ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 7 August 2013 at 16:00 UTC

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http://audio.icann.org/gnso/gnso-igo-ingo-20130807-en.mp3

On page: http://gnso.icann.org/calendar/#aug

Attendees:
Jim Bikoff – IPC/IOC
Elizabeth Finberg - RySG
Chuck Gomes – RySG
Alan Greenberg – ALAC
Catherine Gribbin – Red Cross Red Crescent
Stephane Hankins – Red Cross Red Crescent
David Heasley – IPC/IOC
Berly Lelievre - Acosta – WIPO
Wolfgang Kleinwächter – NCSG
David Maher – RySG
Kiran Malancharuvil - IPC
Judd Lauter – IOC/IOC
Christopher Rassi - Red Cross Red Crescent
Thomas Rickert – NCA –Working group chair
Megan Rogers - OECD
Greg Shatan – IPC
Mason Cole – GNSO Council chair - RrSG

Apologies:
Avri Doria – NCSG

ICANN Staff:
Berry Cobb
Mary Wong
Julia Charvolen

Coordinator: Excuse me, I'd like to remind all participants this conference is being

               recorded. If you have any objections you may disconnect at this time. You

               may begin.

Julia Charvolen: Thank you (Kelly). Good morning, good afternoon, good evening everyone. Welcome to the IGO, INGO Working Group call on Wednesday 7th of August 2013.

On the call today we have Jim Bikoff, Elizabeth Finberg, Chuck Gomes, Alan Greenberg, Catherine Gribbin, David Maher, Judd Lauter, Christopher Rossi, Thomas Rickert and Mason Cole.

We also have Megan Rogers, I do not have your affiliation sorry, (Megan). Could you give it to me please?

Megan Rogers: Yes, of course. I'm from the OECD.

Julia Charvolen: Thank you very much. We have no apology so far. And from staff we have Berry Cobb, Mary Wong myself, Julia Charvelon.

May I please remind all participants to please state their names before speaking for transcript purposes? And thank you very much and over to you Thomas.

Thomas Rickert: Thank you very much, Julia. This is Thomas Rickert. I'm chairing this working group. And I'd like to welcome all of you for this - on this call.

I have to apologize in advance for poor audio quality. I'm actually doing this call from a taxi. So should I be disconnected (unintelligible) making our way to (Drisdon) Airport.

And Avri Doria who's been speaking at the same conference as I did asked me to convey her apologies to this group. So please take note of that.

As has been mentioned by Berry when he sent out the invitation and agenda to the mailing list we're trying to limit the duration of this call the one hour.

I think it's feasible for us to go through at least to the majority of the agenda items in this hour. And I'll elaborate a little bit more on our plans as we go on once we get there.

So before we move to the second agenda item as usual I'd like to ask whether there are any updates to statements of interest?

Hearing none unfortunately I'm not on the Adobe so I can't see whether any statements have been made in the chat. If this were the case staff please do let me know.

But I guess there are no update statements to interest which allows us to move to the second agenda item which is to review of the public comment on the initial report.

The public comment period is going to close the end of this day. But Berry was kind enough to answer the public comments received so far through the tool that you have received by email.

And I would like to hand over to Berry to give us a quick overlook of what happened there.

Berry Cobb: Great. Thank you, Thomas. This is Berry with ICANN staff.

So for those that are in the AC room you'll basically see what was the documents sent out to the list yesterday that contains a compilation of all the comments received or submitted through the public comment period.

Essentially the document is divided up amongst general comments and then it is sectioned out between top level protection types of comments, second level protection comment, eligibility criteria, scope of identifiers and a few other categories as well.

Essentially what I did was read through each comment and extracted the meat of or the essence of the particular comment based on the topic that it related to and entered it into the Word document.

And it also has it's corresponding - the person that submitted the comment as well as their affiliation.

And take note that some of the names that you may see on there are perhaps chairs of stakeholder groups or constituencies or advisory committee where they formally submit their comments.

And so some of those names may not be familiar to - with you, but it does have their associated affiliation.

I think for the most part, one thing to note (Claudia) did submit comments today that are not included in the version that I sent out to the list yesterday. And I'll be sure to get those incorporated into the tool now.

So essentially we have about 20 pages of comment. And our typical fashion for a working group for the veterans of working groups are very familiar with this process.

For those that aren't essentially what our task would be is to review each comment within the working group and determine if the comment provided any additional areas that the working group should consider for the report and/or possible recommendation.

In those areas where there's a comment listed that offers something new that hadn't been previously discuss we'll also document if there was any kind of recommended action to take based on that comment whether it be perform more research or update a particular recommendation or change the initial report based on the agreement with the working group.

I think everybody on the call is familiar with who submitted comments. And what you'll notice is that essentially all stakeholder groups that are involved in this working group were the only ones to submit comments.

So I think as you read through this tool you'll find that pretty much the noted positions about particular protections at the top or second level are fairly well-known.

And given that this was an initial report, the working group does have some flexibility about how to proceed with review of these public comments.

Typically in a public comment forum we're looking for feedback external to the working group. Although working group members are allowed to submit comments. Very much like our sessions in Durbin we were hopefully seeking additional input from other community members about any of the proposed recommendation options, et cetera.

And again, what you'll find is that the comments that were submitted are pretty much restatement of positions that have already been discussed in the working group.

So in the interest of time, the working group may want to consider instead of reviewing through each of these that we could possibly put out a blanket statement that we agree with the comments that were received thus far.

The working group has noted the various positions and in short basically try to expedite the review of these public comments given the fact that, you know, we're on a particular time schedule.

But that's up to the working group to decide. If you do feel it's important to review through each one of these we certainly can.

And the other supporting aspect behind that is within our initial report we didn't really have any concrete recommendations.

Thus at some point when we do release the final report we will have to go out for another public comment to receive community input on that.

Chuck I see your hand is raised.

Chuck Gomes: Thanks Berry. Did I understand you correctly to suggest to say that we agree with these comments?

Berry Cobb: My bad. I should've used the word we acknowledge the comment...

Chuck Gomes: Okay thank you.

Berry Cobb: ...but not necessarily a grave.

I think most of what I meant to say is I think most of the working group members are very well informed about the stated positions on the various topics that we're reviewing.

And in the sake of time, you know, I'm not sure we're going to gain anything of new insights based on the review the comments. But again, this is totally up to the working group.

Chuck?

Chuck Gomes: Yes. Thanks Barry. That makes more sense. I didn't think you meant to say agree because obviously we have some varying points of view on that.

But I - can I ask a question of Alan regarding the ALAC comments? When I read the comments myself before seeing this summary I had this question as well.

Does the ALAC not take a position on IGOs? They talk about the IOC and the Red Cross and INGOs. But I didn't see anything in their comments with regard IGOs.

Berry Cobb: I'd have to go look. I don't think we have deliberately not taken a position.

Alan Greenberg: I - my recollection is that we said, you know, I don't remember the exact wording, but I think we said we could live with protection names. We don't agree with protection of acronyms in the general case although we can imagine specific ones where protection is warranted. I think we even used UNICEF as an example.

So I think we did talk about it. I'd have to go back to the document.

Chuck Gomes: Yes, I'd appreciate. This is Chuck. I'd appreciate that if you would because I think - I think I did this last week so I don't remember specifically. But I don't think I saw anything about IGOs in general.

Alan Greenberg: I think we answered all the questions. May you didn't - we didn't ask one about IGOs but I'll go back and look.

Chuck Gomes: Okay thanks.

Berry Cobb: And for purposes of the transcript that was Alan Greenberg that was chatting.

Alan Greenberg: Yes indeed. This is Alan Greenberg speaking for the sound record.

Berry Cobb: Thank you Alan.

Okay great. Any other questions about the comment review tool?

You know, I think for the most part, Thomas will close out this agenda item. And if need be we can make the decision about how we wish to proceed with review of the comments on the list. But for the most part, there it is and we can move on from there. Thomas any last thoughts?

Thomas Rickert: Yes, first of all thank you Berry for presenting to the group.

I want to say that I very much thank the working group members for putting in public comments because I think that this doesn't go unnoticed.

And I think that the broader community will see that this communication is going on much more than they would find out when we're internally discussing in the working group although these meetings are certainly also public.

So thanks for taking the time and taking - making the effort to put in public comments.

Actually, I in my preparations with staff for this call, we've made the decision to propose to proceed as Berry described in the interest of time.

And I should add that certainly we will make sure that all comments that are received before the deadline will be incorporated into the tool and also analyzed to see whether there are any significant alterations to what we currently have on the table.

I would specifically like to highlight the request by the RCRC for additional designations which was a new aspect that we discussed. And should further aspects emerge that need dedicated consultation with the working group we will certainly highlight that.

I would very much welcome views from the working group whether or not you agree with this approach.

Unfortunately I can't see whether there are any hands in the Adobe so Berry if you could assist me with that that would be helpful.

Berry Cobb: For the moment, no hands.

Thomas Rickert: Okay so I take that as agreement without proposal, which is allows us to proceed. Sorry?

Berry Cobb: Chuck has raised his hand.

Thomas Rickert: Chuck please?

Berry Cobb: And Chuck you may be on mute.

Chuck Gomes: Sorry about that. I was on mute. This is Chuck.

Thomas I want to be clear, you are asking us whether we're supportive of the approach regarding the public comments or the additional recommendations for protection for the Red Cross?

Thomas Rickert: I highlighted the Red Cross is one aspect that required consultation with the working groups to show that we have carefully gone through the public comments to see which of those were confirmations of positions that have previously stated.

So I did not request the working group to agree with that specific request or recommendation.

My question to the working group was whether the working group agrees to not going through the document that Berry has provided line by line but that we would acknowledge the public comments received.

Chuck Gomes: This is Chuck. Thanks for clarifying that. I'm fine with that.

Thomas Rickert: Thank you very much which allows us to move to the next agenda item. And I would again hand over to Berry who will fill us in on some thoughts that he has exchanged with others inside ICANN on the trademark clearinghouse or, you know, you will remember that we discussed using the TMCH as the basis or as an analogous model for protection mechanisms. And this approach is received quite a bit traction and Berry over you.

Berry Cobb: Great. Thank you, Thomas. This is Berry.

                 Certainly there was much discussion about this topic in our last call. And obviously, it was also included very much within our initial report that several of the second level proposed recommendation options teed off of a clearinghouse type of model.

                 And given as just Thomas described the traction that this is formulating we thought it would be a good idea to engage with some of the experts around the trademark clearinghouse and see if this was and true indeed a viable option for the working group to consider.

                 So last week we met with (Karen Wentz) and a few others. We briefed them on at a high level what some of the recommendation options would look like, for instance, entering into the clearinghouse itself, sunrise aspects, claims notice aspects, et cetera

                 I won't go into too many details, but we didn't really get into many details as well.

                 But in general the conversation was positive that if the working group did make a recommendation to leverage the trademark clearinghouse for any second level protections of the four types of organizations that we're dealing with here in this working group that it was a viable option.

Certainly they couldn't speak too much to any implementation details given the fact that we don't have true concrete recommendations yet. But for the most part, it was considered viable.

A couple of items that (Karen) mentioned to us that maybe we should consider is in terms of the standard to verify the organizations that would be entered.

And it's directly kind of tied to who would bear the cost of entering and with a - into a trademark clearinghouse.

And I think for the most part, it's the distinguishment of which organizations would be allowed to enter into the clearinghouse and how they would be entered.

So if, for instance if there was a collective group organization that was on a finite list those could potentially be entered in batch versus the organizations seeking protection and entering into the clearinghouse themselves.

And both have their pros and cons. But for the most part I think if the working group were to sway more towards the organization seeking protection of wanting to enter as the clearinghouse that that may impact the cost model so to speak.

The second element that we touched on was the area of sunrise. And given the idea that the organizations seeking protection are listed within the trademark clearinghouse is would they have access to sunrise or could it be omitted depending on the type of recommendation that was formed out of here and, you know, that they presently were still debating whether these organizations should have access to sunrise or not?

From (Karen)'s perspective that didn't seem to be an issue. It would just be more about the recommendation or possible recommendation that would reform by the working group.

Lastly we touched on the claims notice aspect as well and kind of in two parts.

The first was the notification itself. And I - for those that I myself had not seen a draft of what the claims notice would look like.

There was some RPM documents released by ICANN last night. And within those documents it does have a draft version of what the claims notice would be constituted with.

And there was a discussion last week as whether there would need to be a modification to the notice to accommodate the type of organizations that we're considering here.

In an ideal world, a single notice would be best. However I think given the nuances between through trademark rights versus rights from a different legal perspective, it would most likely require two separate types of notices.

And depending on how that was implemented that could have an impact in terms of implementation into the clearinghouse itself.

And the other thing that I'll take - let you know about is in terms of the wording of the notice itself. We have taken a draft and we're trying starting to review through it about what areas might be changed.

And for those that haven't seen what the notice looks like I'll be sure to send a copy of that out. So (unintelligible), you can kind of get an idea. And hopefully this will help formulate some discussion around this.

So also I think I will turn it over to Mary just for a couple of minutes. She has some information about some of the legal rights issues in regards to sunrise. And so Mary would you like to contribute, please?

Mary Wong: Sure. Thanks Berry.

And just real quick to pick up on Berry's summary of the sunrise requirement part of our discussion with (Karen) and (Igor) and the others was a concern that was raised.

And again as Berry says we want to emphasize that this, it's not something that we're saying is or is not a recommendation from this working group. So we're just bringing this back as feedback from the operational and legal side of ICANN.

But we need to be as a working group careful with crafting or recommending any kind of sunrise protection because that could be viewed as giving specific or particular or extra rights for legal protections at the very least that may not exist under certain laws or international principles for certain organizations.

So that was a concern that was discussed during the call. And we felt that we should highlight it back to the working group as you guys continue your deliberations.

That's it Berry.

Berry Cobb: Great. Thank you Mary.

So I think to close off this agenda item again, this is a viable possibility for the working group to consider. And hopefully this will help formulate positions as we move forward.

Are there any questions with regard to this topic before we move on?

Alan?

Alan Greenberg: Not a question, just an observation on Mary's last comment. There are some people in this group who claim that much of what we're potentially recommending and in fact much of what the board and the GAC have either approved or recommended is providing rights that do not exist currently under law. So this is just yet another one, perhaps. Thank you.

Berry Cobb: Thank you Alan. Greg I see your hand raised.

Greg Shatan: Yes, also kind of an observation or a response. I think that in terms of sunrises and I think that there would be perhaps fewer concerns or maybe, you know, less elevated concerns if what might be recommended as a so-called sunrise B approach coming after the trademark sunrise.

I think that, you know, you still have to get back to the kind of fundamental questions of what law may require or what a self-regulatory body like our - like ICANN needs to look at in terms of what law, you know, could require.

But there are nuances I think in how a sunrise is implemented that, you know, our recommendations could reflect if we go down that road at all. Thanks.

Mary Wong: Berry this is a Mary. Can I follow up on Greg's comment?

Berry Cobb: Please.

Mary Wong: And Greg I think that's exactly right. So as Berry said our discussion at this point with operations has been at a fairly high level.

So like I said we don't want this to preclude or prohibit any kind of discussion the working group might have on that.

And it may well be that some of the more nuanced or different aspects and types of sunrise could be more appropriate than others, but we would leave this to the working group.

Berry Cobb: Great. Thank you, Mary.

Any additional comments with respect to the trademark clearinghouse or sunrise or claims?

All right, great. So Thomas we'll kind of hand it back to you or I can continue to move forward on the agenda which is the fourth item to discuss topics for eventual consensus call.

Thomas Rickert: Thank you very much Berry. I guess that one aspect might be worthwhile briefly discussing though and that is the issue or the recommendation by ICANN staff to - that it would be much easier for them to implement a list that they receive rather than dealing with individual requests for entry in the TMCH.

I guess that's worth noting. Certainly we should not be remote controlled by what ICANN staff is suggesting.

Nonetheless I would like to get the opportunity to comment on that or otherwise respond because I guess that this corresponds to one of the recommendations or the proposals that have been made earlier which is to take a list produced by the GAC on an as is basis. So obviously that approach would also facilitate implementation.

So unless there are more questions or comments by the working group members we can in fact move to the fourth agenda item.

And that is discussing potential common ground in preparation of a consensus call that needs to be made rather sooner than later.

And Berry will briefly make a proposal or outline a proposal that we're going to make to you and over to you Berry.

Berry Cobb: All right thank you Thomas. So under agenda item 4A it lists kind of a general framework of protections.

The wording there is probably not the best use in terms of what we're trying to accomplish. And unfortunately we don't have the model yet to share with the working group but I assure you this will be your main agenda item for next week.

And essentially what we've done is incorporated the recommendation options that we've had in our initial report into a tool.

And this tool will outline the possible recommendation options that we have. And I think that this may appease most in this working group is that it is distinguished in a column format by the four organizations.

So Column 2 for instance will be Red Cross, Red Crescent. Column 2 would be the IOC. Column 3 is the IGOs, Column 4 is the INGOs.

And then there's an additional column that we'll also consider the different types of recommendation options and how that might look or effect in the new - I'm sorry the existing gTLDs.

Certainly that is a topic that the working group hasn't touched much upon yet. But we - you know, we're aware that that is on the horizon and we thought that that would be a good tool as well to try and document any possible recommendations that the working group would come up with in that regard.

But in essence the cells for each type of recommendation option are - were briefly depicted as to about where the working group stands on that particular recommendation option.

It's more or less a view from the chair as to where the working group stands and where it possibly can gain the most support.

We'll review through this tool as I said next week and begin a dialogue as to whether the tool represents an accurate reflection on where the working group stands.

And hopefully it will be useful for us to get to closer to a consensus call about a package set of recommendations if any.

And from there then we can extract the results out of this tool to formulate our written recommendations that would eventually go in to our final report.

So again unfortunately I don't have anything to share with you yet. We do anticipate to send this out before close of this week to allow working group members' time to review through it. And we'll get into more the details of it in next week's call.

Chuck yes please.

Chuck Gomes: Thanks Berry and this sounds like a useful tool to at least get us started on this.

But I'm still confused. I've raised this before. I don't understand with regard to any policy recommendations we might make why we have to single out existing TLDs?

The if we - if consensus policy is recommended it will apply to all TLDs unless it's specifically accepted in the policy recommendations.

So now I do understand like we've - and we've talked about on - talked about this in our group that there may be some implementation issues. But I don't think we're at that point of talking about implementation issues with regard to new - existing gTLDs are we?

Berry Cobb: Thank you Chuck. This is Berry. No you're perfectly right in your statement. Again I probably misspoke or spoke confusingly.

The reason why I included the column in there is as we - as for an example if when we deliberate in the second level protection if certain names were to be included on the reserve name list within the registry agreement and that was the recommendation that the working group approved you are correct that is a consensus policy aspect of it.

And the reason why I included the column in there is as a placeholder for us to document any nuances about how that particular recommendation may be implemented so that we can include that in the final report for staff and others to implement down the road.

Buy you are very correct. I don't think that there will - I wouldn't - I couldn't foresee any particular specific nuance for recommendation that applies to existing gTLDs or not.

Again it was more of a placeholder so that we make sure that we at least discuss it to its full extent from the policy perspective. I hope that helps clarify.

Chuck Gomes: This is Chuck again if I can follow-up. The - I fully appreciate that and it's good. That needs to be document.

But I was looking at this tool -- and maybe I'm misreading it -- as a tool to help us get a consensus call.

And so I don't see how existing TLDs come into the consensus call. At some point we may have to deal with some implementation issues where we want to do a consensus call but I don't think we're there yet.

Berry Cobb: Agree and is somebody trying to speak?

Thomas Rickert: Yes it's Thomas. I just wanted to remind everybody in the group that we have actually been charted to deal with new and existing TLDs if my memory doesn't completely phase me.

So I guess it makes perfect sense for the group at least to discuss at a high level how to deal with grandfathering and other questions that would also affect existing name spaces. But that shouldn't take away the support for the general statement that Chuck made and Berry you confirmed.

Back over to you or maybe we go to Alan who is next in the queue. I can now see him.

Berry Cobb: Well it's actually Greg then Alan.

Greg please go ahead.

Greg Shatan: Thanks, Greg Shatan. I just think in terms of timing that we should deal with the issue even if it is in, you know, in a sense implementation about how to deal with grandfathering in the existing gTLDs and not kind of put it towards some future point in time.

There aren't a lot of future points in time hopefully that we're going to be dealing with this. I think that kind of stripping that out and putting it to the side doesn't make sense to me.

You know, clearly it's a to an extent a nuance but there are an awful lot of, you know, there are 22, 23 new - existing gTLDs we have to deal with. And

you might as well deal with that issue along with everything else in coming to a, you know, consensus and a final report. Thank you.

Berry Cobb: Great. Thank you Greg. Alan?

Alan Greenberg: Thank you, Alan Greenberg speaking. Just to make life more interesting I'll state the exact opposite.

The nuance of how their - how any recommendation should we make a recommendation to protect is implemented in the new gTLDs may range from, you know, take back any domains that are currently registered and apply the rule uniformly to you know there's a ten year period over which it's going to be phased in to who knows what.

I think there's going to be a lot of options there depend - but it will depend heavily on what the protections are that we're granting on the new TLDs.

I think the problem we have addressing that is sufficiently complex that we should not mess up the situation by looking at the transition for old TLDs at the same time.

You know, yes we know there's a finite a set of responsibilities and we'll tackle those when we know what the protections are.

I think it's a waste of time to talk in the general case of how do we implement something when we don't know exactly what the protections are.

I think we should lock them in, get rid of other distractions. And if and when we have our recommendation for new TLDs go back and look at how we grandfathered or not, thank you.

Berry Cobb: Great, thank you Alan. And this is Berry. Just to kind of put some fears at rest hopefully without a doubt as Alan stated that the primary purpose of this tool

is for the new gTLDs and the possible recommendation to move us forward when you - I hate to keep referencing to something you can't see. But when you do see it's you'll see it as the existing Gs as just a standalone column.

And I do agree with what Alan said, we wouldn't really want to necessarily even really tackle that particular column until we we've really gotten a lot further down the road for a consensus call of what possible recommendations the working group would consider for protections today.

Chuck please?

Chuck Gomes: Yes thanks. This is Chuck. And I was just don't think we're ready for consensus call on implementation for existing TLDs yet. We haven't even discussed it.

So I guess where I'm having trouble is this is all under the topic of consensus call. Are we talking about a consensus call three months from now or is this a one in the near term?

Berry Cobb: This is Berry. I think for the sake of concern forget I mentioned the existing gTLD column. It's certainly the bigger entre to eat on the plate right now is protections for new gTLDs.

And that's where the focus will be. And I'll make sure that that column is not necessarily a part of our review in terms of getting us closer to a consensus call.

In terms of the time frame on which the content is call is I don't think we have a specific date. But hopefully in the near term given the time crunch that we're about to face.

And Greg?

Greg Shatan: Thank you. It's Greg Shatan. And just briefly I wasn't - to clarifying in my earlier remarks I wasn't suggesting putting the cart before the horse and somehow having a discussion of implementation and existing gTLDs before we knew what was being implemented.

As a policy matter that would not work. I agree with that but that wasn't what I was suggesting.

What I was suggesting is that we put the cart directly behind the horse and deal with it as, you know, things as we progress through the kind of consensus issues and not leave the cart by the side of the road for some extra number of months after we, you know, resolve how things will run for the new gTLDs.

And, you know, if we're kind of - if we find in some way that we're running out of time or energy then maybe we, you know, leave the cart of existing gTLDs by the side of the road and deal just with the new gTLDs that are at the back of the horse.

And I think in terms of consensus calls I would certainly suggest and strongly recommend that we try to expedite as much as possible rendering what I think at some point were considered to be an expanded PDP which - and, you know, given the swirl of issues with the GAC advice and, you know, whatever ICANN board may do with issues that, you know, overlap greatly with ours that, you know, we should - I think that our final, you know, our consensus and recommendations should appear while they're in the mix as opposed to some months afterwards if at all possible.

And certainly before, you know, if we can before there is actually, you know, the beginnings of sunrise if at all possible. Thank you.

Berry Cobb: I agree. Thank you Greg. And Alan you have your hand raised?

Alan Greenberg: Yes thank you, Alan Greenberg. I think at this point we're all valiantly agreeing with each other that we can't do a consensus call on implementation with the old TLDs which we haven't discussed and we don't know what it is we're deciding to implement until we finalize the consensus call and get the results on the first part.

So I think we're all valiantly agreeing with each other on this one.

I'll just an observation that for some of - some people on this call the concept may resonate of discussing this whole problem in relation to the back of the horse. But I wouldn't go any further than that.

Berry Cobb: Was not (unintelligible) thanks.

Thomas Rickert: Thanks very much Alan. And I'm actually through security now so I'm back and available to talk.

Maybe we should, you know, actually put this question to rest for the moment. I would still like to give board members the opportunity to talk about exception procedures and the way they in envisage them or to ask the question in a different way whether there have been any changes to what the original thinking was which we should take into account.

You know, I have to hope that maybe - Alan please.

Alan Greenberg: It's Alan Greenberg speaking. My only comment is a number of us in ALAC certainly is among them and not the only one have made statements about if there are exception procedures to allow use of the semi-blocked domains or whatever, however we classify it, that they must meet several criteria.

And I worry a little bit that no one has been able to dream up a procedure which actually meets those criteria.

So I think anything we think about exceptions have to be in the context of are we going to end up with language which is implementable and meets the needs of the varying parties? I'm a little bit dubious about that. Thank you.

Berry Cobb: And Thomas you may be on mute.

He may have dropped. Greg please go ahead.

Greg Shatan: Sure. I guess I've not studied the comments to the extent to see if there's been any, you know, good concrete suggestions about exception procedures.

It seems to me that, you know, probably any type of exception procedure would need to involve some sort of a third party review, an independent panelist of some sort as opposed to something just worked out between the parties or where the parties kind of holding the preemptive right gets to decide where to go.

I think we've discussed that type of exception procedure for years now and it hasn't gotten traction across a good part of the community.

So, you know, I think, you know, some sort of a third party objective, a transparent standard would be where I would go. Thank you.

Berry Cobb: Great, thank you Greg. Chuck please go ahead.

Chuck Gomes: Thanks. This is Chuck speaking. I just want to come back to Alan and remind him that I did suggest a very simple exception procedure.

Now I understand that it's not complete, there's some details that have to be added.

But very simple exception procedure could be that if there is a name that is in the trademark clearinghouse that matches one of the protected names that

that name could be - an exception could be allowed under certain conditions which could I think readily be defined that there be no confusion et cetera, like that.

So my question to Alan is does that meet the criteria of the ALAC?

Berry Cobb: I - Alan your hand is raised.

Alan Greenberg: Alan, I can try to answer. I don't think so because there - if you look at existing uses of IGO character strings -- and I understand we haven't yet addressed whether we're going to handle acronyms or not -- but if you look at existing uses a lot of them are valid uses but not ones that where trademarks are held, not ones where the rules necessarily allow inclusion in the trademark clearinghouse or even, you know, make that reasonable.

So no I think that that's not going to be sufficient. Again I'm giving a personal opinion. This isn't something the ALAC has formally discussed.

I understand it's clean and neat and neat but I don't think it is wide enough to address the real needs in the community of people who are using things which may overlap. Thank you.

Berry Cobb: And Chuck?

Thomas Rickert: Thanks Alan.

Chuck Gomes: Okay this is Chuck again. I understand it may not cover all cases Alan but is there a problem with using that to cover some cases?

Alan Greenberg: I - again this is Alan speaking. I'm not ruling this out. And, you know, certainly my personal position is not necessarily going to hold sway over everything. I just see that as being problematic.

But, you know, is it a good start? Is it a start at a discussion, sure?

Chuck Gomes: Why is a problematic? This is Chuck.

Alan Greenberg: Just because I believe it's not sufficient.

Chuck Gomes: Oh so not sufficient okay. Thank you.

Thomas Rickert: I have a question for Chuck actually. With your idea of using designations that are under trademark clearinghouse I guess that at least if you look at the IGOs they would be protected against commercial third party use.

                 And I'm not sure whether noncommercial use would necessarily have trademarks or otherwise that could be entered into the TMCH.

Chuck Gomes: Well this is Chuck. The - these organizations would have the protections assuming that we - some policy was established that they would have their protection.

                 I'm only talking about using the trademark clearinghouse for the exceptions. The classic example that we've all used many times and the ALAC uses is the Olympics, the name of Olympic okay?

                 If Olympic Paint has a trademark for Olympic they would be eligible for an exception under whatever conditions were applied to that. So I'm not understanding your question I don't think Thomas.

Thomas Rickert: Well I guess yes let's take the Olympic Paint as a starting point. Certainly if they have a trademark that could be a good starting point to give them an exception and allow them to use a domain name including the string Olympic or even being consisting of the word Olympic.

But if there let's say were a noncommercial organization that didn't have a trademark that would not be able to obtain an exemption for a name that is also used by an IGO.

Chuck Gomes: Okay this is Chuck. I get that. But let me tell you where I'm coming from. Basically the Registry Stakeholder Group has wanted this whole process to be as objective and straightforward and inexpensive as possible.

And as soon as you start adding in new third party evaluations and more the more subjective it gets the more it gets away from that.

So, you know, I think we are very supportive -- not just me -- we as registries are very supportive of straight forward objective criteria for exceptions in trying to avoid the situation where you have this expensive process for exceptions. So that's the background that you've heard before.

Thomas Rickert: Okay thank you. Are there any more comments?

Okay well I guess at least as I'm concerned that is food for thought. And I will analyze this and the previous thoughts and we have had on that specific subject matter which I guess would allow us to confirm the next meeting which is the last agenda item for 14th of August.

And I'm sure that we will need the whole two hours to go through all the various options for all the organizations or categories of organizations requesting protections and, you know, other facets of it to see what the potential level of consensus might be.

So unless there are more things to be discussed and I'm looking - (Stephan) you have your hand raised?

(Stephan Hankins): Yes. And also (Stephan Hankins) (unintelligible) present. Yes I just had a request. I was wondering whether -I think there was a mention made that

there were messages being circulated regarding this project of the so called claims notice.

This is - would it be possible to circulate the references of those documents which are circulated within ICANN circles?

((Crosstalk))

Berry Cobb: I think maybe (Stephan) - this is Berry. I'll send a link out through the RPM documents and I'll denote the page number where the draft claims notice letters are located for the working group to review.

(Stephan Hankins): Thanks very, very much.

Thomas Rickert: Okay thank you. And I guess with this we can close this meeting relatively early today and we will have an awful lot to discuss during next meeting.

So thank you for your patience with me being on and off the call during my taxi ride and I'm looking forward to discussing it with you next week. Bye-bye.

Chuck Gomes: Thanks Thomas and Berry.

Man: Thank you.

Woman: Thanks everyone. Bye.

END