

PIC DRP Discussion Group

28 August 2019

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SUE SCHULER: Thank you. Okay, Donna.

DONNA AUSTIN: Thanks, Sue. Welcome, everybody, to the call to discuss the PIC DRP. Valerie and Russ, I'm not sure how you want to do this. My thinking was we would type the document and run through it, run through your comments and see where we get to on those, and then I think what we need to discuss after that the next steps. Does that work for you?

VALERIE HENG: Yeah.

DONNA AUSTIN: Okay. Russ and Valerie, what I might do – Sue is going to bring the document up on the screen – and I'll let you walk through your comments and as we have responses, we will do that. Does that make sense?

VALERIE HENG: Yes.

DONNA AUSTIN: Okay.

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RUSS WEINSTEIN: Yeah. Thanks, Donna. And I think we're pretty close, if I recall. I think we're down to three items when we were still needing some discussion. Does that ring a bell?

DONNA AUSTIN: Yeah. I think that's right, Russ.

RUSS WEINSTEIN: Okay. I just wanted to reset for myself and for the group is that we discussed at ICANN65 in Marrakech, we took back some feedback. We made some agreements there, we took back some feedback from the discussion there, and we returned the document following that sometime in late July, if I'm not mistaken. And then you guys have had a chance – you guys in the Registries, RySG – to huddle back up, and now we're ready to talk about these last three items where I think we post questions more so than answers.

DONNA AUSTIN: Okay. I agree with the recap, Russ, that's where we are.

RUSS WEINSTEIN: Okay. Great.

DONNA AUSTIN: Sue, the document you've got on the screen and to others, I can't see the ICANN comments. It seems to be cut off in the middle, so I don't know whether that's just me or – there we go.

RUSS WEINSTEIN: Excellent. Thanks to whoever made that happen.

DONNA AUSTIN: Okay. Russ, Sue is driving so if you can just tell her where you want to move to.

RUSS WEINSTEIN: Okay. I'm probably turning it over to Valerie to walk us through. She is much closer to the detail here than I am, and we've been working with our Compliance Team and others to help us through this. They're kind of the operators of this process, similar to how the GDD Operations Team is often operators that you guys interact with for other types of transactions.

VALERIE HENG: Okay. So, for this page that we see on the screen, I think the ICANN and the Stakeholder Group are aligned so we will not make any change to this material particularly 1.4. So, we will not make a change. Next page.

So, nothing here. We are aligned. Same for this page.

For B.3.3, we accepted the RySG comments on the portion where we mentioned the ICANN Contractual Compliance approach and processes. So, we will not add this additional phrase into the PIC DRP. At any point in time you have comments, please feel free to speak up.

DONNA AUSTIN: I'm sure we will at the appropriate time, Valerie.

VALERIE HENG: Okay. B.3.4, we will revert to the original language of the [PIC DRP] just with immaterial change on the Standing Panel words.

No change here. The RySG feedback – this is a material change and highlight the proposed changes. You see the last column – we will just make it clear that we will disclose the name of the panelist to the reporter and registry operators. In terms of setting expectations on how long does it take ICANN to appoint the panelist, we will make it clear at our website rather than putting into the PIC DRP because there's more procedures at ICANN. Questions?

JEFF NEUMAN: Yeah, this is Jeff. Sorry, Jeff Neuman. So, you said you'll put the time on the website. I guess shouldn't there be some kind of time limit so we make sure these things don't drag on forever? Or am I just misunderstanding?

VALERIE HENG: Time limit for appointment?

JEFF NEUMAN: Sorry, say it again.

VALERIE HENG: Currently, in the current language there's no time as the service level SRT in the PIC DRP. So, we're just being transparent about the SRT the Compliance Team will take to finalize the appointment. So, that one, the timing we put estimate at 21 days which will be published at our website.

JEFF NEUMAN:

Okay. Thanks. I understand. Thanks.

VALERIE HENG:

Okay. So, go to the next one. Okay. So, 4.3, essentially what we are trying to do, the intent is just to clarify the existing language of the PIC DRP and not changing the meaning of it. So, we agree to remove the suggested changes from the RySG, the yellow highlighted part, and only according to the original language, "Absent exceptional circumstances, additional evidence will not be provided to the panel for consideration." In the original PIC DRP, there's also a sentence following this that we are not changing. If the panelist request for additional evidence, they can at their discretion and we will get the registry operators and the reporters to provide. So, we are not changing the [parts]. If the panelist needs additional evidence, they can still request for it.

This is for the beginning [parts]. It was just to clarify the missing language of the existing PIC DRP.

DONNA AUSTIN:

Valerie, Kristine's hand is up. Go ahead, Kristine.

KRISTINE DORRAIN:

Thank you, Donna. This is Kristine Dorrain. So I thought it would be really helpful to provide a little context here with respect to our concerns, and specifically looking at the yellow highlighted section. For me personally, up until the word "absent," I think your changes are fine and we can go with that.

My concern comes with – I think your change there actually does change the meaning, and I'll give you a little bit of context. A lot of what the PIC DRP has written is sort of copies the UDRP. You may or may not know that I ran the National Arbitration Forum for 10 years before I came to Amazon, so I have a lot of experience with interpreting sort of how these policies and procedures work. In this specific instance, the way the other DRP processes work – and I think this is what this was copied to mean – was just it's not going to be ICANN's decision as to what the panel sees. So in the event that a party submits something and the other person responds – you've got a complaint and a response – if the complaining party found that there was something materially wrong or something misstated in the response and wanted to file a response or a rebuttal or what happened under UDRP and URS rules is that the panel that received the information and would determine at that point whether or not it was valid and needed to be submitted. Of course, the panel can always request additional information. And in many cases in UDRP, the panel just didn't even consider it. You know, "This is just not important. We didn't ask for it. We don't want it."

But, however, I think in this case, the change you made actually gives ICANN authority to decide what submissions are relevant and which aren't relevant, and I don't know that that's a power you really want to wield. The way it was worded before, it said, "Absent exceptional circumstances, additional evidence in communications will not be considered by the panel," which might have been fine but they would've received them, right? So, "Absent exceptional circumstances, additional evidence the panel won't consider it." In your wording, you're not even letting the panel consider it. You are telling the panel, "You don't even get to see it to determine if it's relevant."

So, perhaps that helps kind of address my concern and my – sorry, I think this does actually create a material substantive change. So, I would just put my hand down and let you react before we go on to the rest of that. Thanks.

VALERIE HENG:

When we send the package to the panel, we inform the registry operator and the reporter that “This is the package that we’re going to send to the panel. Do you agree or do you have added things that you want us to send?” That is opportunity for the reporter and the complainants to provide more information or evidence of the material that we are going to provide to the panel.

We are trying to understand at what point there would be additional information coming in during the evaluation period. If more and more information are given after we sent the package to the panel, the panel won’t have enough time to finish the review, so when does it stop? So that was potentially for us to tell the reporter and operators that “Yes, this is the material that we will send. Are you okay or do you have more information, material, and so on?” It’s more like a process –

KRISTINE DORRAIN:

I see Jeff’s hand is up. Can I react before – I’m sorry, Jeff, do you mind if I follow up?

JEFF NEUMAN:

No, go ahead.

KRISTINE DORRAIN:

Okay, thanks. In my experience in 10 years, that was generally not a big problem. There were a few cases in which parties would just incessantly e-mail crap. In which case, the panelist would just say, "I'm not considering anything else. Don't bother forwarding it." I mean the panels are very good at managing their cases, and at least half of the people on your panel are experienced UDRP panelists and they're going to know to just draw the line. It just doesn't happen that much. Generally, people are pretty sophisticated and they only take the opportunity to submit something if they think it's super critical or super germane. That's the first thing.

The second thing is do you know where in your policy – does it actually say you offer another opportunity that I recall reading? That was an interesting point there. But I'm glad you offer it. I just think that you invented a problem there that probably is unlikely to exist in my 10 years of experience. Thanks.

VALERIE HENG:

At the beginning of those sentences say you will be provided to the panel, reporter, and registry operator add comments when asked during the panel evaluation period. That's the point when the reporter and registry operators see what are being sent because those are material that we provided to ICANN.

JEFF NEUMAN:

Being involved in one of the PIC DRPs, you did provide us or the people that we represent the opportunity – you said, "This is the package we're going to send, do you have anything to add?" We did add some things but we had no idea if that was actually sent on to the panel or not. In fact, reading the decision, it seemed clear that it may not have been



because the panel discussed what they had reviewed, it didn't seem like they reviewed the additional information. So you did ask, "Is there anything else?" and we submitted something else but we had no clue whether that was actually sent on to the panel.

VALERIE HENG: The addition of the green text actually will say you will get to see what we send to the panel.

JEFF NEUMAN: Right. But my point was you said, "This is what we're sending to the panel. Do you have anything to add?" and we said yes. Because we hadn't seen all of the complainant's stuff until that point, and so we added something, and it just sort of went into a void because we didn't know if what we had sent to you, ICANN, was actually forwarded on to the panel.

RUSS WEINSTEIN: Can I add a couple of things? This is Russ. First, Kristine, thank you for that information. That's really helpful and your experience is really valuable here as we're trying to think about how to properly define this so that it means what we want it to mean and what we intended for it to mean and be solving the right problems. So, that's really good information.

I think we should think carefully – if I'm understanding correctly, what you're saying is we're changing the way the text reads or changing who gets to decide if something is exceptional circumstance and worth considering from the panel to ICANN is your position. Or maybe hearing between Valerie and Jeff is that while the words may indicate that it

sounds like our practice may actually been consistent that it was always ICANN making that determination, I'm not totally certain on that but I think that's what I was hearing at least.

And, Jeff, I think your point is that it wasn't clear after you submitted the new information, whether that information ended up going to the panel. I think we're trying to close some of that gap here. Valerie, correct me if I'm wrong, but the idea would be if we got new information, that would then again be shared back with the registry, the reporter, and the panel if we were going to include it going forward. Jeff's issue still doesn't solve Kristine's which is moving the decision point from ICANN to the panel or from the panel to ICANN.

One thing I was going to add as Kristine was talking through the URS and UDRP cases was I know maybe some of our experience has been more on things like the Community Priority Evaluation process where people submitted things constantly leading up to and throughout an evaluation, trying to provide new information that would have to be accounted for and validated in a completely different process, but I think it may have colored some of our thinking on wanting to draw a hard line there as well.

So, do we have a suggestion for how best to bridge this gap? Kristine, do you have one?

KRISTINE DORRAIN:

Yeah. I just want to react a little and then I think my suggestion really is – I mean I think the language as originally written really is correct here. I think it's really helpful to hear your perspective on the community objection process because, like if you would take some of our worst case UDRP scenarios where you did get a hundred correspondence, I

can totally see why you'd be like, "Oh my gosh. We have to draw the line." I think the key is you yourselves don't want to draw that line. You're only going to get caught in a PR nightmare if you do that. You want to let the panel on that, and the panels are good about drawing that line because this process doesn't require, as you pointed out, any sort of validation or formalization. If somebody sends something along and you pass it on to the panel, the panel has the freedom to just say whatever. I mean there's just no formalization about it, so the fact that it just says, "Absent exceptional circumstances, additional evidence will not be considered," I think that that is really that that says everything you wanted to say, "The panel is probably not going to consider it, so if you want to inundate us with crap, do it at your own risk because you're just going to piss off the panel."

So I don't think we have to make any changes there. That would be my first initial suggestion. But your context is really helpful because I do understand trying to run away from a really sort of terrifying, aggressive scenario there.

RUSS WEINSTEIN:

Okay. Thank you. Go ahead, Jeff.

JEFF NEUMAN:

Just a little bit different perspective I think than Kristine. I think she's right that it should say absent extraordinary circumstances, it shouldn't be considered. But I do think the panel – because there's a much larger ramification of losing this case I think than just losing a one domain UDRP type case where, in this case, you can pretty much be found in breach and risk losing your entire business. So I don't wanted to sound like the panel shouldn't have the discretion if it wants additional

information and in fact – and this may be an area where Kristine and I might disagree a little bit – is I think in these cases, the panel should be requesting additional information if it needs it.

I kind of wish in the one case that we were involved in they did because they misinterpreted a whole bunch of things and they didn't have the experience to know that particular industry that this one TLD was in, so I almost wished that. Because the panel did say they felt a little bit constrained in making the decision. So I just want to put that context in. I agree with Kristine that the language is as Kristine has recommended. The only point I disagree on is I think panels may care a little bit more in this case about getting additional information. But that should be their choice to get the information or not, not the complainant or the respondent just sending in random information.

RUSS WEINSTEIN:

Okay. Kristine, is that an old hand?

KRISTINE DORRAIN:

That's a new hand. I just wanted to say I don't disagree with Jeff. Actually, I do agree with him on a purely substantive standpoint. However, I think here I'm going to defer the fine lines we've been really strict about defining material versus immaterial change. I think that what I can say is you've made a material change here. That's my opinion. I think the way to fix it is to undo the change and leave it as it was. As much as I support Jeff's suggestion and I love it, I'm not sure that I could justify that making Jeff's change is also immaterial. I'm willing to listen to Jeff's argument that it's not material but I'm not sure that I'm there right now. That's why I think in my opinion, leaving the text as originally stated is actually the best solution to this problem.

Because I think that leaving the text as written actually allows Jeff's scenario to exist and that is where it is such a big deal. A judicious party that is inundating the panel that says, "I just have a quick paragraph of rebuttal. It's super important. My contract is on the line." I think the panel should and would consider it because of such serious mitigating circumstances. When you're not abusing it, the panel is going to take that seriously. And the language as originally written allows that. So I think the language gets us where we need to be. It looks like Jeff might be saying the same thing, so never mind.

Secondly, I wanted to just point out – and this was the other point I was going to make but I held it off for a moment – I think that the calling out the fact that maybe staff might be doing things a little bit differently than the wording of the PIC DRP is something to sort of discuss and think about. I think this is a great opportunity to make sure that we're returning to administering the PIC DRP. I know that even if as a UDRP provider, we routinely go back to the rules to make sure we were following them, whether or not we have sort of slipped from following them or being super strict about something. So I think that where we've identified, "Gosh, in practice this isn't really what we're doing," I don't think the answer is to change the PIC DRP rules. I think the answer is to make sure that we're aligning what we're doing with the actual rules because the rules were put together with a lot of thought, and rather than just "This happened to be the way we do things."

Those are just a couple of points. I just advocate leaving the language as it was originally if no one else disagrees with that including Jeff. Thanks.

RUSS WEINSTEIN:

Thanks, Kristine. It sounds like Jeff and Kristine are now aligned on how we should handle this particular part. I think [encapsulating] with Valerie, we like your suggestions and can adhere to that.

Also, I think you're right in terms of – I certainly don't think anyone was intending to violate or go outside of the boundaries of the procedure. I think what we've found is that when there's gaps or unclarity in the procedure, there was different interpretations. Things may have been processed in a different way or in a particular way, and we're trying to I think bring that to the surface. But I hear your point, Kristine, about trying to bring it back into conformity as best we can here, kind of minimize the changes. I think we're both one there.

Valerie, take us through the next one unless there's anything to add?

VALERIE HENG:

Sorry. I just want to go back to 4.3. We agreed that we will just remove the text "provided to the panel for consideration."

KRISTINE DORRAIN:

Hi, this is Kristine. I'll jump in. No. We're literally undoing the changes up until there will be no hearing. So if you just undo the strikethrough and undo the additional text, I think you should be fine. So the text, if you undo all the changes will say, "Absent exceptional circumstances, additional evidence will not be considered and..." That was, I believe, the original text and that should be what should stay. Then we can say, "And there will be no hearing or direct communication." I have no problem with the direct communication but that makes sense there. You know that's part of communication, that's fine. I think that's the

intent and I don't think that's a material change but others can disagree.  
Does that help, Valerie?

VALERIE HENG: Yeah. Okay, 4.4. So this one we will revert to the original.

KRISTINE DORRAIN: Valerie, I think Jeff has a hand and then I do.

JEFF NEUMAN: Obviously we agree on not making the change, but I think the practice is actually something that we believe is a material change that you should not have on your own published the decisions on the website, and so we disagree with the notion that you reserve the right to publish the panel's evaluation results at your discretion. Actually, we think that that reservation of rights and doing it is actually a material change from the intent behind the entire policy.

This is where the whole crux of the argument we had with the one PIC  
DRP that we were involved with, we were very surprised that the  
decision was published that it immediately went to a breach of the  
Registry Agreement and wasn't funneled back into where we thought  
the intent of the policy was, which is kind of in the same place as sort of  
a showing cause rather than publishing the decision. So, we will agree  
with – going back to the original language but where we will reserve our  
rights is disagreeing that the publishing of the decision is not a material  
change.

KRISTINE DORRAIN:

I won't repeat Jeff's points. I do agree with everything he said. I think this is another sort of example of maybe where we reevaluate how practice may be diverged from the text. And maybe somebody somewhere thought, "Well, gosh, that makes sense. Other DRPs published the decisions." And all of those are pretty much one domain name, one guy, one person. That guy I guess is accused of cybersquatting in a [reserved] domain name and that's published and whatever. I think that possibly somebody along the line thought, "Hey, that makes sense. Let's do it." That's not what was written. That wasn't what was agreed to. And I think this is an opportunity again, go back to what was written and say that that wasn't really what the intent was all along and we need to stick to the rules here and what the expectation is. This is very sensitive to registry operators. It's a very big deal. I think that not publishing the decisions was very intentional because pretty much every model everybody had to look at had published decisions as part of the model. So leaving them out was, I believe, intentional. Thanks.

And yeah, Jeff points out in the chat that all the policies that say that the decisions will be published actually say that overtly. So I know that the PIC DRP process intentionally left that out because the ones they copied had it in there. So I don't think it's okay to say we can come back later and add that in if we wish because that would be a serious material change that would not be in the spirit of these rules. Thanks.

DONNA AUSTIN:

Valerie and Russ, it's Donna, if I could just ask a question. I understand your rationale for including this is for transparency purposes and ICANN has a default that transparency is really important. So I'd like to



understand why you decided that the evaluation result should be published and why you think it's at your discretion to do so?

VALERIE HENG: I'm trying to understand is the consent here to publish. It's those that have gone into the enforcement action or those that the panelist find the registry is not in compliance, it's not good.

DONNA AUSTIN: I don't think there's a distinction. Jeff or Kristine?

JEFF NEUMAN: Yeah, no. I mean I think again, this is where I think the real discussion needs to happen between ICANN staff and the registries because it was very much a surprise to us that if the panel found in a certain way that the next step was breached and that there was no appeal, there was no "Hey, the panel got wrong" or discussions between ICANN – essentially, I don't want to get into that discussion right now because it's lengthy – but the short answer is, as Donna said, it's full. There is no distinction. We were surprised that – we know that breach letters are generally published but the fact that it went straight to a breach, and therefore was published, was a surprise.

UNIDENTIFIED FEMALE: [inaudible]

DONNA AUSTIN: We have an open mic somewhere.

RUSS WEINSTEIN:

This is Russ Weinstein from ICANN. Thanks for your perspectives on this. I think the way these are thought about internally at ICANN is that they originate as Compliance complaints about the PIC. The Compliance department determines whether they need help through a panel or not. We get that feedback from the panel whether it was in compliance or not, and then they return back to their compliance process was the way it's been explained. I think that's in the complaint report as well. There's this whole discussion of the compliance process, and then it's in the PIC DRP process, and then it's back in the compliance process. Our default in the compliance process is that breach be published, and that's why those decisions have been published. I think we also looked to – when we were thinking about addressing the complaint and thinking about how this came about [adding] our position was looking at other DRPs and saying, “Oh, they published the results [inaudible],” thinking that was the correct model.

But your feedback is really helpful and informative especially the rest that weren't part of the original discussion that led to the document that we have today of, was it an oversight? Was it a discreet choice? Your perspectives are really helpful and helping inform that.

Given this is one we probably can't close on this call, we'll have to probably go back and talk to some people internally and sort through that a little more because as Donna pointed out and our rationale before is we kind of have the transparency by default mentality, and so it's awkward to us when there's things that aren't published. Those are the things that tend to need approval more than publishing in our world.

JEFF NEUMAN:

Russ, this is Jeff, if I could just add. Our perspective – at least some of our perspectives – we agree that it should go back into the compliance process on that. However, it is where in the compliance process it has chosen to go back to. So if you were to let's say do the fact finding yourself, if you were to find let's say an SLA violation, you would have found that fact and you would've sent a note to the registry saying, "Hey, you have an SLA violation. Please give us a root cause analysis and show cause as to why you're not going to or how you're not going to do that again." That was the expectation of the Registries in a PIC DRP. But you kind of skipped that.

Just to give another scenario that we're dealing with, different type of thing but same concept. A complaint we recently filed on behalf of a client because a registrar completely didn't follow a UDRP decision, didn't transfer the name, whatever. You guys found that that was right. They didn't transfer the name and then you issued a letter – not a public letter, not a letter of breach – but you issued a letter to the registrar saying, "Hey, we found you didn't follow the rules. Please tell us how and why you're not going to do this again." And everything was in the background. It was never published, it was never made public because the registrar seemingly fixed the issue and didn't amount to a letter of breach.

It's kind of what we expected with the PIC DRP that you outsource the fact finding to a panel, and then you come back and you say to the registry, "Hey, the panel found this. Tell us how, what you're going to do to fix it." If you don't like what the registry says, then you can escalate it to the breach. So that is the compliance process. I know it's a long way, sorry. But that's basically we agreed to go back to the compliance

process. I think we were surprised just where in the compliance process it went back to.

RUSS WEINSTEIN:

Okay. Thanks. That's helpful, Jeff, and I understand. I think when we were taking [RQs] – I'm not 100% positive – but in one of the sections it mentions if the Standing Panel finds the registry is not in compliance with the PICs, ICANN shall notify the registry operator via an enforcement notice and it prescribes the [care] period there of 30 days to resolve the non-compliance, which is the breach process in our world of that is the 30 days we give you at the point of breach. I'm not saying right or wrong or different. I think that's just the color, probably where we came from on why we issued those as breaches because that gives you the 30 days. But understand that –

JEFF NEUMAN:

We understand that but that's why we used "enforcement action" instead of the word "breach." Definitely when we were drafting all these collectively together, there were reasons why we used certain words and not use other words.

I totally understand where you're coming from and I totally understand why you're coming from that. I just think, as Kristine said, this is probably – and I'm in video, so hi guys – I think this is one of those situations where, as Kristine said, we should do a – Kristine, did you say a check? Or whatever you said, a checkpoint with the registries and make sure we're all on the same page.

DONNA AUSTIN:

Russ or Valerie?

RUSS WEINSTEIN: Yeah, I thought Jeff had pointed out over to Kristine, but I guess I see her in the chat saying that. I think there's another one we can take back and talk again with the Compliance group in terms of expectations. It looks like the only one we have to come back on from what I can tell.

DONNA AUSTIN: I think that's right, Russ.

RUSS WEINSTEIN: Thank you, Donna, especially to Jeff and Kristine who were able to help us out with this, provide that color and feedback to us, and the suggestions for how to make it moving forward. Jeff totally not adversarial at all, I think that's a really healthy dialogue that we're having. I appreciate that we're having it and how we're having it. So, thank you.

DONNA AUSTIN: Russ and Valerie, where are we in terms of next steps, notwithstanding that you have to go back and have a conversation about this B.4.4? I think we've had some cursory conversations about next steps, so I'd like to understand where you think we are in terms of moving forward with this.

RUSS WEINSTEIN: I think if I recall the conversation in Marrakech, the idea was if we get it to a point where the changes are considered non-material, and that process is somewhat encompassed within the procedure already and that ICANN have the discretion to make the changes, I think we should

produce a clean, full version of clean and redline and send it for your review for a final check would be my thinking, and then we could move forward. Valerie, I don't know if you thought more detail about what the next steps would be to publication, but I think what I heard in Marrakech with you guys, the Registries, advised public comment wouldn't be necessary because it would be within our scope.

DONNA AUSTIN: And that's my recollection too, Russ.

RUSS WEINSTEIN: Yeah. To remember one more point, one of the Registries – I can't remember who it was – but it would feel pretty silly [inaudible] making changes that are immaterial but we still want the public comment I think was the idea.

DONNA AUSTIN: I think by not going to public comment, we reduce the likelihood that others will request material changes.

RUSS WEINSTEIN: Right. And that we're having this conversation next year.

DONNA AUSTIN: Right.

RUSS WEINSTEIN: Okay. Our kind of thinking of next steps, we need to circle back [largely] with I think the Compliance organization to talk to them a little bit

about process and maybe even with the Complaints Office to resolve this 4.4 item. But then we'll probably inform you over e-mail. Maybe there's a discussion there to be had, I'm not sure, depending on the outcome of that and then maybe produce a clean and redline version for your review and give a couple of weeks feedback with a heads up, and then we'll go on publishing the updated version.

JEFF NEUMAN:

Hey, Russ. Just hopefully a quick question. If we go back to the whole rationale for making all these immaterial changes, it was addressed one of the PIC DRPs and letters you got afterwards, is it your intent then to publish ... or when you go back to think about how this is going to work, if you publish a new policy, are you going to send like a letter to the person or group that sent you all those letters and say, "Here is what we've changed to address your letters"? Because if you do that then we may unintentionally start people complaining saying, "Why didn't you put that out for comment?" I just want to know what the intent is of dealing with that other complaint and the reason why this all came into being.

RUSS WEINSTEIN:

That's a good question, Jeff. I think we'd have to go back to Complaints Office and allow them to sort through what they think the appropriate mechanism is – do they follow-up directly with their complainant or do they just publish it as part of their periodic reporting that it's been done or how that's going to work. I definitely understand the sensitivity there. Maybe it's a letter and explains that process that we kept it within the scope of immateriality and if it's still inadequate, let us know where and why and we can think about it down the road as part of a

negotiation process. How does that sound? Okay, cool. Thanks, Jeff. I see the comment there.

Okay, timing. We're about to head into a short week here at ICANN and then it gets to be a real busy time with a Board workshop and a number of onsite and offsite meetings in the early part of September, so I don't want to overpromise but I think we could have information back to you one way or another before the end of September. Hopefully well before that, to be honest, given the scale up here.

DONNA AUSTIN: That's good in terms of setting expectations, Russ. We appreciate that. We understand that these things take time. It has taken us a while to come back to you, so we understand.

RUSS WEINSTEIN: Thanks, Donna. And thanks, everyone, on the call. I appreciate the help. A number of folks didn't speak – any feedback you want to provide?

DONNA AUSTIN: There's [nothing else], Russ.

RUSS WEINSTEIN: Alright. Valerie, anything else we need to go through? Otherwise, I think we can adjourn.

VALERIE HENG: I think it's all good. Thank you.



RUSS WEINSTEIN: Thanks, everybody.

DONNA AUSTIN: Thanks all. Andrea, we can stop the recording.

Andrea Glandon: Thank you, everyone. Please remember to disconnect your lines.

**[END OF TRANSCRIPTION]**