

GNSO
New gTLD Committee teleconference
July 19 2007 at 12:00 UTC

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<http://audio.icann.org/gnso/new-gtld-committee-20070719.mp3>

<http://gnso.icann.org/calendar/#jul>

Committee Attendees

Avri Doria - GNSO Council chair Nominating Committee appointee
Chuck Gomes - GNSO Council vice chair - gTLD Registries constit.
Cary Karp - gTLD Registries c.
Adrian Kinderis - Registrars c.
Philip Sheppard - CBUC
Robin Gross - NCUC
Kristina Rosette - IPC
Cyril Chua
Sophia Bekele - Nominating Committee appointee
Jon Bing - Nominating Committee appointee

Observers:

Marilyn Cade - CBUC
J.Scott Evans - IPC
Jeff Neuman - gTLD Registries c
Ray Fassett - gTLD Registries c
Ken Stubbs - gTLD Registries c
Jon Nevett - Registrar c.
Miriam Sapiro - President, Summit Strategies International

ICANN Staff

Denise Michel - Vice President Policy

Olof Nordling - Manager, Policy Development Coordination

Liz Williams - Senior Policy Counselor

Karen Lentz - gTLD Registry Liaison

Craig Schwartz - Chief gTLD Registry Liaison

Glen de Saint Gery - GNSO Secretariat

Apologies:

Bilal Beiram - CBUC

Tom Keller - Registrar c.

Avri Doria: Okay. Chuck, could you go through who's online again.

Chuck Gomes: Sure.

Avri Doria: Okay, thank you.

Chuck Gomes: Glen de Saint Gery, Karen Lentz, Avri Doria, Jeff Neuman, Robin Gross, Ken Stubbs, Chuck Gomes, (Cyril Chua), Craig Schwartz, Jon Bing, Liz Williams, John Nevett, Olof Nordling, Kristina Rosette, Cary Karp and Marilyn Cade.

Avri Doria: Anyone not listed?

Chuck Gomes: Yes.

Avri Doria: Yeah.

Chuck Gomes: J. Scott has just joined.

Avri Doria: Okay. Anyone else?

Sophia Bekele: Did you call Sophia?

Chuck Gomes: I'm sorry Sophia. I did not and you are listed as on, my mistake.

Avri Doria: Okay, thank you. Anyone else?

Woman: Yeah.

Avri Doria: Going once, going twice. Okay. And people were...

Philip Sheppard: Hi, Philip just joined.

Avri Doria: Okay, thank you Philip. So – yeah, as people come in, hopefully don't announce yourself.

Okay. We've done the roll call. If there's anyone wants to update the statement of interest at this point. Okay. If you do, please do it to the list and (hopefully) overall one will get...

J. Scott Evans: J. Scott. Yeah. I did want to make – Avri, can you hear me?

Avri Doria: Yes.

J. Scott Evans: I want to make one quick observation. (Unintelligible) there's an interest but then listing did (unintelligible) (diamonds) anymore.

Avri Doria: I understand. Thank you very much for that addition to your statement of interest. Somebody is in a very noisy site.

Man: Avri, I think I might be may (unintelligible).

Avri Doria: I'm glad you're on. Okay, thank you.

Okay. The next thing is agenda review. It sounds like people are still coming in but that's good. So the first thing is to go through the status chart confirming that it's an accurate picture. And especially looking Recommendation 19 which was reword at that last meeting just to make sure that everything is still fine with that one.

Then we go to issue six, review any wording changes that came out of the committee and there have been some, I think. And then basically have the final committee discussion on the wording of six today. And then after that, you know, we'll firm it up so that we can close it, you know, finish the report and send it on.

Same thing after that with issue 20 and with Implementation Guideline P which is where I basically broke it up into a recommendation and then guidelines to make sure that that is okay, go through, review the wording and try to have a final committee discussion on that one. It is a rather long one but we've been talking about it for a bit.

After that, Implementation Guideline Q. That one should be very quick and I've got in a minute – I mean in the agenda that basically a general statement that could have been in several of them and was pulled out to be in one place.

Then basically, review the two open staff implementation question. There have been some answers given on the list. And I just want to

make sure that there is no more detail to be added to those or to those answers are indeed the answers that we want to factor to take away.

Our quick review of action item still pending for this committee and what's coming in. We have one, maybe two, but preferably at most one more meeting. And then we have time, any other issues.

Any issues, problems, questions on the agenda?

Craig Schwartz: Avri hi, it's Craig.

Avri Doria: Hi Craig.

Marilyn Cade: Avri, it's Marilyn. Can I ask a point of clarification?

Avri Doria: Oh sure. Craig, were you just introducing yourself or did you want to comment on the agenda?

Craig Schwartz: Yeah. I have a question on the agenda.

Avri Doria: Okay. Please Craig and then Marilyn.

Craig Schwartz: And it maybe covered when we go to the issue 20 but I do – I would like to get clarity on the role of the GAAC and the SOs in the objection process.

Avri Doria: Okay, certainly. That is in there and so that can be, you know, can should be one of the topics of concerns – discussion in that.

Craig Schwartz: Okay. Thank you.

Avri Doria: Marilyn.

Marilyn Cade: And this maybe covered as well under act the last point of view action items. The action items that remain from the reserve name working group and from the pro working group whether they're going to fit into this report or just have a statements which notes how they're going to fit in. Is that going to be discussed under review action item?

Avri Doria: There is a reserve name for New gTLD and yes we'll report on where we think we're at on that. I did know that were any large discussions that remain.

Marilyn Cade: I don't have.

Avri Doria: But we can certainly go through that.

Chuck Gomes: Right.

Avri Doria: And we can certainly add it as an action item for a future list if – but we'll see after the action items whether there's anything else we need to do.

Marilyn Cade: Okay, thanks.

Avri Doria: And Chuck, were you trying to...

Chuck Gomes: Yeah. The logistical of thing I want to communicate to Glen. Glen, I don't know why but on the meeting with you, and this happened last week to, it quick showing people after a certain point. So for example,

Adrian and J. Scott are not showing up, that just something you can communicate to the coordinators.

Glen de Saint Gery: I'll do that. Have you done a refresh Chuck?

Chuck Gomes: Yeah. Yes, I did (several times).

Glen de Saint Gery: Okay, I'll do that. Thank you (unintelligible).

Avri Doria: Okay. So now, going to – if there are no more questions or issues on the agenda, we'll move ahead with it. Going through the recommendation status, basically there have been no changes for a long, long time in principles, principles A through G.

Actually no, G was added two times ago and was stabilized at the last meeting. Are there any comment on A through G?

Okay. Going through the recommendation table, one has remained stable, two has remained stable, three was added two meetings ago, was considered stable at the last meeting. Four has remained stable, five. Six is still being discussed. Then we have agenda item on it today. So I won't go into it now.

Seven has remained stable. And please interrupt me if at any point, I stay something stable and you believe it should no longer be stable. A is stable. Nine, ten, 11 has been incredibly stable for a long time. Well, stable – 13 is stable, 14 is stable, 15 is stable, 16 is stable, 17 is stable, 18 is stable, 19 was reworked at the last meeting and there was an indication of broad consensus.

This meeting was a time to make sure that that was indeed correct, that the wording is in there correctly and that indeed it does have broad support without any recorded concerns.

Okay, hearing nothing or (choice).

Liz Williams: Avri, it's Liz. I have several clarifying questions on three, please.

Avri Doria: On three. Okay, going back to three.

Liz Williams: Yup. I didn't want to interrupt you in your list.

Avri Doria: So – well, I haven't quite finished for list.

Liz Williams: I beg your pardon. Keep going.

Avri Doria: Okay. So – okay. I'll note that there is question 20, you're right. I'm almost finished Liz. Twenty is on the agenda for discussion today. So I won't go into it. Under the implementation guideline A, B, C, D, E, F, G, H, I, J, K, L and M and N, and O have been stable for a very long time. P is a new one that'll come on to discussion today.

And it is basically half of the contribution that's been going back and forth between Philip and Chuck in the discussion group with all of us commenting and I divided it into a recommendation and an implementation guideline in our discussion. We'll have to make sure that I got the division line right. And of course we have to go through the text to make sure that it's acceptable to the committee.

Then – and then Q is one I added. It was – there was an implied decision to add it from the discussion group yesterday which I acted on. And we'll need to see whether it is an appropriate implementation guideline that people accept being there and if the wording is correct. So both of those, both P and Q are mark on to the support column as just proposed because while they may have discussion group support or my understanding that their support, there's been no check on the (unintelligible).

So Liz already mentioned having a comment on three or question on three, does anyone else wish to question, comment, anything other than six, 20, P and Q which we'll be getting there.

Kent Stubbs. Yes Avri. This is Kent Stubbs, I would comment on the process after Liz is done, please.

Avri Doria: Okay, certainly. Anyone else on the queue if not Liz?

Liz Williams: Yup. Thanks Avri.

Avri, I just wanted to add this one in any other business part of the agenda because recommendation three includes words that have been the subject to a lot of discussion and I wanted to just make sure we're consistent, particularly with respect to enforceable, the use of the word enforceable.

So if you wouldn't mind just holding that thought until the end of the meeting to just make sure that whatever the group decides is then consistent in three. If everybody was happy where it stands, then fine. But I just want to make doubly sure that that's actually (unintelligible).

Avri Doria: Okay. I've added that to other issues.

Liz Williams: Okay, thank you.

Avri Doria: Okay, Kent.

Kent Stubbs. Yeah. Just a quick process thing. We've been out there now for roughly 18 months and near a thousand man hour should have been put in these things, probably one of the most important steps that ICANN is taking in many years.

In many countries, let's say in the US are uses an example of when they pass legislation, they make available the hearing minutes on hearing and staff like this. I'd like to ask you to consider the possibility of having the ICANN staff take the correspondence. All of these emails, everything that's going on which would not be difficult to do because as you know, we're keeping this categorized by subject and strip it out at some point in time or copy it out and put it into the website so we it can be archived in such a way that it would be easily accessible in the future.

I think it's important for people to understand the soft processes, the one behind pressing both these recommendations as well as the implementation guideline. It's just (unintelligible) for though. I'm not asking fraction on it now. But I think it's something it might consider. Thank you.

Avri Doria: Okay, thanks. I think it's a great consideration. And I don't know if the staff has the chance but whether they could come back with at some

point an indication of whether they thought that was possible would be a good thing. And then, you know, we can think about it either within the committee or the counsel and make it a formal request if it needs to be.

Jon Bing: This is Jon Bing. Could I have a comment to this?

Avri Doria: Sure.

Jon Bing: The two rather different principles of interpretation of such the instrument. And one of them it looks to illegal history like American (unintelligible), my own law, under other jurisdictions like typically of the common law that there would be no reference at all to the legal history and it could be seen as absolutely a thing not to do.

And in most legal instruments of this client, that they are thought interpreted as they stand. We don't reference to the legal history because there's so many conflicting reasons or comments that had been made during this discussion. But I'm not opposing it.

Avri Doria: Right.

Jon Bing: I'm only saying that it certainly sort of an obvious decision. It has to be done with a certain consideration for what the effect will be for the subsequent use of the recommendation.

Avri Doria: Okay, thanks. I think that – or actually assessing discussion when we get to it.

Jon Bing: Uh hmm.

Avri Doria: So I think we should be probably leave now. I've taken the request and the considerations down and we can put it in a future meeting. I don't know whether it's the committee or maybe it's even the counsel because it would be something that would apply in general and not just specifically to this. But I'll put it in a later discussion.

Any other comments on the recommendations at this point before we move on?

Okay, great. Issue number six – and I thank you for that. What we do want to talk more about that one. Okay. In issue six, there's really two parts and we've been talking about them separately. One was the examples and the examples went through a revision and a reworking the last time.

And then basically, Liz went through a reordering based on a recommendation that came out of the discussion that they'd be ordered in times of those that had to deal with human rights, political rights, social rights, discrimination and then those that had to deal with trademarks and intellectual property separately.

But the content is the same as it was at the end of the last meeting. So it's been resorted. I don't know if anyone has any issues with the examples with any more but I figured I'd ask. Are there any issues with the example list before we get into the substance of the recommendation itself?

Okay, great. I'll consider that as being in the process of going. Now, in terms of the recommendation itself, the existing recommendation says,

“String must not be contrary to generally accepted legal norm relating to morality and public order that are enforceable under generally accepted and internationally recognized principles of law.”

We do have the long standing NCUC concern relating to morality and public order. There's been extensive discussion in the discussion group and someone on the list and in meeting last time. And the discussion group is proposing a new formulation which reads, “Strings must not be contrary to the generally accepted legal norms relating to morality and public order that are recognized under international principles of law.”

There were two primary issues that were being discussed. One was the inclusion or exclusion of the phrase “morality and public law”. And the discussion group in its majority came out with keeping those in. The other discussion had to do with enforceable. And there was an extensive discussion on enforceable. And the word enforceable has been basically replaced with recognized.

I'd now like to open the floor to discussion on whether we should accept the new wording, whether that new wording would have the same broad support as the existing wording, if not more. So please, who would like to be in the queue?

Chuck Gomes: Chuck.

Avri Doria: Chuck.

Philip Sheppard: Philip.

Avri Doria: Philip. Anyone else at this point?

Okay, we'll see after Chuck and Philip has spoken. Chuck.

Chuck Gomes: Okay. I know that Liz had asked David Maher for a response and she had dropped off the call yesterday. So I want to communicate that because I just thought this morning his response whether they didn't care much for either formulation. Sorry about that. But he did have a concern with the term morality and public order.

And I think he shared with me on – in the email that he had made this point in the call yesterday. And maybe people can tell me what the discussion was on this. (City) pointed out that ICANN has the fundamental obligation of promoting the global public interest in the operational stability of the internet and that public interest is the universal standard, maybe vague but it has a context from you as the administrative of the law public interest, convenience and necessity.

And I even want to say I think this context in internationally understood and accepted (when) you the formulation that recognizes ICANN ultimate obligation to protect the public interest and it's none delegable responsibility to make judgments.

So that's the feedback you were asking for Liz...

Avri Doria: Okay.

Chuck Gomes: ...in that regard.

Avri Doria: I'd like to comment first. I don't think that we actually talk about it much. And I don't – I didn't actually realize when David brought it up yesterday in – part of the town like you bringing it up now that we was actually offering that as substitute for morality and public order. Is that what should be understood (unintelligible)?

Chuck Gomes: Well, again I'm judging...

Avri Doria: I understand.

Chuck Gomes: ...via the email only. That's my interpretation. But I can answer to (unintelligible), yeah.

Avri Doria: Okay. Because I hadn't picked that up but as you read his email today, all of a sudden it occurred to me that maybe I should have. Okay. Philip.

Philip Sheppard: Okay. I'm just (unintelligible) result in the last conversation. My understanding was that David promise was that the much broader issue of public interest should pick up morality and public order as well as the bunch of other things. And therefore, I think he was participating in that discussion about whether or not there should be a broad objection-based system or narrow objection-based system.

But then all I wanted to say in my might was that I support the wording that came out of that subgroup. I think it fills the objective we've had on the wider group for the last year or so and improve the wording and clarity of our intent. So I think it was job well done.

Avri Doria: Okay, thank you. Anyone else wants to speak on this one?

Jon Bing: This is Jon Bing. I just feel very good on that being and I'm not – in public interest I'm not – certain I'm not familiar with the US still but I see that national league or center for the public interest contributes to the development of public debate and policy by providing the public and private sector so timely information on legislative regulatory and economic issues and so on.

So it seems to me to be so - years on that context of this - for the national legal sense of a public interest, that public interest is so broad that it is nearly meaning has meaning something like democracy or something like that.

Avri Doria: Okay, thank you.

John Nevett: This is John, can I get in the queue.

Avri Doria: Sure. Anyone else want to get in the queue while I'm building the queue? Okay, John.

John Nevett: The only thing I want to say is that it sounds like there is some discomfort now from representatives from at least three of the constituencies with the phrase morality and public order. So perhaps if the chair's amendable though, you know, maybe we could have another week to get go back and see if there's any other language maybe public interest is in the right language as Jon mentioned, Jon Bing. But perhaps there is something out there that would be better than morality and public order.

Jon Bing: Yeah.

Avri Doria: Okay, anyone wants to comment further on that.

Jon Bing: Just one thing Avri. I think you yourself have indicated that that one more alternative might be to strike morality and only in public order.

Avri Doria: Yeah, that was the suggestion I made in the meeting. Thank you for bringing it up. Anyone else want to comment on this or on John suggestion of basically if so - if I were to rephrase that suggestion would be to accept the new formulation and other to accept the formulation that has replaced enforceable with recognized but to basically put racket around the word pertaining to morality and legal norms and to discuss that further.

Is that essentially what you would – or are you recommending in terms of yes accept the new formulation but continue talking about morality and public order?

John Nevett: Yeah the morality and public order, not.

Avri Doria: Right, but the enforceable part of the thing you're saying you would accept that?

John Nevett: Oh, yes. Yes.

Avri Doria: That formulation. So okay I'd like to have people to further talk about, you know, their view of John of recommendation as I've interpreted it that we accept the new wording but that we put brackets around pertaining to morality and public order and continue to just discuss that phrase a little longer. What do people think about that one?

Philip Sheppard: Philip had comment, just a couple of things.

Avri Doria: Anyone else want to be in the queue? Okay, Philip.

Philip Sheppard: And also it's right to characterized three constituencies and having concern. I had have heard individual voices on our group rather than constituency opinions.

John Nevett: I said representative of free constituency.

Philip Sheppard: Okay, sure. I mean my - I just don't know we're going to achieve in the further week to what we have discussed at (Nordiam) over the last few weeks in general over the last year or so. So I find delay a bit strange. I mean from the BC projector we could probably leave with delay I suspect there are others in the constituencies who find delay less acceptable.

But that what my own prospective in terms of this process being seemed to be done on the wider context. On the idea about playing with the wording of to the phrase morality and public order, I would counsel against it, only because that phrasing were originally chosen because it feature in international law. It is not a separable phrase particularly in law lot acceptable context. And it will help in interpretation in keeping the phrase together of the thing around.

I met the lawyers to try to divide something in between because of our common understanding or misunderstanding of words is not a part that seems wise for a group of Internet experts and users to do.

Avri Doria: Okay, thank you. Although I think we have probably as many lawyers in the room or the virtual room as we do Internet experts and people who are both, but I take what you say.

Philip Sheppard: Legal expertise has many varieties.

Avri Doria: Yes. Anyone else want to comment?

My personal view is that I believe that the wording has been there for a very long time. And I tend to believe with Philip in this case that we won't achieve a change in another week. And that perhaps there is more to be gained being basically indicating that there is broad support in the committee on that wording and for people to contribute that a larger community to the report and to the counsel that needs to basically decide from these recommendations their view point on that phrase among the other things.

So, well, obviously from a personal point of view I would love to see at least part of the phrase struck. I don't believe that we will succeed in another week and actually materially changing it in a way that will have broader support. I think if we get the support of the three of us or the four of us that are unhappy with it, we will end up with three or four on the other side that are equally unhappy with whatever we come up with.

And so, while there's a part of me that would love to keep talking about it, I just don't believe that it would help us get our report out.

Chuck Gomes: Avri, this is Chuck can I jump in?

Avri Doria: Please do Chuck.

Liz Williams: Can I join the queue please, Avri?

Avri Doria: Absolutely.

Liz Williams: Thank you.

Avri Doria: Anyone else?

Jon Bing: Jon Bing as well.

Avri Doria: Jon. anyone else? Okay, thank you. Chuck.

Chuck Gomes: Okay. First of all, I think your assessment is correct that probably we're not – we're just going to end up where we are next week. And I think that if we at the end of this meeting today, ask all of constituency reps go back to their constituencies with the final recommendation for one final look that concerns with regard to this particular one can be communicated. And ultimately we have the opportunity for a minority statement as they are needed.

Avri Doria: Okay, thank you. Liz.

Liz Williams: Yes Avri. I just wanted to add a point from the report writer's perspective, I am delighted to receive any text from anybody to help me describe the complexity and the enormous variety of opinions that needs to be reflective into the report. At the moment, I mean everyone has the (ident of join) version which was used in Puerto Rico and much of that needs to be amended and take into account what the final

version of the text is going to be which will then need to be sent out to other ICs and SOs for this formal input.

So, if anyone feels like rising some particularly code and paragraphs about the nature of the problem that we struggle with here and the way in which people have thought about handling it the method by which we arrived at the decisions that we may have, that would be very, very helpful because the report is going to have to reflect the depths of the examination and the - I once and I thought about but that's what I mean that the group had actually gone through to determine what the final text would be.

Avri Doria: Okay, thank you. Jon.

Jon Bing: Jon Bing, just for the summary, I'd run the phrase through the legal such tool I have available for (unintelligible) law. And it comes up with a surprising number of references to national constitutions -- Turkey, (unintelligible), Romania, Belize, Cambodia and so on. So, I think Philip is right that this is a phrase that is very frequently used.

Avri Doria: Right.

Jon Bing: And to that, there seems to be a large 2005 and then on 20 in the legal domain.

Avri Doria: Okay, thank you. (Folks) were right about the phrase. He was wrong about us not having international legal expertise on the committee. So, therefore what I'm proposing and I want to understand if there's any objection at this point to taking the discussion group recommendation which is "Strings must not be contrary to generally accepted legal

norms pertaining morality and public order that are recognized under international principles of law, making that the string that goes into the document indicating that it's got broad support plus that the NCUC and several individuals have concerns about it.

And inviting basically those of us that have concerns about it. And to be honest I have been working on writing up my little contribution of concern to basically contribute those so that when the counsel looks at it, there'd be a complete picture.

Liz Williams: Avri. It's Liz here. May I just ask a supplementary question please?

Avri Doria: Sure. The question I want to ask though is there any strong objection to following that procedure at this point. I've got Liz. Anyone else's want to be in the queue?

Okay, Liz?

Liz Williams: Yes. Thank you, Avri. I've really appreciate that direction that the – if the group is going to agree to that direction. By the end of the meeting though, we need to set some parameters about when that text would be submitted to me because it needs to be incorporated into the report, which will be the subject to public comments.

Avri Doria: At the current moment, the action item list lists the requirement for that as the end of the day tomorrow.

Liz Williams: That's right. I (unintelligible)...

Avri Doria: No, I think of end of day is end of day anywhere.

Liz Williams: Yes.

Avri Doria: I don't know how you think of end of day.

Liz Williams: I don't mind whichever end of day anyone wishes to choose.

Avri Doria: Right.

Liz Williams: However Avri, I suspect that that's rather an aggressive content...

Avri Doria: Okay. Well, I'd ask people to think about that and comment...

Liz Williams: Yup, come back at the end of...

Avri Doria: ...at the end of the meeting.

Liz Williams: Yup. Thank you.

Avri Doria: Okay. Anything else before we move on, on this one?

Okay, thank you. And I understand – believe me I understand how difficult it is to basically accept this wording and move on for some of us. Okay. And I appreciate it.

Moving on to 20, we currently have wording that says – and I'm going to take this 20 at the moment first and then move into the pay sets that implementation guideline pick. So we have the wording of 20 that exists at the moment and application will be rejected if it is determined based on public comments or otherwise, that there is substantial

opposition to it from amongst significant established institution of the economic sector or cultural or language community to which it is targeted or which it is intended to support.

The recommendation from the discussion group that has been circulated through the discussion group and on the list and (for less), well, it's been iteratively discussed and circulated it. Currently, an application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string maybe explicitly or implicitly targeted.

Now, things that were – they've changed to this just to point them out. There has been discussion about “should it be will” “or should it be may”. And basically, the ambiguity in that one was dealt with by adding the “if an expert panel determines that it had been previously will be rejected if determined.”

But basically, the phrase “if an expert panel determines they could be called in a whole process so that it was trying to make it not be automatically if there is an objection, it will be rejected.” But there's really quite a process to go through.

The word that had been questioned about the word “substantial” and “opposition” and those have been discussed in recommendation – I mean in implication guideline P. There had been discussions about the significant – what it had been significant established institution which became significant portion of community which the string maybe explicitly or implicitly targeted. All these terms have definitions that are included in guideline P.

So, I guess – I'm not sure whether I should move on to guideline P at this point or open discussion just on this part. I guess first before moving on or ask if there's any comments that people feel, you know, they need to make before moving on to the guideline P which sort of takes us and define these terms and process? Anybody want to comment?

Philip Sheppard: Philip.

Avri Doria: Who – I...

Philip Sheppard: That was Philip.

Avri Doria: Philip, yes. Did you want to comment or did you want us to move on?

Philip Sheppard: No, just a quick comment.

Avri Doria: Okay.

Chuck Gomes: And Chuck too.

Avri Doria: And Chuck. Anyone else?

Okay, Philip.

Philip Sheppard: Okay. We maybe say the same thing. I just wanted to say that we did in the subgroup well as work, in fact on an idea that Chuck had started off which was attempting to make our lives a bit easier by separating out the recommendation from the types of things we expected to be

assessed doing an objection process. And indeed describing the type of the process itself.

So the current formulation in terms of recommendation's intention needs short but all of the significant terms that which there are 1, 2, 3, 4, 5, 6, 7 subsequently defined in terms of a guideline of what the panel will be looking at. Indeed the process itself has defined. So that's what we had tried to do was to make the recommendation simple but then explain the process more carefully so that the intent of the recommendation was clear.

Avri Doria: Okay, thank you.

Chuck Gomes: Actually, I'm going to defer to later.

Avri Doria: Okay, great. So then – I will then move on to trying to quickly read through the implementation guideline P since it's almost long enough to take list at the meeting. So proposed, you know, and that's the proposed word would drop out.

The following process definitions and guidelines refer to Recommendation 20 process. Operation must be objection-based. Determination will be made dispute resolution panel constituted to the purpose. The objection must provide very viable evidence that it is an established institution of the community.

Then after that, there are two pending options. One is and that the legitimate rights and interest of the objecting community will be materially harm to prejudice by introduction of the proposed gTLD but there was a counter proposal to move that down later in that document

– later in the guideline. And I'll read that. And then the other one was open parent perhaps like our set pool of panelists. So with a small panel will be constituted for each objection and that Philip brought that up but that was essentially contained in the reserve name recommendation.

Okay. Guideline, the task of the panel is the determination of substantial opposition. A - substantial. In determining substantial, the panel will assess the following: significant portion, community, explicit or implicit targeting, established institution, formal existence and then the one that was added sent by sent out the paper in Philip's last mailing is detriment.

B - significant portion. In determining significant portion, the panel will assess the balance between the levels of objection submitted by one or more established institutions and the level of support provided in the application from one or more established institution. The panel will assess significant proportionate to the explicit or implicit targeting. Those will be defined later.

Community, community should be interpreted broadly and will include for example an economic sector of cultural community or linguist community. It may also be a closely related community which believes it is impacted.

E – explicitly targeted. Explicitly targeted means there is a description of the intended use of the TLD in the application.

Implicitly targeted, implicitly targeting – it wrote should be targeted for parallel. Implicitly targeted means that the objector makes an

assumption of targeting or that the objector believes there maybe confusion by users over its intended use.

Last, establish institution, an institution that has been in formal existence for at least five years. In exceptional cases, standing maybe granted to an institution that has been in the existence for fewer than five years. Exceptional circumstances include but are not limited to reorganization, merger or an inherently younger community.

The following ICANN organizations are established institutions: GAC, ALAC, GNSO, ccNSO, ASO.

G – formal existence. Formal existence may be demonstrated by appropriate public registration, public historical evidence, validation by a government, intergovernmental organization, international treaty organization or similar.

And then finally, detriment. Evidence of detriment to the community or to users more widely must provided.

Now that's quite extensively talked about many of these things a lot over time. And what Philip and Chuck and then the discussion group have done is try to pull it all into one coherent set of points.

I'd like to open up discussion now on accepting the new 20 and P together and open up the discussion on that. Anyone in the queue?

Chuck Gomes: Chuck.

Avri Doria: Chuck. Anyone else?

Craig Schwartz: Craig.

Avri Doria: Craig. Anyone else?

Okay. Chuck.

Chuck Gomes: Okay. It's been a little bit exchange this morning between Philip and I on the word you use of detriments instead of material harm. And I appreciate the response Philip on the fact that that detriment is also a legal term. What's the advantage of detriment over the material harm term? And why you choose that?

Avri Doria: And to end while you're considering this. I'd like to add, if we use the word detriments but in the detriment, or material harm, I'd like to ask if that resolves the definitional issue that makes us be a cultural different.

Chuck Gomes. So, you're suggesting have detriment or material harm?

Avri Doria: I'm suggesting – yes, the way of doing that. If there's two close definition but they vary by country of law.

Chuck Gomes: By the way, that's sounds okay to me. But - thank you.

Avri Doria: But Philip, do you want to (unintelligible).

Philip Sheppard: Yeah. My view – I mean Jon may have better analysis on this. But my own reasoning was that the test of detriment, particular things like consumer detriment, user detriment is a broader term that seems to be closer to the objective we're pursuing with this recommendation rather

than phrasing material harm which it often a use in a slightly different context maybe material harm to a specific legal interest or intellectual property interest or something like that.

So, it's struck me that, because here we were looking for a broadly community based objective to prevent from harm there. That the detriment was the back of phrasing to capture the objective we have there unless Jon may have some more pricing side on the differences between the two.

Avri Doria: Jon, you've been called on to comment. And Craig I still got you on the list but while we're on this topic. Jon would you like to add anything to this?

Jon Bing: This is Jon Bing?

Avri Doria: Yes.

Jon Bing: Yeah. The why - I have no insight in the – into potential use of phrases.

Avri Doria: Okay, thank you. So Philip...

Robin Gross: Avri, can I get in the queue on that?

Avri Doria: I didn't – I missed the name because I was too busy talking to myself. Who was asking?

Robin Gross: This is Robin. Can I get in the queue?

Avri Doria: Oh, Robin. Yes, on this particular topic.

Robin Gross: Right.

Avri Doria: Yes. Okay. Go ahead.

Robin Gross: So, detriment is just a lower threshold. So, you would be object – you would be rejecting more application if the phrase was detriment as opposed to material harm. Material harm is a bit higher of a threshold for rejecting the application. We – in legal terms, that's what it means.

Avri Doria: Okay, thank you. Okay. We can come back to this if anyone else has comments later. Craig?

Craig Schwartz: And my questions are about the IGBP. The – some of the terminology in those – in the phrases specifically in the definition of significant portion. I'm concern about there was some wording the level of rejection and the level of support. I just currently read it.

Chuck Gomes: What's your concern there Craig? Is it measuring it?

Craig Schwartz: Yes.

Philip Sheppard: You understand the objective Craig? You're wide about how that would be judge, is that the question?

Craig Schwartz: I mean, to me an objection is an objection if the objector is qualified and has standing. So, I'm not sure what – I'm not sure I understand the use of the word "the level".

Chuck Gomes: Well, whether the level is the right way to express or not, the intent is to look at the total picture in terms of support versus objection.

Craig Schwartz: All right.

Chuck Gomes: Just because there's one objection, you need to look at that and how significant that is in the community versus the level of support. So, I think it's helpful to look at that. What we're trying to do is to point out that the expert panel should look at the total picture not just the objection. Then weight the two against each other.

((Crosstalk))

Woman: I was just going to complain but it's not (Neil).

Avri Doria: Oh, okay. Moving on, so - yes. So, basically I think that if my understanding is basically that there is a picture that the – this panel of experts are looking at. This is certainly not a decision that is imposed on ICANN or its staff. It's basically the panel is basically supposed to look at this thing in totality.

Philip Sheppard: Avri, Philip here. That is actually correct. I think the difference here and that's why we separate that in this context is what listed on the process and most especially on the guidelines. What it is on the guidelines means that it's already been passed on to the panel, and it's up to them to get on with making a decision. What's on the process is perhaps a start facing in terms of is the subjection something that qualifies for going to be submitted to the panel.

And the real quite here – there is the objective as provided verify evidences in establishing institute of the community. So that's fairly staff judgment in necessary wants it – it seems to be a valid objection there's no need to staff to make a judgment on the quality of rejection that goes the panel and then they look at this guidelines.

Chuck Gomes: Fair enough. Yeah, the other question that I had in this section is under section F which is the established institution.

Avri Doria: : Yup.

Chuck Gomes: That was my earlier question about...

Avri Doria: Uh hmm.

Chuck Gomes: ...the role of the GAC and the ALAC...

Avri Doria: Okay.

Chuck Gomes: ...in this process.

Avri Doria: Okay. I'll take a queue on that. But I also wanted to start with my understanding from this historically and what it's meant to do. And then other people can comment both on their own views on it and on my understanding.

Is that in the reserve names group, when we were talking about the non-category of reserved names - controversial names which indeed this is to some extent mapped to. There have been a discussion of –

there are the established institutions and we're giving an established institution definitely a way to comment.

There maybe other – there maybe broader range concerns that come out of individual – many, many individual's comments or a nation's concern or something else that basically then the GAC or the ALAC especially. I think of it in terms of those to more than the others but the others possibly could save.

There is an important issue here involving this particular TLD that yes, there is no established institution that it belongs to. But we believe that there's something that needs to be reviewed here. So, by some action of an advisory committee, they can ask the expert panel to take a look at it.

And so, it's basically a way of not denying the world that isn't established institution a way to request to review. And I'll leave – basically, so that's sort of a historical and I guess a little bit of my personal view. And I'd like to open the floor to others who want to comment, correct my view or the history.

Chuck Gomes: And Avri, if I can...

Avri Doria: Chuck?

Chuck Gomes: ...just add what you're saying there. And that's why I true that in about the SOs and the advisory committees being allowable there. Now, whether we want to do that or not, we can discuss that but that's consistent with what the intent was (unintelligible).

Kristina Rosette: Avri and Chuck. This is Kristina. Could I ask a point of clarification before we get into the (unintelligible)?

Avri Doria: Sure. You're very, very hard to hear.

Kristina Rosette: Okay. Is the intention of adding those organizations are - is the intention there to allow them to object the TLD above and beyond those that for example, you know, it's going to be one of the GAC or GNSO? Or are we limiting - are we intending this to limit? If it just so...

Avri Doria: No, no, no. (Unintelligible)

Kristina Rosette: ...(unintelligible) or correspond to.

Avri Doria: It wasn't a reserved name category for .GAC, .ALAC, .GNSO. It was a – they were in object to or just like any other established institution.

Kristina Rosette: Okay.

Avri Doria: And if they were an established institution for the purpose of objection.

Kristina Rosette: All right. Thank you.

Avri Doria: But we'll have to go through the same process as any other – how they made the decision in making objection was their business. But once they made that decision, I believed the intent is that they would have to follow the procedures of any other establishing organization to, you know, to document to indicate why there's harm to submit it to the review panel and that there isn't a greater because they are an establishing organization among others.

Chuck Gomes: That's right. That's my understanding as well.

Philip Sheppard: And Philip here. Just to say that and I was not in the original discussion but that was my understanding likely. And that seems to be sensible and also recognizing it a reality in terms of GAC so an ICANN anyway.

Avri Doria: Any other discussion on this point?

Chuck Gomes: I guess if you (help) (unintelligible) find out and that's one we didn't really firm up in the subgroup yesterday if there's any strong objection to that particular sentence.

Avri Doria: Okay.

Chuck Gomes: Avri, could you ask that question one more time. I'm sorry.

Avri Doria: Oh, that's okay.

Chuck Gomes: There's a lot of noise in the background.

Avri Doria: Okay. I'll ask the question. In other words, the question was since that one was not discussed greatly in the discussion group, I mean it being in the text for awhile but never really come on to discussion, is there any strong objection to including that. This is kind of like there's anyone proposed an amendment to remove that from what we're considering. Is there a strong objection for that...

Chuck Gomes: And to be really clear what we're talking about is removing the sentences. There's a (ballooning) ICANN organization to established institution -- GAC, ALAC, GNSO, ccNSO, ASO.

Avri Doria: All right. And I understand that there's a staff issue with it. But is there strong objection from others in this committee?

Okay. Moving forward then, what I'd like to check on and open up is we've got recommendation 20 with replacement wording. And I want to confirm that we can -- the other thing I want to check is I had listed -- I have an NCUC recommendation narrowing to only include technical and legal objection in making the assumption that this is not change NCUC's standing objection. Is that correct?

I'll assume it's correct. And someone will tell me later if it is an assumption. So the NCUC objection remains at this point and they're certainly not part of broad support on it. Now, I had a possible registries concern over how public comment sort to be handle and possible solution of institution not specifically included in the list and had been carrying a note that we may downgrade broad support to support if registry community formalizes concerns. Is that still an open possibility?

Chuck Gomes: I believe Avri that we -- in the latest formulation that we've dealt with most of the -- in registry concerns that I was aware of.

Avri Doria: Okay. So I can basically remove that as a concern for now. Obviously in the minority statement that should come back with it.

Chuck Gomes: Right. Now there's another question I'd like to raise on this. So – and you and I had a debate on this on the list and Philip referred to it a little bit ago. And that's this – in the process part would ICANN staff actually make the initial determination whether it was an acceptable objection before it's sent to the expert panel.

And what I had suggested as another way to do it would actually have the, you know, refer anything any objection if they follow the procedures to their panel, let them do the whole thing including determining whether or not it's objection-based and follows the requirements there.

I'm not sure that I have strong feelings one way or the other but I think it might be good if we spend just a few minutes on that. Did that make sense?

Avri Doria: Okay. Yeah, that made sense. What I'd like to do though first is – and I'd like to get back to that because then we're getting down into detail – is first make sure that it is okay to replace the existing 20 with the new 20. And so, among those that had indicated broad support for old ones. Is there any objection to replacing it with the new 20?

Chuck Gomes: And you're talking about the recommendation only?

Avri Doria: The recommendation only at this point. And then we can get back down to the detail and of P. Or is that not reasonable?

Chuck Gomes: That's okay.

Avri Doria: Okay. So, is there any objections to replacing 20 as originally written with 20 as written now and application will be rejection if an expert panel determines there is substantial opposition to it from a significant portion of the community to which this thing maybe explicitly or implicitly targeted?

Anyone want to speak an objection that it supported the previous one?

No, okay. Then I'll accept that change as having the same level of broad support as the previous at with no pending concern from the registry constituency but still having concern from NCUC.

Now, moving down to the P itself. Before getting to Chuck's question, there are two other things I wanted to check. Chuck, you had included in your and the legitimate rights and interest of the objecting community will be materially harmed or prejudiced by introduction of the proposed gTLD. Philip recommended the addition of detriment and the paragraph explaining detriments. You accept removing - you expect that as an amendment to what was proposed.

Chuck Gomes: The, you know, I have to speak just for myself. I think it's okay. There's at least one person in the registry that much prefers the material harm (blank).

Avri Doria: Okay, you know, okay.

Chuck Gomes: Is that what you're asking me.

Avri Doria: I actually wasn't asking on that. What I was asking is in the process, you had a statement. And the legitimate lies of interest of the objecting

committee will be materially harmed or prejudiced by introduction of proposed gTLD taking that sentence out and replacing it with a section that at the moment is either detriment or materially harmed.

Philip Sheppard: Philip.

Chuck Gomes: I'm okay with that.

Avri Doria: Okay. So that changed out remove that. Before I ask people to support, I wanted to make sure that we have no more ambiguities or, you know, possibilities.

Now, Philip has suggested the inclusion of the sentence perhaps likely our set pool of panelists from which a small panel would be constituted for each objection. Is there anyone that objects to including that in this overall P that we haven't got measures the level of support on yet? But, there's anyone object to that being included in there.

Man: Sure.

Philip Sheppard: Sorry. Avri, there's a parity. That had been in-bucket referring to the our set pool of panelists?

Avri Doria: Yup.

Philip Sheppard: That wasn't me. I don't know where it came from.

Liz Williams: Avri, it was me.

Avri Doria: Oh, okay. I'm sorry. I misunderstood.

Liz Williams: Because that came up in the small group discussion.

Avri Doria: That came up with the small and that was also part of the reserve name's recommendation.

Liz Williams: Yup. That's right.

Avri Doria: There's anyone object to that being in this particular proposal?

No? Okay. Then I'll leave that in. Then moving down and we're – I'm still going to get to your issue Chuck.

The issue now of detriment, as was discussed in as – I think both Philip and Robin agreed on that detriment is wider than material objection. We basically have two options – three options. We can say it's detriment, we can say it's material objection or we can leave it open to the panel interpretation and say detriment or material objection. Other than those was spoken on it already. Is there anyone else that has a view point?

No. Okay. So, is there any objection to detriment or material objection?

Chuck Gomes: Material harm.

Avri Doria: Material harm, sorry. So basically including it as detriment or material harm and...

Kristina Rosette: Avri?

Avri Doria: Yes.

Kristina Rosette: It's Kristina. I'm only speaking for myself. But I had concerns about – if we include those – I mean there are two different standards. So what will be the point?

Avri Doria: I guess the point would be that the panel would then decide whether they were – which standard was – and it maybe a different standard used at a different and different places.

Chuck Gomes: Oh wouldn't they huh. They could – either standard would apply.

Avri Doria: Right. But they're – that's the basically in the decision state which standard they were using. I don't know if – otherwise we do need to deal with making a decision on detriment or material harm.

Robin Gross: This is Robin. Can I speak on that?

Avri Doria: Please.

Robin Gross: Yeah. I think it's important to understand the distinction between the two different legal standards. If somebody said they were harmed – so you want to try to quantify the amount that harmed which is what we are trying to do here.

So, if somebody were harmed to 0.0001%, they are harmed to their detriment. You've met the legal standard of detriments. You have not however, met the legal standard of material harm.

So, it is important distinction that anything that could be consider harmful to any aspects of them would set the detriments standard where material harm you actually have to show some kind of an actual material harm before that standard is met.

So, I think it's really important we understand the distinction between the two and give the panel some guidelines on what we expect them to follow.

Avri Doria: Okay. I have a clarification questions. Does material harm have to mean financial?

Woman: No.

Avri Doria: No.

Robin Gross: No – okay.

Chuck Gomes: And I think that the – that consistent with our – what we were trying to do with the whole idea of it being substantial that material harm seems to be more consistent with that then detriment having heard what Robin just said and others have said in terms of detriment being a much broader category.

Avri Doria: Okay. Philip, would you be willing to accept material harm instead of detriment? It's what your original regional recommendation for detriment. Are you on mute? Anybody there?

Philip Sheppard: Yeah, we're in.

Avri Doria: Okay.

Chuck Gomes: Maybe just you and I.

Avri Doria: Oh, no. The laugh of (unintelligible) but Philip are you still there?

Philip Sheppard: Sure, yes. I was (unintelligible).

Avri Doria: Yeah. Would you be willing to accept leaving it at material harm and basically replacing detriment with material harm? I seem to feel that those discussing it tend to prefer the material harm lower standard than the detriment higher standard.

Philip Sheppard: Well, let me say a couple of comments. I mean Robin's characterization - I mean detriment is indeed generally broader than the material harm. I don't get it quite automatically broader as Robin just characterizing it.

Detriment here member is also one of what seven or eight test we've got here. You know, we got to go right down those lists in order to get there. So, we're not making a board base objection process. We're making a very narrow, very specific basis.

And part of the reason I came to detriment actually speaking up the point that Mawaki has made on the group where he was saying would if it say - I think it didn't give an example historically of an African language community. Nothing you suppose that it didn't hear as part of his description there.

And Avri, just thinking more how would that group care about causing this legal terminology of material harm versus detriment to that community, having part all the other test...

Man: Uh hmm.

Philip Sheppard: ...if there's just to passed. And I just hope that in particular whether looking at not commercial interest in commercial harm, but where we had mentioned things like cultural community, linguistic community.

Detriment was just the more natural phrase to have that. But I say if you want to go back to early proposal having detriment or material harm and leave it up to the panel to choose one of the other depending on the nature of the community objecting that needs on a sector or community that maybe the most flexible approach.

Cary Karp: Can you put Cary on the queue please?

Avri Doria: Okay Cary. Anyone else want to be in the queue on this one?

Jon Bing: Jon Bing.

Avri Doria: Okay. I've got Cary, I've got Jon Bing. Anyone else? Okay, Cary.

Cary Karp: Yeah. I'm haven't been participatory on either discussion that's leaving to the present discussion. So, I may be saying things that have discussed at hideous length and please forgive me if so.

But some - when addressing the - a sense of unfair treatment that might be voiced by any sort of a cultural community responding

diplomatically and sensitively to that complaint if it's an easy thing to deal with, surely tramps and a quasi legalize formulation that we might be able to come up with.

Avri Doria: So, basically you're speaking in favor of detriment.

Cary Karp: I'm – I don't know. I would want to include some recognition of sensitivity in the terms of that cultural community. Detriment is something that we're going to be deciding. And if we're addressing concerns of community that has some distance from us our notions of what detrimental maybe entirely...

Avri Doria: Yeah. Hopefully it will...

Cary Karp: ...in appropriate to theirs. So detriment in the – as the concept, is understood by the complaining community. And I have no idea how to couch that in appropriate language.

Avri Doria: Well, I was thinking that fight - this is expert panel should be wider that just wait. And hopefully and, you know, but we haven't got names to the composition of expert panel but that's a different issue would be wide enough to be culturally sensitive. So, that's a good consideration for constructing a panel. Okay, thanks.

Cary – I got Cary. Jon.

Jon Bing: Sorry my question is just born on to my know in English. This material could also been material harm be seen at the opposite of non-material harm and in my language that the legislative would be something that

is not related to economy or a physical damage as opposed to something that is immaterial or...

Avri Doria: Yup.

Jon Bing: ...like a privacy or things like that. But this is only a question if the material harm is understood also to include for instance have privacies but feeling of (unintelligible) norms of that kind. I'm happy about it, it's a language question.

But it's not then I think that's detriment that's a different scale, isn't it? From registry's the level of harm that is inflicted whether the harm is inflicted on something that is substantial or something like the pride of a cultural community for instance.

Chuck Gomes: Could we in fact that the fine material are qualify – that the term material harm to include that or does that go beyond the legal matters?

Avri Doria: Yeah. I would think that we start to get in very deep into implementation details. What I'd like to try and recommend is sort of similar to what I recommended before and see if there's any objection that we include in our recommendation detriment on material harm.

And that in the iterative process with the staff as we go on implementation as becomes understood and they come back with question as Denise and others have indicated will happen as it gets into the board and touch – that we consider perhaps to refine that but we don't try to actually be the legal scholars at the moment picking the word and that we...

Jon Bing: Uh hmm.

Avri Doria: ...sort of go with something that – so it is expressing what we seem to be saying in that detriment or material harm.

Chuck Gomes: Avri, if I could comment on that.

Avri Doria: Yes.

Chuck Gomes: If we do that, I think it's important that we understand that assuming that they are different standards, then we're including both standards, okay? And to the extent that one is - if they overlapped and one is broader than the other in essence what we're doing is including basically saying the broader one.

Avri Doria: That's right. Okay. So, is there anyone – okay. Understanding that, is there anyone who's essentially accepting quantity. Who objects to detriment on material harm?

Robin Gross: This is Robin. I just wanted to echo Chuck's point that when we say both standards, we are actually saying it's a broader standard. I mean, just let – in terms of logic that's what we were saying.

Avri Doria: Okay. Then I guess we should leave it as detriment? Anyone object to leaving it a detriment? And continuing the comments, I don't know that we'll resolve the detriment versus material harm discussion. And we've already definitely gone over the amount of time. I wanted to spend on this one but it's important, so that make sense.

Chuck Gomes: Yeah. I suspect there probably will be concerns and from some members of our constituency with regard to use of word detriment instead of material harm. But I don't know that we need to spend more time on it now.

Liz Williams: Avri, it's Liz here. Could I just ask question please?

Avri Doria: Certainly.

Liz Williams: I'm just been taking notes since we've been speaking. So we removed materially harm then we just have detriment. That's the final phrase?

Avri Doria: We certainly review – remove the statement from the process...

Liz Williams: Okay, that's fine. Thank you.

Avri Doria: ...section that have materially harmed.

Liz Williams: Yup.

Avri Doria: We've got the recommendation made by Philip on detriment. And I don't think we've succeeded in amending that to material harm so there's a pending concern on material harm that may need to come out in people's comment.

Liz Williams: Okay thanks.

Chuck Gomes: Now, one of the things that was in the version before Philip modified it was that there either to be verifiable evidence that there was material harm or in this case verifiable evidence that there is detriment.

Avri Doria: Well, that's still there. It's evidence of detriment to the community or to use it as more wildly must be provided.

Chuck Gomes: Okay, thank you.

Avri Doria: So that was still there.

Chuck Gomes: Okay.

Avri Doria: The evidence statement is still there.

Chuck Gomes: Thank you.

Avri Doria: Okay. So I'd like to move on, on this with detriment and not material harm at this point. And that brings us to the last question that you have Chuck which was - and I don't know that that's even in here at the moment.

Chuck Gomes: No, I don't think it is. But it probably is worth while for ICANN staff to understand.

Avri Doria: Right, okay. So, first of all I'd like to then see if there some - any objection to, you know, especially from those who have given broad consent to 20 to accepting guideline P into the document. And I understand that there may be some more discussions on some of the wording and I proposed that we come back to some of the wording discussion perhaps next week having accepted P but we can still talk about some of the more legalistic issues if maybe but have accepted P

in general. Is that acceptable to everyone? Does anyone objects for that?

Okay. Then I'll put P in as have been the case in the past any of the new ones that went in this week will come back to and we'll take a look at next week. And I encouraged people because on some of these difficult discussions like detriment or material harm in the way I've included it in mind is I've got or material harm still in there bracketed and indicating that there was still a discussion and while detriment is the accepted word at the moment there still open discussion essentially on material harm.

I don't want to pre-suppose it. So, I've got implementation guideline P in at the moment. Now the other discussion we had on that Chuck is whether staff, should be the one to basically pre-process to put it short the objection. And basically should it be ICANN staff that receives an objection that, yup, say met the requirements to object now we pass it on the program, to the panel or should the objection go directly to the panel. And the panel decide whether the conditions of considering the objection be met.

I think the reserve names recommendation went more to the ladder and that staff was basically just processing the paper work.

Man

I like that.

Avri Doria:

But as soon as there was an objection, they pass it on to the panel. And the panel had some mechanism for pre-review before going into full review. I'd like to peck on that, any initial discussion on it that we may have spend more time getting there in the next week?

Craig Schwartz: Avri, hi. It's Craig.

Avri Doria: Craig. Anyone else want to speak on that?

Philip Sheppard: Philip.

Avri Doria: Philip. Anyone else?

Okay. Craig.

Craig Schwartz: Hi. In terms of how the objection process (role) work, the way staff envisions it now is that an external provider will be the recipient of the objection directly from the objector.

Avri Doria: Oh, okay.

Craig Schwartz: That the process in order to maintain the, you know, the impartiality that were looking for in this element of the project that much like WI PO and EDRP cases, all the paper works from the parties go directly to the provider. And all the processes will be head on internally by the provider and that it just would be a constant exchange of information between the provider and ICANN as well as the provider and the parties to the objection.

Avri Doria: Okay, great.

Craig Schwartz: So that's the way we envision it now.

Avri Doria: So in other words at the moment you...

Craig Schwartz: The ladder.

Avri Doria: ...definitely don't – you envision the ladder.

Craig Schwartz: Yeah.

Avri Doria: Okay. Philip.

Philip Sheppard: Oki-doke. I mean that strong in it but I was kind of just following, I think there would already been a text where part of the process describe the fact that the objector had to be this (unintelligible) and that the process struck me as being something the staff would do.

But to me also it is a new word, the thought of objection process as we see in the outside world, whether the difference between a valid objection and then the judgment of the substance of the objection. And it struck me in terms of a simplicity of process and (COSTO) process that it was relatively easy thing to establish if an objection was with valid in the same way you established it indeed in an application for TLD is valid.

And then this valid - and then this subsequent judgment if necessary come by the expert panel. It struck me as being overly weighty, overly heavy and costly and time consuming and therefore cause to across for the applicant. If the expert panel has to decide on absolutely everything so long as you've got a excessive objective criteria on which you could obsess the validity of an objection before you go to the substance for objection.

Chuck Gomes Could I respond to that?

Philip Sheppard: Chuck.

Avri Doria: Please.

Chuck Gomes: Yeah, and Philip. Yeah, I appreciate what you're saying there. Now the two step process can still happen within the panel. It probably doesn't - it might be cheaper for ICANN staff to do it than the panel. And think your points well have taken there. But you could still have the panel do the two step process, so that if they - if step one doesn't work, it isn't successful they don't go on and express an additional.

Philip Sheppard: Right. (I understand that) point, yeah. (Unintelligible) I mean, I'm neutral on the issue.

Avri Doria: Okay.

((Crosstalk))

Philip Sheppard: I was more concern about the delay and cost from the applicant's and respective rather than the objectives here.

Avri Doria Okay.

Chuck Gomes: Right.

Avri Doria: I have Jon.

Jon Bing: Jon Bing.

Avri Doria: And then I'd like to sort of finish up on this one. Okay, Jon.

Jon Bing: Yes. I agree. I'm rather neutral so I agree with what you have been saying but I've seen that for instances like a P of tribunal or something. They are form of small group or perhaps on the wrong person and that has the advantage that he (unintelligible).

But it obviously will not be affirmed. They may have be given the delegated the competent to be given the final word at that sort of stage rather than go to a full panel procedure whether that is useful or not depends on the rhodium of a decision to be made.

Avri Doria: Yup. Okay, so yeah. As I see it, I think the last now is consistent with the staff implementation idea. And I don't know that we want to take the next step down into, you know, that level of organizing the process at this point.

So, my suggestion is that we leave things as they are and, you know, later we'll be able to review the implementation responds to this and see if there are any other issues. Is that seemed okay way to go? Anyone object to just leaving it as it is and letting the implementation basically suggest how the panel would process it, understanding that there is a concern about, you know, pages of processing, et cetera. Any objection to moving on?

Okay, moving on and we're running a little bit late on the schedule but I think we have achieved a lot, is implementation guideline queue. Now during the discussion of 20, basically an issue had come up of sort of thing. Well, what about public comment? When a public comment is

made and, you know, this people should really be doing an objection process, the one at dispute resolution processes. How do they know?

And the discussion came out basically that the staff should have an automatically response mechanism. Now Chuck recommended language that was within the recommendation 20 but in the discussion in the group basically the opinion was that this is a wider concern than just 20 and relates to any of the dispute or opposition mechanism.

So basically Chuck had recommended language that said ICANN staff will provide an automatic reply to all of those who submit public comments that will explain the objection procedures. I amended that for guideline queue and generalized it to say ICANN staff will provide an automatic reply to all those who submit public comment that was explained the dispute and objection procedures.

Since in some of the other implementation – not guidelines, but implementation, sometimes the staff is talking about dispute mechanism, sometimes it's talking about an objection mechanism. And basically just generalizing it to whenever there's a comment that pertains to one of these, the staff will automatically get back to them and say, this is what you need to do.

I'd like to open the meeting to discussion on accepting implementation guidelines two.

Chuck Gomes: Just a follow up comment.

Avri Doria: Chuck, anyone else?

Okay, Chuck.

Chuck Gomes: Yeah, and what you're saying Avri is consistent with what we decided in the group yesterday. I don't see it so much as an amendment as what we really agreed to yesterday that it has broader implications than just the 20.

Avri Doria: Yup. Thank you. But I did change that.

Chuck Gomes: Yeah, okay.

Avri Doria: So, does anyone want to comment on this further? Does anyone object to implementation guideline two being added to the documents? Can I call it broad support?

Man: Sure.

Avri Doria: Anyone object to calling it broad support?

Okay, does anyone want to register any concerns about it at this point? Obviously you can later, but...

Okay, so I will include that in the report that there is an implementation guideline two that that reads the ICANN staff will provide an automatic reply to all those who submit public comments that would explain and objection procedures.

The next item on the agenda was, review open staff implementation question. There were two. One, referring to section two – three of the

staff discussion points document. Where our disputes objection that geographical names dealt with? Are we both of them and then we'll discuss each of them separately.

And two, referring to section 373 of staff discussion point document with respect to Recommendation 7. What evaluation of technical capability – thus evaluation of technical capabilities need to take into account more factor than the applicant stated purpose only. And I'm not sure even that it needs to take that into but we need to discuss that.

So referring to the first one, where our dispute objections that geographical names dealt with? There was a response sent by the – on the list which basically says that will fall under Recommendation 20. And indeed I guess that's part of it being (unintelligible) – wow. You never know what you're going to get – (unintelligible) to have GAC as one of the organizations that can produce a – that is a established organization for the purposes of making that objection.

Man: Yeah.

Avri Doria: So, basically, it was seen as coming under 20. I'd like to open the floor to discussion on that. Anyone wants their name on the queue?

No names on the queue. So does that mean that everyone agrees that answer (to). Does anyone disagree that the answer to the staff on this one is geographical names are to be handled under 20 and under the objection process in 20?

No one disagrees with that? Anymore clarification from the staff required on that one at this point

Robin Gross: This is Robin, I have a question. What would be the alternative – I'm just trying to understand. I understand what was being asked.

Avri Doria: I'm not sure what the alternative would be. I don't have one. I think it's under 20 but it's just that the question had been there that the answer we gave and I just want to make sure that it's agreed. Anyone else seeing the alternative?

Chuck Gomes: I suppose - and I'm not advocating this. But I suppose that some countries that think they own a language might think it comes under three.

Man: Three.

Chuck Gomes: I don't think that's true. But I also believe it's under 20.

Man: Uh hmm.

Miriam Sapiro: Avri, it's Miriam. Do you want me to try to answer that question for you?

Avri Doria: Please, yes.

Miriam Sapiro: Well, obviously none of us can speak for the GAC. But there is a GAC principle that was adopted earlier with respect to ccTLDs and then again more recently with respect to gTLDs that says that certain geographic names and their specific categories and their

recommendation, you know, principle, should be avoided without the agreement of the relevant public or governmental authorities.

Avri Doria: Right. And so – and yeah, and we have on the council's agenda basically, how do we respond to that. And there may also be the creation someday of a new reserved names category. Though at this point, the only reserved category that has been created have to do with the two letter ccTLD. So, yes I believe there's an open question.

Cary Karp: I'm Cary. Can I (answer on) this too, please?

Avri Doria: Certainly. So, I'll just finish what I was saying. So at the moment, I believe that that the counsel – or at least this committee has come back sort of thing. It's under the objection process. And even the reserved names group had recommended that they would certainly be informed when anybody wants to take one. And then they can object.
Cary.

Cary Karp: I just note in what Chuck said. I think we have to be very careful about confusing the legitimacy with which a government might claim to have some rights for the name country that are governed. And though - I'm right that the government might have over the language that's spoken in their country especially given the fact that there are only a couple of languages that are spoken in one country and one country only.

Avri Doria: And then those are usually spoken in that country in (Aspro) at (Connecticut).

Cary Karp: Well, it's this (counting to the) (Aspro). I mean, there are a couple of almost unary. We are the only country that uses this language as it's

language of government. But once you get into the day at the (Asporic) content – components of all of this. There is simply no such thing as language ownership.

And we have to be very careful about differentiating between the kinds of things that countries might claim to own. And the ability to establish any such claim whatsoever for some of those things and not for others.

So, (covenant) may I suppose belong to the government that that (covenant) could conceivably belong to the governing entity but the language can't. So, there's two different kinds of things that we're likely to get (and add with you).

Avri Doria: (Likewise) (Covenant) (unintelligible) place name.

Cary Karp: A place name is one thing.

Avri Doria: Right. But you mean the country...

Cary Karp: But language is in which place name (source express to some quite there).

Avri Doria: Yes, okay. Any other information we want to add to this interpretation? (That one) as we might see, I guess the outcome is we could see an objection under three based on language. We could – we should see it under 20 and can certainly be part of the recommendation.

And I believe that we still have a much larger open issue that's not on this committee's table at the moment in terms of the whole relationship with the ccNSO and the GAC on (IDN) reserved names that I don't see

us either getting into or resolving in the context of new gTLDs and that just remains a pending question.

Because it's been you know, it's been made a question at the Board level and then as the counsel, we have the responsibility to deal with the Board questions at that level. But I don't see us being able to do much about it. So for now, I would say yes, it's in 20. But we'll see where it is once things are finished. Any further comment on this one?

Okay, going to the next one. Referring to section 373 of the staff discussion points document with respect to Recommendation 7. There's evaluation of technical capabilities, need to take into account elements with that other factors. And this includes than the application stated purpose only.

And I'd like to open that up for discussion. Anyone want to comment on that?

Chuck Gomes: I can start, Avri.

Avri Doria: Please do.

Chuck Gomes: Okay, and then I sent this the other list. So, I assumed all of you have seen it. As I recall, we have quite a lot of discussion not only on the technical requirement but on business and operational requirements and so forth in terms of what should be required.

And as I recall, we recognize that different types of gTLDs might require different levels of technical requirements and so forth. With the

clear understanding that all of them have to meet some minimum standards for security and stability and interoperability.

And so, my understanding from what we talked about a long time ago on the committee was this that, yes, there are some minimal standards that have to be applied to everyone but depending on the purpose of the TLD, you know, everybody – all TLDs don't have to be a .com. So, that's my recollection of our committee work.

Avri Doria: Yeah. I recommend though – I mean, I remember basically, that we only got so far as to define a base level that all had to show would be covered. And that we didn't get into the sort of scalability of registry issues.

Chuck Gomes: Right.

Avri Doria: But basically, everyone had to meet a basic level. And so, it really seems that we're saying that if, you know, that was the case, you know, there is an issue in defining what that basic level is. We didn't do that in sort of said that's an implementation issue of what the basic level is.

Chuck Gomes: Right.

Avri Doria: But my understanding is that it hadn't been relevant to anything other than the basic level of support.

Chuck Gomes: That's fine. That's consistent with what my thinking.

Avri Doria: Right. Does anyone want to add anything to that and does that cover it for the staff?

Philip Sheppard: Avri, Philip here. I just to say I think that's an existent in my recollection of our discussions on the group. We'll, making this an absolute standard not to relative standard.

Avri Doria: Right. And then I think when we see the staff's recommended standard, then there maybe comments from the community from us from whatever that sort of say, "Wait a second. Why is that in the basic set? Isn't that for a .com scale and not for little guy. And that discussion still have to happen.

But that's really an implementation discussion of what is in that basic set. And I don't know that we've had that not we but that the community has have that discussion yet.

Is that sort of covers it? Anybody want to comment on that further? Does Craig are you – is this an acceptable answer or do you need more?

Craig Schwartz: Yeah. I feel like it's an acceptable answer. That internally, we've been working to a minimum set of requirement that will be developed they are not yet. But I think it's consistent with what everybody's been saying.

Avri Doria: Okay. Thank you. So, anymore comment on this topic before moving on?

Okay, thank you. The next thing was review action items and...

John Nevett: Actually I'm...

Avri Doria: Yeah.

John Nevett: Avri, this is John Nevett.

Avri Doria: Okay.

John Nevett: You said something earlier in the agenda that we didn't touch on yet but there's...

Avri Doria: Oh, sorry.

John Nevett: ...had one issue with and that's the recommendation 19 that we've talked that last week.

Avri Doria: Right. Yeah. Now I have gone through it briefly.

John Nevett: Yeah. You went through in very beginning but it (unintelligible)....

Avri Doria: And I did know the...

John Nevett: And I just have a very quick point. I received an email from the grammar police that there's one grammatical mistaken there that we might want to fix.

Avri Doria: Oh, please. Okay. Let me get that in front of me so that we can quickly talk about that and before moving on.

John Nevett: And I think it will be a very quick conversation just...

Avri Doria: Okay. And the grammar – oh that's right. You did send me email on that and then I didn't put it on the schedule.

John Nevett: Yes.

Avri Doria: I apologize.

John Nevett: No, no problem. The word between and the...

Avri Doria: Yes, yes, yes. It should be among....

John Nevett: ...likewise should be among because apparently between is only between two and this were among is between many.

Avri Doria: Okay. So, just want to quickly check. We have broad consensus on registries must use only ICANN accredited registrars and registering domain names and may not discriminate between such accredited registrars. And we have the proposal to change it to registries must...

John Nevett: (Unintelligible).

Avri Doria: ...used only ICANN accredited registrars and registering domain names and may not discriminate among such accredited registrars. Does anyone object the change?

Cary Karp: Cary doesn't object to the change but I'd like to point out that this actually quite correct the way it is. Between is appropriate and any comparison between one registrar and another and that's actually

what's the issue here. So, I think I actually that the true is skilled
grammarian does not object to the way that statement is made.

Avri Doria: But you're not objecting to make any change.

Cary Karp: Change is not – doesn't make it incorrect. But if we believe...

Avri Doria: It's a multilateral comparison...

Cary Karp: ...that it seems correct then we're making it correct, we were wasting
our time. Either way is fine.

Avri Doria: Okay.

John Nevett: Shall we.

Avri Doria: It's not a bilateral comparison, it's a multilateral. Does anyone else this
are...

John Nevett: Shall we say between or among?

Avri Doria: ...specific...

John Nevett: And I'm just being funny here.

Avri Doria: Right. Okay, thank you. I guess. We were considering it a multilateral
non-discrimination as opposed to a bilateral non-discrimination.

Man: But on the word between does – it is applicable in situation where
more than two things are being compared. So, but...

Avri Doria: Okay – yeah.

Man: ...we're not grammarian (by folks).

Avri Doria: Right. What we should have that one over (beer).

Philip Sheppard: Avri, just in case you want the OED description, they make precisely the discussion we're having which is the original restriction relation involving only two limits still tends to be observed where among is other group at higher numbers but this is changing. So, I think the (unintelligible) pointing made entirely right and reflects a change in the language.

Avri Doria: I see.

Philip Sheppard: Yes.

Avri Doria: Does anyone object the changing it as a (writ)? Thank you if it is been changed. So 19 now say among. And yeah language is disintegrated.

Okay, going back. You and Liz is one of my favorites. So, to review the action item list, let me pulled that up. I have that. Okay. On the action item list, we had initial impact statements done, resolved recommendation number three done. Although we do have the question that Liz has brought up for re-looking at three.

Resolved recommendation 19 discussed open implementation implication issues update on open issues. I don't know if there'll be another update but we have discussed them in this meeting. And I

don't know will there be an update of the note before we do our last discussion which is next week. Or is this is essentially done in any other conversation will happen in the counsel or after?

This is the question for Liz, Craig. Any comment on that one?

Craig Schwartz: I'm sorry Avri. One more time.

Avri Doria: Basically, we had that discussed open implementation issue. We've discussed the two in this meeting that we're still open. There, you know, I don't know if we expect like an update of your notes before this committee finishes. And so that was a question.

Liz Williams: I want – I don't know if it is for Craig but for my side Avri, no. Not at the moment because I'm going to be concentrating on drafting. The report Craig or Miriam might have a different view about the basis of work that may have been outsourced that will cover some of the issues that's being raised today.

So, from my side, no, on the assumption that it seems to me that it takes for the recommendation has been agree. And I cannot complete plotting the report. But the implementation notes that Craig is responsible for is well within (unintelligible) to answer.

Avri Doria: So, perhaps what we should do is leave indicate that it probably done. But since we just finalized text on six and 12, under section 20 and P and Q today that leave it open for next week's agenda that if the staff has any further...

Liz Williams: Uh hmm.

Avri Doria: ...question for clarification on - especially on the change thing...

Liz Williams: Yup.

Avri Doria: ...and this maybe one we cover your three issues is we don't get to it today or get in-depth in it today.

Liz Williams: Yup.

Avri Doria: Then - so does that seem reasonable...?

Liz Williams: Yeah. Whatever says the group that...

Avri Doria: ...open for next week.

Liz Williams: Yup.

Avri Doria: That if there are any other implementation issue question...

Liz Williams: Uh hmm.

Avri Doria: ...we'll be able on the next week meeting?

Liz Williams: I think Avri though from my side, now that it seems to me that it takes to stable, are you proposing to hold or just to one week consensus call? And I also...

Avri Doria: I'm planning to do and as we have another meeting scheduled for next week...

Liz Williams: Yup.

Avri Doria: ...and I'm planning to go through the recommendations as written one people ahead of time to see them...

Liz Williams: Yup.

Avri Doria: ...and discuss them. And make sure that they don't need any, you know, that's broad support level that there is there.

Liz Williams: Yup, okay.

Avri Doria: And then move on some there. But if there's any other clarification, questions it seems worth taking them. The consensus call was scheduled to come out after you've produced a new document.

Liz Williams: Yup, okay.

Avri Doria: ...which will probably happen before next week. So, it may happen – it was originally schedule for the 30th.

Liz Williams: It won't happen before the 30th?

Avri Doria: Right. So...

Liz Williams: Yup. Because of the – because I need to reflect the discussion that goes around the various points of people have write in it. There's a lot of regions opting to this.

Avri Doria: I understand.

Liz Williams: Yup.

Chuck Gomez: But in that regard what would be really helpful. I believed was, is that if we could have shortly the list of recommendations where we are at right now so that all of us can...

Avri Doria: Or isn't my list good enough and there is made perfectly (unintelligible)...

Liz Williams: Yeah, that's what...

Avri Doria: ...basically correct the list that...

Liz Williams: Yeah.

Avri Doria: ...I've been putting out.

Liz Williams: Uh hmm.

Avri Doria: Those are – that's supposed to be the authoritative list for the recommendation.

Liz Williams: And Avri, I'd really wanted to stay it because it's a really good way of doing. So if you could just send it out after this meeting...

Avri Doria: I will.

Liz Williams: ...then maybe...

Avri Doria: I'll send it out later today.

Liz Williams: Yeah, super.

Avri Doria: I'll do the same thing I've done before. I'll send it to you and Chuck first to make sure that I haven't wrong the wording.

Liz Williams: Yup. Okay.

Chuck Gomes: And...

Avri Doria: And I'll send it out to the whole group.

Chuck Gomes: And just one formatting matter, implementation guideline P is so long that when you put it on the PDF, it doesn't all show up in the cell of the same...

Avri Doria: Okay. So I'm going to have to break – yeah. I'm going to have break that as opposed...

Chuck Gomes: Yeah. So either that or if it's in Word, you can format the table that covers it up but that just...

Avri Doria: Yeah. That's one of the places where (Neil) Office and Word are still slightly off (unintelligible). And I don't use Word.

Okay. So there maybe new discussion, new questions next week on implementation implication but for now it's done.

Chuck Gomes: Yup.

Avri Doria: Resolve recommendation six is done. It will be looked at next week just to, you know, efforts settled for a week, same thing with 20. There is reserve name for New gTLD. There have been several items on it. The last thing left on the item was feedback on ICANN IANA name because Liz has received various – the new examples and other questions have been answered.

On other issues on New gTLD, I believe all the issues have been merged into the various recommendations but perhaps there's something that's missing. Marilyn, you brought up the issue at the beginning. Is there something relevant to New gTLD that is not covered?

Marilyn Cade: Sorry Avri. I'm not sure there is. I was just interested in whether we had actually seen the recommendation on the fact that single letters and second single letters and numbers at the second level in New gTLDs were no longer reserved. And I think from what you just said, you think that the language has been incorporated.

Avri Doria: I believe. Chuck, would you?

Chuck Gomes: I'm not sure. I think there was some debate as to whether or not there should be that reservation requirement should be removed until the issue with regard to existing TLDs is resolve for equity purposes. And it seems to me that we ended up with the conclusion that we would leave the requirement there until such time that the bigger issue is resolve. But please correct me if my memory is wrong on that.

Marilyn Cade: I don't remember that way. I – there was one person who an observer from the GAC who had expressed that concern. But I went back to the transcript to try to make sure that I understood what we were doing and I thought that there was broad support from the rest of the group for moving ahead with releasing a single letters in second level at – for New gTLDs.

And that we were expecting a step from further staff work...

Avri Doria: Right.

Marilyn Cade: ...on the existing gTLD.

Avri Doria: Okay. Yeah.

Chuck Gomes: And I'm perfectly okay with that. I just thought we recall from this session.

Avri Doria: Basically, I'd like to – first of all, I think most of this show in the implementation and will show up in a perspective contract.

Chuck Gomes: Right.

Avri Doria: I think that after – so, it doesn't really going in any of these recommendations. I think that – one of the things that Liz brought up in that discussion is the question of fairness and implication that is in one versus the other. I think that's something that needs to be taken at the counsel level in terms of whether there needs to be a connection between the two, the counsel does have dealing with the reserve names issue as a work item.

And so, it was suggest – the one GAC person, there were several and I basically believe that they did bring up a question that needs to be reviewed on whether, you know, the fairness principle and the parity principle sort of, you know, indicate that we need to reserve this.

Now, there is one view point that sort of says, let's get the work done quickly on both of them. So it's not an issue but I do believe it's an implementation issue that still needs to be discussed in implementation space. But I don't believe there's a work item for this committee at this point.

Marilyn Cade: And Avri, I think you've just answers the question that I had...

Avri Doria: Okay.

Marilyn Cade: ...which is how are these – how is this thing addressed. And I gather the ICANN IANA names. You would said that's also an implementation issue and we are expecting...

Avri Doria: Well, I was expecting feedback from the staff on that one.

Marilyn Cade: Uh-huh.

Avri Doria: Yup.

Chuck Gomes: Avri, for next week, we might want to add another thing – another item to our agenda in action list. And (Bruce) (unintelligible) raised an interesting question with regard to the dispute or complaint procedures

whether or not there a yes-no answer or a dispute resolution process.
And it might not be the same in every case.

And I thought that Kristina made a very good suggestion and response
to that. So I suggest that we...

Avri Doria: Yup. I've added it.

Chuck Gomes: ...talk about that. Yeah.

Avri Doria: I've added it to next week's other issues and things that we can talk
about on the list.

Marilyn Cade: And if you would Avri – sorry, I just go back. Marilyn. Would you just go
back then? So the – under the I would expect to see any further
discussion about both IANA names and the single level under - the
single letter – under the implementation topic.

Avri Doria: I essentially believe so, yes.

Marilyn Cade: Okay.

Avri Doria: But we'll probably come back and just talk about this some more in the
next meeting.

Marilyn Cade: Okay.

Avri Doria: And we will be mostly talking about implementation issues hopefully in
the next meeting.

Chuck Gomes: And Avri, what I will do is sent out a latest status report on the reserve names recommendation as they relates to New gTLDs only.

Avri Doria: And I'll try to put together with you a list of the open issues that we need to sort of discuss around in the next. Okay. Update impact statements and final comment that is tomorrow. And at the end of the day tomorrow, any time zone, I ask all of us, myself included, to make sure that we get those in to Liz because she needs to finish the report.

I think that you know after we've given them to her, we will have a chance in that final one to look at it and make sure the wording came out right and that transferred correctly. But we have that as a deadline for tomorrow. We've now stabilized pretty much on the recommendation. There won't be any major changes, you know.

I don't think any changes we make will be bigger than among or between. At least they hope there won't be any bigger than that. So I ask everyone to get their impact updates to impact statement and any final comment especially from those participating in the committee as individuals as in tomorrow (by end of today).

Chuck Gomes: Avri, I apologize for saying because I understand the end of their ability of it. But considering we've, you know, just now come close to finalizing two or three of the recommendations. Tomorrow is really tough to deal with that. I don't think the impact's going to be huge but I don't know until object it.

Avri Doria: I would like to ask is there anyone to deal with later than this one is, make a bilateral agreement with Liz who has to process all these. So I would prefer to ask the people try to get it done by the end of the day

tomorrow. And if they can't do, work with Liz. Liz, does that make sense to you? Because I know you don't have time. We're pushing on the schedule. We need to have a report out by the 30th, if that's going to be their schedule.

Liz Williams: Avri, thanks very much for being kind to me on my timing. I would really appreciate it if everyone had whatever they needed to have to me by tomorrow. But I understand that now that we've just finalized the (whole) of the stuff, people need a little bit of time to think.

If – this is something that we've tried off here. If the state – if it takes for the recommendation to be stable which I believe it now is, then (unintelligible) and I would need to go back through the very detailed 60 pages of Part A. And make sure that everything hangs together.

Could I ask you then to use the 25th of July as your cut off date to getting things to me? If you get them to me sooner, I will be really, really grateful. But I understand that you do want to take time to do that.

So Avri, I'm happy with that. And there's a lot for me to do between now and the 25th to make sure it will hang together but I'd be in putting price hold within the document as we've been doing along. And to make sure it's nothing been going (unintelligible)...

Avri Doria: I'd like to actually ask for an amendment on you Liz. It's very nice you're moving it to the 25th. I would like us to try to get it in by the 20th. And anyone that can't get it in by the end of today...

Liz Williams: Let me know that too.

Avri Doria: ...to let you know when they will.

Liz Williams: Yup.

Avri Doria: With the 25th as a...

Liz Williams: Yup.

Avri Doria: ...absolutely, positively last.

Liz Williams: I would not accept anything after the 25th.

Avri Doria: Is that - will that work for you Chuck?

Chuck Gomes: Oh yeah that's fine.

Avri Doria: Okay. So...

Kent Stubbs. Avri?

Avri Doria: ...if you can't get it in by tomorrow, let Liz know.

Liz Williams: Yes, please.

Kent Stubbs. Avri?

Avri Doria: Yes.

Kent Stubbs. Yeah, this is Ken Stubbs. I think Chuck indicated the our concern but from a practical stand of point, I think that given the changes that were made today, we need to have the opportunity to get the information after the various registries and let them take a look at it.

So I think that from a practical stand point, the comments of Liz made, you know, if anything gets the outside date, anything else would be good news. I don't think that the 25th is a practical deadline for us. We make it, that's great. But I don't want somebody saying how disappointed they are, you know.

Avri Doria: I understand. One of the things that I'd like to ask him and Liz you can say if this makes sense in we're at time...

Liz Williams: Uh hmm.

Avri Doria: ...but I want to stuck to this.

Liz Williams: Sure.

Avri Doria: Is that – is everybody's got everything agreed to other than their comments on six and 20? That they get that stuff to you.

Liz Williams: Immediately.

Avri Doria: Immediately.

Liz Williams: Immediately, yup.

Avri Doria: And then there's stuff that needs further conversation, can this been in a little later.

Liz Williams: Yup, that's right. Thank you.

Avri Doria: Right, okay.

Liz Williams: That's fine.

Avri Doria: So does that - is that okay?

Liz Williams: Yes, that's fine. Thank you, Avri.

Avri Doria: Anyone else? Okay. So even if we can't get it all in, get as much as you can as quickly as you can.

Liz Williams: Yeah that's what the critical, thank you.

Avri Doria: Okay. So then there's an updated graph for final committee review. Liz had told the counsel that you thrive to the 23rd. We've obviously made that impossible so don't need to be this on you.

.

Liz Williams: Yup, that right.

Avri Doria: Which was the original date...

Liz Williams: Exactly.

Avri Doria: ...that we tried to back down from.

Liz Williams: Yup.

Avri Doria: Final review of final draft is listed for August 10th, so they'll be a one week consensus call based on July 30th draft. The counsel vote is on the 7th. We've basically finished by 7th August and then there is a month of processing and public review and counsel review and all kinds of stuff that goes on the counsel vote is scheduled for the 7th on this, basically the whole meeting will be dedicated to that.

Chuck Gomes: I think it's the 6th, isn't it.

Glen de Saint Gery: Don't you mean the 9th?

Avri Doria: No, it's the 9th. Oh my god.

Chuck Gomes: What the month to wait. The council doesn't make...

((Crosstalk))

Man: Why don't we have some rather announcement rather than hypothesize.

Chuck Gomes: Avri.

Avri Doria: Yes, yes.

Chuck Gomes: Is the decision by the counsel is on 6th September?

Avri Doria: sixth September, yes. Yes, the counsel meeting for August is on the 9th but the counsel meeting for decision on this is 6th September.

Chuck Gomes: I get it.

Avri Doria: Exactly. Thank you for correcting me. It's not hypothetical. It's just me having a problem with date. And then we had the report from the working group dealing with reference implementation for (unintelligible) for right protection mechanism is October 15th. And one of the things which was listed within Liz's re-worked of the documents. There will be a note that there will be implementation not guidelines but – yeah, implementation guideline.

Liz Williams: Yup.

Avri Doria: Okay.

Liz Williams: Avri, just a point of clarification. What is there to discuss for next Thursday. I had - we had, remember we had for schedule.

Avri Doria: Okay, yeah that would be open issues.

Liz Williams: Yeah.

Avri Doria: So that we have the consistency of wording in three and six. We're not going to get that today. I expect that we should look at that on the list while you're finishing up the document to see whether there is anything. We've had this discussion before and basically each time we've had it, we've ended up saying three is tree and it stays as is. So that's happened several times.

We even had a specific decision on do we change the example list because the other example list had change. And those times that the answer came back no. So we can still talk some more about the consistency between them but so far it remain stable and, you know, this may produce a implementation clarification question at our next meeting.

We have the dispute resolution pursuit procedure yes or no question that (Bruce) brought up. We have any other implementation questions that come up related to this and I think that's what we have on the bucket for next week.

Philip Sheppard: Avri. Philip. Just a clarifying question on IDN, is our report clear and are relying to the group that we see nothing at all work to prevent immediate implementation of IDN's with this.

Avri Doria: Yeah, I think that was one of our recommendations...

Philip Sheppard: The first.

Avri Doria: ...that we demonstrate in a long time.

Philip Sheppard: Right. And the fact there was external discussion going on is a nice thing to know but it didn't change up what we are saying as a group. Is that correct?

Avri Doria: I believe so.

Philip Sheppard: Okay.

Avri Doria: In other words, I'm looking for that one but we've basically...

Philip Sheppard: All right. If it is especially important somewhere, then that's fine. I just wanted to...

Avri Doria: Yes it is, Philip

Philip Sheppard: ...be clear. That's what we are at. Yeah.

Avri Doria: Okay. Okay. Anything else that needs to be talked about today?

Okay. In which case, I thank you all, especially for staying (unintelligible) five minutes. And see you on line.

Chuck Gomes: Thanks Avri.

Liz Williams: Thanks Avri. Bye-bye.

Avri Doria: Thank you.

Man: Thank you. Bye-bye.

Avri Doria: Okay.

END