
ICANN68 | Virtual Policy Forum – GNSO - IPC APAC Open House
Monday, June 22, 2020 – 10:00 to 11:30 MYT

CHANTELLE DOERKSEN: Hello and welcome to the IPC APAC Open House on Monday, June 23, 2020. My name is Chantelle Doerksen and I am the Remote Participation Manager for this session. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior.

During this session, questions or comments submitted in the chat will only be read aloud if put in the proper form, as I will note in the chat momentarily. We will read the questions and comments aloud during the time set by the Chair of the session. If you would like to ask your question or make your comment verbally, please raise your hand. With that, I would like to turn the floor over to the IPC President, Heather Forrest, to begin. Heather, please go ahead.

HEATHER FORREST: There we go. Thanks very much, Chantelle, and thank you very much to our Tech team who's helping us out here with running the backend tech. It looks like we have a disrupter there at the top of the screen that we probably want to block. If we could do that before we get started. Thank you very much. If we can perhaps block that participant, I think that would be helpful before we get started. And we'll turn at the same time to the second slide, please.

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There we go. Wonderful. Thank you. So this is our agenda for today and my absolute pleasure to welcome all of you and, in particular, to welcome those from my whole region here in the Asia-Pacific. You can see we have a full agenda today and what I would like to do is begin with a bit of introduction, and then turn to a discussion on the UDRP and where it has come from, how we got to where we are today, and its pending review which will happen soon.

Then I'd like to open up the floor for discussions through two different discussion topics, one on the UDRP from the IP owner's perspective and one on UDRP from the respondent's perspective in the UDRP proceeding. What we'll need to do for that discussion to happen is turn things over to our fantastic ICANN Tech team to help us run a queue. We'll have a speaking queue. You can either type your question into the chat or raise your hand and Staff will help those of us who are presenting manage that. Then we'll return to a plenary, have a bit of a summary, and I'm in charge of closing remarks. So we can turn to the next slide, please, and provide a bit of introduction to this session before we begin with our more substantive discussions.

It's really my pleasure to welcome everyone here today on behalf of the IPC. I'm really very sorry that we're unable to do this together in Kuala Lumpur, not least because it's a very cold wintry and rainy morning here in Tasmania. It would have been lovely to meet all of you in person, but I'm no less really grateful to the hardworking ICANN Staff from across all the various teams who have come together to help make this virtual open house session today possible. Of course, the technology is not a perfect reproduction or fit for what we had

hoped to do, but we'll do our very best and I hope we can have an enjoyable time together this morning.

I'd like to come back at the end of the discussion this morning to say a bit more about the IPC and explain a bit more precisely how we fit in ICANN and what role we play as an ICANN constituency and as individual members. But suffice to say for now that the Intellectual Property Constituency is the body within ICANN that represents intellectual property interest as this intersects with the domain name system or the DNS.

Representation of intellectual property rights in ICANN actually has a very long history, and it's a history that goes all the way back to ICANN's formation and the original Bylaws that were written in 1998. Stakeholders representing IP interest at that time, it's several things that are key to where we are today. Firstly, they ensured the establishment of a formal structure within ICANN to advise on matters impacting intellectual property rights. So we use the IPC all the way back to that founding moment. But also we're instrumental in the development and the adoption of the Dispute Resolution Policy that we know and love today as the UDRP, which is our topic discussion.

Today's session is intended to be an introduction to the IPC, to the Intellectual Property Constituency but also to an important policy development process that will begin soon with the purpose of reviewing the UDRP. This is actually the first time that the UDRP will be reviewed by ICANN since its inception and it's really only fitting that we as the IP community worldwide with our extensive experience and

knowledge of the UDRP should have an active role in how that review is conducted, what its outcome should be, and frankly, the sooner we begin that the better. So that's the thinking behind today's session.

What I really hope is that today's session conserve this sort of double purpose, highlighting what is about to happen in relation to the UDRP but also highlighting what the role of the Intellectual Property Constituency and its individual members will be in that process. So let's try and see. This is an opportunity to ask some important and perhaps difficult questions, not least to which is really from a starting point. What should our priorities as IP owners and advocates be in this upcoming review of the UDRP?

On behalf of the IPC Leadership team and really the entire constituency, I welcome you all. I also welcome and extend very sincere thanks to Brian Beckham, who is the head of the Internet Dispute Resolution section at the World Intellectual Property Organization or WIPO. Brian joined us from Geneva, a truly awful time of night for him so we're doubly grateful to him for his willingness to participate today. Very sincere thanks also to the colleagues who you will hear from later as leads of our discussion groups. That's Syed Abedi, Brian King, John McElwaine, and Yoshitaka Murakami.

What I'd like to do now is turn it over to Brian Beckham to provide some background on the UDRP how we got to where we are now, what we're likely to face in the review of the UDRP, what we need to anticipate. Please feel free to type questions in the chat while Brian is speaking. Any questions that Brian can't pick up, we'll circle back to in

the open discussion time that will follow. Our aim in the open discussion round is to have a collaborative conversation as people hear from as many participants as we can do. So with that, I will again welcome you and turn it over to Brian Beckham.

BRIAN BECKHAM: All right. Hello, Heather. Just checking that you can hear me very quickly?

HEATHER FORREST: We can, Brian. Thank you.

BRIAN BECKHAM: Good. Well, thanks very much for inviting me here today. Welcome. Good morning to most of you and good whatever part of the day to the rest of you. As Heather mentioned, my name is Brian Beckham. As you can see from the slide there, I work at the World Intellectual Property Organization Arbitration and Mediation Center. We're based out of Geneva. We actually have offices – our main headquarters are in Geneva. We actually, as the Arbitration and Mediation Center, have a satellite office in Singapore, and we are one of the global providers that's uniquely specialized in helping people to solve their IP-related disputes around the world through arbitration and mediation practices. I don't know if I can manage the slides. Or am I in the hands of Staff for that? All right, thank you.

So as you can see, we are a very diverse crew at the Arbitration and Mediation Center. We have 20-some odd Staff from around the world and that includes about 20 legal case managers, young lawyers who help us run the cases, and five or six more seasoned Staff, like myself. Some of us have been doing this for over a decade in some cases. And we actually don't decide the UDRP cases ourselves. We're an independent neutral arbitration body and the neutrals in our cases actually help us render the decisions. We merely facilitate the process. Next slide, please.

So why are we here? The UDRP, if we can look back in the rearview mirror to 1998-1999 when the Internet was still more in its infancy, you had a collision basically between trademarks and domain names. Trademarks because they're territorial, they're limited in scope to class of goods and services, necessarily there's possible coexistence between different trademark owners, between dictionary terms that are also used in a non-trademark sense.

So along comes the Internet. We have a clash between trademarks and domain names and we need to figure out what to do about that. So some government member States of WIPO asked the Secretariat to create a report on a possible solution that was what they called the Uniform Domain Name Dispute Resolution Policy or the UDRP. At the time it was an experiment to see, is there a way we can address this new problem outside of the courts? Because of course, brand owners could have gone to court to address this dispute under trademark law. But you might have had to do that in a foreign jurisdiction, you might

not actually know who the registrant of the domain name is, so the UDRP was an attempt to solve that problem. Next slide, please.

The UDRP, it applies by contracts to all gTLDs, so you know those as .com, .net, .org. It applies to all new top-level domains, the thousand or so that were introduced over the past few years by ICANN and about 80-odd ccTLDs or country code top-level domains. And it's meant to really be for clear-cut case of trademark abuse. It's not meant to duplicate trademark infringement proceedings in the courts. It's really different. It's talking about the bad faith registration and use of a domain name and not trademark infringement. So it was always envisioned that that the UDRP would be there as an option for brand owners but that they could also go to court if they wanted, for example, to seek damages. The only remedy available in the UDRP is that the domain name would actually be transferred to the brand owners control so they could keep it out of the hands of the abuser or the domain name registration would be cancelled so that would no longer resolve. And that's actually directly enforced by the registrar so there's no need to ask the court, for example, under arbitration to enforce a judgment. It's directly implemented by the registrar of the domain name. Next slide, please.

I apologize. I think there's a little bit of dynamic content on here. There we go. The UDRP, one of the key advantages I mentioned that it's an alternative to the court. As you can see, it's quite quick as compared to court proceedings. It's also quite cost-effective. It cost at WIPO 1,500 U.S. dollars to file the case, of course, that doesn't include any fees that would be required by an attorney or internal resources to

prepare the case. But the filing case, at least it's 1,500 U.S. dollars with WIPO. And actually 1,000 of that or the majority goes to the panel to render the decision we keep a small part of that to help offset our costs. But the fee is actually in relation, as I mentioned earlier, to having to potentially go to a court around the world are pretty reasonable.

It's, as I mentioned, in 1999. This was a recommendation to solve this problem of the clash of trademarks and domain names. So it was an experiment at the time. And over the course of the past 20 years, it's become predictable. There's a body of case law that's developed around it. We've managed over 48,000 cases currently which cover over 85,000 domain names. So you can actually bundle. If there are multiple domain names registered by an infringer, you can bundle those together. Most cases have one or two domain names involved. We have actually had a few cases with hundreds or even we had one with 1,500 domain names a few years back. So you can really get some economies of scale there.

And just to sort of situate the type of cases that we see nowadays, of course, in the early days, there was a lot of pay-per-click advertising, unfair competition, things like that. We see, unfortunately, a lot more scams, phishing. Especially around the current crisis situation, we're seeing domain names registered that try to take advantage of that. But those are the types of cases that we see and this is a way for brand owners to help bring these back into their control and keep them out of the hand of infringers. Next slide, please.

I mentioned earlier, this is just to give you a quick snapshot. I'm not going to run through the list. You can see it there or, of course, feel free to contact me afterwards and we can provide more information by way of follow-up. But the UDRP, it's there and it's applicable for all top-level domains so that's about half of the domain names registered globally, I think 150 million are thereabouts, and it also applies to about 80 ccTLDs. About half of those actually just simply adopt UDRP and say, "We'll take this tested model and plug it into our national domain space," and then others, they'll make a tailored variation. So sometimes that has to do with some nuance of national law. Sometimes they prefer to have the cases in different types of language, or you can see some non-English scripts there. So the UDRP can be completely tailored. We help ccTLDs to do that to tailor it to their local or national needs. Next slide, please.

So this is just a sample of a page. A couple of years ago, we overhauled our ccTLD web page resources. So we've included what basically the toolkit that a practitioner would need to know. So you can see what are, as I mentioned, some of the variations? What are the types of rights that are covered? What are the differences between the UDRP and that particular ccTLD? Are there any eligibility criteria for some ccTLDs? Of course, you can bring a case as a non-local brand owner, but in order to actually maintain a registration in that space, you would need a local office or a local agent. So we help you understand some of those nuances in the ccTLDs.

The next slide is really just a quick snapshot. You saw earlier that the UDRP usually is wrapped up within two or three months. So the next

slide is – apologies for the quick succession of content there. So this is just to show you basically what happens in the normal case. Of course, in some cases, there are slight differentiations, the main one being in about 15-20% of the cases nowadays that's gone down recently, but typically 15-20% of the cases settle before they go to a decision. And that's an agreement between the parties from the registrant to transfer the domain name to the control of the filing brand owner. And if they do that of course we refund the panel fee so they are only paying \$500 instead of the \$1,500 at the end of the day to get the case, but this is the snapshot of the case timeline.

The next slide is really the core of the UDRP. This comes from trademark law principles. So you see the concepts are confusingly similar there. This is a slightly different test and likelihood of confusion on our trademark law slightly less nuance, but these are the three elements that are required to be proven by the brand owner in the UDRP case to win. So they have to prove that they have a trademark right that the domain name is actually either identical or what we call confusingly similar to that, that the registrant lacks rights in the name and that the domain name both has been registered and used in bad faith. You'll see, we'll come back to that third point later, I'm sure.

Just a few quick examples on the next couple of slides on what the test for identical or confusingly similar means. So obviously, identical, it's pretty self-explanatory. If the brand is exactly replicated in the second level of the domain normally then that test is obviously met. You see the case of Swarovski there, where sometimes brand owners use a new top-level domain to actually make the brand what they call

span the [dot] there. So those are examples of identical matches of a trademark to a domain name.

The next slide is an example of confusingly similar domain names. So those are names where you have the brand plus a term or the brand in the case of some of these IDNs. What you actually see on your screen would be what looks like Siemens.com. Maybe it's a little easy to pick out there in the bigger text but imagine you're on your phone and you get an e-mail pop-up with this and it looks like it's coming from the brand owner and you've landed yourself in some sort of a phishing scheme. So these are these are behind the scenes, you see that the Punycode but on the screen you see what looks to be the actual brand name.

The next slide is just an example of a couple of brands plus an additional term. Usually the additional terms are in their market. So boutiqueprada, vogueomag. Sometimes they're random words or words in foreign languages, but those are examples of additional terms.

Then finally, an example of typosquatting. Again, they may be easy to pick out because they're here on your screen. You can contrast the brand with the actual domain name. But if you're looking at this quickly on your screen, you might not pick out that this is actually an intentional misspelling and again you've landed yourself in the crosshairs of an infringer.

So just to quickly mention, I mentioned earlier, on the next slide, we have over the past 20 years there's been almost 50,000 cases at WIPO.

So we looked at that and said, “What are the lessons that we can learn from this? Are there any themes that have come out of this? Are there any similarities in the way the cases are decided?” And of course there are. And so what we did was we actually distilled all that down into what we call the WIPO jurisprudential overview. It covers about 60 topics. It covers thousands of cases; hundreds of balanced decisions are covered in there, the consensus positions of their decisions. But these are just a few of the highlights that are in the overview with respect to these first UDRP elements. So you see: what’s the test for confusing similarity. Obviously, there can be a lot of nuance in that because it’s necessarily subjective. What’s the relevance of the website content because, of course, we’re talking about the clash between the trademark and the domain name, is it relevant or not, under what circumstances, the content of the website, etc. The next slide.

The second element, as I mentioned, was that the registrant didn’t have any rights in the domain name. And so to help us unpack that a little bit, the drafters of the UDRP on the next slide actually created some criteria to say, well, what would that mean? That the registrant didn’t have any rights in the domain name or rather, in this case, where the defenses they could put forward to actually show that they did. And so these are the examples that you can see on your screen. So it could be that you have a brand owner with a brand in one jurisdiction, and they run across the domain name in their search report and they don’t know who this person is. It looks to be maybe not a legitimate business but the respondent can come in and say,

actually, “I’m over here in this country, this part of the world doing this type of business, and here’s some proof that I’m doing that.” So you see the first criteria there of the bona fide use of the domain name.

The next slide – and I apologize, there’s a bit of a cascade here with the content. The next slide is legitimate non-commercial or fair use. This is something that, frankly, doesn’t come up in a majority of cases but it tends to be very interesting cases, they get a lot of attention, criticism of fair use cases. UDRP has a strong history of protecting free speech in cases. What it doesn’t protect, however, is cases that are put up with the pretense of looking like a fair use or a criticism [site] that are actually behind the scenes. There might be a private exchange where the registrant is looking to get some money out of the brand owner, and of course that comes out during the course of the case and, in most cases, the brand owner succeed.

The next slide, this is more on the procedural side again. Sorry for the cascading content. So this is just to show you on the procedural side how the second element works. So basically, the burden of proof is always on the brand owner to prove its case. But in the case of the rights or legitimate interest, it’s not always possible to know in advance whether the person might have a right to the domain name if they’re in a foreign jurisdiction, you don’t know who they are. So what’s happened in cases is that the brand owner, if they put forth a prima facie case that the respondent lacks those rights, the burden of production then shifts over to the respondents to come forward with evidence showing that they do have such rights.

The next element, the third element – there we go, one more – is that the domain name has been registered and used in bad faith. And the next slide is our four illustrative examples. These are non-exclusive examples of conduct that could land you on the wrong side of UDRP case. If you're registering it, sometimes to just disrupt the business of a competitor or if you have a pattern of doing this, you just register domain names and try to sell them to brand owners. So these are the these are the examples that were laid out in the original UDRP all those years back to show what are some types of conduct that would not be permissible under the UDRP.

The next slide, just to show you, not to go too much into this – I see there's a question in the chat – what WHOIS looked like before and after the GDPR. We, as a UDRP provider, when a case is filed with us, we can ask the registrar for the information. We get that information and relay that over to the brand owner who might need to amend their case in a couple of cases they've actually withdrawn the case because the domain name, it might not have been clear what the content on the site what it has been used for, but then they get the information and it looks to be a legitimate business elsewhere in the world and then they withdraw the case because they can see that it's not going to be in their favor.

To the question, the cases, I would say, anecdotally, they may have slowed down maybe on average a day or two. I don't think in the provider context we've noticed an appreciable slowing down. Of course, most registrars when we ask for this information, just like we would have under a privacy or proxy situation or we would have

always asked them to confirm this in the past and they provide that usually within a day or two, most of the big registrars, they have systems in place where they relay this to us. But we do have some registrars who are less cooperative sometimes that can drag on for four weeks or more, and we have to get ICANN's Compliance team involved. So those cases really can blow out the timelines. But on average, fortunately, it's not I think materially different than in the past.

We've actually produced on the next slide a Q&A. This has already been put up some time ago on what the impact of legislation like the GDPR has on the UDRP. So this helps you understand how to find the information, what to do, what it means for procedural aspects of the case, substantive aspects of the case. So this is a good resource to answer some questions on the impact of the changes to WHOIS data.

The next slide is a screenshot of our search function. We have a good database where you can search for cases. If you have a particular term that you're looking for, a particular behavior that's coming up in your case, you can search for that on our website. The next slide is a screenshot. I mentioned earlier our overview, our jurisprudential overview. I highly, highly recommend this if you're looking at filing or defending a UDRP case. This really is a lot of the nuts and bolts what's required to either succeed on either side of the case in the UDRP.

The final slide for me is – this is really just to sort of set the scene on – and we can do this. We actually have normally a two-day workshop in Geneva, where we go through all of the content that I've just whizzed

through over the course of two days with breakout sessions and very experienced panelists helping people understand how they make the decisions. So that's just to set the scene a little bit. And what we're here to actually talk about is, well, UDRP, it's been up and running for 20 years, we have a body of case law, we have a jurisprudential overview, and now there's a working group within ICANN that's looking to review that. And so we are in what we call Phase 1 of that review, which was reviewing rights protection mechanisms which were created for new gTLDs. This doesn't yet include the UDRP. These are things like a Trademark Clearinghouse or what they call the URS, which is a sort of quicker, cheaper version of the UDRP. It has about 150 members. Some of some of which are very active, representing all sectors of the Internet, of business, of civil society. It has three co-Chairs, one of which is myself.

Just to give you a little bit of a flavor for, because we're in the IPC session – excuse me, the Intellectual Property Constituency, some of the some of the early questions that we had to wrestle with, if we should have had to, were really questioning kind of some of the basic notions of trademark law and this intersection of trademarks and the Internet. Obviously, people have different positions about it on these topics, and so it's made for four years of debate and discussion where we're slowly landing the plane on this first phase and looking to move over to the second phase, which is reviewing the UDRP sometime later this year or early next year.

So with that, thanks very much, Heather, and IPC colleagues and people from around the world attending. I think I'm turning it over to

Heather and some facilitators to walk us through some questions on what does the UDRP mean for us.

CHANTELLE DOERKSEN: Thank you very much, Brian, for that informative discussion. Now we're going to turn it over to our next presenters to lead discussion topic #1.

JOHN MCELWAINE: Hey, this is John McElwaine, can folks hear me?

CHANTELLE DOERKSEN: Hi, John. Yes, we can.

JOHN MCELWAINE: All right, is Syed on as well?

SYED ABEDI: Yes. I'm on.

JOHN MCELWAINE: All right.

SYED ABEDI: Sorry about that. My name is Syed Abedi. I'm an IP attorney at Seed Intellectual Property Law Group based out of Seattle, Washington, USA. Hello, everyone, and Happy Father's Day. Thank you, Brian, for

that wonderful presentation. And for this part of the presentation, we'd like to make this interactive and we welcome your comments and feedback from all, especially from brand owners. If you have any questions, as Heather said, bring it to our attention in the chat or raise your hand.

So this sort of dovetails off of Brian's presentation so please excuse any duplications. As Brian presented, UDRP provides many benefits. Most importantly, what we know is that it works. It has proven over the years it works and, as Brian mentioned, you can achieve economies of scale so it is scalable. Something that people don't always realize, if there is a procedure that IP lawyers prefer then it's sort of assumed that it doesn't work for the other side, but actually there are a lot of benefits to domain registrants, domainers, and I'll go over some of these just to lay out that this is a fair procedure that works for both parties.

There's an option of reverse domain name hijacking. So basically what this does is it filters out bad complaints from brand owners from being filed. In other words, it prevents owners from filing complaints in bad faith when the owner does not have legitimate rights to that domain. So that's a good benefit for domainers and there are essentially no damages. There are no attorney's fees, no damages. So it's a benefit to domain name registrants. And as Brian mentioned, there are procedures in place to account for due process. And this is important because both parties would not want the process to be left to the judgment of platforms like registrars and registries having a consistent process that takes into account due process concerns, it's consistent,

it's important, and a benefit to both parties. And the value of that domain name is inflated to the cost of the UDRP. As I mentioned, an important part is that it avoids court cases. As a brand owner, you can go to UDRP action and if you can win on the merits and then you can have that domain name transferred to you or cancelled. So it avoids going to court, but this works for both parties. If they're brand owner has incentive of going to UDRP process then that deters the brand owner from going to court. That benefits both parties. As we mentioned, this benefit doesn't just apply to domain name owners. It also applies to ICANN and contracted parties, registrars, and registries. It accounts for fair speech advocate arguments, as Brian mentioned. So all of these concerns are well accounted for in UDRP, so it works for both parties.

Now I'd like to pass the mic to John to provide his commentary and maybe add some things that I may have missed. John, over to you.

JOHN MCELWAINE:

Yeah, thanks, Syed. We kind of planned this to be as interactive as possible and I'm just going to provide a little bit more color to the scalability and the proven nature. I think, as Brian had mentioned, there are more and more cases every year being filed. So we're seeing an increase in the type of mischief that can go on in the domain name system. I'm a panelist and I would say that probably at least half the cases that I look at nowadays involve some form of scam or phishing, even just trying to harvest people's data. So, as a result of all the different ways that the domain name system be used for evil, shall we

say, cases have been increasing each year. But the good news is that WIPO has got a great Staff and they can handle a lot of cases. And on top of that, there is over 500 panelists so there's a large stable of panelists to help make determinations, just render decisions on these cases, and they're coming from all walks of life and different countries, I think, as Brian mentioned, 60 different countries. As a 20-year track record and again I'd call to your attention to review, there's a good body of precedents that has built up and it's summarized in what Brian referred to as the WIPO 3.0 overview. So the WIPO overview, which is available on their website is an excellent resource, if you're a brand owner or a councilor to review that, when trying to decide whether you might have a case to bring, really, it's been that proven track record and the predictability that has created such success with the UDRP and had identified it's really benefited everybody in the system, whether it's a registrant or domainer, whether it's the contracted parties or the registries and the registrars, and then the IP holders have all benefited. So with that, I think we move over to the next slide.

Syed, do you want me to turn it back over to you for this?

SYED ABEDI:

Yeah. Thanks, Brian. I want to start this by just making it clear that the process works. It's proven. There are some that may have suggested certain improvements. So we've tried to put together some points where certain people have suggested that, "Okay, there's a possible improvement there"

I'll start by the first one, which is the bad faith standard. At present, as Brian mentioned, it says you have to show a bad faith registration and use. Now I want to give you a little background. In the U.S., we have the Anticybersquatting Consumer Protection Act (ACPA) and that does not require both bad faith registration and use. It only requires bad faith registration or use. So people who have suggested, why should the standard change?

One typical scenario where you would consider where this could be a benefit is in a scenario where you have an older domain registration and in your brand. So it's possible the registration itself may not have been in bad use but subsequent use maybe and bad use. With that said, I'm going to transfer over to John to give his thoughts on this potential improvement and if it's even doable and what are the consequences of this.

JOHN MCELWAINE:

Yeah. Thanks, Syed. As you identified, there can certainly be a situation where registration may have been innocent to start with, but then later on becomes clearly infringing. And that type of sort of fortuitous registration, some brand owners would feel like you shouldn't be outside of the UDRP, and in fact other country code level proceedings and as you've identified laws, for instance, in the United States allow for a cause of action to be brought for cybersquatting when there is bad faith registration or use.

Part of the issue that we've talked about when this has come up is whether then there might need to be some sort of statute of

limitations, whether you knew or should have known that it had begun to be used in bad faith. But ultimately, it seems to make sense that one position of brand owner could take is that the UDRP could be improved if we got rid of “and” replaced it with “or”. So with that I’ll turn it back over to you.

SYED ABEDI:

Okay. Thanks, John. Another potential improvement is what should we do with repeat serial offenders? One of the possibilities is, should that mean presumption of bad faith if there is a repeat serial offenders? Others have suggested that possibly you can have “three strikes and you’re out” type of a rule. I mean, these are ideas out there. I think it works how it is and possibly because the complainant always has the option to provide evidence of repeat use and the UDRP panels, they consider all of that. So whether this improvement – what are the real benefits of it is a question out there, and I’ll turn it over to john for his thoughts.

JOHN MCELWAINE:

Yeah, Syed, I agree with that. And that’s exactly what brand owners have been talking about when making the point that there needs to be something done with repeat serial offenders, some sort of as you identify punishment enhanced damages, if we ever get to anything like a loser-pays model.

I’m trying to keep an eye on the chat and Steve Levy had a question about whether if we changed “and” to “or”, whether there should be a

higher burden of proof required for domain names that are resolving to pay per click that is parked or other automated content. My just off-the-cuff response to that, Steve, would be that I'm not sure that changing and or would require a higher burden of proof for that reason alone. However, perhaps relooking at whether such use would truly be in bad faith in that case, there might need to be an adjustment, at least in the determinations that we're making as panelists is whether that truly with the in bad faith if you didn't have a bad faith registration but the pay per click then, because of a brand coming on the scene, did start to produce what would arguably be infringing content. As you know, either as line of cases that say that the registrant or the respondent is responsible for the content that's being produced on its webpage as well. But I think that's an excellent point that there would need to be some rethinking of the precedents. With that said, I'm going to turn it back over to you perhaps for the next bullet point.

SYED ABEDI:

Thanks, John. Another idea that's been floating around is early optional mediation. In my mind, the way this would work is it should be early and this should be something that both parties will agree to. And I think the way to reap benefits from this is if there could be some cost savings, for example, maybe a smaller amount of early filing fee and then to see if this process works. This is really, in my mind, at least the main benefit that I can see for early optional mediation in both parties agree. John, your thoughts.

JOHN MCELWAINE: Yes, Syed, I agree with you completely there. I think it's always a good idea for both parties, whether you're the respondent or the complainant to try to engage in an early mediated resolution of the case. But as we've seen with some other country code level, registries have implemented similar mediation, oftentimes it's coming after the complainant had to invest an awful lot, either in drafting a complaint or in filing fees. So I think your point is very well taken. Mediation is going to be more successful if it's done at an early stage before either party's incurred a whole lot of expenses in the case. So, back to you.

SYED ABEDI: Thanks, John. I think this is a fair point, loser pays. I think this will be a deterrent for both sides, so it could potentially be an improvement but I suspect there could be a lot of resistance to apply this from third parties. But in my mind at least, it seems like a fair process and this will also deter bad registrations and bad complaints from both sides. John, your thoughts.

JOHN MCELWAINE: Yeah, Syed. My thought on this type of process would be a loser-pays system but one that's more like the opposition process with the EU trademark, where we're not talking about an unlimited potential award for attorneys fees, but set a reasonable reimbursement amount, and maybe something small like \$500,000. And then also, on top of that, maybe include some implementation costs, almost like

court costs, \$50 or \$100, to pay to the registrar for going through the process of transferring the domain name. Once we have that sort of cost recovery mechanism I think in place, cybersquatters would think twice before engaging in illegal behavior if they could be on the hook for at least some form of payment. Back over to you.

SYED ABEDI:

Fair enough. Thanks, John. And then the next point is appeals process, whether there is a need or not. I would say, for the most part, this current process works. At least on the U.S. side, parties can go to court, they can pursue a declaratory judgment or even de novo actions in court. I think it works but, John, your thoughts – maybe in some jurisdictions, it doesn't work. I think, John, you can chime in on that.

JOHN MCELWAINE:

Yes, I think that, sometimes given the global nature of the Internet, appeals can be had or de novo review of WIPO decisions can be had in places that would be inconvenient for the winning or losing party. And one thought has been to have WIPO also handle an appellate proceeding. Thereby, again, we're bringing stability and predictability in terms of being able to do things, hopefully in a cost-effective way and in a manner that doesn't require attendance in court rooms throughout the globe. That way, we could do it in one simple way very similar to the UDRP. Back over to you.

SYED ABEDI:

I can see that working. So let me move on to the next bullet point just to keep moving. This is a question about default versus contested proceedings. Let me start by saying at least on UDRP actions, even if there's a default, the panelists does make a finding on the merits. So even default, unlike in court cases where perhaps the judge is not going to look at the merits with UDRP cases, merits are always looked at. But there could be some cost benefits here, and I'll let John chime in. I think you can expand on that.

JOHN MCELWAINE:

Being able to have a default proceeding, currently as it stands as a panelist or even as a default, you do produce a decision going through the case and looking at each and every piece of evidence and then ruling, although there are certain presumptions or inferences you can take, I should say, by the fact that a respondent has defaulted, you still go through every aspect of the case. If we were looking to streamline the process, one of the options would be in a default setting, perhaps we could allow there to be a default, like you'd see in many different countries where it would be a very quick and summary decision in favor of the complainant.

SYED ABEDI:

Okay. So this is the big one: privacy shields and redacted WHOIS. Frankly, there are a lot of benefits. Back in the day, where, for example, let me start privacy shields – if there was a way for complainants to know who the registrant is, I think there could be many benefits because at this point, what is required is you file a

complaint and then the registrant is unmasked and then the complaint has to be amended. So from a brand owner's perspective, this seems like an inefficient process. And as you know, Brian mentioned, knowing this information before spending all the resources and money and filing this complaint, I think there could be a lot of benefits, and I know John has an interesting case or there could be some cases where this could be of benefit. So I'll let John chime in.

JOHN MCELWAINE:

Yeah, I think Brian Beckham had an example where the complaint was withdrawn because they realized that perhaps there was a good faith reason, but I've actually sued the vice president of my own client before, not knowing. But I swear to everybody on this call that the general counsel did [inaudible] the complaint, [inaudible] the company whether anybody had registered the domain name, but people don't always check their e-mails. So not being able to see until you've filed a complaint what's behind the redacted WHOIS does create problems for complainants. In a small percentage of cases, it's rare but it would be nice for there to be an easy way to get a peek behind that and then evaluate whether you've got a good case or not.

So with that said, Syed, I think we're asking for folks to raise their hand if they would want to ask a question. I know that we've seen – there may be some in the chat. I see one here. Many brand owners would agree that most of the suggestions presented by Syed and John – thank you – will these suggestions be submitted to WIPO for review?

I know certainly that WIPO will be involved in the process of the Phase 2, the review of the UDRP that ICANN is undertaking or will the undertaking here in the near future. In fact, Brian has been instrumental in the review of the Phase 1 approach. And of course, they're really thought leaders on the UDRP, so I know that they will have their input with a number of these topics.

Any other questions for Syed or for me? Feel free to raise your hand. All right, Syed, any closing comments that you want to make?

SYED ABEDI:

Well, I want to thank everyone for an opportunity. Thank you, John. That was a lively discussion. I think there were some excellent points for people to consider. I think closing, I'll just say that UDRP works but there are some potential improvements that could be discussed.

JOHN MCELWAINE:

Okay. Thanks and we'll turn it back over to our next set of presenters then.

CHANTELLE DOERKSEN:

Thank you. One moment and we will unmute the next set of speakers.

YOSHITAKA MURAKAMI:

Hi, I'm Yoshitaka Murakami of Com Laude Japan. We'd like to discuss about the topic. This is about exploring other perspectives for the

UDRP, and I'm actually going to talk with Brian King of Clarivate. Hi, Brian.

BRIAN KING:

Hi, Yoshi. Thank you. I just want to check that I can be heard. I see the microphone icon bouncing so I think that's a yes. It's great to be here. This is Brian King from Mark Monitor, part of Clarivate IP Group of Companies with offices in the U.S. and Europe and across Asia, as well. So it's great to be here.

YOSHITAKA MURAKAMI:

Okay. We actually have some issues here, talking about the UDRP in the future. We have some examples in the next slide, but I'm going to give you the points to discussion here. You can see here: consider the UDRP from the non-IP owner perspective. Do you have personal experience responding registrants facing UDRP actions that you can share? If not, try to consider the UDRP from that perspective. What are the main advantages you see in the UDRP system and others like disadvantages? This is very important – if you were reviewing the UDRP, what might you seek to change?

Before we talk about the advantages, disadvantages, and characteristics of the UDRP, some we may need to change or, I don't know, we don't need to change. But before we actually go to the next slide, I want to ask Brian Beckham of WIPO, if someone actually is willing to change some of UDRP regulations we already have, how

hard it would be? Is it okay to connect Brian? Maybe not. Okay, you're muted. Right, yeah. Okay, 30 seconds.

I'm not a lawyer but I have been seeing the UDRP for domain names for nearly 20 years., and what I think is UDRP is working well but this is also the policy the committee actually made are working for 20 years without a big problem. So I want to see how hard it is to change what we have made for now.

Is it okay to answer, Brian? Are you here? No? Oh okay. I thought I've talked about 30 seconds, but I wasn't. Brian King, do you actually have like any thoughts to change or how hard it would be to change the UDRP?

BRIAN KING:

Sure. More comments on that. Thank you for the question. And we have some specific examples on the next slide I think as opposed to the first part of this call, where we've talked about the features and benefits of the UDRP and some reasons why it works great. We do have some other perspectives here to discuss, and I think Brian has heard probably all of them. And if he's unmuted, I'm happy to contribute. I'd love to hear his thoughts before we get into some of those specifics on the next slide. Thanks, Brian.

BRIAN BECKHAM:

Can you guys hear me?

BRIAN KING: Yes.

YOSHITAKA MURAKAMI: Yes.

BRIAN BECKHAM: Very briefly, because I think that the next slide has a lot of interesting stuff to unpack, but look, the simple answer is yes, of course, there can be improvements made. WIPO can help do that. I would just mention that when the UDRP was originally developed, there was a process, what they called the first Internet Domain Name Process run by the Secretary at WIPO. That consisted of about 20 international meetings where a group of WIPO Staff members went to different locations around the world to gather feedback from people on how to unlock this problem of the clash between trademarks and domain names. And they pulled together a very, very detailed report based on those 20 or so consultations and that birthed the UDRP. So the UDRP in itself is actually very simple, in a sense. It's a very short, concise document, but there was a lot of work that went in behind the scenes to pull that together. Here we are 20 years later with the body of case law around that. So the question of course is, what happens if you make a change in one area and then that have a ripple effect elsewhere?

And so our really advice or plea, frankly, is it's not to be too defensive or ivory tower I should say, leave it alone, it's working fine. Because of course, brand owners and others, they've had case experiences and they might have improvements to suggest, but it's really to do this

very cautiously because the last thing I think anyone wants to do is to upset all the good work that's been done over the last 20 years with some well intended improvements that tend to have ripple effects and start to lead lives of their own once that process is concluded. So are our thoughts are take it really slow. Take it really consciously and really think through what some of the repercussions of some of these potential changes would be.

YOSHITAKA MURAKAMI:

Thank you, Brian. Okay, next slide, please. Okay. We actually have six examples here sought by others already and I'm going to read out. The first one is appeal process. This basically talks about if the UDRP should have appeal system within UDRP I think. Because unlike URS, UDRP has no specific appeal mechanism; decisions challenged at court. Should there be a designated appeal process built into UDRP? Who would pay?

I will say, actually, I know the cases of some ccTLDs and especially about [JP] domain names that if the applicant of the UDRP was unhappy with the decision, they can actually bring to the court. That actually means to me that we already have an appeal system, we're just going to the court. When I actually do learn about UDRP, I actually reflect the points of UDRP to the other arbitration cases or mediation cases. I think the point is actually going to be on the domain name issues, which the three elements that Brian Beckham explained before. Again, I'm not a legal practitioner but yeah, it's actually a good

question to ask about whether we have the appeal process within UDRP. Do you have any opinion about it, Brian King?

BRIAN KING:

Yeah, thanks, Yoshi. I think it's really an interesting decision or an interesting question rather. To appeal at court, I think if we're to be fair, it would be cost prohibitive for many registrants. With that being said, I'm not personally convinced of the need for an appeals process because I think our panelists get it right nearly every time without fail, essentially. So setting aside the concept of the need for an appeals mechanism, I think for anything that perhaps is in a legally problematic area or vague or ambiguous perhaps a court of law is the proper venue for those types of things and perhaps they shouldn't be appealed in a UDRP context. So I suppose folks could have different experiences that might lead to different opinions on that.

I did note that we had a hand up. I think perhaps Alban, and if you want to ask that question now or in the chat, I would be happy to answer it or otherwise Yoshi. I can go on to the next point here, which is the concept of a limitation period or kind of a statute of limitations or the common law concept of laches for bringing an action in the UDRP. We've heard that raises a concern and I wonder if folks have thoughts or opinions on whether the concept of the intersection of the domains being registered in bad faith and being used in bad faith sufficiently addresses this concept or perhaps further exacerbates the problem that one might have to wait for use in bad faith in order to file UDRP under the current rules.

So I welcome any questions or thoughts that the audience has on this. And before we were a bit more deliberate about opening up lines for speaking, we were intending for this to be a more active Q&A session, so please don't be shy about raising your hand in Zoom and Staff team will be happy to get folks unmuted, and we can do questions that way or in the chat. So any thoughts or questions are welcome on perhaps statute of limitations for bringing an action under the UDRP.

ALBAN KWAN:

Hey, Brian, Yoshi. This is Alban. Thanks for taking my question. I actually have a question for the last panel but I also have one for your topic as well. I think it is an interesting thing that you bring up the appeal process for UDRP. I just wanted to get your opinion on this as well, because certainly we have seen some cases where cybersquatters will also make use of appeal process or court processes to actually hold the decision or gain advantage. Do you think that if there is appeal process in place, that will also be abused as well?

SYED ABEDI:

Brian? Actually, you can answer this. Okay, go on.

BRIAN KING:

Thanks, Yoshi. Thanks, Alban. Good to hear from you. I'm happy to answer that. Sure. I think that that could certainly be abused in any kind of appeals mechanism. The best answer might be Steve's answer in the chat that the cost of an appeal should deter abuse. I wonder if

perhaps, Alban, that's the case in some of those jurisdictions where registrants might use the courts to avoid or delay the implementation of a UDRP decision. So I think that the cost could certainly be used as a deterrent.

It looks like John McElwaine agrees. I see Brian Beckham's hand is up and his mic is unmuted. So, Brian, did you have other thoughts there?

BRIAN BECKHAM:

Yeah. Thanks. I just wanted to add. I think Steve's point is a good one about potential gaming. Before new gTLD slot, we actually proposed ... because there was the question of does the UDRP scale going forward, if we're going to have thousands of new top-level domains, do we need an alternative? So we looked at this and to put it simply, I guess you could say we kind of combined the idea of a DMCA notice and take down kind of regime with the existing UDRP. So we said, "Well, look, if we can see that 80-odd percent of the UDRP cases are undefended, is it really necessary to go to the length of putting a full pleading together to have a panel render decision on that? Or if the registrant doesn't show up, can we take that as an indication that they've, so to speak, been caught with their hand in the cookie jar and they're effectively giving up control of the domain name?" That was met with some strong opposition, to put it mildly, around the ICANN policy circles.

One of the comments that came in from a guy who at the time was representing the domain industry was, "Look, if that's what WIPO wants to propose, then I'll just advise my clients to send a response

that says I demand a panel.” So you really do have to think through ways that people can sort of game this. And then one other thought is on the appeals, WIPO, we created the UDRP, we’ve been running it, we like to consider ourselves its steward. After all these years, we’ve produced the jurisprudential overview, and we do manage the majority of cases but there are a few other providers. So one of the questions is – we produced the jurisprudential overview but it’s not binding on panelists and other providers. Frankly, it’s not binding on panelists, strictly speaking. It’s meant to summarize consensus and some people won’t agree with that all the time.

But in order for an appeals there to work, you really have to ask the question, if all of the providers have an appeal system, do you then just replicate the issue at a higher level, so to speak? So do you need to have one “appeals court” such as WIPO that would manage all of those appeals in a centralized fashion? Otherwise, you really just risk redoing the process at a different light.

BRIAN KING:

Thank you, Brian. That’s excellent perspective. I’d like to turn it over to Yoshi for the next question.

YOSHITAKA MURAKAMI:

Okay. The next one is accountability for UDRP providers. This is asking UDRP providers to be under formal contract rather than simply accredited by ICANN, or framework for oversight with performance standards, monitoring an investigation of complaints. This is actually

simply asking the UDRP providers should have a contract with ICANN or not. Does anyone have an opinion?

BRIAN KING:

Put it a different way perhaps, Yoshi. Do the folks here think that there's a problem currently with a lack of oversight or a need for further performance standards or monitoring an investigation of complaints against perhaps UDRP providers?

YOSHITAKA MURAKAMI:

Yeah. I actually had someone say that UDRP providers should have a contract with ICANN so ICANN actually be able to enforce if someone's not compliance to the policy. So anyone who has anything to say? Brian King, what do you think?

BRIAN KING:

Sure. I think that the WIPO in particular, I'm not just saying that because Brian Beckham is here, but I think they do a nice job of making their case decisions public and do a great job with providing data and an analysis around their cases. I think that that level of transparency and visibility for the community to add predictability to UDRPs and to have access to data about how long it takes for UDRP decisions to be rendered and implemented, I think that's excellent work that at least some UDRP providers do. I can't help but think that we would be in a better place if all UDRP providers did more of that. I think the Internet ecosystem in general benefits from that type of transparency and reporting. That said, I wonder how heavy handed

any type of oversight would need to be by ICANN. And maybe if it ain't broke, don't fix it but I think a good baseline standard would be good.

I don't see any other questions. We can pause a moment or we can go down to fixed and transparency, the next one.

YOSHITAKA MURAKAMI:

Okay. The next one is fixed and transparent process for allocating panelists to a particular case. Should there be a taxi-rank process for allocating panelists? What about considerations of language skills? Complexity of case? I think that currently, for the case of WIPO, WIPO actually see the case, how complex that is, and pick up the panelists, but so much it says it should be a taxi-rank process getting the panelists. So do anyone have anything to say?

BRIAN KING:

Yoshi, I'm particularly curious how a provider like WIPO would decide between the hundreds of panelists and all the different countries and languages. How would WIPO decide or how would a UDRP provider decide how to split up and allocate those cases and should they for fairness to the – I want to say the litigants – but the parties to the UDRP proceeding? Should it be random or in a kind of rotating, a round robin allocation fashion? Again, I think my point and my concern from the previous question follows through here that is there a problem with this today and is this something that ICANN policy or perhaps some other mechanism should address? Do the folks on the call here have any experience with problems in this regard or have any

feelings about how this could be improved or if it needs to be improved?

I'm seeing some good comments in the chat. I don't think we need to read those into the record but if we have any questions come up, we can definitely take those. And if not, Yoshi, I think the next one is for you.

YOSHITAKA MURAKAMI:

Okay. I just want to say something about this taxi-rank thing. I don't think the case is for JUDRP – sorry, not JUDRP but the case is from Japan, some of the cases, depending on the IDN domain names. So if someone chooses three panelists, it actually complicates to choose if there was a taxi-rank process for getting panelists. I think you have to think in the three-panelist case as well for this.

Okay, the next one, panelists should not also represent parties in separate UDRP proceedings. This is about the panelists are actually being behind the IP brand owners to proceed the cases. If the panelist was a panelist, they shouldn't be doing the UDRP proceedings or not? Anything to add, Brian?

BRIAN KING:

Thanks, Yoshi. I don't think so. I'd love to hear what the group thinks here. I think we might have some strong thoughts and probably some well thought out positions on this given that I know we have a number of panelists and practitioners in the crowd today. I see some

comments here. That's a panelist who handle a high volume of cases at the benefit of being exposed to a wider variety of fact patterns.

I think I would take Heather's previous point into account that if there's not ... perhaps our starting point should be that if there has not been a real problem alleged or asserted that our starting point should be that the things are going okay and that perhaps some areas do not warrant further policy development or changes to how they're being done today. And Brian's noting some really helpful guidance there in the chat about guidance from the IBA on conflicts. Thank you, Brian.

Okay. So the next and final one here. I'll take Heather's other point in the chat on board that we can have comments after this one on either session and we'd be happy to do that. The next and final question is adopting a mandatory mediation step as something that was brought up on the previous discussion. So some ccTLDs do this and it can be effective. Mediation has proven to be effective in a number of different contexts and not just in domain name disputes. Should it be required? Should it be introduced as an option? Any further thoughts or questions that have arisen since then? I do see that we have a hand up from Elliott Mann. Elliot?

ELLIOTT MANN:

Thank you. My name is Elliot from Australia. Just on this mediation step – and I think we discussed it earlier around our respondents defaulting. I wondered to what extent would this be an issue, given that a lot of the WHOIS data is no longer accessible for privacy reasons. In a world in which it's very easy to see who sits behind a

domain name, it would be easier to get people into mediation. But in a world where – well, perhaps less than the Asia-Pacific region, but certainly in other regions, it can be difficult to get in touch with a respondent, I'm not convinced that mediation would be so helpful. I mean, I would still have it as an option but insofar, you can't necessarily get people into the same room because you can't find them. I think that could perhaps be a difficulty.

BRIAN KING:

That's a good point, Elliot. Thank you. I also wonder if mediation is a solution looking for a problem. I completely agree that with the mass redaction of domain name registration data as a result of increasing data protection and privacy legislation around the world, it will be increasingly difficult to notify and bring the right party to the mediation.

We have a number of other good comments in the chat here and I'd be happy to take any questions or I think we're going to aim for a 25 minutes after the hour stop point. So unless any more of these chat notes pop up as a question, I think we'll pass it back to Heather. Unless Yoshi had anything to add.

YOSHITAKA MURAKAMI:

That should be all, actually.

BRIAN KING:

Very good. Thank you. So I think we're back to Heather then.

HEATHER FORREST:

Thank you very much to all four of our discussion topic leaders. Despite the hassles, despite the difficulties, I think it's gone rather well in terms of our ability to use the remote platform to have a reasonably active discussion here.

So it's my job to wind this up. I'd like to end by providing a bit of a sense of how the IPC is relevant to and involved in all of our discussion topics today. And we'll see if I can get that to reinvigorate again. Perfect, wonderful. It's nice to have a bit of a human interaction at the end of the session. As we note in the start, the Intellectual Property Constituency is a formally recognized structure within ICANN's Generic Names Supporting Organization. This is the body that's responsible for developing the policies that apply to all generic top-level domains in today's Internet.

So while the UDRP has been adopted voluntarily by various country code top-level domains, as Brian Beckham pointed out in his introduction, it's important just to remind ourselves that our purview and our remit in the Generic Names Supporting Organization (GNSO) is limited strictly to its application to generic top-level domains or gTLDs. All gTLDs are required to implement the UDRP so its impact is really very wide reaching, and it affects the enforcement of IP rights worldwide. If we focus for a minute on the IPC, the Intellectual Property Constituency and its role in all of this, the IPC will participate in several key ways in the upcoming review of the UDRP.

First of all, constituency members will participate as individual members of the policy development process. They will have an opportunity as members to contribute their own experiences and perspectives or the experiences and perspectives of their clients. They will have an opportunity to advocate for their and their clients' positions and priorities and defend those against some of the opposing views that you've heard today, which are very likely to be raised in the context of that discussion. Within the IPC, we typically form a small caucus group and that will enable us to provide a forum, if you like, for sharing tactics, strategy, data, suggestions to help further our shared interest in the policy development process and we often find that very helpful.

We have been very fortunate to have had Brian Beckham selected as one of the co-Chairs of the current phase of the Rights Protection Mechanisms Review. It's really important to have those in leadership positions in this process who have an excellent working knowledge of Rights Protection Mechanisms and their function and importance to intellectual property rights enforcement in a DNS. I also note we've had the other two co-Chairs of that Phase 1, Phil Corwin and Kathy Kleiman join us today and I'm delighted to see them here as well.

I think we need to work as a group to ensure that the leadership of the UDRP Review has the same level of expertise and appreciation for the particular issues arising in relation to use of trademarks and domain names. The members of the PDP will have a major responsibility in selecting the Chair of that review. So that's something we all need to begin to think about.

Secondly, as a constituency, the Intellectual Property Constituency will vote in support of or against any policy recommendations that result from the UDRP Review. So anything that comes out of that policy development process. And our collective vote will be presented by our two representatives on the GNSO Council. The GNSO Council is the authoritative decision-making body of the GNSO. All these in the GNSO Council are transmitted directly to the ICANN Board of Directors whose vote formally adopts those GNSO recommendations that wishes to adopt. And then those adopted recommendations progress to implementation, whether in the contracted party contracts or into the form of an ICANN policy or process. Decision-making in ICANN is based on consensus and it's very important to note that. We are one of the several constituencies represented in the GNSO and on a GNSO Council. As you can see in the graphic here, our two councilors work very hard to carry out the IPC's position. But they need the constituency's debates, discussion on this sort of thing to instruct their actions on the GNSO Council. We very much provide them an open, constructive, collegial, inclusive dialogue as a group to inform the positions that we instruct our GNSO councilors to advance on our behalf.

I'll end by saying I've been very proud to serve the IPC from my home in the Asia-Pacific region. I'm indeed from Australia for 15 years now and it's really been a tremendous pleasure. I've met and worked with some of the most dedicated and clever and knowledgeable people in my professional life through my participation here. It certainly informed my researches and academics, it's provided networking

opportunities for consulting work, and offered truly unique leadership opportunities. I very warmly welcome you to join us or at least to get in touch. On the next slide, you'll see my direct e-mail. Get in touch if you have any questions, I'd be more than happy to fill those myself or send them on to someone who's best placed to answer them.

What I like to do is close by thanking very sincerely our five presenters today, Brian, Brian, Sayed, John, and Yoshi. I thank all of you for joining us. And particularly to thank Jia-Rong Low and the MSSl team in ICANN Singapore office, Mary Wong, Chantelle Doerksen, and Andrea Glandon and all of whom are the Staff who made this possible behind the scenes. They've worked very hard. I understand it hadn't been a flawless experience, it hasn't been perfect, but nevertheless, I think we've done extraordinarily well in the circumstances.

I wish you all the very best ICANN68 experience. Please don't hesitate to get in touch if there's anything that we can do to tell you about the IPC. All the very best to you in the rest of the meeting. Thanks very much to our Staff team. I believe we can end the session.

[END OF TRANSCRIPTION]