

COMMUNITY ENGAGEMENT: THE LEGAL ENFORCEABILITY OF ETHOS' PUBLIC INTEREST COMMITMENT (PIC)

ALLEN GROGAN AND BRIAN CIMBOLIC

MARCH 3, 2020

ALLEN GROGAN:

Welcome everyone. Thank you for joining today's community discussion. My name is Allen Grogan. I'm a legal advisor of Ethos Capital, and with me is Brian Cimboric, the General Counsel of Public Interest Registry. We want to thank all of you for participating in last week's community engagement event, and give special thanks to those of you who submitted questions.

We are eager to hear from and engage with the community. We will be participating in additional public events to seek input from .ORG stakeholders. We've asked ICANN to schedule a public discussion during ICANN 67 in early March with PIR, Ethos Capital and ISOC representatives all available to engage with the community.

In addition, we're going to be hosting a couple of other webinars in the coming weeks on different topics, so stay tuned for more information on those. And I can tell you that starting this morning, Public Interest Registry is making it possible for anyone to directly engage and provide feedback on the safeguards that Ethos is proposing.

We want to hear from you. We want to hear from the .ORG community, which will be able to provide their feedback in three areas in particular. We're soliciting public engagement on the commitments contained in the Public Interest Commitment (the PIC) that we're going to be talking about later today, the principles and safeguards set forth in the .ORG Stewardship Council Charter, and finally whether the community supports PIR being anchored in a Public Benefit LLC framework.

So please go to KeyPointsAbout.ORG/public-engagement any time starting today and continuing through Friday, March 13th to provide feedback. After March 13th, PIR will post all the feedback received, as well as a digested summary of the feedback that was received from the community.

Today, Brian and I are going to be talking about the Public Interest Commitment that we have proposed, and the mechanisms for enforcing those commitments. Those of you who attended last week's event may already know some of this, but we have a number of newcomers today, so we want to make sure everyone has a baseline understanding of what we are proposing.

We'll be taking questions pertaining to the PIC at the end of this, so feel free to submit any questions you might have through the Q&A feature during our presentation.

Since Ethos announced its investment in PIR last fall, Ethos has welcomed the opportunity to engage with .ORG registrants and users to hear their ideas and answer their questions. We listened to concerns expressed in the community and we worked to address them. We announced a number of voluntary commitments that Ethos is prepared to make, and then we listened to feedback from the community on the scope of those commitments, as well as on the enforceability of those commitments.

One of the recurring themes that we heard loud and clear is that key commitments should be legally enforceable, should not be subject to unilateral modification by PIR, and that the community should have some ability to enforce those commitments.

Another recurring theme that we heard was that the community should have input on key policies. As a result of this dialogue, about ten days ago we announced that we would embody these Public Interest commitments in the form of a PIC, a Public Interest Commitment, that would become a legally binding amendment to PIR's Registry Agreement for .ORG and be enforceable, both directly by ICANN and by members of the community through the PIC Dispute Resolution Procedure.

We had previously talked about embedding some of these commitments in the Certificate of Formation of a Public Benefit LLC, but we heard from critics who said it would be too easy for PIR to change those Public Benefit LLC commitments in the future, and that those commitments might not be binding if, in the future, someone else takes over the operation of .ORG. So we wanted a mechanism where PIR could not unilaterally change these commitments, and where these commitments would continue to be binding upon future operators of .ORG.

The PIC, the Public Interest Commitment in the form of an amendment to the PIR Registry Agreement with ICANN, meets the key criteria that the community said were important. First, it's legally binding on PIR. It's legally enforceable by ICANN. It's also legally enforceable by the community through the PIC Dispute Resolution Procedure.

Second, because it's part of the Registry Agreement, it is not subject to unilateral modification by PIR. Any change would constitute an amendment to the Registry Agreement. That's a process that currently requires ICANN's consent, public comment and ICANN Board approval.

And importantly, because these commitments are part of the Registry Agreement with ICANN, they will continue to apply to .ORG regardless of who operates .ORG in the future. Ethos fully intends to stand by the commitments it makes, and we believe that a Public Interest Commitment that becomes part of the Registry Agreement with ICANN meets the criteria that were demanded by the community.

Let me start by explaining what a Public Interest Commitment to the .ORG Registry Agreement is, and then go into the specifics of the legally binding commitments that Ethos is making. Public Interest Commitments become part of a legally binding amendment to the Registry Agreement with ICANN. These commitments can

be enforced in two ways: by ICANN itself, because they're part of a contract between ICANN and PIR, and also by members of the community through an ICANN procedure known as the PICDRP, the Public Interest Commitment Dispute Resolution Procedure.

Under ICANN policies, these legally binding commitments cannot be unilaterally modified by PIR, and they will apply to .ORG regardless of who operates .ORG in the future. I'll explain the enforcement mechanisms in a few minutes, but let me first just summarize what would be in the Public Interest Commitments that we've proposed.

The commitments that would be built into the ICANN Registry Agreement and become legally binding are, first, for a period of eight years from the effective date of the current Registry Agreement, fees charged to registrars for initial or renewal registration of a .ORG domain name would not increase by more than 10% a year on average.

This is pursuant to a precise formula. At no point in time would the average increase exceed 10%. Front loading of price increases would not be permitted. To be clear, this is not to say that PIR will increase prices 10% each year on average. It only means that if PIR does decide to increase the price, it won't exceed that limit. Furthermore, .ORG pricing is always constrained by the competitive marketplace of registrars and registrants.

This eight-year price commitment is longer than the contractual limitations on prices in the only other TLDs that are currently subject to price caps, which are .COM and .NET. And, as noted, in reality .ORG pricing is constrained now and in the future by the competitive market of registrars and registrants, and also by the growing market for many other new domains such as .FOUNDATION and .CHARITY. In addition, registrants always have the protection that they can renew their domain names for up to ten years before any price increase would go into effect, should there be an increase.

The .ORG community will be able to judge us by our track record over the next eight years, and we believe our performance will demonstrate to everyone that claims that have been put forward of wild and indiscriminate price increases will prove to be unfounded.

In addition to these price commitments, PIR would make the following additional commitments in the PIC, which would have no expiration date. PIR would commit to form a Stewardship Council that would have specific authority to veto PIR's policies regarding freedom of expression and protection of customer information. PIR would establish and fund a Community Enablement Fund to help support the financing of initiatives undertaken in support of .ORG registrants. And PIR would commit to publish an annual report assessing its compliance with the PIC and the ways in which PIR has pursued activities for the benefit of .ORG registrants during the preceding year.

So those are the PIC commitments. Now, let's talk about how those would be enforceable.

Fundamentally, they're enforceable in two ways: by ICANN and by members of the community. Enforceability by ICANN comes about because ICANN has a contractual compliance department. If the ICANN compliance department learns of potential non-compliance with a PIC or receives a complaint, which can be submitted by anybody in the world, ICANN's compliance team will investigate. And if PIR is found to have breached the PIC and fails to cure that breach, ICANN can pursue various remedies, up to and including termination of the Registry Agreement.

Enforceability by community members comes about through this PICDRP process, the Public Interest Commitment Dispute Resolution Procedure. Anyone who believes that PIR has failed to comply with a PIC, and that they've been harmed as a result, can report the alleged non-compliance to ICANN for review and investigation. It can be referred by ICANN to a PICDRP panel, which you can think of as being kind of analogous to an arbitration proceeding, and the conclusions of that panel would be binding on PIR.

We heard from community members who said they wanted a direct enforcement mechanism, we listened, and we responded with a PIC that offers this to the community. Both of these enforcement mechanisms have been used in situations with other registry's PICs in other TLDs, showing that they indeed work in practice.

Before turning this over to Brian, I want to address one more topic that I touched on briefly a minute or two ago. Some have asked if we are abandoning our plans to have a Public Benefit LLC framework, and the answer is no, we're not abandoning those. We still plan to establish a Public Benefit LLC. And, in addition, we still plan to consider pursuing B-Corp certification.

For those not familiar with this area, those are two similar but somewhat different things. Because of the feedback we received about perceived shortcomings of the Public Benefit LLC, that the commitments could be modified or eliminated in the future and that they might not be binding upon some future successor, we decided to embody key commitments in the Public Interest Commitments and the Registry Agreement to address those concerns.

However, we do still intend to create a Public Benefit LLC. It will have additional public benefit commitments that are not part of and do not overlap or conflict with the Registry Agreement PIC. Now I'd like to turn it over to Brian Cimboric, General Counsel of Public Interest Registry to explain how this PIC will actually impact PIR. Brian?

BRIAN CIMBOLIC:

Thanks Allen, and hi everyone. Before I dive into what this all means for PIR, I want to reiterate what Allen said about price caps. Our commitment to limiting any potential increase does not mean that there will be annual price increases, nor does it mean that an increase would be at that 10% cap level. In other words, there might be some years where there will be no increases at all, and others where the increases could be below the 10% limit. And so I just wanted to point that out and reiterate that.

Moving on to the .ORG Stewardship Council: the Stewardship Council is in a lot of ways a natural progression or evolution from our current PIR Advisory Council. The Advisory Council is made up of independent .ORG community members from around the world that provide advice to PIR on policy issues affecting them. The “AC,” or the Advisory Council, has been a key part of PIR's work since its inception. And I want to take a moment to thank everyone who serves on that body. Since it's a global body, it often means people waking up at odd hours of the night in order to handle one of these calls.

The AC is a very dedicated and reliable body for PIR and has been over the years. That said, it was always a purely advisory body and it had a comparatively narrow remit. The Stewardship Council, by contrast, will have binding authority and a broader scope.

Ethos and PIR believe that the community needs to have a strong voice in shaping .ORG's future. That's why the .ORG Stewardship Council will play a powerful role in influencing PIR's decision-making moving forward. The Council will be instrumental in ensuring that the needs of all .ORG registrants and users remain central to PIR. It will determine how PIR invests in a bigger future for .ORG, and how to invest in philanthropic initiatives to benefit nonprofits and the overall .ORG community.

In addition to clarifying the role of the .ORG Stewardship Council within this PIC, Ethos also publicly released the .ORG Stewardship Council Charter, outlining concrete principles and protocols that will govern the administration and operation of the Council. This includes overseeing a Community Enablement Fund, which is expected to receive a minimum of \$10 million over the remaining life of the current Registry Agreement. That will finance existing and new initiatives serving the .ORG community, including the .ORG Impact Awards and other meaningful educational and outreach programs.

Members of the Council will be authorities knowledgeable in fields of mission-driven, charitable and nonprofit organization management, social entrepreneurship, community development, economic empowerment, social advocacy, human rights, philanthropy and related subjects of concern to the .ORG community. We want it to be a cross-section of the .ORG community and .ORG stakeholders.

The Stewardship Council will have authority to provide independent advice, and a binding right to veto modifications proposed by PIR to PIR policies regarding free expression.

We should make something clear – PIR has no interest in censorship as a service. We won't do it.

We've always taken our responsibility over .ORG very seriously. We've published our anti-abuse principles that set forth the framework with which we assess DNS abuse, or domain name system abuse, and website content issues. Our anti-abuse program focuses almost exclusively on DNS abuse. Things like phishing, malware and bot nets. Those are domain name system issues, so domain name system operators like registries should act to address them.

There's also some categories of website content that are so egregious we feel compelled to act. Notably, for child sexual abuse materials, distribution of opioids online, human trafficking, and credible and specific threats to safety.

We've partnered with incredible organizations like the National Center for Missing and Exploited Children and the Internet Watch Foundation to proactively find and root out child abuse imagery on .ORG. We're also working with the U.S. Food and Drug Administration to address domain names that are established specifically in order to distribute opioids online.

To put the abuse question into perspective, however, in 2019 we suspended over 41,000 domain names for DNS or technical abuse. That number's juxtaposed against the total number of domains that we suspended for content issues: ten. Forty-one thousand for domain name system abuse and ten for website content issues.

Of those ten domains, seven were for child sex abuse materials and three were for distribution of opioids online. So while we do act on these egregious categories of content, it's a small fraction of a fraction of our overall anti-abuse practices, which do focus on DNS abuse.

We've never acted to suspend a domain name under our anti-abuse policy for any sort of political speech or political dissent, and we never will. We're very transparent about our anti-abuse activities. We publish our policies and our principles, as well as our statistics on suspensions. So once a quarter we update those numbers. You can find them on our website.

We're proud of what we're doing in this space and we're going to continue to do so. The Stewardship Council is a guardrail to ensure that we continue to act responsibly on these issues.

ALLEN GROGAN:

Hi, this is Allen again. I just wanted to jump in to talk about the question of political censorship. As far as we're aware, no U.S.-based registry has ever suppressed political speech or taken down any domain name at the request of any government. PIR certainly has not, and it will not do so.

I think those governments who do suppress free speech do so at the local level. They use a variety of techniques. They create firewalls that limit citizens' ability to access websites. They require registration and licensing of companies by the government. They revoke those licenses. They impose fines. They arrest people. They cut off local access to ISPs or cloud storage or mobile phone networks.

Unfortunately, those kinds of activities are sometimes effective, but they don't do this by reaching out to U.S. registries like PIR that are 7,000 or 8,000 miles away. They know that a registry like PIR won't respond favorably to those kinds of requests. I think this is largely a phantom issue. It doesn't happen in the real world, and it won't happen with PIR. Brian?

BRIAN CIMBOLIC:

Thanks for that, Allen. I completely agree, obviously. Turning to another issue that the Stewardship Council and the PIC are meant to help address is the issue of the use of personal data.

There have been some claims that PIR has access to the DNS query data for .ORG domains, which provides valuable data about the activities of end users. This is inaccurate. PIR does not have individual user query data and cannot provide or sell what we don't have. There's simply not enough information available on .ORG servers about any particular user to draw conclusions about what that user is doing, or to really identify the users at all.

Even if there were, PIR is prohibited from commercializing this data under various commercial and legal requirements. Finally, PIR is not aware of any for-profit registry – and there's more than 12,000 top-level domains – ever being accused of commercializing this data. So it's not reasonable to claim that Ethos would now do this.

Also, we are prohibited under our Registry Agreement and our agreements with our registrar partners from selling registrant data, and are prohibited under various privacy laws around the world from collecting, using or selling registrant or user data.

There are any number of reasons why the assertions about how PIR will use the data in the future don't make any sense. But putting those reasons aside, the .ORG Stewardship Council will have binding authority to ensure that we never engage in these unethical practices.

Another key aspect of the PIC I want to highlight is the Community Enablement Fund, which is something all of us at PIR are really excited about. As many of you know, PIR does a lot of work in the community in education and outreach, and the Community Enablement Fund will allow us to do even more.

In terms of who gets to decide how and which programs the funds are supporting, the .ORG Stewardship Council will be responsible for ensuring that the initiatives supported by the Fund are consistent with the mission and values of the .ORG community.

As part of that important responsibility, the .ORG Stewardship Council will review, from time to time, any changes to the statement of vision and values in the .ORG Community Enablement Fund, which we're calling the Fund Value Statement, that are proposed by the PIR Board. And at least once annually, it will review PIR's proposed allocations of appropriations from the .ORG Community Enablement Fund. We welcome input from the community for how the funds should be used.

Additionally, I want to point out the requirements of the annual report. PIR will produce and publish annually a report that assesses our compliance with section four of these Public Interest Commitments, and ways in which we pursued activities for the benefit of registrants of .ORG domain names during the

preceding year.

This is important for a couple reasons. It will offer a clear and transparent assessment of whether or not PIR has complied with the commitments in the PIC, and it will give the community and the public an opportunity to see and evaluate our activities on an annual basis.

Simply put, we decided this was a necessary step to ensure openness, transparency and accountability in the operations of PIR going forward by giving everyone an opportunity to see what we've been up to and assess our compliance with the Registry Agreement.

One last thing – I just want to reiterate something that Allen touched on in the beginning, which is that we want to hear from you. We want to hear from the .ORG community. So I would really encourage everyone to go to KeyPointsAbout.ORG/public-engagement anytime from now through next Friday, March 13th, to give your feedback. All input received there will be published, and we're really looking forward to what everyone has to say on this. So with that, Allen, I will hand it back over to you.

ALLEN GROGAN:

Thanks, Brian. In closing, since announcing this transaction, we've listened to the community and we've taken that input to heart in formulating Public Interest Commitments to address the concerns that you have expressed. We've made commitments on affordability, on creating a Stewardship Council with authority relating to policies on anti-abuse and freedom of expression, as well as privacy of data.

We've committed to create a Community Enablement Fund and to produce an annual report assessing our compliance with all the commitments we're making. These commitments will all be legally binding, they'll be legally enforceable by ICANN and also legally enforceable by the community through the PIC Dispute Resolution Procedure.

Because it's part of the Registry Agreement, it's not subject to unilateral modification by PIR. Any change would constitute an amendment to the Registry Agreement, a process that currently requires ICANN's consent, public commitment and ICANN Board approval.

And importantly, because these commitments are part of the Registry Agreement with ICANN, they will continue to apply to .ORG regardless of who operates .ORG in the future. Ethos fully intends to stand by the commitments it makes, and a Public Interest Commitment that becomes part of the Registry Agreement with ICANN meets the criteria demanded by the community.

Now, we'll open this up to Q&A that have been queuing up I believe. As a reminder, Brian and I will focus our answers on questions that are specifically related to the PIC. If there are other questions that are asked, they may be addressed in some future community engagement, but we wanted today's engagement to focus on the PIC. Thank you.

BRIAN CIMBOLIC:

Thanks, Allen. I see we've got a number of questions in the queue. I will jump in and Allen, feel free to chime in on any answer here. Our first question is from Mitch Stoltz. And Mitch asks, "If ICANN is letting PIR amend the Registry Agreement now, months after it was signed, why can't the Registry Agreement be amended again later?"

This is in a contract. This is our Registry Agreement. It obviously involves ICANN's involvement. But, it's sort of analogous to the registry-registrar agreement, where the initial registry-registrar agreement that is put in place between the registry and the registrar goes in place just by virtue of the fact of the registry operator putting it in place. And then further amendments to that are subject to ICANN approval. So any changes to the PIC – any amendment, any rescission to the PIC – that all requires ICANN approval. Allen, anything to add there?

ALLEN GROGAN:

Yeah, if I could just jump in. So the PICs that we're talking about are voluntary in the sense that it's up to PIR to decide what commitments to make. So the current process is an entirely voluntary, unilateral process. But once those commitments are actually embodied in a PIC and become an amendment to the Registry Agreement, they're fully binding, just like any other provision in the agreement.

So the difference is right now, PIR could draft the PIC however it wants to. Once that PIC becomes part of the agreement, modifying that is an amendment to the contract and has to go through the same process that any amendment to the contract would require.

BRIAN CIMBOLIC:

Next, we received a question from Amy Sample Ward asking why PIR hasn't proposed PICs regarding the substance of its free speech and data protections, instead of merely making commitments regarding the process that will be used to make changes.

That's a good question. I think that the natural answer for me here is that by ensuring the process, rather than a specific snapshot in time of what our particular protections for free speech are, it's more nimble and survives any question that comes up through the day.

This process will stick with .ORG no matter who is the registry operator. So if PIR or any future operator of .ORG were to want to change its policies to enable some sort of form of censorship that we're not doing, then they have to go through this process. And the Stewardship Council would have a formal veto on that. To me, that offers more protection in the long run than any sort of snapshot in time that's offered right now.

ALLEN GROGAN:

Yeah, if I could just add something here. I think Brian is absolutely right. It's setting a policy in concrete that

can't be changed, which is, as we just explained, once it's embodied in the PIC, it would require an amendment process to change it.

It's challenging in an industry that changes as quickly as the internet and DNS does. A policy that makes sense in 2020 regarding data privacy might not make sense if you look back on it in 2025, if there have been additional safeguards and protections for data enacted in countries around the world, and you draft a policy in 2020 that doesn't take those into account. So we want to make sure that we have a process for adopting policies, but we don't want to try to set policies in stone when they could continue potentially in perpetuity.

BRIAN CIMBOLIC:

Thanks Allen. And we have another question from Amy, who asks, "I asked this question last week, but it was not addressed. Was there a reason you developed the PIC proposal 'completely on your own,' rather than in consultation with the community, which has been the single biggest problem throughout this entire process?"

Actually, I think that we have [consulted with the community], and that's ultimately why we're here, that Ethos offered various forms of protection previously. They talked about containing in the statement of public benefit in a Public Benefit LLC, protections on price, protections on free expression, protections on use of data.

And people pointed out— and through various community outreach events like this — that, well, those might be unilaterally changed, and that gives us real heartburn about enforceability. And as a direct result of that community engagement and community feedback, Ethos proposed these binding contractual commitments. So I think that where we are ultimately in this process is actually a direct result of community engagement.

ALLEN GROGAN:

Yeah, I agree, Brian, and I think, for example, things like price caps came directly out of feedback from the community. So I think the underlying assumption that we didn't consult with the community is just misplaced.

BRIAN CIMBOLIC:

Next question we see [is] from Cara Gagliano, who asks, "Do you have any support for the assertion that .ORG pricing is constrained by competition in the market, given that switching domain names is prohibitively difficult?"

Well, yes. I mean that's just the fact of the domain name business, the domain name industry. We are in a competitive landscape. There are any number of large gTLDs —many nonprofits also register .COM domain names.

There's also the new TLDs, .CHARITY and .FOUNDATION. There is competition in the domain name space. And if PIR were to exorbitantly raise its prices, people would stop choosing .ORG. And that's what being

constrained by the market means. So yes, I do believe that .ORG is constrained by the market.

ALLEN GROGAN:

In addition to that, if .ORG were to suddenly raise prices dramatically – which the price caps will prevent PIR from doing – but if prices were to increase dramatically, registrants always have the ability to renew for ten years at current pricing before any price increase goes into effect.

So the cost of switching, while there may be some truth to that, there's also the countervailing reality that a registrant could renew for ten years and have ten years to figure out how to transition away if prices were to increase dramatically.

BRIAN CIMBOLIC:

Okay. Next question is from the National Council of Nonprofits. It states that, "You have shared that this is enforceable administratively through ICANN's processes. But what right of action would be maintained by any state law enforcement officials or private parties, such as .ORG registrants?"

Ultimately, I think that this process gives .ORG registrants the direct teeth into this process that they would not have if these commitments were contained elsewhere in the Registry Agreement. As Allen explained, the portions of the base Registry Agreement, it's just enforceable by ICANN to any registry. And for .ORG, that's us. From ICANN to us.

The PIC gives the registrant that right to – if it suffers harm – to raise its hand and say, "Hey, you are breaking the pricing commitments that you made here. I now have a right of action against you, .ORG, through this PICDRP that I previously didn't have and don't have in other top-level domains."

Same is true of any sort of free expression. If we change our policies, you know, contravening the promises that are made in the Public Interest Commitments, and a domain name is taken down as a result, that registrant can raise their hand and challenge our administration of .ORG under the PICDRP. So it's exactly this process that gives .ORG registrants that right and that voice to challenge if they think that we're stepping out of bounds.

ALLEN GROGAN:

I think in terms of state enforcement agencies or officials, there are actually a couple of things that they can do. So anybody can submit a complaint to ICANN compliance. If a state or government official determines that PIR is not meeting its commitments, they can file a complaint with ICANN compliance. ICANN compliance will investigate that complaint, regardless of the source.

Secondly, although there is a requirement in the PICDRP that claims be asserted by someone who alleges they were harmed by the non-compliance, a state agency could provide assistance and support to a citizen who wants to file a complaint alleging a violation of the PIC. So I think there is a role for state agencies to play

if they choose to do so.

BRIAN CIMBOLIC:

We're going to do a couple more questions. I realize we're over time, but we've got some great questions. Thank you guys for submitting them and for participating.

This next one is from Alan Greenberg. It states that, "The original commitment was 10% per year. The proposed PIC would allow no increase for four years, then a nearly 50% increase. That is a significant change. Moreover, I had .ORG domains for nearly 20 years. An eight-year commitment with no restrictions after is not impressive. Moreover, the statement that it would be foolish for PIR to raise rates unreasonably does not help. With over 50 years in the business, I have seen companies – private, large and small – make decisions that were clearly foolish, and in many cases severely damaged their company or forced it into bankruptcy."

Regarding the 10%, keep in mind the status quo, that the only two top-level domains – large TLDs – that have price restrictions are .COM and .NET. So this is a step forward. And it's one where the model that Allen is describing would, in order for a registry operator to raise its prices, if it wants to be able to raise its prices, it's encouraged to raise prices year over year 10% to preserve some future price increase.

The model that's proposed here by Ethos doesn't incentivize those sorts of price increases. It allows flexibility to not raise prices one year and, frankly, I think it's framed more responsibly than just a model that would somewhat encourage price increase year after year to preserve some sort of future price increase.

Regarding the commentary on foolishness, well, that's what the Stewardship Council's here for, is to try and ensure that and proper governance to ensure that we don't make foolish decisions. And hopefully we're putting in place mechanisms to ensure that that doesn't happen.

ALLEN GROGAN:

And again, other than .COM and .NET, we're the only TLD that I'm aware of that would be subject to price constraints at all.

BRIAN CIMBOLIC:

We're going to do a couple more questions. Elliott@eff.org asks, "What leaders in the .NGO community did you discuss the PICs with before announcing them?"

Again, we've sort of been on a constant track of outreach since this deal has been announced. Just the fact that these iterations have happened – initially Ethos has discussed what their intentions were and then heard, "well, that's not enough, 'just trust us,'" which is understandable.

That shifted into containing the commitments in a Public Benefit LLC framework, that then people were worried about enforceability, to now the fact that we are here and talking about binding commitments in a

contract.

Each of those steps, each of those progressions, occurred as a direct result of feedback that have been occurring both formally and informally over the last few months. So I think that the feedback has been constant. And, another plug, please do provide more comments—the more feedback the better.

Alright. We'll do one more question. Cara Gagliano asks, "Even if the Advisory Council didn't have binding decision authority, why wasn't it consulted for the advice it was established to provide?"

Admittedly, I'm sorry, I'm not sure I quite understand the premise of the question. The Advisory Council advises on policy matters that are critical to the .ORG community. And the commitments here are a direct reflection of the feedback that we've received from the .ORG community.

And additionally, we have been addressing these issues with the Advisory Council. We've had several meetings with them since the transaction was announced. We discussed and previewed these commitments with them prior to announcement.

Again, the AC has been a tremendous asset to us, and we thank them for everything that they've done for us, particularly since the transaction has been announced. And also their guidance with regards to policy matters like anti-abuse.

The anti-abuse principles and framework that we have announced at PIR, we ran through [those] extensively with the Advisory Council. They provided great feedback that was incorporated into the document that was finalized and that we're really proud of here.

Allen, did you have anything else to add?

ALLEN GROGAN:

There are a couple more questions still pending regarding the Stewardship Council. I believe we're going to have a future public engagement specifically addressing Stewardship Council matters, so we will hold those questions in reserve and address them then. We want to thank everybody for participating today, and as Brian said, we'll give one more plug. Go to KeyPointsAbout.ORG/public-engagement to look for future opportunities to engage with us. Thank you.

BRIAN CIMBOLIC:

Thanks a lot, everyone.

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