SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPTION
Friday 3 September 2010 at 1400 UTC

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Participants on the Call:

ALAC

Evan Leibovitch – Co-Chair

Alan Greenberg – ALAC

Tijani Ben Jemaa - AFRALO - At large

Carlos Aguirre - At Large

Cheryl Langdon-Or - ALAC chair

GNSO

Rafik Dammak - NCSG - Council liaison

Andrew Mack – CBUC

Avri Doria – NCSG – Co-Chair

Richard Tindal – Individual

Elaine Pruis - Mindsandmachine

Eric Brunner-Williams - Individual

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Karla Valente

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Apologies:

Alex Gakuru – NCSG

Tony Harris – ISCPC

Baudoin Schombe – At Large

Michele Neylon – RrSG

Sébastien Bachollet - ALAC

Glen de Saint Gery: Good morning, good afternoon, good evening everyone. This is the JAS - J-A-S call on the 3rd of September. And on the call we have Tijani Ben Jemaa, Rafik Dammak, Cheryl Langdon-Orr, Carlos Aguirre, Avri Doria, Alan Greenberg and Elaine Pruis. And for staff we have Carla Valente and myself, Glen de Saint Gery. We have apologies from Alex Gakuru who cannot be on the call and from Baudouin Schombe. Thank you very much Avri and over to you.

Avri Doria: Okay thank you. The next thing to do is to check on the statements of interest and declarations of interest. First on the statement of interest which pertains to your general work in relation to ICANN and ICANN issues does anybody have any changes to make on their SOI either that they've made in the last - since the last meeting or that they feel they need to make at this point?

Okay hearing none please remind everybody to update your SOI as soon as there's a reason to. In terms of declarations of interest which have to do specifically with the material being worked on and talked about in this call, for example, anyone working on a proposal for a new gTLD that would be applying for the kinds of assistance that we are discussing needs to make a declaration of interest once they understand that that's the case.

Does anybody have any changes or new declarations of interest to make at this time? Okay as I understand it there are no changes to anyone's declaration of interest so we can go on.

Tijani Ben Jemaa: Cheryl is asking for the floor.

Avri Doria: Oh Cheryl is asking for the floor. Yes, Cheryl, I saw the microphone, sorry. Cheryl.

Cheryl Langdon-Orr: Actually, Avri it was to the point that was being discussed before the recording started so...

Avri Doria: Oh okay so let me come back...

((Crosstalk))

Avri Doria: ...let me do the agenda and then I'll come back to you. Okay.

Cheryl Langdon-Orr: Yes.

Avri Doria: Okay so for the agenda we have today the main item was to start walking through the review summary and analysis. We already walked through the review comments once. We had discussions, we made comments. Carla did her best to capture what it was we had been saying. And now we need to look at it and say yes this is what we want to say and to understand whether we still have any changes left.

So that's the main item we have - going back to the final report revision should we finish that but that's optimism. In terms of any other business we started a conversation before this meeting on what

exactly is our charter. And I basically asked that that conversation stop until we got the meeting started.

And the question was basically prefaced by Tijani saying I understood that a four-bullet charter was approved by both chartering organizations but on the wiki we have a five-bullet charter listed. I think that's almost a direct quote. What is our charter?

And so we started discussing it. I basically indicated that, yes, a four-point charter had been approved by both of the chartering organizations. I had sent a status update I believe to both organizations though I'm only sure of to the GNSO stating that the charter was supposed to have been approved with five bullets.

And we were going to operate as if the five bullets were in the charter. Please inform us if that was the wrong thing to do. And if their processes felt - meant they needed to update the charter please do. And that's sort of the last I heard of it. And now I had Cheryl first and Alan second. Microphones are showing up as opposed to hands. I'm not quite sure why that is but I'll see if I can figure that out. Oh but Tijani has his hand up so...

Alan Greenberg: Someone must be doing that.

Avri Doria: ...Cheryl, Alan...

((Crosstalk))

Avri Doria: Okay I don't think I'm doing that but...

Cheryl Langdon-Orr: We don't have any control on...

Avri Doria: Okay I understand; I did it. Sorry. Okay. Okay so Cheryl please.

((Crosstalk))

Cheryl Langdon-Orr: ...you can type away.

Avri Doria: Okay, yeah.

Carla Valente: Yeah, Avri, that happens if the little window comes up and you approve someone that's raised their hand...

Avri Doria: Got it.

Carla Valente: Yeah.

Avri Doria: Got it. Okay Cheryl.

Cheryl Langdon-Orr: Okay, Avri we certainly discussed at ILAC in his role as liaison Carlos did raise the point, not at one but at two meetings. The action item from the ILAC was to specifically go back to the GNSO and check with staff on that. And we at the time drew it from the GNSO records that in fact what we have chartered and approved was a four-point not a five.

And the ILAC has not changed to a five. We certainly didn't get the - we will operate under five unless you tell us otherwise part of the conversation. So according to the ILAC records and from that part of the charter embodies half cohort we are assuming that it's a four-point

not a five-point charter. Yes is it fixable? Yes. Right now it has to stay to five.

Avri Doria: Okay thank you very much. Alan.

Alan Greenberg: Yeah, I - can someone remind us what the fifth one is before I make my comment?

Avri Doria: I don't have it open in front of me...

Tijani Ben Jemaa: Moment...

((Crosstalk))

Tijani Ben Jemaa: ...moment.

((Crosstalk))

Avri Doria: ...Tijani, if you have it open please do.

Tijani Ben Jemaa: I will read the fifth one. To identify conditions and mechanisms required to minimize the risk of inappropriate access to the (support). This is the number five...

Alan Greenberg: Okay.

Tijani Ben Jemaa: ...on the wiki.

((Crosstalk))

Alan Greenberg: Okay my recollection is very much that - well the GNSO approved the four-point one because Olof made a mistake. That's simple; there's no question about that. The ALAC approved, as Cheryl said, the same on the GNSO did.

We had this discussion in this meeting and I recall the discussion saying it doesn't matter if it's not there; we're going to do it anyway. I don't recall for sure if the GNSO made a conscious decision to just let it be - let it live as for and not bother changing it. I recall that conversation happened but I have not found it in the minutes so I may have imagined it. And that's where it stands.

There is no question that we - that everyone approved the four; the only question is, is it necessary to go back and fix it? And my recollection is that our discussion was we're going to do it anyway, let's not bother. I don't know if the GNSO consciously had that decision or not.

Avri Doria: Okay thank you. I'll come to Tijani in a second. Evan, I just wanted to fill you in because I think you came in a little late. Tijani brought up a question as to - was reading our charter; what's our charter? The four-bullet, five-bullets listed there but I think we only approved four so we're trying to look at the history and I guess we'll have to figure out what needs to be done. Tijani.

Tijani Ben Jemaa: Okay thank you. When we - when we put our charter we put five objectives. And I remember that ALAC approved the five objectives at the beginning...

Avri Doria: Yes.

Tijani Ben Jemaa: ...and then we was told the GNSO approved another one with four objectives only. And ALAC followed and approved the four objectives, the charter. It's to make things easy; that's why ALAC don't argue. And now we come back to the five objectives because GNSO would find that it was a mistake and we have to follow again.

What I don't understand is that we seem to be - if I didn't raise the point we would still be with the five objectives and the ALAC and with the four objectives in the ALAC and five objectives in GNSO. And our wiki show the GNSO decision.

Cheryl Langdon-Orr: The ALAC decision...

Avri Doria: Okay.

Cheryl Langdon-Orr: ...is matched to what is on the record in the GNSO and that is a four-bullet point chart.

Avri Doria: Okay. Okay I've got Alan and then what I would like to suggest is that our two liaisons get it fixed to Tijani and other's satisfaction. I thought we were fine but we obviously aren't. So Alan please.

Alan Greenberg: Yeah, Cheryl's memory is correct; the only one ALAC ever formally approved was the four. We thought we were talking about a five at that meeting but - we thought - but during the meeting I pointed out that the document it was pointing to - and it was pointing to the GNSO approved one - only had four.

And we later verified that in fact it had four by mistake but nevertheless we only formally approved the four although at the time many of the people on the call thought we were talking about the five.

Avri Doria: And, yeah, you were supposed...

((Crosstalk))

Alan Greenberg: We have been consistent with that the GNSO did but both groups did not approve what they...

((Crosstalk))

Alan Greenberg: ...both groups did not formally approve what they thought they were approving at the time.

Avri Doria: I would - okay this is what I suggest and unless anybody violently objects or strongly or strenuously or whatever objects we continue working with the five, I issue a request to both of our liaisons to please get it fixed to the five that we expected to have that we recommended and that we think they both at least tacitly approved if not formally and ask the liaisons to fix it since it needs to be fixed.

I thought we were fine operating as we were but we obviously aren't. So, Carlos, please.

Carlos Aguirre:. Yes I presented the five bullets in the - to ALAC teleconference. But we have a confusion in both teleconference because GNSO not approve or at this moment - at that moment not approve the five bullets. So we

wait that GNSO approve - if necessary I present again the last bullet of the charter in order to ALAC approval definitely this point.

Avri Doria: Okay thank you. And Rafik I don't know what you can do; I know you're already too late for next week's GNSO meeting since the agenda had to be in days ago, I think the 31st, but what can happen in the - since we need to get it fixed since working on the fifth bullet as understood is not good enough for all the members we need to get it fixed so what can we do to fix it?

Rafik Dammak: Maybe I'm not sure - maybe it can't wait to bring the show in the next GNSO Council conference call but so is...

Avri Doria: You can talk to Chuck about it.

((Crosstalk))

Avri Doria: Can you talk to Chuck about it and see what he recommends?

Rafik Dammak: Yeah, yeah, yeah I will talk - yeah.

Avri Doria: Although he's on vacation for the next couple days but still. Okay do we need to do anything else?

Alan Greenberg: He said he may have very limited connectivity.

Avri Doria: Right, yeah.

Rafik Dammak: Yeah.

Avri Doria: Is - I guess I have a question; does anybody in this group object to working on the five bullets until such time as we hear from one of our chartering organizations that we may not? Okay hearing no objection we'll kept the issue on the table, keep asking the liaisons to please get it fixed.

I think that if ALAC was willing to approve the five and send a note back to the GNSO saying hey there was a mistake, it was supposed to be five; we approved the fifth, you know, you guys do the same, that would work also. So but anyhow if between the liaisons and the chairs of the chartering organizations something could happen to make the charter consistent with what we believe it should be that would be helpful.

Alan Greenberg: Okay may I suggest that whoever meets first approve the five charter - pending approval by the sister organization. So we're - at any given time we're working on a single charter that that will work I believe.

Cheryl Langdon-Orr: The resolution, Alan, we've already had in place the second time it came into our agenda.

Alan Greenberg: No, no but I'm saying we approved...

((Crosstalk))

Cheryl Langdon-Orr: ...for our agenda I will be taking a very dim view of the amount of time it's taken. And it may not be even make my agenda because I have had this go through no less than two X-con and two full meetings; each time we have said we will match what is in the record for the GNSO resolution. So when it changes so will we.

Avri Doria: So basically you'll change automatically when the GNSO has changed?

Cheryl Langdon-Orr: Correct.

Avri Doria: Okay. So it really does sound like the ball is in the GNSO's court...

Cheryl Langdon-Orr: Yeah.

Avri Doria: ...so Rafik see if we can't get this fixed somehow please. And I'll work with you talking to Chuck but this is just sort of silly. But anyway...

Rafik Dammak: Yeah.

Avri Doria: Okay so should we move on? Okay Carla could you bring up the document, the review document into the page? I see the...

((Crosstalk))

Avri Doria: ...at the moment not the other.

Carla Valente: Okay just one second please.

Avri Doria: Yeah, I guess, I mean, just while that's happening I guess the mistake is mine sending a note to the GNSO saying hey you guys forgot the fifth bullet; we're operating under the condition that the fifth bullet has been left out purely by mistake.

And if we don't hear from you that we're wrong we will continue and expecting that sort of passive procedure to be sufficient but since it isn't sufficient for everyone that was a mistake on my part. So I apologize for being the cause of all this to do.

Carla Valente: Avri, I uploaded the August 30 version of the final report.

Avri Doria: No but I wanted the current draft of the review responses.

Carla Valente: Oh.

((Crosstalk))

Avri Doria: What?

Carla Valente: It was there.

Avri Doria: Okay when I'm - that's weird because what I see is the snapshot. That's interesting.

Carla Valente: Okay now it's back, public comment summary and analysis and that is the version August 31.

Avri Doria: Okay I don't know why I'm seeing the wrong document.

Carla Valente: Can you just refresh maybe?

Avri Doria: Try. There I see it now, okay. My fault again; I should just retire from this chair and stop making mistakes. Okay so we have the section here on public comment summary and analysis. And we're just basically -

the source of the text, I doubt there's much comment with that one. Any comment on that?

Then the next is an overview of listing how many comments there were from eight different parties. I suppose that when we finish with the comments from the non-English language - and by the way where does that stand at the moment - then there may be some additional names added here correct?

Carla, do you know where we stand with the non-English language review? That should have ended by now, correct?

Carla Valente: The public comment ended and we have not received any additional comments.

Avri Doria: So there were no additional non-English language comments?

Carla Valente: No additional, no English.

Avri Doria: Okay. So then I would add a note to this - oh no you did have that. Oh it's already in here, that's the second bullet. You might want to indicate in that second bullet that there were no additional comments received in that extended public comment period just to make sure that that is recorded; is that okay?

Carla Valente: Sure.

Avri Doria: Okay thanks. Okay so then there's the 13 submissions. Then 3.3 starts to go through the summary of comments and the working group discussion. So comment 3.3 - I mean, comment 3.3.1 is from the

African community. Does everybody have - and by the way thank you very much for numbering this document also; it makes life so much easier.

So the comment from the African community goes from 177 through to 224. And then there's the - and I don't suppose there's much comment on that. If there are any mistakes in that I'd ask somebody to point those out to Carla off list but I don't think it's anything we need to discuss; it's either right or it's wrong but correct me if I'm wrong. I see no hands.

So then at 225 we start with the working group discussion summary.

Tijani Ben Jemaa: Moment Avri...

Avri Doria: Should I read that or should - yes Tijani you've got your hand up.

Tijani Ben Jemaa: Yes please. Regarding the working group discussion about the applicant statement we have - I don't have the number of the lines but the second paragraph or the working group believes the report could indeed, etcetera. So -and...

Avri Doria: Starting at 228.

Tijani Ben Jemaa: Yes. And the third line - the fourth line - the third line, the proposal is to have the (article) and linguistic groups as a starting point. We have discussed this point and we did not agree with it. And we removed it from our report. So in this comment - in this working group discussion we have to remove it also.

Avri Doria: Okay. As I said to you online I believe that we still - and perhaps you're right - but I believe that we still have a - we haven't settled yet but that is indeed been undone so please go ahead and I ask other people to comment. But I'm disputing that we have a group decided that.

I know some people have argued that but I believe some other people have argued something otherwise but it's time now to find out what is the case.

Tijani Ben Jemaa: Yes. Yes so we don't have to put the working group believes that.

((Crosstalk))

Avri Doria: Well at the time that this was written that was the case. You have been arguing very strongly and very - in a very erudite manner that that should not be the case. But I'm not sure that the group has gotten there with you yet.

Tijani Ben Jemaa: Do you want to organize a ballot to see if the working group...

((Crosstalk))

Tijani Ben Jemaa: It's fantastic because during our call all people on the call said yes we don't have to restrict our (unintelligible) to category. And then I received on the mailing list a lot of support to this - to this direction. So - and yet now you say no it's only your point of view; it's not my point of view, it's the point of view of a lot of people on the call.

Avri Doria: Excuse me Tijani, I didn't say it was only your point of view; I said it's the point of view that you have been arguing quite strongly and quite

well and I'm not positive that the whole group is with you yet. I didn't say it was only your point of view. So please - and so let's check it now. No I don't want to have a ballot. I mean, Evan and I can discuss whether we want to have ballots at this point.

The way I've been seeing it is if everyone or if most of the people in the group agree with you then it is removed. If some people still disagree then we'll have to add a note later saying while most people felt that A, some people still felt that B.

Tijani Ben Jemaa: Okay.

Avri Doria: This is where we start to define whether we have whole consensus or whether we have partial consensus or whether we have strong support or a mixed view. And on this issue I'm still trying to determine what is the case. I see Richard Tindal has his hand up. Please. Or Tijani, I don't want to cut you off; were you finished?

Tijani Ben Jemaa: Okay, it's okay.

Avri Doria: Okay thank you. I'm sure we'll come back to you.

Evan Leibovitch: Avri, quick point of order, this is Evan.

Avri Doria: Yes Evan.

Evan Leibovitch: As I'm seeing from the Adobe Chat there's still a couple of people that aren't even sure what it is we're debating whether or not we have consensus on.

Avri Doria: Okay. Thank you. The line is Line 230, 231.

The proposal is to have ethnic and linguistic groups as a starting point. The basically the debate that's been going on both here and in the report -- and Tijani may be right, I may be the only person that doesn't understand that the group has consensus on his point of view -- was that we were no longer either using as a starting point or as a method of discriminating applications from each other or giving any preference to any specific type of application.

What was in the report and what is in this response implies that there still is a group consensus on there being a starting point, there being some form of narrowing of the funnel. Now it is obviously the case that there is no consensus on that because Tijani and others are quite strong on saying, "No, we don't agree with that."

What I'm arguing - and so Tijani is right. This sentence does need to be changed.

What I'm maintaining is that I am not sure that there is a consensus in the opposite direction yet.

Evan Leibovitch: Got it.

Avri Doria: Okay. Richard please.

Richard Tindal: Yes thanks for that Avri. So yeah, I guess my view - my sort of working presumption is that there's not going to be enough support to cover all of the types of support we're asking for.

So I feel like we do need to prioritize in some way. I think we need to give the staff some indication of if there is not enough support to cover all of these different types, which as a group do we think has the highest priority?

So I guess I'm agreeing with you Avri. I think we do need some sort of indication, you know, where the initial support would go to.

And if there is enough support for everyone then it's a moot point. But I think we need to - in the report we need to give them some guidance.

Avri Doria: Thank you. Just to make sure -- I'm not actually arguing one position or the other at the moment. I'm just arguing that there's a difference of opinion, the bank.

Anyone else wish to comment? Okay.

So what I think - okay, Elaine, yes please.

Elaine Pruis: Thanks. I'm on the same page as Richard. I think we need to focus our efforts onto a more narrow category than any one that could possibly need support since we haven't even identified where that support would come from or if there is actually any support.

So I think we do need to specify a funnel as you said. Thanks.

Avri Doria: Okay thank you. Richard I see your hand's still up. Is that, you would like to add a comment?

Richard Tindal: No.

Avri Doria: Okay. I see (Eric Bruner-Williams) has added a comment, please add cultural.

So I think we still have an issue open here and we need to figure out how to say. At the moment I see that there's support on both sides, both for limiting it with some discussion as to what is included in the limitation.

Is it ethnic, linguistic and cultural? Does it go beyond that?

Or, you know, or is that not the case and - as argued by Tijani and others, it is not limited? And so the issue remains open.

At the moment I don't know. I don't have a good indication.

Maybe Evan can see it more clearly than I do that we have the consensus falling on either side yet. At the moment it seems to be a split opinion on limiting versus not limiting to whom we give support.

What I would suggest that you do -- Carla did not change the document -- but put in brackets that statement. And when you uncolor saying bracket that statement as something and basically put, we need to put something into there that indicates that there's still a division.

And if we can't resolve the division what we'll need to do is to add to this report a paragraph in this section to say on the question of limiting versus not limiting, the working group was split. Or there was consensus for A, but strong, you know, support for B, and we need to figure out what the case is.

I see Richard has raised his hand again. Thank you.

Richard Tindal: Yeah, just a quick clarification on what I said a moment ago. I'm not proposing limiting in any way. I'm proposing prioritizing.

Avri Doria: Okay. And Elaine is prioritizing the right word for you also?

Elaine Pruis: Sure if there's - well, I guess that was part of the discussion we had on the call last week wasn't it? Where Tijani was arguing that one wouldn't have priority over another.

But I think if there's limited funds then yes we should prioritize two groups that are underrepresented on the Internet. I think we decided that ethnic and linguistic and cultural groups were the most easily identifiable underrepresented groups on the Internet.

Evan Leibovitch: Avri can I make a suggestion? We do have the availability to do informal polls using Doodle.

Where we can ask a question and ask for, you know, a couple of different answers of what might indicate -- do people want the clause as is? Do they want it changed from starting point to prioritization?

Or does it - do they want it as Tijani wants? I think we can do a - I mean we've been able to do on these calls using the check marks and exes.

But there's more people on the mailing list than there are on this call. So I mean there are ways to do informal polls and get a preponderance of the feeling of the group.

Avri Doria: Certainly if you wish to. I tend to personally be uncomfortable with those being that in other groups we have done polls and then everybody has argued about the meaning of the poll and tend to find it works better just to have people try to find consensus on language.

And if we can't to lift the opinion to (F support). But if you would like to run a poll -- and especially since over the next two weeks I'm going to be plenty scarce, I certainly don't object to it.

Yes (Andrew)? And Elaine has her hand up also.

So (Andrew) and then Elaine.

(Andrew): Just a quick thought. One is I think it may be a little complex for a Doodle poll. I don't know who put that up but I think that that's right.

The second thing is I was just going to throw this back to Tijani. I think everybody wants the same thing.

The only concern is, is that we might end up with too few resources for everyone who might be technically able to apply. So in a situation -- in your mind Tijani if that were the case -- is there another way to deal with this if not to have some sort of a starting point?

Maybe there's another way we just haven't thought of that you have in your mind.

Avri Doria: Tijani did you want to answer that before I go to Elaine? Or would you prefer to just let's do Elaine's comment and then I'll come to you?

Tijani Ben Jemaa: Let Elaine speak.

Avri Doria: Okay. Please Elaine?

Elaine Pruis: So I'm just looking at our charter and Objective 1 is that we were supposed to identify suitable criteria that new applicants must fulfill to qualify for dedicated support. And so I think when we start down that path just the criteria would be need, which is - seems to be taking the forefront of this part of our paper where we're saying anyone that has needs could qualify for support.

So I think we tried to narrow that down with the ethnic and linguistics because it was the most easily identifiable type of applicants. I'm afraid that if we just say need without any sort of priority then there's no guidance or directive from our group and we're sort of leaving it up to whoever ends up in charge of this to distribute the resources to whichever needy party they see fit because we haven't actually given any sort of qualifications on that.

Avri Doria: Thank you. Tijani?

Tijani Ben Jemaa: Yes. As it was written at the beginning, the text says that there is a category which is linguistic and ethnic that has all the advantages to get the support. And all the other categories don't have any advantage to get it and we will deal with them on the next round - or next steps.

This means that there is a rejection of all the categories but the ethnic and linguistic category, which I can't accept. Perhaps what I proposed is not - the good text is not the problem.

I don't speak about my text. I speak about the idea not to reject people from this possibility of support.

Because you may have an applicant which is really in need of the support. And which have -- I don't know of strength about the cultural community -- it is a cultural community that wants to have strength and they are really in need of the support.

We reject them because we said only linguistic, ethnic. You see?

So that's the problem. That's my problem.

My problem, I don't want to focus on one category and reject the others. Prioritize, yes.

We can say perhaps we can have certain priority to certain categories, perhaps. But we don't - we can't reject the others. It's impossible.

Avri Doria: It sounds to me -- and I'll come to the hands in a second -- but we've got the beginnings of the sort of, a place where perhaps we can find consensus in that I heard Richard and then Elaine perhaps a little bit more grudgingly accept the notion of prioritization. And if you're willing '02 accept the prioritization notion so that everyone is on the list but certain come first in case of priority, perhaps there's language we can find that works for both sets of opinion.

And I've got (Andrew) and then Elaine. (Andrew)?

(Andrew): Avri I thought that was essentially what we had in the early - in an earlier version of this. There was never any intent to keep out other people, only to set it up as a priority.

So I don't know where the - which version of the old language is around. But I'm pretty sure that that's what it says.

So if Tijani is okay with it I think we are at a consensus.

Avri Doria: Right.

(Andrew): I don't think anybody's trying to keep out other groups -- only to make sure that if we have too limited an amount of funds that we start with some identifiable group that we can work with.

Avri Doria: Right. It just may be that the language is not there yet for him to see it. For example when he read starting point, starting point can be identified as in the first round or it can be identified as earliest places on the prioritization list. So...

(Andrew): Okay. I just - I remember what we...

Avri Doria: Right, yeah.

(Andrew): We had this conversation prior to or around Brussels. And I thought we had the language that people were comfortable with, that's all.

Avri Doria: Well I guess we don't see the language now. So perhaps we can work on getting some language that says this to - in a way that's satisfactory to both, you know, both elements.

Both those that believe there's a need to have a priority and some first and those that are willing to accept the priority as long as everything is on the list. And so we basically need to reword both those comments and make sure the document is worded just so that it works that way.

So I see no hands up. So with that accepted now we just need to know who's going to get the wording right.

Prioritization instead of limitation. So for now I would say bracket this text.

I would see if anyone has any suggestion for text both in this comment and in the main document to make sure that this point is clear. Because I think this is actually one of the, you know, two, three points, maybe four points we have where there's still a - I felt a little bit of misunderstanding between various positions.

So it'd be good if we could get that one knocked out. (Unintelligible) in both review comments.

Tijani Ben Jemaa: Avri?

Avri Doria: Yes Tijani?

Tijani Ben Jemaa: Also in the working group discussion about the applicants' statement, in the fourth bullet point you - we are speaking about -

moment (unintelligible). We are speaking about first round and this is to be revised in the future rounds.

So as I said in the previous calls we don't have anything to say that will be other - the other rounds. And the way the round is organized shows that the spirit is only for one singular round for a limited number of application.

And the fact that ICANN want to have the cost recovery from this round means that they perhaps don't think about other rounds. So we don't have to speak about rounds.

The resolution didn't speak about rounds. We - our work is for the upcoming round.

Avri Doria: I still - I don't understand your point. I don't understand the - I mean yes we are working on now for this round.

I don't understand why we need to remove the notion that, you know, and make everybody believe that there won't be future rounds. I guess I'm confused by that point.

And you've made it several times but it confuses me.

Tijani Ben Jemaa: Because you are building on something that you don't know. We are building on something that we don't know.

Avri Doria: We don't even know...

Tijani Ben Jemaa: So we don't have to...

Avri Doria: There'll be a first round.

Tijani Ben Jemaa: Pardon?

Avri Doria: We don't really even know there'll be a first round. If that - if what we're talking about is what we do and don't know, we don't know anything about what's going to be decided tomorrow or the day after.

Tijani Ben Jemaa: No, no, no I am speaking about the rounds. Now we have the board give us a mission to define ways to help the applicants for the upcoming round.

Don't - so we - our interest is for the upcoming round. I don't want to call it first or second or last, it is the upcoming one.

And we work on it. We don't work on the others because we don't know if there will be others.

Avri Doria: Okay. Yes Alan?

Alan Greenburg: As you point out we don't know exactly when or if there'll be a first round. But regardless of that there is discussion of a second round.

If you'll remember correctly ICANN has spent a lot more money than they forecast when they set the price because we've taken another two years to do the work. And ICANN has said very clearly they're amortizing that cost over future rounds instead of trying to write off the development costs in the first round.

So whether there will be a second round or not, I have no crystal ball. But at this point the intent is to keep on doing this if it doesn't kill us first.

So let's not spend a lot of time debating whether there's going to be a second round or not.

Avri Doria: Thank you.

Alan Greenburg: Thanks.

Avri Doria: One thing I don't - also don't understand is what the changes in this document. Elaine?

Elaine Pruis: Yeah, I disagree that we shouldn't talk about second round or later rounds because the way the applicant guidebook is written and the communications coming out of ICANN is that there will be more than one round.

And the board resolution doesn't say for this particular round. But it says for applying for and operating new GTLBs, I've cut and paste the resolution in the chat room there.

And so I think that means when you apply for and operate new GTLBs today, next week, next year, 10 years from now. So it's defined differently.

Avri Doria: Thank you. Tijani to come back to you, was there anything specific you were saying we had to change because of this viewpoint?

Tijani Ben Jemaa: It's in the working group comment. In the working group discussion summary about the...

Avri Doria: Okay what words - what lines - what words are you...

Tijani Ben Jemaa: It's - I don't have the lines unfortunately. It's the fourth bullet point.

The recommendation to support ethnic, et cetera. Do you see?

Woman: 247.

Avri Doria: Thank you.

Tijani Ben Jemaa: Okay.

Avri Doria: So 247 -- recommendations for ethnic and linguistic groups are valid for the first round. Okay well first of all this would have to change based on it would be the recommendation to give priority to ethnic, linguistic and cultural groups is valid for the first round but needs to be revisited on future rounds.

Would that work better for you?

Tijani Ben Jemaa: And then...

Avri Doria: And we'd still manage...

Tijani Ben Jemaa: So...

Avri Doria: And if we put in revisited in possible future rounds to sort of show that
                    we're all not putting...

Tijani Ben Jemaa: Yeah.

Avri Doria: Space that there will be future rounds but we admit that they're
                    possible. So would adding the word possible in there help and
                    changing it from recommendation to support changed to the
                    recommendation to prioritize?

Tijani Ben Jemaa: Yes. For the last words, yes.

                    But at the beginning of the last, valid for the first round is they said the
                    recommendation to support ethnic and linguistical is varied for the first
                    round.

Avri Doria: Right. Well what I was suggesting is this recommendation to prioritize
                    ethnic, linguistic and cultural groups is valid for the first round but this
                    is to be revised in possible future rounds.

                    This is still the first round even if there's never a second. But would you
                    prefer for the current round as opposed to the first?

Tijani Ben Jemaa: Okay. I'd prefer to put it under - in brackets the whole sentence
                    here. Because we have to rethink the prioritization text so that we can
                    reflect it on this comment, if you don't mind.

Avri Doria: I have no problem with putting sentence...

Tijani Ben Jemaa: Between brackets.

Avri Doria: Sentence between brackets. But I also will write down my recommended text up in the notes place just so we have a reference of one possible change. Is that okay?

Tijani Ben Jemaa: Okay.

Avri Doria: Okay. So bracket - yes, Carla?

Carla Valente: I just wanted to make sure that I captured this discussion correctly. So lines 231 to 232 what I have is that the question on limiting prioritizing versus not doing that, the working group was split is the purpose.

                     Prioritize and not limit and the fact that we need still to work on the language here. That's what I have...

Avri Doria: Yeah. Right.

Carla Valente: Right?

Avri Doria: And we have to bracket -- and I'm putting in the notes what I think we're deciding so that people can actually see it. So I say sentence bracket 245, 246.

                     I know it's semi-incoherent. One possible change the recommendation is...

Carla Valente: 247, you...

Avri Doria: For the - did I get the lines wrong? 245 through 247, yes is valid for the current round.

Carla Valente: Yeah. On - I have the 247, 248 Avri. And what I have is the recommendation to prioritize to support ethnic and linguistic groups is valid for the first round but this is to be revisited in possible future rounds.

Avri Doria: That's one possible change. But that is also a bracketed change.

Carla Valente: Okay.

Avri Doria: So basically within the bracket we have the sentence as is written here. Then I offered one possible change - and then the recommendation to prioritize ethnic, linguistic and cultural groups is valid for the current round, dot, dot, dot, in possible future rounds.

So that's one other possibility. But as Tijani quite rightly said, in the whole discussion of how we reword things for the prioritization let's leave this one bracketed for now just so - does anyone object to the fact that I have added cultural in the prioritization value as suggested by (Eric)?

I see no objection. I see only Carla's hand by - okay.

So we'll sort of accept that insofar as we do prioritize it's not only ethnic and linguistic but it's also cultural. And I see Carla saying I think our recommendations are for the first round and all future rounds.

And I think and correct me if I'm wrong Carla that the sentence as I'm suggesting which is just a suggestion at this point covers that. That yes it's for the current round and then assuming that there are future rounds it would need to be re-looked at.

But that doesn't mean it's thrown out, so. And I have Richard with his hand up.

Richard Tindal: Yes. I'm good with the inclusion of the word cultural. I don't think that we've defined that anywhere in the paper unless I missed it.

So do we have a sense of what we mean by the term cultural applicant.

Carla Valente: I don't think so.

Avri Doria: Okay. So perhaps...

Alan Greenburg: Someone who speaks with a nice accent.

Avri Doria: Only...

Richard Tindal: That would be you Alan.

Avri Doria: Right. I've never been cultured.

So okay - so we'll need to find more definition of that. And so I've put that in brackets for now since there's some question on it.

But you're more questioning how we define it. Not that we include it, but how is it defined before we understand how it's included.

Richard Tindal: Yeah I think it would be difficult for the reader...

Avri Doria: Yeah I - although I must admit if I let myself be philosophical I question ethnic also. We're all ethnic.

Ethnic presumes there's a normal and that everyone else is ethnic. So I've always had problems with that word.

But I understand what you mean. So okay, so we also have an issue there. Okay.

These are things that we need to work on on the list, try and get wording. So any other issues with - through 254?

Other than the issues that have been brought up which is prioritization as opposed to restriction or limitation and the presumption about current rounds and future rounds? Okay.

In which case we can move onto the next comment. We have the one from (George Perka), saying that we don't value his input and therefore he's not going to comment, you know.

Proposed...

Carla Valente: And my comment Avri is that (George) made the same comment to the draft applicant guidebook and others. He just reinstated this comment in several public forums.

Avri Doria: Yeah. Yeah. I don't think we need to deal with how else he put it elsewhere. I think if we want to reply to it we should and let's see, you know.

And it says here the working group believes in community participation. Input is very important for the development of proposals in - for a proposal in - well the phrasing needs help -- related to (unintelligible) the applicant support regarding the working group membership.

The process adopted was open and flexible, accommodating members from around the world including late additions in addition to an open participation in the working group. And then it goes on June 16, poses preliminary findings.

On June 23, held a public workshop. All comments received were considered for the development of the final report.

I think it says a lot. But I think in general it's fine.

Does anybody object to that other than some rewording for sentence structure and readability? Okay I see no comment...

Alan Greenburg: I...

Avri Doria: Yes?

Alan Greenburg: I would simply add all subsequent comments.

Avri Doria: Well we've even considered this one though. But yes okay.

Alan Greenburg: I always like doing that because I don't remember if we got any spam but there's often a bunch of spam and things like that. So I tend to word it that way. But...

Avri Doria: I'll add...

Alan Greenburg: Maybe it's style.

Avri Doria: Comments in 272. And then basically to - I would drop 261 and 262. Anyone object to that?

And as it doesn't really matter what other groups are doing. I mean it matters in general.

But in terms of our duty to respond I don't think it matters. And then just from, you know, readability cleanup for 263 through 272.

Okay anything else on that one? Other than the fact that I'm including typos galore in the notes.

Any other comments on that one? Okay.

Moving on. 274 we're at 333 from Newstar and Blacknight Solutions on the agreement that support should be provided for certain GTLB applicants, some limited cases.

Basically Newstar went through various points that it agreed with in some limited circumstances, support (unintelligible) approach. Given

the challenge posted by a minimum annual fee of - for some disadvantaged applicants Newstar supports elimination or reduction.

Working group's proposed initial qualification criteria are appropriate targeting certain communities, geographies and languages. But some additional thought should be given to the evaluation process for applicants wishing to participate including timing and resources required.

Newstar intends to participate in the program by providing support. Blacknight Solutions -- and I have Richard with his hand up -- ICANN seems to think the TLDs and new regime need to be slotted into one size fits all scenario and goes on.

So our discussion was working group acknowledges that applicants can benefit from a broad range of assistance including logistical, outreach, technical, administrative, application, et cetera. Working group proposal is not a Stage O address for details.

I'm not quite sure what that should say -- of how the proposal will be implemented and how the various parties interested in helping this initiative would be involved. But it's basically not a staging - well anyway.

That obviously phrase needs to be fixed up. Yes Richard?

Richard Tindal: Okay just a quick general observation. When Newstar says that they intend to provide support and participate I think that's a great thing. And I think it's very likely what they mean by that is that they would provide some sort of infrastructure assistance.

And I just wanted to make the general observation to the group. I think that we will see that from quite a lot of the infrastructure providers, not just Newstar.

Others didn't make that comment. But I wouldn't be at all surprised if we see a number of the more established infrastructure guys do provide some sort of support for the type of applicants we're talking about.

But just an observation.

Avri Doria: Well Richard I have a question for you regarding that observation. Is that something we should A, comment on the in the review?

First of all saying, you know, we're quite gratified to hear that Newstar and others, you know, would, you know, help in that manner. Or is it something we should leave alone?

Richard Tindal: I guess my opinion is that it wouldn't hurt at all to acknowledge what Newstar's did. I don't think we - the others haven't formally said so, so I don't - that I'm aware of so perhaps we shouldn't say and others.

Avri Doria: Okay.

Richard Tindal: But I think it would be a good idea to acknowledge what they said.

Avri Doria: Does anybody object to adding a line to our comment saying that we are gratified to read Newstar's commitment to assist in this process?

Alan Greenburg: And we encourage others to follow the lead.

Avri Doria: Okay. We are gratified of - commitment...

Carla Valente: Avri this is Carla. I'm capturing the changes.

Avri Doria: Okay. Okay I'm just writing notes just so - and the other part was and others and encourage.

Carla Valente: Okay.

Avri Doria: Dot, dot, dot. Just so we've got it in two places and encourage. Okay great.

                  And I see a check from Tijani. Elaine please?

Elaine Pruis: Yeah so in line 302 Blacknight says that they're willing to offer services too. So I don't know if we should point out Newstar and then say and others? Possibly just say we're grateful that several providers have come forward and offered services.

Avri Doria: Right. So we could either do Newstar and Blacknight, you know, or we could do the several providers. What do people think? Anybody really care?

Tijani Ben Jemaa: Newstar.

Avri Doria: Okay. I'm told that my mike has slipped again. So they're new mike so there's nothing wrong with the mike, it's me. Always me.

Okay. So I actually personally, and this is personally, I think thanking the people that actually said it and encouraging others probably goes the furthest. Elaine would you object to that as a way of doing it?

Elaine Pruis: No I'm just saying if you do say Newstar please say Blacknight also...

Avri Doria: Right yeah.

Alan Greenburg: (unintelligible). I think putting in the names is probably more likely to get more names out there.

Avri Doria: Right. Okay so it's basically we're gratified to read of Newstar and Blacknight's, you know, commitment. Okay great.

Okay Carla?

Carla Valente: Okay. So I'm including Newstar and Blacknight.

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

Okay then we're down to Line 310. We have 334 from the American Red Cross and dealing with not-for-profit organizations request that ICANN set lower costs.

And then support for the recommendations. And the response shows up at 383.

The working group has discussed the issue and agrees that the simple fact that an entity holds a nonprofit status does not mean this entity is financially unable to cover the fees and meet the need criterion. The

working group further acknowledges that the Red Cross notion of nonprofit refers to charitable and service organizations who attempt to keep the overhead as low as possible so that most of the funding can go to the victim they are meant to help.

The most important criterion is need. And - okay. The most important criterion and think - oh, more important than the intention of the string.

The form structure of the applicant is not as relevant at this point. The intent is for the initial round, and of course there's the same bracketing of the initial round probably for the current round if we adopt that phrasing, to focus and narrow the support to ethnic, linguistic and then we're still talking about the possibility of cultural communities.

This is a less controversial grouping and then we - so this one would have to be changed in the same manner to deal with current round and prioritization as opposed to narrower focus and will likely generate political support for this initiative. So that phrase in two - 391, 393 definitely needs to be reworked in - because of the other conclusions that we've already come to.

Man: Exactly.

Avri Doria: And then just before getting - and I - and if I'm wrong to anticipate these comments, please chop me down.

Also these potential applicants have the benefits of being relatively well-defined as groups and pass the test of being generally non-controversial. That sentence is probably also problematic given that - the prioritization approach.

Such communities already have a history of recognition at ICANN (unintelligible) so I would say that from 391 to 297 is probably - is possibly problematic and maybe should be dropped.

What do people think?

Elaine has her hand up. Go ahead.

Elaine Pruis: I'm confused. I thought we were moving back to this tradition that prioritization is okay and we've got this threaded whole document so I find it brain-working to want to change our entire document that we've spent many, many weeks developing when I'm not sure that that's exactly what we've agreed to.

Avri Doria: Okay. Thanks. Perhaps I'm wrong. I was thinking that by saying - by going with the prioritization and by people agreeing to prioritization as opposed to a limitation, then language that said that somebody was less controversial than another, I don't know, does it fit as well? I guess I ask the question.

And then so I thought that that followed from the decision to come to a compromise between limitation and no limitation by working with priority.

But - yes, Elaine.

Elaine Pruis: Okay, so the last line, the working group believes it's reasonable to have prioritization criteria among qualifying individuals.

Avri Doria: Right.

Elaine Pruis: I think we're talking about how the Red Cross was asking that they not be of a lower priority than ethnic or linguistic community. So we're defending our position here that ethnic, linguistic communities would have priority because they're easier to define, blah, blah, blah, all the reasons that are listed out.

I'm very hesitant to remove any of that logic unless we're fully going to change our position.

Avri Doria: Okay. So basically what'd you be recommending is to reword that section and the comments with regards to prioritization so it would be like the intent is for the current round to prioritize support for - would you still say because it's a less controversial thing or would you drop that phrase?

But - so you would say reword it, and of course you're right, 396, 397 on believing it's reasonable to have prioritization should stay in.

Elaine Pruis: I think maybe instead of - I'm sorry, instead of removing the language that we have in place, maybe we can add some language suggesting that we're not limiting support to only ethnic, linguistic communities in which they have priority.

Seems that the real problem here is this some interpretation that's saying we're prioritizing means limiting accessibility to support two other groups, which in the case of limited resources, we would be but if there are not limited resources then our priorities still exist but it

doesn't exclude an NGO or the Red Cross or even a for-profit entrepreneur from having access.

Avri Doria: Carla, do you have an idea on how to reword this from the discussion so far?

Carla Valente: So what I have is that the periodization does not exclude other groups. I just added a sentence saying the prioritization does not exclude other groups. And in the beginning I said the intent is for the initial round to prioritize support to ethnic linguistic communities since it is a less controversial group and will likely generate political support for this initiative.

Avri Doria: Okay. Is there any objection to leaving that sentence as is - as quoted? Tijani, yes.

Tijani Ben Jemaa: I propose that we don't do anything on those comments. We put them under brackets and we - first we rework our text on the final report. And when we agree on it, we can attach these comments because we will not review during - the call it would be very long and every word as you know has these - this rate.

So the better is to rework our final report and then come back to this comment.

Avri Doria: Okay. I would bracket - I would recommend starting to include some of the possible changes that were discussed here all within the bracketed domain just so we have it.

One of the thing though that I'm hoping is that by going from the comments back to the document we're not going to wait until we get back to the document to resolve all of the issues, that we're finding the resolution to them is discussing our comments - our comment responses.

So, you know - okay, we'll come back to this but remembering that there is not that long before we have to get our draft out and that's something we probably should discuss what we're delivering on the 13th.

Carla Valente: Avri?

Avri Doria: Yes.

Carla Valente: Avri this is Carla. This is a clarification point. The text that you see here it's really a combination of notes from me and Avri and um, so I put everything there. It's not the final consensus. So I didn't really change much of what process, just really a reflection of the discussion summary.

Avri Doria: Yeah, okay, thanks. Yeah, and what we need to do is sort of condense it into something that A, the group agrees with and B is readable. So that's - I think that's the process we're going through now, but thank you very much.

I guess this gave us a lot to be able to look at and, you know, help narrow our focus on what we're talking about.

Any other comments on this discussion? So this text is bracketed for the moment. The intention is that it will remain in some form but that the language will be reworked such that it matches what we end up doing in terms of prioritization in the recommendation.

Any other comments through 397? Okay. Moving on to 399, 335 from the Arab team.

The government supports prohibition is overbroad and the financial intimate requirement in case of registry failure is major barrier to entry. And then it explains its reasons for this.

What we have is working group believes the report could indeed be further clarified. The group understands the terminology used to be confusing, nevertheless, it is not the intent of the working group to propose the government do not qualify or cannot participate to receive support.

I'm confused with that sentence. I didn't believe we were allowing for a government to receive support. Nevertheless, it is a consensus of the working group that the support should not be used to subsidize a largely and purely government initiative.

That said, if the proposal requesting assistance is majority government finding or majority government sponsor, it does not qualify.

So the first sentence needs to be changed. I think something proposed that if governments are involved then it does not qualify because that's what we're trying to say. Not that governments could qualify.

The working group acknowledges that this is a complex issue, particularly for the first round and of course we'll probably end up changing that to current round and raises important questions such as are governments part of a needy group, how should a government-led initiative be defined.

The proposed implementation details might require further details that address definition of projects in terms of persons, percentages which would lead to a difficult potentially controversial implementation process.

The group reached a consensus that the current proposal should stay as it is with additional clarification that an applicant with government funding might qualify for support.

However, the support is not intended for applications that are primarily government financed and supported. The working group also agrees that it would be better if the program was multilingual but it is difficult to implement in this round since it would require a major revamping of ICANN's processes and operations.

ICANN needs to ensure that informational materials are available in multiple languages. The working group further acknowledges that part of the support can be offered to applicants is assistance with English applications and contracts.

Comments other than some rewording being needed to match what's being done elsewhere and for readability.

No comments? Okay. Move on leaving that on essentially as it is.

We have 18 minutes left to this call. 441 from Danny Younger; NGO domain proposal. The time is right for new general organizational category TLD managed by (Diana).

And it goes on to explain and then there's - the first two bullets speak of the NGO domain, aggregating a class under a TLD, still dealing with that. The contingency fund is more than ample to fund (Diana)'s new duties, so it's basically arguing for the NGO domain approach throughout.

Working group discussion summary: The working group believes the report could indeed be further clarified. Okay. I'm not sure...

Evan Leibovitch: Actually Avri, we had this - we had a discussion on this about the in the North American (RALLO) about this because Danny presented it to North America at large, and it's an apples and oranges kind of thing.

He's where - he's suggesting having a single NGO TLD under which - and which - under which legitimate NGOs would get a free second level domain. That issue might have merit but it seems totally out of the scope of what we're doing.

Avri Doria: And - thank you. And yeah, as I started to read the answer it confused me because I was expecting an answer that said something like this is out of scope for us, you know.

So does anyone object to replacing what's here with basically saying, you know...

Evan Leibovitch: It's out of scope.

Avri Doria: This sort of proposal is out of scope for this group. Thank you very much for your comments. No objection? No?

Alan Greenburg: It's Alan. I think we can elaborate just a little bit more because indeed if we believed that, you know, ICANN should create on its own volition an NGO domain funded fully and then give free access - free level domain to all NGOs that is a way of helping NGOs participate in getting Web sites.

It's not clear that a second level domain under NGO is equivalent in people's minds to a first level domain, otherwise perhaps dot org should have been sufficient.

So...

Evan Leibovitch: But Alan...

Alan Greenburg: Although it might be a way of helping some people. It is not giving them top level domain which is what our charter was.

Evan Leibovitch: But Alan, the whole issue of as you say getting a second level domain within dot org is not a substantial barrier to entry.

Alan Greenburg: And presumably anyone who's thinking of getting a top level domain at all already has a second level domain somewhere. So it - you know, specifically we are looking at top level domains for whatever the state is or benefits there are associated with them.

So from that perspective I think it might help at some theoretical level but it's not what we're asked to do. So I'm not disagreeing with the out of scope, I'm just saying a little bit of elaboration may make a more satisfactory answer than simply saying go away.

Evan Leibovitch: Yes.

Avri Doria: Can you suggest a sentence that we would include? I'm not saying right now. Could you, you know, send an email with a sentence...

Alan Greenburg: I...

Avri Doria: That would be longer than my recommended, you know, this is out of scope, thank you for your comment. I think, you know - and if you've got a statement that others are comfortable with I think that's fine.

Alan Greenburg: I'll put it on my to-do list.

Avri Doria: Thank you very much. I'm sure it's a very, very long list from the number of things I hear you get committed to in other meetings.

Carla Valente: So Avri, this is Carla.

Avri Doria: Yes.

Carla Valente: So now I have removed all of the wording that is there and I say this is out of scope of this working group pending Alan's addition to it.

Avri Doria: Exactly, thank you. And is that okay with everyone? Okay.

And now we get to - are we over? No, we have another one from Danny on 491, 337, ongoing costs in the event of registry failure assistance measures and several points.

And the comment here is believes this comment is not directly related to the proposal, do people agree with that or do people think that there is - that it is related in any way or are people comfortable with the comment as it stands?

Alan Greenburg: I'm trying to remember what the comment - what the comment - the substance of his comment was.

Avri Doria: The substance of the comment...

Alan Greenburg: And it keeps on moving on the screen.

Avri Doria: (Unintelligible) beginning of the several bullets.

The failover plan calls for a timeframe of a highly limited duration, 30 to 90 days. The failover plan is completed at odds with the DAGs requirement plus financial surety instrument to guarantee continuity of a critical registry function for three to five years subsequent to a registry failure.

The first step in reducing the financial requirement has already been taken, these statements from ICANN staff regarding benchmarking of registry operations.

Evan Leibovitch: Actually this particular comment is not as irrelevant. It's very - it's actually in line with the one from the Arab group closer - further up that

we went past. The - essentially it's cost related because if it's cost recovery, ICANN is requiring - what both of these comments are saying is that ICANN is requiring too much money up front to amortize some of the registry failure potentials.

That's how I read it.

Avri Doria: That's pretty much why I asked the question. Okay, thank you. Tijani, I see your hand up.

Tijani Ben Jemaa: Yes, I don't think that it is out of our scope. It is exactly inside our interest because as he explained it is a barrier to the entry for the needy applicants. So as he explained the registry failure, the registry failure insurance if you want of three to five years, it's very long and it costs a lot for the applicants.

So it's one of the barriers that we have to remove and it's our mission to remove barriers.

Avri Doria: Okay, thank you. I've got Elaine.

Elaine Pruis: So I do think this registry failover plan is a bit over the top for every net NGO applicant and what I'm wondering is if we include this recommendation in our work, does that mean only those that qualify for support should have this discount applied or a less of a requirement need for the failover.

I don't think that's technically accurate. I think everybody should sort of have the same failover plan in place. I'm just concerned that if we do add - it seems like we would add this to working group 1

recommendations that would be very clear, but we're not saying that only our applicants should have this approach.

So I don't know if that then muddies the waters and mix it up with another scope.

Avri Doria: Thank. I think that...

Andrew: Elaine, this is Andrew. I'm not sure I understood you. Are you suggesting that this is something we should apply for everyone, not just parts of this working group?

Elaine Pruis: Yeah, I mean there have been many comments posted on the most recent applicant guidebook that the registry failover and the financial instrument requirements were beyond what is really necessary and what's normally used.

                So that's already being discussed in the bigger picture and so I'm wondering if we add it to our recommendations if that then indicates that we think that our applicants should only have - only applicants should have that privilege.

                But if we do add it to our recommendations, I think we should make it clear that we're not saying that our applicants wouldn't necessarily require - logistically require less of a failover plan.

                Sorry I'm not - I'm sort of thinking while I'm saying it so I hope I'm not too obtuse in my explanation.

Avri Doria: Thank you. I actually - I think I understood. And one of the things that also comes up and I'll get to the hands at the moment because we've got three of them up and very few minutes left, is that there's two possible ways to respond to this.

One of them is to say this is a good recommendation for the general, you know, applicant pool and we have taken the following measures which whatever measures we have taken we list. Or as you suggest, one could say we adopt this one.

I don't know that - there isn't just one answer to it. I have Richard, Alan and then Tijani and that will probably end up using up almost using up our time.

Go ahead Richard.

Richard Tindal: Richard, I don't think - just to start, I don't think there's like a fundamental logical disconnect between the registry failover plan and the financial instrument.

I think the failover plan was really more developed for the existing registries, sort of our established and head business plans whereas this financial instrument of three years is specifically for new players.

All that said, I agree that I think three years is too much for, you know, any applicant. It's a barrier to affordability and it's to me sort of overkill.

To the question that - so I think it should be less than three years. You know, what it is; is it one year, is it 18 months, I don't know. But I think it should be less.

To Elaine's point, I do think that we will be more successful if we make an argument that this should be reduced for all applicants just the needy applicants because if we say it's just for needy applicants then I think we have to explain why this particular type of applicant, why there's sort of less risk or what - we have to provide some rationale for why it was just our subgroup that was subject to any reduction.

Avri Doria: Okay, thank you. Alan?

Alan Greenburg: Yeah, I don't disagree that we can say that but I think it has to be a peripheral statement, you know, something to the effect of although we feel this is an important issue for the applicants that we're talking about, it may well make sense for everyone.

But I don't think we want to be in the position of advocating a major change. You know, anyone - there was plenty of opportunity for people to comment on the applicant guidebook itself and presumably there are some comments in this vain. So we can say we understand it and support it but I don't think we want to be in a position of advocating it.

Avri Doria: Okay. Thank you. Tijani.

Tijani Ben Jemaa: Exactly Alan. Exactly. I do think that we have to argue about this point for our needy applicants because it's our mission. It's our duty, but we don't have any right to speak about the others. It's not in our mission.

I have sent on the list a proposition based on Danny Younger's comments and it has two alternatives, either to designate a

replacement - an operator to replace the registry if there is a failure or to reduce the period from three years to as he explained to three months. It's possible.

Because if you see the failover plan, they speak only about the one - I don't know, about the one month or one month and a half - no, excuse me, they speak about three month and the proposal of Denny is to for six months.

Avri Doria: Okay. Thank you. Alan?

Alan Greenburg: Yeah, I'll just note that the - a registry failover plan of designating a backup registry operator is not the same thing as what we're talking about here. We're talking about here a uTLD which has attracted some number of customers and goes belly up is not able to sustain its operations and the question is how do we minimize the impact for perhaps a long time on the user base that has been established, you know - that has been created in good faith or has come to these people in good faith.

Designating a backup operator whose, you know - you're not going to find anyone who says yes I'll sign up as the backup and willing to lose a lot of money on this over the next three years.

You know, it's a slightly different take at the problem and so I don't think we can consider them quite equivalent. I'm not saying the three year financial instrument is reasonable but it is addressing a different issue than just a backup registry will.

Avri Doria: Okay, thank you. Richard?

Richard Tindal: Yeah, just very quickly. I want to say - that was Alan then correct?

Avri Doria: Yes.

Alan Greenburg: Right.

Richard Tindal: Yeah, I just want to say for everyone's benefit, yeah, Alan's got - sort of hit the nail on the head here. These are two different things.

In fact, the initial versions of the applicant guidebook did have kind of a backup or buddy type registry, but then it was pointed out to ICANN quite logically that there's no guarantee that the backup guy is going to be in business, you know, a year or two years from now either.

So they really did gravitate in the later versions of the applicant guidebooks towards this notion of a financial instrument for exactly the purpose that Alan just said. It's to protect registrants who buy a name in good faith and their registry fails.

So the question here as Alan said is, you know, what is a reasonable amount of time and amount of cash to keep that registrant's name operating while they have the opportunity to go and look for a new TLD to live in.

Avri Doria: Okay, thank you. I'm still not sure that I see from the conversation we've got how we're dealing with the split between what is a recommendation for all applicants and what we are recommending specifically in regard to this issue not specifically this recommendation for the applicants that have needs.

Richard you put your hand back up again.

Richard Tindal: Yeah, so just to - I am okay with the notion that we just recommend a reduction for our own group as Tijani said. I think that's fine.

Avri Doria: Okay.

Richard Tindal: So I think what we've probably just go to decide is what an appropriate timeframe. The applicant guidebook requires three years at the moment and so I think what we need to think through is what's an acceptable duration of time that we would argue that our applicants would provide this sort of financial instruments.

If we say it's three months, it means that the customers of that TLD have sort of only got three months to go and find a new home, so it seems to me three month may be too short and certainly three years is too long. I think that somewhere in between.

Avri Doria: Okay. So we need to figure that out. We'll need to discuss that. More discussion is needed.

Okay. Let me see. Do we have any others - we had another Danny Younger and there's just one - although we only have a minute left, so I don't think we're going to get very far on it.

Carla Valente: Avri, I'm sorry, this is Carla. I'm very confused about this one. So is this going to be rewarded via email or do we leave it as it is?

Avri Doria: I think we need to capture what it is but it also sounds like we have more to do in terms of figuring out an answer.

Carla Valente: Okay.

Avri Doria: So what I think the answer I've gotten so far is that there's value in the recommendation for all, however, because of our scope, we're only dealing with applicants in need and for applicants in need, we are recommending shortening the period to X and we don't have the X yet.

I believe - is that sort of a - anyone correct me if I have it wrong. And so I'd word phrase something like that for now as opposed to it's not related to proposal and we have yet to figure out what X is.

Carla Valente: Okay, thank you.

Avri Doria: Okay. That puts us at 11:30. We had a couple more comments to go through from Richard - from - I mean from Danny and we'll have to start those at the next meeting which Evan will be chairing.

Hopefully we can get a revision out that has some of the work we've done today indicated.

I have to indicate and I think I've already told people that over the next two weeks while I'll be able to do work on lists on this at night, my daytime hours on a Vilnius daytime, I'm not going to be able to participate in the meeting so I am unfortunately - at least I don't think I am. If I manage to escape from my boss's requirements and the IGF secretariat, I will join in the meeting, but essentially I can't. I don't believe I can.

So we've got three more meetings until the 13th. The 13th is a deadline for getting the document in so we have to consider, you know, at what level we will be in three more meetings worth or another ten days.

I don't believe and we should take this - the rest of this to the list, I don't believe that we'll be final, final. I think we'll be very far along and we may still have some issues whether it's some discussion but I believe one, that we are moving close to being complete even if we're not there, and two, I don't believe that there's any intractable issues.

I think on most issues we are working towards consensus, although we may have on a few issues someone wishing to contribute a qualifying statement. But that's my feeling, so...

I see Tijani with his hand up and so Tijani and then Evan with a last word and then we close the meeting.

Tijani Ben Jemaa: Okay, thank you. I think that we will not be able to finish our work on 15th. And bearing in mind that we have one week that we have to jump because there is IGF and a lot of us will be in Vilnius and will not be able to work on this working group task.

So we need to extend our deadline otherwise we will not be able to finish our work properly if you want because there is a lot of things to discuss and to reword, so we have work.

Avri Doria: And we have two problems with that Tijani. I think you're right; we're going to take longer to do our work.

However, if we want to have something for the board to read for its retreat, the 13th is not our deadline, it's an institutional deadline. So we have to decide whether we're just going to say -- and we should really take this to list -- whether we're just going to say, listen this is as far as we're guiding, you know, this is as far as we've gotten. It's a working document. There is bracketed text and so on. Or we want to say you've got the snapshot, you've seen the comments, we're still working. We've got nothing more to add at this point.

You know, we could either way and let's discuss on the list.

I jumped in between you and Evan as opposed to giving him the last word, so Evan, you've got the last word and close the meeting after that.

Evan Leibovitch: There's not a whole lot for me to say. I mean so far I've agreed with everything I've heard over the last few minutes. Yes, we are generally in (filing) consensus over most of these issues but we won't until we've gone over everything.

Are we going to make the 13th? I think we're going to have to discuss it and we may just say this is as far as we have. Here's the red line stuff we haven't got to yet and put it out.

Avri Doria: Okay. Thanks. Meeting closed. Let's continue on the list folks. The list has gotten better so let's do more. Thank you.

Evan Leibovitch: Bye.

Avri Doria: Bye.

Man: Bye.

END