ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 12 December at 19:00 UTC

Note: The following is the output of transcribing from an audio recording of the IGO-INGO Protections Policy Development Process (PDP) Working Group Teleconference on Wednesday 12 December 2012 at 19:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

 http://audio.icann.org/gnso/gnso-igo-ingo-20121212-en.mp3

on page http://gnso.icann.org/en/calendar/#dec

Attendees:
Thomas Rickert – NCA –Working group chair
Wilson Abigaba – NCSG
Donna Austin – AusRegistry
Lanre Ajayi - Nominating Committee Appointee
Iliya Bazlyankov – RrSG
Mason Cole – RrSG
David Maher – RySG
Elizabeth Finberg – RySG
Chuck Gomes – RySG
Jonathan Robinson RySG
Alan Greenberg – ALAC
Robin Gross – NCSG
Stephane Hankins – IPC
David Heasley – IPC
Kiran Malancharuvil – IPC
Jim Bikoff – IPC
Greg Shatan – IPC
Claudia MacMaster Tamarit – ISO
Osvaldo Novoa – ISPCP
Catherine Gribben – Red Cross

Apology :
Paul Diaz – RySG
Avri Doria – NCSG
David Roache-Turner WIPO
Mary Wong - NCSG
Ken Stubbs - RySG
Wolfgang Kleinwächter - NCSG
Cintra Sooknanan – NPOC

ICANN Staff:
Margie Milam
Barbara Roseman

Brian Peck
Berry Cobb
Glen de Saint Géry

Glen DeSaintgery: Thank you very much, can I do a roll call for you Thomas.

Thomas Rickert: That would be perfect, thank you so much Glen.

Glen DeSaintgery: On we call we have Wilson Abigaba, Lanre Ajayi, Stephane Hankins, Claudia McMaster Tamarit, Thomas Rickert, Charles Gomes, David Maher, Mason Cole, Alan Greenberg, Elizabeth Finberg, Kiran Malancharuvil, Robin Gross, Catherine Gribbin, David Heasley, Osvaldo Novoa and I know that on the Adobe Connect we have got Iliya Bazlyankov, but I don't think he's on the call yet. And for staff we have Margie Milam...

Thomas Rickert: Yes he is.

Glen DeSaintgery: ...Barbara Roseman, Brian Peck, Berry Cobb and myself Glen DeSaintgery. And we have apologies today from Mary Wong, Ken Stubbs, David Roache-Turner, Avri Doria, Paul Diaz and we have not been able to join Wolfgang Kleinwachter nor Cintra Sooknanan. And Jonathan Robinson and Donna Austin have just joined us and I think that's all - it's over to you Thomas.

Thomas Rickert: Thank you so much Glen welcome everybody I'm Thomas Rickert and I'm chairing this group - before we discuss the subject matter I'd like to ask you whether there are any updates to statements of interest? Hearing none I would like to go to the second agenda item and that is the status of the General Counsel request, may I ask Brian to update the group on this.

Brian Peck: Sure, thank you Thomas - this Brian Peck from ICANN staff, checked with the General Counsel's Office they are still working on the response, their target is

still by next Wednesday, the 19th of December in time for next group's meeting. If there's any change to that status they let us know beforehand.

Thomas Rickert: Uh-hum, okay thank you Brian, we've discussed this earlier I think there is nothing keeping the group away from continuing it's work, I'm sure Brian that once you hear from General Council you will provide us with an update on this, but in the absence of any substantial feedback from GC I would propose that we work on our task for (further), which leads us to the third item on the agenda and that is the status for input from SOAC and (SGSC), can I ask staff to provide us with input on that if any.

Berry Cobb: Hi Thomas, this is Berry just to let the working group know that the request for input were sent out Thursday - or I'm sorry Friday of last week to all SOAC chairs and stakeholder groups and constituency chairs. We've seen some replies back that they've seen the request and that their respective groups will start working on their responses. We've did establish a deadline date for 15 January given the holiday season and that's where the status is. And as soon as Glen starts to receive some of the requests I'll be sure to make sure that they're added into the Wiki space.

Thomas Rickert: Great, thank you Berry for this update, just for everybody to know there has been some discussion on the mailing list since there was a communication or an email coming in from Jim Bikoff who asked for changes for that input - request for input document. This request for a change however was submitted to the group a little bit after staff had already sent out the request for input request.

                    And there was a bit of discussion after that on the list and I'd like to inform all of you that in order to give everybody a chance to conform him or herself about passed documents that have been produced and exchanged, there's a Wiki page in the making at the moment where all these documents will be stored in one place to make it easier for everybody to update themselves on the history of the subject.

At the same time this sort of leads us into Agenda Item 4, we have discussed last week Strawman as we've called it that slices the work of this working group into smaller sections that can be worked on in parallel and we have transformed that into a spreadsheet so what you have received by email is a document that I have prepared and it looks very ugly because I'm not very good at Excel and Berry who I thank very much for assisting me with this has turned this into this very elegant, colorful Excel sheet with various spreadsheets on it that we're going to discuss in a second.

And the idea is to facilitate the work of this group with this tool or spreadsheet and the intention as you may of read in my covering note is that we use this as a primary resource, certainly next to the Wiki for our discussion. And that from the spreadsheet we link to the relevant document because I think we can't store everything in the spreadsheet.

Having said that as you will see from the spreadsheet we have five sections in total which are called the Nature of the Problem which is a section that has been introduced during the last call following a discussion that we need some additional information to be answered first - then we have a spreadsheet called qualification criteria, we have the eligibility check, we have a section on protections and we have another section on admissions.

Now I would like all of you to note well that this is not carved in stone, it is a proposal that should help the group work on the various items and it's something that I have put together based on the discussions that we have in this working group but also in the previous drafting team surrounding the IOC and RCRC.

You will recall from the covering note and I'm going to say it again because not all of you may have read the email, the idea is - and we're going to talk about time a little bit later in the call, but the idea is that we have subgroups of this group working on these various spreadsheets and help populating

them so that we make sure that we have all the arguments, all the pros and cons in one place.

And as you will recall from the last call I have asked for volunteers to help out with this and thankfully David Maher has volunteered publicly on the list to take care of the protections spreadsheet and help populate that. I think all of you know David, what you may or may not know is that David Maher was one of those persons way back when the UDRP was created was instrumental in setting that policy up and helping it to come to life. So I think that this is an excellent - that is excellent of David to have volunteered to do that, I think it will be a great help for all of us to navigate through this topic.

Between the last call and this call I've also reached out to some individuals in the group and asked them whether they would be willing to assist with this task and I got some positive feedback but certainly everybody of you should be - should feel welcome to raise his or her hand and volunteer to lead on this, so nothing is carved in stone. Before we go into the spreadsheet, you should also know that those who are volunteering to lead on the various sections, you know, it shall not create a big burden for you guys.

The idea is to have one name tagged to each task so that we have one person that accumulates all the arguments, puts them into spreadsheet and that can hopefully report back to the group. So those who are volunteering should not feel first to give up their positions so it's not a chair role, it's rather a repertoire role I would say, so please don't hesitate to put off all the arguments that are in favor - that are favoring your own position into the document.

But I would like to encourage the rest of the group to provide their feedback and their input to the various sections as well, it will all be documented in the spreadsheet and that will help the group and ultimately the community to come up with a decision on the various items. Now regarding the Nature of the Problem, so I would propose that we go through the five spreadsheets

one by one, I will make some initial remarks, explaining what my thinking was behind it and then the group will have the chance to add on the spot additional points so that we can - so that we put the subgroups in a better position to work on it.

The - maybe we can bring up the Nature of the Problem spreadsheet now and since that is a question that has been brought up by Robin, I've asked Robin Gross whether she would be willing to be the leader on this specific item. Likewise I would like to ask the whole group whether there are any further volunteers to take care of this as a leader. Hearing no volunteers I would like to congratulate Robin, you've won this one so you're now our person to take care of this first spreadsheet and after this call or even during this call please - the other group members, feel free to join Robin and help her populate the spreadsheet.

Now the idea behind the spreadsheet is that if you go to the very top that we structure our questions or the answers to our questions by the following parameters, you know, this will resemble your - this will remind you of the questions asked in the Strawman and that would be what is - what are the specific problems to be solved with protections of IGO and INGO names? And then below that we should list all the arguments in favor or against these protections and fill out this questionnaire.

And please do note and this is also mentioned in the comment that is in the spreadsheet that these are examples only, that's information that I took from previous correspondence, it can all be changed and you might even find the answers inappropriate, we can change all that, but this is just to illustrate how this tool can be worked with. So let's take the first item that's Cost of Defensive Registration then we would ask, who suffers from that?

You know, (I'm suffered by) and then you have the various sections and that would be IGOs, INGOs, IOC, RCRC, recipients of IGO, INGO services, Internet users generally. So for each of the arguments made we should say

yes or no to see what the impact of this respective argument would be. Then we would ask whether these harms are special to the organizations affected, because as you will recall from the last call we're talking about potentially granting special protections to specific organizations.

And therefore I think it would be logical to ask whether these harms are special to these organizations because otherwise we might be perceived in our discussions to be biased towards certain organizations if other organizations or other companies face the same harms. We also had a lengthy discussion whether the existing or future RPMs would suffice to address the issue and therefore you now find the column here asking do RPMs address the issue.

So RPMs might address the issue or it's (oil tech) yes here so - let me just try to, so that might need some (ratification), but the idea is that we ask a question do RPMs address the issue? Then the next column, why are the RPMs insufficient? Because we found out that certain RPMs are not designed or that they're exclusively designed for trademarks and not for protections derived for treaties and that should go in there, you know, an explanation on that.

Could the RPM be amended to address the issue, you know, there might be an easy solution by amending an existing RPM or could an RPM contribute to the solution or not, that should go in there. How could we otherwise fix the problem and would there be any negative side effects? You know, so when it comes to cost for example, an argument could be that privileges are granted to a small group of registrants. And should this be a decisive factor? As an example I've put in no because costs are also incurred by other right holders that do not have the qualification criteria that potential beneficiaries of this exercise has.

Let's go to the last point on the list that is public good or let's say taxpayer's money, you know, when it comes to trademark owners, taxpayers money

would not be affected. If you talk about the public good, that might also be something that is unique to the beneficiaries. So I hope you get the idea of this spreadsheet and I'd like to ask you for your immediate feedback to that, whether you have spontaneous request for changes to this spreadsheet? I'll give you another couple seconds to think about it - I would be surprised if you found that so comprehensive that it doesn't need any tweaking.

Okay so can I take that you deem this as a good starting point for a discussion - Alan, please.

Alan Greenberg: My answer is not a specific problem with this, but my experience says that it's only as you start working through it that you find - that you start working through the process that you find there's a question that we didn't ask or an option we didn't look at or something. So I'm sure these spreadsheets are not final, they're certainly a good start but I think typically we're going to find what the deficiencies are as we start working through it and not necessarily from a quick look at the beginning.

Thomas Rickert: Yes I fully subscribe to that and this is why I encourage all of you to make amendments as we move on - (Chuck) please.

Chuck Gomes: Thanks Tom I think you just said what I was going to say, the subgroups can modify the spreadsheets as they seem necessary, that's correct right?

Thomas Rickert: Yes and I would specifically encourage you to do so. I just wanted to provide a first draft and the reason why I'm showing you through the document today is that we try to smooth out obvious glitches so that we have a good starting point for the subgroups to base their work on but certainly the subgroups should feel perfectly entitled to change whatever they deem appropriate to help solve the problem or answer the question that we're tasked with.

Jim Bikoff: Hey Thomas?

Thomas Rickert: Who's that?

Jim Bikoff: It's Jim Bikoff.

Thomas Rickert: Jim, please go on.

Jim Bikoff: Yes, I just want to concur with what Alan and (Chuck) said I think, you know, looking at these spreadsheets initially is not, you know, I don't have any real contributions at this point but I think as we start since myself and (Karen) and David will be working on the qualification criteria - as we start working I think we will come up with maybe some modifications or additional questions, etc.

Thomas Rickert: And again feel perfectly free to do so, you know, this should just be the tool to make things easier for everybody and not to make it harder for them because it's not a workable solution, so yes please amend as you see fit, I have Alan again.

Alan Greenberg: Yes two questions - two statements I guess, Number 1, although I appreciate your filling in these example spreadsheets, I'm assuming in columns - on this one - Columns 11 and 13 you're not really considering yes an appropriate answer to why or how.

Thomas Rickert: No and I think that, you know, informing that...

Alan Greenberg: Actually it looks like (unintelligible)...

Thomas Rickert: ...so it's - no, the straight answer to your question is no.

Alan Greenberg: Okay and I'm assuming that the Column 4, INGO's is INGO's other than IOC and RCRC.

Thomas Rickert: That is correct.

Alan Greenberg: Okay.

Thomas Rickert: And we can have that clarified with...

Alan Greenberg: That's an important distinction, it's not clear there are any but that's an important distinction.

Thomas Rickert: But that was the idea, maybe Berry we can have an asterisk with a expla- with a footnote explaining that. But in terms of the approach, you know, unless you have any immediate feedback I would suggest that we take this as a basis for the time being. I would like to ask you in terms of substance whether you have any more specific points that you would like to - like us to add to the spreadsheet right now?

Jim Bikoff: Thomas I have a question.

Thomas Rickert: Please.

Jim Bikoff: Jim Bikoff, we're working on Wiki page and I'm wondering how that's going to tie in with the spreadsheets?

Thomas Rickert: That's a good point, the Wiki page if my understanding is correct should be a central repository of documents and past work, so I think that this tool will help us for our discussion while the Wiki is going to be a source of information for those who want to dive into specific documents and comments that have been made - Berry or Brian do you want to add to that?

Berry Cobb: Hi it's Berry, Jim I just had to build on what you were saying, basically the idea with the Wiki, just like Thomas had said is to centrally collect all of the past work products, letters to different groups and everything so that's accessible in one location. Material that comes out of those PDFs, those letters, those kinds of things may find their way into the spreadsheet to help

answer certain questions or aid in the analysis, but of course the bigger types of materials will be stored on the Wiki.

Brian Peck: It seems to me though that the Wiki page would also be of use for others who are not in the group so that other constituencies are asked to - or other groups that are asked to comment should have the background materials to access when they look at, you know, what we're doing on the spreadsheets.

Thomas Rickert: That is certainly...

Berry Cobb: (Unintelligible)...

Thomas Rickert: Berry please.

Berry Cobb: Yes that's correct and certainly I believe everybody in the community has read access to the - to that Wiki space and so you're correct, they will be able to reference those specific Wiki pages that contain all that background material.

Jim Bikoff: Thanks.

Thomas Rickert: So while the Wiki is more an archive of all the working products I want this - I would hope that the spreadsheet is a living document and accurately reflects our discussions and makes it easier for us to keep an overview of the various arguments. I have on my table huge piles of documents, you know, position papers, Q&As, board resolutions, letters and stuff and it's hard to keep an overview of that.

So I think the task of the subgroups would be to go through these documents and take out the main arguments that have been made and put them into one place and allow for the group to assess them according to the questions and criteria that are put up in the doc- the spreadsheet. Okay so if there are no

other requests for changes for this first spreadsheet, I'd like to thank Robin again for volunteering to help populate that.

We would also need to talk about the modus of work that we pick for the time being I would like to encourage you if that's okay with you Robin that, you know, the points that you have that you want to add to this part of the spreadsheet send to Robin and Robin puts it all into one place. And should you see the need for discussions amongst the members of the subgroup then please get back to myself or to staff and we will try to facilitate that. Is that something that you can live with?

Hearing no objection I hope that Robin is going to get a lot of emails with contributions from the members of the group. Robin I propose that - and this would also apply for the other leaders that we share the individual's mailing - mail addresses with the group members on the list - would that be okay?

Robin Gross: Yes that's fine with me - this is Robin.

Thomas Rickert: Okay thank you so much, that leads us to the next spreadsheet and that would be qualification criteria, again I'm going to show you through the logic or hopefully logic behind it briefly. Remember the arguments made are just examples, I know all of us know that many more criteria has already been sent to the list, let me highlight the work that (Claudia) has done, she's sent in like ten or so criteria that can be used or should be considered and Alan has done so too, so I think in the course of the work these arguments and maybe many more need to be documented and included in the spreadsheet.

I have reached out to (Karen), Jim and David earlier and asked them whether they would be willing to take the lead on this. The reason for that is that, you know, while Robin has raised the question of the nature of the problem and I have asked her, a lot of work has been put into the qualification criteria by the IOC. I would like to ask the group though whether there are any more

volunteers to take care of that subject? Hearing and reading none, I would like to thank the three of you for taking on that task.

Again the whole group shall please send emails to (Karen), David and Jim. I would propose that for the sake of making things easier that you decide to whom of which the correspondence should be sent and then we will share that content with the whole group.

Kiran Malancharuvil: Hi Thomas this is (Kiran), we'll send out an email to the group with the correct email address to communicate with us on that issue.

Thomas Rickert: That is perfect, thank you so much (Karen).

(Karen Malancerville): Yes, thank you.

Thomas Rickert: But the idea is that talking about qualification criteria that we ask the question to whom the respective criteria on - applies, so taking the example of protection by treaty we would have IGOs, INGOs, IOC, RCRC. We would then ask - and these are the points that we discussed during the last call, are these or is this specific criteria objective, is it globally applicable, is it easily and unambiguously verified?

So is there not subjective (suspect) to it and then the group has added that there are criteria that might not be objective but that might still be a good starting point for deciding whether an organization would qualify or not. I have tagged this otherwise suitable, you might find better wording for that, but this is just to let you know that I tried to absorb your proposal and use that language for it. The next question would be whether the criteria on the special to the beneficiaries affect it, so we would be able to answer these questions yes or no.

And then we come to the fields that might - or will surely require more text and that is the pros and cons and I'm sure that we - that there will be vivid

discussions surrounding these, I just added, you know, a few simple answers in here but certainly there will be many, many more. To give you an example of protection by national law, you know, if we say there are protections by national law than it would be yes's in the beneficiary section.

It might also be objective it might be globally applicable but then is it easily and ambiguously verified? That's questionable because for some loss there are exemptions and that's what you find here in the con section and also the argument that was brought up by Chuck Gomes during last talk when he reminded and updated us on the work that has been done by the reserve names working group because that working group had made an intentional decision not to grant special protection, so that could go in there.

So that's the idea of that spreadsheet and again I'd like to ask you whether you have questions, I'll take Berry first and then Alan please.

Robin Gross: This is Robin, can I get in the queue also?

Thomas Rickert: Yes please - Berry.

Berry Cobb: Yes thank you Thomas this is Berry, just to carry on with (Karen)'s question if any of the sub-team leaders need email addresses, I strongly don't advise - or advice that you don't send that out to the email list, the body of an email does not get scanned to block email addresses, so we wouldn't want to create a spam form or anything like that.

                 If you - if you're asked for an email address, please send Glen and I an email and we'll respond back to you directly and then we can help also coordinate any other communications with members of your sub-team and those types of things. But again if you're going to include email addresses in the body of the email itself and you intend to send it to the list, I recommend that you don't include those, thank you.

Thomas Rickert: Thanks Berry, Alan.

Alan Greenberg: Thank you, can you explain Column 11, Special to Beneficiaries Expected - I'm having difficulty understanding what you put there if there's already a yes in a particular column for some set of beneficiaries.

Thomas Rickert: That might not be applicable to the first couple of arguments but if you look at organizations that serve a public good that might have special - or that might have different treatment in (cave).

Alan Greenberg: Okay.

Thomas Rickert: Or even organizations that cannot use the RPMs the question is, you know, if you have protection derived from treaties then you might not be eligible to certain RPMs and the question is are you the only type of organization that is suffering from that or would there be more right holders or holders in legal positions to identifiers that could not use RPMs.

Alan Greenberg: Okay.

Thomas Rickert: So ought to be able to determine whether we discuss something that is unique to these groups or whether, you know, there might be unequal treatment if, you know, we found out that everybody's affected by that and then yet based on the same criteria you get special protection to subgroup that might be perceived unfair, so that's the logic behind it. And again I'm not saying that this has to remain as it is in the spreadsheet now - Robin please.

Robin Gross: Thank you, yes I think we need to add another column on here and that would be the Scope of Protection that is offered. I see that we've got rows - or some of the questions here on protection by treaty, protection by national law, etc. And so I think that a simple yes or no doesn't really answer that completely, I think we need to talk about what is the scope of that protection

that's offered by the treaty or by the national law or required in the jurisdiction, that sort of thing.

Because, you know, what are the limitations of that protection? I'm thinking for example, a lot of protections that are offered don't apply - are only applicable to commercial speech and they don't apply to non-commercial speech. So that's a specific limitation that I think we need to include - we would need to include in our analysis to get a complete picture of what is the scope of the protection that is offered and what is the - what are the limitations of that protection.

Thomas Rickert: Thanks Robin, I'm not going to push for my initial format of the spreadsheet, but let me just explain that I had considered that and to answer that specific point, one would probably need to say no in the easily and unambiguously verified section because there might be a legitimate speech or legitimate use and that could also be mentioned in the con section and also in the negative side effect section.

So, you know, I think there might be room for that type of argument, nonetheless I'm more than happy to have an extra column added with the Scope of Protection you would call it or...

Robin Gross: Yes I think it does need its own column because those other things maybe sort of can touch upon that issue, but I think that without really understanding what is the scope of protection that is offered by this treaty or by this national law required in this jurisdiction?

I think we're not getting a complete picture, I think a simple yes or no is just too simplistic and I think the point of this exercise is to really for us to drill down and to look carefully at the specifics and really understand what is the scope of protection that is offered and where are the holes, where are the gaps that we need to reach so we can cover that.

Thomas Rickert: Okay also and maybe that's a general remark, the group doesn't have to say yes or no where this is an example in there, so there can be full text answers to that. May I ask you what the heading should be like - should it be Scope of Protection?

Robin Gross: I think it should be Scope of Protections Including Limitations.

Thomas Rickert: Scope of Protections Including Limitations, so I...

Jim Bikoff: Hey Thomas can I comment on that when you have a chance?

Alan Greenberg: Yes and Alan too.

Thomas Rickert: Yes I have Alan, (Claudia) and then Jim.

Alan Greenberg: Okay I think my preferred answer Thomas is what you just said, that is not having a yes or no answer in the Applies To column but have more - but identify what this limit of scope is, if it's limited or whatever. Because otherwise Robin is right, you do need a place to say what the scope of limitations are but they may differ for each of the four columns or each of the whatever, five columns apply to.

So either we're going to have five different answers in addition to the yes or simply replace the yes with a statement of what the limitations are or what the conditions are if there are any.

Thomas Rickert: Thank you Alan, (Claudia).

Claudia McMaster Tamarit: Hello this is (Claudia).

Thomas Rickert: Please go ahead.

Claudia McMaster Tamarit: I would like to just add as well - this is also related, that perhaps there might be a need for a column that would talk about the connection to the identified harm, the connection between the identified harm and the protection that is given an international organization under a national law for example. For example the national law might identify particular vulnerabilities of the organization to the harms that we would identify.

And there might be some scope there for highlighting some of the harms that would be needed to be avoided in the exercise of looking at the scope of protection under the national law. So I'm wondering if there's room for a column as well for connection between harm identified and scope of protection.

Thomas Rickert: I'm still there, that was just thinking where we could best place that or whether that should be dealt with in the Nature of the Problem section.

Claudia McMaster Tamarit: I see that because I think that some of the answers - or even some of the accidents if you will for the nature of the problem would be in the law itself or in the treaty itself.

Thomas Rickert: So couldn't it just - could it not be just another argument in the qualification criteria - another criteria?

Claudia McMaster Tamarit: Yes and no perhaps, I think there is the fact of a protection and then there is the reason why it was instituted, there's a reason why it was ratified, there is a reason why it was legislated. So they are a bit different but they're very much connected so that's why I was trying to hope that maybe we would identify an area where that argument could be placed.

Thomas Rickert: Or would it be okay maybe for both Robin's and your remark to have an extra note or remark field where these points could go?

Claudia McMaster Tamarit: Uh-hum, yes.

Thomas Rickert: And maybe having an explanation to that field that we, you know, that the information you mentioned could it go in there?

Claudia McMaster Tamarit: Yes.

Thomas Rickert: Let me take Jim first and get back to Robin.

Jim Bikoff: Yes Thomas I just want to mention that on scope of protection if we're going to be putting in the scope of protection under treaties and legislation, what we're going to have to do is basically go through each treaty and each enactment of national legislation, some of which will have to be translated first.

It's going to take a lot more time to do that, I mean it can be done but it's not going to be done in two or three days or even a week. That's something that we'd have to struggle with, I think that's something probably that ICANN Council is doing now on his dash, but I'm not sure that we could really do that in a very expedited way.

Thomas Rickert: Uh-hum, yes the point is well taken. To be quite honest I was more or less thinking of a more high level view on things, you know, because protection by treaty regardless of the scope that might have might be a determining factor in itself without analyzing each and every treaty. And this argument in itself could be assessed by the group and then certainly the deep dive could be taken once the analysis of General Council is there.

But I think that there are some common factors to protection by treaty which could be analyzed here but, you know, I don't want to prescribe as to how the subgroup is going to deal with that. But I would very much like to recommend that we keep it as concise as possible because protection by treaty is only granted to a certain group of organizations, so I would more or less keep it to that and then the various exemptions, the complexity that you mentioned that

there are multiple treaties each of which have a different scope that might go into the comments on the treaty point or treaty argument itself.

Jim Bikoff: The other thing I would say Thomas is that if we have the feedback from General Council by next week we may not have to duplicate some of that because it may be in his report.

Thomas Rickert: Yes again, point well taken - we should avoid duplicate work, I would caution that the results of the work might not be there for next week so we should do what we can in order to work with our General Council advice on this. So again I would recommend that you as leaders of this subgroup try to take rather a (birth defective) on things because I think that the argument is such that can be assessed in general for the suitability for making a decision to grant or not to grant special protections.

Jim Bikoff: Okay.

Thomas Rickert: And I would very much like to invite (Claudia) to, you know, (Claudia) you made very good suggestions and certainly you are most welcome to be active in this and certainly also in other subgroups. Robin, getting back to your original point, would it be okay for you also to have additional remarks or notes here with a footnote clarifying that information on the scope of the protection that should go into that field?

Robin Gross: Well I'm not entirely sure what you're asking when you say, you know, like have it in the footnote, I think it should be a column that is answered for protection by treaty or protection by national law, for protection required by jurisdictions. I think it completes the - it helps us complete the analysis of understanding what it is that is protected by treaty - that is protected by national law.

I mean we've got groups claiming they've got protection by treaty and by protection law so therefore they deserve these rights, I think we should

understand what is that protection. I think that that's a very important question, I don's see how it would be a footnote, it seems like it's one of the most fundamental things that we need to understand.

Thomas Rickert: Just to clarify, the footnote should be an explanation to the field, right - it doesn't mean that the points might be perceived less important. But I take your point and I propose that we add two columns, Berry one of which is the scope of protections column asked by Robin and then we have an additional remarks column with an explanation that the point (Claudia) made could go in there. I'd like to ask the group to raise their hand if there is any opposition to amending the spreadsheet as now described.

Seeing none, I'd like to thank you for your contributions to this section which leads us to the third spreadsheet that would be the Eligibility Check, that is a little bit easier hopefully to handle because the question might be easier to answer. And I have asked Alan Greenberg who joked during last week's call that this might be an easy thing to deal with by merely saying yes or no, whether he would be willing to take on that task and thankfully he has accepted.

Nonetheless I'd like to ask the group whether there are any more volunteers to lead on that subgroup? Hearing and seeing none, I'd like to thank Alan again for his willingness to take on this, Alan.

Alan Greenberg: Sure Tom, thank you - I'll make a comment similar to what I said in the last one on Robin's suggestion, I don't think the yes/no answers necessarily are sufficient. You know, for instance, look at the one of ICANN approving INGOs - I think it's going to depend on what the criteria are and remember the criteria was subject to huge discussion a few minutes ago.

So, you know, the answer in my mind for can ICANN make the judgment call, is yes if it is objective and, you know, specified and doesn't require all sorts of things, no if it doesn't. So, you know, the yes/no I don't think is going to apply

but other than that I think this is a doable thing, so I'm willing to take it on - assuming there are other people who want to work on it.

Thomas Rickert: And again to avoid misunderstandings, feel free to amend the spreadsheet as you deem appropriate and certainly the concrete use of the outcome of the spreadsheet will depend on the criteria. Nonetheless since time is of essence and since we have agreed that it would be advisable for the group to work on the various items in parallel, it will help the group when it comes to completion of its work to determine which path to pursue because there might be solutions that are preferable to others.

Just to give you one or two examples, if ICANN does the determination itself, ICANN would lead up - would need to build up a department for that and build up expertise that might not be inside the organization at the moment. So that might be a hurdle or something at least to consider for the group; when defining a potential solution. At the same time if you can take the list or information that is already made by a trustworthy third party, that might be an easier solution and it might be more cost efficient, but it's not as flexible as if you can steer the whole process yourself.

And I think those points should just be thought through by the subgroup to help the whole group determine which way they want to pursue once we get there. Is there any instant feedback to this little spreadsheet? I have - Alan is your hand still up or...

Alan Greenberg: No sorry, it's down.

Thomas Rickert: Okay (Chuck) please.

Chuck Gomes: Thanks Thomas, just wondering whether my thinking is correct but this subgroup probably would want to check with ICANN staff to see if that's really an option. My prediction would be that ICANN staff maybe willing to undertake this sort of a task if the criteria were very objective. If they weren't

my prediction is they would not be willing to undertake that task, so I'm just suggesting that that might be a task of this subgroup to explore that with ICANN's staff.

In other words there's not any reason - it's not useful to go down the path of considering ICANN staff if it's not an option.

Thomas Rickert: Yes the point is well taken, thank you very much and maybe Berry or Brian you could check internally, maybe also with (JJ), you know, it might well be that (JJ) objects to ICANN itself taking on such tasks because there is certainly also a liability risk involved with that.

Brian Peck: Thanks Tom this is Brian, yes I show those concerns and so certainly will check with them but I think (Chuck) raises a good point there and so we'll follow-up with that.

Thomas Rickert: Great and you please provide the feedback to Alan so that he can include that in the - in the spreadsheet.

Brian Peck: Sure, okay.

Thomas Rickert: Okay perfect, now...

Robin Gross: This is Robin, can I get in the queue on this?

Thomas Rickert: Yes certainly, Robin please go ahead.

Robin Gross: Yes I sort of wanted to say something similar along the lines of where (Chuck) was going that I think it's kind of hard to determine who should be making the determination of criteria before we know what the criteria is. So - and this is just a thought, I'm wondering if we should maybe switch it around a little bit and say, okay what are the circumstances under which ICANN would be the appropriate party to do the eligibility check, or that a contractor

would be the appropriate party or that the third party would be the appropriate party to do that?

So that way when we know the criteria is, we can match it up against how we've already thought this through in terms of who's the best party to do the eligibility check. So I mean I'm just kind of talking about sort of switching the order of the way we're thinking about it if that make any sense.

Thomas Rickert: Uh-hum, thank you - I have Alan next.

Alan Greenberg: Yes I think what I said in my first comment is echoed by all the rest of the speakers, the absolute answers of who will make a decision assuming we go ahead with this whole process is going to depend on which criteria and the different criteria which may be used in parallel may have to be assessed by different groups. So all we can do at this point is try to identify which kinds of criteria might be assessed by the various parties.

You know, I appreciate you asking for an opinion of ICANN whether they want to do this, I can't imagine ICANN doing anything other than it is on a list established by someone else, you know, or some other absolutely non-subjective criteria. So, you know, some of the answers here - the only reason I accepted this is I think the answers are relatively easy because they're going to come in clarity - in groups like that.

Thomas Rickert: Thanks Alan, (Chuck) - (Chuck) are you on moot maybe?

Chuck Gomes: I was thanks, what's the difference between a contractor and a third party?

Thomas Rickert: Let's say there were certification authority creating a list that would be an existing third party that already takes a certain task and that can be asked whether they could produce a list for us. While a contractor would be somebody who would be tasked to do certain things based on an RFI.

Chuck Gomes: Okay my guess that any even third party like that would probably have to enter into some sort of a contract with ICANN to perform the function, but I could be wrong on that, thanks.

Thomas Rickert: I think you are not wrong, I think the third - it is likely that the third party would have - would need to have a contract with ICANN but there's also the chance that the third party creates a list already and does certain things that we could build on. But certainly there's overlap between the two, but I thought it might be worthwhile making this distinction because contractors are sometimes universities on (unintelligible) or other types of companies that (CNRFI) and build up expertise to fulfill the task that is being asked for, but it would be specifically done for ICANN as a contractor.

Chuck Gomes: That's fine Thomas.

Thomas Rickert: Okay thank you (Chuck), any further comments to this?

Greg Shatan: Yes can you define what you mean in the last col- last row?

Thomas Rickert: Use list of Equisoft.

Greg Shatan: Which list?

Thomas Rickert: I was using the information circulated by Wolfgang Kleinwachter, he linked to Equisoft where a list or lists have been generated that could be used, so this is just a pay for order.

Greg Shatan: Okay if you could fill in the URLs somewhere to make sure we're all taking about the same list.

Thomas Rickert: Yes I'll send that to you - I'll resend work and (female) to you.

Greg Shatan: I can probably find it, I just want to make sure that we're not talking about different things.

Thomas Rickert: Well and again, you know, there can be other criteria or if you deem the...

Greg Shatan: Well indeed, but you included this one so I want to make sure we're answering your question.

Thomas Rickert: Uh-hum, okay so any other feedback to this specific spreadsheet? Hearing and reading none, lets move on to the next spreadsheet and that is the protection spreadsheet unless there are other volunteers to chair that group that would be led by David Maher, can I ask whether there are any other - any more volunteers? I have (Greg) please.

Greg Shatan: I'll volunteer to be on that group as well.

Thomas Rickert: But are you willing to lead or to contribute to it?

Greg Shatan: I guess I can co-lead - either one it doesn't really matter to me.

Thomas Rickert: Okay so we have David Maher volunteering to lead first, would you be happy for him to lead and contribute?

Greg Shatan: Sure, that's fine.

Thomas Rickert: Great, thank you, thank you (Greg). Now I have had a brief discussion with David prior to this call and David was kind enough to offer to - or he answered in the affirmative to my question whether he would be willing to lead on this part of our discussion, so David over to you for like up to 20 minutes on this subject matter.

David Maher: I hope it won't take 20 minutes, I first think we owe a great deal of thanks to you Thomas for all the hard work that you've put in on this - on these charts. I

- as you mentioned I spoke to you about the wording of this particular chart and I had no suggestions for improvements on it. Obviously there were a whole raft of controversial questions that are raised and I look forward to receiving comments from as many people as possible.

At this point if there's anyone who thinks that the chart somehow needs to be expanded, I'd be happy to hear about it.

Thomas Rickert: (Greg) is your hand still up or up again?

Greg Shatan: It's just a residual hand.

David Maher: Well I think that answers the question Thomas, at this point all I can say is that (Greg) and I welcome contributions to filling out the script.

Thomas Rickert: Great thank you David, I think nonetheless maybe we should go through the document briefly because as we've seen from the previous spreadsheets there have been some questions or suggestions for amendments that we could take up instantly and include them. So the idea here was that ultimately if the group chose to grant special protections to a certain type of organization fulfilling certain qualification criteria that have passed eligibility check then the question would be, what should these protections look like?

And we're talking about the reserve names list or reserving the names, but during our discussion so far we've already found out that merely putting them on the reserve names list might not be a good idea. So I have for the sake of completeness included the reserve names list here, we would need to discuss the pros and cons and (Claudia) I'll get to you in a second, the pro would be that it's easy to implement but to me, if you ask me personally, a big con would be that there's no standardized exemption process.

And there's a difficult procedure, you would need to go through a process to allow registrants even for the organizations themselves or other legible third

parties that might under law or under other regulations be entitled to use a certain identifier. We can then talk about suggested amendments for the RPMs or alternatives and then ultimately I would suggest that we make an overall assessment.

And for this particular RPM or the specific tool of the reserve names list I've taken up the idea which I think was agreed upon between (Greg) and David on the mailing list to mail - sort of agree that reserve names list would be ruled out. Then one could think of modified reserve names so this - I've put this in quotes with an exemption procedure - the pro would be that if you had an exemption procedure that would address the shortcoming of a reserve names list but we would need a new technical vehicle to deploy this because at the moment there's no requirement for registries enshrined in the applicant guidebook to deal with this.

Now we do know that a lot of registries do have their own sort of reserve names or block names list, so an alternative to this RPM could be voluntary measures taken by registries, so that could be in formation going in there. Then we would need to talk about the UDRP, it is an existing procedure that helps resolving primarily clear cut cases and the reactive RPMs help ensure that legitimate use is not prohibited.

This argument has been brought up earlier, not in these discussions but earlier that in many cases the string itself might not be legal but the combination of the string with an offer or, you know, Web site with certain content might make it illegal. So that could go in here, you know, favoring reactive measures over proactive but I think it was (Greg) and two or three others who said that for protection to be efficient for these organizations in question, they need to be proactive and not curative.

And therefore the reactiveness - if that's a proper English word can be a con as well and also the cost. Now you see that's the idea behind it that we discuss the existing RPMs and also the trademark clearinghouse and maybe

one note on the trademark clearinghouse for those who have not dealt with that particular RPM too much, the trademark clearinghouse consists of various elements. So there's a data base element to it, a central database where upon application certain rights can be inserted and then the applicants are verified through a service.

And then based on that repository of information two services are set up and that the sunrise service and the trademark claim service and it has been mentioned earlier that these protections might not be good enough because they are not permanent, but one might consider making them permanent or even to add an additional service based on the trademark clearinghouse database. So that's just to stimulate your thoughts, do not sell this as a phrase that I called up during the discussions through the last month.

But there might be other ideas to invent new RPMs that can be discussed here and maybe you have ideas as to what can be put in here and what should be more food for thought for David and his group - (Claudia), please go ahead.

Claudia McMaster Tamarit: Hi thank you Thomas, just taking up that invitation, I wonder if we would also be able to put in this call just another call I mean here that would say for example the nature of the projection mechanisms. This is just picking up on your description of reactive/proactive, perhaps it would help to formulate some of our thinking to quick see in columns preventative/curative.

You know, UDRP curative, reserve list preventative - I think that that would very quickly and objectively kind of shape our discussions and feed into the pros and cons surely but just to get sort of a very quick overview.

Thomas Rickert: Thank you (Claudia), Berry's going to take note of that, you have to have sort of a binary column where we determine the nature, reactive versus proactive, thanks.

Berry Cobb: Yes.

Thomas Rickert: Alan?

Alan Greenberg: Thank you, by the way I support that last suggestion, I think it's good. I think we need to be careful - your analysis of reserve names list for instance saying it doesn't work because people - the organizations themselves can't register it, I think that's presuming certain implementations. If you look at the Board's motion last month, they nest, they said if you want to be on the reserve name list, if you want to use the domain itself, then you can't apply to be on the reserve names list - it's a binary decision.

So, you know, we're - there's some discretion in an application process that could be involved in these protections also, not necessarily just by nature of who you are. That's Number 1, Number 2, I really think the trademark clearinghouse should not be there as protection, it is not a protection it's a mechanism. We have had sunrises and trademark claims before in other launches without a trademark clearinghouse, it was done through a different mechanism.

So I think - I really think that line should be replaced by two or more lines identifying what the protections are - the Sunrise - the trademark claims if this new Strawman that Fadi is talking about goes ahead a secondary trademark claims, which aren't really into protections that we're talking about, not the clearinghouse itself, thank you.

Thomas Rickert: Thanks Alan, let me just clarify that in the applicant guidebook the two protections being Sunrise and the trademark claim service are both tagged, you know, are both under the trademark clearinghouse section, but...

Alan Greenberg: I understand that and if you look at the STI report, it explicitly says it is preamble, the clearinghouse is not a protection but the words live anyway.

Thomas Rickert: Point taken and Berry and I will make sure that we put additional words in (Field B8) to explain that we're analyzing the specific services of the - of what is under the trademark clearinghouse heading - (Greg).

Greg Shatan: I just want - first I agree with both the comments that came before, second I just wanted to suggest that an additional row and we may think of more rows as we go along, is what's - is the unlimited, preventative registration which is currently out for comment as a proposal.

Thomas Rickert: Good point, I'm sure Berry will take note of that and add that to the spreadsheet, again that's another area where, you know, I'd like to remind and encourage the whole group to add whatever columns or rows they deem appropriate, but that certainly is one that should be on. We might also consider allowing for the subgroup to identify preference or prioritize arguments, say this is better than that or do a ranking.

And then as we move along we can even have a poll and ask the group members or even the wider community what they think. So anymore requests for changes to the spreadsheet? No, okay then let's go to the last spreadsheet and that's the only spreadsheet for the moment where I don't have a volunteer at the moment. I'll explain the spreadsheet to you first and hopefully that will encourage you to volunteer to lead on that, having talked about protection means that we might have tools, procedures to protect certain designations but the question is shall these protections be granted per se?

So lets say shall all organizations be put on a list without any active - any activity? We just referred to the Board decision that as for organizations to apply for protection, so one possibility for us could be to not grant the protections per se but only allow or admit those protections that have applied for it. And we would then need to discuss the pros and cons or make more remarks on that, so the options that I could come up with, but again the list is

not exhaustive is that either they - the projections should be granted per se, that all organizations be protected without further requirements.

We could do it upon application, which means that the identifiers of these organizations that have not been applied -that have not applied will not automatically be protected. To give you an example, the world hope organization might find that it's acronym WHO also pronounced who have never been the target of any attacks and therefore they might not choose - or they might not wish for that string to be protected. So that could be left to the, you know, to open registration if they don't apply.

We also might define protections subject to additional criteria that can be applied alternatively or accumulatively, so one might say that an organization that has never been harmed by any wrongdoers cannot get access to the protections and you might link that to one or a certain number of final court decisions. I remember that some participants of this group have asked for court decisions granting protection so that could be - could go here if the group chose to.

You might ask for one or multiple successful UDRP cases, one might ask for successful URS cases and one might put into the pros and cons that particular year for the cons that the URS is a decision that might not reflect the accurate situation because it's done so quickly, that this might not be a suitable parameter. One might also ask for unambiguous evidence of one or multiple cases of infringing domain registration so that again one might put in some safeguards that might not every organization - even if it has a generic name can get admission to these protections.

So that's the idea behind it and I'd like to ask whether there are any volunteers to chair on this or to lead on this or whether you have any remarks as to the format of this spreadsheet? Alan, please.

Alan Greenberg: Yes I'm not volunteering, I would suggest there's another role and I'm not quite sure how to phrase it but when we talk about, you know, there - this is being subject to a URS or a UDRP decision, we're almost wanting to ask the question of is there a believable use of this organization's name or acronym or whatever it is we're protecting which would be reasonable for someone else to register in one of the many, you know, 1500 domains or any of the 1500 domains that we're looking at?

It strikes me that even though the name, you know, that there are in many cases - and you gave one, a WHO, but there are likely to be many cases where there are reasonable registrations of these names which would not, you know, if a UDRP was filed or whatever the protect an appropriate mechanism were, it would not be found in favor of the IGO or the INGO because it would be a reasonable non-conflicting use, presuming they weren't trying to, you know, do phishing or spam or something based on the content of that domain.

So I don't know how to phrase it, but that sounds like one of the criteria that we should be looking for because all of the things we're talking about are blocking and blocking says we are judging every possible potential registrant as guilty and not going to give them a chance to do anything and that's a pretty strong action to take. And I think we need some viable way of ensuring that we're not unreasonably prohibiting registrations which in any rational world would be allowed, thank you.

Thomas Rickert: Alan just for me to understand your point, you are saying that whenever an identifier of an organization can be used legitimately you would not grant admission to the protection mechanism?

Alan Greenberg: I'm saying if we recognize that there are legitimate uses of it that we want to consider whether blocking is too strong an action. I think it's a thought process we need to be going through, I'm not suggesting the final implementation.

Thomas Rickert: You qualify better and better for a leader of this subsection.

Alan Greenberg: Not if you want it done at this point, my plate is far too full.

Thomas Rickert: To be quite honest I have - and maybe this can help us kick off a discussion, I have given this very point considerable thoughts and I think that this type of thinking should go into the protections mechanisms section.

Alan Greenberg: That's fine.

Thomas Rickert: Because, you know, I'm not trying to...

Alan Greenberg: (Unintelligible).

Thomas Rickert: ...I'm not trying to impose that on you nor am I saying that this is the right answer, but I think in defining a protection mechanism, the group will most probably come up with suggestions as to how to safeguard legitimate use because we do know and I think that's where my impression from the past correspondence is that there is a common view of the group that an exemption process for legitimate use is needed.

And having said that, a potential protection tool needs to ensure that legitimate use is not blocked but that legitimate user is even seeing a level playing field for him or her to get the same chance to obtain a domain name and new gTLD - who's on that?

Robin Gross: This is Robin can I get on the queue?

Thomas Rickert: Yes please go ahead, it's your turn.

Robin Gross: Okay great, two points - first I noticed on the email list that Avri volunteered to at least joint this admission group and maybe she'd be interested in leading, I

don't know - I don't want to speak for her or, you know, put her on the spot but I just want to mentioned that I'd seen on the list that she mentioned she'd be interested in working on this group, so I wanted to raise that point.

And then I also wanted to also agree with others on this, do we need this discussion on over-bred of protections and are the protections that are being requested or that were under discussion, is there - to what extension is there over-bred? Are we preventing a lot of legitimate uses by, you know, for example, the blocking mechanisms, the do not register mechanisms. In order to reach a certain number of harms, are we also preventing a certain number of legitimate uses?

And I think we need to really ask that question - that needs to be something that we take into consideration when we're evaluating all of these different protection mechanisms, thank you.

Thomas Rickert: Robin, are you asking for an amendment of the protection spreadsheet then to...

Robin Gross: I think...

Thomas Rickert: I would of thought that this should go into the cons column.

Robin Gross: Well I think it could but again I think it's a very specific question and it may be one of the cons but I think it's worth asking on a lot of the different issues and there are other cons that may be worth discussing and I would hate for that column to sort of get taken over by this only one issue - of over-bred.

Thomas Rickert: Okay is there any - let me take Alan first - Alan please.

Alan Greenberg: Yes just a quick comment that the issue we're talking about could fit in a number of places, it could fit under qualification criteria. That is are there no other groups that rationally might want to register this for legitimate purposes.

So it could fit anywhere, we just need to make sure we consider it somewhere.

Thomas Rickert: It would ultimately be up to the leaders of the subgroup to ensure that all the arguments go there, but also for all of us to ensure that all aspects are affected. I'm happy to include another column here so no problem with that. Do you have a suggested wording Robin that we can propose to the group?

Robin Gross: I would just say over-bred of protection does it - maybe if you're just looking for one or two words, but really what we're trying to get at I think are the extent to which legitimate uses would be prevented.

Thomas Rickert: Uh-hum, okay maybe we can ask a specific question, can be avoided? Right, because it's ultimately up to the design of the protection mechanism whether there's over-bred or not. And so would it - can I suggest that we add an additional column stating the question can over-bred be avoided or excluded -can over-bred be excluded? Is there any opposition to that? Seeing none I would like to ask Berry to include that extra column and I have Alan please.

Alan Greenberg: Oh I'm sorry - my hand is up from before.

Thomas Rickert: No problem, (Chuck) has mentioned in the chat - or he's asked in the chat whether David and (Greg) would be okay with combining the two subgroups. I'm afraid that (Greg) has left already so the question goes out to David, David would you be okay with combining the protection and admission subgroup?

David Maher: I don't think that's a very good idea, I really think that the protection issue deserves a separate treatment and I would be opposed to combining the two.

Thomas Rickert: Okay thank you, I have (Claudia) next.

Claudia McMaster Tamarit: Hello Thomas, my question is a sort of a clarification - it's a conceptual question. I'm trying to understand, we have the spreadsheet that says protections but it seems to me that it's talking more about existing rights protection mechanism and then we have a spreadsheet about admissions which of course is a discussion about whether certain organizations should be allowed to be admitted to a protection.

But I fail to see exactly where the discussion of the actual resulting projection - if there is any, would be. In other words it sounds like we're taking about only reserve lists and then there's some discussion about whether that would be legitimate and if there's any exceptions, but I wonder where and what spreadsheet or in what column would we talk about okay so exactly what does a protection look like?

Is it a reserves names list, is it some sort of a different kind of reserves names list in terms of, you know, some sort of an execution or a claims mechanism. I'm just wondering, you know, on the first and the second level if there - where is that kind of discussion would go. Like what would the resulting protection look like if we do propose some?

Thomas Rickert: Thanks for the question (Claudia), it's a very good question actually and I see that I have not been clear enough in the design of the spreadsheet, but the idea was that we put up all the options in the spreadsheet, both existing RPMs discuss them, the pros and cons, but also new ideas for protection mechanisms and discuss those. And then in an ideal world we would end up with, you know, most of the proposals having a lot of cons and an overall assessment of not suitable.

And then one solution that is described here where we say, okay there are - the pros or cons or whatever, we might also have no suitable solution but, you know, for the sake of simplifying things we would have one option that has a lot of pros, no cons and where the overall assessments that it is a suitable mechanism.

So that's the idea behind it, so if you have other ideas, other ideas that you would like to propose, other procedures or amendments to existing RPMs, they should go in an extra column and be proposed there and discussed in the fields to the right of them - does that answer your question (Claudia)?

Claudia McMaster Tamarit: In a way I guess, thank you for explaining the background of your idea, I guess then for example if we were to suggest some sort of reserved names list then with some sort of exceptions for, you know, agreements between the international organization and a particular applicant, I guess that would then go under the protection spreadsheet. It may be next to some reserves name list and then an explanation of what we would be proposing, it would be reserve names list with conditions I think.

Thomas Rickert: Yes I would propose you inserted there, give it a special name because it's a different proposal based on these bilateral agreements that you were mentioning and then discuss it or have the group discuss there.

Claudia McMaster Tamarit: Okay thank you.

Thomas Rickert: You're most welcome - I have (Chuck) next.

Chuck Gomes: Thank Thomas as far as maybe help facilitate the kind of closure on the last subgroup a couple suggestions have been made. Robin suggested maybe Avri might be willing to be the repertoire, we'd have to check with her of course and then Alan suggest that it might fit with the qualifications criteria group and I think that was the one that Jim and (Karen) and David are going to lead, so since they're on the call we could at least ask them whether they would be comfortable with that kind of a combination.

Thomas Rickert: I pass on the question to you (Karen), Jim.

Jim Bikoff: Yes I'd have to think about that, I'm not sure I can give you an answer right now.

Thomas Rickert: Okay as far as Avri is concerned I had - I have communicated with Avri earlier and she's not particularly desperate to lead on one of those but lacking other volunteers she would have been okay with us appoint her in absence, so if we don't find a volunteer for this, you know, we might land her or I will ask her after the call whether she would be willing to take care of the admission part. (Chuck) anything more to add, you hand is still up?

Chuck Gomes: Yes I'll put it down.

Jim Bikoff: Thomas.

Thomas Rickert: Jim, I'll take David first and then it's your turn.

Jim Bikoff: Oh sorry.

David Maher: I was wondering just to solve the problem of possible other protection you change the role, do not sell list and add or other proposed protections, which would enable people to be able to fill in whatever they want.

Thomas Rickert: We can do that, I'm sure Berry's going to take care of that, thank you - Jim.

Jim Bikoff: So I think I agree with David on that suggestion, I was just going to say if Avry did not want to take it we could still consider it if you let us know.

Thomas Rickert: That's much appreciated, thank you - (Chuck).

Chuck Gomes: Sorry Thomas I lost connectivity so I can't put my hand down.

Thomas Rickert: But now that your hand is up you have to say something - no just kidding. Good are there more remarks overall, comments on the - on this tool on the spreadsheet? Hearing none, I would like to...

Alan Greenberg: This is Alan, my hand is up.

Thomas Rickert: Sorry Alan, please go ahead.

Alan Greenberg: Yes I don't have a question on the spreadsheet but we've talked a number of times about the team's that are going to work on each of the spreadsheets and I haven't heard unless I was sleeping through it any mechanism for identifying who's on the teams.

Thomas Rickert: I'm not suggesting that you slap but I had proposed earlier that those who are willing to contribute to the various spreadsheets to populate them would send emails to the respective leaders and then Berry actually said a word of caution in terms of spamming which is perfectly correct, so we will make sure that you get contact details or email addresses that you can send you contributions to.

So I think it's - Alan unless you ask for it I think I wouldn't want to call for volunteers to join the various groups, I would rather like to invite everybody on the call and those on the list that couldn't make it today to send whatever comments they might have to the respective leaders and the leaders will hopefully be able to engage in the discussion with those who have contributed.

Alan Greenberg: Okay, thank you - I know for my part I would think a rational way is for the group leader to tentatively fill in their opinions and then ask for other comments, but I wouldn't want to send that out to the entire working group, you know, that's close to spamming for people who aren't interested in that particular aspect, so.

Thomas Rickert: Okay shall we say then that the working group member shall send their input to the respective leaders by Friday?

Alan Greenberg: Either their input or at least their names.

Thomas Rickert: Or indicate their interest, yes? And then the working group leaders know whom they can send the communication with updates to.

Alan Greenberg: That's reasonable.

Thomas Rickert: You know, I should also say that, you know, when coming up with this proposal I was also thinking of landing staff with this task of collecting input but, you know, this is a community effort and I think that it's reasonable for members of this group - some of which have considerable track records and expertise with the various fields to actually lead on that.

                   Because then it's, you know, then I hope we will be able to keep up the momentum of people being very active, contributing and, you know, so we should keep up the momentum, that was the idea behind it. Okay that leads us to the next point on the agenda and that is the work plan.

Margie Milam: If I may, this is Margie.

Thomas Rickert: Margie, please.

Margie Milam: Yes on the different groups that you were talking about, would it be helpful to have us create a mailing list for the sub - for each of those teams? I mean that's what we've done in other working groups, you know, the secretaries can set that up and then those that want to participate can send an email to the secretary - we could send an email with instructions if that would be helpful.

Thomas Rickert: Well if it's not too much of a burden for you than I gladly accept that offer.

Margie Milam: Yes, no we're used to doing that and I just think it makes it easier to coordinate all these different activities, so I'll work with the team to make sure to get that set up.

Thomas Rickert: Perfect, thank you so much Margie. Okay let's go to the working plan, you may have read from my covering note that I proposed the next step for our work and certainly times of essence with this project. Again this has been called a case study both by the Board and by the GAC and I think we need to make sure that we deliver the result as soon as we can while it's still being very diligent with our work.

So the proposal has said we collect input to the spreadsheet and populate it before next weeks' call and then discuss the interim results as a group. So in an ideal world, maybe the interim result of the work and the arguments that have been collected until then are sent to Berry by next Tuesday so that Berry can put that into one spreadsheet and send it to the list. And we would, you know, starting from that - after that review on the 19th, we would write up a draft recommendation report and discuss that during our meeting on the second of January.

We would then give the group the opportunity to review the interim result and we can still add new information to it until the 9th and that will provide us with the opportunity to prepare information for the next GNSO telephone conference - the GNSO Council telephone conference. And I already spoke to Jonathan Robinson, the GNSO Council Chair whether he would like me to present to the Council that January 17 call and he agreed to that so my understanding is that is speaking slots during that call or a section of that call is reserved this time.

And, you know, we should work to being able to update the Council on where we stand so that the Council can then make a determination as to how it wishes to respond to the Board in the light of the January 31 deadline that

has been set. So that's the rough plan, I know it's ambitious but I think we should keep it that ambitious in order to be, you know, to keep everybody's interest. And I truly believe that it's more encouraging to volunteers to work on working groups if they see things moving on quickly.

I think part of the reason why volunteers aren't at times not so active on working groups is because they see them dragging on for too long and so there is not the intent of seeing immediate results. And that's the reason why I want to do things as quickly as we can. So get I get some feedback from the group on this plan until January?

Jim Bikoff: Thomas its Jim Bikoff.

Thomas Rickert: Jim, please go ahead.

Jim Bikoff: We will start on this, I think for us on our spreadsheet it may be a little ambitious, we'll do the best we can but we've got some other things that we've got to do in other areas that, you know, are separate from this. And some of this is going to require - especially when we get into some of the new columns, it's going to require some effort to make sure that we present accurate and somewhat detailed facts to go into the sheet, so I'm just saying that we'll make every effort to do as much as we can before next meeting.

Thomas Rickert: That's much appreciated Jim and if I may recommend, go from the general to the specific, so I think it would help the group to have the more general points in there and then as needed go to a greater level of detail as we move on - Alan please.

Alan Greenberg: Yes a couple of things, I agree with Jim, I think the target - if we're not going to have - know who the volunteers are and we set a deadline for Friday for people to say they're interested, having a consolidated spreadsheet by Tuesday is a bit optimistic. And the danger of not having that is the

spreadsheet that will be producing will be the opinion of one person or two people which may not be representative at all.

On the other hand if we can either in that timeframe or another timeframe come up with representative opinions, I don't think it's going to be a recommendation, I think we're going to start to show diverse opinions and, you know, that's where our real work comes in and try to merge those into a recommendation the group can stand behind and I think that's going to be really difficult.

And lastly I'm not - I have no problem briefing the GNSO Council as to where we are, but I'm not sure of the relevance of the 31st of January target, that to a large extent I thought was subsumed by the more Board resolution and that tar- that deadline - particular deadline is they're no longer waiting on, they acted ahead of time. So I'm not sure what we expect the GNSO Council at its January meeting based on an update we give them.

Thomas Rickert: My understanding is that at least the Council leadership wishes to receive an update and update the Board on progress that we made. I take your point about the interim results not being preventative of the whole group's view, so I would suggest that we change the wording in the December 19 line, not saying job recommendation report but create draft progress report because it might not reflect the recommendation.

And I think that we don't have the term recommendation later in the work plan - is that okay for you Alan?

Alan Greenberg: Yes.

Brian Peck: Thomas this is Brian, if I may - just a point of clarification, just to clarify and to qualify Alan's point I think the January 31 deadline if you recall was specific to the resolution by the Board was regarding the protection of the IOC and Red Cross names in terms of, you know, protection of the second level for the first

round of new gTLDs. It's not necessarily applied to the entire scope of the PDP, so I just wanted to clarify that particular point with that particular deadline.

Thomas Rickert: Let me just bring up the resolution on my screen, I think you're referring to one of the warehouses Brian and its agreed whereas the new gTLD program committee on September 13, 2012 requests that the GNSO Council advise the Board by no later than January 31, 2013 if it is aware of any reason such as concerns for global public interest or the security of stability for DNS.

The Board should take into account in it's making - in making its decisions, sorry about whether to include certain levels of protections for the IOC and Red Cross, Red Crescent names listed in Section 22123 of the Applicant Guide Book by inclusion on reserve names list applicable in all TLDs. These registries approved in the first round of the new gTLD program - I think that's the section that we're talking about.

Brian Peck: Yes.

Thomas Rickert: And I think that when we - as we move along with our work, knowing that this is a subsection of what we're doing we could at least report or potentially report about what we did and, you know, whether or not we have seen any factors that need to be responded to here and the answer can be no.

Brian Peck: Uh-hum, oh sure no I told you great, I just want to clarify for the broader group that, you only hear this January 31 deadline that is in, you know, relation specific to that particular issue not the entire scope of the PDP working group here.

Thomas Rickert: Yes okay thank you - Alan is your hand still up or up again?

Alan Greenberg: Sorry I'm away from my computer, it should be down.

Thomas Rickert: Not to worry, now having discussed the work and knowing that it's ambitious but still trying to do what we can in order to fulfill it I think we have pretty much discussed the next steps already, these will be summed up I hope I may have stuff to do so and in an email to the list. The next meeting is going to be at the same time next week on Wednesday and I think we were a little bit ahead of time already but I have touched upon the points that I wanted to mention during this call.

So my question to you is whether you have anything more to add or any further points that you would like to discuss? Hearing and reading none we can even finish a little bit ahead of our time - thank you so much for your patience and interest and I hope that we will make good progress between this and next week's meeting. Please do inject your information and arguments to the spreadsheet through the mailing list that are going to be set up by staff and thanks again for your participation and interest. Have a great evening, have a great day.

Man: Thanks Thomas.

Woman: Thank you Thomas.

Man: Thanks.

END