're doing stuff, and I suspect that actually, a number of people might be surprised at what's up there. Maybe not, but certainly if you're concerned about this issue, I'd strongly encourage you to look at it, because it's the first place that people find when they go looking for information. And there is plenty of information on that site. Thank you.

JULIE HEDLUND: Before Phil comes back, I just wanted to note that there is someone who joined the call. Then number starts with 1203 and ends with 427. Whoever this person is, could you identify yourself, please?

MICHAEL KARANICOLAS: I'm the one calling in. Thanks.

JULIE HEDLUND: Thanks for confirming, and we've held off on discussion of question 15 until you could arrive, and Phil Corwin is back now to chair, so let me turn it back over to you, Phil. Thank you.

PHIL CORWIN: Thank you. And let me ask, in my brief absence, has Professor Tushnet spoken?

JULIE HEDLUND: Yes, she has.

REBECCA TUSHNET: Yes.

PHIL CORWIN: Okay, and Claudio, is that an old hand, I'm hoping?

CLAUDIO DIGANGI: Yeah, it's an old hand.

PHIL CORWIN: Okay. We've had a good, robust discussion on Martin's proposal. If working group members want to provide him input as he revises his proposal, please do so. Martin will be looking for that revised language sometime later this week or early next week, and then we can return to a discussion of your proposal in its revised form on the call next Wednesday, the 23rd.

Based on the discussion, I don't know if we'll get wide support, but there seems to be enough feedback that this is a question of some importance that may be put to the community for their input, and perhaps that'll lead to consensus support for something in the final report. So thank you, Martin, for raising the issue, and clearly, there's broad interest in it.

So Michael, on question 15, before you speak, I summed up earlier that my understanding was that your proposal for the marks entered into the trademark clearinghouse database, that where we left it last week was that it looked unlikely to get wide support but that it was regarded as an important question on which there were strong and fairly broad divisions within the working group and that your proposal will be in the initial report not as a working group proposal but as a means of soliciting community input on the transparency issue and that staff will be working to develop initial report, contextual language that lays out both sides of the debate based upon all the transcripts of the discussion on the issue.

So with that teeing up, I solicit your feedback on whether that's a good way to proceed. And I see Claudio's hand up, but let's have Michael speak to it first.

MICHAEL KARANICOLAS: Yeah, thanks for that. We don't need to belabor this. Your explanation on the list was appreciated, and I think that I'm fine with just putting it out and noting – I think that the document that I sent around in the initial proposal is a reasonably good summary of the arguments for, and if you want to mention the source and nature of the opposition to it, I think that would be good to put out

for public comment and see what the community says. So I don't mean to belabor this. Thanks.

PHIL CORWIN: Okay. So you'll take yes for an answer. I've always found that to be a good strategy myself. Thank you, Michael. Jason, your hand is up. Did you have a comment on this?

JASON SCHAEFFER: Yes, Phil, just a quick point. I'm not going to belabor the point here, and I think it's clear they're going to go out to public comment. This is just me personally, I do not have consensus on this from anyone else, but one of the things that jumped out at me after seeing the e-mail exchange was I'm all for getting public comment on this, but if there was an opportunity to get consensus and get something out the door, would it make a difference to those in opposition if we had a – for example, working group review of an access to the database instead of a general public access to the database? Does that help assuage some of the stated concerns that have been well articulated and subject to extensive debate?

But if we're going to go beyond that now and not get to consensus, that's fine. I can take it offline with some people, but my hope was that we could get consensus and get something that made sense. But if that ship had sailed, that's fine, but I did say that – did want to at least present it to some of the group here that maybe there is a compromise out there. Thank you.

PHIL CORWIN: Jason, not to belabor this, but when you say working group access to the database, could you explain what you mean and for what purpose that would be for?

JASON SCHAEFFER: Well, Phil, that was just something that I was thinking of in terms of the responses that the e-mail engendered, meaning there's some concern from the brand side that they're going to be revealing their business secrets and IP strategies. And one thought I had – I don't even know if this is feasible – was that the members of the working group could have access to the database upon request.

Again, practically speaking, I'm not sure if that even works, but the point was that we do know from our earlier URS discussions that access to the data makes all the difference, right? And we'll get into the URS shortly, but when we had the calls before Panama, we went to Panama City, having access to the data, we actually spent months of time reviewing what the URS was doing and found that many of the theories that people had were debunked, and in fact, the data did not support some of the concerns that people showed regarding the URS and how the URS is being implemented.

So I'm assuming here that the same thing will happen with the TMCH. We'll either prove or disprove some of the theories that we're discussing and save a heck of a lot of time. So that was my thought of how do we get access to the data, not have to go around and have an analysis group give limited data. How do we really parse out what is exactly happening with the TMCH?

With the education, we'll be much better equipped to respond and manage it, so I was hoping we could find a consensus so that there could be access to data while recognizing some of the concerns that have been raised by the brand owners.

PHIL CORWIN:

Let me just say, Jason – and I note that Susan Payne has asked in the chat, “Do you mean for future review team?” Hearing you – given that we're about to pretty much close down our deliberations and start discussing initial report language in Montréal, if we got consensus for the working group to know what was in the database – and I'm not quite sure how we'd assure that that would stay confidential just within members of the working group – and we have dozens, if not over 100 of them. Dozens who are active, and well over 100 officially, members to then take that data and analyze it. I'm just envisioning that would add many months to our timeline and we would not be submitting an initial report on our current schedule if we were to do that now.

I see Susan's hand up.

CLAUDIO DIGANGI:

Phil, can I get in the queue?

SUSAN PAYNE:

Thanks. Jason, thanks for that suggestion. I think that has potential merit, but I can only really envisage it as having merit for some kind of iteration of this working group when the next review of the RPMs is envisaged, because I don't see how we could –

even if we put this out as an initial recommendation in this context, then we get public feedback, then we come up with our final recommendations. At that point, we're done and we can't be making changes to the access to the database with respect to people [placing their] marks in the database on one basis.

The current brand owners who put their marks in there had an expectation and an assurance of confidentiality. So we can't suddenly just open that up when they were assured confidentiality when they recorded them.

But I think if you were envisaging what we do the next time this kind of review comes around, how do we have better data than we have this time – we being the working group rather than us specifically – I think that does sound like it has potential merit that maybe we could be discussing and exploring.

REBECCA TUSHNET: Can I raise my hand?

PHIL CORWIN: Rebecca, Claudio. Alright, so I think I heard Claudio first, then Professor Tushnet, then Greg Shatan. And then I think we're going to have to stop and talk about the URS matter for a minute and return to the remaining items next call. So we'll definitely be having a meeting next week, that's for sure, to look at Maxim's revised proposal, Martin's revised proposal, and some other things, and some things we haven't finished today.

So Claudio, then Rebecca, then Greg, then Jason Schaeffer, and then it's 2:15, we have 15 minutes left. We're going to bring back up the URS and then I'll tell you what the co-chair sentiment was when we spoke yesterday. But let's wrap up this item right now. So Claudio. And brief, everyone, please.

CLAUDIO DIGANGI:

What I was going to say was – and I'm not sure if the schedule, the timeline permits it, but I was going to suggest that if a few of us wanted to form a small group to take a look at this issue, I've kind of already started doing what Jason mentioned, which I've looked at some of the examples that have been mentioned, like cloud and Christmas, to see if they're registered marks, what kind of goods they're for. And there are registered marks for those terms.

So I think we could do some of this on our own. Access to the data in the clearinghouse is just going to tell you this is the trademark, here's the registration number, here's where it was registered. We could basically do that on our own. And what I was thinking was that there could be other solutions that could help get to what Michael is getting at with his proposal.

We could end up in a situation where we just don't reach consensus on it and the status quo remains the same, where maybe [inaudible] progress on not going quite as far as his proposal goes, but making some other improvements that get to the heart of what his concern is about, and those things could maybe be fleshed out in that same smaller group. So I'd be willing

to participate in that small group with Michael [inaudible] some ideas.

PHIL CORWIN:

Claudio, we've already agreed that the issue of whether the database should be transparent in some way is going to be presented to the community in the initial report with contextual language presenting both sides of the argument. So I don't want to cut off discussion, but I'm not sure now what this extended discussion intended to amend Michael's proposal, or I'm just not sure what we're getting at right now since we've already agreed to ask the dcmy for its views on this question.

CLAUDIO DIGANGI:

So we're going to ask the community for its views, then we're going to get them, and I think we'll basically be where we're at now. I don't think that the community views are going to have a substantial change on our perspective. It might. So I'm not sure if it would constitute a change of this proposal, but maybe, yes, that is the idea, to see if you would be willing to either change it, go in a different direction, or maybe we just hold on until after the comments come in on the initial report and take it up then. But that's where I was coming from. Thank you.

PHIL CORWIN:

Okay. Again, please make it as brief as possible, Jason, and then the author of the proposal, Michael. And Rebecca. I think you were next, so let me call on you.

REBECCA TUSHNET: Thank you. So I understood that we're floating the possibility that an auditing requirement that would involve actually not just Analysis Group but the working group getting access is something that we could possibly see consensus on as a recommendation. And I just want to say I don't understand Susan [inaudible] thinks the Analysis Group getting access to the data was a violation of confidentiality. Given that, a similar ability to audit by some duly constituted group seems like it is equally unproblematic. And Analysis Group actually did reveal a bunch of data, including some specific marks that are in the database, which I think is good because it gave us something to talk about, but we could get more, and we actually need more to have better discussion. So that's where we might be able to find consensus. Certainly, I think we should talk about it. Thank you.

PHIL CORWIN: Alright. It's my understanding – it could be wrong – that this working group neither as a whole nor through a subgroup has any ability to access the complete TMCH database. Now, if we were to – when we present our final report, that will be the end of this working group. It will dissolve, the council will deal with our recommendations. The ones that they adopt go to the board, and then the ones that are approved by the board go to an implementation team.

So any recommendation for any group of community members or any outside consultant like Analysis Group to do some kind of analysis would take place after the dissolution of this working

group. So I just want to put this in context. Jason, Michael, and then we have nine minutes left and we're going to wrap this up, and return to things next week. So Jason.

JASON SCHAEFFER: Thanks, Phil. Yeah, I'm all for getting this out and getting public comment. It's a very important issue. It was a last-ditch attempt to try to find some consensus. I understand some of the issues, and yes, there are two proposals that are going forward. It's very clear at this point. But I think it behooves us to really think together how we can find a way to get access to this data. I hope Claudio was wrong, I hope actually we do get public comment that helps move the needle on this. I tend to agree he may be right. But I'll let Michael speak. There's no need to belabor the point. I just floated it so we can think about it and maybe regroup. Thank you.

PHIL CORWIN: Okay, and then Michael, I thought we'd wrapped up on your proposal, but apparently not, so go ahead.

MICHAEL KARANICOLAS. Sorry, I just wanted to clarify that these proposals are going forward on separate tracks, but it sounds like that's where we are. So as long as we understand them as distinct suggestions, then there's no need to go on further. Thanks.

PHIL CORWIN: Okay. So let me just ask staff – I'm going to discuss the URS survey matter in one moment – looking at the agenda, what's left aside from returning to revised version of Maxim's and Martin's proposals next week? Which of these items under number three remain to be discussed on next week's call?

JULIE HEDLUND: Thank you, Phil. We have not yet discussed question three since we're still discussing question two. We haven't discussed questions four, five and six, but none of those have proposals associated with them.

PHIL CORWIN: Okay. And we've closed the window on proposals for them, so we're just going to note them next week, but the window is closed for proposals on those charter questions. Is that correct?

JULIE HEDLUND: That's correct.

PHIL CORWIN: Okay, so that won't take long next week. So next week, we're looking at discussion of the two revised questions from Maxim and Martin. I don't know if there'll be any more discussion on the transparency issue. And just noting these deferred charter questions, but we won't be considering proposals.

Okay, let me very briefly give – and I invite my co-chairs to chime in after me to add to anything or correct anything I'm going to say

right now on the URS survey proposal, but the co-chairs had a planning meeting with staff yesterday. I want to emphasize, again, that this proposal for a U.S. survey is for a survey to take the temperature of the working group and not a poll that would in any way determine what happens to any of the 31 briefly vetted individual URS proposals that the survey would be to inform – to reacquaint the working group with the substance of those 31 proposals and to decide collectively whether it wants to put all 31 out or wants to spend some time reviewing them and putting out a lesser number based upon both the survey result and subsequent discussion.

We had a robust discussion of the concept last week. Two members of the working group spoke against it. Four members of the working group indicated support for it in the chat, and then we were surprised by staff yesterday that five members of the working group since there was a link to the draft survey had actually gone ahead and completed the survey and submitted it, even though we haven't formally put it out yet.

There was one other consideration that came up yesterday. We had proposed that since this was a survey and not a poll, and was not going to determine anything other than what I already stated the purpose was, that we not link names to the completed versions of this survey.

Kathy suggested that there might be less objection, and it might be more helpful for further consideration to have people put their names in, which was not done with the five who've already done it, but there's some consideration there and a recognition that if one or more members objected, we probably couldn't do that.

So to bring this to the bottom line – and I think we probably, since we have a call next week, aren't going to make a final decision until next week, and because even though we've put the survey out today, we wouldn't have results back in time for a discussion next week and we're not going to discuss this in Montréal – we're going to start working on the initial report in Montréal – the sense of the co-chairs was to put out the survey, let working group members who wish to complete it complete it. There's an open question of whether or not there should be names and affiliations associated with the completed survey.

So I wanted to give everyone a sense of where the co-chairs are at on this question, but I don't think – given that we're going to have another call next week, I would suggest that this be a matter for further feedback from working group members on the e-mail list between now and next week, and then if we put the survey out, which is the present inclination of the co-chairs, we'll do so after next week's call and we'll set a deadline shortly after Montréal so that everyone has plenty of time to review those 31 proposals and indicate whether they support including them in the initial report, oppose it, and then we can look at the results when we come back and decide if we're going to go forward with the original sense of the working group to put them all out or do some further vetting on them.

And I'd invite at this point, with two minutes left, Kathy and Brian, did you have anything to add to my summary of the discussion yesterday?

BRIAN BECKHAM: Nothing from me, Phil.

PHIL CORWIN: Thank you. And that was your recollection as well, of where we came out? And Kathy? Anything further on this?

KATHY KLEIMAN: Yeah. Phil, that is my recollection as well of our co-chairs discussion. I'm trying to figure out what would make people comfortable with doing a survey like this, particularly in light of other decisions in Barcelona and earlier, kind of how we make everyone comfortable. Thanks.

PHIL CORWIN: Okay. Michael, I do note your comment in the chat. Of course, we heard from you and Professor Tushnet last week. We know that you're opposed. I would normally – I'm just speaking personally now, not as a co-chair – put any substantial time into vetting these proposals and the decision to include them in the initial report was done after some meaningful vetting, I would be opposed to any reconsideration of that decision, but that's not the record.

The initial discussion of the 30+ proposals took place over three I believe two-hour calls, so the average amount of time devoted to each proposal was very short and it was not consistent with our practice on other issues.

CLAUDIO DIGANGI: Phil, can I get in the queue?

PHIL CORWIN: But again, we're going to open this up to working group feedback on the e-mail list over the coming week.

CLAUDIO DIGANGI: Sorry, Phil, I didn't mean to interrupt you, I was just trying to get in the queue.

PHIL CORWIN: Well, we're at the half-hour mark. Unless some member feels there's something that they absolutely must say at this point. Go ahead. Otherwise, we're going to close this call.

CLAUDIO DIGANGI: I'll pass. We can end on a happy note.

PHIL CORWIN: Okay. Let's need on a somewhat happy note, and the e-mail list is open for further feedback to the co-chairs and staff on the URS survey concept, and with that, thank you for joining. We do have several items to close out next week. And enjoy the rest of your day and have a productive one. Thank you. Goodbye.

JULIE HEDLUND: Thank you, everyone, for joining. Bye.

TERRI AGNEW: Once again, the meeting has been adjourned. Thank you so much for joining, and please remember to disconnect all remaining lines. Have a wonderful day.

[END OF TRANSCRIPTION]