
ICANN85 Mumbai | CF – GDS: IGO-INGO Curative Rights IRT Work Session
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Hello and welcome to the IGO-INGO Curative Rights Implementation Review Team work session at ICANN85. This is meeting number 19 of the Curative Rights Implementation Review Team on 7th of March 2026 at 3:30 UTC. My name is Karen and I am a Participation Manager for this session. Please note that this session is being recorded and is governed by the ICANN Community Participant Code of Conduct, ICANN Expected Standards of Behavior, and the ICANN Community Anti-Harassment Policy.

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PETER EAKIN

Thank you, Karen. Good morning, Mumbai, and welcome everyone to ICANN85. Of course, I say welcome to Mumbai, but due to geopolitical events in part and travel disruptions, I think it's one of the least in-person IRTs we've had yet, and most of us probably will be joining remotely.

I'm not there. I can't see who's in the room, but if you're there, just let me know and I'll remember to keep you in mind. You should be able to see the slide deck for those in the room. Certainly, if you're online, you should be able to as well. Thank you, everyone, for joining. It's very small hours here in Belgium. It's 4:30 a.m., hence the non-existent video feed. Luckily for us, Karen, as she just introduced herself, is graciously providing remote participation services in my place.

As Karen mentioned, I would kindly ask those of you in the room who can do so, because we're going to be largely remote, to log into the Zoom. It's much easier for me to see your hands that way. If you can't do that, if you make a gesture, Karen will direct my attention to you.

For those of you who are in the room observing, this is a working session of the IRT. We only have the hour, so I'm proposing that if we have time at the end to take questions then. We have a two-item agenda. First, some light housework. Any SOIs to update? We never do. We always need to ask. I also want to flag that Zac and Brian will be giving a short update on the IRT in the GNSO NCSG constituencies work session on Tuesday 10th of March. That's

13:15 local time, 7:45 UTC. I want to encourage those of you in Mumbai or otherwise to attend or join the call if possible.

Today, I want to discuss the IRT comments on the UDRP version 5 drafts we walked through last week. This will help staff understand and identify any further changes necessary and possibly agree whether or not the language is almost there pending those changes. We didn't receive any live comments during the previous call.

The IGOs worked especially hard to provide rapid feedback afterwards and it was extremely interesting to read. I have added specific elements of the feedback to the IRT copies in the Google Drive and we'll look at those shortly. The links will be in the chat shortly. Before we go through these, I want to summarize the IGOs, the main points of their feedback on screen.

I know I think Beril is on the call and Brian should be in the room at some point. I know he, because of flights, he might be a little late. I just want to give a brief summary of the IGOs comments. These were shared on lists by the way, so you all should have read them or at least received them. Just to summarize, the IGOs are concerned about the broad scope of the orbital proceeding and I'm told Brian's in the room now, so hi Brian.

IGOs understand that sole purpose of the EPDP, one day I'll say this right, and IRT to be the introduction of an orbital proceeding available to the parties for the purpose of challenging a UDRP or

URS decision in cases involving IGO compliance without affecting existing mechanisms or granting additional rights.

IGOs agree with the principle that the purpose of the EPDP or IRT is not to restrict the party's ability to initiate legal proceedings against one another, whether before a court or through arbitration prior to or during an ongoing UDRP proceeding. Updates should therefore clarify that the orbital proceeding does not affect or limit either party's right to seek legal recourse before the courts or through arbitration concerning the domain name, but ICANN's rules should not address any details on parallel legal proceedings unconnected to a UDRP or URS proceeding, if that's the case.

So, very interesting feedback and I know now because Brian and Beril, you're in the room, maybe just like one or both, if you maybe to elaborate on this, maybe provide some context to the feedback, if you can.

BERIL ARI

Hi Peter, hi everyone. I can go first; I don't know if Brian like that you want to speak as well. So, actually these, I apologize in advance, 4:30 a.m. in Paris as well, so I might have difficulty in choosing my words, but these three points summarize well our position. I just want to remind everyone the main question, the main problem that we are trying to resolve with this IRT and that we try to resolve in EPDP, which is that IGOs are currently unable to initiate UDRP or URS because as one of the conditions we need to

accept national court jurisdiction, so that the UDRP or URS decision can be challenged.

Since we are unable to do that, we engaged in an exercise to find an alternative to that court proceeding to challenge a UDRP or URS decision, hence we thought about arbitration, hence we are discussing all this mechanism that's incorporated in EPDP, in the flowchart, incorporated in the final report, et cetera.

We totally agree with the fact that this doesn't limit or abolish what already exists in the rules and in the policy, but we should remain focused on what's within ICANN's remit, which is the proceeding that is related to these UDRP or URS proceedings that is initiated, I mean any legal proceeding, court proceeding or arbitration that is not relevant to UDRP or URS shouldn't be dealt within these rules or policies, that's our point.

So, that's why we are fine with clarifying that this doesn't affect or change what is already available in the rules or policies, but when it comes to regulating arbitration, et cetera., putting rules for that, it should only be limited to cases where a UDRP or URS decision is challenged. I hope this is clear. Thank you.

PETER EAKIN

Thank you, Beril. Brian, would you like to jump in on this, if you can?

BRIAN BECKHAM

Good morning, everyone. Brian Beckham. Nothing to add, the last round of proposed edits was just some proposed housekeeping to make sure that that was what Beril had just described and what you had described, Peter, was captured at a textual level.

PETER EAKIN

Thanks, Brian. Does anyone else, and initially, we will go through the documents to look at the comments in detail, does anyone else on the call maybe want to discuss this? Jeff is here.

JEFF NEUMAN

Yeah, thanks. So, it's only 10:30 at night here, so not bad, but maybe a few meetings from now at 4:30 in the morning, my time, it'll be much more difficult. But I was wondering, Brian, or Beril, if you could go through exactly why you think those edits expand the scope. I didn't view them as expanding the scope, but more just explaining or clarifying when certain things could be initiated. So, can you just go into that a little bit?

PETER EAKIN

Beril?

BERIL ARI

Thank you. Thank you for the question. Maybe we can go through the rules to give concrete examples, but if I remember well, when you say this is the clarified timing of when people initiate proceedings, if a respondent initiates arbitration against IGO while

a UDRP is ongoing, this is something separate. This is a separate process. This has nothing to do with ICANN.

This is allowable if there's an agreement, but this is not linked to the administrative proceeding. And this was already allowed, yet it wasn't described in the rules. So, when you incorporate that possibility in the rules, it looks as if you are creating something extra within ICANN's remit. I mean, if we look at the rules, ICANN may be more-clear, but as far as ICANN is concerned, as far as this policy and the rules are concerned, we should only be focusing on challenging the administrative proceeding that is subject to this policy and the rules.

And if you want to clarify, we can clarify the principle in one sentence, but when you regulate how the arbitration will be initiated in such a parallel proceeding, et cetera, which has nothing to do with ICANN, then I think it's a different thing. It's a different question. But therefore, it's not only a clarification of timing, but it's also ICANN is telling parties how to initiate arbitration, et cetera, in a case where it doesn't have any, how to say, say on it. I don't know if it's clear.

PETER EAKIN

Thank you, Beril. Jeff?

JEFF NEUMAN

Yeah, I think it'll help to go through the rules and the proposed changes to kind of, maybe that'll help me.

PETER EAKIN

Sure, Jeff, we'll do that. I just want to, just maybe, I think this will be helpful at this point. Obviously, we read this feedback with interest and we just want to clarify from a staff point of view, our thinking behind these updates. Obviously, what I do want to draw your attention to, if you're a long-time follower of the IRT, you won't need any introduction to this issue.

Obviously, we took a question of the timing of how to make this pathway available to the GNSO Council for clarification. And on 14th of January, there was a GNSO Council resolution that confirmed that the intent of the EPDP was to enable the respondent in one of these disputes to voluntarily leverage dispute resolution mechanisms at any time once they had been initiated.

And it should not be read that the policy, to be precise, should not be read to limit that ability. I think we're in agreement on that. So, from staff points of view, the GNSO clarified that the policy intent was that the new process, and we're talking specifically about the new arbitral process here, staff have always been quite clear that arbitration outside of this and court action was always possible, can be invoked before this decision is issued, right? But the procedure for doing that was not described in detail in the final report, even though we agreed it was implicit.

So from our point of view, implementation, which is what we're in, must address following in order to operationalize that resolution. So, that is how the election before a UDRP decision occurs and how

it interacts with an ongoing proceeding and what providers and registrars must do. So, as I mentioned, we have consistently confirmed that the right of either party to pursue other legal proceedings remains unaffected.

And the purpose is really just limited to implementing how these mechanisms, this arbitral mechanism that's recommended in the EPDP final report would work within the current framework. And the updates don't seek and do not, we believe, restrict any non-EPDP-related external arbitration.

And the updated rules, furthermore, do not regulate the conduct of arbitration itself, only the limited procedural interception of the administrative proceedings and the new arbitral proceeding.

So, from our point of view, the additions to the rules are necessary to give registrars and providers clear operational instructions and timelines, as well as giving registrants and respondents clarity on how to invoke the mechanism and light off this clarification from the GNSO. So, we're also quite aware that lack of clear rules that protect both parties could lead to procedural instability and undermine the UDRP system.

For example, parallel UDRP or arbitral panel decisions and inconsistent practices and procedural abuse. So, obviously, we're going to turn to the rules now and go through these. I just wanted to give some context on why we made these changes and why we

don't believe that they're out of scope, especially in light of the GNSO resolution.

I just want to turn straight to the rules now. You should all see those. So, what I propose to do, I'll just go down to the comments. I've included the IGO comments alongside other comments. There wasn't so many, so I'll just address them all. Obviously, I think whenever you want to comment, please let me know. So, the first one, this really is an overarching comment from the IGOs.

It's essentially recapping what Veril described, concerned about the broadened scope, agree in principle with the ability to initiate legal proceedings, arbitration in this case before the UDRP proceeding or during one. I really should not address these details as it was not in scope for the EPDP final report.

So how that works in practice, please, if anybody wants to jump in, just raise your hand. The IGO's first comment, we had changed the definition of an arbitral proceeding from something that's purely a challenge to determination to something that would resolve the claims. And I know we had some discussion about exactly whether that was the perfect way of phrasing that.

And the IGOs are suggesting here to revert back to the original version. So, effectively, we would just be defining an arbitral proceeding as a challenge to determination. I'm just going down. Just on this point, Zac, we had a comment, again, just clearly, we've

used resolve. Zac's suggesting maybe determine is a better way of fitting this. And I see Beril, you've got your hand up.

BERIL ARI

Thank you, Peter. Like, for example, here, we are defining arbitral proceeding in a broad way to say that this is to resolve the claims raised in or to challenge the determination issued in administrative proceedings. So, I'm fine with challenge the determination, but resolve the claims raised in. So, does this, for example, in your opinion, cover arbitral proceeding that is initiated in parallel to an ongoing UDRP process? And if that's the case, the parties, for example, still have right to bring a case in front of a court, technically. Why don't the rules say anything about that?

PETER EAKIN

Well, Beril, indeed, anyone else wants to comment, feel free. What we have done is we have dated this in light of the GNSO resolution. So, the EPDP final report doesn't, as we've mentioned, outline how arbitration before or during a UDRP case would work. Well, it has to be during, but before determination would work. But then the resolution, I think, put that firmly within the scope for us to do. Outlining how it would work in court, although that right is in the final report, we didn't believe that was in scope for us to go into greater detail on.

In terms of your question about parallel proceedings, the rules have been amended so that there can't be a parallel UDRP

proceeding ongoing at the same time as the new arbitral process. However, they don't impact the UDRP language related to the ability of either party to file a lawsuit. So, we don't believe that there is necessarily a conflict here.

What we did, the idea of resolving claims is purely just because now, because this new option is open, the arbitral proceeding by which we mean the EPDP arbitral proceeding is no longer purely just to challenge a decision, right? You can actually elect to do this before a decision has been reached. So, we felt that it was necessary to modify this definition to reflect that, purely just to, I think, for accuracy too.

BERIL ARI

Thank you, Peter, for the explanation. But I think my disagreement is on how we interpret GNSO's answer. So, they say that this doesn't affect the ability of respondents to initiate arbitration proceeding. And I agree with that. And I think that they believe, I mean, they refer to an existing ability, an ability that already exists in the current version of the rules and policies.

That ability was already there, yet it wasn't defined in the rules. And right now, as you say, my concern is that we are broadening the scope of EPDP. EPDP and this IRT is only to introduce arbitration to challenge the outcome of the decision and not touch anything else and not limit anything that already is there either.

I'm concerned because for me, UDRP or URS is an administrative proceeding. It's one thing. And then court proceeding or arbitration is another legal proceeding that is outside of ICANN. And right now, with the recent changes, my concern is that we are kind of creating an arbitration that is to replace UDRP or URS as well, which shouldn't be the case, which wasn't the purpose of the EPDP. And I think that's not exactly in line with GNSO's answer either in my interpretation.

PETER EAKIN

Thanks, Beril. I see Jeff, you want to make a comment?

JEFF NEUMAN

Yeah, thanks. I'm still, so I understand the point that people can go to court anyway now, once, either before, during or after a UDRP decision. But I guess I'm asking what the harm is. I mean, I think this is a clarification that's not only good for the UDRP, but it's good. If I think about it for new people that read this.

I'm not sure that people reading this understand that they could go to court. Yes, people do. But I'm just not sure people know that they can go to court or now in this case, to arbitration before there's a decision. And I guess I don't see us as creating anything new. I still see it more as clarification. I'm just not seeing the harm of taking something that we allow and making it more explicit. Thanks.

PETER EAKIN

Thanks, Jeff. Beril.

BERIL ARI

Thank you, Jeff. I'm fine with clarifying the principles. But then I'm, I also have a question for you. Why can't we state this principle in one sentence or in paragraphs? And instead of why are we trying to regulate that arbitration as well, which normally shouldn't be in ICANN's remit? I don't know if my question is clear. Why isn't it enough for you to state that principle separately and that you want to regulate how that arbitration will be initiated, et cetera?

PETER EAKIN

Jeff?

JEFF NEUMAN

Well, I think it would be okay to say separately, but then the words challenge the determination would need to be removed because technically it's an arbitral, arbitrable, ugh, can't say it, arbitral proceeding. Proceeding that is not challenging the determination, but really just moving the actual, moving the administrative action to a non-administrative action.

So, if you wanted to put a sentence at the end of this arbitral proceeding saying for the avoidance of doubt, an arbitral proceeding shall mean a proceeding initiated by the domain name holder during the pendency of an arbitral. I mean, I think you could certainly state it in a separate sentence, but I think it makes it a little more complicated, but I mean, I wouldn't have an objection

to doing that as long as they know that an arbitral proceeding can be initiated before there is a determination of the matter.

PETER EAKIN

Thanks, Jeff. I think you just, I think I want to clarify, I think this is quite, there's different sort of ideas in play here, but these edits were proposed by staff as we believe that we need to address what happens in the UDRP if this new proceeding is initiated before a UDRP decision.

So we're not, I think, trying to limit any other right or define it very narrowly, but we're introducing minimal language designed to address those issues. So, like what happens in the UDRP and what the registers need to do. So, from that point of view, I'm not necessarily sure that this is completely out of our remit. I think what we're trying to get at, we're not trying to define completely what this, or limit any existing or admiral rights. We're just trying to give effect to what the GNSO resolution intended as it applies purely to the new arbitral process, not arbitration in general. But Beril?

BERIL ARI

Thank you, Peter. My concern is still, during, for example, discussions with EPDP, we have never discussed moving a UDRP decision to an arbitral process. We always discuss arbitration within the context of challenging a UDRP or URS decision. And again, while we were discussing that, initiating arbitration or a

court proceeding in parallel was still possible, but that was not the, that was not the essence of the question. Because all this discussion comes from the fact that IGLs are unable to use UDRP because we have to submit ourselves to court's jurisdiction so that the decision can be challenged.

That's what we are trying to fix. That's why all the discussion was focused on challenging a UDRP or URS decision. And I think GNSO counsel's answer, for me, according to my interpretation, only confirms that this arbitration isn't limited only to challenge the outcome of the decision. It can also be initiated during the UDRP or URS process, et cetera. But then I can never regulate that. Why are we doing that right now?

For me, GNSO's answer is not to expand the scope of arbitration in this context, as part of curator rights mechanism, to replacing UDRP, et cetera. For me, it just confirms that it doesn't limit what already exists. But we don't have to, we can say that as a principle, but we shouldn't trust the rules. Expanding the scope in that sense, I mean, I think it still stays outside of ICANN's limit. I think that's where we maybe don't agree with each other.

PETER EAKIN

Thanks, Beril. I just wanted to flash back here to a copied-out slide, text of the resolution. I think this is quite, maybe it's a difficult argument to parse, purely on call. Would you mind, Beril, if you could maybe, would the IGOs want to maybe put in writing, maybe

slightly more in detail exactly your interpretation of the resolution?
Just so that I think we can look at it more closely.

See, I think what our initial interpretation was similar, but after IRT and GNSO input, we understand or understood that this procedure could be used prior to the decision. So, whereas I think looking at this, I think you can read it one way, I can also see you can maybe read it another. So, would you be averse to this, Beril, maybe putting this again down in writing, or more considered?

BERIL ARI

Yeah, yeah, sure.

PETER EAKIN

No problem, Beril. Thank you.

BERIL ARI

Thank you.

PETER EAKIN

What I'll do, I propose just to keep going, okay? So, we'll look at all the comments on the rules and on the policy, because there are one or two others, not just IGOs. That was the main body of feedback. Zac had a comment on choice of words there. And then, I'll just recap for anyone who missed the last call, the main thrust of what the updates do. This is the mutual jurisdiction text. And Zac just had a suggestion that the last paragraph might be better set off, just, I think, for emphasis. But this is the text that addresses, I think,

the main, or one of the main themes of this whole process, which is the exempt IGO complainants as defined in the rules from the obligation to submit to mutual jurisdiction.

This text was added just to bring forward, in the context that EDR arbitration, or the new arbitral process, was now electable before the UDRP determination. We just brought forward the time when IGO respondents would be informed of the option for taking this to the case to arbitration.

The IGOs are just maybe suggesting that this is repeated, so maybe not necessary. I think we included this just as we were making clear the original paragraph really just referenced the decision in favor of an IGO. So, we were just introducing the thought that respondents would need to know that they don't have to wait for a decision. But we'll look at that, streamline it.

And then, not much. Here, this paragraph 18, currently known, it is the effect of court proceedings, the IGOs had a suggestion, I think in line with Beril's commenting about maybe a light touch to this issue. So, to address the principle of the party's ability to initiate legal proceedings against one another, whether before a court or through arbitration, prior to a while UDRP proceedings pending, is not impaired.

We propose to change article 18, effect of court proceedings, to effect of legal proceedings, and modify the sub-paragraph as follows. Changes in red, because it doesn't carry over their suggestion text here. Essentially, that in the event that a party

indicates, initiates any legal proceedings during the pendency, often administrative proceedings in respect of a domain name dispute, that is the subject of the complaint, either before a court or via arbitration, it shall promptly notify the panel and provider.

I just wanted to clarify. So, Beril, this is really what you're referring to in your view, in the IGOs view. Updates should really just reference the possibility, but not go into detail about how that would be carried out. No to count fees. We believe that any reference to high fees might work, be affected by arbitration that's commenced before UDRP pre-decision would be out of scope. No one disagreed with us on that.

So, we're here at the section 20. This is the main part of the rules that address the in the orbital process. So, general IGO comment here, sort of recapitulates what we've already discussed. So, in light of the above, article 20 should be limited solely to the arbitration mechanism for challenging UDRP decision or references to arbitration that may be initiated while the UDRP decision is ongoing, should therefore be removed from scope.

The IGO is just recapping that they don't object to the principle of the right to initiate court proceedings or arbitration before or during the pending UDRP decision. This was already the case. However, the purpose of the EPPP and IG is not to establish the rules to govern that. And again, they don't want to create the impression that an additional right is being granted to the respondent beyond what already exists.

So again, we had made edits to highlight to potential users of UDRP the ability, as Jeff pointed out, because they didn't know that they could initiate an arbitration at any time after the transmission of a complaint or within 10 business days of either of these two triggering events, the date of the provider's communication of a decision in favor of an IGO complaint or the date of the court order in which the court declines to hear the merits of the case based on mutual jurisdiction issues.

So, we had then made some more edits to, sort of, as I pointed out, as we explained, to make sure that this new reading of the arbitral process in light of the GNSO resolution would not conflict with the current UDRP proceedings outlined in the rules.

We noticed here, I think, Jeff, we talked a little bit about this. You were querying whether this would affect the ability or make an invalid arbitration request that wasn't copied into the provider. I just want to clarify here, this is really quite important, at least in the current conception of the rules, if the arbitration is invoked before a decision because the UDRP provider needs to know in the current revisions to stay the case. That's why we put this in here. It's maybe less important if the arbitration is selected after the termination, but didn't look at that. Hi, Jeff.

JEFF NEUMAN

Hey, I know it's important to them, but to invalidate a whole arbitration proceeding because they didn't notify the UDRP provider within the time frame, I think that's harsh. That penalty

doesn't match the infraction. So, I get it, it's important, but to invalidate an entire proceeding just doesn't seem to match. It's not proportional to the violation.

PETER EAKIN

Yeah, as I said, we'll discuss that. I think, again, in terms of time frame, obviously, the 10 days really applies to post-decision. It's important, certainly important pre-decision because the UDRP provider is now being asked to take action at that point. But we can look at maybe addressing that concern.

This is where we had really gone into detail and tried to set out in the rules how this new option, this new pathway would work. Largely did so to make sure that, effectively, even the IGOs were protected from spurious or any sort of attempt to game the process, as it were, and to make sure that arbitration, whenever it was elected, the domain name would be protected in all circumstances.

So, we had outlined how a request for arbitration would be initiated, and then what happens if the arbitral institution had decided, for example, it was filed incorrectly or there was an issue with paperwork. In that case, the arbitral institution would inform the registrars and the provider that the arbitral proceeding has been terminated. It's asked, querying our language there, would it be a dismissal at this stage, or is it better to say that it's an objection?

And we'll think about that. But effectively, whenever an arbitral institution is happy that its conditions are met, it will inform parties in the registrar, the provider, and the date of the commencement of an arbitral proceeding.

And in circumstances that the proceeding is commenced prior to a UDRP decision, once the request to initiate an arbitral proceeding by the respondent is received by the UDRP provider, it shall stay the UDRP until either the termination of the proceeding, which is described, at which point the proceeding can go ahead, or it receives a copy of the arbitral decision at which time it will terminate the UDRP.

This way ensures that IGOs don't have to refile continually in the event that an arbitral proceeding is submitted and terminated, rejected before it is underway. At this point as well, registrars are required to maintain a lock just to make sure that there's no circumstances in which they would not be protected at this point.

If afterwards, since 5 is the classic pathway, if the proceeding is initiated after a decision, the lock is maintained by registrars until they receive evidence that either the parties have resolved the matter between themselves, noticed that the arbitral institution was terminated, or a copy of the decision from the arbitral panel, and really then just some edits to existing language.

And then let's go on to the policy, because there were some comments on that too, although it's the lighter of the two documents. So, really, K2 is the first section of this document

which was really affected by edits, and the IGOs commented here that they've suggested a change, really just two words here, or arbitration.

So the proceedings, the UDRP requirements set out in this paragraph, shall not prevent either you or the IGO defendant from submitting a dispute to a court of competent jurisdiction or arbitration for independent resolution before such mandatory proceedings are commenced. So for the IGOs, they believe that you can leave any doubts as to whether the new mechanism excludes initiating arbitration before or during UDRP proceeding.

And just going down to section 10, this corresponds to section 20 in the rules. So, we had made edits here, again resolved the claims. Again, initially, the way this was worded, it was just to challenge the outcome. So, the edits were made to broaden the scope in light of the GNSO resolution.

IGOs made a comment here with respect to sub-paragraph G, we couldn't understand why there's a different timeline for the implementation of arbitral decision for IGOs and the respondent. I think, I guess, this reflects that there's different tasks need to be taken depending on the decision. If really it just references, reinforces the status quo, less to do. However, if more action needs to be taken with the domain name in terms of transferring, et cetera, that will take longer.

So, that's why there's a longer lead in time frame for implementing the decision than if things just stay as they are. Exactly, the

question here, the contents of a registrant, what does that entail? If I'm going to register to unlock the domain name for the outcome of the arbitral proceeding. To that point, yes, really, it's really just the actions that are needed to essentially close off this.

And given that if the registrant reveals, it wouldn't be too much that needs to be done to do that. Obviously, ICANN works by its contracted parties, it's the registrars and this too. So, that's really comments, that's the extent of the IRT's comments on the drafts themselves. Does anybody; after having seen all of these, anybody want to make any further comments?

BRIAN BECKHAM

Hi, Peter, it's Brian. I'm sorry, I'm not in the Zoom. Just on the clause that's on the screen there, the implementation, just to explain, I think it's understood that there's the 10 days in the UDRP for the appeal, the registrant has the right to appeal that to a court. But here with the implementation of the arbitral decision, that would have been the route that the parties either would have taken voluntarily prior to UDRP decision being rendered or after a UDRP decision would be rendered to challenge that.

So, I think that just to explain, it wasn't clear why there would be a difference between the implementation timelines for the two parties there, because this is different than the paragraph 4k 10 days for the court appeal.

PETER EAKIN

Thanks, Brian. That does give a bit of helpful context. We can maybe look at that, see if we need to make any alterations there. So, I just want to go back just to the slide deck. Obviously, Beril and the IGOs have agreed to provide a more-fuller written rationale for their interpretation of the resolution.

So I would request, I know it's quite difficult, I think the sooner we can get that, the better, purely from a timeline perspective. We had thought about before this meeting ways forward on this, because obviously we're conscious of timelines. We have only 10 minutes left. I wanted to suggest one more issue before we do have to wrap up.

Before we had thought potential ways around this, one would be, would it help if we explicitly clarified the scope in the documents? For example, referencing that these provisions describe purely procedural implications when the registrant initiates the new EPDP recommended process, but nothing in them regulates or limits any other legal or arbitral route.

Another way around this, we thought, would be to proceed potentially to Public Comment with relevant additions flagged. So keep the thing moving, but invite comments from the community. And then there's obviously, if this couldn't be resolved at all, return to the issue to the GNSO Council for the guidance. I think we would really want to do, especially given the timeline.

I would also like to add, I think it would be useful in light of what we've discussed, if I think Jeff and contracted parties once we

receive this, in light of what we've talked about and what the IGOs are going to supply, maybe your thoughts about the interpretation of the GNSO resolution.

So again, gather the full range of the spectrum. I've seen in the comments, Jeff supports B, going to Public Comment. I think it's important we address; we need to get this right. Certainly IGOs, one of the two principal affected parties at the whole point of this work.

So, we need to make sure we reach a mutually agreeable solution, but we also need to be aware of the timeline and try and sort of address this while keeping things going. So, obviously, we don't have to reach a decision on call, but I think we need to think fairly soon about what we do. But I would, I think Jeff, if you're okay with that, maybe putting something down on paper on your thoughts on what the IGOs and Beril described today.

And then, just, we've got eight minutes. I wanted to touch on one thing. We'd talked about next steps here, and I don't want to go into this again. We are, we talked at last meeting about timeline, and we don't have just the UDRP. We have two other IRT deliverables to finalize, and that's obvious, the URS policy guidance, and we'll be recirculating the policy guidance very soon.

And we hoped, and still hope to be in a position to look at draft URS language updates soon. And really, our goal is to try and get these products signed off, really, during or shortly after, I reckon, maybe six, if possible, in June. And this would allow staff to get to work on

really trying to compress the necessary period to make the policy effective, which we would hope, then, to have all wrapped up in an ideal world, so that the IGO acronyms can be released in quarter four through 2026.

However, as I noted here in our last meeting, and this is just really just to address this, there was a discussion about whether, I think, Brian, you raised this Public Comment was necessary in light of this timeline and previous comments on this work.

And I think Jeff, there was certain discussions about members, if they're actually going back to consult with the respective constituencies, and whether this was something that people wanted to explore. Did anyone do that? We are keen to hear how this idea was received. Hi, Jeff.

JEFF NEUMAN

Hi. Though it wasn't very formal, and I can certainly bring up this week during the contracted parties house discussions. The registrars I spoke with, and actually, I spoke with some non-commercial, because that group, I think, is one of the most groups likely to object. And they think that there needs to be a Public Comment period. But I'll bring it up more formally at the CPH discussions. Actually, some of them are later today or tomorrow.

PETER EAKIN

Thanks, Jeff. I mean, from staff's point of view, we thought about this. So, we looked at both what happens and what could happen.

So, we looked at CPIF, which, if anyone doesn't know, is the Consensus Policy Implementation Framework, and it describes high policy to be implemented. And it's whether or not to proceed to Public Comments, not solely an item or a decision.

So, staff decide in consultation with the IRT whether the implementation should be posted. But there is a strong presumption that items should be posted for Public Comment. And when we looked at the issue, we sort of, we recommend that really it should take place.

And this is for a number of reasons, the importance of the UDRP, the fact that there's impact of the updates on registrars, and that the IRT did have intentionally limited selected membership. So, there's not representation from a lot of the parties affected by these new updates to provide ongoing comment.

And also, I think you mentioned on the call, there's a risk of later challenges to the process and debate within the IRT if we take this route. However, if the IRT, do you want to pursue this, we'll work together to try and address the concerns. Brian, I believe you want to say something.

BRIAN BECKHAM

Yeah, thanks. I think, look, my views are well known that I don't think we need Public Comment on this. We've already been at this for over 10 years. We've had two Working Groups. People in every part of the community were welcome to participate. They chose to

participate or not. We put out a draft report for Public Comment. There were about 30-odd Public Comments.

We put out the final report for Public Comment. There was about 10 Public Comments. Some of those were spam. Others from the registries and registrars said, thank you for taking our comments into effect. We have nothing further to say. Please get on with it. So, if there are concerns, Jeff, from some parts of the community about this, after all of the various opportunities to participate in the two Working Groups, to comment publicly on multiple occasions that haven't already been addressed, because I know I don't need to remind you about the kind of constant concern around ICANN around different bites at the apple.

So, there are new things that haven't been caught by the IRT in implementing the work that has been approved by the council and the Board. Then it would be useful to know those before we put this out for Public Comment. Otherwise, I guess we'll just have to see what the comments are that come in. Thanks.

PETER EAKIN

Thanks, Brian. I guess it's not just about the recommendations. It's about the way they're proposed for implementation. This is the case for all PDPs as part of the process. And indeed, as we've seen in our IRT, even with parties that are very well versed in these issues, we've had recurring debates on how these should be implemented and how the recommendations should be read.

So, I suppose from a safety-first perspective, Public Comment is a way of making sure the community have the ability to comment on what we've decided. Obviously, however, certainly IRT are free to socialize with the community groups that are likely to be impacted or interested on this. And should this be something that the IRT wants to pursue, we'll work together to see if we can minimize or mitigate any potential impacts of it. Jeff?

JEFF NEUMAN

Yeah, it's Jeff Neuman. It's such a weird position for me because my heart is so with Brian, like, let's get moving on this, right? Like, nothing, I want more to get moving on this. But my brain keeps telling me because of the fact that this IRT was sort of invite only, that there's not the representation of all the groups.

I just think there'll be some people that will complain, and those complaints could end up making this take longer. But I'm so in your camp, Brian, I wish like, I like you to share, like, we got to move on with this. I just, I'm afraid of just the ramifications of not putting it out for Public Comment, delaying things more. So, just wanted to state that, like, I'm so with you, Brian. But my brain keeps getting in the way, telling me that I've seen too often what happens when people in the community kind of raise their voices.

PETER EAKIN

Thanks, Jeff. Look at here, we're at time. So, it's been a very good, informative discussion, and a good way to kickstart this public

meeting. In terms of where we go from here, I would reiterate my request for comments from Beril and the IGOs, and conversely, comments from the contracted parties, or sorry, sorry, comments from Jeff in your constituency and contracted parties in regards to the IGOs interpretation of the GNSO's resolution.

And what we'll do is, we need to look at all that, and then we need to meet very soon to discuss next steps. Because obviously, the sooner that we can get this, and we can review it, we can move forward. And then in parallel to that, I would ask that if you do want to socialize the Public Comment, or no Public Comment route to do that, as soon as possible, really. And then we propose, I think, then very shortly after, since we can really after we receive this input, would be after we'll meet, and then we can establish where to go from here.

Does anyone else have anything they want to add? Before we bid you good night? Good day? I'm not seeing hands. Yes, Beryl's signing off. Thank you, everyone, for coming. I really hope you have a good meeting, whether in person or remotely. And then we end the recording then.

[END OF TRANSCRIPTION]