

**GNSO/SSAC
International Registration Data Working Group
TRANSCRIPTION
Monday 16 August 2010 at 14:00 UTC**

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Present for the teleconference:

Jeremy Hitchcock - DYN-DNS

Avri Doria - NCSG

Rafik Dammak -- GNSO Non-Commercial Users Stakeholder Group

Bob Hutchinson, GNSO Commercial Stakeholder Group

Yao Jiankang, GNSO Registry Stakeholder Group, CNNIC

Steven Metalitz -- GNSO Intellectual Property Interests Constituency, Commercial

ICANN Staff

Steve Sheng

Gisella Gruber-White

Absent apologies:

Julie Hedlund

Andrei Kolesnikov -- Nominating Committee Appointee

Coordinator: Excuse me everyone. It's the operator. Just need to inform all parties that today's conference is being recorded. If you have any objections, you may disconnect at this time. And, you may begin.

Mikey O'Connor: Thanks (Lori), thanks Gisella. Welcome all to this, the August 16 Vertical Integration Workgroup Call. The agenda is the Adobe room. I had forgot to send it by email. My apologies. I'm digging out from a little bit of a flood here at the firm, and I got distracted with some projects this morning. But, the

agenda is to take a look at Margie's summary of the public comments and make sure that it's ready to go into the report. Take a quick look at the motion that Counsel will be presented by Stephan. And then, continue our conversation about harms. That's sort of it for today.

Is there anything that people would like to add to that?

Okay. Gisella, why don't you call a roll and then we'll get underway.

Gisella Gruber-White: Good morning, good afternoon, good evening to everyone on today's Vertical Integration call Monday, August 16. We have Mike O'Conner, (Cecil Metasami), Cheryl Langdon-Orr, Volker Kuhlmann, Jeff Eckhaus, Ken Stubbs, Keith Drasek, (Jose Frakes), Paul Diaz, Jeff Neuman, Roberto Gaetano, (Larry Kulp), (Stefan Hammack), Avri Doria, Scott Austin, Brian Cote, Alan Greenberg, Amadeu Abril, (Jean-Kristof Vinya), (Tara Mustalla), (Cathryn Olmer), Jon Nevett.

And from staff, we have Margie Milam, Liz Gasster, (Amy Satos), (Mike Zupka), myself Gisella Gruber-White. We have apologies from today from (Ron Adruff). He may be calling - joining a little later. (Kristina Rosette), (Budo Schaumbert), Richard Tindal has also just joined the call. And if I can please remind everyone to state their names when speaking for transcript purposes. I hope I haven't left anyone out.

Over to you, Mikey.

Mikey O'Connor: Thanks, Gisella. Thanks all for joining on this mid-summer, mid-August day. As I said a minute ago, just three things today on the agenda. I hope everybody's had a chance to read through Margie's summary of the public comments. In a normal working group, what we would be doing is we would go through this in a pretty detailed way, probably over several meetings, and both to - in the language of the summary itself and start discussing changes that we might make to the initial report.

Given the deadlines that we're under, I'd like to sort of narrow our focus, and mostly just make sure that the summary accurately reflects what people thought they said and what they - for those of you that read all the comments as I did, if you feel like its an accurate summary of the total. And, we'll save the conversation about what the implications are for the initial - really for the final report, for another call. Because I think that there are some pretty substantial issues in there that we probably want to take a little bit more time to reflect on and talk about on the list before we start making choices.

But, our deadline for getting the revised initial report to the Council is Wednesday, and so we need to make sure that this document that's on the Adobe screen in front of you is ready to go.

And with that, Margie do you want to sort of lead us through the conversation of this? Do you want me to just manage the queue and take questions for you? How do you want to proceed?

Margie Milam: I think it's probably best for me to - a brief overview. Obviously, I'm not going to read the comments of each section, and then maybe we pause and take questions in each section. How does that sound?

Mikey O'Connor: That sounds fine.

Margie Milam: Okay. Yes. I mean, and as the disclaimer indicates, I mean obviously this is a summary. And as Mikey indicated, we really need to have each of you read the comments themselves to see what they said, because it's often difficult to prepare a summary, especially in a short amount of time. And, I apologize to anyone whom we may have misstated or left - you know, or not included all of their impertinent points.

So essentially, we received 22 contributions to the public comment forum. I've listed them on the first page, so it represents a broad spectrum of

interests, including several stakeholder group statements and constituency statements, and those are attached in their entirety at the end of the summary in Annex A.

And so if we had more time, Mikey's exactly right. We would be going item by item and saying you know, yes; we want to amend the report and this is how, and we would go through each statement, but we just don't have the time to do that. So, I recommend that all of you do that when you have time after this call.

What I tried to do in very introduction was make some observations based upon my review of the public comments, and there's some bullet points there. I talk about observations that I've made by reading the comments in the public comment forum. And, I think perhaps that's a good place to discuss those issues with this group.

It's - Mikey, does that sound right? A good way to proceed?

Mikey O'Connor: Yes. That sounds great.

Margie Milam: Okay. And so, my first observation is there are many commenters that indicated that ICANN needs to quickly resolve this issue of vertical separation. And, I've highlighted some of the statements in the following sections. But, you can hear the - really the need to get this done quickly.

There's also many, many commenters that indicated that there's just no consensus likely to come from the VI working group in favor of any of the substantive models in the initial report. And so, there wasn't - in looking at the comments, there wasn't a trend favoring one model over the others. I think the comments reflect the diversity that we've all identified in this working group.

The other thing that I think stood out was that there was no support for a models reflected in the Nairobi Board resolution in (bag four). I didn't see a comment that said that those resolution positions or the - that version four was acceptable as is. And so, I thought that was useful to highlight.

There did seem to be general support for the key principals in the initial report. So where we had identified certain principles, there seemed - the theme of the comments seemed to be supportive of those principles; specifically, that certain new TLDs may be unnecessarily impacted by the restrictions on cross-ownership or control. A process should be adopted that would allow exceptions.

There seemed to be support for the exploration of single registrant - single user TLDs, and there seems to be this recognition of the enhanced need for compliance efforts and a detailed compliance plan to enforce any of the restrictions that may be adopted by ICANN.

The other theme that seemed to be pretty prevalent in the comments that addressed this was there seemed to be a concern about the involvement of any model that required involvement of a national competition authority. And, the theme seems to be that national competition authorities don't have experience in the domain name marketplace, and it just didn't seem practical to incorporate that step in a model adopted by ICANN.

So, those are kind of my general observations. I think I'll pause here to see if there are any questions.

Mikey O'Connor: We've got a couple I think. Jeff, why don't you go ahead.

Jeff Neuman: Yes. Thank you. Thanks, Margie for the great document. My only comment is that there were some people, and know (New Star)'s one of them that submitted comments to Vertical Integration during the DAG process, as opposed to here, and I guess they thought that maybe those comments, even

though they didn't submit it to this forum would still make it in, as they relate kind of to the same stuff.

So, their - any collaboration Margie with you and whoever's doing the comments for the DAG on this issue to maybe include them in the same report?

Margie Milam: Yes. To answer your question, I did not look at the comments to the draft app. I think have the version four. In the - you know, we had a short amount of time to do this. If the consensus of the group is that I should view that, I'd be happy to take some time after this call, take a look at them and include them in here. But typically, we don't do that as a practice. I see that it may be relevant in this case. You know if that's the consensus of the group, I'd be happy to do that.

Mikey O'Connor: I'm wondering if there's a way that folks - Jeff, would there be a way that you could send a copy of that to Margie and highlight the section so she didn't have to churn through them all?

Jeff Neuman: Yes. I can do that and that's not a problem, but that I think just benefits the people who are on this call that know.

Mikey O'Connor: Yes.

Jeff Neuman: My concern is about the others that aren't on this call, because I do talk to a few other people that were just assuming that the comments would be taken into consideration, I think because these deadlines are so close to each other.

Mikey O'Connor: Yes. I - the thing that I'm mindful of is our own deadline, which is Wednesday, and I want to make sure that we don't set Margie on a task that she cannot complete in time for our deadline. So, could we structure it like this? That we ask Margie to look at it? If she has to choose between getting through all of

those and making our deadline, that she makes our deadline? I would hate to be in a situation where we miss that deadline, because then suddenly a lot of bad things happen. Would that be okay with you, Jeff?

Jeff Neuman: Yes. I mean, that's fine. The issue is that all these things are going to end up at the Board, and I would just hate for the Board to consider the comments by this working group in isolation from the comments that were submitted to what ICANN had proposed. They all (unintelligible)...

((Crosstalk))

Mikey O'Connor: How about this for an additional thing? Why don't we add a note to this document that says precisely that? That says these are the comments that we received directly for Vertical Integration, and then we'll fold in the ones that Margie can find in a reasonable amount of time? But then, have a statement that says in addition, please review the appropriate section of the comments to the DAG, as there is considerable overlap in that topic, so that people are alerted to do that. Maybe that's another hitch that we could put in.

Jeff Neuman: Yes, that'll work. Yes, just say that those comments are incorporated into this public comment period or something like that. Yes.

Mikey O'Connor: Yes. Yes. I think that's a great idea.

Margie, is that going to put you in a pickle?

Margie Milam: No. No. I think that's a reasonable approach. I'll look at them and see how - you know, how big the task is. And at a minimum, we'll do the - you know, make the disclaimer - the reference to the others and incorporate them you know, by reference so at least there's a reference to it.

Mikey O'Connor: Yes. Okay. That seems like a good point. And you know Jeff, it would be - well, I don't know if this really your job, but I hadn't even thought about

looking at the DAG comments. If somebody could point to the rest of us via the list at the right part of the DAG comments, I should probably read those too. I hadn't even thought about it.

Jeff Neuman: Well, if any comments that reference section - was it 2.8 or 2.9? I can't remember what it was in the new...

Mikey O'Connor: Yes. Yes. That's a good catch. Thanks, Jeff.

Ken, you're next.

Ken Stubbs: Thanks, Mike. I have a question about one of the conclusions that was reached Margie, in the fourth bullet point there. And, that - the first item that's mentioned, certain gTLD's likely to be applied for in the first round maybe unnecessarily impacted by restrictions. To me, that sounds like a conclusion that the impact is really not necessary. I think maybe that's your read of the comments that were made. I think there's clearly going to be an impact by restrictions. But whether or not that impact is necessary, is really a conclusion that I don't think has been reached yet.

Mikey O'Connor: I think in Margie's defense, that may be language out of our report, Ken.

Margie Milam: Yes. That was - yes Mikey. That part - this is Margie. I was just referring back to our report. I wasn't making that conclusion with a you know, reference to that.

Mikey O'Connor: Yes. That's the preamble to the Principles section of our report. I think that might have come from (Kim)'s original draft, but I'm not sure.

Anyway, I don't think that it's Margie's...

Ken Stubbs: Okay. Well, I wasn't certain, but it was - I honestly don't recall that word used, but I believe that it may have been, and I just...

Mikey O'Connor: I think that's where it came from.

Okay. Amadeu, you're next.

Amadeu Abril: Sorry. Can you hear me?

Mikey O'Connor: Yes. I can hear you fine.

Amadeu Abril: Well, I think that I just lowered my hand. I just wanted to say that instead of putting perhaps all the comments, at the very last -- regarding the - Jeff Neuman's point -- a reference to the comments made at the different modules. I guess probably some people say that to the intro - to the whole forum or to the (model queue). So, at little reference to this - really for in places where these comments were made, they should be made. But you know, that's from the previous discussion.

Mikey O'Connor: Yes. Okay. But, it's a good point that we should - when we make the reference, let's make sure that we point at the right places in the DAG so that people don't accidentally miss them. I think that's a good thought.

Okay Margie, I think back to you.

Margie Milam: Okay. So, I'm just going to scan through the rest of the comments and see if there's something I can point out that's relevant for us to talk about. There are some general comments in Section 4. We did talk about the issue of resolving the issue quickly. I'm in Page 3 of the document.

On the issue of that consensus is not likely to be reached, there was a comment from KEY-SYSTEMS that essentially was concerned that if consensus wasn't reached, then essentially because the - it's the first round of applications -- it's the defining round -- that you may be effectively shutting

out applicants in subsequent rounds. But, thought that was an interesting observation that I wanted to share with the group.

Mikey O'Connor: Let me break in Margie, and I think Scott's got a question about something you just went over.

Scott, go ahead.

Scott Austin: Yes. Thanks, Mikey. Actually, it was after Ken made that comment, I decided to look a little closer and just wanted to raise the bullet points that follow the unnecessarily line. And again, if these are just taken from our own words, then there's no reason to quibble I guess. But, I know we had some discussion on this list, or on the working group about the word exception, as in exception to what? And, I'm just wondering if we ought to make the reference to the - you know, exceptions to restrictions on cross-ownership or control, which is in the prior bullet point.

Just again, to say exception in a vacuum, it seems to me doesn't...

Mikey O'Connor: Yes. No, I think that's a good catch. I think that's easy to fold in. Right, Margie?

Margie Milam: Yes. I agree. I think that's right. It's sometimes hard to summarize and accurately reflect everything. So, I think that's a reasonable clarification.

Mikey O'Connor: Yes. Well, and I do want to highlight the speed with which you had to do this, too.

Scott Austin: No. I think it's terrific. I just - like I said, I was just trying to see if - to put in perspective to at least (unintelligible) context to, and that's the exception is too.

Mikey O'Connor: Yes. No, and I think it's good to have you know, people catching stuff like that because many eyes make better documents. So, I think it's terrific. Thanks, Scott.

Okay, back to you Margie.

Margie Milam: Sure. And with respect to that topic, the first line - first principle about certain new TLDs likely to be unnecessarily impacted, there were two kinds of categories that were highlighted in the comments by separate comments. There's - one was the special consideration for linguistic and cultural TLDs, and (Cat) talked about that (unintelligible). And also, there was also reference from - I believe it was KEY-SYSTEMS and (McKayla) also talked about similar concepts. So when we're talking about different TLDs that may have special consideration, that the one category.

The other category was raised by Debra Hughes of the Red Cross, regarding the needs of non-profit organizations. And so, I tried to pick out parts of her comments that highlighted the concerns of the non-profit organizations from her perspective.

Any questions regarding those comments?

Okay. I think we're good.

Then, with regard to the principle request that a process should be adopted to request exceptions and have them be considered on a case-by-case basis, there were a number of comments in that category. (It's always) from the business (constituency). And also, I did think it was interesting that Debra Hughes from the Red Cross actually provided some clarity on what she suggested the exceptions procedure could look at, and she had like a four part description of what the exceptions process could follow.

One of her suggestions, which was also raised by another commenter, was that if there is an exception procedure, it should be at no additional cost to the applicant. So, that was one of her suggestions. And then I think it'd be useful for this group to look at the procedure that she suggested, you know when we got time.

Any questions about that comment - that set of comments?

Okay. And then the next item is on Page 8. Item D, the principle that single registrant - single user TLDs should be explored further. I think there's a number of comments that supported that they should be looked at for their concerns about defining it very tightly to avoid gaming. I think that principal came out both in the ISP constituency statement and the comments of (Melbourne IT). So, that seemed to be a running theme, that if that was to be explored, it would have to be very tightly defined.

Any questions regarding that comment?

Okay. And then, there was also a fair amount of comments supporting the principles that were in our initial report regarding the need for you know, enhanced compliance and a detailed compliance plan. So, that certainly was something that was supported by many comments.

And then with regards to the next topic, which is the actual proposals, I think the thing I wanted to highlight most was the comments of the registry stakeholder group that was submitted by David Maher. He wanted to point out on behalf of the registry stakeholder group that - a couple principles. One was that although no proposal had consensus, if you start looking at themes across various proposals, there seems to be that the proposals that prohibit or restrict Vertical Integration seem to have broader combined support than proposals that would permit unrestricted Vertical Integration. So, he's kind of - they were looking at you know, kind of the general principles across these various proposals.

There seems to be strong support for - at least from the perspective of the registry stakeholder group, that for continuing the 50% ownership cap and for imposing a restriction on a vertically integrated registry and registrar from selling it in its own TLD, while there seemed to be less support for allowing 100% cross-ownership and unrestricted Vertical Integration.

And so, I don't know if there's anyone from the registry stakeholder group that'd like to comment on this, but I'm just pointing out that they looked at these proposals on kind of a more broad base to see what kind of principles emerged. And, it looks like we have a question from Jeff.

Jeff Eckhaus: Yes. Thanks. And, this question is actually also towards any member of the registry stakeholder group. Because I wasn't sure when it was saying it is important to know that - when they were discussing about their strong support, and there's different levels of support. Was that an analysis of the VI working group as a whole, or was that of the registry stakeholder group - the levels of support and the discussions there? I wasn't sure which one it was referring to on the level of support, so maybe if somebody could clarify that from the registry stakeholder group.

Mikey O'Connor: Jeff, is that you that's stepping up to clarify?

Jeff Neuman: Actually, I forgot Brian's on, so I'll defer to Brian.

Mikey O'Connor: Okay. Brian.

Brian, you may be muted at this point.

Brian Cute: Can you hear me?

Mikey O'Connor: Now we can hear you. Yes. All good.

Brian Cute: Okay. Yes, thanks Jeff. You didn't have to do that, and if I go sideways on the explanation, please jump in. I think simply put, it was the registry stakeholder group looking at the results of the polling in part, and of the supporters of the respective proposals. And if you look at the proposals that call for restrictions as a category, and look at the numeric work for those, that's what the statement is based on, that view of the proposals and the poll results.

Mikey O'Connor: Thanks, Brian. Jeff Eckhaus, does that clear up the question for you?

Jeff Eckhaus: Yes. It does. So basically, it's an analysis. It's the registry stakeholder group take on the polls that were done. I just wanted to be clear of that.

Mikey O'Connor: Yes. I think that's right.

Brian Cute: Okay.

Jeff Eckhaus: Thanks.

Mikey O'Connor: Thanks, Jeff.

Okay...

Margie Milam: Okay...

Mikey O'Connor: Brian, I think you can take your hand down so you don't confuse me, and then Margie, back to you.

Margie Milam: Sure. Yes, the other thing that I thought was interesting in the registry stakeholder group comment was that they wanted to highlight that poll that shows support for an atom or molecule without further context may be incomplete or misleading. And so, there was a recommendation to the working group that as we move to a final report, that we should refrain from

representing molecules or atoms in a manner that it a false impression of consensus, where it may not...

Any comments on that?

Okay. And then, I'm not (unintelligible) the various comments on the proposals. I think that probably would take some time. What I did do was lump for each category observations that I could identify with respect to those proposals, so you could get a flavor for the types of comments that were made by the commenters.

I'm just scanning it through now as I'm just going through to the next category, which would be - oh. The one thing I did, and I mentioned this before, was I did though specifically address the issue of a draft having been done before and the Board in Nairobi resolution, because there seems to be a theme throughout the comments about those proposals not being acceptable.

And then at the very end of that section, this is Page 15 I believe, in Category G, there were additional proposals suggested for the VI working group's consideration. There's a VeriSign proposal that's represented in the summary, and I don't know if Keith, you would like to kind of describe it.

And then, there was also the recommendation from KEY-SYSTEMS, from (McKayla) EuroDNS to include a reference to the open registrar proposal. And if any of you were on the call right now, perhaps you want to explain that further, because that proposal was not reflected in the initial report.

Mikey O'Connor: Margie, this may fall in the definitely something to consider later category, but we may not want to go through the details of the proposals right now.

Michele, go ahead.

Michele: Since I never speak on these calls, I thought I'd break with tradition.

Mikey O'Connor: All right, then.

Michele: Just with respect to the reference on the open registrar proposal. I believe that there was some kind of crossed wires with respect to getting that included in the report. So in consultation with Mikey, it was decided that the best way to get a reference in at this juncture was to include this via the public comments, which Volker did, and then I referenced them. Possibly, (JC) might have referenced it as well. I'm not too sure about anybody else. That's basically what happened.

Mikey O'Connor: Thanks, Michele. I totally forgot about that.

Margie Milam: Mikey, if I may comment. This is Margie. The initial report doesn't reference it, that I believe, and so - and in the comments, I didn't include the text of the open registrar proposal because it was about five pages long. The only thing that I actually attached verbatim was the constituency statements and the stakeholder group statements.

So if we don't include it in the summary and it's not in the initial report, then someone who's looking through the - those documents won't be able to get to the details of the open registrant proposal. I could link it to at least what's on our Wiki page, but that is a question of whether you want to actually incorporate some summary of the open registrar proposal in the report.

Mikey O'Connor: What I think I'd like to do is figure out a way to get the whole text of both the VeriSign and open registrar proposal into this somehow, whatever makes the most sense. The reason that we didn't put them in the initial report is because we didn't poll on them. And in fact, we really have that issue with all of the proposals that we didn't poll on, so that includes the initial free trade proposal by (Sheva), some of the earlier drafts of (Tam), et cetera.

And so maybe the thing to do is refer to the proposals pages in the Wiki, so that people can get to those texts? Sort of open to ideas here, people. But, there is sort of a fairness thing. I don't want to unnecessarily exclude other proposals from this link.

So, my initial thought would be to have a link in there to a place where people can see all the proposals, and I think that there's a page on the Wiki that does that, so that people can get to the full text if they want to. What do people think of that?

Jeff Neuman and Alan. Jeff, go ahead.

Jeff Neuman: Yes. I think the - and Keith is on the phone, so maybe he can speak. But, I think the VeriSign - what I read in the comment - I can be wrong. It's just restating what it submitted in July to the working group. I don't think it's a new proposal. It's...

Mikey O'Connor: Yes. It's not really a proposal.

Jeff Neuman: Yes. And, I haven't read Michele, your submission or that submission, the open registrar, but my feeling is again it's probably just a proposal that was already submitted to the working group; although, not included in the reports.

Keith Drasek: This is Keith, and that's correct. I mean, what we submitted as public comments was nothing different than what we submitted previously to the working group list. However, there were a couple of paragraphs added to help frame it in the context of where the working group is today. For example, we encouraged the working group to you know, continue to work towards some sort of compromise. We you know, we encouraged the working group to try to include - you know, keep working on the list of harms and to include the list of harms.

So, Jeff's correct in that it wasn't a new standalone proposal per say. But, there was some additional context and framing of - you know, of the position.

Mikey O'Connor: Okay. Alan. Go ahead.

Alan Greenberg: Yes. I just want to caution against putting links into the Wiki. Wiki references are not all that stable to begin with. And, ICANN's in the midst of changing to a new Wiki where the content will be preserved, but the addressing I'm sure will not be. So from an archival and historical point of view, a pointer to the Wiki probably shouldn't - it has no value at all.

Mikey O'Connor: Yes. That's a good point.

Let's leave this as a puzzle for Margie to figure out - Margie and Mikey. I don't want to soak up a whole lot of time on the call. But, we'll acknowledge that it would be nice to get links to all of the original proposals in here somehow, and figure out the best way to do that. How about that?

Margie Milam: Okay.

Mikey O'Connor: I'm not hearing howls of protest, so let's figure that out.

Man: Mikey?

Mikey O'Connor: Yes. Go ahead.

(JC): Sorry. I'm not online so I cannot raise my hand.

Mikey O'Connor: No worries.

(JC): Just a point of clarification. Because I know Volker and myself did attach our proposal to the draft comments. But, I was wondering actually what the Board would use? Do they usually limit themselves to the report, and that is so good

that it could be just that? Or, would they actually go to each comment and then they may see the proposal details because it's attached to both my comments and Volker's?

Mikey O'Connor: Hand on a minute, (JC), while I see if we can figure out what the noise on the line was. That's the noise. Whatever that noise is.

(Lori), can you kind of keep an eye out for that one and see what's up with that?

In answer to that, I'm going to defer to the Senior Co-Chair of the Vertical Integration Working Group who knows how the Board works a lot better than me. Roberto, you want to take a swing at (JC)'s question on what the Board will actually...

((Crosstalk))

Roberto Gaetano: Okay. I didn't get the question in fact.

Mikey O'Connor: (JC) do you want to run through that again? There was an awful lot of noise on the line when you were talking.

(JC): Okay. The question is does the Board usually rely solely on the reports, or will they go through the whole list and therefore, see our proposal, because it's attached to my comments and Volker's.

Presumably - I mean, the question is do we need to reference the proposal, or can we expect the Board to look at the proposal by itself because it's in both our comments?

Roberto Gaetano: The Board in its principal goes through the whole documentation. However, it - the Board relies very much on the summary and on the papers that are prepared by staff to highlight the different points.

In other words, the issue is to make sure that when the staff prepares the recommendation and the paper for the board, that those reference are put in. I don't know if that answers your question.

(JC): It does. Thank you. But then, so maybe for Margie is there an issue in annexing its proposal to the report? Is there a limited length, or...

Roberto Gaetano: No, I think it's - in fact, to put more - to put things as an annex is a good thing, because they are there. So at least it is in the documentation that is presented to the Board. I also have to say that in my experience on the Board, not all the (directs) read the whole documentation, but that's a different study. That's something that we can't do anything about.

Hello?

(JC): Yes. Thanks.

Roberto Gaetano: Yes.

(JC): Thanks for this. Margie, what do you think? Is it possible to annex them, or...

Margie Milam: Yes. I don't really know what the format of the Board report is going to look like. That's typically not done - at least my end, so let me look into it and see what I can find.

(JC): All right. Thanks.

Mikey O'Connor: Okay. I see nothing else in the queue. Margie, carry on.

Margie Milam: Okay. Then, just the final points before we (unintelligible) subject. In the observations on the domain name market and competition, this is Section 7, there were a fair amount of references to the - asking the working group to

look at the experience of ccTLDs. That theme seemed to come across in many of the comments that ccTLDs. Some of them are integrated. Some of them allow registrars to go direct. I mean, registries to go direct. And, that experience might be helpful in determining you know, the types of harms that might come up in the model that might be adopted for new gTLDs. So, that was one idea.

The other thing, there was a - I guess you have a question from Scott Austin.

Mikey O'Connor: Scott, you want to go ahead? You're muted maybe.

Scott Austin: No. No. I'm here, but I was just trying to collect my thoughts because a lot of things have gone on since - as she was going through these, and I'm trying to read some of the summary at the same time. There were a couple of things that I thought were really very interesting that were raised, and I'd just like to hear from the community about the comments.

And one is there was a miscellaneous comment under Roman VIII essentially saying that people were kind of - there were entities out there that were registered - or sorry, accredited as registrars, but yet were not necessarily functioning as a registrar. And, I wonder if our report needs to deal with that? I didn't realize that that could essentially happen. That's sort of like you know, being on inactive status as a lawyer or something.

And I guess the question is should that be covered so that someone isn't swept up in a limitation that they're unsuspecting - you know, they're not suspecting of. And, I just wondered if that was something that we need to deal with in our specific policy?

Mikey O'Connor: This is another one of those ones that I think falls in the much deeper discussion that we're going to have as a working group about all of these comments. You know, I think it's certainly a valid point. It's not one that we need to address right now.

Scott Austin: Okay. Well, the other thing that goes along with it maybe is also the reference in some of the comments about ccTLDs already having vertical integration or a form of it, and it being tolerated if not preferred. And I guess the question there is does that show a model of vertical integration that should be again viewed as either an exception or a model that may work to reach consensus or some consensus among the group? And, those were just my two points.

Mikey O'Connor: Yes. I think they're both great points, and for sure we're going to circle back around I think through this whole list and pick up points like that in our - you know, in the weeks to come.

Right now, what I'm mostly focused on is making sure that this is accurate so that we can put it in the revised initial report. But, we just don't have time to digest the implications of all this right now. We've got to get all this done by Wednesday. And so, all those conversations I think you have to wait until we've got a little bit more time to digest stuff.

Jeff Eckhaus, go ahead.

Jeff Eckhaus: Yes. Actually, I just wondered if - just give me a second. I just wanted to respond to Scott and say to the group about certain - you know, what that is about registrars who are - I'm going to use quotes, "Who are not acting as registrars." All that really is for example -- and I know who this comment refers to and what it's about, so I can have some insight -- is just there are people who have ICANN - who are ICANN accredited registrars who just do not sell names to the public.

These are people who have their registrations - their ICANN - they do it for their domain registrations because some of them own very large portfolio of domain names. And, it is more cost efficient for them to hold their registration and they feel safer than - you know, of owning it themselves, so that is why they're not actively selling to the public. They don't offer their services to the

public. They do offer their services that they're required in their RAA, such as providing WHOIS and the other information, but they do not sell out to the public.

So, that is what those people are saying who act as registrars. That's what they do. It's mostly people who own their own large portfolios of domain names, or they are companies such as you know, Microsoft or Google that use - that have their registrars - ICANN accredited registrars, but they don't sell domains through their own accreditation. They use it for other sources of information.

Mikey O'Connor: Thanks, Jeff.

I think with that, back to you Margie.

Margie Milam: Sure. And then, I'll wrap up with discussion of the comments on the next steps. Two comments talked about the fact that even though we can't reach a - we may not be able to reach consensus prior to the launch of the first round, that it's still worthwhile to keep - you know, trying to reach a compromise and consensus for future rounds. With the idea being that we don't want to have further delays, and so it doesn't mean that the work isn't important or shouldn't be done, it's just that it may not necessarily affect the first round of applications.

The other comments that came in were related to the list of harms. There were several comments that encouraged the working group to develop the list of harms for the next version of the initial report; although, there were concerns that the list of harms may not have any basis in fact. That it might just be potential harms without reference to the likelihood of the facts.

And with that, I think that concludes at least my overview of the summary.

Mikey O'Connor: Thanks again, Margie, for turning out a pretty big, pretty complex document on almost no time budget whatsoever.

I think this is - people's sort of last chance to stick up your hand and say, "No. No. This is no good. Because otherwise, I think what Margie and I will do is add a paragraph or two to the initial report that basically just introduces this summary of the public comments and attach it as an appendix and submit it on Wednesday. So, last chance to throw your body on the tracks. But, I think this is an amazingly good piece of work.

And, I agree with all the folks who've brought up points that you know, there's some really interesting discussion issues here that we need to dig into, but this isn't the day to do it. Today, we just need to get this document stitched into our initial report.

Okay. I'm not seeing any bodies flying across railroad tracks, so we'll consider this a go. I appreciate everybody taking a look at it and the comments we got.

Margie, could we quickly take a look at the resolution that we're going to use at the Council meeting to introduce this into the record and pass it along to the Board? I circulated this to the list late last week and asked folks to give it a quick read. I think it's pretty straight forward, but as with anything else in the group, I'd like to have you all see it and see if there's anything that we need to catch or tweak in here. I'm not going to read it. I just want to put it in front of you. This is sort of your last chance to take a look at it.

Margie, has her hand up and probably has stuff to tell about this. Go ahead, Margie.

Margie Milam: Sure, since I drafted it. What this does is - because we didn't - I didn't (unintelligible) that we were going to have any recommendations in the report. The Council motion does not approve of the recommendations in the

report. All it does is forward the report to the Board. So, I just wanted to clarify that because I didn't - you know, if it was going to turn out that we were going to actually have concrete recommendations in the initial report, we could've rewritten this to have the GNSO Council approve of those recommendations.

But, I wasn't sure that that was likely, so that's why it's drafted the way that you see.

Mikey O'Connor: Thanks a lot. Amadeu, go ahead.

Amadeu Abril: Okay. So, my point was related to what Margie just said. In (unintelligible) miss here is a (unintelligible) there were not actual recommendations. I mean, if you read this resolution you understand nothing.

Mikey O'Connor: Yes.

Amadeu Abril: The fact that we are being thanked for our hard work in you know, achieving exactly what was our duty. So, I think that some versions say well this - you know, even the fact there are not concrete resolutions or recommendations, the GNSO Council agrees to forward the interim report, or something like that.

But at least somewhere it should be explicit there are no concrete recommendations.

Mikey O'Connor: Margie, any thoughts on that?

Margie Milam: That's right. I think that's consistent with what we were saying. And so, if you look at the motion, there's some bracketed language. I would take out that language because I've put it in as a placeholder in the event that there were specific policy recommendations. So, we might want to put in a whereas clause, something that says that you know - recognizing that although there

were no recommendations that achieved a consensus, we're still nevertheless forwarding the reports to the Board.

Amadeu Abril: I'm just saying that to be clear, because sometimes you know, I find myself looking back three years ago to what the resolution was, and you've (sent them) the resolution to understand something, right? And if three years from now we read this resolution, it's absolutely not clear what happened here and what is interim report. So, at least I would appreciate making clear there's no (conclusive) recommendations yet.

Mikey O'Connor: That makes sense to me, too. Margie, any trouble with that idea?

Margie Milam: No.

Mikey O'Connor: Okay. Jeff Neuman two; the sequel.

Jeff Neuman: Yes. I don't know where the two came from. I didn't...

Cheryl Langdon-Orr: I just think you like it. Come on.

Jeff Neuman: Okay. So, this is going to be a comment in my role as serving on the PDP work team as opposed to being a registry. But, I got to say that this resolution sets an awful precedent for PDPs going forward. There is no mechanism to forward a initial report to the ICANN Board of Directors, and it seems like a really bad precedent. I mean, why do they even need a resolution from the Council to move it to the Board? Can't the Board just consider it on their own without a Council resolution?

To me, it's just - and I'm not wording this very well, but it seems like such a circumvention around the Policy Development Process. And as a registry, I am extremely concerned of the precedent this may take in the future as a contracted party if there's a PDP in the future where there are interests on the

Council that want to forward initial reports to the Board for their consideration without going through the full ICANN Policy Development Process.

I do not think at all this is something the GNSO should do, and I'll certainly voice the concern to my reps to vote no on that - not because I don't want the Board reading it, but it - we should not be endorsing this kind of ad hoc policy making process at all.

Mikey O'Connor: Margie, you're our sort of - well, Margie and Roberto, you guys are our resident experts on GNSO Board connections. What's your take on these - on this point that Jeff's raising?

Margie Milam: The thing that Jeff is raising, I agree with him in principle. I just need to point out that I don't believe the bylaw prohibits this from happening from the GNSO Council. So, it - there's nothing that says they can't do it, but I certainly hear his comments and think that they are something we should deal with in developing the new PDP process.

((Crosstalk))

Mikey O'Connor: Roberto, you got any thoughts about this?

Roberto Gaetano: Well, I mean I can just go by analogy, because I don't have direct experience about things that are going through the GNSO Council. But when we had the working groups that were chartered by a committee of the Board, the results off - like for instance, let's take the GNSO review and the GNSO improvement. The working groups were set by a committee of the Board by the (Fractal Improvement Committee).

And in fact, when the working group had recommendations and things to present to the Board, they were going through the committee of the Board -- the (Fractal Improvement Committee) who was just receiving this and passing it over to the Board saying, "Okay. The working group has worked

out this and that, and we think that the process has been followed. And therefore, we forward the conclusions to the Board.”

In other words, the (Fractal Important Committee) and any other committee of the Board was not getting into the matter of the recommendation, which means that they are not changing the content, but were somehow certifying that the working group was properly staffed. That all the point of view were listened to and all these kind of things.

So, it was kind of a formal endorsement, but not getting into the substance. So, I was kind of assuming that in this case, the process was going to be similar, going through the GNSO. So, I found it pretty natural that the GNSO has to go with a motion like the one that was worded.

Mikey O'Connor: Thanks, Roberto.

Let's see. Let me circle - yikes. Amadeu, are you commenting on this too? If you are, go ahead. Yes, go ahead.

Amadeu Abril: Okay. So regarding what has been said, the reason how we've (unintelligible), but I think is the GNSO Council decision to make with this. I think that they need to somehow go back to the Board and say something about what happened in this working group. To me, as I said, the most important power is unfortunately our - let's say, (unintelligible). We just - we don't have recommendations.

And, this is what needs to be communicated to the Board. Our recommendations with this working group as of today show no recommendations from the GNSO as such. Now, whether they choose to forward the interim report or not to the Board, I am more (unintelligible) that I think that this for the GNSO to decide what to do.

I share some of the concerns on Jeff's side. On the other hand, a former Board member I always prefer to be officially sent more information than less and to have an official way of just going through and you know, some way of just going through the mailing list archive to see what have happened in this or that working group when you know, the recommendations came.

As Roberto said, the process the process and the (unintelligible) to have some value, but the Board will need to deal with a lack of output before, and then you know, probably need the report will be just a discussion material. But at the end of the day if you need the GNSO Council that needs to decide what to do with the interim report itself.

Mikey O'Connor: Okay. Avri.

Avri Doria: Yes. Hi. Thanks. I think for - so in relation to the PDP, you know we've had lots of discussions and there's been lots of discussion of the gray area between PDPs that effect existing contracts versus PDPs that are recommendations on some - the other issue regarding TLDs. And, I know that Jeff has said and has written that a PDP is a PDP is a PDP, and yet we've all recognized that there are some differences in those too.

Moreover, this is not a culmination of the PDP. The PDP started before the Board asked the question, and the PDP will continue. However, the Board did make a statement, did say that they wanted a report. And for the GNSO do decide or not decide that given that there is this deadline of a meeting, that they are going to report on the status, and the status is there is this; there are those comments; there is that - whatever it is that the Council is going to - it's seems a completely appropriate action for them to take.

You know, PDP - nothing in a PDP requires that there be no intermediate report. You know, nothing says they are (unintelligible) that until you get to the end of it, no information need be given to the Board. And so you know, the sort of notion that the Board has a decision point or a consideration, or a

discussion point, whatever it is they're going to do they're going to do. And you know, the GNSO when asked a question it seems reasonable for them to respond with their status. Thanks.

Mikey O'Connor: Thanks, Avri. Brian.

Brian Cate: Yes. It's a question for Jeff. Jeff, just help me understand a little more clearly what your specific concern is. I share with you I think the concern that the Council in this particular PDP not in any way involve itself in the policy making. That it takes the work of the working group to do the process. And if it iterated to the end of the process to take a follow-up, (what with recommendations up).

But is your specific concern that this creates a mechanism of referral of an interim report that doesn't exist, and that by allowing that mechanism of referral we might be opening the door to the Council engaging in the substantive policy making? I just want to understand your explicit concern.

Mikey O'Connor: Jeff's been a good scout and put himself at the end of the list. But Alan with your permission, I'm going to jump him forward in the queue.

Alan Greenberg: Sure.

Mikey O'Connor: Thanks. Jeff, go ahead.

Jeff Neuman: I think Brian, I think you're absolutely right. I think this now introduces a mechanism for the Council to conduct policy development at this level without waiting until the final outcome of a working group. I think if this resolution - I have no objection to the Board reading or being given a copy of the interim report, as they can get it online anyway. But the fact here is the way its worded, the GNSO Council hereby agrees to forward the report for its review and consideration.

I don't think we as a working group, nor as the Council, we should not be endorsing it. The Board should considering this report as some sort of indication of policy development that may ultimately come across as an outcome of the working group process. If we just wanted to resolve and say - I think in a resolution. Just kind of an informal thing to say, "Here, Board. Here's the interim report that these guys produced."

To ask that the Board consider it is actually asking the Board to take action on something that is not yet complete. And, the Board may do that on its own, but I don't think the Council should be resolving - asking the Board to take some sort of action based upon it. And I - you know, Roberto has brought up the fact that Board created committees, and those committees can present reports to the Board. Yes. Absolutely they could. They didn't do that here. They could've, but they didn't. You know, the Board created an IRT that people hated, but you know beside the fact that people hated it, the Board created it. The IRT reported to the Board.

Here, it is a policy development process that the Board has decided to latch on to, and I think it sets extremely bad precedent, and it basically gives the Council some ammunition in the future if it really wants a policy to go up to the Board quicker than a working group has done all the bottom-up policy development. This will give the Council that kind of avenue to make a recommendation, which I don't think they have the authority to do; especially, in the revised structure that Roberto was so kind to help us with the new structure that's in place.

So, I do think this sets awful precedent. I do think that if the Council wants to forward the report, I don't care. I guess it could do that. I don't think it should be in a formal motion. And then my question at the Council level, not here, would be well, how does the Council have to approve it? Is it a majority just forwarded on to the Board? Is it a super majority? How is it forwarded on? Then, there's a lot of other kind of questions that get raised that we don't have to deal with here, but our Council reps are going to have to deal with...

Anyway, I think it should not be a GNSO Council resolution at all. If it is, it should just simply state, "Here's the status and we're reporting to the Board on what the status is."

Mikey O'Connor: I'm going to jump the queue for - no, I won't. Alan, go ahead and then Margie, I want to ask you a question about what Jeff's just said.

Alan Greenberg: Yes. I would generally support what Jeff's concern is, but in this case I think it's overreacting. If this was a regular initial report which had draft recommendations in it, and the GNSO were to forward it to the Board, or even worse, forward it to the Board with its endorsement, I think that would be deadly, and I think that would be inappropriate. Given that there are no recommendations here, I see it less as a problem.

Perhaps, Jeff's concern could be addressed without changing anything by simply stopping the second resolve after the ICANN Board? Now, the ICANN Board can decide to review it at its September Board Retreat or not, but we - the GNSO doesn't have to instruct them to this, and the GNSO's instruction isn't worth anything anyway. So, just dropping it at the end of the word Board may well - the second result may well address the details of the concern, although I'm not overall concerned at all because there are no recommendations.

Mikey O'Connor: Jeff, what's your thought on that?

Jeff Neuman: Yes. I'm okay with that. From a PDP perspective, I would just like to see what I don't see in here in this resolution, is this is a work in progress. I mean it may be implied, but I'm not - it doesn't say in here that this is a work in progress and that the group is still working on it and you know, may have additional updates at a later period of time. It doesn't seem to indicate that. Even though it says it's a revised initial report, there's no indication of what the ongoing work is, and I think that should be reflected as well.

Alan Greenberg: And, replace that clause with as a work in progress, or as an update of a work in progress.

Jeff Neuman: If this is just a status report, I'm great with that and attaching it to a status report. If this is anything that purports to be more than what it is, that's where I sort of have difficulty. And again, I apologize for bringing PDP discussions up on this call, but I do think that this could set a precedent for future items where (infracted) parties will care a lot more.

Mikey O'Connor: Well, I think this is actually a pretty reasonable conversation. Ken, I'll get to you in a second. But Margie, when you drafted this - if we took Alan's suggestion and we said in the second resolve that the GNSO Council hereby agrees to forward the revised initial report to the ICANN Board - period. When you were drafting the revised in consideration part of that, was that a big deal in your mind? Would this materially change your resolution if we chopped that off?

Margie Milam: This is Margie. I was just writing this at the request of the Council. I don't - I mean typically, staff doesn't - you know, it's not a staff motion. It's a GNSO Council motion. But - and when I drafted it you know, to be helpful, I didn't know where we were going to end up on the initial report. So, it's really up to the - whatever Councilor makes that recommendation. I mean, I think it certainly - these are all reasonable you know, revisions to the motion, but it's up to the Councilor.

Mikey O'Connor: So, this is a conversation that partly we need to have with (Stefan) because I think he's indicated on the list anyway that he's going to be submitting the motion.

But with that, I'll take it to Ken.

Oh, you may be on mute, Ken.

Ken Stubbs: Thanks. Yes.

Mikey O'Connor: There you go.

Ken Stubbs: I was - Jeff used the term process at the very end, and that was what I was concerned about. I support both Alan and Jeff's comments, and I think we really need to make - add a little bit of clarity, because I don't want to have a precedent in a process that was never intended to be there. Thanks.

Mikey O'Connor: Yes. No, I think that - I agree as well. I think there are two things that we want to accomplish. One, we want to tone down the review and consideration language. And another is that we sort of want to increase the emphasis that this is an interim report. It's a snapshot of a process that's not yet finished. Those are the two things that I've come away from this with.

Roberto, go ahead.

Roberto Gaetano: Yes. Just another piece of information. To the best of my knowledge, at the retreat, the Board will not pass a resolution related to the work of the working group, or generally speaking, about the gTLD because the Board doesn't make resolutions at the retreat. So, I think that there's another reason for deleting that part of the sentence that says for the review and consideration at its September 24, 25 Board Retreat, because that's - we don't need to follow an official endorsement procedure for presenting documents at the retreat.

Mikey O'Connor: Okay. So, I think we're pretty much all in agreement here. With the will of the group, Margie and I will take a pass through this later today and tomorrow, and try and accomplish those two things. Because I think Amadeu's point - Amadeu, just to check. Your primary point is to clarify this interim snapshot of a process that's still underway, correct?

Amadeu Abril: My primary point is that we shouldn't have a resolution saying that we're sending something, which normally (applies) to a recommendation when it's not. So, my primary point is clarifying that here there are no policy recommendations.

Mikey O'Connor: Yes. Right. Okay. Thanks for clarifying that. Let Margie and me take a pass at that, if it's okay with you all. I think we can - and I need to visit with (Stefan) as well because he's the one who's actually going to carry this motion. But if we can accomplish that, are there any other issues that people have with this?

Okay. I think we're pretty much in agreement that that's the way we ought to go. I haven't been following the chat, so if there's something that's important that's gone by in the chat, please give me a heads up on that.

Okay. That's it for the initial report and the motion. It's a quarter after the hour. We have an interesting opportunity that's come up, and that is that the GNSO Council has moved its next - not the August 26 meeting, but the one in September forward a week, which gives us one more Council meeting that we could use to inject one last revision into this report if we want to. And, I think that revision would primarily be the list of harms.

And so the question to you all in this last 15 minutes is whether we think we can get that done, and whether we think that's a good idea. I don't think that we've got enough time to do much except sort of steer the conversation about harms. I don't think we can actually dig into the meat of it. But, I would like to get a sense from you all about whether we think this is a good thing to try and drive to ground and whether we think we could get it done in time.

You know basically, what it gives us is another couple of weeks to - I haven't actually worked the dates backwards. But intuitively, I think we've got another couple of calls before we would have to be at closure on harms. Or at least, in addition to the initial report. And so, I wanted to put that to you all and just

see what you thought. I know that there's been - you know in the comments, there was a call to try and drive some of that in. There's also been an interest expressed to me and Roberto thorough other channels to see some of that stuff. So, I'm all ears. Ken, go ahead.

Oh, you may be muted again.

Ken Stubbs: Yes.

Mikey O'Connor: There you go.

Ken Stubbs: No. I'm sorry, Mike. It just takes a second on mute. My only concern is this. Where you're indicating - first of all, I'd like to know how many more calls we have, because we've really - all we've done at this point in time is accumulate a list. And, we really haven't had what I would call a good spirit discussion, and I'm just kind of concerned that we really don't have a chance to flush all of this out. So, I don't want to include something in a report that hasn't really been thoroughly vetted by the members of the group. That's my concern, Mike.

Mikey O'Connor: Yes. Well, and that's part of the reason I'm raising this, is because two weeks from where we are strikes me as pretty aggressive. And we specialize in aggressive timelines around here, but I wanted to see how willing you all were to flog yourself through something like that, because I think we would have to work pretty hard to get there.

Jeffrey, go ahead.

Jeff Eckhouse: Yes. Thanks. And, this is a question maybe for Ken or you know, for the rest of the group. What would be the expectations of - maybe of it being vetted by the group or what it would be? Because as of now, I mean I think it would be - the list of harms would be a list saying these are harms, or the ones that were put together as was - you know, this group sees as potential harms. I mean,

we're not going to be able to flush anything out and say this will definitely be one, this will not, because we can't know that. This is what we could say. This is a list of potential harms.

I mean, if people in the group say, "Hey, I don't see this as a harm," and say you know, "These are the reasons why I don't see," I mean, we could put that into that report and say you know, X - this person, or this group, or whatever says we don't believe because of this or you know - or other things. But, I think that to say - to figure out and say this is definitely going to be a harm, and this will not, I think that's almost impossible. I think that's why I want to have it as potential - put that word and make sure it'll be in there - list of harms.

I don't know what we would do as a group if we worked really hard. What is it that we would have to vet or go through to make it - that everyone would be happy putting that list into the revised report?

Ken Stubbs: Mike, can I respond?

Mikey O'Connor: Sure. Go ahead, Ken.

Ken Stubbs: Yes. I understand your concern, Jeff. Let me start out by saying - Mike, please remember - and I'm not trying to sound America-centric on this, but we have very large end of the summer holiday coming up you know, on a Monday in one of these next two Mondays, Mike. And, I'm afraid that that may be reflected in reduced participation.

I guess Jeff what I would say is at this point in time, the discussion and the stuff that's been put out so far are people's perception of what could be harms. But, they only represent in some cases just an individual's - someone offering what they feel. And, I think in order for that list to have some real legitimacy, you really have to be able to offer either precedents that we could show where this has happened perhaps, or we need to take one step further,

and that is if we're going to create an awareness of potential harms going either way, we need to be able to support the - I'll call them allegations. And, I don't mean anything tainted by that word. We need to support that in one way or another.

Otherwise, you just - you might as well send up a list that - you know, if we have Vertical Integration or don't have it, we could end up with increased global warming. You know, I know that's a stupid thing to say, but I'm just trying to add some legitimacy to anything more that goes into the report. That's all.

Mikey O'Connor: Thanks, Ken. I mean, I'm of two minds. There's been a pretty lively discussion in the chat. And you know, it's - you know, in a way - I mean, I'm always keen to meet the requests of people who ask for stuff, but in the particular case, the harms document seems so at the core of what we're about that I am a little edgy about moving forward with it.

It's sort of like when I used to be in sales. I was often very reluctant to quote any numbers, because I knew that the first number I said out loud would be the one that everybody would remember forever, even if it turned out the number was way wrong. In a way, this initial list of harms is the one that's going to get heard and probably remembered forever. And, I'm not sure that we can do it justice in the time we've got, especially given the holiday seasons.

Jeff, go ahead.

Jeff Eckhouse: Yes. You know, part of this I think - I guess, and I won't call it chicken or the egg, because I guess it would be more cause and effect. I mean, I think that what we've had is we've had a list of proposals in this report and what people put together. And they say, "Here's my proposal. This is what - you know, what my group or whatever is proposing going forward." And a lot of them

were, "We want to do this because we believe it will mitigate the harms," were a lot of statements in there.

But then, how is it that everyone - that if people are saying we're putting this proposal to mitigate harms, but then if we can't say here are the harms that we want to mitigate, it's just - it doesn't make sense to me that we have a problem putting together a document of what those harms would be if everyone has proposals to protect against these harms. So, if they're nonexistent, then what are the proposals there for?

I'm just - you know, they're there. I think people have them, but for some reason they don't want to include them, or else they would not have put in their proposals I want to protect against these harms, or these harms happening to registrants. What are they if - you know, if you came up with this proposal and you put it on paper and you sign your name to it, then I - you know, there would be an assumption that there was something specific you were worried about, why not put that out there? You know, that's all.

Mikey O'Connor: Yes. I think the trick bit is - I mean one approach, and it's flying by pretty fast on the chat would be do a better job of what I started to do long ago with that starter kit. Where basically, we just compile a list of every harm that everybody has described and put them in a you know, list. With no commentary on potential probability, likelihood, effect, anything like that. You know, that's sort of one extreme.

And then, we could put a giant disclaimer in front of that that says this is simply a compiled list of all the harms. I think as soon as we start to evaluate the harms, we're basically heading back into the exact same conversation that we had with the proposals. And, that's what I think is essentially very difficult to do in two weeks. I think it would be much more feasible to put together a total list of every harm that's possibly been imagined. But then at that point, I'm not sure that it's any use to anybody.

So Ken, is your hand up from before, or Volker go ahead.

Ken Stubbs: Yes, my hand's up now.

Mikey O'Connor: Okay. Sorry. Go ahead, Ken.

Ken Stubbs: Yes. Let me respond just a little bit to what Jeff said, and elaborate on what you said, Mike. I'd like to remind that this is an interim report. The harms are a critical part of this process, and what we're all about. And concern about harms and compliance and so forth has been a material issue in the working group. And, I think we owe it to the community to turn out a product there that is not - I won't use the word haphazardly, but is not as deliberative as it could be.

So, my feeling is that what we need to do - the Board's retreat is not the end of the line. The Board isn't retreating and the DAG coming out the day that they get off the retreat. I think that there may very well come from the retreat, and Roberto might be able to elaborate on this better than I could, a request from the Board for elaboration in certain areas.

You know, I don't think the retreat's going to be a final decision of the Board, and that's one of the reasons I don't think they make resolutions at retreats. I think we have time to do the harms justice, and I guess it's just a matter of priorities. Is that essential that it include - get included in this document, or is it necessary that it be included in the report at a time where we could prove that we've really deliberated over these. Thanks.

Mikey O'Connor: Thanks, Ken. Volker, go ahead.

Volker Kuhlmann: Yes. I completely agree with Ken. As it is, the list is just a list of harms that we have compiled without any consideration gone into it. There's a lot of harms that many people will violently disagree with. And if we put it in like it is, it will just

be instrumentalized to support any argument you could you make by any group for or against any form of Vertical Integration.

We need to discuss this in detail on the list. That is the reason why we started compiling this list in the first place so we finally have something to talk about. But before we have talked about it, this is worthless. This is just the starting point for our discussion, and not something we should release as part of any report, because that will serve no purpose and will just be misinterpreted and instrumentalized.

Mikey O'Connor: Thanks, Volker. Amadeu.

Amadeu Abril: Okay. What I do think we need to do with the harms list, whether for next week, next (full) retreat, or next iteration of ICANN is for each harm, each party say you know three things. The first thing is do you think this is relevant to some point? The second is do you think - which sort of measures from all those being proposed do you think that address this harm or could correct this harm? And the third one is which kind of proposals or measures being proposed do you think that has not addressed this harm?

Mikey O'Connor: Yes. And is that...

Amadeu Abril: And probably we need to let first individually, and then see whether collectively this amounts to some sort of consensus or (train) or anything.

Mikey O'Connor: Yes. And, that's really what I was getting at Amadeu, when I said this is so at the core of what we're doing. You know, I'm going to sort of summarize this conversation and say that although some folks are putting a little pressure on me and Roberto to come up with this list, I think we're going to graciously decline that opportunity. I'm really reluctant to go out with a list assembled this fast at the end of the summer, with as little conversation as we're going to have a chance to give it because of all the points that you raised.

So, I appreciate the conversation, and I think at that point, I'm going to wrap up the call. It's 29 after the hour. Is there anything that remains on people's minds that they want to say before I cut us off?

Man: Oh, I have a lot of things about holidays and vacation, but probably just not adequate venue.

Mikey O'Connor: Well, that's true. We're not going there. And I will be on the call no matter what, because every day is a Saturday for me. Now, somebody else is trying to...

Jeff Eckhouse: Hey, Mikey?

Mikey O'Connor: Yes. Go ahead.

Jeff Eckhouse: Oh, it's Jeff. I - just sort of quickly. Next - because I thought Anthony sent an email to the group about calls. Just to make sure to confirm. Next, we're on the same time, same date as the next call, correct? Next week?

Mikey O'Connor: Yes. We're on Monday at 17:00 UTC indefinitely.

Jeff Eckhouse: Great. Okay. Thank you for that.

Mikey O'Connor: Yes.

Avri Doria: What holiday is it?

Mikey O'Connor: Oh, we have Labor Day coming up.

Avri Doria: Oh.

Mikey O'Connor: That's the holiday. But, see you're just like me Avri. Every day's a Saturday.

Avri Doria: They're Sunday for me.

Mikey O'Connor: Okay. With that, thanks all. Have a great week. We'll see you in a week, and by then our initial report will be over the transom. Thanks again.

Cheryl Langdon-Orr: Thanks, Mikey.

Man: Thank you.

END