Transcript
GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC)
names discussion group teleconference
25 January 2012 at 19:00 UTC

Note: The following is the output of transcribing from an audio recording of the GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference held on Wednesday 25 January 2012 at 1900 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
http://audio.icann.org/gnso/gnso-gac-ioc-20120125-en.mp3 On page:
http://gnso.icann.org/calendar/#jan

Attendees
Jeff Neuman - Registry SG group leader
Lanre Ajayi – Nominating Committee Appointee
Thomas Rickert – Nominating Committee Appointee
James Bikoff- IPC
Steve DelBianco - CBUC
Konstantinos Komaitis - NCUC
Wolfgang Kleinwachter - NCSG
Kiran Malancharuvil - IPC
Charles Gomes - RySG
Gregory Shatan - IPC
Osvaldo Novoa - ISPCP
Yuri Machado

ICANN Staff
Margie Milam
Brian Peck
Nathalie Peregrine

Apologies:
Joy Liddicoat - NCSG
Wendy Seltzer

Coordinator: ...remind all participants this conference is being recorded. If you have any

                    objections you may disconnect at this time. You may begin.

Nathalie Peregrine: Thank you, (Kelly). Good morning, good afternoon, good evening. This is the IOC Red Cross call on the 25th of January, 2012. On the call today we have Lanre Ajayi, Wolfgang Kleinwachter, Osvaldo Novoa, Konstantinos Komaitis, Jeff Neuman, Kiran Malancharuvil, Thomas Rickert, James Bikoff, Greg Shatan, Charles Gomes and Steve DelBianco.

From staff we have Brian Peck, Margie Milam and myself, Nathalie Peregrine. We have apologies from Wendy Seltzer and Joy Liddicoat. I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

Jeff Neuman: Thank you very much. Welcome everyone and I noticed that there are some people on the phones that aren't on Adobe so that's fine just if you want to say something just interrupt and let me know and we'll take a queue.

So welcome to our second call of this year. And what I thought I would do this time is to try to more narrowly focus us on the questions with respect to protection of the Olympic Red Cross names at the top level. And so I sent around a document. Most of you probably got it this morning. Sorry for the lateness of that.

But we'll go through that document. And what we'll do first is I want to see if there's an update from staff on some of the outstanding questions that we had asked them to go back to discern some of the meaning behind the board resolution in Singapore and some other questions that we had.

Then we'll go through this document and then finally talk about a update to the GAC or to the GNSO and the meeting with the GAC prior to Costa Rica. And then also talk about the Costa Rica meeting and next steps. So with that said any questions on the agenda?

I'm hearing some loud tapping. I'm not sure what that is so if you can put it on mute. Oh, I think that just went away, great. So - or maybe not.

Margie or Brian, do you have an update on some of the outstanding questions that we've asked you all to look into?

Brian Peck: Yes we do, Jeff. This is Brian. We talked internally with regards to the - kind of the overall question that is whether indeed if there's any sense or interpretation of the board's resolution of whether this should be a policy issue or an implementation issue.

Jeff Neuman: Right.

Brian Peck: And the message we got from the internal discussions is that, you know, basically if you look at the plain language in the resolution the board is calling for or asking for policy advice. But they didn't ask specifically for a PDP, they didn't specifically ask for implementation. They think that the words were carefully chosen.

And so, you know, since they didn't specify what manner or policy advices to take at least, you know, internally the consensus is that it's up really to the GNSO to decide what manner, you know, the policy advice should take whether you decide it's implementation or whether you decide it requires a PDP. So that's kind of the response we got from the internal discussions. And we consulted with legal and management.

Jeff Neuman: Okay.

Brian Peck: Okay. In terms of some of the other questions there was one question with what was the, you know, the reasoning for the applicant guidebook of not requiring or providing for string similarity review for the IOC and Red Cross names.

And basically it's just because of the nature of how the names are, you know, are being treated for this first round. That is they're not technically reserved names which are, you know, obviously subject to the string similarity review. But they're, you know, prohibited and therefore, not, you know, subject to the same review process.

You know, the view is that the board created a limited exception (unintelligible) of policy advice from the GNSO and the GAC. And so because they're not technically reserve names they're not subject to that string similarity review that those names are. So it's because of the nature of what these names are; they're prohibited or temporarily prohibited for this first round.

In terms of the list of the - that the - both organizations submitted in different languages the question was whether that's considered illustrative or definitive. That list is considered definitive for the limited purpose of the registration prohibition, you know, established by the board for this first round.

In terms of - there was one other question on whether a string similarity reviewer is allowed to consider a letter of non objection from the IOC or the Red Cross and making her determination a similarity. Again if the GNSO were to decide to make these names - or places names as reserve names and thus making it subject to the, you know, the string similarity review there is no provision for third parties to provide the string similarity panel with information to influence the panel's decision.

Jeff Neuman: Okay. And this is Jeff. On that last point though I think the question may have been can an objection come in after the fact so it gets by the string similarity review and then it gets to the point where objections can be heard they could still file objections based on it.

Brian Peck: I'd have to check to see on that.

Steve DelBianco: Yeah this is Steve. That wasn't my question actually though.

Jeff Neuman: Who was that?

Steve DelBianco: DelBianco. And you were implying that the question that I had raised on the last call where I said that can the string similarity reviewer, assuming they're in the middle of a review, are they allowed to consider a letter of non objection from say the Olympic Committee in making her determination of whether it's a similarity problem.

This was to address what Wolfgang and others brought up on the last call, Jeff, where if Olympic Airlines is in there and the Greek government gets the IOC to issue a letter saying no we're okay with that, that's not a similarity problem for dotOlympic Airlines I asked whether the reviewer for string similarity was allowed to take that letter of non objection and therefore determine that there was not a likelihood of confusion and let it get through. Okay?

Jeff Neuman: Brian, do you understand the distinction that Steve's making?

Brian Peck: Yeah and, I mean, and the question I posed to our legal department is that - is the string similarity reviewer allowed to consider a letter of non objection from the IOC or the Red Cross in making her determination of similarity. That's the question I posed directly to legal.

Jeff Neuman: Right and they said that there's no process for that.

Brian Peck: That's right. There is no provision for third parties to provide the string similarity panel with information to influence the panel's decision was their response.

Jeff Neuman: Okay.

Steve DelBianco: So, Jeff, this is Steve. I would just ask us to put that on our agenda as something we may want to consider in the form of advice so this string similarity review if it's applicable does it become a block on otherwise applicable - otherwise permissible names.

Konstantinos Komaitis: Jeff, this is Konstantinos. Sorry to be jumping in; I raised my hand. If we are to go with the Nairobi Treaty on - especially for the Olympic mark, I don't know about the Red Cross, I can say that the Nairobi Treaty basically allows the international Olympic Committee to say who is allowed to use the term.

The Nairobi Treaty talks about the sign as well, the five circles. But generally speaking it is explicit that the International Olympic Committee has the ability to allow or not allow someone to use the term along with the sign.

So possibly we can go with that and say that if there is a letter from the International Olympic Committee during this string similarity review then the letter should prevail.

Jeff Neuman: All right let's - I think we're jumping down into the options which I certainly want to get into. Let's just hold off on - is there any questions on the answers that Brian provided or any follow up you think we need to make of the legal department or ICANN staff?

Thomas Rickert: This is Thomas. I raised my hand.

Jeff Neuman: Yes, Thomas.

Thomas Rickert: Yeah, I think that considering these questions that we just discussed we also have to bear in mind that there might be - there might be permission by the Olympic Committee, for example, even for identical strings if they're, you know, if they're fine with a certain company using that TLD.

But if it actually were reserved names identical strings couldn't even be entered in (TAZ) so one objection letter wouldn't help because that would be, you know, you wouldn't even get to that stage.

((Crosstalk))

Chuck Gomes: This is Chuck. Put me in the queue when you can.

Jeff Neuman: Sure. So just for people that didn't pick that up. What Thomas is saying is that at this point in time if you were to go into the (TAZ) system and enter in that string it wouldn't let you move to the next step. So that's an important implementation detail that does need to be considered. So let me go to Chuck.

Chuck Gomes: Thanks, Jeff. You know, I understand staff's position that there is no provision for this but the GNSO actually raised this issue and noticed that there would be cases where there really wouldn't be confusion because of the way a string is implemented and that could include a situation where there's a letter of non objection from the IOC or Red Cross; probably - in this case probably just the IOC.

And they basically ignored it. So I think it is an implementation issue where they haven't dealt with things. The GNSO was very clear about the Recommendation Number 2 that to avoid confusion for users. And if in fact there's no confusion of users then a string shouldn't be eliminated. But because there's not a provision for this now that isn't even an option.

In other words there would be strings prevented by the string panel that don't cause any confusion. I think that's a flaw.

Jeff Neuman: Thanks, Chuck. And I think that flaw is actually not just - it's not unique to these marks it's - there's a flaw with other marks as well. But I kind of want to take this step by step so let me just - let me just ask if there's any other

questions on the - not the content of what was responded but is there any other questions that we would have to go back to ICANN staff or does everyone understand the answers that were given by Brian; not necessarily agree but understand.

Lanre Ajayi: Yes, I'd like to ask a question. This is Lanre.

Jeff Neuman: Yes. Sure.

Lanre Ajayi: Yes, I want to find out basically it's not too late to change the guidebook at this time? Because most of the (unintelligible) would that be possible now just change the guidebook. If it is not then our discussion will take a new direction. If it is then we have so many options. (Unintelligible) offline by Jeff. So my question is it is not too late to recommend to change in the guidebook?

Jeff Neuman: I'll give you my opinion on this and it's certainly not definitive but my opinion is whatever we do if we do recommend a change it's got to be very soon and - at least at the top level. And but that's still no guarantee even if we recommend it or the GAC and the GNSO agree to it that that will end up in a change.

But I think we need to proceed on the basis that there is a chance that certain changes can be made. And so I think it's a tough question to answer but I think we need to kind of proceed on the basis that certain things may be able to be changed.

Kiran. I don't know if I'm pronouncing that right.

Kiran Malancharuvil: Thanks. This is Kiran Malancharuvil. I have a question as clarification to Brian. The ICANN staff mentioned that there is not currently any provision for third party influence on string similarity review but are they willing to change

that in the future on our recommendation or is that a final decision that there will be no third party influence allowed?

Jeff Neuman: Brian, you want to take that?

Brian Peck: Sure. Well, I mean, we can certainly - I mean, if - again if this - if the GNSO decides, you know, as an implementation or as a policy advice that it views that that provision should be changed I think certainly, you know, at least it would be taken into account. I mean, as you pointed earlier, Jeff, I mean, there's no guarantee that a change would be accepted at this point.

But again I think that's an issue that, you know, for your group and for the GNSO Council to consider whether indeed it's worth taking another look. And, you know, whether there should be a change to that current provision.

Jeff Neuman: Okay.

Kiran Malancharuvil: Thank you.

Jeff Neuman: Sorry, any other questions for Brian? Okay so what I've done in this document, and by no means is it perfect or by no means is it necessarily accurate, I tried, is to try to boil things down into a series of questions and options with those questions based on the GAC proposal.

And if we could take things one by one there may be additional options as well. So if I have not covered an option that you think is out there - for example (Alan) said on email, you know, it's possible that we take each of these questions and apply it differently to Olympic and Red Cross. That's certainly something we could discuss and do.

But if you think there's additional options I left off please let me know. My main point here is I just want to document all the options and then hopefully in the next 10 days or so have people come back with feedback as to either,

you know, individual feedback or if they're able to get groups - their constituencies or stakeholder groups to kind of weigh in on certain options. I think that would be very helpful.

So just to kind of go over the GAC proposal is that at the top level the request is to protect for the Olympic and Red Cross terms like the words (test) an example in the applicant guidebook. And that's - I did a reference - it was Section 2.2.1.2.

Extending those terms to multiple languages and receive and consideration during a string similarity review. Right now these terms and not every language is in the section entitled strings ineligible for registration and would not invoke string similarity review.

So option - I'll read the options and then before we discuss the merits I want to know if there's other options that have not been considered. So the first option is that we recommend no changes so we just basically reject the GAC proposal. And this means that the names set forth in 2.2.1.2.3 A, are not considered reserved names and, B, applied for strings are not reviewed for similarity to the names in that section. That's obviously one option.

Option 2 would be treat the names in that section as I put reserve names under Section 2.2.1.2 which would mean, A, that the names are not available as gTLD strings to anyone including the Olympic Committee or the Red Cross, and, B, applied for gTLD strings would be reviewed during the string similarity review to determine whether they are similar to those in Section 2.2.1.2.3.

An application for a gTLD string that is identified as too similar to a reserve name will not pass this review. And, C, like other applied for gTLDs not passing string similarity review there's no appeal. That would be Option 2.

Option 3 is that we treat these - the terms that are set forth in that Section 2.2.1.2.3 as - and I just created this label whether we like that label or not as a modified reserve name meaning, A, that the names are available but only to the Olympic Committee and the Red Cross or Red Crescent movement as applicable.

And then, B, applied for strings would go through a string similarity review and same thing with C if you don't pass the string similarity review there's no appeal. That would be kind of a modified reserve names approach.

And Option 4 - and then I broke this down into A and B - Option 4a would be that it's not available to anyone except we could create an appeal process for those organizations that can demonstrate legitimate rights to those reserved names.

Option 4b is that we allow the Red Cross and Olympic Committee to register those names and then after a string similarity review we still allow an appeal for those that don't pass string similarity review based on the fact that they would have some sort of legitimate rights.

And again I don't define legitimate rights, that's something we would need to talk about and something Konstantinos has implied with the discussion of the Nairobi Treaty.

So those are kind of the four options that I see. Can anyone think of any other options? I think we discussed the letter of non objection which I guess would be a fifth option.

Chuck Gomes: Yeah, Jeff, this is Chuck. That's what I was...

((Crosstalk))

Steve DelBianco: I think it would be a 4c, Jeff.

Jeff Neuman: A 4c?

Steve DelBianco: Like 4c is the same as above except that rather than appeal that we could design a process for letters of non objection from one who controlled the mark or the existing gTLD about which there was confusion.

Chuck Gomes: And this is Chuck, Jeff. Just if I can follow on on that? Yeah, I think that's - that is an additional option. And I think it fits whether it's reserved or just blocked like the GAC recommends or whatever. If somebody submitted a letter of non objection for example whether it's allowed in the string confusion or not that could be a additional option. And I think that's what Steve was saying too.

Jeff Neuman: Yeah I'm trying - I think it's actually a separate option all to itself as opposed to a 4c because it really wouldn't - it could be Option 2, 3 or 4 plus the non objection. Well actually, no, it couldn't be Option 2 because Option 2 is nobody could even apply for it not even the Olympic Committee or anyone else.

So it would be more like a separate option where we would allow someone to apply for it but only if they have a letter of non objection could they - could it go forward.

Okay is there any other options that we haven't - I see Thomas is on. Steve, did you give your - is your hand still up?

Steve DelBianco: I'm sorry, let me bring it down. That was my...

((Crosstalk))

Jeff Neuman: That's okay. Thomas.

Thomas Rickert: I think in order to be comprehensive there needs to be a combination of the various options we discussed one of which would be that the Olympic Committee or Red Cross themselves would be eligible for registration of the TLD.

Then they could, for example, specify third parties that they allow to register the TLD and also governments - Konstantinos mentioned a couple of - to me - very valid governmental interests in using certain terms. We could have non objections by governments on top of that.

Jeff Neuman: Well I don't know if we - if the organizations themselves don't object then I'm not sure we need governments in there. You're talking about if the organizations don't have a letter of non objection but the governments do?

Thomas Rickert: That was my understanding of, you know, Konstantinos intervention I think by email that for certain cultural topics there might be a valid governmental interest to use a certain TLD.

Jeff Neuman: Okay I'm trying to figure out if that it's a separate option or how to put that in there. I think that kind of fits with the Option 5. It's basically a letter of non objection.

((Crosstalk))

Konstantinos Komaitis: This is Konstantinos. However Option 5 is a letter of non objection from either of the organizations what is for example there is some, you know, someone wants to register the world Olympiad being in Greece as a municipality of Olympiad yet again the International Olympic Committee is not willing to grant this letter.

They have valid claims on the term Olympiad because they are an established governmental entity. Yet again the International Olympic

Committee might reject their request for a letter. Would that fit under Option 5?

Jeff Neuman: So now I've broken it down...

((Crosstalk))

Jeff Neuman: Yeah let me just - so now just based on Konstantinos we kind of have a 5a and b. Five A is letter of non objection from one of the, you know, or the applicable organization and 5b is a letter of non objection from relevant government authority. I don't know if I've worded that right but essentially that's 5a and b.

Steve, was that you that had the comment?

Steve DelBianco: Jeff, it's Steve. I typed in some language in the chat window. But I did want to be sure that the letters of non objection would include not just Red Cross, IOC but either the owner of the mark or the operator of the existing TLD about which the reviewer might conclude similarity. We shouldn't restrict it just to IOC Red Cross.

And it's - there's a different question whether the letter of non objection is instead of an appeal or a step that happens before one and goes to an appeal. Thank you.

Jeff Neuman: Okay well, Steve, let me ask you a question on that. So when you say the operator of the existing TLD how does that relate to the Red Cross or IOC?

Steve DelBianco: If the Red Cross has already purchased dotRed Cross or something like dotRed Crescent or Rose Crucia, whatever you have - I've said it wrong in Espanol. Then they are the operator of that existing gTLD and they're the ones that would be evaluating the new applicant - they would be the ones deciding whether the similarity could cause confusion on a new applicant.

So just to be clear we'd like the process for non objection to be one that's broad enough to cover the party about whom there is confusion could say we're cool with it. We are not concerned about confusion with that particular string. Don't have it fail string similarity on our account. And I do think we want to allow that letter to come from whoever the target of the confusion is and not just from the entities of the IOC and the Red Cross.

Jeff Neuman: Okay so I think with the IOC and Red Cross your statement would apply to subsequent rounds not for this current round because obviously the Red Cross or Olympic Committee do not have an exiting TLD.

Steve DelBianco: No but we are aware - the GNSO policy called for the ability of a letter of non objection from more than just IOC and Red Cross. And I think this is an opportunity to make a generally applicable fix to the string similarity review along with making the IOC and Red Cross happy with accommodating their concerns.

Jeff Neuman: Okay. Steve, I'm going to put on - I'm going to put on my personal hat where I agree with you completely. But as chair of this group I need to at this point limit us to only addressing the IOC Red Cross proposal and then maybe separately bringing up to the GNSO Council the notion of fixing the string similarity review like you talked about.

So I would just at this point take out the words, "...or the operator of the existing TLD," just because it's not really related to the IOC Red Cross proposal at this point in time. As much as I on a personal level agree with everything you've said.

Does anybody else have any comments about that?

Thomas Rickert: Just a question for clarification - this is Thomas. So I think if we pursue that path then it can't be reserved names by definition, right?

Jeff Neuman: If we allow letters of non objection or if we allow the IOC or Red Cross to register those names then by definition they cannot be capital R capital N reserve names as defined in the guidebook. They would be some other category of names which I kind of called in Option 3 the modified reserve names. I don't care if that's the label we end up calling them but that's just what I wrote.

So, yeah, so the answer to your question is yes. Chuck.

Chuck Gomes: I had to take mute off, sorry about that. The - I'm not sure that's true but I may be wrong because - and I'm going to have to go the second level to use an illustration.

At the second level aren't two-character names reserved but there's a procedure - there's an exception procedure that can be applied with the approval of the government involved in that case because it happens to be the confusion with regard to ccTLDs. At least in some TLDs isn't that the case?

Jeff Neuman: At second level that's absolutely the case. At the top level - and I read the language in the guidebook earlier which says that - if you look at Option 2 on the Adobe the language in the guidebook is very clear. That says that those are prohibited strings.

Let me just - I'm just turning to it right here. They are - sorry, I just had it. Okay certain names are not available as gTLD strings as detailed in the section. Reserve names are prohibited. We will not allow the application to be submitted.

And I think it was Thomas that brought up the point if you even try to enter that into (TAZ) it won't let you. So there is no - you're correct, Chuck, at the second level there is - or there are certain exemptions - or not exemptions -

there are certain exceptions, there are certain mechanisms to have them removed from the reserve list but that doesn't - that's not the case with the top level at least in the current guidebook.

Chuck Gomes: I understand that. And what I'm getting at - this is Chuck again. What I'm getting at is we could as a committee and the GNSO could endorse it possibly, suggest a change in that regard if it was important to have them called reserve names. I'm not necessarily advocating that I'm just saying I think our recommendation could change that so that (TAZ) would accept it.

Jeff Neuman: Yeah again kind of putting on the chair's hat at this point in time our mandate is limited to only the IOC and the Red Cross names. And again while...

((Crosstalk))

Jeff Neuman: ...I do agree with you on a personal level I think we need to limit our comments and our recommendations from this group to the GNSO to the IOC Red Cross names as opposed to changing all reserve names and how they're treated.

Chuck Gomes: And, Jeff, I'm not suggesting anything inconsistent with what you're saying. I think your decision is right. What I'm saying is for Red Cross and IOC I think we could still recommend that they be reserve names with an exception procedure. In fact that's one of our options...

((Crosstalk))

Jeff Neuman: Correct, correct. Thomas's question, yes, that's absolutely right. That's a couple of the options that are presented whether it's Option 3 or 4 or 5. That's exactly what we're putting into place we're just not calling them capital R capital N reserve names they're called something else.

Chuck Gomes: Well when you described the options in your email you called them reserve names, right?

Jeff Neuman: I called them modified reserve - modified reserve names. I know, probably a bad label.

((Crosstalk))

Chuck Gomes: I understand the complexity, thanks.

Jeff Neuman: Okay.

((Crosstalk))

Jeff Neuman: Anyone else with any other options for Question 1? So we talked about now an option whether we call 4c or 5 with adding that one in there.

((Crosstalk))

Jeff Neuman: Thomas.

Thomas Rickert: Excuse me, I was on mute. Just a little clarification regarding my question I actually do have a reference for using the term reserve name because that wouldn't make it look like we reject the GAC's proposal. So if there were a possibility to use the term they use but having the variation to it as you proposed in your - in the language that you were using in your email that would be fine by me. I just want all of us to be on the same track here.

Jeff Neuman: Okay. Thanks, Thomas. All right so it seems like we have the options pretty well documented. Let's see what time is it, 2 - okay. Let me - other questions and then as we have time we'll go back and talk about the merits.

But what I want to do then is after this call I'll document that fifth option or 4c, whatever we end up calling it, and then I'm going to put that out for comment and you guys keep me honest to make sure I've got it worded correctly.

And then what I'd like to do, as I said before, is kind of open a 10-day period for people to make comments on which they prefer. You know, hopefully maybe they're talking to some other people in their groups to just kind of see if we can see - to see if we can come to some informal consensus at least within the group at the top level. Second - Konstantinos agrees, good.

The second question I have is so once we decide which option we choose regardless of whether it's Option 1, 2, 3, 4 or 5 the question then becomes that we have to deal with is should those protections be applied in additional languages or languages that are - actually I should just read the question as I wrote it.

Should the protections set forth in Question 1 apply the languages in addition to those set forth in the chart in Section 2.2.1.2.3? If so which additional languages?

Now I couldn't tell maybe Jim can help me on this but the languages that are actually in the chart are they the five UN languages or - or sorry the six UN languages or are there additional languages in there? I know you all had submitted that as kind of your proposal.

James Bikoff: Right. There's 10 languages in there I believe that we submitted.

Jeff Neuman: And do those include all the UN languages?

James Bikoff: Yes.

Jeff Neuman: Okay. So then the options that we have are no we don't - Option 1 is no we shouldn't apply whatever protections they are to additional languages. Option

2 is the GAC proposal which is it should be - and I'm quoting from the question and answer document which says that they want protection in, quote, "...multiple languages all translations of the listed names in languages used on the Internet." Which obviously is the most broad option.

And Option 3 is something in between. I don't know - we'd have to talk about it if that were the way we were to go I don't know how we would go about limiting or adding those names so we'd have to talk about a mechanism to do that.

But I see those three options - those as being the three possible options. Does anyone see an option that's - that I haven't documented? Konstantinos.

Konstantinos Komaitis: Yes. It is just two points. First of all the language that exists in the applicant guidebook for the International Olympic Committee and the Red Cross go beyond the official UN languages, the six official UN languages that's the first.

And secondly I know I should know that but the reserve names list that ICANN has provided that's the - are these names applicable to all languages? I mean, what's the status for those names in relation to languages? Should they be protected in every single language?

Jeff Neuman: So my understanding, and someone please jump in if I'm incorrect, is that it's only the names - the specific reserve names listed in that chart. But remember they do undergo a string similarity review so it's possible that, at least in those languages where it looks similar, that it may be - it may be deemed to be confusingly similar. But...

Konstantinos Komaitis: Oh.

Jeff Neuman: ...the basic answer to your question is it's only those as listed in that chart on Page...

Konstantinos Komaitis: Yes.

Jeff Neuman: ...2-8 and 2-9 in the guidebook.

Konstantinos Komaitis: Sorry, yes. And actually there is a note which I just noticed. Note that in addition to the (above) strings ICANN will (unintelligible) of the terms test and example in multiple languages. The remainder of the strings are reserved only in the form included above. So there is a disclaimer at the top which I just saw. All right, thank you very much.

Jeff Neuman: You're welcome. So I guess that's a question for - maybe to take back to ICANN staff. Brian and Margie, when it says the test and example of protected in multiple languages do you have or does staff have a list of what languages those will include?

Brian Peck: Okay, yeah, we can go back and check on that.

Jeff Neuman: Because presumably that may be an Option 3 - a subset of - it's not every single language used on the Internet but it's also additional languages then - well ones that are - or could be additional languages than the ones that are proposed in the - in Section 1 of the Olympic and Red Cross names (unintelligible). So it's possible...

Brian Peck: Okay.

Jeff Neuman: ...that that may be the Option 3.

Brian Peck: Right. So just to clarify, Jeff, the question that you have is, you know, when it says for example for test and example, sorry, you know, it will be in multiple languages is there a specific list of languages that would be reviewed.

Jeff Neuman: Correct.

Brian Peck: Okay, yeah, we'll go back with that question.

Jeff Neuman: Okay. So does anyone think that there's a fourth option for that? Okay. So again that's another question that I'd like to throw out to everyone to respond to in the next maybe 10 days or so.

And then Question 3 is once we decide on the protections and the languages the question that the - which is in the GAC proposal is should this be permanent or essentially should it apply in subsequent gTLD rounds.

The three options I see there are we definitively say yes it should apply in all future rounds. Option 2 is no it definitively should only apply to this current round and not to any future rounds.

Or Option C which is kind of, you know, in between which is well it should definitely apply in the current round with no decision made on subsequent grounds - or rounds. We should evaluate the results of this initial round, document lessons learned and then decide on recommendations for subsequent rounds based on the results of the evaluation. That's kind of the in between model or in between option.

Does anyone see an additional option for that question? Chuck.

Chuck Gomes: Yeah, Jeff, I don't know that I see an additional option. But I think that Option 2 and Option 3 there could possibly involve a PDP if that was decided to do it that way. Am I right on that?

Jeff Neuman: So if we - well Option 2...

((Crosstalk))

Jeff Neuman: Yeah...

Chuck Gomes: Yeah, in other words one approach would be to just do it for this round and then initiate a PDP to deal with the issues in the long term. Again I'm not advocating that necessarily I'm just getting clarity.

Jeff Neuman: Sure I think that could be - that could be Option 3 as well. I mean, I kind of put my own language below Option 3. But, yeah, I mean, that could easily be a PDP or it doesn't have to be it can just be regular policy advice. So does anyone else see another option that we haven't thought of?

All right well it sounds like - or does anyone think there's any other questions at the top level based on the - again this is only a top level - based on the GAC proposal? Are there any other questions at the top level that we should be considering and providing options for? I'll give it a second for everyone to look at that.

Okay well it seems like with, you know, it seems like we've successfully documented the questions and the options. We do have 15 minutes left on this call. Let me just touch on the other things I want to get to and then we'll come back to discussing some of the narratives if people want to stay on to talk about that.

We scheduled another call for two weeks to have, you know, this call every two weeks. A few weeks ago I got a request - or Stephane and I got a request to set up a meeting at some point in February with members of the GAC not as any kind of official GNSO meeting but more of a status update as to where we are on this proposal and to help them prepare for a more constructive session in Costa Rica.

I thought that would be a good idea. I think it'll help us make progress on this and it'll also be good to kind of let them know - let the GAC know if we do have any consensus on any option where we stand. And, you know, so that

we're all not surprised or chastised at the Costa Rica meeting by the GAC for not having made any progress.

Does everyone think that that's - does anyone think that that's a bad idea? Let me ask that question.

Thomas Rickert: No, face to face meetings always good.

Jeff Neuman: Well I don't know if face to face but certainly conference call. But yes...

Thomas Rickert: In Costa Rica?

Jeff Neuman: No sorry. We're going to meet in Costa Rica face to face this - the question I'm asking is to set up a call in February, so about a month before the Costa Rica meeting...

((Crosstalk))

Jeff Neuman: ...to update...

Thomas Rickert: Fine for me.

Jeff Neuman: Okay so my thought is then to set up that call - and then I'll go to Chuck - to set up that call after our next meeting. So our next meeting is two weeks from today which is - I'm looking at a calendar now...

Brian Peck: February 8 I believe.

Jeff Neuman: February - yes, February 8. And then to set up the call most likely to try the week of the 20th to see if that's a good time for members of the GAC. This will give us a little bit of time after that call to have some emails back and forth if we need to discuss any of the other proposals.

And of course this is not anything definitive, it's not going to be our definitive advice it's just kind of the way we're leaning. But in between that - the reason I was also thinking the week of the 20th is because there's a council meeting the week of the - so I guess it's the 16th. And we could update the council as to where we are so that they know before we have the meeting with the GAC what our - where we are.

And then for planning purposes I - we also - oh I'm sorry, let me go to Chuck and then Steve. Chuck.

Chuck Gomes: Thanks Jeff. I strongly think we ought to try and communicate with the GAC before Costa Rica. And hopefully by the time we do that we can narrow down our list of options a little bit making it a little bit easier to get response from them. But even if we don't I think it would be helpful to ask for at least some of them to give us some feedback on some of the options we're considering.

I don't think we need feedback on Option 1 from the GAC. We know that already. So - but on the other ones it'd be really good to start getting their thinking on some of these because they may not have considered some of these things and may like them or dislike them, we don't know.

Jeff Neuman: Oh I'm sorry, I was on mute now. Steve, you have a question?

Steve DelBianco: Jeff, hey, the letter that you spoke of to Stephane did it come from the GAC?

Jeff Neuman: The - so there was no request by the GAC, no formal request by the GAC to have this meeting. It was an informal discussion by a couple of GAC members with some of us to have this status meeting. It was very informal so it was not any kind of formal request, no.

Steve DelBianco: Great, thank you. And the second follow up to Chuck's point on how much to share. If we were to share with them the incredibly well organized document that you prepared today I fear that because it includes Option 1 under

Question 1 that you can never underestimate the GAC's capability to take things out of context.

And if they think that we even considered telling them, well, no which is what Option 1 was, it means that we have to really clarify that as we show the universe of options that we considered that we did so to be complete. And it was not Option 1 because we thought it was the first option to talk about it was because to be complete we needed to include it.

And I think you know what I'm getting at. We just want to minimize the chance for misinterpretation especially from GAC members maybe for whom English isn't their first language. Okay? Thanks.

Jeff Neuman: Yeah, thanks Steve. And I wholeheartedly agree with that. I did not draft this document as one to be a formal submission so I do think whatever - wherever we're at around that time that there should be something hopefully more narrowed down and certainly something that we all agree will not - or hopefully will not be taken out of context.

Steve DelBianco: Yeah that's fantastic. And it should be extensive because we want to document the extensive amount of work that's gone into this without unnecessarily alarming them that we actually documented an option that was just saying no. Okay? Thanks a lot.

Jeff Neuman: Yeah, thanks Steve. Konstantinos.

Konstantinos Komaitis: Yes, very briefly, thanks Jeff. I would just like to agree with Steve here. I think that it's very important that whatever we present to GAC, especially in whatever this group presents to GAC especially in the written form needs to be at least something that we have agreed and this is the position of the group. I don't think that it is necessary to engage GAC in a process whereby we don't even know what we're deciding.

And however at the call we can ask the GAC and we can exchange opinions and we can ask for clarifications on many things especially in relation to the letter that they've sent. But I think that only the final document needs to go to the GAC in a written form. Thank you.

Jeff Neuman: Okay thanks, Konstantinos. And we should definitely - if we're successful in setting up this call we should definitely on our next call talk about what if anything we present in written form to the GAC for that February meeting, which may be nothing other than a conversation.

So we'll add that to the agenda. And given the amount of topics we have to talk about I'm going to schedule the next call. Brian, if we could schedule it for two hours.

Brian Peck: Sure.

Jeff Neuman: Okay. Chuck.

Brian Peck: Oh I'm sorry, just before I forget, Jeff, really quickly too and just for the group we've mentioned before we're going to try and it looks, you know, pretty promising that Amy Stathos from our legal department will be able to join the call for at least part of the time to answer questions that any of you might have if you think that's still - you know, would be beneficial for the group.

Jeff Neuman: Yeah, I think that would be really good. And I think we should make an effort to send you some of those questions in advance if we can.

Brian Peck: Okay great. We'll go ahead and schedule that and we'll schedule it for two hours.

Jeff Neuman: Okay. Chuck.

Chuck Gomes: Thanks, Jeff. Just kind of want to reinforce what - I think what a couple people already said and what I said earlier. Hopefully in the next 10 days and then in our next call we will be able to narrow down the options that we're considering.

But I really think before we do any finalizing it'd be good to get some GAC feedback before we make a final recommendation to the GNSO. Now that may be after Costa Rica, which is fine, but even before that call in advance of Costa Rica getting some feedback from them on for example if we're considering treating them as a modified reserve name or reserve name and the similarity review.

I think that's a good one to get - even if it's from just a few GAC members some insight in terms of what the thinking is before we get close to finalizing our decision.

Jeff Neuman: Okay. Thanks, Chuck. And I truly hope that the next 10 days we are able to narrow down the options or at least see if there's a consensus or majority viewpoint or something comes out of it. And please - I know the email traffic has been fairly light. I strongly encourage you to go back to your groups, present these options, see if you can get some feedback from your groups.

Again it's nothing binding at this point but I really like when we present it to the council in mid-February where we are I'd like to be able to kind of say whether it's got consensus support, whether it's got, you know, what type of support it has whether there are minority opinions, things like that. So to the extent we're able to do so I think that'll be very helpful.

I'm reading Steve's comment on the chat which is have we settled on the question of whether this is implementation or policy? I think the only answer to that, Steve, is that you're going to get different viewpoints but we're proceeding as our group on the assumption that it's implementation at least for the current round.

But I don't think we're the ultimate arbiters as to whether it is implementation or policy.

Steve DelBianco: So, Jeff, have we tested to see whether we have consensus that it's implementation?

Jeff Neuman: A couple calls back we discussed it. I have not heard very much opposition to treating this as implementation. But that's something we can get comments on in the next 10 days as well.

Steve DelBianco: Thanks.

Konstantinos Komaitis: And, Jeff, this is Konstantinos. Sorry to be jumping in the queue again. I was wondering whether the next call could be an hour earlier for those of us being in Europe since it is for two hours. Thanks.

Jeff Neuman: Well let me throw that out to the group. Does anyone - does anyone have any problem if we took the next call, which is February 8, and moved it an hour earlier?

Okay I'm hearing no objections so, Brian - and that works for me as well. So, Brian, can we do that?

Brian Peck: Sure.

Jeff Neuman: Okay so this would start - I don't even know what time it would be. Let me look. It would start I guess London time would be at 1800, East Coast US it would be 1300 and Pacific Time would be 10 o'clock. Great, okay.

Well that kind of draws us to the end of the - oh, Thomas, Thomas, you have a comment, sorry.

Thomas Rickert: Thanks, Jeff. I was just wondering whether we have any knowledge about as to who wrote the GAC letter originally because it might make sense to try to meet with those specific people because they have already thought quite a bit about this.

You know, I think it would be good to have people that have a better understanding of the issue and explain to them why we, you know, might have an answer that at first sight looks like a rejection or a partial rejection.

James Bikoff: Jeff...

Jeff Neuman: I think - yes, sorry.

James Bikoff: It's Jim Bikoff. I can tell you that I think the people that were most involved in that letter were Mark Carvell in the UK and Susan Rydell here in the US.

Jeff Neuman: And, thanks, Jim. And the way I was going to - the way that...

James Bikoff: And Heather of course signed the letter - Heather Dryden.

Jeff Neuman: Right of course. Well the way that the call will work in February and the way that the GAC works because it's not an official GAC meeting what they will do is Heather and - Heather will do a - basically say look this is not an official GAC meeting. We're going to have a call to get the status. Anyone in the GAC that wants to join is welcome.

So that's kind of the way they'll do it. I'm sure that those are most interested in the subject will likely show up and that would probably include Mark and Susan and others. So that's, you know, from a political standpoint it would not be considered a formal GAC meeting.

And I would not be surprised if, you know, we're going to try to get feedback from them but my guess is that certainly the GAC as the GAC will not be

providing feedback and governments will not necessarily be providing feedback but individual members may provide their personal view so it's going to be important during that call for everyone to realize that they're not expressing any opinions of the GAC.

And so my goal to be honest with you is to just let them know what we're thinking so that in Costa Rica they will have had time to socialize that within the GAC and then provide us with their true feedback in Costa Rica. That make sense?

Thomas Rickert: Yeah.

Jeff Neuman: As much as I would love for them to give us their feedback I think that's just the reality of the way that it operates. Okay so it's past the hour. I want to thank everyone for showing up and please let's get the dialogue on email, let's get where people are sitting and hopefully get some discussion within our own groups.

Chuck, I'm going to ask you if you could send something to the registry group.

Chuck Gomes: I'll plan on it, Jeff. But I have one question in that regard. I wasn't online when you - when we talked about those additional options. Did those get added to the document?

Jeff Neuman: That's my action item. My action item is to add it to the document. And I'm going to talk to - Margie and Brian, you're still available right after this call?

Brian Peck: Yes.

Jeff Neuman: Yeah, so I'm going to talk to Margie and Brian to see if we can get that out today so that we can then start the discussion and you can forward that on - and everyone could forward it onto their groups.

Chuck Gomes: Good, thanks.

Jeff Neuman: Okay. Thank you everyone.

Thomas Rickert: Thank you.

Konstantinos Komaitis: Thank you.

END