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ICANN Transcription

Review of all Rights Protection Mechanisms (RPMs) in all gTLDs

Tuesday, 25 August 2020 at 13:00 UTC

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JULIE BISLAND: Good morning, good afternoon, and good evening. Welcome to the Review of All Rights Protection Mechanisms (RPMs) in All gTLDs Working Group call on Tuesday, the 25th of August, 2020.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room.

I would like to remind everyone to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid background noise. As I reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior.

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With this, I will turn it over to Brian Beckham. You can begin, Brian.

BRIAN BECKHAM: Thanks so much, Julie. Welcome, everyone. It's good that we seem to have a little bit more than normal, so I think we can skip the usual song and dance of waiting a few minutes to see if people are going to join. Given that we have a reasonably meaty topic, what I'd like to propose is that we kick off.

What I'll do is I'll jut ask if there are any questions regarding the agenda. We have one item on our agenda today. That's the review of Overarching Question #2 and the comments that were submitted. We'll see where we get with that. So that's the agenda for today. So let me ask. Any questions or comments on the agenda. or any updates to statements of interest?

Okay. Seeing none, what I was going to propose to do today was—if you recall, this was a proposal originally put forward, I think, by David McAuley of Verisign in the form of a question: should the URS apply to all TLDs as a consensus policy?—if it works for everyone, turn over to David briefly to give us a brief recap on Overarching Question #2 and his proposal from some time back. Then what I think might make sense … I've gone through and have taken a Cliffs Notes version of the public comments, and I think it might be worth a few minutes just for the benefit of anyone who might not have had time to fully go through those and prepare, just to get us all up to speed and on the same page. Then we can kick off the conversation. If that works—I'm not seeing any hands raised or any comments in the chat—I'd like

to turn over to David for a brief reintroduction to this question. Then we can look at the comments that were received and then kick off the conversation. David?

DAVID MCAULEY: Thank you, Brian. I just want to check, Brian, that you can hear me.

BRIAN BECKHAM: Yes. Loud and clear.

DAVID MCAULEY: Thanks, Brian. Hell, everybody. What I'd like to do—thank you, Brian; my note in the chat just now was just meant to be a response to Brian, who asked me if I'd like to speak about what I had raised as a question—is make a proposal. This is a consequential proposal to make URS a consensus policy. So I'd like to revisit the question that I asked, as Brian indicated, then I'd like to make a proposal around it. But, because it's consequential, I would also like to ask the Chairs to give me a chance to put this on list, too, for those members of the RPM PDP Working Group who are not with us today so we could turn to hopefully wrapping this up next week or the week following.

In any event, the question that I asked for public comment, when we sent this out for public comment, did mirror one of our general questions—what we call an overarching question—in our charter, and that question is –I'll quote it here—"Should any of the New gTLD Program RPMs, such as URS, like the UDRP, be

consensus policies applicable to all gTLDs? And, if so, what are the transitional issues that would have to be dealt with as a consequence?"

What I'd like to today and I'm formally doing on behalf of my employer, Verisign, is proposing that, in fact, URS does become consensus policy. I'd like to briefly indicate my reasons, Brian, and then turn it back to you. Doing this—making URS consensus policy—would greatly enlarge application of what has become an important and effective tool for addressing trademark infringement. In doing that, it also addresses other forms of abuse that be carried along by infringing cybersquatting domains. This includes technical DNS abuse, like phishing, pharming, delivering malware—things like that—and also some forms of content abuse, like selling counterfeit goods on a cybersquatted domain site. All the URS is is a rapid suspension mechanism. We haven't changed to a transfer mechanism. This is only for domains that are both clearly infringing a trademark and being used in bad faith. The bad faith can be anything, like the things I indicated above— DNS abuse or selling counterfeit goods, etc. I think it's important to note that the kinds of harms that are potentially addressed this way are not limited simply to appearing in new gTLDs. These are harms that appear across the board, and a rapid domain suspension mechanism makes sense wherever this kind of abuse can be found.

I think it's also noteworthy that we, in my opinion at least, have found no substantial evidence that the URS has been abused. In fact, we've no[t] learned that there's any abuse of URS at those

legacy TLDs that have, by contract, adopted URS. I Think that's an important point.

I am looking at notes, and I see that … I can't believe my microphone is fading. Brian, if there is a procedural issue, I'll turn it back to you, but I do have further things I would like to speak to. I believe my microphone has … Tell me if my microphone is so bad that I need to switch.

BRIAN BECKHAM: Thanks, David. It's coming in and out a little bit, so I don't know if there's something you can do on our end to maybe address that.

I'm seeing there are a couple of hands raised in the queue and a comment from Zak in the chat. So what I wanted to is, I think, speak to possibly the questions that are being queued up and to Zak's comment. I had a slightly different understanding, David, in terms of when I mentioned reintroducing the topic. I mentioned earlier that this was framed in the form of a question initially: should it apply? What I understood—our task here today—is we are in the same boat as when we looked at the individual proposals which weren't working group recommendations. We were looking at the public comments to see if there was any new information provided in those public comments that would provide a basis for the working group coming to a recommendation. So, in my view, that was in effect the task before us today: not so much to hear a proposal to turn the URS into a consensus policy, although certainly that's the prerogative of Verisign to advocate for that, but really to look at the public comments and see whether those steered us in the direction of coalescing a recommendation.

I have, of course, gone through and done a summary version of the comments that I can share, but before I do that, I suspect that probably some of the questions have to do with this point of order. I don't know what order they came in. I see on my screen Kathy, Zak, and Jason Schaeffer, so maybe we can go in that order if that works. Kathy?

KATHY KLEIMAN: Great. Thank you, Brian. Can you hear me?

BRIAN BECKHAM: Yes.

KATHY KLEIMAN: Terrific. My understanding was similar to yours. I thought that today we were looking at General Overarching Charter Question #2, the last of the questions/comments, last of the public comment review tool, issues that we haven't yet reviewed. So I would truly value knowing the summary version that you've created and the ability to dive into this rather odd donut that we're looking at together because this is more than URS. These are broader questions. My understanding was yours: that we proceed as normal on this, having already gotten past Individual Proposal #31. Thanks. Back to you.

BRIAN BECKHAM: Thanks, Kathy. Zak?

ZAK MUSCOVITCH: Thank you, Brian. I agree with Kathy; my understanding of what we should be doing procedurally is going over the individual proposal, #31, that David McAuley made, probably reconciling it with General Overarching Question #2 and determining whether these overlap and whether we're consolidating them comments on them or whether we're treating Individual Proposal 31 in the same way as we have other ones and then turning our attention to General Overarching Question 2.

But, whatever way we proceed, is not the time to make any kind of proposal that it become consensus policy. We're going through the procedure the same way we have for months now. So, if there's going to be arguments about whether it should or should not become consensus policy, by all means, make them at the appropriate time. But in my view, this is not the appropriate time. Thank you.

BRIAN BECKHAM: Thanks, Zak. I think, Jason, maybe your comment was covered by others. I see Kathy, Susan, and Mary. Maybe, Kathy and Susan, if it's okay with you, I'll call on Mary to see if she has possibly a procedural or operating procedure-type intervention.

KATHY KLEIMAN: Sure. And my hand is down, Brian. That was an old hand. Sorry about that.

BRIAN BECKHAM: Okay. Mary and then Susan.

MARY WONG:	Thanks, Brian. I stuck up my hand for staff, but I think either Julie or Ariel is going to explain the staff perspective on this.

JULIE HEDLUND:	Thanks, Mary. Just as we confirmed in the chat, and as Susan noted, there was an individual proposal. It was a proposal put forward by David McAuley. The working group did discuss that proposal, although it did not conclude anything on it. But it was held over to be dealt with when the working group is discussing this Overarching Question #2. So procedurally the working group is doing what it had agreed to do, which is revisit this proposal, which is in the form of this questions, which was put out for public comment. Now we have the comments to consider. Thank you.

BRIAN BECKHAM:	Thanks. Susan, I'm guessing that your comment was covered there.
	Maybe, if it's okay with everyone, what I propose to do—I'm sorry we got a little astray there … I think, for me, the way I see it is that, of course, we know there was this individual proposal or question put in from David sometime back. We know that we have the overarching question. We have public comments. So, if I'm not overstating this, practically speaking, we know that Verisign is advocating for the URS to apply to all TLDs as a consensus policy. That is precisely the question that we're supposed to ask. Maybe we got a little out of order with that.

I will note that, when I was looking over the comments, both for Question 2A and Question 2B, there were no comments submitted. I'm going off of the summary here, so, please, if I'm overlooking something that isn't in the summary here, correct me. But it appears that both the Registry Stakeholder Group and the Registrar Stakeholder Group did not submit comments, at least as a constituency, on those two questions.

So, if that is agreeable to everyone, just to recap, we know that, now, there was the original proposal from David/Verisign. We have the overarching question in front of us. We know Verisign's position. So my suggestion is we go through the public comments with a view towards, as we've done for the individual proposals, seeing whether the public comments provide a basis for the working group possibly coming to a recommendation on this topic.

Maxim?

MAXIM ALZOBA: Just a short clarification. Registries do not post comments on other registries. It's a policy inside of the constituency. So it's not [that] we don't care. It's internal policy. Thanks.

BRIAN BECKHAM: Thanks, Maxim. I think that's under the assumption that this question would go towards .com and .net, which are operated by Verisign. But, of course, the question is broader. It speaks about a consensus policy. So practically that may be more narrow, but at least in principle it's a wider question that an application simply to one registry.

David?

DAVID MCAULEY: Thanks, Brian. Speaking now over the phone, can you hear me?

BRIAN BECKHAM: Yes.

DAVID MCAULEY: Thank you. If we go through the public comments now, that's fine. I would like a chance to put the reasons that I have for URS becoming consensus policy on the record in this call. So I could finish it now or I could do it after we talk about public comments, but I would like to do that. Thanks.

BRIAN BECKHAM: Yeah, David, I think you started on that earlier. So maybe, if it's okay, I can run through the public comments summary very quickly. That might launch us into a discussion which I think would be a nice vehicle for you to put those comments on record. Of course, we're meant to be looking at the public comments that were submitted, but of course, the conversation naturally meanders into views that members on the call have.

Let me just run through this very quickly on 2A. Again, this is to see if the comments point us towards coming together for our working group recommendation. It looks like—I'm going to go maybe a little quick; if, Ariel or Julie, you can help scroll, and people can see the full text—AIM and the BC said that, if the URS

was applied to all registries, that should only be to new registrations post-adoption of the recommendation.

I have a note for myself: "See the Com Laude comments below." Com Laude had commented that because, if we just zoom out a little bit, the question is about RPMs generally, and the URS is given as an example. But the Com Laude comment was that application of new gTLD RPMs should also include the PDDRP. And other commenters had said the same with respect to the Trademark Clearinghouse and claims processes.

So basically there's a small contingency advocating for application of all of the new gTLD RPMs across all TLDs. AIM and the BC had advocated for the URS.

There were a group—Com Laude, MARQUES, the GBOC, the IPC, the BRG, and a group called First Place Internet (I'm not familiar with them; I don't know if others are)—had said that application of new gTLD RPMs should also include the PDDRP.

The BC comments I was a little unclear on. I was hoping maybe Zak or someone on the call that works with the BC could help us unpack that a little bit. They speak about the appropriate process. I think that that's precisely what the eventual consensus call on this working group is, but if it was intended to cover something else, that would be useful to have some clarification around.

We had another grouping, which was including the Wikimedia Yale Initiative on Intermediaries, the Domain Name Rights Coalition, American University, the NCSG, Article 19, and a number of individuals, a group called Premium Traffic,

NameBright, the ICA, and Digimedia, taking the position that the URS should not apply to existing TLDs, only to new gTLDs.

The ICA had raised a question that there would be potentially an issue with respect to "longstanding registrations." When I was running through this, I had a little bit of a question as, to when people talk about potential application going forward, whether that would be for new registrations and would that include acquisitions? For somebody registered a domain name ten years ago, and I purchase it next year. Would that be included? Would there be potential complications around privacy and proxy services, where we don't actually know if there are underlying changes? So I think, for me, there was a little bit of a footnote on what it means about longstanding registrations and applications only post-adoption of the URS if that was agreed to by the working group.

So, if I could summarize, the long and short of it was, as has typically been the case with a number of the topics here, we had a number of non-responses. We had a number of responses in support. And we had a number objecting to that. Very, very roughly speaking, my tally was that about two-thirds of the comments were against application of the URS. I guess I should be a little more precise. The question is to all new gTLD RPMs, but I think really the URS is the prime focus. So about two-thirds of the comments were against the application of the URS to all TLDs, and about one-third of those were for its application. Of course, underneath all of those comments, those range from individuals to organizations speaking for large groups of

individuals or businesses. So just a slight note of caution of not being overly numerical about that.

I hope that's been a reasonably objective summary.

Maxim, I don't know if that's an old hand or a new hand. Maybe I can call on you first and then—I see it was an old hand. So I see Jason Schaeffer and Mary. Mary, do you have a preference as to the order?

MARY WONG: I'm happy to go after Jason, Brian. Thank you.

BRIAN BECKHAM: Okay. Jason, why I don't call on you and see where we land.

JASON SCHAEFFER: Thank you, Brian. Can you hear me?

BRIAN BECKHAM: Yes.

JASON SCHAEFFER: Okay. I appreciate David's work and his initial statements. However, I'm a bit confused here. I'm looking at the public comments. I came into this call like you. I see approximately—we're not going to be exact here—two-thirds of substantial opposition of those that chose to respond. If we're being consistent as we've operated throughout this working group, I

don't see—I'm happy for someone to elucidate and provide more guidance here—support for this in the public comment. So I'm not sure why we're running ahead and then looking at Verisign's ideas and proposals and thoughts.

With all that said, I want to be clear also on the record that I too am for finding a way to, as David was articulating, eliminate phishing and cybersquatting and all the nefarious actions that go on on the Internet. We all are here united in that effort. But, on the record, I don't think the URS itself is suited for that at all. I think we could all agree, if we're being honest, it is not well-suited for it and we need a different program for that, a different policy and procedure, but that's well past what we can deal [with now. We can talk about] that another time.

But right now, what's in front of us I don't see the support for. The donut doesn't show it. The public comments don't show it. So I'm happy to hear otherwise.

BRIAN BECKHAM: Thank you, Jason. I tend to come to the same conclusion as to the support from the public comments.

Maybe what I can do, if it's okay, Mary, is tee up David after Mary, if I can call on you and ask specifically if there were public comments that Verisign's proposal seeks to react to or whether it's possibly a more general position as to the potential application of the URS. Mary?

MARY WONG:	Thanks, Brian. Just a couple of pieces of information that could be pertinent to the working group's discussion at this point about this overarching charter question. Since we really are talking about the legacy gTLDs, staff thought it be useful to note that there are some legacy registries that have renewed their registry agreements, and some that have not. Of those that have only .com and .net, [inaudible] do not have URS in their agreements. There are three other legacies that have not renewed, and therefore, at this point in time, do not have the URS in their agreements. These have .[arrow], .name, and .post. I hope that's helpful.

BRIAN BECKHAM:	Thanks, Mary. It's always good to zoom out a little bit and see where things stand.

Kathy?

KATHY KLEIMAN:	Sorry. Coming off mute. I just wanted to say I agree with procedurally … Thank you for the comment and the summary. I agree with about two-thirds of the comments [that] appear to be against consensus and that the driving force in this consensus discussion is the URS. It's the prime focus, as you said. I think the donut is pretty clear—not that we love the donut. So it sounds like that's our summary at this point. So I just wanted to let you know that what you said makes sense. Thank you.

BRIAN BECKHAM:	Thanks, Kathy. I don't know, David—I don't want to put you on the spot if you feel it's not the right moment … There's been some chat. Griffin has raised a question about, well, if others are adopting, why not all of the legacy TLDs? I think, look, that's a fair question, but it's not the question before us. The question before us is, what do the public comments tell us in terms of answering our overarching question. I don't want to purport to decide here, for those of us on the call or for the working group. We can all look at the donut. We can all look at the comments. I was merely trying to tee up a conversation to see where the public comments lead us. It seems reasonably clear, but I think it's an important topic that we ought to hear from people on the call about.

I don't know if people have particular thoughts on if there are particular … Unlike some of the other, if I can put it this way, individual proposals where there were some suggestions in the public comment that would, let's say, smooth off some of the rough edges of a proposal that might steer that towards a potential working group recommendation, most of the public comments submitted here tended to be a bit more either "We support this" or "We do not support this." Of course, there was some reasoning behind that. But, in other words, it didn't seem like a lot of the public comments were saying, "If this small adjustment were made, then they would support this," or, "If this adjustment were made, we would feel differently about it."

So, again, I'm really curious if people can help us go through the process of looking at the public comments and seeing if that doesn't steer us towards a potential recommendation. If they

don't, then that also helps us to answer this overarching question by way of saying that there's a divergence of views on this topic.

And don't forget that there will be a Phase 2 of this working group and the question of the URS. Certainly, there have been some suggestions that that could be appropriate to come back to in Phase 2 to look at the URS alongside the UDRP.

I have Greg and then Paul McGrady. Greg?

You may be on mute, Greg.

GREG SHATAN: Sorry about that. I not so much double-muted, but every time I touched my tablet screen, I went away from Zoom. Probably a PTSD from yesterday's Zoom meltdown.

But, in any case, I looked at the donut, and I don't find it particularly instructive about anything other than divergence from the public comments. The single largest grouping is "no response," which in and of itself is neutral, but it's still a place in the overall donut. Then, if you combine the two reds, they're a little bit less than that but still only about … Or maybe they're exactly the same as that 32.7%. So a little less than a third. We [have some] that have comments. Then I guess the ones that eliminate one or more RPMs you could group with the reds, perhaps, which would get you another three or five percent. So now you're maybe up to 40%, but that's still a minority of the total. Then we have the various shades of green that add up to less than the reds, but, again, it's a lot less than the grays. Of course, none of this should be read slavishly as some sort of quasi-vote. And, if it is, what I

have not done is looked at who gave comments in which regard and which ones are individuals and which ones are consortia or representatives of many or the like.

So my overall view is that the donut … Of course, we also don't love the donut. The tyranny of the donut is not total. It is not being re-nominated by the RNC. So, overall, I think that this is a question. It comes right back to us as a working group. I think that, given where we stand in the progression of the URS, it makes a lot of sense for it to be a consensus policy and for it to be managed as such going forward. Thanks.

BRIAN BECKHAM: Thanks, Greg. I have a little bit of a queue growing. I have Paul McGrady, David McAuley, Zak Muscovitch, and Phil Corwin. Paul?

PAUL MCGRADY: Thanks. I'm not commenting to offer an opinion on whether or not it should be a consensus policy or not. I don't really use the URS. It's not a terribly great mechanism. But I do have a question about the process within the working group. I was always under the impression that this was one of those big questions that the working group kept not talking about because we were going to talk about it at the end. Then we put a question out for public comment to get public comment on what might be some of the answers. But we've really never discussed this. If that understanding is incorrect, great, please correct me. If it is correct, then I think that we really have a process question: when this

working group is given a big question to answer, is the process that we go to public comment, get public comment on it, and then try to deduce from public comment what the answer is? Or do we try to answer the question and then put the answer out to public comment to see if the public agrees or disagrees with us?

So I'm wondering. If somebody can just refresh all of our memory on the history of this, have we discussed this at great length? Or did we punt this and put it out for public comment? If the latter, is the proposal that working groups take big questions, put them first out to public comment, and then the working group is constrained by public comment? Or is it the more traditional working group route, which is the working group actually discusses the topic? Thanks.

BRIAN BECKHAM: Thanks, Paul. I think that's a relevant question. I notice a comment from Susan Payne in the chat about Individual Proposal 31, and I was asking the staff behind the scenes if they couldn't help pull up our conversations on Individual Proposal 31. I think that could be useful here because, certainly, Paul, you raise a fair question. I think it was the Barcelona meeting where we felt some exhaustion, so we pushed some of these down the road. So, certainly, we need to cover this off. This is part of that conversation: the public comments on whether this should be a consensus policy. So we have the public comment on this. I think it could be, again, useful to look at the conversations that we had around comments on Individual Proposal 31 to round that out.

Thank you, Ariel. I think that probably is you putting that up on the screen. Would it be useful to scroll down to the working group final deliberations summary really quickly? I appreciate there's still a little bit of a queue, but I think it could be useful just to refresh our memory on the conversation we had around that.

Apologies. This is a little wonky. I'm reading on the screen with everyone else. So it looks like, Paul, to you question, that we had agreed—apologies; I'm a little fuzzy on this—to come to that when we come to this—that's come to 31 when we come to Overarching Questions 2A and B, which we're at today—and that we would look at the public received on 2A and 2B, which is what we're doing here today. It looks like, if you could scroll down a little bit, Ariel, it's those bullet points there that really are the meat of people's views on this. It looks like those are, let's say, the positions that people have on … If I can put it this way, they're an answer to the question of 2A and 2B. So I think, in other words, Individual Proposal 31 and Questions 2A and 2B are quite linked, so the conversation happens really together. We've harped 31, so we're here looking at that in conjunction with 2A and 2B here today.

I want to make sure that I'm managing this appropriately in terms of people's understandings of the process, which is that perhaps I slightly misstated this earlier when I said we're here to look at the public comments to see if we can come to a recommendation. I overlooked the fact that we had parked Individual Proposal #31 in terms of its relation to Questions 2A and 2B here.

I wonder if it's not useful at this point to call on David to see if both he could answer the question as to whether there were specific

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public comments that might have informed the thinking on his Individual Proposal 31. That maybe can trigger a conversation on Individual Proposal 31 and the comments we received on that so that we do have the full discussion around this question of the URS as potential application to all TLDs.

David, before I call on you, if I can call on Zak, I think he may have a comment about the process. Apologies for waffling a little bit here, everyone, but I want to make sure that we cover all of the necessary bases but also don't wander into territory that we're not meant to be in. Zak?

ZAK MUSCOVITCH: That's quite all right, Brian. My comment can wait. Let's hear from David then, please. Thank you.

BRIAN BECKHAM: Okay. David, is that all right if I call on you now?

DAVID MCAULEY: Brian, hi. Can you hear me?

BRIAN BECKHAM: Yes.

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DAVID MCAULEY: Thank you. I was not part of the subgroup that looked at this. I mean, I was part of the subgroup but I was not actively involved in this.

But let me react to the public comments this way. First of all, I think Greg made some salient points about it. Also, I think you just alluded to them. Or maybe it wasn't you but someone prior, speaking about the size of organizations. We don't have a scientific way to weigh public comments, but I think we've recognized in the past that there is a difference between one individual comment and a comment by a large organization.

But the other thing I'd like to say about public comments is that there are public comments that the URS was designed for new gTLDs. In fact, you'll read that when you look at the rules. What I'd like to say about that is that that was eight years ago. Since then, URS has been tested and found efficacious, at least in my opinion. And I think the work of this group bears that out. Over 800 cases. I guess it's closing in on 900 now. So I think that has a bearing. So I think those public comments, yes, are accurate, but I don't think they're any longer pertinent.

The other thing I'd say about that is what I was alluding to in the reasons that I was giving on this, and that is that the harms that come along from cybersquatted domain sites or not limited to new gTLDs. So I find those public comments non-persuasive, simply. I'll just call them non-persuasive.

The other thing I'd like to say—I don't know if this is the time to say it—is that there was some process discussion about individual proposals, etc., etc. Let's not forget that there's an overarching

question on this topic. I think Paul McGrady raises a fair question. Will we discuss this? I personally think that we should. I think it's going to take a week or two to make a decision. It should go on list. I'm happy to do that. But those are my thoughts for right now. Thanks, Brian.

BRIAN BECKHAM: Thanks, David. I have Phil, Zak, and Rebecca. Phil?

PHIL CORWIN: Thank you, Brian. Can you hear me okay?

BRIAN BECKHAM: Yes.

PHIL CORWIN: Okay. Thank you. I want to make it clear I'm speaking entirely in a personal capacity and not in my position as a Co-Chair.

Let me say a number of things. Number one, we're halfway through this call, and we really haven't had any substantive discussion on whether or not URS should become a consensus policy and, if so, subject to what transitional rules because we've been discussing procedure of whether we can have that discussion, which I find disappointing. I think this situation is quite unique. We're dealing with both an overarching question and a separate individual question, number one. We have never debated a proposal. We've had discussions generally around this topic. We've never debated a specific proposal on this subject.

Number two, so far as the donut goes, I think staff has noted that the minority that wants it to be consensus policy is [large] organizations. The majority in the donut that opposes that is mostly individuals. So I don't know how you weight that. I have to say I don't find the argument that URS was meant to be new for TLDs to be a convincing one when our charter requires us to make a decision on whether or not it or any of the other appropriate RPMs should become consensus policy.

But let me cut to the chase here. If this working group decides on procedural grounds that we shouldn't have a substantive discussion on whether URS should be consensus policy and, if so, under what transition rules, so be it. But I think everyone should be aware that that decision is not a decision on whether or not it's going to come to the remaining six top-level domains legacy TLDs, at which it has not yet come through registry agreement amendment. It's a decision to maintain the status quo and leave that decision to the registry operators. We should all recognize it.

So far, as Verisign, David has made clear that Verisign supports it becoming consensus policy subject to whatever transition rules this working group deems appropriate to fill out things. We know that the majority of legacy TLDs have already adopted URS by registry agreement and that ICANN approves that after considering public comments. When it comes to Verisign, when the three TLDs implicated are com, net, and name, when com came up for renewal, the renewal agreements did not contain URS. To be clear, so far as David and I know, there has been no discussion within Verisign, much less any decision, on whether we

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would seek such an amendment in the future if this working group does not come to a conclusion.

But to reiterate my main point, a decision by this working group to not have a substantive discussion on this issue is not a decision to keep URS away from the remaining six legacy TLDs at which it has not been adopted. It's a decision to leave that decision to the registry operators. That's simply a statement of fact. Thank you very much.

BRIAN BECKHAM: Thank you, Phil. I have Zak, Rebecca, Jason, Greg, and Kathy in the queue. I think we do have to conclude this question. That's both Questions 2A and 2B—the overarching questions—and the conversation that we parked in relation to Individual Proposal 31. Those are basically linked in terms of the comments submitted. If you look at the bullet points that are on the screen there and you look at the donut or recall the comment that I gave earlier, in effect we're seeing the same types of comments.

So here's an idea. If it's not a good way forward, then please do speak up. But, given that we do have to close off Individual Proposal 31 and Overarching Questions 2A and 2B, what I would propose is that we take the public comments received, as Phil put it, and have that substantive conversation around answering Question 2 and see where that lands us and draw a line under this.

With that, I have Zak, Rebecca, Jason, Greg, and Kathy. Zak?

ZAK MUSCOVITCH: Thank you, Brian. Yeah, I agree with your comment a moment ago: by reviewing the public comments, we're in effect having discussion about the merits of URS. But, regardless, the positions of the various interests within this working group are abundantly clear from the comments. The conversation or debate about it is not going to change that. There's no widespread agreement either for the individual proposal or for the overarching proposal.

And I beg to differ with something that Phil just mentioned that I found rather remarkable. Now, I understand that Verisign has given instructions, and Phil and David have a job to do. I entirely respect that. But let's not for a moment forget that what, in essence, Phil just explained to us is that, if this working group does not support URS as a consensus policy, that somehow gives license to Verisign and ICANN to bilaterally negotiate it. They may try. They may succeed, but it would be wrong for them to do that in the absence of consensus in this working group.

Now, in terms of what David mentioned—that he doesn't see compelling reasons for rejecting URS or that the reasons previously given are no longer valid—I also beg to differ. We do not know what URS would finally look like, first of all. We don't know the final features of it, yet we're being asked whether it should be applied. I don't think that is the appropriate time to decide whether something should be applied when we don't know the final features.

But, in terms of the original purpose of the URS, the great, great difference between using a single panelist, $375 [shop], three-lines-of-decision procedure for a newly minted new gTLD is virtually worthless compared to putting on 140 million dot-comes

and 13 million .nets that have commercial value, sometimes in the millions of dollars. [When you] [inaudible] much more robust procedures required. That's why we have a UDRP. That's why it has more or less succeeded for 20 years.

So if someone doesn't find the argument compelling, fine by me. I find it compelling that the URS does not fit the purpose when you're not applying it to valuable domain names.

We've heard so many times that this is just for clear and convincing cases. We've heard that a case should be dismissed unless there's real clear and compelling evidence. But I've looked at some of these cases—we all have—and some of them have no rationale provided at all. Some of them find that, even in the absence of a website, in the absence of any evidence, it's still clear and compelling to spend a domain name. If you look at the five dot-org cases that have been filed since URS was unilaterally imposed on dot-org, two of the cases were dismissed. One was a questionable suspension, and two were apparently justifiable suspensions. The fact is that, if we apply URS to .com and .net, we might very well see tens of thousands of cases being filed that are nothing more than harassment of respondents because somebody can file it for $375, putting their registrants to expense, hassle, and risk of suspension.

Now, in terms of dealing with cybersquatting, phishing, and counterfeiting websites, there is a solution to that. It's not the URS. It should have been dealt with by discussing UDPR in conjunction with URS. We unfortunately didn't do that. It's not too late. We can come up with a much better solution, a faster one, a

more effective one, if we're dealing with those kinds of situations when we deal with UDRP. Thank you.

BRIAN BECKHAM: Thanks, Zak. Certainly, a lot of food for thought. I have some reactions, but I think maybe it's best if we hear from others. Rebecca?

REBECCA TUSHNET: Just checking. Am I on?

BRIAN BECKHAM: Yes.

REBECCA TUSHNET: Thank you. Actually, this is a good segue, especially given what Griffin just said in chat to what I was going to say, which is that, in fact, we had really extensive discussions of the substance of this. It's just that we didn't reach a real consensus on them which reflects why there is no consensus now. This is the question of whether the URS is a good idea in general. It is in fact the question about whether the working group should endorse it as a good idea for all gTLDs. So it's precisely the question, and it's the question that we fought to a standstill relatively early on in this process because there are people who believe that the URS has been proven a game worth the candle, and there are people who believe that it has not been proven that. Given what consensus is, that meant that we leave it in place for where it's in place. But that

also reflects that there was not consensus, that it was a good idea to impose it anew, just not proven. The most that we agreed on was that it might work. We didn't agree that it did work. That is really at the core of the question of its extension.

So, to the extent that we didn't have consensus on that before and that comments didn't give us anything new to get to that consensus, I do think that we have a result here. What Verisign bilaterally negotiates—I agree—is just not relevant to whether the working group has a consensus that this is a good enough thing to be extended. Thank you.

BRIAN BECKHAM: Thanks, Rebecca. Jason?

JASON SCHAEFFER: Hello. I think this is rather unfortunate. I do agree that we should be having substantive discussions, and we should have been having these discussions for along time. But, as Zak, I think, introduced, we should be having the discussion on, can we create a better, faster, more appropriate, and more suitable mechanism, and one that works? I'm all for that. Anybody is free to e-mail me. I'm happy to have those conversations. Maybe we can create something that actually works. I do not believe, in three years' time, that any of us, if we're being honest, can say that we're thrilled with the URS or that we can say that the URS is effective. In fact, someone on this call on the other side of the aisle, so to speak, said that it's not really a great process and it's not [really used]. So there's ample evidence that we are trying to just willfully

shoehorn something in and look the other way and say, "It's going to work just fine for .com." I think that's being a bit disingenuous.

I think it's fair to say yes … I certainly out of respect understand the arguments as to why we would want URS to apply and we want to stop and have a faster way to stop behavior. Great. That sounds phenomenal, but we know that URS is not ready for primetime. We've said that time and again. We don't even know what we're voting on because we don't even know what URS is going to look like at the end of this process. So to say that we're going to find consensus on applying this to legacy TLDs, which are, in fairness, wholly different animals than new g's is opening ourselves up for a potential disaster. Although it may be great for attorneys and consultants to have extra business, I don't think it's great for the public interest. I don't think it's great for free speech. I don't think it's great for trademarks, and I don't think it's great for registrants. I think we've demonstrated this. I know that Phil said we shouldn't stop this on procedures so we're moving on from procedure and we're entering into the debate on the merits, even tough I can't count many times on this call where conversations were stopped cold because of procedure. So either we know what the procedure is, either we know what our mandate is, or we ignore it. But it sounds like we don't know where we're going right now, and then we're all over the place. So that's not a good position to be in.

Final point is that everyone here who has been involved with this for the last decade knows that URS was intended because of the potential rush of registrations that may have happened in the rollout of new gTLDs. It was a concern that we were going to have

tons and tons of bad registrations over 1,000 TLDs, and we needed something better. It never was contemplated that the URS in its original form would be applied to legacies and domain names that potentially were 20 years old. It's just not appropriate.

So, in sum, happy to have a discussion on how we can get a better system in place, one that has appropriate safeguards, one that's faster. I'm frustrated myself, and I get calls many, many times where people are looking to take something down and I say, "We really don't have a good tool for that." So let's have that discussion at the appropriate time. I don't see how we have consensus, though. Thank you.

BRIAN BECKHAM: Thanks, Jason. I think we're landing in a good place, which is that we're having the discussion that Paul McGrady alluded to earlier. I think we're straying a little bit from looking at the public comments that came in to exploring positions that we've explored a number of times over the years. But, be that as it may, I think it's very useful that we're having this conversation. It's what we're here to do.

I will note that, before I call on Greg, one of the things that's been raised is that some people thing that the URS is great and should be applied, and others think it needs some more safeguards and it's not ready for primetime, as it's been put. So just to remind us that there is the possibility of coming back to the URS, I think one place we could land is to say in this first phase of the working group—we've looked at some of the URS—there were some issues with notification or languages, a checklist for examiners—

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that type of thing. So some obvious improvements were made around the edges. Then the bigger ticket questions, like the relation to the UDRP and the application across all TLDs, are really more appropriate for Phase 2 when we look at things a little more holistically.

Greg?

GREG SHATAN: Thanks. I think this is the discussion we should be having, [not just that] public comment review is intended to be part of a larger process.

So I have a somewhat different view than the last three speakers. First, I don't think that URS is so massively going to change that we don't know what it's going to look like. We largely know what it's going to look like. We are putting out a final report, after all, at least for Phase 1. So uncertainties around the edges.

In terms of how and when it was designed and discussed, the impetus was the New gTLD Program, but I've participated in that process, and I would not say that we were narrowly focused on the idea that we were creating something that could only be fit for purpose for new gTLDs but rather that we were looking more generically for a more rapid approach to clear and compelling [cases]. I think that, if we don't, as Phil notes, do anything about this, it goes on the way it has, and I think that ICANN Org and the registries are entirely within their rights to negotiate this. As has been noted, RPMs are a floor, not a ceiling.

I think that we actually would do everyone a favor if we adopted this as a consensus policy because then it could be managed as a consensus policy. It would be squarely within the ambit of the working group and of the multi-stakeholder model. Rather than leaving it to the bilateral negotiation of contract as the discussion—I was going to say "battleground," but that's a little too negative … Yeah, as the area where it's supposed to go. Now, it should be here and managed outward from here. I think that there is a dislike of it. If there are ways to get around that, that would … Now, it's important: if there are ideas for some ways to make it better, we can continue to explore those, perhaps even in Phase 2, God forbid.

But I think that what we have here is now tested nearly 1,000 times. We have identified specific issues, and we've dealt with them. I think there is nothing so different between the new gTLDs and the legacy TLDs. I think that the idea that this is only good for worthless TLDs and that the secondary market for TLDs somehow needs to govern the particular type of resource used to deal with clear and convincing problems in that area, just to my mind, doesn't hold water. I understand the commercial concern, but the policy concern leaves me a little dry. If I thought this was junk, I might tend to agree, but I don't think it's junk. I think it now has years of additional work put into it, and I think it's ready for primetime. Thanks.

BRIAN BECKHAM: Thanks, Greg. Just to refresh the queue, I have David, Nat, Kathy, and John. David?

DAVID MCAULEY: Thanks, Brian. I wanted to do two things. One is I think this has been a very useful debate on both process and substance. From Zak on one end to me on the other end, and everywhere in between, I think it has been conducted in good faith. I'm very grateful for that and thankful to the participants of this group.

I would like to respond briefly to one or two things that Jason said, and that is with respect to URS not being ready for primetime and that it might be a boon to lawyers. I have to agree with what Greg just said. This has been a tested system over the last eight years, and we're actually coming up with additional safeguards, like better determinations, educational materials, and better notice, so it's going to be even better. I think it is a workable system.

The other thing is that URS is a good complement to UDRP for the black-and-white cases that can be disposed of easily. In that respect, this actually may diminish the need for lawyers to get involved in the UDRP. Who knows?

But I do think that, as an overarching question, this group should address this. I also think, in addressing it, we should afford that opportunity to those that are unable to be in this meeting today. So I'll leave it to the Chairs, process-wise, how we do that. I would be happy to restate the question on list, but I think it's an important discussion. As I said, I'm grateful to all, but I think that there's others that may want to weigh in. Thanks very much.

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BRIAN BECKHAM: Thank you, David. Before I call on Nat, I see John McElwaine is in the queue. He's our council liaison. I just want to get an idea—I was maybe alluding to this a little vaguely earlier—of whether we can come to some resolution on URS-related questions in this Phase 1—we had some of the low-hanging fruit, the notification or language issues—and raise some of these deeper questions for Phase 2. Nat?

NAT COHEN: Thanks. You can hear me?

BRIAN BECKHAM: Yes.

NAT COHEN: Great. My perspective as a registrant is that I recognize URS as imposing a severe penalty because, while it's described often as a suspension of the website, it actually results in the termination of ownership rights because you can't renew the domain name and you can't transfer the domain name. It's a death sentence for your domain name. And it's not a really robust policy. It's not a robust process. It's a pretty cut-rate process. So it does concern me that this process is being considered for the 130 million domains that are registered under .com. Somewhat separate question, not really under the mandate of this working group: whether Verisign thinks it's in its own interest to subject all its registrants to this process and whether it wants to do so outside of the multi-stakeholder model and outside of consensus adoption of this between it and staff and bear the consequences of that. But the

possibility of them doing that does not necessarily mean we should be swayed in our own perspectives on how to approach [feeling] URS as a possible consensus policy. The view that you can equate a URS on new gTLDs to .com when the commercial Internet runs on .com and that the impact is hundredfold or more in terms of the impact of destabilizing the .com registry or the registrations of .com versus new gTLDs? There's just not comparison.

Also, in terms of abuse and the usefulness of it, as Zak pointed out, there have been five URSs on .org in the year or so that it's been available, out of a ten-million domain registry, that suggests that it's a solution in search of a problem, especially when 40% of those imposed an undue burden on the .org registrant who had to respond to unjustified URS in order to just prevent their loss of rights to new domain names.

As far as abuse-abuse follows where value follows, I reviewed the RDNH (Reverse Domain Name Hijacking) decisions since 2018. There have bee 98 of them. There have been three … Let me double check those numbers, actually. There's been, like, two or three on .org and two or three on .net. The other 90-some have been on .com. Not a single one on a new gTLD. What that tells me is that, if we open up URS to .com, we can expect a similar disproportionate level of abuse focused on .com and that what has happened under the new gTLDs does not give us any information about the level of abuse because we're seeing that the abuse is concentrated almost entirely on .com with a little bit in net and org.

I'll stop there and appreciate the opportunity to comment. Thank you.

BRIAN BECKHAM: Thanks, Nat. I have Kathy and then John. Then I'm curious where John leads us. I'm wondering if I can't make a suggestion for a path forward. But why don't we hear from Kathy. If it's okay with you, John, I'll go Kathy, Cyntia, and then John McElwaine. Kathy?

KATHY KLEIMAN: Great. Thank you, Brian. Thanks to everyone for this really passionate and important discussion. I will now take off my Co-Chair's hat and respond very much in the capacity as Greg did as someone who was on the STI, as you know. To the question that we haven't discussed the substance, I don't think we've debated any question more in this process in this working group. The number of people here today … The fact that we did not discuss this when we went through URS Individual Proposal #31 … As the record reflects the public comment deliberation summary, we had full and robust discussion then as we are having it again today.

The STI Greg and I remember very differently. I remember being very narrowly focused, and we were only talking about new gTLDs. Further, we were only talking about trademark issues and the kind of confusion. This is all the tapestry we were told of the Trademark Clearinghouse, trademark claims, and sunrise. I don't have to tell you. Then the URS was the final suspension to help in the confusion of the rollout of new gTLDs. Not once do I remember thinking about or talking about the URS for spam or for phishing as we talked, what, nine or ten years ago about the STI. This was a rapid takedown for trademark reasons. Other things should have to be tested and reviewed. I think we have our public

comments, and we've gotten an enormous number of public comments opposing from registrants.

So, if the question is, how do registrants feel, the ones who will be most impacted by what happens here—I think you heard from Nat and Zak and others—registrants feel very strongly that legacy gTLDs are different, and particularly .com and .net. You certainly heard that from academia and from the Non-Commercial Stakeholder Group and from numerous other public interest groups, like EFF and Article 19.

Procedurally, I think [we're a lot like] Individual Proposal #33 at this point, guys, which was the formal fix contract. The proposal was that all current and future URS providers should be brought under formal fixed contract with ICANN instead of the current arrangements. The summary was that, based on public comments received in discussion during meetings, the working group agreed that this proposal will not be preserved for working group consensus call due to substantial opposition garnered for public comment. While it received considerable support across the community, notable stakeholders, especially large organizations like providers and IP interests, were opposed to it. Here, too, large stakeholders, notable stakeholders, are opposed. I don't think we have the basis for consensus here if we're applying our rules.

Thanks so much, and thanks to Brian for this robust discussion. Thank you.

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BRIAN BECKHAM:	Thank you, Kathy. Cyntia and then John McElwaine. And then I see Greg coming back. Cyntia?
CYNTIA KING:	Hi. Can you hear me?
BRIAN BECKHAM:	Yes.
CYNTIA KING:	Perfect. First, thank you, Griffin, for clearing up the misunderstanding that I had in the chat. That was very helpful information.

I just want to address the issue at large here. The fact is that the URS was designed to take care of a very real problem, which is the swift suspension of obviously abusive accounts. Now, we can talk about the efficacy, and there's stuff that we can do to make it more efficient if we needed to. There's things that we can do, as we are recommending, to make sure that enforcement and testing is done on the URS to make sure that it's meeting its purpose as we define the purpose. But it's very obvious that there needs to be something that takes down an obviously abusive domain more quickly than a UDRP. Just that the COVID-19 people that were putting up phishing and other websites makes it clear, very clear, that, if there is something out there that is harmful to the public, there needs to be a mechanism to take it down quickly.

Now, I think the URS is the best that we have, folks. It may not be perfect. It's not perfect but it is the only thing that we have at this point, unless we're talking about creating an entirely new mechanism at this time so that we have something that can take down an obviously abusive and potentially harmful domain. We can talk about how we can make it better, what can we do to make it better. We can even talk about having this as a mechanism until there's something else—a new PDP in the next four or five years—that can come up with a different solution, but there has to be some mechanism to take down obviously abusive domains. This is what the consensus process came up with.

Should we apply this to the other TLDs? I think that that is a good idea, unless there's something else that you folks have that we can use instead because the UDRP just takes too long to take down a domain that is phishing people's personal information or offering bogus treatments for COVID-19. I'm happy to listen to other suggestions that you have. I don't see this mechanism as being the most terrible mechanism out there. Could it be improved? I think it can. But should we not apply it to the other TLDs, giving this tool to take down something that's abusive quickly? I think we're making a mistake if we don't consider the possibility. Thank you.

BRIAN BECKHAM: Thanks, Cyntia. Sorry to keep you waiting. John McElwaine?

JOHN MCELWAINE: Hey.   Speaking with my liaison and council hat firmly on here—I've been listening to everything—it's clear that consensus on this issue is not going to be reached, or it's very doubtful. But it's also clear that, on both sides of whether this should be consensus policy, concerns have been demonstrated, whether it's been some I heard that it needs to be able address abuse, or, like Jason was saying, that it needs to be more robust, and then others saying there are issues whereas it's not "ready for primetime." What I hear is that there are improvements that would need to go on.

So, at the council level, we have currently two items that I'm involved with that this overlaps with. First if we've got, burning on our to-do items list, addressing abuse in the DNS. As many of you on this call know, Subsequent Procedures was asked to take a look at that but decided not to and that it really should be looked at more holistically. So we've got that one topic going on. At the same time, I'm probably going to be involved with the drafting of the Phase 2 charter.

One thing to also mention is that the URS may have been developed for the new gTLDs. I've heard some saying again that it's not ready for the legacy TLDs, but it was based upon experiences coming out of the legacy TLDs. I think that's the conflict we're all here talking about.

Anyway, looking at what I currently see up on the screen here, what we probably could use in the final report so that we can make positive steps forward is some more detail as to why folks don't believe that it should not be part of consensus policy and what issues do they see to help the GNSO Council draft the next charter in Phase 2 and also to be looking at this topic, again, to

what Cyntia was saying, from a DNS abuse perspective: where can some of this information be provided to the GNSO Council to help our issues in those two spaces. So that would be very, very useful.

I would kick it back to Brian for maybe some suggestions from leadership as to how all of that could be taken in and digested without too much trouble. Thanks.

BRIAN BECKHAM: Thanks, John. Very helpful. I know that staff takes very good notes of these calls. I think one of the things that's certainly becoming clear to me over the course of this call is that, with these rights protection tools, they're not always the one size fits all. So we hear about ways to take down different types of abusive names. They may include the trademark or not. So there have been some questions about, does the URS sufficiently address certain types of behavior that ought to be addressed? Maybe that's one thing that can be flagged. Whether it's for Phase 2 or not is perhaps an open question. But those items that could be put on council's radar. So thanks, John, on behalf of the entire working group for helping us zoom out a little bit and situate this in council terms and in PDP terms. I think, to the extent we can come to some agreements here, that's great. If there are things that we think still need to be addressed, we have Phase 2 for that.

I think, Cyntia, that's an old hand, so I'll call on Greg and see if there are any other requests for the floor. Greg?

GREG SHATAN: Thanks. Just briefly, with regard to the claim that we've now heard from registrants, we've heard from one slice of registrants who perhaps have rebranded themselves as registrants, maybe not intentionally excluding all other registrants. But there are millions and millions of registrants of all stripes, many of which are business registrants and others. So I think we need to listen. I don't think what we're hearing is a "registrant" position. It's a position from some types of registrants, not a single type but from some types, and should be taken as such. It just rankles me a little bit to hear the term "registrants" being used as it if occupies the stakeholder group, which it does not. That is not to say that the position is less legitimate. It is just not such a big slice of the pie, much less an entire side of the transaction. I think we have plenty of representatives here of business registrants who have different views on this.

My last point I'll just come back to is that I think we would be better off taking this in as policy to be dealt with across all TLDs and as consensus policy that we manage rather than leaving it to the commercial binary. Thanks.

BRIAN BECKHAM: Thanks, Greg. Let me ask if there are any other requests for the floor or any other comments. If not, I'd like to maybe come back to something John said and see where we finish today's call. So I'll just pause for a moment for a last call for comments, noting that we're running up against time.

All right. I think, just to recap, today we've attempted to cover off Individual Proposal 31 and Overarching Questions 2A and 2B with

a specific focus on the URS, although, just to recall, Overarching Question 2 really speaks to all RPMs potentially being applicable to all TLDs.

But I think—this goes to a comment that Phil Corwin and Paul McGrady made about having the substantive discussion—these are not entirely new topics. We were looking at public comments that were submitted around these two questions. That's 31 and Overarching 2. In my view, I think this is an interesting topic we could talk for quite a long time on. We could possibly come to some resolution on some of the finer points.

But it seems relatively clear—I'm going to leave a little bit on John's summary of that for us—that consensus on the application of the URS to all TLDs is not something that we're going to agree here in this working group on this call today. I certainly don't want to cut conversation short if people feel that there's a possibility of getting that across the finish line, but I have to say that, based on our called today, based on the chat, and based on our previous discussions over the years, that seems unlikely.

So my suggestion—I'll confirm with the staff and the leadership and certainly welcome views on today's call and over the e-mail list—is that we look to identify the areas where we have made progress on the URS for purposes for noting some successes under Phase 1, noting some areas where there's still divergence, and other suggestions maybe where we haven't even covered off those topics substantively—some of the other types of abuse that may be unaddressed by these mechanisms that have been mentioned on the call here today—with a specific view for getting

those in front of the council or the appropriate body, whether that's Phase 2, if appropriate, or for another policy vehicle altogether.

Does that sound like a reasonably way forward for people? Again, I don't want to decide on the fly here. This is a group effort. So certainly it's something that I think is worth discussing amongst the leadership and the staff and the council liaison. So that's my quick take on where we've landed today, just for our collective feedback here this afternoon.

Let me ask if there are any strong concerns with that summary of where we've ended up today, to put it another way.

Okay. It's always a little unsettling to move forward in the absence of affirmation. I'm not seeing any strong objections. I think that's a fair summary. Phil, I'm call on you. I just want to queue up Julie or Ariel to remind us where we are for the agenda on our next call on Thursday. So Phil and Kathy, and then we'll do a final call for comments and wrap up today. Phil?

PHIL CORWIN: Thank you, Brian. I'm going to speak briefly in a personal capacity and then put my Co-Chair hat back on. I do believe we had a fairly substantive discussion. I was afraid we wouldn't, but we did. I'm disappointed. I think there was an opportunity here for the working group, for people on both sides, for people, to agree with some certainty if URS was going to come to the remaining legacy TLDs to shape the transition rules that would have said which domains it would have been applicable to and other potential transition rules.

But, putting my hat back on, I would agree with you. We can continue this discussion on the list. But, unless there's a major change, I would agree with your view that there's no consensus within the working group on this question and no desire to engage any discussions of transition rules that might accompany URS becoming consensus policy. So, unless there's a significant change in the next few weeks, I think the best we can do is inform the council to assist them, as John requested, in drafting the rules of Phase 2. Thank you.

BRIAN BECKHAM: Thanks, Phil. Kathy?

KATHY KLEIMAN: This is Kathy with my Co-Chair's hat on. Brian, I thought that was an excellent summary, a very fair summary, and I appreciate your comments as well as John McElwaine's guidance as we go to council. So it sounds like there's general agreement that there is not consensus on this and some paths to go forward. Thank you very much, and thanks for today's call.

BRIAN BECKHAM: Thanks, Kathy. We're just shy of our allotted time. I'm not seeing any requests for the floor. Just as a reminder, we have our next call Thursday the 27th of August at 27:00 UTC. The agenda for that, of course, will come through the list. So I look forward to seeing you all or a number of you there for discussion in a couple of days. Thanks so much, everyone. Have a good rest of the day.

[END OF TRANSCRIPTION]