
ICANN78 | AGM – At-Large Consolidated Policy WG CPWG
Sunday, October 22, 2023 – 10:30 to 12:00 HAM

YEŞİM SAĞLAM:

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OLIVIER CRÉPIN-LEBLOND: Thank you very much, Yeşim. Welcome, everyone, to this week's Consolidated Policy Working Group. I was going to say call, but no, we are here in Hamburg. There are some people following us remotely, so welcome to everyone following us from around the world. I have been told to speak extraordinarily slowly today, which I'm obviously not doing too well. We do have a lot of topics to cover today. With us, of course, is my colleague Hadia El Miniawi, who's going to explain a little bit what this CPWG, Consolidated Policy Working Group, is all about. Over to you, Hadia.

HADIA EL MINIAWI: Thank you, Olivier. This is Hadia for the record. Welcome again all. When it comes to policy, At-Large has three open working groups, the Consolidated Policy Working Group, the Consolidated Policy Working Group New gTLD Prioritization Subteam, and the Internationalized Domain Names Group.

The Consolidated Policy Working Group focuses on policy and advice within the At-Large community. It also focuses on best practices for identifying Internet end users' issues in PDPs within ICANN. It also works on engaging the At-Large Community in policy and advice within ICANN. We have an open mailing list and we have weekly meetings. This is an open invitation to all of you to join the mailing list and to join our weekly meetings. With that, I'll stop and hand it over to Olivier in order to...

One more thing, during this session, we will be discussing the current PDPs that At-Large is engaged in. We will take 60 minutes for that. And then the following 20 minutes, we will be talking about the next steps and what to expect with regard to policy in the future. I'll stop and I'll hand it over to Olivier. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Hadia. In ICANN, as you might know, policy for generic top-level domains is conducted in the Generic Name Supporting Organization. The way they do policy in that group is by having policy development processes, PDPs. They have found one additional letter to make this a faster PDP, called an expedited PDP, which shortens the PDP from several years to just a couple of years or so. We happen to have some participants in each one of these PDPs, who have been selected by our community to go and take an active part in the PDPs and relay what's happening there back to us and really, of course, what we decide as a group and what the ALAC decides back into the PDP.

The people that you're seeing listed on the screen here are particularly important because they are really in the middle of those trenches that we have sometimes in some of these working groups. Thankfully, every week, they come back to us and provide us with an update. Today, they're going to provide us with an overall update of the recent activities in each one of these PDPs.

We'll start with Steinar Grøtterød and Lutz Donnerhacke. Both here, I believe. And we will have about the TPR. Of course, the screen is not wide enough. We should really not use acronyms for everything. But TPR PDP is the Transfer Policy Review Policy Development Process. So Steinar and Lutz Donnerhacke, I'm not sure who wants to start.

STEINAR GRØTTERØD:

Hi. This is Steinar for the record. There it comes. That's good. That's the slide I was looking for. Thank you, Olivier. This is not the Fast Track, as you will see. We started back in 2021 and we estimate to be finished sometime in the middle of 2025. So this is going slowly forward. We have managed to do some of these tasks. Let me try to explain how. In the PDP document that the group received back in '21, there was a set of Charter questions, things that we need to discuss, the total working group, and find answer to one way or another. We have now completed 170 of the Charter questions and we are in progress with 45 of them and 53 that we still haven't even started on.

These are questions about how to make a policy that is transparent and easy for all entities, both the end users, the registrars, the registry operators, to have a secure way of transferring one domain name from one registrar to another registrar. There is a challenge here because

due to the GDPR, there was some documentation that was not possible to put into because the data for the registrar was disclosed to the GDPR. So there has to be some sort of changes in that whatsoever.

Since our last update was back in Washington, we have more or less been discussing topics that are of, at least in my view, a less relevance for the end user, the domain name holders. And this is connected to what we named as bulk transfers, whether it is ICANN-approved bulk transfers or whether it is something called BTAPPA, that is a partial bulk transfer or domain name. Trying to get one word about what is this.

We have this scenario that all domain names in the G space have to have a sponsoring registrar. And that registrar needs to be accredited for that generic top level, and that's a written in stone criteria. A scenario where the registrar are to terminate voluntarily or lose the accreditation, the system has to find a new sponsoring registrar for that domain name or domain names for all these domain names into that namespace. That's the ICANN-approved bulk transfers. Because then ICANN has to find someone to take responsibility for these domain names.

For the end users, they will not be particularly noticed, there will be no changes in the life cycle of their domain names, nor it will be any fees connected to that process. They don't have to pay for another year, etc., etc. But it has to be also said that, at some point, the new sponsoring registrar for all these domain names has to inform the registrant that, "You are actually having a new home. Here's the door and here's the terms or condition that we have."

For the BTAPPA, that's a partial. When you take some domain names that is connected to a registrar and want to transfer these domain names to another registrar, a very typical scenario there is when a reseller of a registrar decided that "My registrar is not doing what it's supposed to do, I want to move to another registrar," and then just takes some portion of that. This is something that is not being approved whatsoever by ICANN. This is kind of a business deal between the present registrar and the upcoming registrar.

We have decided upon that in the so-called recommendation, the preliminary—that's a terrible word for a Norwegian—preliminary recommendations. That in this process, the registrant should be pretty well informed and also have the option to opt out. Before this BTAPPA, this partial process starts, they actually can find a new registrant further on. So that's a good thing. There's a more user-friendly informational being given in the BTAPPA than there is in the ICANN-approved transfer.

This is something that we, as At-Large, has minimal—that was a wrong start of that sentence. Maybe this is not so relevant for the end users. But to my surprise, it has been some sort of critical for the registry operators. They're not consensus among the registry operators to merge these two processes of transfers into one policy. As it is today, the ICANN-approved transfers are in the Inter Registrar Transfer Policy, the BTAPPA is not. That's a special thing that you have. And the registry operator has to apply to ICANN to get that service into the contract with ICANN. We, At-Large, at least I have been vocal that for the end user, for the community, it's better to have everything in one place, one policy, instead of having different routines for the BTAPPAs

depending on what registry you are. This is not something that registry operators agree upon.

It could be the showstopper. I find it very strange that this could be the showstopper because we have discussed very, very in details very, very technical things in the Phase 1, very tricky questions that actually will require a lot of changes in the provisioning lines, both for the registry operators and for the registrars. But this one is maybe the showstopper. If you not agree, we will have to stick to the present policy. So that's it.

The next thing we will do is that the staff has organized all these recommendations in one document, and we got homework to do to review this and prepare for a Public Comment phase in the Phase 2 where At-Large has the opportunity to comment on that one. What we already have signaled is that there is a process for something called a Transfer Dispute Resolution Policy, and that is when a transfer is been disputed. It's not disputes on when they had taken my name is a domain theft. It's a breach of the technical requirement in the policy. The policy today says that the registrant cannot initiate that. We disagree in that, we have written notice given to the working group and saying that we would like to have an opening for the registrant to initiate a transfer dispute under the condition that the Transfer Policy sets in the Dispute Policy. We are not going into finding path for solving domain theft, etc., etc.

We have some support among the registrars but I guess we will have to stick to commenting this in the Public Comment phase, and I guess we may not succeed in that. Then we have an option to either trying to

change a little bit all the words in what has been proposed, making it possible to have some sort of UDRP process like light system, that there is something that is also being controlled by ICANN Compliance or in the hands of ICANN Compliance. Or we have to take it back to the GNSO and say, “Maybe we should have a PDP about the rights and responsibility for the registrants and so on.”

Time will show and most likely there will be words to be written and arguments to be said. I’m so happy that Lutz is here. So he can fill me in and hopefully have some more good stuff. Over to you, Lutz.

LUTZ DONNERHACHE:

Lutz Donnerhacke for the record. I only make some few comments to make clear what’s happening in last year or half a year. Most of the processes of ICANN-approved transfers is not relevant for us because it’s an issue between registries and registrars itself. It has to take it as it is.

We have a Contract Dispute Resolution Policy if something goes wrong in this process. So this Dispute Resolution Policy is not relevant for us. But as Steinar said, they are trying to include the complete different type of transfers, bulk transfers, from resellers or registrars of a partial subset of the domain registrars holding is so relevant to us. If somebody is merging such a relevant topic, which is initiated by a reseller or by a registrar which direct contract with the registrant, so maybe even initiated indirectly by a registrant, then should we still exclude those people from the dispute? That’s the question we had in the last few days and that’s the possible showstopper because nobody wants to extend Dispute Resolution Policy and open it to the public if

it's not necessary. But if you include new parties into the process, you have to. It might be the whole process here will take longer than 2025. So it'd be correct, the Fast Track of four to five years. Just to make sure that you understand correctly, "fast track" means that we finish in four to five years and "expedited" means that they start in six months to a year. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, gentlemen. I gather you probably have very long white beards by the time this finishes. So we'll call you Gandalf 1 and Gandalf 2. We are already running out of time because this is such a long agenda and we did start a little late. The next people are Satish Babu and Hadia El Miniawi to speak to us about the Expedited Policy Development Process on the Internationalized Domain Names, the IDNs. Over to you, Satish.

SATISH BABU: Thanks very much, Olivier. This is Satish. I will start off and Hadia can add any comments. The EPDP on IDNs, it is expedited but we're going to take about four years. It's developing policy for managing IDN variants at the top level and second levels.

Now, the principles derived from the EPDP actually apply to both levels, top and second. The Root Zone LGR, which is a technical tool as a sole source of variants. What is a variant? Just to clarify, if you take an example of .HSBC in Chinese, there are two Chinese scripts. And for the user community, HSBC in both those scripts is identical. But for the DNS system, they are completely different. We need to ensure that

what is completely different in the underlying infrastructure is treated as one true policy. And that is what this particular EPDP tries to develop.

The Root Zone LGR which is the technical tool as the only source of variants, the integrity of the variant set. That means the primary label plus its variants should be always moving together. They cannot be exploded into individual components. So whatever happens to them, it has to happen together.

The third is the Same Entity Principle. This states that the entire set, the primary plus all the variants should always belong to one party, one entity. It cannot be distributed to multiple entities. Because then there'll be confusion. Just imagine if HSBC in one script goes to one party and the other goes to another party, then users get confused.

Finally, the principle of Conservatism. This is what has been told to us by RSSAC, that there should not be too many variants. If there are too many variants, then again, the users are going to be confused.

Now, the EPDP's work since the last meeting, the first is to process the public comments from the Phase 1 Report, and we are going to bring some breaking news on this right now. And working on the Charter questions from Phase 2. Next slide, please.

We had put out the Phase 1 Report and we got public comments. We're not going to go through all of them. We're just going to go through one particular element here, which is that the Conservatism Principle states that you should have as few variants as possibly to ensure that there is no threat to the stability of the root zone. But

Recommendation 8.1 that we came out with said that there should not be any upper limit on the number of variants. So there is a little bit of a tension in these two. Registries and we had a different opinion on this. So we felt that it should be conservative so that there is no end user confusion. The registries felt that, “Why should there be any limit? If the market wants it, we should be able to give it.”

We did a bit of negotiations and we said, “Okay. Can we justify the applicant needs so many variants?” The justification should be a objective process. And secondly, how the applicant plans to mitigate the potential risk of having so many variants. To eliminate confusability to end users. After several rounds of negotiations, we have reconciled these things and now we have consensus on this point. Next.

The breaking news is it as of this morning, early morning, around 12:30, the Phase 1 Report achieved full consensus designation indicating the successful closure of Phase 1. Now, why is this important? It’s important because the Phase 1 deals at the top level, and it was one of the dependencies that we were worried about for the next round. Now that is removed. So it is indeed a good thing for all of us. Next.

Phase 2, a lot of fine print here so we’ll not go through all of them. The point here is that the same principles apply to Phase 2. But the second level is not controlled by ICANN. The second level is controlled by the registries. There is a difference in flavor how these principles apply to the registries. For instance, in the root zone, in the top level, we have something called Root Zone LGR that will enumerate all the variants.

But the second level, each registry has its own way to enumerate these variants. We need consensus and some uniformity on that. So we are discussing with the harmonization.

There is a bit of technical complexity here, but harmonization refers to ensuring that for a given language, that the same registry or same gTLD should not treat the code points as different, they have to be harmonized. Current discussions around whether the harmonization should be at the registry level or across ICANN, across all registries. There is a pushback from registries which want that left to themselves, that there is no top-level imposition. But in the past, we have actually imposed protocols so that there is uniform access to these things. From our side, we would like to explore. But it's possible to have a uniform kind of a protocol for everybody, all registries. But there is pushback.

Similarly, the Same Entity Principle is also applicable at the second level, but it may work slightly differently. Because the definition of entity is not very clear. Because the entity that registers is the registrant, whereas in the case of top level, it is applicant. An applicant is legally very clear. But registrant, the problem is there are multiple ways that registrants can come and register these things. So you need a unique identity for each registrant. And currently, there are no mechanisms that provide for creating such an entity. So these are to be discussed.

Finally, the variant set now has to consider multiple variants of the top level and then the second level. So you have a bunch of combinations. And grandfathering. When we are going to impose this policy, we

cannot ignore all the existing or delegated gTLDs. So we have to ensure that on a case by case basis, their existence is not threatened. That has to also be taken care of. The second aspect is how the legal and contractual obligation for change at the second level when we introduced variants.

In order to fast track the Phase 2—I’ve been asked to speak slower. In order to fast track the work on Phase 2, the EPDP is planning a face-to-face meeting. We are inviting—not us but GNSO—is inviting EPDP participants subject to attendance cut-off to Kuala Lumpur in the first week of December. Now, the reason why this was necessitated was the original timeline, although we were expedited, went up to 2025, which is actually too late. We said we will fast track by having multiple meetings in every ICANN meeting. So last ICANN meeting, we had four sessions. This time we have three sessions, but even that is not sufficient. That is why this particular meeting is required. We are assuming that before the 2025 deadline, we’ll be able to finish our work on both the phases. In any case, Phase 1 is complete. It is now a done deal, which is a matter of relief for all of us. So I will stop here and pass on to Hadia for any further comments.

HADIA EL MINIAWI:

Thank you, Satish. This is Hadia for the record. You’ve basically covered everything. I’m just going to give a brief timeline. As Satish just mentioned, we just received full consensus on the Phase 1 Final Report. And the Final Report now will be delivered to the GNSO Council for consideration. This should take from one to two months.

Then the Phase 2 Initial Report should be published for public comment by April 2024. And then it should be delivered to the GNSO Council by October 2024. So the Phase 2 Final Report would be considered by the GNSO Council sometime between November and December 2024.

This is the timeline we are looking for now and this is very different than the original timeline which we had. And now we are looking to finish our work by the end of 2024 rather than 2025. You're all, of course, welcome to follow and provide your thoughts and comments on this EPDP through, of course, the Consolidated Policy Working Group. As observers, of course, if you want, to the main group. Thank you. I'll hand it over to Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Hadia. I know there are a couple of hands up, but we are in a very tight, expedited agenda today. So we'll have to go through all of the updates and then we'll open the floor for some comments and questions. The next person on the list is Alan Greenberg for the Registration Data Accuracy Scoping Team. Over to you, Alan.

ALAN GREENBERG: Thank you very much. The RDA Scoping Team is an outgrowth of the GDPR EPDP Temporary Specification. That one started in 2018. So I think I may be the winner of how long I'm involved in any given PDP. The RDA Scoping Team was an add-on effort at the end of the regular PDP because the issue of accuracy had never been really addressed. It

was supposed to be addressed in Phase 1, it was deferred to Phase 2. It was supposed to be deferred to Phase 2, and it was deferred again. And finally, the Scoping Team. The issue really is “Is there an issue with accuracy of registration data?” There are those who claim there is no problem, there are those who claim the data is abominable. So there’s no quite agreement. There’s no agreement on what accuracy means. The RDA Scoping Team spent several months debating what the current contractual requirements were. Now, you think that that was pretty simple because the words are there in the contract. But we did spend many months on it.

The group has been in abeyance since September 2022. That’s about 13 months. We decided we were going to do a survey of registrars to find out current practices. We defined what the survey should be and turned it over to ICANN Org. I’m not aware of any action since then, but there may have been some in the background. The survey certainly has not been done yet.

We also decided that this whole discussion was rather fruitless. Because the data processing agreement, the agreement related to data and accuracy between ICANN Org and contracted parties was still being written, designed, debated, negotiated. And we decided unless we knew what the formal requirements were, we can’t say how they should be changed or comment on it. As far as I’m aware, that DPA is still not finished. So the group has been in abeyance and there’s nothing to report. I’ve managed to stretch out nothing to report to a good several minutes. Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. Thank you for putting even more time pressure on this. We're now going back to you again for the RDRS, Registration Data Request Service, formerly the Standardized System for Access and Disclosure Operational Design Agreement. Is that correct?

ALAN GREENBERG: Something like that. Okay, back to the EPDP. Remember the EPDP? Well, the original part of the EPDP essentially replaced the Temporary Spec that set what the rules were going to be for registrars and registries to handle registration data. That PDP ran from 2018 to early 2019. And we finalized the work in roughly time to meet the European Union schedule and gave ICANN Org and the Registrars and Registries a year to implement it. We turned it over to the GNSO sometime around March of 2019, giving them a year to implement. It's still not implemented. I think that's now four and a half years later, almost five years later. But we have hopes it might be implemented someday.

As I said, there were things that were deferred and were not done. Part two of the EPDP was to design a system to allow the data that was now redacted to be accessed by people who had a legal reason for accessing it. That became what was called the SSAD, the Standardized System for Access and Disclosure. That design had a number of problems with it in the view of At-Large. It also had a price tag which ICANN already put on it, which sounded ridiculous. It turns out that that was really a red herring. That wasn't really the price. But it sounded like the price and people got very worried about it. But regardless, the ALAC advised the Board to, A, don't implement it and

build a really quick system using existing tools so that people can submit queries and that we can at least track them.

The Board in its wisdom decided that it's exactly what it would do. And it may be the only real win that we've ever had in a device that was so clear and straightforward. Maybe not the only win, but it's certainly a good one. And a group was chartered to oversee ICANN Org in doing it. That has happened over the last year. ICANN Org has been exceedingly responsive and is working very cooperatively and openly, something which we don't often see from ICANN Org, and it's working well. This system is currently in test, it's about to be deployed production.

In theory, it's a marvelous story. The only problem is in the interim, a significant number of large registrars have decided to provide free proxy service to everybody. Therefore, the data that is no longer redacted is simply pointing to the proxy service. And therefore, it's not clear to what extent there's going to be any use of this system because it's not clear how much data there is to really access through the system.

So the story continues. The actual implementation of this system is going very well. As I said, it's been perhaps one of the best experiences I've had in my ICANN career. How successful it will be ultimately as a real usable tool in the real world to address cybercrime and other things, that we don't know. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. Next is the Facilitated Dialogue on Closed Generics with Greg Shatan and you, again, Alan. Let's go to Greg, first.

GREG SHATAN:

Thank you, Olivier. Greg Shatan for the record. The Facilitated Dialogue on Closed Generics has pretty much wrapped up its work, although I would not say we've completed our work. The three chairs of the GAC, ALAC, and GNSO decided that it was time to pause that work probably permanently on the basis that the closed generics are no longer on the critical path for the next round. It's important, given that the incomplete nature of our work, our report, it's really not a roadmap or an Issue Report type document that can be used as a basis for future work. It doesn't mean you can't look at it for interesting ideas but it's certainly not a consensus document and many of the most difficult issues were never resolved.

The current position of both the ALAC and GAC, as I understand it, hate to try to speak for both organizations simultaneously, but fairly clear that no closed generics should be available for application in new gTLDs until there's further work by the community. Back in August, it seemed like all three chairs, at least, were on the same page. But the GNSO Council's current position seems to be that the GNSO should take no position. Because a position might be policy advice and the GNSO Council can't, on its own accord, give policy advice. I think it's process advice and not policy advice. But in any case, that's probably not terribly important because I would put good money on GAC pointing to the Beijing communiqué where closed generics were taken offline 10 years ago, and making sure that that's reiterated which will once again stop it in its tracks using the magic powers of the GAC. That's where we stand. Alan, anything you'd like to clarify, amplify, correct, amen?

ALAN GREENBERG: Nope.

GREG SHATAN: Well, then it's back to you, Olivier Crépin-Leblond.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Greg Shatan. Okay. Next, we have the Applicant Support GNSO Guidance Process with Maureen Hilyard, and Satish Babu. There's a presentation as well. If I could ask, as usual, it always comes to you, five minutes, please.

MAUREEN HILYARD: Five minutes. Okay.

OLIVIER CRÉPIN-LEBLOND: Can you? Yes, you're good.

MAUREEN HILYARD: Okay, in five minutes. Well, first of all, one of the things that I wanted to just to clarify is that the GGP is not a PDP. Because, I mean, PDPs develop policy and GGP already had the policy developed by the SubPro. That we were just to provide further clarification and explanation on the recommendations that had already been made. That just made us a little bit different from the others. And of course, we were originally given five tasks, and two of them were to do with the staff. And that was to make sure that we knew exactly what we were supposed to do and what we were not allowed to do. We were

going to be offered some experts, but we didn't need them because we had Paul McGrady and the staff to keep us in line.

We just felt that although the recommendations had been made, one of the things that the working group decided on was that a lot of the recommendations required a little bit more depth and a little bit more clarification. And, of course, that probably extended the timeframe. Go to the next slide, please. It will note that the original intent of the project was that it was supposed to be completed by September. But the discussions that we've actually had have been quite intense and we've been extended until December. We have to get it done because it's got to go to the IRT, and it's really important that we get the changes that we made heard. Next slide.

The key issues that we came across, first of all, was finding out first what we were allowed to do. And that really constrained us a little bit, which was we're used to being able to just add anything as we feel are fit. But we were constantly being told that's not within scope, not within scope. But things were like Applicant Support—what did that actually mean? What did it entail? We just felt that we wanted things to be better, because obviously, it didn't work last time. And we wanted to make sure that the applicants really understood and got from the program what they were entitled to.

Of course, one of those services was pro bono services. Well, there's no indication as to what use was made of pro bono services last time. There was no record kept. Privacy issues, apparently. So we were trying to figure out, so what is the purpose? And how can we make sure that pro bono services actually meet the needs of the people who

are actually wanting support? And how do we ensure that they're actually getting the support that they need?

Again, it's meant that we needed to some finessing of the actual recommendations to make sure that those needs were actually being met by those who are entitled to Applicant Support. Then, of course, it came to who was entitled to be supported as an applicant? There were lots of discussions. Of course, a lot of it was focusing on the definitions between underserved, underrepresented developing countries, all those regions. All those sorts of things had to be pretty accurately clarified to ensure that we're actually getting—if we're going to offer support within the limited budget, of course, how were these people going to get the support that they needed? Next slide, please.

Just to give you an example of the sort of work that we ended up doing, the Guidance Recommendation was finished to our satisfaction. Well, we're still working on it, of course, following on from the Public Comment. But the Implementation Guidance was already given. We'd actually looked at measures of success, we've actually finessed those a little bit more, the metrics. These were the specifics that were actually asked us to make sure that for each of the recommendations, that what we were actually meeting those expectations. Next slide.

This is an example of one of our survey results. Most of the results that we provided from At-Large were very much of this level. There was very few. In fact, there's only a couple that were demonstrated, that there could have been a little bit of extra work required of the wording of the recommendation or something like that. But we never really got

any clear wording changes from At-Large. Although there have been several changes, which have required us to do quite a lot of discussion in order to make sure that the public comment has actually been incorporated in some way into the recommendations. Next slide.

Next steps, and this is my segue into our next speaker, of course, is the fact that this working group will actually conclude once the Final Report is prepared and presented to the Implementation Review Team, and I will get my life back after a year of weekly meetings. Thank you.

CHERYL LANGDON-ORR:

Not going to happen. Do you want me to just take it? Great. Okay. Cheryl Langdon-Orr for the record. I'm unsure that Justine, my partner in crime on all of this, sent in a slide deck. If she did, feel free to put it up and I'll wing it. If she didn't, I'm going to just chat with you.

The work of what is currently still listed in the world of the Consolidated Policy Working Group on the New gTLD Next Round, and we keep putting it in with these brackets now as SubPro. First up, can I prevail upon you all to now delete what's in the bracket? And moving forward, can we just use the new fresh language of New gTLD Next Round? Yes, Subsequent Procedures was the policy development process which gave birth to the recommendations that all of this is about. But that was then, and now we are at the implementation of those recommendations phase we need to look forward, and that includes using the new nomenclature. Can we start, if not the next meeting, the new calendar year, with Subsequent Procedures being a point of interesting historical fact and archive, ability to search in

documents, and nothing more? It ran for just under six years. So come on, team, you've got to do better than a five-year effort.

Mentioned on the terminology I've heard used today, this is an aside, this is a sidebar, and I find it just as amusing as everybody else with the expedited versus normal form of policy development process, there is one, singular difference between an expedited policy development process and a full-blown policy development process and it has absolutely nothing to do with duration. All the expectations of duration.

OLIVIER CRÉPIN-LEBLOND: Is it the E that is different?

CHERYL LANGDON-ORR: Well, it is the E in terms of the labeling. That is true, Mr. Chairman, but it is in fact—and some of you will have seen if you've been to Generic Name Support Organization talks on policy development and what that's all about, they have this wonderful Z-shaped process. And to get on a policy development track—going to have to use the train metaphors because the boss says we're doing train metaphors this week and that's what I'm going to work with. As we get on this policy development track, the starting station is something called a... I just had a mental blank. Literally, it's just flown out in the air.

UNIDENTIFIED MALE: Issue Report.

CHERYL LANGDON-ORR: Issue Report. Thank you. The Issue Report. The only difference between an EPDP and a PDP is that an EPDP does not need an Issue Report. That being said, often—well, it could be whatever length—

ALAN GREENBERG: Cheryl, isn't it that it doesn't need a draft Issue Report?

CHERYL LANGDON-ORR: Well, surely the draft comes before the Issue Report. But then go or no go on the PDP is based on the outputs of the Issue Reports. And it's the Issue Report that is the difference. That being said, that is not the topic that I'm here to talk about.

What I'm here to talk about is what has been going on in the last calendar year. And you have all had, those of you who've been involved with Consolidated Policy Working Group meetings, at least every second, if not every third week, a good 20 or 30 minutes worth of time that has been absolutely condensed information, because there's a huge amount going on in terms of implementation of all of these recommendations. You had the opportunity to be briefed, to be debriefed, and to give feedback into the processes of implementation. But if anybody who is not up to speed on this and all of the wonderful work that's been done, you've got a absolute treasure, and that is all of those PowerPoints, all of those presentations. They are all available on the CPWG site. And if you ever want a short course, medium course, or doctoral level course on all things to do with new names and next rounds in the gTLD space, you can probably find it in there. I'd like to think that CPWG may do something with that archival material,

perhaps turn it into a updated, integrated piece of access that people will make good use out of.

What we have been doing currently, however, is focusing on the implementation of all of the Board-approved recommendations. And as the GNSO works with the 38 non-Board approved recommendations, and it's the work of the GGP, for example, that starts to influence some of those things and they come and feed into the IRT, we are literally working on text for the Applicant Guidebook—I'm obviously doing well today, people—for the next round. So text is being agreed upon, reread, finalized, and there should be an Applicant Guidebook that can be binded together by mid to late 2024, and we're tracking well on that.

At this meeting, we've had three IRT meetings planned. We've discussed a number of things. The one you're probably going to be interested in, however, and it competes, unfortunately, with a block of time for your At-Large Leadership Development session—Jonathan, I'm sorry about that. But anyone who's not deeply involved in that and has an interest in Applicant Support, and I hope it's every one of you, Justine and I would be delighted to see more of you in the room during the IRT meeting that runs in local time at 09:00. And that will be if I can just see the fine print on my phone. At Hall Y, just in Room 1-4, which is just behind us here. That's on Thursday, the 26th. That's probably the most important IRT meeting coming up. I think I've done the past, the present, and the future.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Cheryl. Thanks for doing some advertising for the CPWG. Always helpful. I hand the floor over to Hadia. We have a few questions now and comments. Then afterwards, we'll pass the floor over to Jonathan. But first, let's go through the questions and comments.

HADIA EL MINIAWI: Thank you, Olivier. We don't have much time for questions, but I will give the floor to Siva. Siva, the floor is yours.

SIVASUBRAMANIAN MUTHUSAMY: This is to Satish who said that in the IDN Working Group, on a case-to-case basis, when a variant TLD is allotted or delegated, ICANN will see to it that the existing operators are not threatened. Why on a case-to-case basis? Shouldn't it be as a rule, for example, if .COM, an IDN with the character similar to COM with accent or with variants, in a hypothetical scenario, that to apply for or not apply for, shouldn't any variant of the letter COM, either variants or accents, shouldn't it be considered as taken? In the sense whether if Verisign applies to operate that variant or they'll pay a fee and go through routine questions; otherwise, if anybody else applies, it should be considered taken. Same goes for the second level, which the IDN Working Group might not look into. Both the TLD level and at the second level. Thank you.

SATISH BABU: Thanks, Siva. What you're referring to is something called grandfathering. Grandfathering is a very specific case. Now, as far as

policy is concerned, for the future, all policy is uniform. There are no special cases. But when you look at the existing TLDs, which are delegated already before the policy was developed, then we can't apply the policy uniformly on those on a retrospective basis. Therefore, this process called grandfathering has been considered and approved by the process that in specific cases where the gTLD is already delegated and we want to apply the futuristic policy on a retrospective basis, then you have to take some special cases. Otherwise, given the nature of variants, you will run into problems. So all policy that we are developing is for the future, but we cannot ignore the past. That is why we have a special case to deal with the past, which is developed before this policy came up.

SIVASUBRAMANIAN MUTHUSAMY: Very, very quick clarification. I'm not talking about legacy TLDs alone. I'm talking about the TLDs that are delegated now in the recent past, in the next round. And when a TLD or a ccTLD is delegated, any variant and any accent related to that letters should be deemed as taken by the registry. Thank you.

SATISH BABU: Thanks, Siva. So the word grandfathering itself reflects that. Hadia, do you want to? Yes, so grandfathering itself refers to the fact that you're talking about the past. So all the policy that we develop now applies uniformly for the future. But there are cases, there are the edge cases, where we are trying to apply futuristic policy on the retrospective effect with the older delegated thing. That's why we need special cases. Thank you.

HADIA EL MINIAWI: Justine, did you want to say something?

JUSTINE CHEW: Thanks, Hadia. This is Justine. The question that Siva is posing is talking about the future, it's not talking about the past, right? Yeah. So my answer to you would be it's not what you think is a variant that is a variant. There are rules and there are tools in place to determine what is a variant so it's not up to you to decide what the variant is. At the top level, that tool is called the Root Zone LGR, the Root Zone Label Generation Rule. And there is a tool that is out there already that anyone can pop in whatever string they want and find out what the variants are for that string. That is the top level.

So that is how ICANN have now—well, to us as well—adopted this tool as the sole source for determining what is a variant. If someone has delegated something—and we're now going back to the past—if someone has taken up something that is now going to be determined as a variant because of this RZ-LGR, then we have a grandfathering process to protect what is already existing, because it's unfair to apply future policy to the past. And that is what Satish is talking about grandfathering.

But going on future, I mentioned the top level. So there is now a tool that everybody has to subscribe to that will determine what the variant of each string is. And what feeds into this RZ-LGR is all the language generation rules. So we're talking about Generation Panels. There are different panels for different scripts. So in terms of, for

example, Arabic script, it's not just the Arabic language. They have Urdu, they have Persian. Any language that shares the similar script will be—the work that determines what is a variant of what in that script is done by that particular Generation Panel. So there are a number of these Generation Panels that have been working since—I want to say 20 years and it's increasing, by the way. So we're increasingly introducing new scripts into this platform.

So the amalgamation of those Labor Generation Rules that are determined by each Generation Panel based on the script, that gets amalgamated and integrated into the Root Zone Labor Generation Rule. So the Root Zone Labor Generation Rule covers all the scripts that have been worked on by Generation Panels. So the short answer to your question is it's not what you determine as a variant that is a variant. It is now the Root Zone Labor Generation Rule that determines what the variant is. At the second level, there is something called the IDN tables. And that is managed by the registries themselves. Okay. I'll stop there.

HADIA EL MINIAWI:

Thank you, Justine. There is just one point of clarification here. So there is an existing legal framework for variants at the second level, and the base Registry Agreement. What the IDN EPDP is deliberating in is the need to expand this framework to accommodate variants at the top level and possible implications to second level. Siva, also at the second level domain, the variants are identified by the IDN harmonization tables which are developed by the registry. Thank you.

OLIVIER CRÉPIN-LEBLOND: And just to add that information was from Dennis Tan who wrote that on online. We are running out of time for the discussion and so on. But before we hand the floor over to Jonathan and Justine, we have a member of staff to introduce again because some of you were not here yesterday. So, Hadia.

HADIA EL MINIAWI: We welcome Andrew Shen as our new staff member. Andrew is policy development senior specialist, and we are very lucky to have him with us. Thank you, Andrew, and looking forward to working with you.

OLIVIER CRÉPIN-LEBLOND: Thank you. And it's worth noting, Andrew is not a newcomer at ICANN. He has been working in the Global Domains division for quite some time so he knows about new gTLDs. He comes in at the right moment since a lot of the future discussions we're going to have will be about this topic. So he really looks forward to working with everyone here. Please feel free to go and lobby him after this session.

All right, shall we hand the floor over to the people in the far table over there that I can barely see in the haze? I believe that could be Jonathan Zuck and Justin Chew. If somebody presses that button for the next slide... or not. What to expect in the year ahead? Have a look at your crystal ball.

JUSTINE CHEW: Okay. Sorry, I'm late to this meeting. I was in the next room, listening to the GNSO stuff. They were having a discussion as to what to look

forward to next year. So I'm trying to get information here and passing it on.

Anyway, from what I gather, there are existing PDPs in place. I'm just going to speak from GNSO perspective. That's all I can do, really. So from a policy development process perspective, we have still the Transfer Policy that's ongoing. Steinar would be a better person to ask as to when that is going to end. We have the IDNs EPDP that's still ongoing. I'm hoping that Satish or at least Hadia would have reported about the final. Okay, great. So that is a big milestone for us. I would like to take this opportunity to thank my teammates on that IDNs team. Fantastic job.

But we still have Phase 2, and that's going to run until October 2024. So there's still work to be done. Now, in terms of new PDPs that are coming up, nothing is mentioned yet. We had this discussion with GNSO Council yesterday about the possibility of a PDP, but we don't know when, for the diacritics issue. I can tell you there are some resistance in GNSO Council itself about whether there is a problem or not. So even within GNSO, there is differing views about that situation, but it will get sorted. That issue is on Council's agenda this week, on Wednesday. So our position is that we will support the request for Issues Report, which is what the GNSO Council has said to the EPDP anyway, in response to that query that was forwarded out. So that's that.

There isn't any PDP that is immediately on the radar except for maybe the reactivation of the Registry Data Accuracy Team. Now that's on stall because of the fact that this ongoing negotiation between the

Data Protection Board, I want to say, of the EU and ICANN to come up with a Data Protection Agreement. So how you would handle all this Temp Spec? What is the permanent solution for the Temp Spec? That is an ongoing process and even GNSO Council is getting very angsty because it's very slow. It's very, very slow. The fact that GDPR has been applicable since 2018 and we are in 2023 and we don't have anything in place. So someone in Council was complaining the fact that we are still breaching privacy laws without having this permanent solution in place. So that is being pushed. I don't know how far or how fast it can be pushed because it's also a negotiation between ICANN Org and authority. So we can push from the outside, but it's still ICANN Org that's the main body that's discussing with the Data Protection Board of Europe.

What else is there? Well, the Registration Data Registry Service, as we know, it's being developed or being put together. The launch date of it is targeted for November, if my memory serves me correctly, and that is obviously just a tip of the iceberg of what was recommended in terms of the SSAD. I'm sorry. I'm getting into acronyms. I'm hoping that you can still follow me. So, basically, what's being launched in November, the Registry Data Request Service, is just a small portion of what was recommended in terms of SSAD. So the idea is there was big hoo-ha about how much money ICANN was going to spend to do develop SSAD, which is one of the reasons why it was shrunk. So now the idea is that ICANN launch this RDRS in November, a small portion of the key things that are meant to be launched. They're still programmed to get more registrars on board. Because the use of the RDRS is still voluntary, they can't force anyone to use it. And there are

reasons for that, by the way. But the idea is that if we can show the RDS is getting usage out of it—so there are people requesting and people are getting the right responses, so it's a two-way thing, then there is more argument to build on top of it to improve the features over time. So that's the thinking at the moment. What else is there?

OLIVIER CRÉPIN-LEBLOND: If I could jump in, I think they're saying 10% of the registrations at the moment are already in the new RDRS.

JONATHAN ZUCK: Yes, there's something that they refer to as DUMs, which is domains under management. That's the terminology they use for how many people have come on board rather than the number of organizations, for example, that have. But in addition to those who have formally committed, another 35% have informally committed. So in the hallways, the number is close to about 45% of domains under management that have agreed to be part of this experiment with the RDS.

JUSTINE CHEW: Okay. More implementation stuff. So tied to the RDRS is this issue about privacy/proxy service—I think it's accreditation, which is something that Greg brought up during the meeting with GNSO Council. So that particular status, the query, in terms of the status of implementation of the policy for that, because there is policy. It's just stuck because of all these other things that are happening. So the question was asked to ICANN Org staff, what are they doing in terms of

possibly bringing that policy package to build on top of the RDRS? Org says yes, they are looking into it, but they're obviously going to do it sequentially kind of thing. And there was a question about whether that policy is now because it's several years old or whether it's obsolete, do we need to relocate it? I don't have an answer for that. What else is there? I think that's about it on my radar.

OLIVIER CRÉPIN-LEBLOND: I think Alan has quite a few answers at the moment. Alan Greenberg or...? Work it out.

ALAN GREENBERG: It's interesting. When we started the RDRS project, the words that were being used is at the end of the two years, we'll decide to scrap it all or build SSAD. Now the words that are being used is we will learn things from this process, and then decide what to do, which may include SSAD, it may include part of SSAD, it may include something completely different. So the words that are now being used are quite rational and indicate a level of maturity that I think wasn't there before, with the understanding that maybe two years from now, SSAD may not be the right answer. Thank you.

JONATHAN ZUCK: Thanks, Alan, and thanks, Justine. The other things that are going to be in the pipeline that we don't know about are going to be the result of the ongoing processes around the next round. And we're really not supposed to call it Subsequent Procedures anymore. It's supposed to be Next Round. So I propose Next Row as the way to refer to it. So

there's a number of open issues associated with that that may very well result in what might become to be known as a third type of PDP, like a micro PDP, a very, very tightly defined—something that can be done in just three years or something, I don't know, but maybe smaller.

So we heard in our meeting with the GNSO yesterday that even the diacritics thing might result in a micro PDP, for example. The issue of Registry Voluntary Commitments is something where the lines are blurred between policy and implementation, for example. And so as that gets better defined, we're going to see potentially some work happen. Who knows whether it will be called a PDP or a GGP or pop goes the weasel, but it'll be something, a discussion that happens that we'll want to participate in. Which also reminds me that the NCUC is having a session on RVCs. When is that?

JUSTINE CHEW: Wednesday at 10:30.

JONATHAN ZUCK: Wednesday at 10:30. I don't know what I'm stepping on by raising it. But I think it's going to be a good session, and we're participating in it. Kathy Kleiman went... For those of you that were around during the transition, there was this famous document that went around called the Stress Test. That was a document maintained by Steve DelBianco from the Business Constituency. And he has once again been called upon to create RVC Stress Tests. So that will be part of that conversation. I think that will help make what has to date been a little

bit of an abstract conversation a little bit more concrete, which we might be able to form some policy discussions around. I'm sure I've sparked some memories of other things like that that are going to come up.

JUSTINE CHEW:

Thank you, Jonathan. How can I forget the next round? Sorry. So as was discussed yesterday with GNSO Council and as I have been reporting to CPWG, there's a batch of pending resolutions that the Board did not approve, that that particular batch of original 38 is starting to whittle down. Some have been now approved through clarifying statement from the GNSO Council. There is still probably about, I want to say, 13 that are still stuck in negotiation. Some of them are not approved, not rejected. The Board has this thing about not rejecting things. They just don't adopt things.

So anyway, I'm going to talk about rejection because it's easier to say. So there is a couple of recommendations that are still in the not rejected but not adopted pool. And there is a bunch of recommendations that have not been adopted, so it has been rejected. And now the Council is going through the motions of trying to see there's a quicker solution for the ones that are still in limbo. As to the ones that have been rejected by the Board, that kicks off a Bylaws process. The Council has been talking about whether we go through a Section 16 process or we do a Supplemental Recommendation process. That's all part of the GNSO policy development practices and operating procedures. So we don't necessarily need to get into the nitty-gritty of things. All we need to claim is that we need community

input in all these things. Because if you think about it, the recommendations were a result of community policy development process, so they are consensus policy. If the Board decided that they are not to be adopted it's because it's not in the interest of ICANN. So if anything were to replace those recommendations, then they should be community developed recommendations. So that is the argument that I always put to GNSO Council. Although you are the manager of that process, anything you do from this day on or this stage on should have committee input if you want the legitimacy of it being consensus policy.

So that is the position that we've been pushing. And now as reported yesterday, they are opening up that small team. So it's now called Small Team Plus. I don't know when the call is going to come for us to nominate two more people to be on that small team, to take on some of this other work that has been rejected. We will have to see whether a revision is possible or not. But in that pool is Applicant Support Recommendation 17.2. We have gone through the motions of coming up with a proposal of how ALAC things and At-Large things that the Recommendation 17.2 should be revised. So I'm going to push that forward with the small team, and hopefully with the help of two other colleagues on that small team, we can get something much better than what happened in 2012 round.

HADIA EL MINIAWI:

Thank you, Justine. Can I go back to the RDRS and ask you about the Terms of Services? So the system is designed to get requests from requesters, and then pass it to the registrar, and then the registrar will

provide the reply directly to the requester. So my question is in relation to the requestor's data that is going to be stored. Is it possible to use that data for statistics or like any kind of insights or no determination yet? Thank you.

JONATHAN ZUCK:

There was a lot of discussion about that, and they're not going to make the data itself available. But there was a lot of discussion about the kinds of aggregate reports they're going to generate, and it's possible that new types of reports may be designed as well. But they're worried about that data becoming public and available for research purposes. So that's probably not going to be the case.

The other thing that is a little bit unfortunate is they're kind of fuzzy on what they're going to do about requests that come in for data from registrars that are not participating. That would be very useful information. I think because of how useful it would be, we're not going to get it. So they're going to have to keep it for a certain amount of time and they're going to try to find some way to aggregate it, but they're very much against what they refer to as name and shame of the people that didn't sign up. They don't want to shame people for not having volunteered to be part of it even though it might reveal areas where there's higher amounts of complaints. So it's a complicated issue. But at least at this juncture, the data itself is not going to be made public and the information about the request that come in for the people that are not participating is not going to be reported in a particularly useful way. They are going to generate a PDF for you for those people that you can then send to those non-

participating registrars that have their own system or whatever. And good luck, right? But I think that's the current status of those things.

ALAN GREENBERG:

That the current version as of yesterday is the name of the registrar and the name of the domain name will be preserved. So for instance, you will be able to report that there were 600 requests for a specific registrar and 353 different domain names mentioned, or 600 requests and one domain name mentioned. So that information will be preserved. The actual specifics about the request will not be. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Alan. Thanks, everyone. I think we've run out of breath. But we've also run out of time on today's CPWG, but it's been a very interesting update. Hadia, is there anything else we need to cover today?

HADIA EL MINIAWI:

I think we're all good unless we have any suggestions or thoughts from the floor?

OLIVIER CRÉPIN-LEBLOND:

I see Sébastien Bachollet.

SÉBASTIEN BACHOLLET: Maybe not now, but if you can tell us where we are with changing the contract of the ARS and the [RIRs] with the abuse situation, it will be interesting. Thank you.

HADIA EL MINIAWI: Sebastien, you're referring to the amendments to the contracted parties? I think it's still an ongoing thing. When will those amendments—okay.

JONATHAN ZUCK: It's out for a vote. It's being—we have a term in the U.S., I don't know if it's used anywhere else—whipping. They're going out and kind of getting people to participate in the vote and getting more votes in all the time, because they have to get a critical mass of registrars, in particular, to agree to these changes. They seem optimistic about it but that vote is still taking place. That's what's going on.

OLIVIER CRÉPIN-LEBLOND: Then my question is, can we, as At-Large structure, do something in our own country about that? Thank you.

JONATHAN ZUCK: I don't know the answer that but we can ask. My guess is the registrars believe that they're the best at getting other registrars to vote. But I'll ask the question.

ALAN GREENBERG: If you have contacts with the registrar, feel free to try to encourage them.

SÉBASTIEN BACHOLLET: It's I can do whatever I want, but we are here in At-Large meeting. Do we want to do something altogether and trying to do that at the level of the RALO and At-Large? Or do we consider that it's not our business? And therefore, yes, I will do what I want and what I can. I am already doing something. But my question is for us, not for me. Thank you.

JONATHAN ZUCK: So I'll ask the question. My guess is that they don't want our help on this. There's plenty of things that people want our help on. So the only thing I was going to say at the end of this is for everybody in the room, if you've just not used to having this kind of fun, this is a weekly call, the CPWG call, and it is one of the central calls. You're going to hear me say many times over the course of the week that those of you that are funded travelers that are part of the everyday part of the At-Large community are expected to be on those calls every week, and when you can't, listen to the recording. The same with the OFB calls which are not every week, but the same thing. You're expected to attend them. It's not voluntary. So for all the folks that are new to the ALAC, a new RALO leadership, there's an expectation that you're on these calls and you're following what's going on. Because the little updates that happen along the way are never enough to really understand what's going on when you're called on to vote.

OLIVIER CRÉPIN-LEBLOND: Thank you. Steiner, 10 seconds.

STEINAR GRØTTERØD: Regarding the RA/RAA amendment, if you're here, very good friends at the Registrar community. They are afraid that this one will have some problems being accepted because of the voting rules among the registrars. To be said, there is a session I'm trying to find it during this ICANN meeting that the latest stats about who has voted and so on will be presented, so it's worthwhile. What has been also worthwhile saying is that if this is not being passed, the further road, the next step could be maybe going back to the negotiation and have a new discussion between the contracted parties about these amendments and then get into a second round. But it's definitely critical. Thank you.

HADIA EL MINIAWI: Thank you, Steinar. Back again to you, Sebastien. So yesterday when we were discussing the talking points for the DNS abuse topic, we did express At-Large support for the contract amendments. So this is well known. And I guess if they need our help or support, they can always reach out. Thank you.

SÉBASTIEN BACHOLLET: I am really sorry, but it's not the purpose of the question. If the amendment is not passing, ICANN is jeopardized. Therefore, it's what we can do to avoid the situation that referred to my question. Can we

do something to help these amendments to pass? Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Sebastien. As usual, we are late in closing that call, that face-to-face meeting today. A very big thanks and applause to our interpreters for having dealt with our extremely fast paced updates as we speak so fast. Of course, we meet at 13:00 and 19:00 UTC every week, alternating between the two. Attendance is free on those calls. Really good. Hoping to see you all, and have a very good lunch or morning, afternoon, evening, or night wherever you are.

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