

Transcript
GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference
12 September 2012 at 18:00 UTC

Note: The following is the output of transcribing from an audio recording of the GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference held on Wednesday 12 September 2012 at 1800 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/gns0/gns0-gac-ioc-20120912-en.mp3>

Attendees

Jeff Neuman - Registry SG group leader
Lanre Ajayi - Nominating Committee Appointee
Alan Greenberg – ALAC
Thomas Rickert - Nominating Committee Appointee
Gregory Shatan – IPC
Wolfgang Kleinwachter – NCUC
Osvaldo Novao -ISPC
Chuck Gomes - RySG
Kiran Malancharuvil – IPC
Avri Doria – NCSG
Jim Bikoff - IPC

Apology : None

ICANN Staff
Brian Peck
Berry Cobb
Nathalie Peregrine

Coordinator: Welcome and thank you for standing by. I would like to inform all participants today's conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Nathalie Peregrine: Thank you Bobbie. This is the IAC call the 12th of September, 2012. On the call today we have (unintelligible), Thomas Rickert, Chuck Gomes, Jeff Neuman, Alan Greenberg, Greg Shatan, (unintelligible) and there are no apologies for today's call.

And from staff we have Brian Peck, Berry Cobb and myself, Nathalie Peregrine. I'd like to remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you Jeff.

Jeff Neuman: Thank you and it seems like we have much better attendance than last week. So on the last cast call, last week, what we had done is we'd gone over looks like (unintelligible) got compromised. We might need a new term for that but we went over that document, a few of us got on the call. And the decision was made to come back to this call and see if there were any refinements or maybe check back with some of our groups.

And then we (had issued) a two week call for final kind of thoughts on this compromise and then put that out as kind of the recommendation or put that out for a consensus call and put that out for kind of a call from the group and then ultimately if there's (unintelligible) this call, we would then put it out, send it to the council leader with a recommendation that it goes out for public comment.

So this call may be fairly short or it could be longer. Alan just sent a note. He's having trouble hearing me but can everyone else hear me?

Man: I hear you loud and clear.

Man: You sound a little bit like you're in a chamber, (Jeff), but I can hear you okay.

Jeff Neuman: Oh, okay. Sorry about that. So it might just be your phone. So with that said, I think I finished that off. So the goal, again, is to look at these compromised statements one last time, make sure we're all comfortable with it, and then put it out for a consensus call within the group, discuss (for two) weeks and then put it out to formal - put it out to the council and put it out to a public comment period.

I also did take this time this, week, last week, the middle of last week to call (Suzanne) from the GAC to see if she would be interested in her, and anyone else from the GAC could join the call with us in the next couple weeks to go over our kind of stating our positions and to just discuss it through.

She thought it was a good idea and I'm hoping that we can get something set up for probably not next week but probably the week after. So I'm hopeful but it's not guaranteed that we'll be hopeful that we'll be able to get that call underway.

Any questions? I'm hearing a bunch of rattling and I'm not sure what that is. Papers or - ah, much better. So does anyone have any - this call can be fairly quick. I know (Greg) was on the call last week, Thomas was on the call last week, (Alan) was on the call, so I think the

new people that we have - (Nonra) was on the call - I think the newer ones - I know Avri - I know she's on a (daily) so I'm hoping she's also one...

Avri Doria: No, I just signed on.

Jeff Neuman: Okay great. So I don't know how much of that you caught Avri but...

Avri Doria: Basically none, other than the part you said you guys were all there last week and we can make a short meeting.

Jeff Neuman: Yes, so what I said, a quick recap because there were a few people on the call last week and the conclusion we came to during the call was that you would put this statement out, the (unintelligible) as kind of a call for the statement and you do that for two periods.

I'm sorry, let me go back. So when you put this out there for us to go back to our groups to get feedback from and if it's positive, and we would basically put it out for a consensus call within the group and then we would send it to the council with the recommendation that we put it out for public comment.

Avri Doria: Okay.

Jeff Neuman: So the (idea) is today, to go through it to make sure everybody on the call understands and then we could put it out to our groups. It could be a real short call.

Avri Doria: Okay, I have a quick question. Doesn't the number one - if we give the GAC what they've requested, doesn't that mean that IFD, RFD and

GAC have no reason to cooperate with finishing a PDP in any sort of reasonable time? I'm absolutely positive that a good part of NCSG will not accept that and we'll definitely need to put in a disagreement.

And I think one of the things that would happen is that it basically injures the PDP. It makes the PDP more difficult. They already got what they wanted.

Jeff Neuman: You know, I don't think they'll see it that way. In fact, I think they'll be probably a little bit more - I think they'll take it fairly negatively if they didn't get what they want. In other words, I think they want more than just nobody registering these names right now. I think they want finality to this and I think there's a bigger issue (in play).

Avri Doria: Yes, but you're giving them the reserve - this recommendation is to give them the second name - we give them the names of the second model, right? Am I understanding it correctly?

Man: First round only though I think.

Jeff Neuman: No, I think it...

Avri Doria: That's 1400 TLDs that are all - got this extra reservation. That's a lot for the first round only.

Jeff Neuman: Yes, that's true, Avri but I think the way that it was positioned under their compromise was that it was only temporary and that if the results to the PDP say otherwise, then they'll be subject to immediate release, well, throughout whether method or mechanism the group comes up with to release the names...

((Crosstalk))

Avri Doria: And that's (pro impetus) to not let anything happen.

Jeff Neuman: So Chuck, you've got a hand raised. Do you want to speak?

Chuck Gomes: Sure, thanks (Jeff). Avri, I think they would be motivated to participate because if they don't, it increases the chances of the PDP coming out with a status quo recommendation and once that comes out, if that's a recommendation, then any temporary reservations that would be put in place because of the number one would be immediately removed or removed as soon as the board approves that.

So I don't see why they would be unmotivated to participate. Also, I would think they would be motivated to participate because of the long term impact beyond the first round.

Jeff Neuman: Oh sorry, I was on mute.

Avri Doria: This time I behaved properly and put my hand up and apologies for not having done so and just blurting. Oh, I didn't mean that they wouldn't be inclined to participate. I think they'd be inclined to participate. I think the issue would be that anything other than this new status quo plus would be - there would be an impetus to make sure that nothing like that came out by whatever means necessary.

And we all know, I think everyone on this call knows how to make a PDP go quickly or a PDP go slowly, a PDP succeed, a PDP deadlock. And I see having already been given what it is they're asking for, A,

decreases the motivation to move quickly and, B, decreases the motivation to possibly come to consensus on something that might be less than the status quo that a decision would give them.

But anyhow, I think I understand what's being written here, if that's your question. These are the arguments I think that I and others would be presenting against this and, you now, I think this is consistent with the view that the NCSG has been putting through since the beginning of no giveaways without a PDP period. Thanks.

Jeff Neuman: Thanks Avri. I have Greg next in the queue.

Greg Shatan: Hi, it's Greg Shatan...

Alan Greenburg: Actually I was next in the queue.

Greg Shatan: Okay, I'll cede to Alan.

Alan Greenburg: I was just going to make a very quick comment that this is not really the place to have the discussions on whether this is a good solution or bad. A significant part of this group has said that it's something that we'd like to get (formal) back from all of the stakeholder groups. And so we can argue to the merits of the recommendations once we get that feedback. Thank you.

Avri Doria: That is what I just said.

Alan Greenburg: You know, I - yes it was. I put my hand up before you had said that.

Avri Doria: But you need (unintelligible) anyway. Thank you.

Jeff Neuman: Yes, and I just - you know, Alan, and I'll go to Greg but I want to make sure everyone on this call understands the pros and the cons of people seen in this group so that when they go back to their groups, that they're able to - whether they agree with their (view) or not, they're able to present the other side.

So, you know, as registries we certainly understand Avri's viewpoint and we go back and present that to make sure that Avri and the (non-partial) viewpoint is heard and you'd hope that Avri would go back to the non-commercial and say this is why the people support it. So it's good to kind of air that out a little bit just from that perspective. So let me go to Greg and then back to Alan.

Greg Shatan: Hi, this is Greg Shatan again. I think a - I want to say a couple of things. First, I think this doesn't entirely give these two organizations what they want even temporarily because as I understand, the proposal that we made in a little more detail is that these blocks would only be in the UN languages and for the names that I think were basically in the applicant guidebook and what - you know, we had come up with proposing initially at the first level was, you know, in basically in a whole lot more languages than that.

So it's not entirely what they want even right now. And I think that it is, you know, up to the PDP leadership to move things along and acknowledging that parties can try to throw a spanner in the works and I think that, you know, with people being aware of that, and I think that part of what the statement is here is, it's support for an expeditious PDP and I think that should be underscored because I don't think anybody who - from any perspective here wants an endless PDP

whether it's - you know, whichever group is opining, wants a PDP that just turns into a block and it's a concern of those who may not agree that a PDP is necessary, is that the PDP is being proposed so that it could be a block.

So I think a strong statement in favor of, you know, an expeditious PDP and clear attention being paid to avoiding an endless PDP, you know, should be part of our statement. Thank you.

Jeff Neuman: Thanks Greg. Alan, did you have - I saw you had your hand raised but you dropped it?

Alan Greenburg: Yes, my hand got raised by a - I don't know what caused it to go up again but it shouldn't be.

Thomas Rickert: (Jeff), this is Thomas. Can you put me in the queue please?

Jeff Neuman: Sure. I have Chuck and then Thomas.

Chuck Gomes: Mine's really brief. Avri, I want to take your thoughts back. I know they're just yours. That's fine. I would like to share those with the register stakeholder group though for a reaction, so if you wouldn't mind putting that in a - and I probably can translate them okay but it's safer probably if I take your words, if you would send a mail to the list with your thoughts. I would appreciate that.

Avri Doria: Sure, as an observer in registry, I can also copy that.\

Chuck Gomes: Oh sure. In fact, feel free to put them right on the list. That's right. I forgot.

Avri Doria: Certainly, and the views are largely also from - certainly from NCUC and probably also in some sense from NCSG. But certainly I'll confirm those and yes, call them mine for now.

Chuck Gomes: Thanks.

Jeff Neuman: Again, I was talking to me. Sorry about that. Okay, I think Thomas, you're in the queue next.

Thomas Rickert: Thank you (Jeff). I'm not going to repeat my reservations that I got forward during the last calls. I just have one question for you and Chuck and that is where you have paid any attention to or considered when preparing the updated draft, the (unredacted) board paper and the response or the comments out of the UPU.

Jeff Neuman: So I'll let Chuck respond. I'll just say that the registries, when we came up with a (unintelligible), did not have the UPU paper. That had not been put out yet. But I'll let Chuck answer the question.

Chuck Gomes: We - (Jeff) is correct. This is Chuck. (Jeff) is correct that we hadn't received that yet. We actually received that paper shortly after the register stakeholder group call last week. And - but we did discuss the issue of the IGO concerns.

And that's why we felt like a PDP is necessary to not only include the Red Cross and IOC names but also the IGO names because we had already discussed the fact that there were some good - what we thought were strong arguments by several of the letters, the documents that actually ended up being referenced in the UPU letter

about the problems with the reasoning that had been used to exclude IGOs and to make the Red Cross and IOC names, you know, look like they were in a special category.

So whereas we didn't have the exact documents, we had actually considered that some of the documents that were referenced in the UPU letter, so I think, in essence, we had taken that into consideration.

Jeff Neuman: Yes, and so this is (Jeff). The other point I made last week was I think the registry came to a sort of conclusion that as kind of a balancing the - quote - (harms), I'll say, which was that releasing the names or allowing these names to go now only then does the PDP come out to say that this should've been reserved - it's very difficult to take back names, as you know.

Whereas, if it comes out the other way and we held the names pending the outcome of the PDP and it comes out in the PDP that, you know what, they shouldn't have any positional protections other than what everyone else has under the guidebook, it's much easier to release the names.

And so I think that a registry came down more and I think practicalities, recognizing that it has to do a PDP. So I think that's - it's almost that simple. I will also state that in terms of talking about a PDP, you know, some feedback and discussions I've had with government representatives, I'm not - I do not believe that governments are going to be happy at all with the fact that we think this should go to a formal PDP not just because of the delay issue, but I think there's a movement going on now to distinguish between policy and public policy with policy being things that need to go through the PDP in

GAC's mind, but public policy, which are things that the government believes are important, that if they affect public policy, they shouldn't because it's through a PDP but they should be shifting between advice provided by the GAC for the adopted GNSO involvement.

So I will tell you, there's a lot of - it's an interesting debate that's going on and so we need to pay attention to what's going on and I wouldn't just assume, as Avri said, that we're giving governments what they want. I think they're going to be not happy with this at all.

But, again, I don't think that's why we should or shouldn't do this. We need to do what we, as a group, think is right. So I have (Greg) and then I have (Kering).

((Crosstalk))

Jeff Neuman: Greg, go ahead.

Greg Shatan: Okay. I was just going to say that, in noting some of the notes in the chat as well, the question would be, you know, if there is opposition to a temporary block before the PDP goes underway, what is the proposal of those opposed for dealing with names that are registered and then it's determined that they shouldn't have been.

You know, I think there would need to be a proposal. Obviously I guess one proposal would be if the PDP decides, you know, that they all should be registered, that's great. No problem. But if the PDP decides that it should only happen at the second level, but - or in the second round, but I don't see that there's a - at that point, that's just for reasons of practicality as well.

But it would be helpful to have a proposal that is not just in opposition to the blocks, but a way to deal with the reasons that the block was proposed in the first place, which was not to give the group what they want but to deal with the issue that unringing the bell and taking back domain names would be a difficult process. Thank you.

Jeff Neuman: Thanks (Greg). (Kieren) - I don't know it (Karen), you're doing it on (Jim)'s behalf or...

(Jim): No, it's me (Jeff) - (Jim).

(Jim): I just wanted to clarify one thing on the UPU letter having read that. Basically they're not saying that there shouldn't be protection for the IOC and RC. They say that they don't disagree that the IOC and RC should receive protection. They're saying that they think they should have protection as well and they're basically looking at the criteria and saying that they think they fit into a - that they're saying a type of criteria.

Man: (Jeff), can you put me in the queue please?

Jeff Neuman: Sure. I've got Lanre and then Thomas.

Lanre Ajayi: Okay, this is Lanre. My understanding of the summary of the discussion at the last call was that we already have narrowed down a (unintelligible) to having the PDP and to design the IOC and RC name when the PDP is ongoing. And I believe that there was a consensus on that call. So since there seems to be no objection, I don't know why we cannot simply recommend that as an opposition. I'm just wondering

what is delaying us from (getting) opposition which is - we all agreed on the last call. And I don't know why we have been delaying that.

Jeff Neuman: Lanre, I missed the last couple words. It seemed to have faded out. Can you just repeat that last sentence?

Lanre Ajayi: Yes, I said I thought we already had a consensus and the consensus that we should allow the PDP and we should resolve the IOC and RC names. It was very clear at the last meeting that there was a consensus, so why are we delaying submitting our position to the GNSO council? What else do we have to do?

Jeff Neuman: To do the PDP? Is that your question - what do we have to do to start the PDP?

Chuck Gomes: (Jeff), this is Chuck. Can I help? I think I know what Lanre's asking.

((Crosstalk))

Jeff Neuman: Yes, Chuck and then Thomas. Chuck.

Chuck Gomes: Yes, I believe that Lanre, the reason - there may have been consensus on the call last week. I don't know if that's true or not because I was not on the call. I did listen to the MP3. But there were a lot of people missing and certain groups represented, so we need their input and that's what we're waiting for right now, is getting input from the groups who were missing to make sure that we - everybody that is represented in the discussion group can weigh in on this possible recommendation.

Lanre Ajayi: Okay, thank you very much. It's clearer now.

((Crosstalk))

Jeff Neuman: And also just to reiterate the point that's on the chat, as far as initiating the PDP, we're all on the path to do that. The final issue report should be out by the end of this week or next week. I think that's what (Brian) had told us last week. So, you know, as soon as that comes out then the council needs to take that up and start the PDP.

I'm not sure, though, that in the final issue report, they necessarily address the Red Cross IOC other than to make reference to it, if I remember the preliminary report. So there may be some tweaking that we have to do. But I think everyone on this call agrees that a PDP is necessary and we should start it as soon as we can. So let me jump to Thomas and then I don't know if anyone else after Thomas but let's go to Thomas.

Thomas Rickert: Thanks (Jeff). My perception is also that there's no disagreement on the (UDC suggestion) off a PDP. The only thing that I'm a little bit concerned with is the reservation off these designations and the lack of the information that came out of the unredacted board paper and the UPU comments because I think that at least what we need to discuss and take into consideration when making such recommendations to the GNSO council is that we need to be prepared to react to allegations that we use arbitrary criteria to (grant these) de facto protections in talking about harm.

And let me say that I fully agree that these interim reservations are a very pragmatic approach to prevent harm from occurring. There might

be other IGOs that are illegible to getting protection that could be facing the same harm or even bigger harm. So I think, you know, for a holistic view on this, I mean, we can't provide a holistic view anyway, and at least I think we need to take into consideration what criticism we might face and that should at least be represented on our rationale. Wouldn't you agree?

Jeff Neuman: Chuck, do you want to respond to that?

Chuck Gomes: Give me your main question again, please, Thomas. I'm not sure I got it.

Thomas Rickert: Certainly. My concern is that looking at eh UPU comments in response to the unredacted board paper is that ICANN, when the ICANN board when granting these protections, were using criteria that shouldn't have been applied. And even if you applied them, that more organizations would qualify for getting such protections.

So in the light of this new knowledge, I think it's - we can't just say, okay, just because these two organizations have been waiting so long, we give them these protections but I think we would at least need to be prepared to give a sound answer to why we do this special treatment for these two organizations knowing that there's a criteria for this might be inaccurate.

Jeff Neuman: Okay. Hey, Chuck, I'm sorry for putting you on the spot. I think Thomas is answering in (light of this) why did the registry come out with this position, so that question - the question Thomas asked is for everyone on the call, not just for you, Chuck. Sorry, I didn't meant to direct (that to you). So I'll just go with the queue if they want to answer that

question as well, and then I'll put myself in the queue after as well. So Greg.

Greg Shatan: Hi, it's Greg Shatan again. I did want to answer that. I think that, you know, the UPU's comment is not - doesn't supply us with knowledge. It supplies us with a position and an opinion which is no more or no less than that. And, you know, as to whether the - whether ICANN used appropriate or inappropriate criteria, you know, those are the criteria that were referenced when they did have the first level and it's not for us, it's for the PDP to decide what the criteria should ultimately be.

And whatever the breadth of the PDP is, you know, they can get into that for IOC, RC, IGOs, NGOs, et cetera. And I think also one of the reasons, you know, the mandate of our group extends really to the IOC and RCRC question. So it would really be way beyond the mandate of our group to recommend that some, you know, unknown or even a known list of IGOs should also receive protection. That question just simply isn't before us.

Jeff Neuman: Thanks Greg. (Jim).

(Jim): Yes, I was just - Greg really said what I was going to say, but in addition, when ICANN and the unredacted paper references the commission to outside council, there's a (truck) there in which they represent that the mass majority of countries protect ICO and Red Cross but no other organization, including UN organizations.

And while the UPU is criticizing the criteria, that's an argument. And I think obviously none of these groups came forward as early as the IOC

and RC and there're years of studies that have gone on between GAC, the ICANN board and the parties.

So I think that, you know, we're not saying that these organizations should not have protection as some point but I don't think the research on them has been done yet.

Jeff Neuman: Thanks (Jim), and then I'll step in real quick and then I'll turn it over to Chuck. I think the answer to Thomas's question is, although very simplistic - my answer is very simplistic as to why not the other groups and (needing a rationale), is really the point of I don't believe we need a rationale because, at this point, it comes - what Greg said - the GAC made a proposal in only with respect to these two organizations.

The GAC has not yet made a proposal on IGOs. In fact, they've come out - the (latest) statement that we have from the GAC so far is that the IGO should not be treated the same as (unintelligible) and Red Cross. Now I'm not saying whether that will or will not stand, but that's the only thing we have to go on now.

And until the GAC makes a recommendation to the board and to the council, and the council changes the charter of our (therapy) team, that you know, our answer, while maybe not the most satisfying to most people in the community is a simple reason why we're picking two groups, is because these are the two groups that we're asked to think about with respect to the GAC proposal. So I mean, it's simplistic and it's not satisfying but I think that's the answer. Chuck.

Chuck Gomes: Yes, I don't know if I can add too much more to that. This is Chuck. I understand your point, Thomas, and it has some validity in my opinion,

so I don't want to sound like it don't understand it, and I think I'm kind of like (Jeff) in terms of maybe my response isn't as satisfactory as would be ideal.

And that is that, you know, the GNSO doesn't have a great track record for working with the GAC and I think this is an opportunity without creating a lot of risk for us to constructively work with the GAC and at least on a temporary basis honor their request until it goes through the full process.

And so I personally believe that has some value in terms of our relationship with the GAC. Is that the ideal reason for doing something? No, it's not. So like (Jeff) said, it's probably less than a satisfactory rationale but I do think in the bigger picture that it does have some value moving forward in the GNSO working with the GAC.

Jeff Neuman: Okay, any other questions? So I do think, by the way, just kind of stepping back, I do think this compromised position will actually bring both sides to the table to want to move this along quickly. It doesn't give the government what they've asked for yet it doesn't go the other way either. So I think both sides - or all sides - I shouldn't say both. There could be more than two sides.

I think everyone will be (centivized) to come to the table and then I do take Avri's point that she doesn't see it as a compromise and I think that may be. So again, what I'm going to do, is I'm going to put this out to the groups for a period of two weeks. Come back in two weeks. That would be the 26th, if I have my days right. And then hash out what changes we think need to be made to understand where the groups are coming from.

Then send it to the council as our work product for (unintelligible) and recommendation that we're putting out for the normal public comment period. And I'm not sure the council will need to meet before we put it out for public comment period. Then we'll hopefully have an answer to that. I'll ask (Stephan) whether we actually need to meet and decide as a council for the out for public comment period or whether we can just do it. (Unintelligible), (Alan)?

Alan Greenberg: No, (Jeff). I have actually another question for you though with regard to the statement that is out for everyone to consider with their groups. And that is just a couple clarifications. I'm looking at what is on the screen right now which is for the last update of how it was to be proposed. But one is whether do we need to clarify or is it the groups position that the names that would be reserved would be basically the six UN names for each organization or is it the list - I mean, I think we need to clarify the list. And then also, the other is, are these names to be reserved temporarily? Are they being reserved on the reserve list or reserved by each of the registries?

Jeff Neuman: So I think it's a good question but I think last week what we decided is we didn't want to necessarily call them a - quote - reserved name, that we wanted it more referred to as a moratorium on the registration of these names. And I know that maybe an implementation view that may sound like a (statement) without a difference, but I think there is a big difference between officially putting it out on a reserve list.

I think that we should take the next two weeks to refine this proposal based on some feedback to make some of the changes that we said

before we put it out for public comment. And let me turn it over to Chuck and then (Alan), so Chuck.

Chuck Gomes: Yes, I just have a process question because now, again, I wasn't on the call last week but I listened to the MP3. I had thought that everyone was supposed to take this back to their groups regardless of whether they're on the call or not starting last week, and now I'm hearing that we've lost another week. I think that's unfortunate but if that's the way it is, that's the way it is.

Jeff Neuman: Yes, I mean, I think your right in looking at my notes that I had said two weeks from last week. I mean, if people can come back to next week's call with some feedback - let me throw it out to the group. I'd love to shorten that time period to have people come back in the next week. So let me throw that out to the others and see if people can provide some feedback within the next week so that we can then put it up for comment. So (Alan), (Greg).

Alan Greenberg: Yes, (Jeff), the decision last week was definitely to make a formal decision on a call for consensus at this meeting and open for two weeks because I know I said that the meeting in two weeks, two weeks from today, would be the day after an ALAC meeting and I'd have an answer at that point. So I know that is what we discussed at that point. We didn't feel comfortable with a few number of people on the call formally saying it's time for a call for consensus.

Jeff Neuman: All right, so I took notes wrong that. I misunderstood. So we said that we would put it out and come back this week and there was no...

Alan Greenberg: And give notice that we were going to do a consensus call and people should get feedback from their groups so that we could do a consensus call in the meeting of the 26th, so we could formally, you know, ask for input and make a decision on whether we have consensus or not on a position.

Jeff Neuman: And do the consensus call on the 26th. Okay, that seems to make sense. How does everybody else feel about that?

Man: Yes, (Jeff), just a point. I raised my hand earlier when you were talking about public comments. Certainly workgroups always have the right to put anything up for public comment before going back to council. I would think a drafting team has a similar right should they choose to exercise it. So I don't think we need to ask council can we put it up for comment.

It's our decision whether we go to council with it as the result of the drafting team and let council put it up for comment or if we choose to - if we wanted to do it ourselves. You know, I don't think there's any precedent that says we can't. ICANN staff may have a different knowledge than I do. Certainly working groups can always do that if they choose.

Man: Yes, that's correct. Although again, I would - I thought part of the process was to provide a recommendation to the council and how to move forward with it, so I think that...

Man: Yes, certainly last week what we said is we would go back to council at that point and council could choose to adopt the charter which - the recommendation our council might choose to go up for public comment.

I mean, chances are if council sends it to the board, the board's going to go up for public comment and we don't necessarily want a lot of them, but at some point in the process, we do need to get public comment.

Jeff Neuman: Yes, I think on the last one, we were highly criticized for going straight to the council before we did a full public comment period. I want to avoid that. We do have a little bit of time so let's look at the option of coming back, doing the consensus call on the 26th and then putting it out for public comment indicating the level of support or non-support and putting out for public comment after the 26th. This way it'll be plenty of time for people to discuss and have further discussions on it and interact as well.

Alan Greenberg: (Jeff), it's (Alan), so the workgroup rules don't - and I presume they apply to us as a drafting team - don't allow us to do a consensus call purely with the people on a call. We must allow a window for those on the - who participate but who are not on the call to give input. So we may need an (week), so.

Jeff Neuman: Well, I think plus - we do have a call next week to discuss any other issues. But what I'll do is, I'll do a (consensus) call that ends on the 26th after our call. So we can hear from people. (Unintelligible) so we can hear from people both that are on the call or people that are not planning on being on the call either before or immediately after.

Man: Works for me.

Thomas Rickert: (Jeff), this is Thomas again.

Jeff Neuman: All right, Thomas, let me go to Greg and then I'll come back to you. Or Greg is your comment on this or on something else?

Greg Shatan: It's on this. I think we actually did - we did have an IPC call yesterday where we sought comment from those on the call on this proposal and the - I would call it the informal position of those on the call still waiting, you know, since that much time elapsed, still waiting to see what those who were IPC members not on the call will say in response to, you know, call for comment on our discussion list that the position was that there was not necessarily support for the position that a PDP was necessary in order to reserve the IOC and RC names at the second level. However, if a PDP was recommended that the moratorium should be put in place.

Jeff Neuman: Okay thanks Greg. I think that's an important distinction so we need to be careful in choosing the (work) of what this compromise (means) or what this proposal (thinks). So if you could submit something like that in writing and maybe also, again, it's informal, I know, but if you think that's the way the group is coming down, I think that's going to be important. I think a few of the registries also have some (tweaks) to this language as well but maybe the same outcome.

So if we can - I'm just reading Avri's - Avri, do you want to say some of this because I haven't been able to follow chat very well? Do you want to make some of these comments?

Avri Doria: Well, I've put them on the records. Basically I think I was agreeing with (Alan) and others that said it takes more than one phone call to set consensus. I think your dates are probably fine. I think, yes, you have to do a full comment period before anybody in the (GN) council takes a

vote on it. And I just wanted to indicate that you can no longer think about having consensus in the group.

You could speak about having near consensus and speak about one strong opinion, again, at the very least. So I guess was pointing things like that out. But thank you for asking me to speak them.

Jeff Neuman: Thanks Avri. I'm glad you spoke up. It's hard to lead the call and follow the chat at the same time. Okay, Thomas and (Ari) are in the queue.

Thomas Rickert: Thanks (Jeff). In terms of language, you used the term moratorium but maybe we should verify that these names or their treatment are not the way that reserved names are treated, so maybe we can use like, (quarantine) names or something like that, in the first place, to make sure that there's no confusion and to make clear that the intention of this wording is not to grant protection as reserved names.

Jeff Neuman: Okay, so the word we should use - you said (quarantine) names?

Thomas Rickert: Yes, not being a native speaker, that's the best word that I can come up with but I would definitely not use the term reserved.

Jeff Neuman: Okay, I think I do agree with you that that's a better term certainly than reserved. I know moratorium has a connotation as well, so let's try to - I think everyone knows the intent. Let's try to come back in two weeks to do the consensus call or have an indication of a level of support, non-support or position, so we get away from term consensus.

And we do that in two weeks but let's come next week with - or hopefully talk about on emails (unintelligible) agreement with this job

and I'm as guilty as everybody else, to try to refine the wording so we can do things like either make it non-register as (Jim) has stated or quarantine or something else where we all understand that it means that you can't register the name but we're not giving any significance to that, we're not saying that we reserve or don't reserve protection. We're just temporarily blocking the registration pending the outcome of a PDP. So let's see if we can come out with better wording. (Alan), you're in the queue.

Alan Greenberg: Yes. Yes, I can't get excited about the wording. I think saying they're reserved pending the outcome of the PDP, it's perfectly clean language. I'm not sure we need to invent a new word. You know, the language is clear saying it's not forever and ever, amen, but it's pending the outcome. So I prefer not to invent new words when we already have one where people understand the meaning.

You know, that being said, if I understood the IPC comment correctly, it was that they support the proposal on the assumption that a PDP is initiated. I think that was implicit in the proposal in that we're saying we want to reserve them pending the results of the PDP. So I think all parties are agreeing that if the council decides not to have a PDP at this point, then all bets are off. Our recommendation doesn't stand anymore. So I think we should build that into the language. You know, that was implicitly there. Perhaps we need to make it explicit. Thank you.

Greg Shatan: (Alan), this is Greg. Just to respond to that, I think the nuance that we were going after is that - and I heard it again on this call, is that some people are, per se, recommending a PDP and they think that that's

necessary and appropriate to deal with the IOC and RC names at the second level.

And other groups are not saying that but are saying that if that is the act of - if there is a PDP that the block reservation moratorium quarantine should take place, so I think that's the nuance that's there. I don't think everyone - and I don't think this is merely a recommendation to put in place to block. The other half of the question is whether we're actively recommending a PDP or just saying that if a PDP happens, we want the blocks but that we don't recommend the PDP or that we are abstaining from a recommendation.

Alan Greenberg: I mean, if we knew today that council was rejecting, that was not going to hold a PDP on the larger IGO issue, I think the outcome - the recommendation of some party, people in this group would be very different than what's on the table today.

Jeff Neuman: So why don't we do a consensus call on the first issue of that we actually recommend that we do a PDP on this. I'd also actually, Greg, be curious to hear the rationale of the ICC as to why they believe a PDP is not needed on this. And I'm not sure if you're prepared today or you need some time to actually convey that.

Greg Shatan: Yes, I don't have that today.

Jeff Neuman: Okay, I know I'm curious about that. I would bet that some others in the group were curious as to why (unintelligible) PDP is necessary to decide this issue. So it sounds like we need to put on a couple of things to the consensus call, the first one being, you know, are we correct in the assumption of the group - I know one group that doesn't

feel that a PDP is necessary, but as far as everybody else, does everybody else agree that a PDP should be done on this.

And if there is a PDP, then this is what we would recommend but it's a compromise. Does that make sense? And I haven't looked again that closely at the wording of the compromise (to see where that naturally follows. Avri.

Avri Doria: Yes, I guess at this point I'm getting a little confused, that I'm trying to figure out what exactly it is that we're putting forth with near consensus in this group. Is it the statement that we're looking at? But I've gotten confused now. Thanks.

Jeff Neuman: Thanks Avri. You know, I think you're right to be confused. So I think what we were initially talking about with this statement here, we were putting this particular statement, but through this call, it seems like there're some wording tweaks that we need to do or clarifications and then (Alan)'s posted up that we had assumed that this statement is based on the premise that there would be a PDP on this.

So up until Greg gave the IPC commission, I believed that we had a consensus, if not unanimity that we all believe that a PDP should be done on this. But it seems that, at a least the ICC does not support a PDP, that they believe it could be done absent a (unintelligible) so I'm trying to kind of figure out and break it apart now to make sure I'm not combining context. So Greg.

Greg Shatan: Maybe what we need to do is to decouple the two concepts of - and get kind of consensus or a call for consensus on one and then the next. There may be people on the call for who initiating a PDP would be

something they would support in consensus and the block is something they would not support. And then there may be some who support both the call for a PDP and the call for a block and others who don't support the call for a PDP but do support the call for a block if a PDP does, in fact, take place. So I think we need consensus on each point not on a package.

Jeff Neuman: Yes, I'm beginning to see that as well. I know Avri has agreed so I will do that when I issue the consensus call and when we come back next week, let's fix any wording issues. I'd like to see some communication on email. (Alan), do you have another comment?

Alan Greenberg: Yes, I guess I'd like clarity before next week on what it is we're asking about. Certainly in my case, I'd like more than a week's opportunity to discuss it with my community. My community is rather nested deep and doing it in just a couple of days is going to be problematic. So I'm suddenly now hearing new things completely that I didn't think we were even talking about.

Jeff Neuman: So I think (Alan), it boils down to two things to question. The first call is do we support in PDP being done on this subject? All right, I mean, I can word it a lot better but should there be a PDP? And then the second question is, if there's a PDP what is the level of support for this proposal that's now on the screen?

Alan Greenberg: That I can accept but that implies that if there is not a PDP we're back to square one with no outcome.

Man: Correct.

Alan Greenberg: Okay, I understand that. I can present that. It's not certainly a satisfactory answer for someone who's participated in this group as long as some of us have, but yes.

Jeff Neuman: Yes, I'm not sure we're back at square one.

Man: Pretty close. In terms of getting agreement we may well be.

Jeff Neuman: Well, I mean, look, if there's not a PDP on this I don't think there's going to be agreement from - you know, just judging from all the calls that we have on this, it doesn't appear, you know, whether the council (votes) down the PDP or doesn't vote in favor of a PDP, my impression is - and you all can tell me I'm crazy - but it's my impression that the status quo is really the only appropriate recommendation that would get any sort of - I don't think we'll have any consensus on any solution.

Alan Greenberg: (Jeff), it's (Alan). I think if council doesn't approve a PDP, the board will force the issue and request another issue report which does support the PDP. But I'm not going to put words in their mouth. I can't imagine the PDP not being approved given the low threshold.

Jeff Neuman: Yes, I think that's right. Okay, so just to recap - two questions for consensus call that we want to have finalized by the 26th with the close of (unintelligible) everywhere in the world on the 26th. That would be 23:59 and 59 seconds in the last time period on the 26th on these two questions - on the question of should there be a PDP? And if there's a PDP potentially this proposal.

Next week - or during the week, we should be doing on (boarding) teams and we think we can make things clearer, next week we'll have

a shortened week to kind of come together and see where we are because a status check, see if we need to reward anything.

And then in two weeks if you haven't provided your feedback via email, support or non-support, we'll try to get a (temperature on the close) and then we'll ask that this be put out for public comment after the 26th. That's plenty of time before the Toronto meeting and (Jim) has asked the question can we document, can we get what's on the screen? (Brian), can you resend that around? Actually, (Brian), why don't you resend that to me? I will send it around with the list of the two questions and attach to this the two questions.

(Brian): Okay sure. I'll send that to you.

Jeff Neuman: Okay, thanks (Karen), for the - so for future notice, if it's on the chat it's (Karen) and if it's speaking, it's (Jim). All right, thank you everyone. Any last questions before we break?

Man: I think we should all get together and buy (Jim) his own ID.

Jeff Neuman: All right, thank you everyone.

Woman: Bye-bye.

Man: Bye.

Man: Thank you.

((Crosstalk))

Woman: ...you may now stop the recording.

END