SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPTION
Tuesday 7 September 2010 at 1300 UTC

Note: The following is the output of transcribing from an audio recording of the SO/AC new gTLD Applicant Support Working Group (JAS) 7 September 2010 at 13:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
http://audio.icann.org/gnso/gnso-jas-20100907.mp3

On page:
http://gnso.icann.org/calendar/#sep
(transcripts and recordings are found on the calendar page)

Participants on the Call:

ALAC
Evan Leibovitch – Co-Chair
Alan Greenberg – ALAC
Tijani Ben Jemaa - AFRALO - At large
Carlos Aguirre - At Large
Alex Gakuru – NCSG
Baudoin Schombe – At Large

GNSO
Rafik Dammak - NCSG - Council liaison
Andrew Mack – CBUC
Avri Doria – NCSG – Co-Chair on Adobe Connect

Richard Tindal – Individual
Eric Brunner-Williams - Individual

ICANN staff
Glen de Saint Gery

Apologies:
Cheryl Langdon-Or - ALAC chair
Tony Harris – ISCPC
Elaine Pruis - Mindsandmachine
Michele Neylon – RrSG
Sébastien Bachollet – ALAC

Karla Valente – Staff support

Coordinator: Now recorded. Please go ahead.

Glen de Saint Géry: Thank you. Good morning, good afternoon, good evening everyone. This is the (JS) working group call on the 7th of September. And we have on the call Baudouin Schombé, Carlos Aguirre, Alex Gakuru, Tijani Ben Jemaa...

Tijani Ben Jemaa: Yes.

Glen de Saint Géry: Sorry. Evan Leibovitch, Richard Tindal, Alan Greenberg. And we only have myself for staff, Glen de Saint Géry. I know (Carla) is on vacation. And I have heard that (Olaf) is in Marina del Ray.

Evan Leibovitch: Somebody gets to take a vacation?

Glen de Saint Géry: And we have apologies from (Cheryl). And we have apologies from Tony Harris, who can't be on the call. So that's over to you, Evan.

Evan Leibovitch: Okay. Now my not being on GNSO I may have to defer to others that have been at the latest council meeting. But based on some emails that I've been reading that there has been a motion at the past GNSO meeting to reaffirm the need to reestablish - they called them disclosures of interest rather than statements of interest.

So what I want to do is I believe this task consists of what we've been doing in this meeting. Is there anybody on this call that was involved in the last GNSO meeting?

Alan Greenberg: I am.

Evan Leibovitch: Is that Alan?

Alan Greenberg: Yes.

Evan Leibovitch: Okay. Could you briefly go over what they talked about in terms of DOIs?

Alan Greenberg: Well I - to be honest I don't recall a specific discussion about it. It's part of the new operations procedures for working groups. And a disclosure of interest is a statement saying that you have a particular interest in the subject being discussed. That is you're not a - an uninterested bystander discussing a theoretical thing but you have a personal interest in it.

And so it's not instead of the statement of interest. It's in addition to an explicit disclosure saying you have a vested interest in whatever's being discussed.

Evan Leibovitch: Okay. Glen, I noticed you just sent something up by the - you just sent something out 18 minutes ago and just updated a moment ago to this working group. Anybody that has email is invited to look at that. But best as I can understand the GNSO requirements, the disclosures of interest is consistent with what we've been doing.

So I will give a few moments. Is there anybody on this call currently - is there anybody on this call who has an update to their disclosure of interest relative to what they have on file that was current at the last meeting?

Alan Greenberg: I don't believe we've ever taken disclosures of interest on file as such, Glen. I may be wrong.

Glen de Saint Géry: In the workgroup, no not as such, Alan.

Evan Leibovitch: So are you saying that we need to have specific ones for this context, Alan?

Alan Greenberg: I would believe so because - in fact you could have specific ones for a specific meeting of a working group, you know, if we're going onto a subject where you have a financial or other specific interest.

Evan Leibovitch: Okay.

Alan Greenberg: So according to the rules we - people should be making a - either a global statement or specific ones at a meeting if it's only relevant. Presumably if they make a disclosure of interest at the beginning of a working group or at some point and - it can stick for the rest of that working group if that's applicable.

Evan Leibovitch: Okay. So you're basically suggesting that we need to collect and have on file DOIs for the participants in this group. Is that correct?

Alan Greenberg: For those who have a specific interest. I - for instance I'm on this call and will not gain or lose and have no financial or other business interest in the issues associated with it. I don't have to issue a disclosure of interest.

Evan Leibovitch: Okay.

Alan Greenberg: Someone who's planning to make money off of the kind of candidates we're talking about and have a vested interest in seeing Rule X instead of Rule Y have to make a disclosure of interest.

Evan Leibovitch: Okay. So based on interpretation at this point then consider this a formal request for anybody who is on this group who has potential financial interest depending on the outcomes of what we recommend to the GNSO and ALAC so anybody who has such an interest is requested to send one to Glen.

Glen, I - you've sent me personally email. But I guess now is the time we need to actually send to this (unintelligible) working group to make a formal request for anybody who has an interest, declare that in writing in the form of a DOI to be sent to and maintained by you. Is that proper reading of this?

Glen de Saint Géry: Yes. That's fine. Thanks, Evan. Anybody that got that it will be for the moment attached to the statement of interest that they've made. If they can just give it to me in writing and we will - that will be the place where we will put it for the moment because we are envisaging having a system on the new GNSO website where there will be a part purely for statements of interest and declarations of interest.

And eventually we hope that there might be online forms that you can fill in to facilitate this task. But we're not there yet.

Evan Leibovitch: Okay. So all right, at this point in time I'll leave this as a mention of this on this call. And Glen, can you follow up on emails to the participants in this list?

Glen de Saint Géry: Well I think what the participants should do is send me their declaration of interest.

Evan Leibovitch: No, what I'm saying is the people who are on the mailing list who are not necessarily on this call.

Glen de Saint Géry: Oh on the call they have received the same notice.

Evan Leibovitch: Okay.

Glen de Saint Géry: But I will just send out a message to say yes please notify me of the declarations of interest.

Evan Leibovitch: Okay. Oh, I see. So it says Dear Working Group Leader but it was sent to the entire mailing list? Okay.

All right so we've moved on there. And without further ado we are going to go back into the document on the comments on the first draft.

I've been reading the exchange of emails back and forth with interest regarding the issue between prioritization, categorization as opposed to simply limiting who can apply. We will get to that if we can cover through the rest of the - I'm hoping to pick up where (Avri) left off from but just go through the rest of the - just to the comments that are on Adobe Connect right now. And we seem to be near the end of that.

So if we can get through that then we will come back to the issue of prioritization. Is that okay with everybody?

(Eric): Evan, this is (Eric).

Evan Leibovitch: Go ahead.

(Eric): Thank you. I'm not on Adobe Connect as I mentioned by email earlier this morning. I have a change to - for my statement of interest. I'll just announce it briefly here and I'll - Glen, I'm no longer consulting for (Core). Thank you.

Glen de Saint Géry: Thank you. Would you send me that in writing please...

(Eric): Of course, Glen.

Glen de Saint Géry: (Eric).

(Eric): Would be...

Glen de Saint Géry: Thank you.

(Eric): (Unintelligible) SOIs rather than one for each working group. Thank you.

Glen de Saint Géry: Yeah. Thank you very much, (Eric). I do understand.

Evan Leibovitch: Okay. So that...

(Eric): Yes.

Evan Leibovitch: Is officially a statement of no more interest.

Alan Greenberg: Evan, just one comment, just something I've noted that other people should be aware of. We seem to have the chat from last time in our chat box. However, all of my comments are missing. And I don't know what the basis is for whose were left off.

I see (Cheryl)'s are still there even though she's not on this call. And I see other people answering me. But mine somehow have been excised. So we shouldn't rely on this chat as being authoritative because somehow it's being edited.

Evan Leibovitch: Okay. I don't know if the editing is deliberate or accidental. But...

Alan Greenberg: Well I thought it was because I'm using a different name this time. I have Greenberg instead of just Alan. But as I said other people who aren't on chat - aren't on Adobe at all are still there. So I'm just noting it that we've - that...

Evan Leibovitch: Suffice it to say, Alan, that I don't think that this should ever - that the chat area of Adobe Connect should ever have been taken as authoritative.

Alan Greenberg: I understand. I was just noting it.

Evan Leibovitch: Okay. So if everyone - Adobe Connect I will call your attention to Line 543 of the open comments. And so what I'd like to do is go through these.

And okay, so of the comments from Danny Younger about the registrar transaction fee so essentially what he's saying, that there should be an additional transaction fee or an increased transaction fee should be

used to help subsidize this disadvantaged TLD applicants. And the summary response is essentially saying we don't want to - we believe that there are ways to give support without necessarily penalizing or further taxing the - well Danny calls it the end user but we're essentially saying registrants which aren't necessarily the bottom of the food chain.

Okay. Alan, you have a comment. Go ahead.

Alan Greenberg: Yeah. My recollection -- and I can't find it but we could check easily enough -- is that one of the principles or recommendations in the GNSO guidelines that were adopted by the board, the new gTLD guidelines was that existing TLDs - that this program be self-sufficient and that existing TLDs not fund it.

And if that is indeed - if that memory is indeed correct that should be cited in the answer. That is it goes against the recommendation of the GNSO which was adopted by the board.

Evan Leibovitch: Okay. Okay. Alan or Glen, could either of you actually go back and look at the specific recommendation because I mean if we can - if we could specifically say, you know, that - rather than just the sort of general answer that we have here we can say it's specifically out of scope because of the mandate we were given from GNSO?

Alan Greenberg: Is (Avri) on the call? I know she - I think she's on Adobe?

Evan Leibovitch: Okay. I will assume either that she's not on the call or that she's in a meeting and possibly unable to speak.

Alan Greenberg: Okay. I'm sure if we check with one of the people who were complete, you know, very heavily involved in the procedure they'll simply know as opposed to one of us going through a 300-page document trying to find it.

Evan Leibovitch: Okay, all right. But Alan, are you fairly certain that this is - explicitly goes...

Alan Greenberg: I...

Evan Leibovitch: I guess - I mean this is - between the bunch of us we should probably have a look at this and see if we can possibly find out.

Alan Greenberg: I'm just saying it's something that can be done offline a lot quicker than us going through the document, it - while everyone else is listening...

Evan Leibovitch: Actually...

Alan Greenberg: To us turning figurative pages.

Evan Leibovitch: Okay. So we'll tentatively keep the wording that's right now highlighted. And if we can add that it's explicitly outside of part of the GNSO mandate for this group then we will refer to that specifically.

Alan Greenberg: Okay.

Evan Leibovitch: Does anybody else have any comments on this particular item? Again we're talking about Line 543 to Lines 557 of the document. Anybody else have any comments? Okay, going once, going twice, gone.

All right, the next comment, 3.3.10 starting at Line 50 - 559. So both of these - they're two separate comments that have been brought together that are essentially saying - recommending a discount for bundling a gTLD application together with its -- read this properly -- together with its IDN equivalent and essentially saying that - all right, does anybody have any comments on this because this goes a little bit to the concept of bundling that (Andrew) has mentioned previously?

Or (Andrew), I'll come to you first. Are these two points - how close are they to the bundling issues that you've been raising?

(Andrew): I'm glad - just one second, Evan. I'm trying to get them. One of them has fallen down off of my screen.

Alan Greenberg: We don't have control over the screen. Someone else does.

Evan Leibovitch: Okay. So if I'm scrolling now is everyone...

Alan Greenberg: You're scrolling down. You're scrolling away from the comments.

Evan Leibovitch: Yes. All right so...

Alan Greenberg: And also the right-hand part of it is missing.

Evan Leibovitch: Okay. So essentially what's happening is the scrolling I'm doing is being forced on everybody else. Glen, is there a way to fix this so they can scroll on their own?

Glen de Saint Géry: For everybody to scroll on their own?

Alan Greenberg: Yeah. You should be able to turn control over the scrolling to us.

Glen de Saint Géry: Oh. How do I do that, Alan?

Alan Greenberg: I don't have a clue. I've never actually been a presenter.

Evan Leibovitch: And remember I'm not the - I'm - okay, let's...

Alan Greenberg: That - whoever did something did the right thing.

Man: Thank you Glen. Okay.

Evan Leibovitch: That was me and I think I did it by accident.

Man: Well...

Alan Greenberg: Oh cool.

Glen de Saint Géry: If you technically use it because I think only you have got control over the scrolling of the screen.

Evan Leibovitch: Okay. So all right, now that you all have the ability to scroll on your own then okay, (Andrew), I'll come back to you. Does...

(Andrew): Sure. Okay. If I'm reading it correctly the first of the two comments starting at 562 sound very much like the general idea behind bundling that we'd put forward earlier.

The second one is a little bit more specific as to how much it's going to cost. And we hadn't really gone into that much detail. I don't know if we want to go that far.

I've also been talking with Richard about some of the other possibilities and trying to avoid some of the unintended consequences of potential bundling and so trying to work up a little bit of a - a little bit of different language that might get us there. In - the first of the two seems to be pretty much in, you know, without objection and the second of the two I'm not sure. I saw the comment open to other - everybody else.

Evan Leibovitch: Okay. We haven't come to a total consensus on the issue of bundling. So this is a good time to call everybody into it.

So I'm going to ask specifically for comments on the first of the issues raised. And that would be Line 562 to 586. Does anybody else have any comments on this?

(Andrew)'s basically suggesting that this is close to an idea that we have already talked about. And do we have consensus that this group believes this is a good idea?

Okay. Richard, go ahead.

Richard Tindal: Yeah. So and as (Andrew) said, you know, I've been chatting offline. And so we may have a potential solution. But in terms of Line 562 onwards the concern that I have there is these unintended consequences.

If I read these lines correctly it means that any applicant regardless of their financial situation would get a reduced fee for additional scripts. For example if I was to apply for the .blog in English and then apply for the word blog in a variety of other scripts then I would get a discounted application fee for those other scripts. Is that how other people are reading it?

Evan Leibovitch: It's certainly how I'm reading the - at least the first suggestion.

Man: Yeah.

(Andrew): And that kind of falls outside of what we had originally talked about because we did want to - we did really want to focus on underserved scripts as I - as we've all talked about.

Richard Tindal: (Andrew), other sort of - what scripts did you say then?

(Andrew): Underserved scripts.

Richard Tindal: Oh underserved, got you.

(Even Leborich): Okay. So let me...

(Andrew): Right. So the whole purpose of the bundling was to help get scripts that were underserved and unlikely to be economically viable on the web, right?

Richard Tindal: Correct. Okay. Yes, so let's use the example of underserved. And I'm not sure that Thai language is an underserved script. But let's - for the moment let's assume that it is and let's use that as an example.

So yeah, this is the concern that I have. The way that this language reads now, you know, I Richard Tindal, whom - who am a well-funded applicant, I could apply for the word -- let's just take blog again -- I could apply for the word blog in English and in Chinese and in Indian and Japanese. And let's say that I also apply for it in Thai. So I've applied for it in five different languages. And per this language here my application for the word blog in Thai would appear - would be a reduced fee.

So (unintelligible) - oh bless you.

Man: Bless whoever it was that (unintelligible).

Man: Bless you.

Richard Tindal: So the unintended consequence here is that there could well be another applicant who in fact only applied for one string and that is in fact the word blog in Thai. That's the only thing they're applying for. Let's say it's a local Thai company.

And so per this - because that's all the funds they have available is to apply for one TLD. In fact that's all that they're really interested in. They're a Thai company and all they want is the word Thai - the word blog in Thai.

So what would happen is (unintelligible) they would be paying the full application fee and that me, the well-funded multinational applicant in fact would get a reduced application fee. So, you know, I would be paying less than they would for the application.

And so if we take that to the next step I think it puts, you know, us and ICANN in a very poor situation because what may well happen is that applicant may come along and apply for support, apply - let's say that they applied on the borderline potentially of being a needy applicant. So under our other criteria they might well come forward to ICANN and say, you know, Dear ICANN, may I please have a reduced application fee or some other form of support for my application for the word blog in Thai.

Let's say that either they don't quite meet the criteria for the - being a needy applicant. Or let's say that there simply isn't enough support to go around.

And so for whatever reason they don't get support. So ICANN says, you know, terribly sorry, you're not quite needy enough; we can't give you a reduced application fee; you have to pay the full $195,000.

Then they find out that me, multimillion-dollar international corporation that's applied for five TLDs, got a reduced application fee for exactly the same string that they're going for. I think that creates an unfairness situation. I think that reflects sort of poorly on the process. That's the truth, the type of sort of thing I'm trying to stop here. And...

Man: Yeah.

Richard Tindal: (Andrew) and I may have, you know, come up with a solution which (Andrew) may wish to speak to.

Evan Leibovitch: But I'll just ask you one thing, Richard. Have we not sort of repeatedly in this group hammered home the idea that financial need of the applicant is paramount in this whole process?

Richard Tindal: Yeah. The language - yes, some people have and some haven't. The language that was in the most sort of recent set that I saw that (unintelligible) is around - was a compromise if you like. It said that we don't - it almost treated this IDN bundling like a separate issue. So it said we don't want, you know, we recommend that there be reduced fees for IDN bundling but we don't want it to impact in any way the funds that are available for needy applicants.

But that - so that's the language that's on the table now. But that language if accepted could still have the same consequence that I just described.

Evan Leibovitch: Okay. Tijani, go ahead.

Tijani Ben Jemaa: Yes. Thank you, Evan. (Andrew) and myself have produced a text about this. And we got a lot of other - strong opposition from some of the members of this group because they think that our mission is not to help people who are not in need of the help. And even inside the pool of people in need some don't agree that we help them for more than one string.

So - but I think it is a problem of language. We can find a way to say it because it is about to - if you want to (unintelligible). I don't (unintelligible) it's existence.

Man: To favor, to favor.

Tijani Ben Jemaa: To favor, yeah. To - it's to favor the languages who are underserved. And it's also to help - not to help but it's to make the same as ICANN did with the Fast Track gTLDs. They make it at a reduced price. So there's no reason that for the gTLDs it's not the same.

So there is this idea that we can perhaps draft together and put it best. There is - I - already I tell you that there is people who are opposed to the issue at - as a whole. But if we produce a language that perhaps can get a consensus it will be good.

Evan Leibovitch: Okay. (Andrew), you've got your hand up. You've got something to add to that?

(Andrew): Right. I'd like to. I think what Tijani says is right. And I agree with a lot of what Richard has said.

And we are trying to work on this offline rather than getting everybody involved in all of the little wordsmithing. We're trying to come up with something that was going to be acceptable.

The goal isn't and never was to favor large applicants over small applicants. But by the same token I think that it's, you know, we don't - the whole idea behind bundling was to try to get people to take scripts that might otherwise not be economically viable and get them going. So I think we have - we're getting pretty close to working with and working past some of the concerns that Richard has.

Would it be okay for the group if we pick this up in our next call with some language between now and then?

Evan Leibovitch: That works for me. Does anyone here have a problem with that being worked on between now and Friday?

Okay. Tijani, do you have your hand up still?

Tijani Ben Jemaa: Yes. Yes. No, no, it's a last word.

I think that our agreement or the agreement must to go on a text and not on the principle because the principle you can write it in multiple ways and it can mean some - different things. So we have to put that in text. And then we can ask people about their opinion on this text.

And now after all this discussion (Andrew) knows very well what are the oppositions. So please, (Andrew), try to draft something that will get the consensus.

(Andrew): Agreed, 100%.

Evan Leibovitch: Okay. So (Andrew), between now and Friday you're going to come up with some wording that will deal with this issue specifically and then allow us to give a better response to these particular comments as opposed to hey it's a good idea, let's think about it.

(Andrew): Yes.

Evan Leibovitch: Okay. Does anybody else on the call have a comment on that - on these particular issues? If not we're going to move on to the next one. Any other comments?

Okay. We have the next one which is .3.3.11. It's a comment suggesting that in order to expedite or minimize their own costs that some of the existing regulations regarding registrar or registry vertical integration be waived or as I read it it's a suggestion that the vertical integration rules currently in place be waived for me, the applicant, as to make it easier for them to streamline the process to allow them to work without registrars or whatever.

I hope I'm reading this right. But that's my - that's what I get out of the comment. And so right now the comment is the working group believes this comment is not directly related to the proposal.

My preference would be actually to have something a little more strongly worded if we, you know, to - if this is out of scope then let's just say so.

Does anyone have any comments on this particular comment? This is Line 589 to Line 598.

(Eric), go ahead. (Eric)?

(Eric): Yeah. It took me a moment to turn my - the mute off. Danny's comment is - well it's - reflect the reality of how the work - vertical integration working group has progressed. And there - well there are two issues.

One is the general policy issue. And any - our - and any working group can reach into any other working group and arrange its agenda. And I don't think that's a good approach.

The other problem is that in particular Danny's suggestion is somewhat naïve about how the vertical integration group is actually working and where the interests of applicants are in the range of interests that comprise the vertical integration working group.

As almost all of the advocates within the vertical integration working group are contracted parties and the parties about whom we are attempting to - are not currently contracted parties there really is no sensible way for us to communicate to them. And sometime in both groups I really - I just don't see it working. Thank you.

Evan Leibovitch: Okay. My own thought on that, (Eric), is that I don't necessarily think we need to guide what we're new - what we're doing based on the existing VI group because they're talking about ICANN-wide policy and we're trying to say what are ways that we can give a new applicant a break.

And so without specifically making mention that they're looking to change things system-wide can we not say that there are things that we can simplify that don't actually force us to do a cost reduction but allow us to simplify a proposed registry operator to lower their costs? Is that not within our mandate?

(Eric): Evan, do you think that in the last four months of tremendous debate within the vertical integration working group no one has thought of a

way to game the argument that needy applicants will need vertical integration? That horse is already out of the barn. It's been tried.

Evan Leibovitch: Okay.

(Eric): It would be nice if it was heard in the abstract without the agendas of the existing contracted parties, many of whom wish to capture the new applicants.

Evan Leibovitch: Okay. Well do we have not - do we not have an advantage...

(Eric): From that group.

Evan Leibovitch: (Eric), do we not have an advantage within this group that we are quite dominated that way?

(Eric): An advantage?

Evan Leibovitch: Or at least let's say a better perspective - a different perspective on things given that the makeup of our group is significantly different?

(Eric): It's a different balance. However, for this group to suggest a vertical integration policy that is - has some scope that is it's only available to some applicants is an act in a vacuum.

It's not the case that we can guarantee that there will be reduced cost to the applicants if they do any particular thing about their registry/registrar interrelationship.

Evan Leibovitch: Okay.

(Eric): So I know it sounds attractive. But when you actually go through and work the issues, this isn't a big thing. And it's tremendously complex at the applicant wide policy level.

So I understand why (Danny) introduced it. It's a nice idea. But when you actually try and fight the issue or work the issue or advocate the issue, both in the vertical integration working group and anywhere else in particular here, it's not terribly (faithful).

Man: Okay. Alan go ahead.

Alan Greenberg: I guess I take a very different position to that. In the vertical integration working group there has been an infinite, close to infinite amount of discussion on whether we need to have a rule for specific cultural.

Or quote "disadvantaged" applications to relieve them from the need to use registry/registrars because registrars may not be interested in weird scripts and very targeted markets.

We have not come to closure on that. Although most players say we probably need a rule like that. It's not one of the highest priorities within vertical integration because we haven't gotten to that stage yet.

I would think for us it is a high priority. And since we are giving advice to the board on what to do, I think it is quite fitting for us to say that an exemption for the types of applicants we're talking about to this rule would be appropriate or may be necessary.

So we cannot interact with the VI group and tell them what to do. That's certainly true. But we can give independent advice to the board saying this is a - this particular part of what is being discussed in VI.

And may or may not make it into a final recommendation if there is one, is important to us. If indeed that's what we feel.

Evan Leibovitch: Just because it's a point of overlap does not take it off our plate.

Alan Greenberg: Well, but we may be the only ones who can make that strong statement without a lot of caveats and buts. So I think it's quite appropriate for us to do that.

Whether it wins or not in the end, God knows. That's a different issue. Okay thank you.

Evan Leibovitch: Okay, Richard go ahead.

Richard Tindal: Okay thanks Evan. As the other extremely (unintelligible) topic. I think at the end of the day I probably agree with Alan here that I don't see any harm in us recommending the (unintelligible).

Evan Leibovitch: Richard you're cutting out. I can only hear bits and pieces of what you're saying.

Richard Tindal: Is that any better now? Can you hear me clearly?

Evan Leibovitch: Yes better.

Richard Tindal: Right, yes I was saying it's extremely complicated. And, you know, it's obviously a very tough one here. At the end of the day I think I agree with Alan.

And I don't see any harm probably in us recommending that our type of applicant have the choice as to whether they would have a vertically integrated.

I agree with (Eric) that the cost savings or benefits are not particularly clear. And it's not clear that there would be great benefits to our applicants if they were able to do that.

But I think if we recommended they have the choice to do so then it puts that decision in their hands. So I agree with Alan, if we could have some suitably nuance language.

But I think we probably should recommend that our type of applicant be given the choice to do that.

Man: Richard or Alan, would either of you be interested in trying to address some wording to that effect between now and Friday? Basically just a statement that we could essentially put to a consensus agreement here that could say, you know, that that would add into what we're doing.

Saying let's give some additional flexibility to a deserving applicant. It's a non-monetary benefit that we can offer as part of this - of what - part of what we're trying to do.

Would either of you be interested in doing the wording?

Alan Greenberg: I'm rather over swamped between now and Friday, so I'm not sure I'll be able to get to it. And I'm not quite sure I know where it fits in the report.

It's really a substantial issue that we haven't looked at yet. I'll try. But I really am not sure I'm going to be able to make that deadline.

Evan Leibovitch: Glen would it be possible for you to just to do a couple of words that summarizes what we're talking about that needs to be put out in front of the next meeting as something we could talk about?

Possibly come to consensus on and try and figure out where in our report this would go?

Richard Tindal: Hey Alan, this is (Rich).

Glen de Saint Géry: Hi can you just repeat this again for me please what you want me to do Evan? I do know you want me to put out a small summary. But what exactly?

Evan Leibovitch: Okay, in other words...

Richard Tindal: Hey Evan? Evan could I just jump in for a sec?

Evan Leibovitch: Go ahead.

Richard Tindal: Yes this is really a (new unsubsidation) is. I think it's probably a bit unfair to put this onto Glen. Why don't you let me take a shot at writing

a paragraph and I'll toss that out on the list? And let's discuss it on the list this week.

Evan Leibovitch: Yes I can hear where Alan's coming from between this, the morality and public order and other issues right now. This has been an extremely hectic ICANN autumn.

Richard Tindal: Yes I'll take a shot at coming up with - let me just make sure that I understand the task. You're asking me to come up with a sort of one or two paragraph response to these comments from (Danny).

Evan Leibovitch: Well essentially not so much a response to (Danny) as something that might in fact show its way into a consensus position from our group.

Richard Tindal: Okay so I'll do that.

Evan Leibovitch: The response to (Danny) is easy saying yes, this has some merit. The problem is if it's going to end up in our recommendations, it's really a new section we haven't looked at so.

Richard Tindal: Yes.

((Crosstalk))

Richard Tindal: Let me do this Evan if you'd like.

Evan Leibovitch: Okay so Glen...

Glen de Saint Géry: Thanks so much.

Evan Leibovitch: Okay Glen I'm going to ask you to write the revision to Line 598. And to say we believe that this is a reasonable observation. And we are considering its inclusion. What we do with it is yet to be determined.

Glen de Saint Géry: We believe this is a reasonable observation.

Man: And the workgroup will consider it.

Evan Leibovitch: And we are currently looking, we're currently discussing ways to consider it.

Glen de Saint Géry: Thank you.

Richard Tindal: Then we have an in addition to that that Glen's doing. Do you want me to sort of throw out some ideas for the group? As Alan said, this is a complex issue.

And you're well aware that it's going to be coming and that we're going to need to discuss in detail. Do we want to sort of start a dialogue on that? Where is your head in on that issue?

Evan Leibovitch: My preference would be to start something online. I don't even think it - what you need to do is two paragraphs. I think simply to give us a general statement that we can do without getting into too much detail that essentially suggests that, you know, this group thinks that it might be a good non-monetary component of the benefits available to a deserving applicant.

Richard Tindal: Okay.

Evan Leibovitch: If they have more flexibility on issues of vertical integration.

Richard Tindal: Okay so I'll start the discussion on the list along that line.

Evan Leibovitch: Okay (unintelligible) but the end result is to have some kind of wording by Friday okay? (Eric) you've been, you've had your hands up for a bit. Go ahead.

(Eric): Thank you Evan. Alan characterized the vertical integration group as having a broadly held, and I don't recall your exact wording Alan and I don't think it's particularly important.

The representation was that the vertical integration group has broadly agreed that there should be exceptions for needy applicants. I don't think that's a true statement.

I know that the free market faction is utterly opposed unless the restriction is removed completely. That is they're opposed to any exceptions that does not apply to all applicants.

Second, the (rack plus) group is divided on the existence of an exception if it is with the single registrant exceptions.

Third, the (JN Third) group is divided on the existence of an exception if it is without the single registrant's exception.

So it's true that there are many parties who claim that they are in favor of an exception for needy applicants. So at least three of the broad groups that comprise the powers in play within the vertical integration group are exploiting the needy applicant for agendas of their own.

So to repeat them, the free market group is exploiting needy applicants so that they can obtain a (pickseptions) broadly, without restriction.

The (JN squared) group is exploiting needy applicants so that they can obtain an exception for (grant) holders. The (rack plus) group is divided on the existence with some wanting an exception for needy applicants.

And some wanting an exception for needy applicants and other applicants such as brand applicants.

So my point is the representation of the vertical integration group as being generally in agreement with the necessity and utility of an exception for a needy applicant is not a true representation of that group as I know it. Thank you.

Evan Leibovitch: Okay Alan I'm going to give you the floor. But in advance of that I'm just going to suggest that I don't think we totally need to drive what we're doing based on what the VI group itself is doing.

It - without having to get into the entire issue, we can suggest that a little bit of flexibility is going to help reduce costs to an applicant that needs it. I really don't know if we need everyone here to be following everything there. Alan go ahead.

Alan Greenberg: I was just going to I guess rebut is the only word. I'm not sure what words I used. I didn't mean to imply there was very wide agreement in the VI group.

There are certainly a lot of individuals. And I have no interest in psychoanalyzing the various groups as to why they may feel this is a good thing.

But certainly there are significant people who think...

((Crosstalk))

Alan Greenberg: Please let me finish, who think it is a good thing. And I think it is reasonable for us to say individually or privately on a different channel to the board that we too think it's a good thing for the people we're trying to help. That's it.

Evan Leibovitch: Was that (Eric)? (Eric) do you...

(Eric): Yes Evan that was me. I was objecting to the use of the word psychoanalyzing to characterize anyone's position on this call. I don't think it is proper to deprecate anyone on this call.

Evan Leibovitch: Okay I don't think that was intended. But I'm going to cut this particular part of the discussion off. Glen has a specific instruction. Alan has a - Alan and (Andrew) have a specific instruction.

So we're addressing this. I think we can move on from it and revisit it when that wording is available to us at the next meeting. Is there anyone opposed to that - to proceeding that way?

Okay if that's the case then we are going to move on to the (unintelligible) nothing to move on to. That was the last comment to us.

Okay so if that's the case then I guess we now have the readiness to have another - to start to add our comments into a further draft.

So we have ten minutes left in this call. I guess we can start the issue, the discussion on the issue of prioritization unless anybody else has - okay (Eric) go ahead.

(Eric): I'm still not satisfied that one member of this working group is able to characterize another members of the working group's comments as being an attempt to psychoanalyze rather than present an analysis of the situation. Is (unintelligible) body?

Evan Leibovitch: I, okay. It's probably, okay (Eric) it was - it possibly went over the top. But I'd really rather not dwell on that.

(Eric): Okay.

Evan Leibovitch: Okay. Now for the issue of prioritization, I want to refer everyone to the discussion thread that's been happening on email over the last little while.

And I'm trying to get back to the specific date. I did have it up on my screen. And I moved it away. Okay, do we, okay, so (Janny) do you remember when you sent out that meet - that - your message...

Tijani Ben Jemaa: Hello? Evan?

Evan Leibovitch: Yes.

Tijani Ben Jemaa: There is a - great. You want to...

Glen de Saint Géry: Sorry, we'll get the operator to look at that.

Evan Leibovitch: Okay, all right. I have the tread in front of me now. It was started with a message from (Janny) five days ago. The subject line was prioritization.

That had a deep - a long and deep reflection about the issue. And a number of people have come in to talk about it. It deals not only with the issue of prioritization, but also towards our group's approach to consensus.

And I think it's important that we need to deal with both of those issues. As co-chair I'm going to step in on the issue of consensus here. Avri's total commitment to not doing things by vote here.

And trying as much as possible to get a consensus from this group. Do we know who that's coming from?

Glen de Saint Géry: Yes it's Alex's line that's disconnected. We'll get him back on again.

Evan Leibovitch: Okay, anyway so I just wanted to reiterate. Avri sent a message out to the group essentially saying that she is for having consensus, very much against trying to do formal votes.

I believe the intention at the beginning of this meet - of when this group was constituted to try and work by rough consensus. Meaning that we did not need unanimity, but that we still needed a very, very wide preponderance of agreement for a particular position before it went in.

Obviously anyone is still able to do a minority statement on their own. But our goal here is try and get as many of our diverse views expressed and represented in our consensus position. (Janny) go ahead. (Janny) you had your hand up. Hello, (Janny) are you there? Okay...

Glen de Saint Géry: He is on mute.

Evan Leibovitch: Okay (Janny) take yourself off mute so you can speak. I have you in the queue to speak. Okay and Glen I also have a message from Baudouin saying that he is disconnected. So it might have been his line.

Glen de Saint Géry: Yes we're getting them connected Evan.

Evan Leibovitch: Okay (Janny) can you speak now?

Glen de Saint Géry: No he's still on mute. I've asked the operator...

Tijani Ben Jemaa: Can you hear me?

Evan Leibovitch: Yes we can (Janny).

Tijani Ben Jemaa: Okay very good. Okay so I think that the objective of our work was to get consensus. The, it gives the best way to give to the board the best wording of our recommendations.

The - if we all have this objective, I think we will perhaps manage to get consensus. But if, despite our willing to get consensus, there is difference between opinions, I don't think that is a crime to call for a

pool. Because I don't want to enter into details and you all read what was written.

It was very sad for me to read that. But the idea is to give - every opinion has to be written in text. And the numbers have to express themselves on the text and not on the principle of prioritization because we - you can write a text with the prioritization, without, what - which I will agree on.

And you - I can write text against prioritization that others can agree upon because it depends on what is in this wording.

So what I propose and I have suggested is that I get - I gave a proposition of the paragraph, all should receive (unintelligible). Any other people who think that is not good have to propose a text.

And the numbers have to expose themselves on those texts, not on the principle, on texts. And please, please, please stop talking about majority and minority because two weeks ago the majority was with my proposition.

So please stop talking about majority and minority. We try to go toward a consensus. And if there is not consensus, please express yourself on a text, on different texts. Thank you.

Evan Leibovitch: Okay. I guess I'll simply restate my comment to (Janny) is that I share Avri's diversion for doing polls for this.

Woman: Hello.

Evan Leibovitch: Sorry, who is that that said hello?

Woman: (Unintelligible) I'm just trying to connect your meeting (view).

Evan Leibovitch: Okay.

Tijani Ben Jemaa: Okay Evan?

Evan Leibovitch: Go ahead (Janny).

Tijani Ben Jemaa: Yes, a poll is not a - it is a way, an objective way to say there is 50% here, 50% here or 70% here and 30% there. It is not, I have (none tee) of confidence in our chair.

But I don't want it to be based on impression. It's better to be based on figures. That's all.

Evan Leibovitch: Okay let's not beat that on into the ground. The goal here is to get a consensus. And rather than to say this is what 50% of the people want.

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Statement that at least 90% of the people want that we can put forward as a consensus document. And we'll leave it at that.

Now I prefer to start actually talking about the issues at hand. And that is to try and get a feel definitively for whether or not this group is okay with the idea that certain kinds of applications, based on the intended purpose and the intended applicant, over and above simply their financial need, ends up being a criteria that prioritizes their.

That essentially allows them to the top of the queue when it comes for consideration of reduced costs. (Eric) has made a comment on the mailing list saying that we should not assume that there is a limited pool of money for this kind of subsidy.

And I mean somebody may want to correct me, but (Eric) I think it's not just an assumption, it's part of the mandate that we've been given is that this is not to be assumed that - this cannot be a program that just anyone steps up and have.

This is going to be a program for which there may be a specific budget. And that some needy people with the first shot may not be able to get it. Does anybody want to correct me? Is that impression wrong? Because that has been driving our discussions in some ways.

And I want to make sure if that is an incorrect assumption, that we ought to be correcting that soon.

Tijani Ben Jemaa: I don't get your point Evan.

Evan Leibovitch: Okay, in the response to your email, (Eric) sent a mail saying that we should not make the assumption that there is a limited pool available for subsidization.

And if there is not a limited pool for subsidization then prioritization is moot. So if there is not a limited amount of funds, then everybody who meets the criteria should technically be able to get the reduced fees.

And if that's the case, then being at the top of the queue when everybody in the queue is going to get subsidy really doesn't matter. (Eric) have I read your comments properly?

(Eric): Evan, I would like to point out that we don't know the relationship yet between the number of applicants and the amount of non-sharable resources there are.

And if we don't know the number of applicants then we don't know the number of dollars. In addition, some forms of subsidy, as you've just pointed out with vertical integration exceptions, is not from a limited pool of cash. It is from an unlimited pool of something else.

Evan Leibovitch: So are you making the point that prioritization is pointless if we can make the assumption that everybody who meets a certain criteria should get it?

(Eric): We don't know.

Evan Leibovitch: So well we have to make a report based on the unknown.

(Eric): Correct, we do have to make a report based upon the unknown. How much time we're going to spend prioritizing in the absence of knowledge of whether or not prioritization is useful is a choice we make.

I prefer not to spend time on prioritization without knowing that there actually is necessity to determine which applicants will not receive support.

Evan Leibovitch: Okay well we've just opened up a much larger discussion just as we've come to the end of our hour. So this is something that does need to be dealt with. It's something we need to tackle.

So I'm going to suggest that between now and Friday, Glen could you put this on the agenda for the next meeting as a continuing discussion of prioritize - the issue is still open that's at the top of the Adobe Connect screen right now.

And add to that, you know, a general discussion about assumptions on limitations of subsidy. We're certainly not going to resolve this today considering we're now over our hour.

But this is something I think we ought to deal with. Hopefully it is something that, you know, we're not going to solve, we're not going to answer the unknown by definition.

But at the same time, I think (Eric) we can strike a reasonable balance between anticipating a couple of outcomes and trying to do something that will work reasonably well for them.

So let's try and tackle that on the next meeting. Glen are you okay with adding that to the agenda?

Tijani Ben Jemaa: Evan?

Evan Leibovitch: Yes, is Glen off the call?

Tijani Ben Jemaa: I am on the queue.

Evan Leibovitch: Yes I know (Janny). I just had a question for Glen before I got to you.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: Glen are you there?

Woman: Glen is on another call at this time.

Evan Leibovitch: Okay. Then we really need to wrap this up. Okay (Janny) go ahead and we will wrap this up and take it to email. But (Janny) you get the last word.

Tijani Ben Jemaa: Okay yes thank you. Evan I will be absent next call. And probably the two next call - the two calls after also because I will be in (Vilness). But I will be online and I will work online. I will react online.

What I won't - what I suggest, what I hope is that we don't discuss about principles. We discuss about texts. We have a paragraph, (please) paragraph that there is the two positions on it.

Please, everyone who has a different position, write a text that will be discussed, that will be accepted or refused. Perhaps mine is the worst, no problem.

But I under - I said and I say back now, again now, that my wording is not the best for sure because English is not my original language. And I accept any other wording, any other phrasing of what I wrote.

But I am talking about the idea, this idea that I wrote. And any other idea that will be wrote, we have to discuss on them and not on the principle.

Evan Leibovitch: Okay now I just want to pull up on that in saying that I want to refer everyone to this email thread on the subject of prioritization. The email - the wording that (Janny) is mentioning is specific wording that he sent to a modified 3.2.1 in an email sent yesterday.

I highly encourage everybody here to have a look at it. If you like it, say you like it. If you don't like it, propose something else. You're absolutely right (Janny), that's going to make our lives easier if we're talking about specific wording as opposed to just generic principles. I agree with you.

Tijani Ben Jemaa: Thank you. Thank you.

Evan Leibovitch: So on that note, we will end this call. See you on Friday. If there is going to be a number of people in (Vilness) on the IGF call, perhaps we ought to do a temporary rescheduling to work around the schedule of the people that are going to be at IGF. So...

Tijani Ben Jemaa: That's a very good idea.

Evan Leibovitch: Glen could you possibly send out an email and possibly let's find out when the (Vilness) meeting is on. See if we can do a doodle perhaps to temporarily reschedule.

We know (Janny) is going to be there. We know Avri is going to be there. If there is going to be other important people from this call that

are going to be at IGF, you know, let's work around that rather than just plow ahead and not have them show up. So could we do that please?

Tijani Ben Jemaa: Yes, I agree.

Evan Leibovitch: Glen are you okay with that?

Tijani Ben Jemaa: Glen is not on the call.

Evan Leibovitch: Okay so if Glen has dropped off, oh that's right. She has dropped off to another call. Okay so we will take - I'll talk to Glen separately. And we will see you on Friday.

In the meantime, if somebody could send to the list the schedule for (Vilness) enough so that we can try and make a meeting temporarily to work around that, let's see if we can do that.

Tijani Ben Jemaa: Yes I will do.

Evan Leibovitch: Okay thanks very much and see you on Friday.

Tijani Ben Jemaa: Thanks bye, bye.

Evan Leibovitch: Bye all.

END