
ICANN Transcription

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

Thursday, 17 September 2020 at 17:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance and recordings of the call are posted on agenda wiki page: <https://community.icann.org/x/zwG-C>

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

ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the Review of All Rights Protection Mechanisms in All gTLDs PDP Working Group call, being held on Thursday, the 17th of September, at 17:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now?

Thank you. Hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

microphones on mute when not speaking to avoid any background noise. As a reminder, those who take part in the ICANN multi-stakeholder process are to comply with the expected standards of behavior.

With this, I will turn it over to our Co-Chair, Phil Corwin. You may begin.

PHIL CORWIN: Good morning, afternoon, and evening to everybody. I see Kathy. Well, we've got 22, Kathy, and now 23 people are coming into the room.

KATHY KLEIMAN: That's great.

PHIL CORWIN: Fashionably late. We have a robust agenda today. We want to get through all of it if all possible, so I'm going to try to move this meeting forward as quickly as possible.

Before getting into substance, let me review the agenda. We have Sunrise Recommendation #2, which we had not previously addressed. We were waiting for a proposal back from Small Team 2. That proposal was distributed late yesterday. I hope everyone had a chance to look at it. In handling this agenda item, I plan to first review Sunrise Recommendation 2 and the existing draft language in the final report. Then, once we've concluded that review, we will hopefully hear from one or more members of Small

Team 2 to present their proposal for our consideration as an addition to that or supplement to that language. Then we will move on to Agenda Item 3, which is to get to the language from Small Team 2 on ALP. We've already reviewed Sunrise Questions 2 and 4, so we won't be repeating that, but we will be looking at that proposed language and seeing what the working group wants to do with it. Once we get past that somewhat old business, we're going to launch into review of the final recommendations on uniform rapid suspension.

Is anyone anticipating bringing up any other business if there's time for that?

Well, hearing no one, seeing no hands, I'll assume for now that there's no AOB items. If someone comes in and has some, if there's time we'll listen to that.

Let's launch into review of Sunrise Recommendation 2 and the existing final report implementation guidance. I'm just going to go over the text of the final recommendation and then let Ariel lead us through the new implementation guidance language, which I note has tried to respond to public comments.

The recommendation itself is a recommendation that the registry agreement for future new gTLDs for the next and subsequent rounds include a provision stating that a registry operator shall not operate its top-level domain in such a way as to have the effect of circumventing the mandatory RPMs imposed by ICANN or restricting brand owners' reasonable use of the sunrise RPM. This new proposed language for the registry agreement would be in addition to and more explicit than any existing language generally

requiring registry operators to comply with the requisite RPMs and other requirements for new TLDs that are set forth in the RA.

Ariel, could you lead us through the rest of the language? Then we can open it for discussion.

ARIEL LIANG:

Thanks, Phil. Yes, of course. The rest of the language you see in redline is the staff-suggested text for implementation guidance. This language is added due to the public comment suggestion, especially feedback from ICANN Org that some specific examples or a non-exhaustive list of examples and resources should be provided so that the future IRT have a better understanding of what type of registry conduct that may fall under this recommendation. So that's the background of this added text.

I would just read the first paragraph and not read word-by-word the following ones. In the first paragraph, we're suggesting the following text. "To assist the Implementation Review Team (IRT), which will be formed to implement recommendations adopted by the Board from this PDP, the working group has developed a non-exhaustive list of examples of registry conduct, and they have the effect of circumventing trademark owners' use of the sunrise period and trigger enforcement action by ICANN Org. The list was developed based on trademark owners' and the business sector's input as raised in working group deliberations and public comment."

In the following paragraph, we actually referenced the public comment from IPC in response to Sunrise Question 2. That's the

two types of registry operator abuse that they classified. So we basically referenced that language and used it here. I'll just read it for your reference. "Some primary forms of perceived sunrise abuse by registry operators include, the first point: withholding reservation or self-allocation of trademark corresponding domains with the intent of circumventing or discouraging the use of the sunrise period by trademark owners. Second point: discriminatory pricing practices designed to leverage the need for defensive sunrise registrations, including excessive pricing of sunrise domains, with the intent of targeting trademark owners either specifically or as a general class of registrants." So these are the two points we referenced based on IPC's public comment.

The following paragraph lists a non-exhaustive list of resources that provide further documentation and examples of the perceived sunrise abuses. That was also examples proposed by public commentators. So we listed them here. That includes .sucks-related correspondence and also .feedback-related reports. Then there is collated information from the RPM PDP Working Group related to perceived sunrise abuse. So we listed these items. These all were suggested by public comment contributors. So this is the suggested new text.

Just very quickly, I want to mention that, for the contextual language of this recommendation, it's essentially no change from the contextual language in the initial report. So definitely no change there. Then we just added a public comment review summary, basically providing information on why this additional implementation guidance were provided here: because of public comment suggestions.

So that's all for this recommendation from us.

PHIL CORWIN:

Thank you for that excellent review, Ariel. Can you scroll back to the new language—the green language? That's fine. I just want to point out, before opening this to open discussion, that, as Ariel noted, ICANN Org requested more specificity as to what would be addressed by this proposed new registry agreement provision. The Contracted Parties House, including the Registry Stakeholder Group, said that they supported this in principle but wanted to see more explicit language outlining exactly which conduct might be cited in that new provision and trigger enforcement. So we have adopted, or at least have put forward for your consideration, new language which includes a non-exhaustive list developed by the IPC and also a non-exhaustive list of resources that the IRT can look to if we adopt this proposal as fleshed out here with the implementation guidance that they can use to guide their suggestions to ICANN Org as to how such a new provision of a next round registry agreement might read.

With that, I'm going to be quiet and open this up to comments on the proposed implementation guidance. Once we finish that, we'll consider the new language sent forth by Team #2.

Maxim, please go ahead.

MAXIM ALZOBA:

I think the suggested list of examples is too wide because, for example, it says that reservation basically discourages the use of the sunrise period by trademark owners. But, as I mentioned a few

times before, for geo-registries, the reservation of domain names is the only method to deliver the domains to cities. These have no safeguards for geo-TLDs—yeah, the old example of police or [metro] or .city—because obviously it is discouraging the use of the sunrise period by those respective trademark owners. But it doesn't mean it's a bad thing. It's just the delivery of names to the public authorities.

Also, discriminatory pricing practice is too wide because, in situations where the trademark owners on purpose registered the trademarks which are just generic words, such as, I'd say, doors and other items which existed way before they were registered by the current owner ... Basically I will shorten this. This has to be more precise because, if we say that any price ... Basically it says, "Any price which is higher than the sunrise period." Thanks.

PHIL CORWIN:

All right, Maxim. What I've heard you say is that you think that the language is too broad. You want something more targeted. I would note that this is up to the IRT and ultimately ICANN to decide what specific language to adopt in carrying out this recommendation.

With that, I'll call on Griffin Barnett, followed by Jason Schaeffer.

GRIFFIN BARNETT:

Thanks, Phil. Thanks, everyone. Maxim, you've raised these points repeatedly. I frankly don't understand your concerns because there are safeguards built into this. The policy recommendation states that the registry operator shall not operate

its TLD in such a way as to have the effect of circumventing the mandatory RPMs imposed by ICANN or restricting brand owners' reasonable use of the sunrise rights protection mechanism. The activity that you described in terms of how geo-TLDs need to reserve and allocate names to particular parties is not prevented from this. At least I don't think the recommendation is intended to prevent or prohibit the type of activity that you're talking about. If we feel like we need to clarify it to make it very explicitly clear that all of the legitimate and good faith types of activities that you're talking about in terms of using reservations and so forth as part of QLPs or ALPs and so on ... It's not what this recommendation is about. It's meant to be about practices that are done specifically to prevent brand owners from reasonably using the mechanism. It's not about other appropriate registry activities. So I don't think your concerns are necessarily invalid, but I think you're maybe interpreting the recommendation to be broader or more restrictive or prohibited than it really is. That's all I would say. Thanks.

PHIL CORWIN: Thank you, Griffin. Jason, please go ahead.

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

PHIL CORWIN: A little low. If you can speak up a bit more.

JASON SCHAEFFER: All right. How's this? I'm trying. I hear both Griffin and Maxim here, and I'm also following what's going on in the chat. Frankly, I don't think anyone [inaudible] [we're all] well-equipped here to understand the dangers of overly broad language. It seems like people can't hear me. Hold on a second.

PHIL CORWIN: Yeah, it's difficult, Jason. You're breaking up a bit and it's a little—

JASON SCHAEFFER: How's that? Is that better?

PHIL CORWIN: That's 100% better, yes.

JASON SCHAEFFER: All right. In any event, what I had said is I understand both Griffin's point and Maxim's point, but I do agree that overly broad language is a recipe for trouble for all of us, particularly the contracted parties. I agree with Griffin's point and I agree with Maxim's points. I think we should figure out how to thread this needle and make sure that we take everybody at their word and they're not looking to stop reasonable activity. But when you have something that's overly broad, you end up with a potential where a registry operator is now forced to defend what otherwise would be reasonable activity.

In addition to what Maxim noted, I do note—I don't believe Donuts is on the call here—in prior conversations with Donuts and some

other registry operators, there are examples where you may have different pricing which actually is intended to help protect the trademark owner. There are examples where you ... So where is this subjective line being crossed? If you have a ten-dollar price increase? A hundred-dollar price increase? A thousand dollars? Where do we draw the line? And is it just up to the trademark owner to say, "You've done something that is abusive, and we're going to haul you in on this mechanism"?

So I think we could try to figure out how to maybe add some language to clarify a bit—just what we're talking about—because I don't think every single of disparate pricing ... And we're not going to be price regulators, right? That's not our job. It's not ICANN's job. But we should be a little bit more careful here. That's my point. Thank you.

PHIL CORWIN:

Thank you, Jason. Before I call on Kathy, I just want to note that Maxim commented—I know he wants to take again—that Compliance read language as is, not intentions of the work group. Maxim, I would just remind you that this language is not the language that's going to be in the registry agreement. It's to guide the IRT when they draft proposed language for consideration by ICANN Org. So we're a long way from final language of what might be in an RA.

With that, I'll call on my Co-Chair: Kathy. Please go ahead. Is this in Co-Chair capacity or individual capacity?

KATHY KLEIMAN: Thanks, Phil. This is in an individual capacity. Responding to something that [Rubens] said: the invitation to make more explicit the balance. Since many of us will not be on the IRT ... The recommendation suggests the balance a bit—so a registry agreement stating that the registry operator shall not operator a TLD in such a way as to have the effect of circumventing the mandatory RPMs. So the first bullet point of the perceived sunrise abuse by registry operators include ... I'm going to suggest some language that might provide that expressed balance that Griffin mentioned. I'll add it at the end of what's there—so withholding reservation of self-allocation of trademark corresponding domains or the intent of circumventing or discouraging the use of the sunrise period by trademark owners without countervailing rationale and/or reasonable activity by the registries, particularly of dictionary terms. I'll put the language in the chat. So suggesting that that police example: Sting's group would not have precedence over policy.nyc and that reserving police.nyc upfront would not be considered evidence of the bad faith by .nyc seems reasonable and seems to capture many of discussions on this topic over the years. So I'll put that in chat. Thanks.

PHIL CORWIN: All right. Thank you, Kathy. Maxim, I believe that's a new hand. You wanted to respond?

MAXIM ALZOBA: Yeah, a short response. If we don't have any mention of safeguards for geos in the response that QLP, it's only 100

names. Every city has more than that amount of public services – [street and monuments,] etc.

Also, the ALP didn't work last time. We do not know if it's going to work next time. So, if we draft the language which could be misinterpreted clearly, it will be misinterpreted. If we give not correct guidance to the implementation team, we might have something we do not like in the end. But it will be too late.

So I insist on adding some safeguards, clear. And if a panelist of sorts or Compliance decides what's reasonable, it's a one-ended paper where the other party, registry, doesn't have a voice. Thanks.

PHIL CORWIN:

Okay, Maxim. Let me say this—Kathy, that's an old hand, I believe. Right? Yeah. My understanding, so everyone is clear and I'm clear—staff can intervene if I'm incorrect—is we had ICANN Org and other commenters ask us for more specificity to the IRT to propose a specific amendment to a registry agreement for the consideration of ICANN Org, which is the ultimate decider on what that language would be. So we're not attempting to write the language here. As I understand it, the mechanism for enforcement of an alleged breach of a registry agreement, either one that ICANN Org perceives on its own or that is brought to ICANN Org's attention by an aggrieved party, is a Compliance enforcement action. So ICANN Org has some fair degree of discretion as to how they would enforce such a new provision.

So I note we have some folks in this meeting who like the proposed staff language. You have others who believe there's more specificity needed. We're almost half-an-hour through this call on this one issue, and we have another part of Sunrise Rec 2 to get to in a moment, but we're not going to do wordsmithing on this call to bring this to an agreeable conclusion. But are there further comment on this language, which I think is getting closer to what ICANN Org and other public commenters wanted but clearly there's concerns within the working group about whether this language should be tightened somewhat? I'll remind everyone that this recommendation in and of itself had fairly broad support. It had support from contracted parties. Their request was for more precise guidance to the IRT.

David, let me hear from you and then from Kathy. Then I think we'll, if there's no further comment on the draft staff implementation guidance language, hear from Small Team 2 on their new proposal which would go into this. So David, go ahead.

DAVID MCAULEY:

Thanks, Phil. I just wanted to mention it's hard to decide because I'm going to make a comment with respect to Small Team 2's comment. I just wanted to second what Maxim was saying. I do think that, because Rec 2 is written in such a way that the conduct could be incidental—"Don't operate your registry in such a manner that it will have this effect"—maybe the only way to tighten is sufficiently would be "Don't operate it by intentionally circumventing sunrise."

But I do like the blue language that Ariel took us through. I think it's a move forward. I just agree with Maxim that it's not there yet. Thank you.

PHIL CORWIN: Let me ask you this, David, just thinking on the fly. By the language is green. Maybe you're seeing blue, but I'm seeing green. In the first bullet point, if we put "with the primary intent" or if we put "with the intent of intentionally circumventing," would that kind of tightening meet your concerns?

DAVID MCAULEY: Thank you, Phil. That would meet the concern I have with the language on the screen, yes. By saying that, I don't mean to imply that I've necessarily decided to support Sunrise Recommendation #2. I tend to agree with some of the comments that were made by folks like the Electronic Frontier Foundation, the Non-Commercial Stakeholder Group, etc. But I think that goes a long way, yes. The answer is yes. Thank you.

PHIL CORWIN: Okay. Thank you, David. Maxim, we're going to get to ALP. That's the next item after we finish Sunrise Recommendation 2.

Kathy, you had another comment?

KATHY KLEIMAN: Yeah. Quick comment, Phil. And just to let you know, I'm seeing a blue-green on the screen. So hurray for computers. Ariel has

suggested some language in the chat. You and David were talking about some language. I suggested some language. So I guess we have to have some way of coming back with some slight revisions to the language to share.

Before Maxim raised it in the chat, I raised my hand to ask you a question and anyone who wants to answer that does have to do with Bullet Point #2 in the picket fence. Are we allowed to do anything about pricing? I wasn't sure, so I thought I'd raise the question. Thanks.

PHIL CORWIN:

Kathy, I know what the picket fence is, but I don't feel qualified to answer that question about whether a pricing decision in and of itself can be [tossed] for a Compliance action or whether a pricing action as part of a pattern or practice or part of a range of conduct by a registry operator could be considered as a piece of the picture.

Does staff ... I don't see Mary with us today. Julie, are you able to answer that question or is that something we would need some further guidance from staff on?

JULIE HEDLUND:

Thank you. I don't know the answer off the top of my head. I think I would have to research it—

ARIEL LIANG:

Sorry for interrupting. Regarding the pricing conversation, that was already done during the working group's deliberation. And that was even prior to the initial report. Then the paragraph I'm highlighting on the screen is to reflect that discussion, saying the working group had diverging opinions on this matter. Some people expressed concerns about the interplay of registry pricing with RPM obligations. Some other members point out that, in the registry agreement, registry pricing is not within the scope of the RPM Working Group due to the picket fence. That's why we have documented this text here. So I think this discussion already happened before and we have captured the conclusion in this contextual language.

PHIL CORWIN:

Okay. Thank you. Well, there's probably going to be different opinions in this working group on that, but clearly the IRT would have to consider that as one element when they're proposing draft RA amendment language as to how far they can go or whether they can reference pricing at all. We don't do everything here. We leave the implementation to a different group that's led by ICANN staff with input from the community.

Is there further comment on the language we've had before us? And I would say, based on what I've heard, I think we're close but we're not there yet and we probably need to take a discussion on to the list of proposed tightening language and then bring this back for final consideration rather than trying to wordsmith this language here.

Kathy, is that an old hand?

KATHY KLEIMAN: Sorry, Phil. Yes, it is.

PHIL CORWIN: Okay. If you could ... All right. With that, I don't see any more hands up on this language. I've already said that I think this has to get some work on by working group members on the e-mail list and be brought back maybe next Tuesday or next Thursday. We want to wrap this up. This was a broadly-supported recommendation. What we're discussing now is the further explicit guidance.

With that, if I could call on one or more of the members of Small Team 2 to present their proposed language, I did put three clarifying questions on the list last night. I didn't see any response to those, so I would welcome any response to them in the presentation on this. Who's going to do the presentation here?

PAUL MCGRADY: This is Paul McGrady. I'm happy to do that. Phil, I admit I didn't see your clarifying questions. If you would like to bring them forward into the chat, I'll do my best to address them, but keeping in mind that it will be [inaudible], Chicago-style.

PHIL CORWIN: Okay. I'm going to copy them right now, Paul, and put my whole thing in chat.

PAUL MCGRADY:

All right. The language disappeared, so we'll wait for it to reappear. Here we are. All right. So here's what Small Team 2 came up with, but with a caveat that David McAuley does not support the language as written, although he supported this coming back for discussion. Greg Shatan was on the small team but did not comment one way or the other, so I don't know if he supports this substantively or not. Everybody else on the small team—I think there were two or three more of us—either were agnostic or supported it. So here we go.

This has been whittled down significantly from the original idea, which was to amend the trademark PDDRP to be one means of implementing Recommendation 2, which we just spoke about. It now is very straightforward and simple. It says we are proposing implementation guidance to Sunrise Recommendation 2, which reads, "The IRT should explore the possibility of a third-party challenge mechanism as one of the possible means, among others—for example, direct enforcement by ICANN compliance—to implement this recommendation to enforce the implementation of this recommended new RA provision. Any such third-party challenge mechanism should include appropriate safeguards for registries.

So two important [inaudible]. One is that this is a request for the IRT to explore it. It's not an instruction to build one. Maybe they explore it and build one. Maybe the explore it and don't. The second important part is that it should contain appropriate safeguards for registries so that, if Maxim is worried about somebody saving a police.something for the police department and he believes that a panelist under this new challenge

mechanism would think that is inappropriate, those kinds of safeguards could be built in in advance so the panelists don't get something obviously wrong.

So that's where we landed. Phil or staff, if you could scroll up, I'll try to tackle Phil's clarifying question. Then, Phil, if you want to run a queue or whatever, let me know.

All right. I'm looking at bullet points—

PHIL CORWIN:

There it is, Paul. It's down at the bottom. All of it is prelude. The questions are at the bottom here, "With that as background [we'd ask the] following clarifying questions. There's just three of them. That was background.

PAUL MCGRADY:

Got it. So Bullet 1. Why would the proposed additional implementation guidance language be a beneficial addition to the existing implementation guidance? Because it takes some of the burden off of ICANN Compliance and would allow aggrieved parties who believe that ICANN Compliance simply isn't getting it to have some way forward to have their grievances aired

Bullet #2. Does the phrase "explore the possibility of a third-party mechanism" encompass and authorize IRT's adoption and implementation of such a mechanism if it is found to be possible? I think that was certainly the intent. I use the word "explore" because we don't want to instruct something. If ultimately the IRT decides not to do it, we amend the language to say "explore" and,

if appropriate “implement” the possibility of a third-party challenge mechanism if we need to make that more clear. That to me seems like a friendly amendment.

Last bullet. Would a challenge mechanism be operative against ICANN, a registry alleged to have circumvented an RPM, or both? I guess the idea is that it would be against the registry that was claimed to have circumvented it. There’s already a challenge mechanism for ICANN. If somebody puts in a complaint to ICANN Compliance about what they believe is circumvention, and ICANN Compliance doesn’t do anything about, there’s already a way to challenge staff and Board action. So we don’t need to build a second means to challenge staff and Board actions. So it’d just be against the registry.

I hope that’s helpful.

PHIL CORWIN:

Let me unmute myself. Thank you for that, Paul. Just to completely clarify the answer to the last bullet point—then I’m going to open this to working group discussion—this was would not be a mechanism, as you just explained it, to compel ICANN to investigate a registry operator’s practice. If they’re found to be in violation of this new registry agreement provision to take enforcement action, this would be a separate mechanism that would not rely on ICANN Compliance for enforcement. Is that correct?

PAUL MCGRADY:

Correct, Phil.

PHIL CORWIN: Okay. Well, I think that was very helpful. I see David McAuley's hand is up. I welcome further input. Go ahead, David.

DAVID MCAULEY: Thanks, Phil. Hi, everybody. I want to thank Paul and the small team for doing their best to work their way through this. I am opposed to this language, and I'd like to state why. I'll be brief because we're running out of time. This is building on Sunrise Rec 2. I still find the at-base recommendation that we're talking about additional guidance on itself is still vague for reasons we just spoke of.

I appreciate Paul's clarity in the comments you just made, and I'd like to make a point that, in Sunrise Recommendation 2, if this group chooses to move that forward as a proposal, that's a recommendation that deals with registry agreements for future new gTLDs. Registry agreement, by their nature, are matters between ICANN and the registry operator, and compliance is between ICANN Compliance and the registry operator. So an extraneous mechanism I think would be beyond the scope of Sunrise Recommendation 2 and wouldn't fit here. It doesn't fit here.

I did think, until Paul just made that clarifying point, that maybe there's some confusion around this because this originally grew up—this language that we're looking at now—in the context of TMPDDRP, which is a panel, like an expert panel. In my opinion, that's now what we're talking about and that's not what Sunrise

Recommendation 2 could allow. We have to stay within the confines of Rec 2.

Another fundamental point I'd like to make is that registries agree by contract to observe and comply with consensus policies. IRTs, however, are not empowered. They don't have authority to create consensus policies, nor do they have any way to amend or modify contract terms. So I think an IRT is not the place for us to be having this discussion. So I think basically this is out of time.

I also think that this language that's proposed is putting one vagueness on top of the underlying vagueness on Sunrise Rec 2, so the question becomes, although Paul spoke to this just a few minutes ago, what third parties? Can we limit that? What kind of a mechanism are we talking about? In my view, it has to be within the context of ICANN Compliance. What authority does an IRT have to do these kinds of things? Those are the kinds of questions I have.

So I am opposed to this despite the good-faith effort that went into getting us to this point. I think that this is unwise for us to adopt. Thanks for now.

PHIL CORWIN:

All right. Thank you, David. Now I call on Griffin, who I anticipate will have a response.

GRIFFIN BARNETT: Thanks, Phil. I take some of David's points, and I frankly though I was mostly on the same page as Paul and then was also perhaps a little bit confused towards the end there.

I guess, first of all, I think there is an obvious connection between the substance of Sunrise Recommendation 2, and it implies or begs for a third-party challenge mechanism, which I had always envisioned in my mind as being akin to a PDPRRP or a PICDRP-type process, where there is an ICANN Compliance role for the reasons that I think David mentioned but where there's an ability for a third party to basically have a review and a decision rendered by an independent expert panel, again, similar to these other mechanisms for a party who believes that it's been aggrieved by the specific activity that's meant to be prohibited by whatever the ultimate contract provision is that implements Sunrise Recommendation 2 so they would have that avenue of redress above and beyond just a very basic ICANN Compliance complaint because the idea is that we want there to be an independent third party to make this decision in the same way that it does for PDDRRPs and PICDRPs. Now, I understand those don't always go to panels—at least, I don't recall in the PDDRRP context off the top of my head, but I know, in the PICDRP context, ICANN Compliance can potentially resolve PICDRP complaints without sending them on to a panel if certain criteria are not satisfied. But, again, I think then idea here would be that, at least in my mind—others may have a different conception of this—there would be a sort of independent panel where a third party who believes it has been aggrieved by the activity that's prohibited through Sunrise Rec 2 and obviously the actual implemented contractual provision

relating to that so that we wouldn't have to rely just on ICANN Compliance itself and there would an independent review option.

Hopefully, that helps clarify. I don't know if it assuages any concerns, but it at least hopefully gives a better conceptualization, at least from my perspective of what we're talking about.

PHIL CORWIN:

Griffin, let me ask you one question, just thinking about this as I listen to the discussion. In terms of timeliness of action, whether it's ICANN Compliance enforcement or some other mechanism, it would seem to me, if I were a trademark owner and I was concerned that a registry operator was operating in a way to circumvent my sunrise registration right, I would want a process that was quick because sunrise is a limited period. It's here and then it's gone. Would this be a time-sensitive mechanism? Because I haven't had any personal experience with panel decisions or anything like that, but my impression is that they take quite a bit of time before there's any decision.

GRIFFIN BARNETT:

Thanks for the question, Phil. I think it's a good question, and I do agree that any such mechanism would have to include a very tight limited timeframe in which the review would be conducted. In my experience with the PICDRP, for example, that was somewhat drawn out, but again, that was something that wasn't quite as time-sensitive, although obviously I think it would have been more ideal if it were a bit more constrained in its timeline. So I definitely

agree that, as a key component of any such mechanism, it would need to have a very abbreviated timetable.

PHIL CORWIN: Okay. Thank you, Griffin. Kathy, go ahead, please.

KATHY KLEIMAN: Kathy Kleiman speaking as an individual. In my experience, what's troubling me here is that IRTs (Implementation Review Teams) are run by ICANN staff as implementation, and here we're talking about an implementation team creating a new third-party challenge mechanism. Someone in the chat asked a good question: Haven't IRTs created these third-party challenge mechanisms? The answer in my experience is no. So the UDRP was created through an expedited GNSO process--it was then the DNSO (Domain Name Supporting Organization)—as our first consensus policy. The URS ... By then we were the GNSO. Also created by a GNSO process: the PDDRP. Also we're creating the policy and we create, as a multi-stakeholder community, the third-party dispute. So URDP, URS, PDDRP, other things that are involved that we haven't dealt with in this working group. The community objections, string objections, legal rights objections: all created through the GNSO process as part of the policies that we're creating so that the causes of action are really known and debated through the multi-stakeholder process. I've never seen any of those created through IRTs. They may flesh out some of the details. Then ICANN staff ultimately decide who the third-party provider might be.

The one exception to that are the PICs because we didn't create them. You've seen my editorials on this. We did not create them through the GNSO process. So we didn't create the dispute mechanism. I think that's a problem. But the others were all created through a process, not through an implementation review team. I just don't think that's what they do. Thanks, Phil. Back to you.

PHIL CORWIN: Thank you, Kathy. Mr. McGrady, go ahead.

PAUL MCGRADY: Thanks. I just don't think that Kathy is accurate. The URS was created by an implementation review team. The guidebook for new gTLDs is full of challenge mechanism created by implementation review teams. So, yes, the UDRP is consensus policy –capital C, capital P—but we're just about to have a big discussion about whether or not the URS should be consensus policy. So I don't understand. Clearly there are all kind of challenge mechanisms created by implementation, and I see here Kathy says, "STI was not an IRT." The STI also was not a PDP, Kathy, and it's much more akin to an IRT than it is a PDP.

So I just want to dispel the fog around whether or not an IRT can explore this and implement it if they think it's necessary. There is no fog. Of course they can. Thank you.

PHIL CORWIN:

All right. Thank you, Paul. Let me speak now as a Co-Chair, and then I'm going to make one individual comment. The underlying recommendation and the existing staff-drafted text for guidance that we spent quite a while reviewing is going to have to go back to the working group for some further clarification, I think, to get in the shape where we have the necessarily level of support for that. Based upon the oral dialogue we've just had on this proposal from Small Team 2, as well as the comment in the chat, I think we clearly have divergence within the working group on whether or not this is a good idea and whether it's properly being considered as further guidance on Sunrise 2 or it somehow goes too far astray. That's up to the working group to determine.

We're going to go on to the next topic. Let me just say this as individual. I understand the intent of the small team and their legitimate concerns. I do worry that we have a Sunrise Recommendation 2 in which we're not quite in agreement on the guidance language. But I believe that it has broad enough support that, once we agree on that guidance ... Yeah, Paul, I'll be [clear] in a second. I am concerned that, if we add additional language that empowers the IRT to create a totally new RPM or challenge mechanism out of whole cloth, that might work against Sunrise Recommendation 2 getting consensus support when we get to that stage.

To get back my Co-Chair hat back on, what I'm saying here is—and I said it prior—we don't have full working group agreement on the implementation guidance language for the draft final report on Recommendation 2. So both that language and this language are, in the decision of this Co-Chair, going back to the full working

group for some further discussion on the list. With the Co-Chairs, we'll discuss the situation at their next meeting, and hopefully we'll bring everything back, both the draft report language and this item, for final resolution at a working group meeting soon. But since we don't have agreement on the underlying language, we can't agree to the supplementary language on this call.

All right. We're 55 minutes into this call. We haven't resolved Sunrise Recommendation 2. We're going to take it to the working group list. When the Co-Chairs feel it's ready to come back in a form that is likely to get final approval and sufficient support from the working group to be adopted, that's what we're going to do.

Let's move to the next item, which is the ALP language, which I hope we can dispose of in much less time than the subject we just took up. All right, Paul Tattersfield, you've been the leader on this. If you could take us through this language. Also, I asked a question on this. Since we've already discussed Sunrise Questions 3 and 4, we're going to ... My question to you and those working with you on this is, what additional beneficial clarification in terms of guidance to the IRT does this provide? So if you could take us through this, and then I'm going to ask staff to take us back so we can look at Sunrise Questions 3 and 4 and relate them to this proposed language. Then we'll open it up for discussion. Go ahead, Paul Tattersfield. Are you ready to talk?

Is Paul with us? Yeah, he's on the phone.

Paul, if you're talking, we can't hear you.

PAUL TATTERSFIELD: Can you hear me now?

PHIL CORWIN: Yes, we can hear you now.

PAUL TATTERSFIELD: Brilliant. Thank you. I think everyone is familiar with the problem. There's only been one successful ALP in eight years. We have some very siloed positions between the registry operators and ICANN. So this proposal is just to try and add a little structure when those interactions break down. It's simply to provide a timely and informative rationale. It's very difficult for people who have not been through the process before to understand why it doesn't work if there's no information coming to them.

We tried a couple of approaches. We tried "unreasonably held," which was rejected by working- and small-group members because they felt it was too restrictive. We tried to do it by a successful example, which is .madrid, but registry operators felt that it was too restrictive. So what we looked at the language when asking ICANN to respond and when they're reminded to reject or they're reminded to ask for more information. We asked them to respond within a reasonable timeframe and to let the registry operators know which part of their scheme is acceptable and good and which parts are not. We think, if we can bring those two parties together, closer, so the information is flowing, we're not actually changing anything. So all it is a timing issue. We can hopefully have a better success rate because I think we're around

1% at the moment, which is pretty abysmal for a process. Thank you.

PHIL CORWIN:

Okay, Paul. We have your language before us. Before we open this to discussion, I'm not sure where this language is intended to go in the final report. Can staff take us back to Sunrise Questions 3 and 4 and the existing language so we can see what's there? Well, those were questions. Where would this language go in the final report? That's my clarifying question.

Julie, enlighten me, please. And all of us.

JULIE HEDLUND:

Thank you. Actually, Ariel may chime in better, but this would be a new implementation guidance, I think—yes; implementation guidance—because Questions #3 and 4 were exactly that, as you say—just questions—and the responses to them in public comment did not really assist in suggesting recommendation language. So we asked the small team to see if they could do so. But, when I say “recommendation language,” it looks like this in the form of implementation guidance that would be new, related to sunrise.

PHIL CORWIN:

All right. So you're understanding, Julie, is that this proposed language would be additional guidance on a particular sunrise recommendation that we have? Or would this be an entirely new recommendation in regard to sunrise?

JULIE HEDLUND: Thanks, Phil. Yes, it's our understanding that this would be a new recommendation. There isn't an existing recommendation to match it to, so it would be entirely new.

One thing I do want to note: Paul McGrady has asked Paul Tattersfield if staff has opined on whether or not this proposal is implementable. No, we have not. In fact, actually the support staff suggests that, before the working group agrees on any implementation guidance language, the working group should confirm with ICANN Org if this is actually feasible. We as [support] staff don't know the answer to that question. We'd have to check with the staff who are familiar with how the ALPs were handled. That would be the GDS group.

PHIL CORWIN: Okay. Let me ask you one more question, Julie, and then I think we're going to table this and move on for further staff work. In this working group, our charter tasks us with reviewing the RPMs created for the new TLD program. Is a recommendation on ALP within the scope of our charter, or is this an issue for SubPro?

JULIE HEDLUND: I see Susan Payne has her hand up. I don't think that it's a question for SubPro, but I do think that this working group has not considered recommendations relating to voluntary rights protection mechanisms as being within its scope. But I'll defer to Susan and others who have their hands up.

PHIL CORWIN: Okay. Let's hear from Susan. Let's hear from Paul. Then, unless there's further comment, we're going to table this for the moment while staff checks with ICANN Org and then reports back to the working group on ICANN Org's opinion as to whether this recommendation, if adopted, could be implemented. Susan and then Paul Tattersfield.

SUSAN PAYNE: Thank you. Whether or not you agree with this implementation guidance or not, there's a clear relationship between approved launch programs and the RPMs, particularly the sunrise. The reference to the possibility of an ALP (Approved Launch Program) being adopted is something that's referred to specifically in the TMCH RPM requirements document. It's effectively, if an ALP is approved, approving a launch phase for a registry that is outside of or possibly even otherwise in contravention of the requirements to run a sunrise.

So whether or not you feel that this is being addressed in the right way or that this group can give this kind of implementation guidance or whatever, I leave that to you. But the fact is that this is directly related to the operation of the sunrise and is dealt with in the RPM requirements document. I would give you the paragraph number but I can't, at the moment, find it on my screen.

PHIL CORWIN: That's fine, Susan. That was very helpful. By no means was I implying that this was out of scope. I just wanted to make sure that there was a sufficient rationale for our further consideration.

Paul Tattersfield, if you could give us a final work, and then, as I stated, we're going to take this proposed language offline. We're going to wait for staff to check with ICANN Org on the feasibility of implementation, report back to the full working group on that, and then come back to this item on a future meeting. Go ahead, please, Paul.

PAUL TATTERSFIELD: Thanks, Phil. Susan said a lot of what I wanted to say. My main concern was it didn't just fall between SubPro and [us] when it's a very technical issue. I wanted to make sure that it was included—that was all—because otherwise it just doesn't get looked at. Thanks. Bye.

PHIL CORWIN: Thank you. So we're going to take this offline and table it for now and have staff check with ICANN Org on feasibility.

Let us move on. We have 25 minutes left. I would note that your Co-Chairs, one week from today, will be before GNSO Council. We expect to get some spanking there about putting in a project change request. We want to be in the position of assuring council that we're moving right along. That's hard to do when we've just spent an hour. While we've had very worthwhile discussions, we have not closed out either of the two items we just discussed. So, please, let's see if we can get some of these URS items closed

out in the next 24 minutes so we've accomplished something today that puts us closer to our goal of reaching the consensus call.

With that, I'm going to call on Ariel. Ariel, you don't need to read every word. Just remind us what each recommendation is about. Particularly point out whether there's any new contextual language here that we haven't seen before or whether this is language we've already agreed to in a prior iteration. Thank you.

ARIEL LIANG:

Thanks. The first recommendation is about that the working group recommends an amendment to URS Rule 3B, where, where necessary, a provider's supplemental rules be amended to clarify that a complainant must only be required to insert the publicly available WHOIS RDDS data for the domain name at issue in its initial complaint.

Furthermore, the working group recommends that URS procedure –Paragraph 3.3—be amended to allow the complainant to update a complaint within two to three calendar days after the provider has provided updated registration data related to that disputed domain name.

So this recommendation remains as is compared to the one that was put out for public comment in the initial report. No change to that at all.

For the contextual language, essentially we grabbed the text from the initial report. So the parts that you're seeing on the screen are basically the same from the initial report, but the parts I highlighted

here with the comment is additional text. The reason we inserted this text is to reflect the working group's agreement to incorporate the EPDP Phase 1 Recommendation 27 with one report analysis, [which] is basically saying this recommendation is consistent with the requirement of the analysis of the EPDP Phase 1 recommendation. So it's basically to clarify the consistency in the contextual language for this recommendation.

I'm just scrolling down to the bottom of this contextual language. We here reemphasize that the working group puts forward its recommendation in order to maintain consistency with EPDP Phase 1 recommendations.

So that's all the new text here. So no change to the recommendation itself.

In the public comment review paragraph, we're just saying the public comment didn't raise any new or material ideas and no widespread or substantial opposition to the recommendation. Therefore, the recommendation is to be maintained as is.

PHIL CORWIN:

All right. Thank you, Ariel. Let me just say two things and open this up if anyone has concerns. The new language seems explanatory and non-controversial to me personally, though others may differ. I would also note that we're going to be getting back to the Wave 1 table. My understanding is that the Wave 1 table we've seen so far contains the language from the EPDP Team #1, but we haven't yet seen the staff-recommended additional

language to that. We will be getting to that at some point in our final report review.

With that, does anyone have any concerns about the new language that Ariel just took us through. All the other language is language we've already seen and agreed to.

I note Susan Payne asked a question on whether the highlight is going to be available to those who aren't on the call but who want to review this afterwards.

ARIEL LIANG:

I can answer that. We can keep this highlight on the document because this is still a working document. So if anyone wants to double-check after the call, they're welcome to check that. We just want to make it easier for members to see what has changed, if any, in the contextual language.

PHIL CORWIN:

Thank you. Kathy, go ahead, please.

KATHY KLEIMAN:

Sorry. Coming off mute. I just don't understand why the language is here, especially the one we're looking at on the screen: "To maintain consistency with the EPDP Phase 1's recommendation, the working groups affirm"... I just don't see why we need it. I think virtually anyone understood in the working group what the EPDP Wave 1 report was about. We've got our recommendation. We didn't do it to maintain consistency with the table. That was very

difficult to understand. We did it because it was consistent with our discussions and our findings. So I'm just not sure why that language is there, and I would recommend its deletion. Thanks. Not the language we're looking at—the language all the way at the bottom where Ariel [is].

PHIL CORWIN:

Ariel, can we scroll back to that language? I have a question for Kathy. Yeah. Kathy, would your concern be satisfied if this new paragraph started with, "The working group affirms," etc., etc., and then, at the end, instead of a period, we put a comma: "and the working group further notes that this affirmation is consistent with the relevant recommendation of EPDP team Phase 1"? So that change would no longer be implying that we did this to maintain consistency, but it would be noting that our recommendation is consistent with what they did.

KATHY KLEIMAN:

Thank you for asking, Phil. I think that would be perfect.

PHIL CORWIN:

All right. Does anyone have any concerns about that suggestion? If not, we'll have staff make that grammatical change.

All right. Are there any other comments on this URS recommendation? If not, we're going to move on to the next one.

All right. Let's move on. Ariel, if you could guide us through again, as with the first one.

ARIEL LIANG:

Yes, of course. Thanks, Phil. This is a new recommendation, but the language didn't come from staff. It's from the working group's discussion of URS Question 1 because the working group has received a number of public comments in response to that question. That's why this recommendation was developed. So we get the language from the working group but not developed by us. So we just want to make that clarification here.

Now I will read this recommendation to you. "The working group recommends that the URS Rule 15A be amended to clarify that, where a complaint has been updated with registration data provided to the complainant by the URS provider, URS panelists have the discretion to decide whether to publish or redact such data in a determination. The working group further recommends that each URS party has the right to request that panelists consider redacting registration data elements from publication as part of the determination." So this is a new recommendation, and I believe it's actually Paul McGrady's suggestion. So basically we get that from the group.

For the contextual language, I want to provide some—oh, sorry. Go ahead, Phil.

PHIL CORWIN:

Ariel, if this is a new recommendation, is this contextual language explaining it? Is that new as well or is that old language?

ARIEL LIANG: That's exactly what I'm going to say next. It's consolidation of contextual language in different places we've put together. So basically it's largely based on the contextual language of URS Question 1 that was published for the initial report because that questions serves as the origin of this recommendation. So we pulled some of the text from there. Then we also added the text related to the working group's deliberation of that public comment. That led to the development of this recommendation. So we have incorporated that summary of deliberation in the context here.

The third part is related to the EPDP Wave 1 analysis. There is a suggestion to mention Purpose 6 PA5. So we will see that when we go to that contextual language. Basically, it's a combination of text from various places. I'm happy to provide a more detailed walkthrough so folks understand where the text comes from.

PHIL CORWIN: Could we scroll down so we see what ... This seems to continue on to the next page. All right. There's a lot of language here. So all of this contextual language—have we reviewed this previously.

ARIEL LIANG: No. Well, as I mentioned earlier, there's contextual language from the original URS Question 1. So you have seen that before. Then there's a summary of deliberation of public comments related to that question. You have also seen that summary. So perhaps the only part that not everybody in the working group has seen is the Purpose 6 PA5. That's based on the Wave 1 analysis. That's why we're incorporating it in here. So maybe some of the people

haven't seen it, but it has been mentioned in many places. We also noted it in the public comment analysis document as a side comment. So it's definitely not completely new. It's just, in this formulation, we put them all together here. But we welcome the working group to more closely review this and make sure we get it right.

PHIL CORWIN:

Okay. Final question before I open this to comment. If we could scroll back to the recommendation itself. Yeah. Did the working group previously see this language/develop this language and it's just coming back to us, or have we never seen this before in this final form?

ARIEL LIANG:

Yes, the working group has seen this recommendation. It's in fact the working group's agreement on this new recommendation. As I mentioned, I think it's Paul McGrady's original suggestion, and the working group agreed with this language. So this is not staff-developed language. It's working group-developed language and was [inaudible].

PHIL CORWIN:

Okay. That's what I thought. I just wanted to confirm that for the record. All right. This recommendation with the contextual language is now open for discussion.

Kathy, please go ahead.

KATHY KLEIMAN: Okay. Coming off mute. I'll be happy to wait if people want to comment on the recommendation language. I want to comment on the comments to the recommendation language. So let me pause first for the recommendation language discussion.

PHIL CORWIN: All right. I'm not seeing any hands. I'll take the lack of any hands as indicating that working group members on this call have no concerns or additional suggestions regarding the wording of this recommendation. So, Kathy, please proceed regarding the contextual language.

KATHY KLEIMAN: Terrific. Thanks, Phil. I'm hoping I'm off mute here. Same objection in this one as to the other one. We're seeing a lot of Wave 1 recommendation analysis and particularly the 6PA5, which—I've read all the transcripts now from 8/20 and 8/27—we never reviewed in the working group. Just to be ridiculously detailed, I'll note that, on 8/20, when I was chairing and we brought up this EPDP Wave 1 table, it was noted that there was no actual text of this 6PA5 language, which turns out to be WIPO language on material that's published for the UDRP because, of course, WIPO doesn't offer URS. So I'm not sure what it's doing here. It was circulated by Julie when we pointed out that in all the weeks we've been reviewing the Wave 1 table we haven't seen this language. But we've never discussed it, and I'm not sure plugging it in is useful, meaningful, or even correct unless we want

to take the time to go through this very long paragraph---you may be able to see my highlight—and discuss it in detail and see if we embrace it because I'm not sure we do and I'm not sure that we need it and I think it may delay our discussion of the larger recommendation. But it was not fundamentally critical or known when we were doing most of the work on this recommendation. Thanks.

PHIL CORWIN:

Kathy, let me ask you this. The previous paragraph noted that we considered the GNSO Council's request that the working group consider EPDP Phase 1 Recommendations 21, 23, and 27. So that's the segue to this additional paragraph, which further references and gets into some detail on Recommendation 27. I don't know that this compels an IRT to do anything. It's just historic background on our consideration.

KATHY KLEIMAN:

I just think its misleading. I don't think we looked at this language. In fact, I know we didn't. 6PA5 we didn't look at. Again, it's the World Intellectual Property Organization's private discussions. We had discussions on the URS and on the data, but to rely on this, we didn't do it. So it doesn't seem appropriate to go into the report. Thanks. It seems to represent something we didn't really do.

PHIL CORWIN:

Ariel, go ahead, please.

ARIEL LIANG: Thanks, Kathy and Phil. Staff just want to clarify that the Wave 1 report merely asked the working group to reference that purpose and just check whether there's any inconsistency with the existing recommendation or the recommendation going to be put forward by the working group. So that's the mere request: just to check this purpose. Then after checking the purpose, there's no change to the proposed new recommendation itself. It's evaluated as consistent with that purpose. So that's the staff's understanding: in the contextual language, we just need to mention this purpose and that the working group has checked it. It didn't generate any inconsistency and just documents this point in the context. That basically fulfills the Wave 1 analysis request. That's also council's agreement: to ask the working group to incorporate the Wave 1 analysis. So that's also fulfilling council's request to double-check with the EPDP's implementation. So that's why we didn't think it's controversial to add this language here and it didn't require further discussion by the working group. That's why we have it here. Hopefully, this background helps.

PHIL CORWIN: Right. Okay. I'm seeing some chat about whether or not this contextual language is binding on the IRT. It's just guidance to the IRT. We can't bind the IRT as to what they do in terms of implementing this recommendation. We can attempt to steer them in one direction or another, but we can't control their subsequent action.

I'm going to hear from Professor Tushnet and then from Greg. Then we're coming up to the end of the call. I'm going to make a suggestion, I think, but let's hear from them first.

REBECCA TUSHNET: I'll try and be quick. I appreciate Ariel's reference to inconsistency because actually I think that's kind of the problem right now. So the recommendation is discretion[/]allowed to hear from both, which is actually very different from exceptional case, or even discretion in exceptional cases. So I think this contextual language, unless it explicitly says "after" ... What we are recommending is not an exceptional case standard. It's going to be confusing what we did recommend. Thank you.

PHIL CORWIN: Okay. Greg, go ahead, please.

GREG SHATAN: Thanks. I just wanted to note some of the other things that were coming up in the chat, noting that this language was circulated to the working group. It was circulated prior to the first discussion of the EPDP Wave 1 analysis table. It was included in the public analysis document as a side comment since August. So the idea that this is some sort of September surprise doesn't seem to be brought out. I'm not sure why there's a controversy here. I think this is context and it is important to make sure that the dependencies between the work we're doing here and the work that was done in the EPDP are taken care of. So I don't see the concern. If there is a concern that there is actually a gap between

this language and what our recommendation is, that may be something to consider how to deal with. But, in any case, I don't see the larger issue here.

PHIL CORWIN:

Okay. We have four minutes left. Let me see if we can close this out. Let me make this suggestion. As has been noted in the chat, we can't bind the IRT. We can't direct its future actions and how it implements this. The prior short paragraph notes that council requested that we consider Recommendations 21, 23, and 27 from EPDP 1. The next paragraph further elucidates on what was in 27.

Can I suggest that we—the IRT is going to be free to look at #21, 23, and 27 and make their own determination of how that should be interpreted and when they implement this recommendation, assuming it gets consensus support—take the first sentence of the next paragraph, combine it with the prior paragraph, and strike the rest? The rest just quotes the reference of the GDPR FAQ of WIPO. The IRT is free to look at Recommendation 27 and discover that and pursue it where they wish to take it. They don't need us to reference it to discover that it's there. Can we do that, and would that be satisfactory so we can close out this recommendation?

I'm going to take silence as consent unless someone objects to that.

All right. Thank you for not objecting to my suggestion. Staff have already made that change. That closes out that URS item.

We have one minute left, so we're not going to start a new URS item. We've made marginal progress today. I thank everyone. I think we had a very serious discussion on the prior issues, but it's unfortunate we couldn't close them out. They are going to the working group e-mail list. They will come back for final discussion when the Co-Chairs believe they're ready for final resolution by the working group.

With that, I thank everyone for their participation today. We will see you hopefully next Tuesday for the next meeting of this working group as we continue toward review of the final report and then getting on to consensus call. Thank you very much. Goodbye.

JULIE HEDLUND:

Thank you, Phil. And thank you so much for chairing. Thank you, everyone, for joining. I hope you have a good morning, afternoon, and good evening. This meeting is adjourned.

[END OF TRANSCRIPTION]