ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 26 June 2013 at 16:00 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 26 June 2013 at 16:00 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-20130626-en.mp3

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

Attendees:
Jim Bikoff – IPC/IOC
Avri Doria – NCSG
Chuck Gomes – RySG
Alan Greenberg – ALAC
Catherine Gribbin – Red Cross
Wolfgang Kleinwächter – NCSG
David Maher – RySG
Judd Lauter – IOC/IOC
Osvaldo Novoa – ISPCP
Thomas Rickert – NCA –Working group chair
Greg Shatan – IPC
Claudia MacMaster Tamarit – ISO
Joanne Teng - WIPO
Mason Cole - GNSO Council vice chair – RrSG

Apologies:
Guilaine Fournet – IEC
Christopher Rassi - Red Cross

ICANN Staff:
Berry Cobb
Brian Peck
Mary Wong
Julia Charvolen

Coordinator: 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. Good morning, good afternoon, good evening, everyone. Welcome to the IGO/INGO Working Group meeting on Wednesday 26th of June 2013.

On the call today we have Jim Bikoff, Alan Greenberg, Catherine Gribbin, Wolfgang Kleinwachter, David Maher, Judd Lauter, Osvoldo Novoa, Thomas Rickert and Mason Cole.

And from staff we have Berry Cobb, Brian Peck and...

Mason Cole: Thank you.

Julia Charvolen: ...myself, Julia Charvolen. And we have apologies from (unintelligible).

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

Thomas Rickert: Thank you very much, Julia. My name is Thomas Rickert and I'm chairing this working group and I would like to welcome all of you to this call which will hopefully not take the anticipated 120 minutes.

The main - or before we dive into the agenda let me ask you whether there are any updates to Statements of Interest? Hearing and reading none in the Chat let's move to the second and only other agenda item which we would like to discuss with you today and that is the preparation for the upcoming ICANN meeting in Durban.

You will remember that during the last call we have informed you that there is an opportunity for us to have a session on IGO and INGO identifier protection issues. And we would like to further specify the format of that - of that meeting with you. And you will have seen in the - on the mailing list that Berry and Brian have thankfully prepared a proposal for the format. And you see that in the Adobe and we're going to discuss that in a moment.

And I should also let you know that basically there are two different approaches that we presented to you for this upcoming meeting. One of them has mainly been prepared by Berry and Brian. And the other includes suggestions that I made. I'm not going to take - I'm not going to disclose now what my ideas were because I will make those ideas mine that find more positive feedback from you.

But - kidding aside, why don't we briefly go through the document? I guess, although I don't want to waste your time by reading our documents to you but I think it's of utmost importance that we have a clear view on the objective for this meeting. (Unintelligible) for those who are not speaking please mute your microphone. And those of you who are not speaking please mute the microphones. Thank you.

Brian Peck: Especially those with vacuum cleaners running in the background.

Thomas Rickert: Yes.

Mason Cole: Background?

Thomas Rickert: So please...

Brian Peck: Foreground.

Thomas Rickert: ...pause your vacuum cleaning for a moment. Okay maybe you can - maybe the operator can find out which line that is because (unintelligible). Can you please mute your microphone if you're not speaking? Thank you.

Now as I said, the - I think this group, because it's more or less the - our topic or subject matter that we've been discussing for the last couple of months will be discussed with the community on that occasion. And we should be very clear on what we try to achieve with this meeting.

And you find that at the very top of the document and let me read that out for you. It's only three lines.

The purpose is to raise awareness of why this issue is important and provide transparency on the working group deliberations contrasting positions to date and, secondly, to facilitate and direct of discussion and solicit feedback from the community on key outstanding issues to help the working group in moving forward.

I guess that these - this pretty nicely enshrines what we would like to achieve because as you will have noted when talking to other members in the community some do think that this is a minute implementation detail and they wonder why we spend so long and have such long discussions on this subject.

And also there were questions by the GAC as to why the GNSO start the PDP on this topic. So I guess this is an excellent opportunity for us to present to the community why we're doing what we're doing, what we're doing, where we stand and where we would very much like to obtain feedback from the community.

Because as you do know we have now published the initial report prior to conducting a consensus call and this was done in the hope by - that we would get further inspiration and input from the community that would help us in maybe coming up - or hopefully coming up with compromise positions.

Now the proposed format - and this is basically where the two proposed approaches to this meeting are still in sync is that we provide a brief overview on where we stand and that we would also like to encourage input and participation from the audience.

The questions that we need to ask ourselves is how detailed we're going to be in our preparations. So if you look at the first suggestion that actually covers different topics and these questions are, you know, called Topic A, B and C and D and E, and we would have panelists presenting various positions for each of those.

While the second suggestion has more of a open format so there would only be two - three questions that are more general in nature. Well I don't know to what extent the members of the working group that are present on the call have had the chance to look into this but I'd rather like to open the discussion than reading out the document to you.

So is there any instant feedback from the group to the proposed format? Or is there a wish that we maybe give you a minute or two to individually read it so that we can have a meaningful discussion?

Berry Cobb: Thomas, this is Berry.

Thomas Rickert: Berry.

Berry Cobb: Just to carry on or piggyback from what you were saying. I think the difference between the two proposals that we're suggesting is the first what you see on the first few pages before you really outlines what we had considered that are still some of the key issues that are being deliberated on within the working group at a more refined level.

And then what the working group should ask themselves is, is this forum the right venue to be deep-diving into specific issues that the working group is trying to deliberate on and find solutions for? Whereas I think the second alternative is kind of taking a higher step back and looking at the issues more broadly and, as Thomas suggested, more open.

And so, you know, again I think at the end of the day it's a question that the working group needs to answer as to whether there is going to be benefit in this type of forum to specifically try to extract out what the unique positions are and if there's opportunities for coming together on the - in this forum.

Thomas Rickert: Thanks, Berry. Is there any feedback from the group? Or could you also please - Chuck, please.

Chuck Gomes: Thanks, Thomas. Unfortunately I haven't had a chance to look at this material before this call, I apologize for that. But as a general thought I'm a little leery of asking general questions that would take us back to the beginning of our work.

Hopefully there's been time for people to weigh in on that through their various groups and the representatives on the working group. To me, it's more important for us to get feedback on the different options that we've come to rather than going backwards and asking general questions. Does that make sense?

Thomas Rickert: Well it certainly does. And I guess that's the reason why we ask you to make comments on this. There are pros and cons with this. Certainly if the main purpose is to inform the community about where we are exactly and to get feedback on exactly where we are at the moment I guess it can be specified.

Although for a vivid and potentially controversial discussion it may be a format that is a little bit narrow. While if you ask the questions more broadly then certainly the moderator still has the opportunity and the panelists would have the opportunity to raise very specific points that the working group did come up with but you would have more flexibility in reacting or opening the discussion to maybe suggestions from the community that we haven't thought of.

And, you know, those might not be heard or might not get room if we are conducting this session in a very narrow and predefined format. Alan, please.

Alan Greenberg: Thank you. From the preamble I'm assuming that under the Timing section when it says Group Discussion, that is not just the group that's on the stage that presented their points of view but the audience also, is that correct?

Thomas Rickert: That is correct.

Alan Greenberg: Okay. I think your timing is far too tight and I understand you want to get all the subjects in but I think you've got to be more flexible than this and allow opportunities. And I think you're going to have to be very controlled as how - as to how the people on the panel will rebut any of the issues raised on the floor.

So I think the structure needs some work but I would prefer former rather than the latter because I think the latter one will just rehash issues we've talked about and really will not get into anything that might help us in the process. This - the first option I think has a slightly better chance. But the timing, I think is going to have to be more flexible depending on the interest. And we have to make sure that it's not people on the stage just preaching. Thank you.

Thomas Rickert: So let me ask a follow up question that, you know, I also think that the schedule for that meeting is ambitious with the proposed time allotted to the various topics. So if we maybe condense, you know, the subjects into one or two less questions and have, you know, have like a little bit bigger headings but still be very concrete that might do the trick to free up some more time for discussion there. Is that what you were asking for?

Alan Greenberg: I guess so. I haven't actually done the arithmetic. We're talking here about an intro of 13 minutes and then, what, 16 minutes per topic. That all sounds, you

know, exceedingly tight and, you know, someone with a watch, you know, cutting off conversation minute by minute. I just think it's a bit too aggressive.

Thomas Rickert: Okay. So...

((Crosstalk))

Alan Greenberg: ...want substantive answers coming back. Some of the topics may not elicit a lot of answers; others might.

Thomas Rickert: Thanks, Alan. Any further contributions? Okay why - who's that?

Brian Peck: Thomas, this is Brian Peck, sorry.

Thomas Rickert: Brian, please.

Brian Peck: A couple things just to maybe - to help organize it. The list of proposed topics were, again, agreed upon. There are probably too many for the time that we have; they were more kind of a - to be offered as a selection, perhaps, that the working group could decide which of them, as you say, either combine them or select priority questions that could be utilized and maximize the amount of time available to provide hopefully effective and useful information.

The other thing, just in terms of organizing the meeting and facilitating it in terms of keeping it, you know, on track and, you know, within the timeframe and we could talk about this in a couple more minutes in more detail. But I've learned overnight that we have available to us the services of Xplain, which are some professional facilitators that will be in Durban.

They're mainly involved in the strategic planning initiative under Denise Michel and Fadi is using them as well. They are, as I say, they're professional facilitators and they've volunteered to facilitate this particular meeting in terms of moderating it, helping us maybe once we decide on the agenda and the

format and the, you know, the content and the substance, they can help us organize it in terms of, you know, facilitating the actual running of the meeting and organizing it and so forth.

So that might - maybe if we can, you know, narrow down the questions, as you say, to - that what the working group feels is - would be most useful we do have some professional facilitators at our service to help us organize it in hopefully an effective manner.

Thomas Rickert: Oh that's excellent news. Thanks for the update, Brian. And, you know, while you think about potentially combining or condensing the format to a lower number of questions maybe we can - we can talk about exactly this question of who should moderate the session.

At the very bottom of the document you find some suggestions for moderators. And I'm not sure whether this surprises Mary so we don't - certainly didn't want to put you on the spot. But during our preparations your name was also mentioned.

I guess that we would have the option of either asking a moderator from the community to help us with this session or actually to use the services of the professional facilitators.

Just a quick note regarding Mary, you will have read on the mailing list or if you haven't, you know, you should be informed now that Mary will no longer join this working group or participate in this working group as a member of the community but she will join ICANN's Policy Team as of July 1, if I'm not mistaken.

And, again, Mary, congratulations to that and congratulations to ICANN for having picked you which I think everybody will agree is an excellent addition to the already excellent policy team.

So that would sort of ensure that Mary would not be biased in her moderation or present or represent the views of the group that she is currently associated with.

And we thought that members of the working group would much appreciate Mary's expertise, her balance and thoughtful contributions in this working group deliberations process and that she could make an excellent moderator. So that's just to give you a little bit of background why we put her name on this list.

Bruce, as you will have noted, has already led a comparable session during the last ICANN meeting, which is why we have listed him here. And Kevin Murphy, who is running the domaininsight.com blog, which very much specializes on the DNS industry or ICANN matters, is certainly an excellent expert who could also chair such a discussion.

And, you know, with these introductory remarks I'd like to open it up and Chuck is the first to comment on this. Chuck, maybe you're on mute.

Chuck Gomes: I was. Thank you. I was talking to myself. The - a few general comments again. I'm pretty comfortable with both Mary and Bruce just because I think they both have a good understanding of the subject matter, which I think will be pretty critical, and the work that's gone on on it.

The idea of a professional moderator is good but I'm not sure how effective they can be without a lot of homework and preparing on this and maybe they can do that, I don't know.

Kevin, I've read tons of things by him. I have no idea what his ability is to moderate a session like this so he may do very well but I'm a little more comfortable with people that I have experience with. So that would be my general comments on this - on the topic of who should moderate.

Thomas Rickert: Thanks, Chuck.

Jim Bikoff: Thomas?

Thomas Rickert: That's Jim. Yes, please.

Jim Bikoff: I think I would be comfortable - I think I agree with Chuck - I'd be comfortable with either Mary or Bruce. I know of course Mary's been on the working group for a long time and so she knows all the issues and she's discussed them all on several occasions.

Bruce has been active through the Board on this issue as well as in many others involving protections. And I think he - not only did he speak at the last meeting but also he did a seminar in Washington I think about a year ago which included some content on special protections. So I know he's very well grounded in the issues also so I think either Mary or Bruce would be good choices as moderator.

Thomas Rickert: Thanks, Jim. And since we do have Mary on the call and she let us know in the Chat that her quote/unquote nomination for this job caught her by surprise. So, Mary, if you have your audio on maybe you could let us know whether you would be willing to consider taking this responsibility. So, Mary, just for those who are not on the Adobe has been typing in the Chat that she doesn't have a microphone so she will type.

Mary, you don't have to answer now but certainly it would be helpful for us to know whether you would be willing to do this? Let me read out your latest comment. "Thanks for all the confidence in me. I'm fine doing it but what about Alan's question on upticks?"

So since I do know that Alan has a microphone because he's been previously speaking, Alan, maybe you can elaborate on that a little more and maybe we can have an exchange of thoughts on this.

Alan Greenberg: Nothing more than what I put in the Chat. You know, I have complete confidence Mary could do it in as, you know, a balanced job. I have no worry about her being an ICANN staff member after, you know, fighting for various sides just as the same is true for other people who have made that transition.

I'm just wondering about, you know, how it will be perceived that she has participated in this particular working group and is then doing that. So I'm raising an issue; I have no personal concerns.

Thomas Rickert: Okay. Well certainly the issue of perception is there and this is why I mentioned it up front and certainly, you know, that's something that would at least need to be voiced at the meeting to explain to the community how we came about with this suggestion.

But, you know, so my understanding is - and certainly we don't have to make a decision now so my impression is that most people would be happy both with Mary as well as with Bruce so I guess we should ask both of them regarding their availability and take it from there.

Chuck, please.

Chuck Gomes: Thanks, Thomas. I think Alan raises a good question. And I'm thinking back over the history of our group and if my memory is halfway accurate Mary's been - functioned pretty much as a constructive contributor rather than pushing for any particular position in an awful lot of cases at least.

So granted that we should ask the question about optics I think in the role that she has played that at least from our perspective as a working group we would be picking someone that has really played more of a role of trying to facilitate and help us reach some consensus in some areas than she has pushing one particular position.

But that's my own personal view. I don't know if others agree with that. And so that, to me, would mitigate some of the concerns with regard to optics. Now if it was someone like me who has really been pushing a Registry Stakeholder Group position, as with David, we would not be a good choice and I think optics would be more of a concern there. So anyway I throw that out for everybody else to think about.

Thomas Rickert: Thanks, Chuck. And you can imagine that we put exactly those parameters into our thinking as well. I see Brian's hand up. Brian, please.

Brian Peck: Yes. Thank you, Thomas. Brian Peck from ICANN staff. You know, and again we would go with how the working group would be comfortable in terms of a moderator but if there are some optics concerns, and I know one of the concerns was raised in terms of if we were to have the professional moderators - well professional facilitators including their services in the moderation, one of the - they've asked for, you know, to be brought up to speed. They understand some of the complexities of the issues involved.

Marika was involved in, you know, was originally approached by Denise Michel saying we have these facilitators in Durban and, you know, are there any of the GNSO activities that would benefit from this?

So she's outlined to them a little bit about what, you know, what is involved in the history and, you know, if indeed, you know, if we wanted to engage in their services, you know, we would be responsible for bringing them up to speed and to - providing background materials and, you know, making sure that they are fully prepared to be most effective in facilitating the meeting.

Thomas Rickert: Thanks, Brian. That's very helpful. And let's get back to the option of a professional facilitator in a second. But I guess Chuck has raised his hand again. Please, Chuck.

Chuck Gomes: Thanks. What about having a - using a professional moderator and someone like Mary who could assist the moderator with regard to content where that is needed? I mean, I know you probably want one primary moderator. It might be awkward to have two moderators.

But if they were together so that, for example, if we decided to use Mary in that capacity she could - or even, I suppose, Thomas, you could fulfill that role in assisting the moderator. But I throw that out as a different idea.

Thomas Rickert: Thanks, Chuck. And since you mentioned my name I'm not sure whether all of you in the working group already know but I will not be able to come to Durban. Certainly I can...

Chuck Gomes: Oh that's right. I'm sorry, Thomas, I forgot that.

Thomas Rickert: Not to worry. But I thought I should share this with the working group anyway so that nobody is caught by surprise. You know, I will not come to Durban. I will participate remotely to the best extent possible and also help with the preparations.

But I think that I'm needed for at home because we're expecting the delivery of our third child surrounding the Durban meeting so I won't be there. I will be watching everything from a distance and I'm sure that you will make good progress without me being there.

But can I hear some more views on the idea of...

Jim Bikoff: Thomas?

Thomas Rickert: Who's that?

Jim Bikoff: Jim.

Thomas Rickert: Jim, please.

Jim Bikoff: I was going to suggest just going back on some of the previous comments. Why not have Bruce and Mary and have Bruce maybe give some general introduction as to what the issues are and maybe have Mary do more detail since she has been involved in the, you know, in all of the deliberations of the working group because I think rather than a professional moderator Bruce knows the issues and he's been involved from the Board side on a lot of the issues that have come up.

And it seems to me that we'd have then two experts who could, you know, participate and be able to help guide the audience.

Thomas Rickert: Thanks, Jim. Any more views on the potential role of the professional facilitator? Let me ask you whether there are people in the working group that would really like to have a professional facilitator involved in this? Because so far my impression is that the response to that proposal - and certainly we're very thankful for that - is not overwhelmingly possible because the working group more trusts in the external expertise or the expertise of Bruce.

Alan, please.

Alan Greenberg: I can see huge benefits in having a professional facilitator work with this working group. I really don't see a lot of benefit in doing it in the public session. I'm not sure there's going to be a lot of facilitation. And I don't think we're trying to negotiate a final answer or, you know, delve deeply into things. There just isn't going to be enough time.

So I really don't see the real merits in it. If we were talking about having a facilitator trying to span the differences between people in this working group and, you know, yielding real results that would be a different question.

Thomas Rickert: Thanks, Alan. Adding to what Jim has said, you know, asking both Mary and Bruce to work on this does that propose to get some traction from the group? So, Jim, if I correct - your suggestion correctly you would like to have Bruce doing more the moderation part and Mary doing more the rapporteur type part of the moderation where the views and what we've done so far in the working group needs to be reflected and reported to the community in a very neutral and unbiased fashion.

Jim Bikoff: Yes, I think that's - that would be my thought.

Thomas Rickert: Any views on that? Okay there are no further hands up. I just read in the Chat that certainly we need to check Bruce's availability. So if Mary could give me an indication of whether she would also be happy to contribute to that type of approach? Why don't we start on that basis and see whether we can get Bruce working with Mary. And I'm now curious, since she's typing, what the outcome of her typing will be.

And should that - okay thanks, Mary. So she would be available for that task. So if I could ask for your patience for a moment we would then try to get a hold of Bruce and ask him for his availability and then report back to the group. Okay and...

Brian Peck: Thomas.

Thomas Rickert: ...in terms of...

Brian Peck: Thomas, sorry, excuse me. Brian, from ICANN staff.

Thomas Rickert: Please.

Brian Peck: Is there any interest from the working group to utilize the Xplain services in helping to - once we have an agenda and format to help us, you know, actually organize or structure the meeting? You know, going back to

organization, to timing, you know, maybe structuring the panel like that. Is there any interest from the group to utilize those services?

Thomas Rickert: I see support from Chuck. And I'm, you know, my personal perspective is, Brian, whatever we can do in order to increase the quality of the session will be beneficial.

Brian Peck: Okay.

Thomas Rickert: So Claudia has also given a sign of support in the Adobe. Thank you for that. So if we, you know, based on the groundwork that we do if the professional facilitators could help us with the preparation of the session that would certainly be great.

Now let me get back to the substance or the format of the meeting. I'm sure that your multitasking capabilities are good enough to having briefly taking a glance at the document and maybe you're now in a position to comment on what questions we could maybe drop, what questions we could combine with another question.

You will remember my sense of our discussion earlier in this call is that the group thinks that the first proposals number of questions or the number of topics to be discussed there is a little bit ambitious for the length of the session that we might free some time for an open discussion there.

Chuck, please.

Chuck Gomes: Thanks, Thomas. Before we get into the specifics, which we need to do, I'd like to make a personal observation and see if others agree with me on this or disagree, either way.

It seems to me that the real value of this session will be to get input from the audience. And if we agree on that then the way it's designed in terms of how

the moderators operate and each of us as members of the working group operate, means we need to minimize our own participation and allow as much time as possible for input from those who have not been part of the working group.

It should not be, in my opinion, a time for us to each reinforce and restate positions that we have in the working group but rather to get reactions from our positions from those in the audience and suggestions from them. Now is that an approach that others agree with or do some see this as an opportunity to resell our positions?

Thomas Rickert: Are there any comments on that?

Jim Bikoff: It's Jim again.

Thomas Rickert: Jim.

Jim Bikoff: I don't think it should be an opportunity to resell but I think somebody should - and probably the moderator - should provide at least a very brief summary of who are these organizations, what do they stand for and what types of protections are they seeking and refer to the draft that's been put out for publication and maybe that would stimulate the kind of comments we're looking for.

Thomas Rickert: Thanks, Jim. Claudia.

Claudia MacMaster Tamarit: Thomas, I also would agree that it's not an opportunity or shouldn't be an opportunity to resell our positions especially since I don't think all of us would even be able to go, at least myself, I'm not able to go to represent, you know, what (unintelligible) and see has said on the INGO criteria and so forth.

I do think it is an excellent opportunity, however, Thomas, and you highlighted this in the beginning, to really highlight the significance, the

importance, the relativity - excuse me, the relevance of the working group's work and the importance of people out there, constituencies out there, of submitting comments.

I don't think that in an hour and a half session something that we can't even do on a weekly basis we're going to get some real comments back that we're going to be able to digest along with the comments that we're going to be getting, written comments, I'm not even sure how that's going to work.

I do, however, think it's really an opportunity to get people to submit written comments so that we can then, you know, at the end of the comment reply period, take a look at what everyone has said and get a better idea of what are the positions out there.

So in that sense when we look at all of these questions I do hope that we spend less time on very, very specific and complicated questions and more time just highlighting the questions we've asked and some of the models we've talked about just so that people will submit their comments, you know, later in a way that is more detailed and can be digested comprehensively. Thank you.

Thomas Rickert: Thanks, Claudia. Alan.

Alan Greenberg: Thank you. Looking at what was proposed - and I understand that's just proposed and subject to change with our discussion. But we were recommending that there be nine minutes to present the issues and then six minutes to discuss them.

Knowing that it is almost impossible to hold people to three-minute talks, some will do it in one minute and some will go on for 10. I would really suggest that whoever is hosting this make the statements with relation to the options perhaps vetting the words they will use with the actual proponents of

those options ahead of time but doing concise descriptions without the slant and without the sales to present the issue.

That may make for more time available. It may also try to limit the, you know, the salesy aspects of this. Just a thought.

Thomas Rickert: Thanks, Alan. And regarding your point with people going on for too long with contributions Mary made a point in the Chat that we might use the countdown clock as it's used in the public forum. And, you know, that's certainly something that should be done.

Okay Alan, did you want to add to that?

Alan Greenberg: No, that's...

((Crosstalk))

Alan Greenberg: ...if we want to keep the individuals presenting their own cases then that's a pretty good way of doing it. I would cut down perhaps three minutes to two just because if it takes three minutes to present it it's probably too complex a concept.

Thomas Rickert: Good but ultimately the question will be how much time do we want to spend on the presentation of the various views? And you will have noted by now that I was in favor of having a little bit more of an open format yet ensuring by means of moderation that the important points are made and that we don't start the discussion from scratch.

But I guess the question that I would have for the group is whether you think that we should have all the propositions presented by different speakers or whether that should be done by, in this case, potentially Mary as rapporteur to have a very concise presentation of the various views and then be able to get to the substantive discussion with the audience sooner.

Jim Bikoff: Thomas?

Thomas Rickert: Jim.

Jim Bikoff: I think myself that if you have Bruce and Mary you could have the positions
                  presented. I mean, the groups that are seeking protection could all have a
                  chance to make sure their positions are accurately going to be presented. But
                  you could have the presentations made through Bruce and Mary in a way that
                  could be, you know, divided up. And then you'd have much more time for
                  audience participation.

                  They could summarize the positions of each of the four groups. They could
                  talk about what was discussed in the working group. I think Mary would be
                  probably best to do that.

                  And maybe Bruce could do an overview on the groups themselves and why
                  they're in the working group, why they're seeking the protection and what
                  type of protections they have that qualify them and so on and so forth. And
                  then you would have probably much more time for audience back and forth.

Thomas Rickert: Thanks, Jim. And I see support for this suggestion from Chuck. Let me ask
                  the other way around whether there's any objection to such approach. Which
                  I would personally also be in favor of to free up some time for discussion with
                  the community.

                  Nonetheless I think we should take as an interim result that we worked out
                  having the various views presented by the moderator or moderators. What I'd
                  like to know from you is whether we should also have panelists.

                  And I think that it may make sense to have a panelist that could sort of start a
                  discussion on the subject matter for two reasons one of which is to give
                  actually biased views on why things are - why certain groups are passionate

about one or other - the one or other position. And that might help stimulate a discussion and contributions from the floor.

But also if the audience is not very active then the moderator could have a discussion with the moderators and we wouldn't have deafening silence after a couple of minutes. In which case - so I guess my question is twofold, one of which is do we want to have panelists? And if so how should we compose the panel?

And just to give you an idea that you can either support or suggest alternatives to one might think of having four panelists one of which coming from each of the stakeholder groups. And with that I'd like to move to Chuck, please.

Chuck Gomes: Thanks again, Thomas. One of the problems with having panelists - well there's several problems I think. Number one, because of the diversity in our group I think we'd have to have a really large panel to be able to cover all the bases or we would have a hard time just narrowing it down to a small group. Maybe not.

But regardless I think I lean more towards having those of us that are part of the working group and represent various positions in the audience, like everybody else, and then allowing the moderators the opportunity to call on us to make brief statements if it's helpful.

Thomas Rickert: Chuck, a little follow up question. But then also the burden of choice would be with the moderators as to whom to allow to speak and who not. So I guess whether the representatives of the various positions are sitting in the room or on the panel would need to be, you know, would need some preparatory work to prioritize or, you know, allow speaking opportunities or not.

In which case I propose, because I think it fairly reflects the ICANN community at least under the current GNSO structure, to have all the four stakeholder groups send one representative to the panel.

Chuck Gomes: Thomas, Chuck again. But it's not just four stakeholder groups really. There are more. I mean, what about the Red Cross and what about the IOC? And what about IGOs and INGOs? And that's what I was getting at. I don't think just having four stakeholder groups - what about the At Large?

You know, so do we exclude Alan? I don't think so. But so that's kind of the problems we get into. But one of the ways of dealing with the concern you expressed about putting the burden on the moderators to pick someone, we can help them. You know, we can kind of raise our hand out in the audience if we think maybe we can answer that question.

And I think most of us are disciplined enough that if there's more than one of us for a particular view - like for example the Registries, David Maher and I can, you know, agree who might best address that and do that. I think that's manageable. I think we're disciplined enough that we can do that.

But again, that's my thinking and I'll listen to what everybody else thinks.

Thomas Rickert: Thanks, Chuck.

Jim Bikoff: Thomas.

Thomas Rickert: Jim, please.

Jim Bikoff: Yeah, I was just going to second what Chuck said. But I think in addition to what Chuck said, I think if the - if this is orchestrated with the moderators and they understand who's going to be there and that certain questions might be answerable by one or another I think, you know, both Bruce and Mary could

call on whoever they think is appropriate on a particular issue that's raised by somebody in the audience.

Thomas Rickert: Thanks. And, yeah, this is supported by Chuck. And, Alan, you've lowered your hand in the meantime and certainly I wasn't too surprised to see your hand up. Would you like to comment?

Alan Greenberg: Not really. Chuck, I was going to point out that there's a lot more than the four GNSO stakeholder groups in this. And there's no way we can go back to just the four. They may be the ones voting in a final outcome of this working group but they're not the only participants in the working group. I just don't think that's an acceptable answer.

Can I ask a question of fact as we go along? When is this meeting scheduled?

Thomas Rickert: Wednesday from 11:00 to 12:30 local time.

Alan Greenberg: Okay, thank you, I was just looking at my ATRT schedule to see if it conflicted. It doesn't at the moment.

Thomas Rickert: Okay. Great. Now again shall we take a look at the concrete questions to see what you would like to prioritize and what you would like to put lower on the priority list as we further define the agenda for this meeting we think - I think we should have a ranking of things that are more important to the working group and those that are of lower importance, which can then potentially be dropped if a good discussion is - shall not be interrupted on a higher priority question. So any views on that?

So you see in the Adobe the lists of topics that are proposed to be discussed. So we have the question of acronyms, whether acronyms should be protected at the top or second level. And then we have the various proposals on the table as can be seen from the initial report.

We have the question of INGO identifiers should be protected other than RCRC and IOC. We have the topic of what the objective set of criteria to determine whether an organization should receive special protections should be.

And the next question would be whether protections are provided through the reserve names list or whether there should be exceptions. So that would be the subject of discussing exception mechanisms. And lastly, it would be the question of how protections could be implemented to apply to existing TLDs.

Alan.

Jim Bikoff: Well, Thomas, it's Jim again.

((Crosstalk))

Jim Bikoff: The last question about application to existing, I thought that was something that the working group still has to consider and that should be a topic for the working group's further deliberations and not particularly for this public group.

Thomas Rickert: Well I guess that's up to us whether we want to try to obtain community feedback on that subject as well. I guess it might help stimulate our discussions on that as we move on. But your point is well taken. Alan.

Alan Greenberg: Thank you. I'll just point out that Topic B is waving a huge red flag at some groups. One of the mandates of this group is to decide whether and exactly what kind of protection the RCRC and IOC get. That statement is phrased as if that decision was already made. And some people may object. I'm just raising a flag about a red flag.

Thomas Rickert: So I guess that we can redraft the question to not sound like protections were already agreed upon by the working group. Chuck.

Chuck Gomes: Thanks, Thomas. Let me first respond to Alan's point. I think probably you could just reword Topic B to address that and maybe make it look an awful lot like Topic C. In other words you have three options there. Should the identifiers of the following organizations be protected? And then break it down into the three categories like we do in C.

What I was going to - and then I wanted to talk about Topic E. I know we - it's already been suggested that we need to reduce the list. And I would suggest, again, my own personal opinion is that we could drop Topic E, not because it's not important but because unless I'm missing something it's really covered. I don't even know that we need to do too much work there.

If we recommend any consensus policy and the Board approves it it will be adopted by existing gTLDs. If we don't recommend any consensus policy it won't. It's as simple as that the way the contracts are worded. But I may be oversimplifying it.

Now one last comment on this, I think - the more I look at Topics A, B, C and D I actually like them quite a bit because I think they do cover the areas where it would be very helpful if we got input from the audience and I think fairly efficiently. But again I just throw that out as my opinion. Thanks.

Thomas Rickert: Thanks, Chuck. I would echo what you were saying in terms of the questions and their potential for obtaining exactly the information that we seek from the - seek to obtain from the community. I was wondering whether one might consider changing the order.

You know, I'm not sure whether it would make more sense to talk about criteria for protections before talking about what should be protected, i.e. before talking about protection of acronyms. So any views on that? My, you know, to give you an interim result I think where we're standing as a group at

the moment is that we would drop Topic C if we have to. We would keep the first four topics. And I have now suggested to maybe change the order.

Chuck Gomes: Thomas, this is Chuck. How would you change the order?

Thomas Rickert: I would just start with Topic C to talk about objective criteria for protections first before you, you know, the eligibility I think is the question that needs to be answered first before talking about concrete mechanisms and about the scope. And Topic 1 - Topic A, B and D are discussing the scope and the tools. So if, you know, continuing this conversation with you I would start with Topic C then should - then A, B and afterwards D.

Alan.

Alan Greenberg: I'd actually end with C, not begin with C because that allows us to introduce the concept that there can be different criteria for different levels of protection from the same type of group. And that's something that we - I, anyway, and a number of others, are continually talking about in this group but it falls by the wayside every time.

So there doesn't need to be a criteria for a given class of organizations. There may be different criteria to satisfy depending on which level of protection we're talking about. So I think it makes sense to in fact talk about it at the end where we can introduce that concept and it has some context.

Thomas Rickert: Okay. I see that your suggestion gets support from Chuck. Would you leave the order of the - of A, B and D as is or would you change that as well?

Alan Greenberg: No, I don't think it really matters; it's fine as far as I'm concerned.

Thomas Rickert: Okay. Chuck.

Chuck Gomes: Yeah, I don't think we want to start with acronyms so I would change that. I think it's probably - I think I would do B, C, A - oh wait a second, I'm - I agree with Alan as you saw that the - what was it, C is last, so I guess it would be B, D, A and then C is the way I would do it. I hope I got that right.

Thomas Rickert: Okay so the proposal is B, D, A, C? Any objections?

Chuck Gomes: Yes, I think - I think so, yeah.

Thomas Rickert: With a slightly rephrased heading for Topic B?

Chuck Gomes: Yes.

Thomas Rickert: Okay I guess some of you might wish to see how this feels once you have the format in front of you. So are there more proposals, suggestions for this?

Brian Peck: Thomas, this is Brian. Could you - so...

Thomas Rickert: Brian.

Brian Peck: ...just to confirm how you'd like us to reformat it?

Thomas Rickert: B, D, A, C.

Brian Peck: B, D, A, C.

Thomas Rickert: Yes. And then we would not have...

Brian Peck: Okay.

Thomas Rickert: ...the various views represented by various - or by different individuals but that would be done by the moderator or co-moderators. And if needed - if need be the positions would be asked from the floor. Berry has reminded us

to complete the Doodle poll so that we know who's there. I guess that would also be helpful in preparing this meeting.

Greg.

Greg Shatan: Hi, this is Greg Shatan. I guess I just wanted to, you know, I was thinking about whether Topic E really should be dropped. And I think that while it is true that whatever we decide, you know, would and should apply to existing TLDs there are at least implementation issues, you know, such as grandfathering and, you know, how do you deal with a TLD that's already in operation as opposed to one where nothing yet has been delegated or acquired.

So while it may not be at the same level and may - I'll put aside the question whether it's policy or implementation or something there at least, you know, concerns and issues there that probably need to be dealt with and maybe it's just as simple as yes it will apply and no it won't be retroactive but it will take, you know, effect as of Day X.

And maybe we don't need to really talk about it. But at some point, you know, at least the group needs to talk about it. Whether it needs to be part of public discussion I'm not quite so sure but I think it's - given that it's part of our mandate and we've kind of never discussed how it will be applied to that matrix of facts it, I think, requires some, you know, some discussion at least to show that we haven't forgotten about it completely. Thank you.

Thomas Rickert: Thanks, Greg. And before I take Alan I'd like to let you know that in - at least for those who are not in the Adobe that he gets some support in terms of E to keep E in case we have time for it. And Avri even said that we should talk about E. And while Alan speaks maybe Avri can - or others that are supportive of the idea of keeping E maybe they could provide us with some concrete ideas as to what we should ask from the community.

Alan.

Alan Greenberg: Yeah, thank you. I guess since we haven't really discussed it and haven't even identified the key questions that come up, Chuck is right that barring anything we explicitly do this will apply to the existing gTLDs.

But we will - we likely, you know, if only to avoid the implementation versus policy issue we should go over the issues and decide which issues are subject to grandfathering, which issues don't apply at all because they're only applied to the start up of a TLD and those kind of things.

So I think we're going to have a fair amount of work to do. It may or may not be controversial. And I suspect the working group will take the attitude that to the extent possible the old TLDs should implement the entire recommendations, at least the parts that make sense in terms of, you know, we can't go back in history.

And we're not going to - probably not going to take away TLDs from people who are - rightfully have them but we may want to make sure that they don't get transferred or re-registered or something like that. So it's going to take a fair amount of talking but we haven't had those conversations at all.

And I think it's premature to start soliciting input from the public where, you know, it just - I don't now how that was going to fit into our discussions. So I think there's work to do. I don't think it's a no-brainer. But we haven't done it yet and I think it's premature.

Thomas Rickert: Okay I...

Alan Greenberg: Chuck's right, though. You know, if we want to keep it as the fifth topic in case we have an extra half hour to spend we can go for it. I'm not optimistic that will happen.

Thomas Rickert: Yes, and this is the reason why I'm asking you, not you personally, Alan, although I also asked you personally but I'm asking the whole group whether you have concrete suggestions for topics that you'd like to get answers to when it comes to the existing TLDs.

I see in the Chat that the issue of transfers is an issue that, you know, what is it that - I thought there were two different aspects in the Chat which obviously there aren't.

But I guess that we would need from the group in preparation for this meeting some proposals for the moderator for questions that they can ask the group. Avri. Avri, you have raised your hand, now it's down. Are you trying to speak? Maybe you're on mute?

Alan Greenberg: She's not even on Adobe Connect anymore.

Thomas Rickert: So there may have been some technical issues there. So, you know, should Avri come back into the call she will certainly get a chance to speak. But, yeah, why don't we keep E in reserve in case we have time left? And if you could please send some concrete questions to the mailing list that we could include into the script for the moderators that would be great.

So any additional views? Questions? Chuck.

Chuck Gomes: Yeah, Thomas, the - some of the questions that I think kind of been raised in the Chat, Avri, for example, raised the issue of making it retroactive. And I'm gathering by other comments she made in the Chat that she means removing names. So that automatically leads to a question - a couple questions that could fall under that with regard to that.

So a similar question is should any names - they're kind of similar questions but they could be asked two different ways - should any of the organization names that are to be protected going forward should those, that are already

registered, should they be grandfathered? And of course the opposite question is should they be removed?

So I think we have some questions there. I'm not saying that people shouldn't send questions to the list like you asked but I think we have a couple already.

Thomas Rickert: Thanks, Chuck. And Berry rightfully reminds us to bring up other issues if we think that five areas that you find in the Adobe are not sufficient to cover all the - or cover at least the biggest questions that the working group has.

I would say that, you know, if we can touch upon at least four out of the five sections and get meaningful input from the community that would be great. But do you have any further areas that we should include that so far have been neglected in our preparations?

Okay hearing and reading...

Chuck Gomes: Thomas, this is Chuck.

Thomas Rickert: Chuck.

Chuck Gomes: That's a new hand that I put in there.

Thomas Rickert: Sorry, I thought it was an old hand, sorry for that.

Chuck Gomes: Yeah, I got that idea. So no problem. I put this in the Chat quite a bit ago but we ought to really encourage audience - the audience participants to ask any questions they have of us on this because there may be some areas where they need clarity. Now hopefully they would do that anyway but I think we ought to explicitly encourage any questions that they have.

Thomas Rickert: That's a good point. And I think we will take note of that and have that - or make that one of the moderator's tasks to ensure that they ask questions -

that they encourage the audience to ask questions. Okay any further contributions? Hearing and seeing none I guess we can end this call.

Looking at Berry and Brian, did I forget any important matters? Berry, please.

Brian Peck: Thomas - oh, yeah.

Thomas Rickert: So, Brian, please go ahead.

Brian Peck: Oh, I'm sorry. Two things, one is I'll go, you know, we'll reformat the agenda and the - not the objective, agreed on that, on the questions and moderator suggestions and I'll submit that to Xplain and see if they have any suggestions in terms of organization or structuring that could help us facilitate the discussions if that's okay with the group.

Thomas Rickert: Sounds like a plan, yes.

Brian Peck: Okay. The other is, you know, we also have our face to face working group meeting scheduled for that Monday I believe from 1500-1700. And which is, you know, as we had in Beijing where it's an actual working group session.

You know, obviously the public comment forum is still open at that time but I think, you know, it would still be beneficial for the working group to meet if agreeable and perhaps we could briefly discuss what the purpose of the meeting would be perhaps, for example, you know, reviewing comments submitted to date, maybe looking at some of the other issues we haven't had as much time for like the, you know, looking at the exception procedures a little bit more, although granted that will be a discussion in the public discussion on Wednesday, implementation of all the gTLDs.

So maybe not necessarily on this call right now but perhaps we should give some thought on, you know, what would be most useful in terms of utilizing the face to face session on that Monday.

Thomas Rickert: Excellent point. Any support for this or objections or tentative proposals? No, I thought, Berry - Berry, you also had your hand up?

Berry Cobb: This is Berry. Basically just to cover what Brian had said. I'd state that the only caveat to Monday is that there are some conflicts with some of the bigger sessions. We've tried to reschedule to allow a little bit of comfort around some of those competing sessions but we do believe that it'd be a good just kind of roll our sleeves up kind of session not necessarily focused on any of the public but merely face to face for the working group.

We can review through, you know, the next version of the presentation that's going to be performed on Wednesday and as Brian mentioned definitely touch on topics that we haven't either talked about before and/or at least review some of the public comments that have been submitted from the initial report.

Thomas Rickert: Thanks, Berry. Any comments on that? Okay I'm seeing no further reactions in which case I would like to end this call and thank all of you for your participation and you contributions. You can expect from us an updated outline of the meeting which you can certainly comment on on the mailing list.

And with that I'd like to thank all of you and have a great remaining day. Bye-bye.

Berry Cobb: Thank you, Thomas.

END