

**SO/AC New gTLD Applicant Support Working Group (JAS)  
TRANSCRIPTION  
Tuesday 19 October 2010 at 1300 UTC**

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**Participants on the Call:**

**ALAC**

Evan Leibovitch – Co-Chair  
Tijani Ben Jemaa - AFRALO - At large  
Dave Kissoondoyal - ALAC  
Carlos Aguirre - At Large

**GNSO**

Rafik Dammak - NCSG - Council liaison  
Andrew Mack – CBUC

Elaine Pruis - Mindsandmachine

**ICANN staff**

Gisella Gruber-White  
Karla Valente  
Glen de Saint Gery

**Apologies:**

Avri Doria – NCSG – Co-Chair  
Alan Greenberg – A  
Alex Gakuru – NCSG  
Sébastien Bachollet - ALAC  
Cheryl Langdon-Or - ALAC chair

Gisella Gruber-White: Thank you. I'll do a quick roll call. Good morning, Good afternoon, good evening to everyone on today's JAS call on Tuesday the 19th of October.

We have Evan Leibovitch, Rafik Dammak, Tinjani Ben Jemaa, Carlos Aguirre, Elaine Pruis, Dave Kissoondoyal.

We have from staff Karla Valente, Glen DeSaintgery and myself Gisella Gruber-White. We have apologies from Cheryl Langdon-Orr, Avri Doria, Sebastian Bachollet and Alan Greenberg.

If I could please also remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Evan.

Evan Leibovitch: Okay. Hello everybody. And we are into the home stretch of this. Based on as I said a few minutes ago, based on conversations that a statement that Kurt Pritz has made to the GNSO council staff is going to be asking the board for the ability to do a new applicant guidebook draft that will be ready shortly.

And so it is - the onus is on us to get a fairly reasonable statement in front of the board within the next week. So - well by the end of next week.

So what I'm hoping to do is between this call and the one on Friday hopefully see if we can come to closure on things.

As Tinjani has stated, there - the results of the poll that was done on a couple of contentious issues appears to come out with some results that in some ways seem either strange or a little contradictory with discussions that we've had.

Nonetheless they have been worked into the new document that you have in front of you which is marked a Draft Milestone Report.

This was done by Avri and myself, mostly Avri last night about -- finished about six hours ago -- and incorporates both comments from the meeting on Friday as well as the survey that was conducted last week.

Again, I want to thank everybody. We had very good participation in that survey. And hopefully it will give us a feel of where we could come together and in fact sort of solidify those areas where we really couldn't and are just going to have to make a statement where we couldn't get consensus.

Anyway, what I'd like to do is go through the document. It is right now in the Adobe Connect window. I believe Avri had sent copies to everybody. Again, you should have received it within the last six hours.

So we will be going through this document. It does have line numbers so we will be referring to that.

What you also have is a redline version meaning that it has clearly marked the differences between what is and the previous document and the one that is in this one. So it hopefully will make clear the areas where we need to discuss.

My hope is that we will not have to talk about anything that is not modified that is marked in black that is carried over from previous agreed versions of this.

One last thing before we go ahead, based on comments that we've received, one of the things that we hope to do after we finish this document is that Avri and I will prepare an executive summary of no more than two pages that will be at the front of this.

The reason for that being is because if we only - if we produce an executive summary with less than two pages that can go directly to the board and does not have to be summarized or filtered by staff. So we can assure that the board gets our pure (unintelligible) on this and that it gets to go directly from our words into the board's ears.

So, having said that though, further adieu I'd like to start going through the document. As I said, you'll either have it in - now the reason why it's called the Milestone document, this is something that Avri and I discussed yesterday. And we can change it if everybody wants.

But the intention was to demonstrate that we may be asking for a little bit more time to finish some of the rationales and other research that need to be done on this.

So the intention was when we give this to the board not to call it a final report but call it a milestone in saying that this is, you know, where we have got as far as, you know, the intention of ICANN to make a new draft applicant guidebook with the clear knowledge that yes we know that there is more research to be done and rationale to be provided but we - this is what we are coming up with based on the information that we have at hand.

So that is the way that we're proceeding right now and that's why this is meant to be called the Draft Milestone Report because we really want to get something out within the next week or so so we can have something in the board's hands before its next meeting where it's been presented with other recommendations from staff for a (deck).

Does anybody have any questions or comments before we move forward?

Okay. And actually in keeping with what Avri has requested in the past if anybody has any updates to their SOI, to their Statement of Interest to indicate any changes to their situation that may affect their participation in this group or needs to declare, please state that now. I will assume that within the next ten seconds or so if there is nothing that we will have - no changes and move forward.

Okay, having heard nothing I will going under the assumption that there are no changes in the SOI. Tinjani your hand is up. Go ahead.

Tinjani Ben Jemaa: Yes. Are we producing a Milestone Report here?

I don't - my understanding of the term Milestone cannot be applied on this report.

Evan Leibovitch: You heard the rationale I gave just a moment ago that the intention is to say that this is what the working group has come up with so far.

We recognize that some more work may need to be done so we may produce a further report sometime in the future. That is...

Tinjani Ben Jemaa: Okay.

Evan Leibovitch: (Unintelligible).

((Crosstalk))

Tinjani Ben Jemaa: I understood. I understand very well what you said. And we can find another title perhaps. But it's not the milestone unfortunately.

Evan Leibovitch: Do you - okay. Do you have a preferred name for it?

Tinjani Ben Jemaa: But we can - intermediate report, I don't know.

Evan Leibovitch: For interim?

Tinjani Ben Jemaa: Intermediate report or interim report.

Evan Leibovitch: Would the word interim better - be better?

Tinjani Ben Jemaa: Yes, interim report, okay.

Evan Leibovitch: Okay. Does anybody here have an objection to changing that from milestone to interim?

Okay, Rafik, go ahead.

Rafik Dammak: Just about interim report, it sounds that we are really far from to finish our work. So maybe it will give bad impression.

Evan Leibovitch: What do you - keep going. I'm - but you're saying even by calling it an interim report we're - how are we making a mistake that way?

Rafik Dammak: If we say interim it means that we are just in the middle of our work and we will have to continue. So we are supposed to more send a final report. But I understand that it's not final and we need to continue.

So milestone is maybe more - I understand it's more neutral.

Evan Leibovitch: So what are you suggesting?

Tinjani Ben Jemaa: He suggests milestone. But I don't understand how it can be milestone report. That's my problem.

Evan Leibovitch: Okay Carlos, go ahead.

Carlos Aguirre: Thank you Evan. For me milestone report, draft report for intermediate report is the same because it's what explains into the document what is the function of this document or segment.

So it's indifferent the - what word we put in the title. For me three options are very well. That's it.

Evan Leibovitch: Okay. Well we need to come to some agreement on this at least so we can move forward whether to call this interim or milestone or whatever.

Frankly the only point that I think we're - that I think we need to get across is that it is it's not the final report. It is something that we are giving to the board because of deadlines that are being imposed on us.

And so this is not a final report but this is something that gives a clear indication of where the group is.

Tinjani Ben Jemaa: Can we name it Draft Working Group Report?

Evan Leibovitch: No because draft essentially means that, you know, we're still talking about it a lot.

Tinjani Ben Jemaa: Okay.

Evan Leibovitch: That's why the word milestone. We've come - we've made a snapshot of where the group is. And this is what we are giving to the board. Interim, milestone, I personally don't care. Both of them accomplish the task. Let's just pick one and move on. Do we have a preference within the group?

Okay, using the checkmarks in Adobe Connect, anybody who - everyone who is okay with the word interim please give me a checkmark.

Tinjani Ben Jemaa: Okay, moment.

Evan Leibovitch: Okay, for the word interim either give me a checkmark or an X in Adobe Connect for the word interim.

I'm not seeing - I'm seeing one X and one checkmark.

Tinjani Ben Jemaa: And two Xs.

Evan Leibovitch: Okay. We do not word - want the word interim.

Tinjani Ben Jemaa: Okay, so a lot of Xs.

Evan Leibovitch: Okay. Now the one thing - I've just seen a note from Dave and I really would not like to see the word draft in there because - put it this way, based on comments that the board has already made there's already been - we've already been shot down because the board is said no, you know, this report is incomplete.

This is, you know, on one hand the word draft makes it look like we really just don't have anything to say pending when a draft comes out. And I really think what we've got so far is more than that.

I mean do we want to say something to the board or do we let a DAG - another DAG go out without considering what we want to say? Okay, that's what I need to ask this group.

So let's please agree on something. If we can't get past the name of the thing it's very frustrating okay, let alone the content of this.

So, okay, so Elaine some definition. A milestone is a scheduled event signifying the completion of a major deliverable.

I will consider the handing of this to the board for its meeting on the 28th. To me that is an event-based deliverable. Is that not the definition of this?

Okay, or interim says this is a shot and it is not our final report. But the milestone is the board meeting of the 28th where this is to be presented. So personally I don't care. Let's pick something and move on.

Tinjani Ben Jemaa: Okay, I don't care neither. It's only a remark and since there is a lot of objection, no problem. Perhaps we- you can find another title. But I don't - we can go ahead.



Evan Leibovitch: Okay, Elaine what is your preference?

Elaine Pruis: Interim. No, sorry, milestone.

Evan Leibovitch: Okay Andrew?

Andrew Mack: Milestone.

Evan Leibovitch: Okay. Dave, I heard you say you didn't care. Rafik?

Man: Milestone.

Evan Leibovitch: Okay.

Rafik Dammak: Milestone.

Evan Leibovitch: Okay, so I'll tell you what, let's just agree on milestone for the time being and move on. We've really got a lot of ground to cover here.

Tinjani Ben Jemaa: Okay.

Evan Leibovitch: All right so moving right along, the whole - the status of this document paragraph underneath is meant to explain what this is. So regardless of the one word name for it, what we're trying to say is that we've met our initial goals and the reporting is here.

So in other words we've identified additional work items to be done but most of the work of this group will have been done for this report.

So that is the intention. And so hopefully once we get past the word milestone this will explain what status this document is.

Okay. So I'll take your attention down to the first redline item that we have I believe is in Issue 2.1 on line Number 172 and 175.

By the way, can everybody scroll themselves on this document...

Tinjani Ben Jemaa: Yes.

((Crosstalk))

Evan Leibovitch: ...in Adobe Connect?

Tinjani Ben Jemaa: Yes we can.

Evan Leibovitch: Okay. Okay. So...

Tinjani Ben Jemaa: No sorry I can't. Sorry, I can't. I'm sorry.

Evan Leibovitch: Elaine, go ahead.

Elaine Pruis: Great. I was just wondering about why 161 it's - we still have it in brackets full consensus or consensus for the recommendation.

Are we...

((Crosstalk))

Evan Leibovitch: What's the line number?

Elaine Pruis: Line 161. There is full consensus (unintelligible) consensus in the working group to release the following recommendations for approval by the chartering organization. Don't we have to pick one or the other?

Evan Leibovitch: Oh I see, in Line 164. Okay. Well since we haven't reached that yet my hope is to get consensus by the end of this week to release this.

And so we will know the answer to this after we're through going through this document and we can make sure that we've got full, you know, that we've got everyone set to go forward.

It's probably the one thing on this that we haven't agreed on yet because we don't have that yet to agree on.

So hopefully this is the last thing that we can take out one of the choices by the end of this week.

Elaine Pruis: Okay thanks.

Evan Leibovitch: Okay so modifications to 2.1, we have - we've added a couple of things to reflect other discussions. So modifications to the continued operations instrument obligation and the exceptions to the register and registrar separation.

Regardless of the level of census achieved these are issues that we did discuss so they justify going in here. Tinjani go ahead.

Tinjani Ben Jemaa: Yes since you are analyzing the text, on Line 165 there is five categories but there are six categories so we have to change it.

And at the beginning of the line also to be made variable for potential applicants I would say for eligible applicants because potential applicants cannot be in need of support so those two modifications if possible.

Evan Leibovitch: Okay so if I read this right, so Karla you've got the pen for doing the changes on this? Karla?

Man: Sorry what is the change proposed?

Evan Leibovitch: Okay the proposed changes are both on lines 168 if I read Tinjani right, to take out the word potential and to take out the word five.

Karla Valente: Hi everyone. This is Karla. Sorry I was on mute.

Evan Leibovitch: Okay so are you - so you'll be tracking the changes that we're talking about here?

Karla Valente: Yes. So I line 166 take off the word potential.

Evan Leibovitch: And the word five.

Karla Valente: And the word five. So those two are out?

Evan Leibovitch: Tinjani does that meet with what you're asking?

Tinjani Ben Jemaa: Yes I am asking for replacing potential by eligible and replacing five by six.

Evan Leibovitch: Well why don't we just take out the word potential and leave it like that because if something's ineligible then it wouldn't be here.

Tinjani Ben Jemaa: It's also ambiguous because it is - (if it's) for all applicants is not the case here. It's only for eligible applicants for the support for applicants who are our subject. That's why...

Evan Leibovitch: Okay.

Tinjani Ben Jemaa: ...I...

Evan Leibovitch: Okay so changing potential to eligible...

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: ...and we'll take out the word five so we don't even need to say how many.

Tinjani Ben Jemaa: Okay good.

Evan Leibovitch: So does anybody have an objection to changing the word potential to eligible?

Okay not seeing any objections. Thank you Tinjani.

Okay any objections to the two editions that are made on Lines 172 and 175?  
Okay not having heard any then let's move on.

Okay the next changes take place in - take place in 2.2 Sub 6 which is on  
Lines 214 to 218.

So we took out there's strong support for significant opposition but there  
should be - that the (unintelligible) should be reduced to applicants that meet  
the criteria (unintelligible) so that we got consensus. Tinjani go ahead.

Tinjani Ben Jemaa: Yes this is one of the point that the results of the poll was opposite to the  
discussion we had in the calls. But it's - this is the final decision.

We have only to remove point six because we are telling that we are not  
suggesting anything. So why we are putting it here, understand?

Evan Leibovitch: So what...

Man: So are we talking about Line 216?

Evan Leibovitch: Yes.

Man: And you're saying that it's - we're not adding anything new Tinjani? Is that what you're saying?

Tinjani Ben Jemaa: Repeat, I don't understand.

Man: Are you saying that we should take it out because it's not adding anything new?

Tinjani Ben Jemaa: Yes. It's we are not recommending anything. We say we don't have to recommend so why it is here?

Man: Well we...

Tinjani Ben Jemaa: It is our discussion. We are describing our discussion. It's not important for them.

Evan Leibovitch: Well the reason for that is any time we're going to come up with things like this, if we're going to suggest perhaps a cost reduction then it might be useful to determine why it is worth thinking that this might be reduced.

Tinjani Ben Jemaa: But we said we cannot recommend to reduce it.

Evan Leibovitch: So you're saying to just take out Number 6 because that's not really a recommendation?

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: Okay does anyone have a comment on what Tinjani is proposing which is to just totally take out Number 6? Rafik go ahead.

Rafik Dammak: Just to ask I'm a little bit (close) to what we are talking about exactly?

Evan Leibovitch: Okay in the paragraph from Line 214 to 218 essentially what Tinjani is saying is that there's no point in just having a discussion point that doesn't have a specific consensus, no consensus opinion.

So Number 6 with the part that's already stricken from that basically is redundant in terms of a report trying to give recommendations and opinions.

If I read you right Tinjani that's what you're saying...

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: ...that we should just take out Number 6 because in its current form it really doesn't offer any benefit in our report?

Tinjani Ben Jemaa: Exact.

Evan Leibovitch: Elaine go ahead.

Elaine Pruis: Yes and I can see what Tinjani is saying because the way it reads now is fixed cost of 100,000 (based) on total cost of previous round of applications might not be relevant to the new GTLD applicant.

But there's nothing. So I agree that we need to leave in the stricken part that note that we had a discussion about this and what our group agreed upon because it was part of our initial snapshot recommendation.

So I don't think we should leave it the way it's currently edited but either recognize that we don't have agreement or take out the whole thing.

Evan Leibovitch: Okay so I - so that's what I'm saying taking out all of Number 6?

Elaine Pruis: But if we take out all of Number 6 and we haven't addressed the fact that we previously recommended it in the snapshot.

Evan Leibovitch: If - well what it means is is that in part of our ongoing work we're going to have to give the rationale for this.

So rather than saying we discussed whether there's rationale the onus is on us now going forward that if we're making the recommendation we need to either provide the rationale or withdraw.

Elaine does that answer - I mean this is part of why this is not a final report. In order for us to backup of some of what we're saying we're going to have to give a little bit more rationale.

Elaine Pruis: Okay can you just tell me why we would strike that last - the last phrase there?

Evan Leibovitch: I believe that is based on the survey where we said where rather than strong support we actually had widespread support close to consensus that the cost should be reduced.

So rather than strong support but significant opposition we actually had a consensus on that.

Tinjani Ben Jemaa: May I?

Evan Leibovitch: So Tinjani go ahead.

Tinjani Ben Jemaa: Yes that's one of the points that I want to ask and I ask you this point at the beginning of the meeting.

The survey gives a joint results that are opposite to the discussion inside the calls.



My problem is that perhaps people answered the wrong answer because they perhaps they didn't get the - if you want to the - what's behind it.

So I don't know. I - there was only Alan who had this position. All the others who had the position that we had in the snapshot. So I am really worried about it.

Evan Leibovitch: I don't think the survey could have been any more clear Tinjani in saying do you disagree or agree with this statement.

And essentially we had a significant preponderance of people that said that that the point was in 216 to 218 is a consensus and not just strong support.

So if we're - if the group is discussing one thing and then when it comes down to a hard and fast question of do you agree or disagree with this point and we make it clearly and we have a clear result.

If it's confusing you're absolutely right, it is confusing. So I don't know what to answer you. We've tried to answer - ask a simple question on do you agree or disagree with this sentence.

And on the input on that we received a fairly clear answer which as you say may be contradictory with some of the discussions.

But we have to come up with something for next week. And so in the - the point (time) doing the survey was to try and give some clarity to discussions that in some cases were definitive and in some cases were not.

This is one area where it was not definitive. We put forward the question, got a fairly definitive answer.

Woman: Evan may I?

Evan Leibovitch: Go ahead.

Woman: So I don't have the poll results right in front of me so I can't take a look at how the numbers split out. But I would not - I do not strongly support this concept that we should review the \$100,000 fee basis.

So I mean do you want to say there is support or...

((Crosstalk))

Evan Leibovitch: No the statement is not that it should be reviewed. The statement is that it should be reduced.

Tinjani Ben Jemaa: Yes my concern is perhaps because we didn't give all the alternatives for this issue for any issue you were - you put in the poll.

If we give all alternatives and ask the support for each - for which on you are supporting it will be perhaps more clear for everyone, perhaps it would not.

Woman: (Unintelligible) it appears that \$100,000 fee might not be relevant to new GTLD applicants. That's totally different than saying we want to reduce it or we think its - needs to be reviewed.

Evan Leibovitch: Okay we're coming back right to first principles here. Have we not - okay I'm really at a loss here because we have been debating this from day one and we still don't have an agreement on this.

The intent of the survey was to say here's a statement, do you agree or disagree with this statement because it was in the last draft.

We did get consensus on it. And now everyone's saying that there is not consensus. So what you're saying in the discussion is not what you said in the survey. And so I really don't know what to say.

Tinjani Ben Jemaa: Evan I am not - I don't want to make it messy but it's only a concern. If you want you can go ahead. It's not a problem. It's a feeling that I have. I feel uncomfortable that's all. And you can go ahead.

Evan Leibovitch: Okay well right now I'm trying to get a handle on the specific paragraph that is in - that is Number 6 that is Line 214 to 218, okay?

The point you raised Tinjani is a good one, that based on information from the survey that indicated that we had consensus that the cost should be reduced.

Number 6 is really very - is we have not yet researched the 100,000 and perhaps this point should come out to be addressed in a later document by us.

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: So does anyone have a suggestion of other wording of how to handle this?

Okay so, all right. We will tentatively take out Number 6. If anybody has a suggested alternative wording for this paragraph please submit it between now and the next meeting.

Tentatively this is coming out based on Tinjani's...

Tinjani Ben Jemaa: (Unintelligible).

Evan Leibovitch: ...suggestion and comment. So if there is an intention to put something else here please try and word it in such a way that it brings forward what the group wants to do and let's move forward.

Okay on the paragraph from 219 to 224 that was change from minority to consensus based on the survey.

And this again addresses the \$100,000 base cost. And so in fact this paragraph becomes our Number 6.

The previous paragraph gets taken out and the paragraph starting at Line 219 becomes our Number 6. Does anyone have a strong problem with this?

Tinjani Ben Jemaa: No it's not the same, no. I am - I don't agree. The - what's begin 219 because - may I speak?

Evan Leibovitch: Yes.

Tinjani Ben Jemaa: Okay what begin in 219 is another - is something which is - we decide to put it 221, you remember? It's a sub numbering of 22 because it is how to say, it is support for IDN strengths for needy applicants.

So it's...

Evan Leibovitch: Tinjani, right now I'm on the paragraph between 219 and 224. That's not about IDN strengths.

Tinjani Ben Jemaa: Two nineteen? The Version 18 I have in 220 support for build out and to serve languages and scripts.

Evan Leibovitch: Okay then all right, sorry. Then I - okay then I apologize because I'm getting my line numbers mix between the version that Avri sent out to the mailing list and the one that's in Adobe Connect right now.

So I apologize because that's the one I had been working with. So Tinjani, I apologize. I'm talking about right now...

Andrew Mack: You're talking about the line that begins there was a minority which is crossed out and then consensus view...

Man: (Unintelligible).

Andrew Mack: ...that in light of the complexity that line, right?

Evan Leibovitch: Say, Carla, can you help me? The version that's in Adobe Connect right now does not match the version that Avri sent out.

Woman: Correct.

Evan Leibovitch: Okay I've been working with (Warren) to - I've got a really small screen for Adobe Connect.

Tinjani Ben Jemaa: It's the version 18.

Evan Leibovitch: Yes.

Tinjani Ben Jemaa: Can you, Carla, please change it and put version 18?

Evan Leibovitch: Okay sorry there's a version 18 and then there's a v2 18, okay...

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: ...that's the one that is up here. All right sorry.

Carla Valente: I'm sorry, Evan, this is Carla. So I uploaded the latest that Avri sent which is v2.18...

Evan Leibovitch: V2...

Carla Valente: Wasn't that what you needed?

Evan Leibovitch: And also v2.

((Crosstalk))

Tinjani Ben Jemaa: Eighteen, that's it.

Evan Leibovitch: Yeah, all right. Okay so - okay so all right what I'm talking about is the part between 219 and 224 that is our new point six. You see that there Tinjani?

Tinjani Ben Jemaa: No I don't follow.

((Crosstalk))

Tinjani Ben Jemaa: I am sorry. I have - there's a problem of numbering for me.

Evan Leibovitch: Okay.

Tinjani Ben Jemaa: I see...

Evan Leibovitch: The beginning of Line 219 is the word, "There is a consensus view that in light of complexity of the calculation." Is that not what you have in front of you?

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: Okay. The point I'm making is that is now our point six because we've just eliminated the preceding paragraph, that's all. Okay does anyone have a problem with this paragraph 219 to 224? The shift from minority to consensus was based on results of the survey.

And yes that does indicate that the voting in the survey does seem to contradict what we had in the discussion but again the issue was fairly clear. We put out the statement, a majority of you - a clear majority of you agreed with this statement.

So if some of you commented against it in discussions we had a majority - a clear majority of people that agreed with this paragraph in the survey question.

Tinjani Ben Jemaa: Evan I am sorry but the last version that Avri sent she didn't put it like this; she put what was - what was the result of the poll. And this was before the poll. So she only put the consensus which is we don't have anything to recommend. So I am not sure this is the last version that we have on the Adobe Connect. I don't know.

Evan Leibovitch: Well the consensus is right now it's too difficult to determine meaning more work is necessary. So we basically have a consensus that we need to - we need to know more before we can come up with a judgment on this.

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: So you can say that we haven't come up with a recommendation or we can say that we'd like to but we don't know enough.

Tinjani Ben Jemaa: Yes it's a good thing so you don't have to remove Point Number 6?

Evan Leibovitch: Right. So - but I'm saying - so okay so we're moving ahead. Is there a problem - so we've discussed the wording, the survey gave us the fact that this is a consensus view. And okay. Okay moving onto 225 to 230. Again we went from full consensus to consensus - that is not unanimous - based on the results of the survey so on 2.2.1.

And in the case of 2.2.1(a), Line 232, again, based on the survey we were able to determine that this was consensus for this. In 239 we took out the brackets so we know that this is a minority view on the paragraph. From 239 to 245 we were able to take out the brackets on 247 to 249. And just going down.

So the next change is in Lines 270 and 271. Okay does anybody have any comments on this? So this is talking about the program development function. And we did not have the consensus on this form such a group could take. In fact we had almost an even four-way split between people who thought it should be a contracted body, somebody that thinks it should be ICANN staff who should - whether it should be ICANN's discretion, whether ICANN should stay out of it and leave it to the rest of the world.

We had almost a four-way even split on that so I think that's as a good a definition of no consensus on anything as we could get. So there was consensus that there should be something but absolutely no consensus on how. So we've taken out that paragraph. Does anybody have any comments or suggestions of what to do with this paragraph or just to leave it as-is with that modification that Avri has made?

Okay no comments, no hands up so we will move forward. So okay - go ahead.

Andrew Mack: Excuse me, I'm sorry. I was just reading through the - I'm trying to take it back but I was reading through the 239 to 245 and the last sentence that you have, "This community endorsements must come from organizations, NGOs and local companies from within the language script community." Did we add that afterwards? Because I thought - it seems to me to be a repeat of what we have up higher.

Evan Leibovitch: This is just unchanged from the - this is just unchanged from what you were working with on Friday.

Andrew Mack: Okay I'm sorry, I was traveling on Friday and wasn't able to be - wasn't able to be there.

Evan Leibovitch: And I wasn't on the call either so I have...



Andrew Mack: Okay.

Evan Leibovitch: ...to accept that this was the result of what came out on Friday. But from what Avri has told me is that the redline that is in this document is redlined compared to the results of Friday. So...

Andrew Mack: Got it.

Evan Leibovitch: ...I'm at an equal loss to you. I mean, I don't have a problem with the sentence as stated but do you have a problem with it?

Andrew Mack: It - let's see I'm just - I was just - it was new and I was trying to think if it doesn't kind of repeat what we have up above.

Evan Leibovitch: If it's accidentally repetitious that's not a problem. If it's accidentally contradictory that is.

Andrew Mack: Okay yeah, the way that it's written it says, "This community endorsement must come from organizations, NGOs and local companies from within the language script community." That would imply, if I read it literally, that it must - they must have endorsement of all. And I think our intent was to have endorsement of somebody within that community, right? One of those groups.

Evan Leibovitch: I don't necessarily read that as all...

Andrew Mack: Okay.

Evan Leibovitch: ...as an active participation.

Andrew Mack: I might just suggest that it would be clearer if we said and/or or if we said could come from organizations either one of which...

Evan Leibovitch: I wouldn't say...

Andrew Mack: ...either one of which seems to be more the intent of what, you know, what we've discussed.

Evan Leibovitch: I wouldn't change - I don't agree with changing must to could because then that allows you to circumvent the whole thing.

Andrew Mack: Okay that's not the intent of the language, right. So then how about - I have an agree from Elaine. How about and/or?

Evan Leibovitch: Okay I'm okay with that. So the - so Carla the issues on Line 244?

Tinjani Ben Jemaa: May I please?

Evan Leibovitch: To change and to and slash or.

Tinjani Ben Jemaa: Please.

Evan Leibovitch: Go ahead...

Tinjani Ben Jemaa: I have my hand. Okay if you change it that means that it is sufficient. If you have companies, for example, from the community who endorse it. Is it sufficient? You remember when we tackled this subject we said it is important the endorsement of the community to be served, the community. You can find in the community companies or I don't know - if you have multiple endorsement it shall be really coming from the community.

If it is only from one of the component of this community it's not - I don't think it's a community endorsement.

Evan Leibovitch: Okay I see your point. And Tinjani I think I would agree with you.

Andrew Mack: Okay let me rebut this. While I understand what Tinjani is saying the goal is to make this practical. We've already determined that this is a minority view. And I think realistically if we - if you're talking about someone who is coming in from outside who is trying to provide a service then the purpose of this is to get - is to get them in the door and get them to provide this service.

The more complex it is, the more number of people that they need to bring together, the more difficult this is. And given that in many countries and in many communities it's a little bit unclear who's going to speak for and who might ratify this I think that an and/or is both practical and gets us most of what we're looking for.

Otherwise I think it's going to be almost - while I understand the goal I don't think it's very - I don't think it's going to be possible to put it into action.

Evan Leibovitch: Well Tinjani, did you support this view in the survey?

Tinjani Ben Jemaa: In the survey?

Evan Leibovitch: Yes.

((Crosstalk))

Evan Leibovitch: It says minority view so clearly...

Tinjani Ben Jemaa: Yeah.

Evan Leibovitch: ...that's not a majority of people supported this statement.

Tinjani Ben Jemaa: Yes, exactly.

Andrew Mack: So but you - but Tinjani you voted for A as opposed to B...

Tinjani Ben Jemaa: Yeah.

Andrew Mack: ...correct?

Tinjani Ben Jemaa: Yeah.

Andrew Mack: Okay and so if there is - if we've already determined this is a minority view then the minority view I think is aimed at - is aimed at a - trying to make it as practical as possible and frankly as easy as possible for others to get in to provide these services.

((Crosstalk))

Evan Leibovitch: I would agree with you Andrew given that this was a minority viewpoint the people putting for the minority viewpoint I think gets to define this. We've made it clear...

Andrew Mack: Right.

Evan Leibovitch: ...this was not a - that this was not a widely held view.

Andrew Mack: Right. And on - go ahead.

((Crosstalk))

Evan Leibovitch: It's important that we be accurate in reflecting the view even though it was not the consensus.

Andrew Mack: Okay. And so I will tell you as one of the people who was putting forward this minority view and speaking on its behalf that the idea is that this - that yes we want to have a connection with the community but, no, we do not wish to make it such an onerous test that it will discourage people from participating.

Evan Leibovitch: Okay. Given that...

Andrew Mack: So...

Evan Leibovitch: Given that this is a minority view I don't think we need to get consensus on this call and agreement with that wording. I think you're right, Andrew, that, you know, what we need to do is get an agreement amongst the people that agree with this particular phrase. Elaine, go ahead.

Elaine Pruis: Thanks. So I'm reading that 232 says there was consensus, blah, blah, blah, explicit endorsement from. And then Point B is there was a minority view that those who don't meet the need requirement have explicit endorsement. So isn't the difference between these two paragraphs need or not need? And...

Tinjani Ben Jemaa: Exactly.

Elaine Pruis: ...we keep saying it's a minority view but A says there is consensus.

Evan Leibovitch: A and B are different things. A has consensus; B does not. So...

Elaine Pruis: Well if A has consensus then we need to agree on the call what the wording should be.

Evan Leibovitch: Are we discussing the wording of A because that's - again that goes back to the survey. We said do you agree with this statement? We got consensus. That's 232 to 237.

Elaine Pruis: So that's what we're talking about the and or the support must come from organizations...

Evan Leibovitch: No, Elaine, we're talking about - we're talking about 239 to 245.

Carla Valente: We are?

Andrew Mack: Evan if I could because I think I can make this simpler.

Evan Leibovitch: Well hold on before you do, Elaine...

Andrew Mack: Go ahead.

Evan Leibovitch: ...what Andrew is talking about is the change to the Phrase B in 239 to 245.  
He's actually looking to change the word and to and/or in Line 244.

Elaine Pruis: No that's no my understanding at all. Is that right?

Evan Leibovitch: Okay, Andrew, what are you asking for?

Andrew Mack: Okay guys, guys, I think this was just a wording problem. The way that I read it when we're going through this the goal of A was to say that - we effectively agree on almost everything, guys. I mean, the - A says that this is only open to people who have need and B suggests that it can be open to people who don't have need but who want to serve the needy community in some connection with that community, right?

Evan Leibovitch: Right.

Andrew Mack: Now the way that - let's make it as simple as possible. The way that we've got A written it sounds to me as if they need to have - support must come - must is a hard word in some ways too - must have support come from organizations, NGOs and local companies from within the language script community.

Now if - the way I read that that means that you have to check all three of those boxes because it's an and, okay?

Evan Leibovitch: No we have consensus that if you meet all the checks then yes. Okay, keep going.

Andrew Mack: Okay. Now if the goal - now let's take an example. I'm sorry Eric isn't here because he's so good with these examples. But let's take an example of a community where you have - where you might have a community group that's pushing this forward but not a commercial group to support them, okay?

Maybe that's a (unintelligible) but I don't think so. In that case it would fail the test of A and it would fail the test of B. All I am suggesting is because I really thought we were very, very close to agreement on this and I want the - I would like the document to reflect that.

A says you need to have connection to the community and it's only for applicants that are in need. And B says that there should be a connection to the community but that there is - but the other people who don't have need but who wish to serve that community can participate.

If we can say that as simply as possible I think that that's much better than what we have right now which is - the way that it's written it sounds like it's an onerous test to me....

Evan Leibovitch: Okay.

Andrew Mack: ...for both sides.

Evan Leibovitch: Andrew...

Andrew Mack: For both need and non-need candidates.

Evan Leibovitch: Andrew, we've got one week to go before this has to go out.

Andrew Mack: I understand.

((Crosstalk))

Evan Leibovitch: ...about rewriting this. Unless you've got wording to do this that we can get everyone to agree on I would really prefer at this point at least for 232 to 237 not to muck with that because that was agreed to, okay?

Andrew Mack: Okay, look, I'm just trying to be - just trying to be clear that's all. I think that there - again the and suggested it needs to have all three of those groups; I'm not sure that's what your intent was, that's all. Certainly in the minority view I don't think that it makes sense to have all of those groups. The goal was to get people in the minority view.

Evan Leibovitch: Okay. Well all right. I'm with you on changing 244 from and to and/or. I'm definitely with you on that. Okay? Yes Tinjani? Oh Elaine, go ahead.

Elaine Pruis: Yeah that just doesn't make any sense to me that if you don't have need the requirements are looser than if you do have need. If you do have need it should be easier for you to get this sort of support, right? I mean, if you need explicit endorsement from a community and you have to get endorsement from organizations, NGOs and companies and you have need why is that position more difficult to achieve than the minority position? \

Evan Leibovitch: I don't read it that way. The way I'm reading it is there's full consensus on the tough requirements and the minority be on looser requirements. Just state that very simply.

Elaine Pruis: But the minority view is that those who don't meet the need requirements...

Evan Leibovitch: Which is a looser requirement. So A is...

Andrew Mack: I guess I read it the way Elaine reads it, I'm trying to type that going in.



Evan Leibovitch: Okay.

Elaine Pruis: Okay so let me...

((Crosstalk))

Evan Leibovitch: ...full consensus on tight requirements.

Elaine Pruis: Okay here let me give you an example.

((Crosstalk))

Evan Leibovitch: ...on a looser requirement.

Elaine Pruis: All right so I am - I'm applying for .zulu and I meet the need requirements. I have to go to South Africa I have to get endorsement from organizations, NGOs and local companies in order to get this sort of benefit.

Now I'm also a different applicant for .zulu. I don't meet the need requirement. And so now I only have to get endorsement from a company or an NGO?

Evan Leibovitch: And that is the why the second scenario is a minority view and the first one is the consensus view.

Tinjani Ben Jemaa: Evan?

Evan Leibovitch: Yes Tinjani.

Tinjani Ben Jemaa: Even if it's a minority view it was the text - the wording of the question that you asked it in the poll. So if you want to change it perhaps people who will be in this minority will not be the same. You understand?

So we agreed at the beginning that we will accept the result of the poll even if we are not - I am not convinced it is the point of view of the group. But it is - we don't have other alternative now.

Evan Leibovitch: Okay. The one thing that we have full consensus on is for the tight requirements that's listed in 232 to 237; that one is not changing. Okay? What we are arguing about is the minority view that there be for certain kinds that there be looser requirements. Elaine, does that not make sense?

We have a consensus that...

((Crosstalk))

Evan Leibovitch: ...tight requirement and we have a minority saying that the requirement should be lesser.

Elaine Pruis: Okay so what I'm saying is if you pose this question to me the way it's written here instead of saying, yeah, I guess that's okay I would not agree to A. I think if...

((Crosstalk))

Evan Leibovitch: Okay, Elaine, sorry, I'm not going back to retaking the survey. It was worded explicitly that way.

Elaine Pruis: But the survey did not reflect this language. But I guess that's the issue. I mean, in...

Evan Leibovitch: Okay...

((Crosstalk))

Evan Leibovitch: ...need to go back and say is this what everybody agreed to because that - oh boy. Okay. Sorry I'm going to - I'm - right now we're not touching 232 to 237. Okay? Andrew, do you want to reword the minority view on 239? I totally agree with you on and/or but if that is - but if that is not properly reflecting the review of the minority as expressed there let's fix that.

Andrew Mack: Okay. Can I - let's keep going and let me think about it and if I do it'll be small and I'll send it straight to you. Okay?

Evan Leibovitch: Okay that works.

Carla Valente: Evan, this is Carla. Do you still want to change on Line 244 add or like it's NGOs and/or...

Evan Leibovitch: Yes.

Carla Valente: ...local companies?

Evan Leibovitch: I mean, you proposed this. Does anybody have an objection to changing and to and/or on 244? I think that's a - at least a thing we can agree on here, Andrew.

Andrew Mack: Sure.

Evan Leibovitch: Does anyone disagree with that? Because I agree with you that for the point you'll be bringing across that having all of the checkmarks is - goes back to the tougher requirements that's in A. Okay. No disagreement? Okay let's move on.

All right so the next changes in this are in 2.3.1 on Lines 271 to - from 267 to 276. There's a significant part that's been struck. So I want to get everybody's comments on this.

Tinjani Ben Jemaa: It's 2.3.1(b) is it?

Evan Leibovitch: On A. So...

Tinjani Ben Jemaa: A, okay.

Evan Leibovitch: Okay. Okay so we are now back. So this is - the paragraph 2.3.1(a) which is 267 to 276. We struck some out and with the intention that this looks a little cleaner on basically trying to describe the lack of consensus. I mean, this goes back to the program development function on which, as I said, we had a four-way split; we did not come to agreement.

We agreed that there should be something we just - there was no agreement on how. Does anyone have any comments or suggested changes to this essentially we need to bring across that that's what our viewpoint was; we all agreed there should be some kind of program development fund but couldn't agree how.

Okay moving on. The next thing, 2.4 is a total rewrite so I'd like to draw your attention to 2.4 which is on line 301 to 321. And so as I just said this is a total rewrite based on what was conveyed in the survey. So I'd like everybody to take a moment to read it and give any comments.

This was an attempt to do our best guess at putting forward the point of view of the group based on the feedback that we had both in discussions and the survey. The financial continued operation instrument I guess is, you know, the assurance that the financial surety instrument for maintaining stability and continuity and so there was discussion on - and differences on whether or not what was in the DAG should be maintained for an applicant from a developing economy.

So does anyone have any comments? Tinjani, go ahead.

Tinjani Ben Jemaa: Yes here it is the most problematic point because during all the calls we had we didn't - perhaps one was - it gave the point that was a winner in the poll. And here we see that the - we can't give a proposal for the period because the poll - the way it was, if you want, asked, wasn't clear for people it seems. That's all.

Evan Leibovitch: Okay well there was clarity that people agreed that there should be - there was a majority - I don't think I was part of that majority - that says that the continuity period should be reduced.

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: Okay. So that we can agree on. Is there agreement on the paragraph from 302 to 307?

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: Does anyone have a problem with that paragraph from 302 to 307? Okay so - okay now just a note that we are - without even looking we are an hour into this call and this is a one-hour call. So do we feel that we can at least tackle this one before the end of the call? Are we okay?

All right so we're going to move on and at least try and tackle 2.4. Okay so we're agreed on 302 to 307. Okay on the paragraph of - on the Point A of 308 to 314. Tinjani, you have a problem with this?

Tinjani Ben Jemaa: I have a problem with what is written here compared with the result of the poll because on the poll the question was do you agree that the period must be reduced to one year? And people said no. The majority said no.

Evan Leibovitch: Yes.

Tinjani Ben Jemaa: But there was not the question about - to be reduced to six months.

((Crosstalk))

Tinjani Ben Jemaa: And here you put there is no consensus. So nothing.

Evan Leibovitch: Okay so in other words we - okay so, yeah, so what was in the survey if I remember is accurately in that Point B that the continued operation period for the financial...

Tinjani Ben Jemaa: Yeah.

Evan Leibovitch: ...instrument be shortened from three years to one year. There was disagreement with that.

Tinjani Ben Jemaa: Yeah. But why you put there is no consensus for A?

Evan Leibovitch: Avri wrote that; I can't speak for her so...

Tinjani Ben Jemaa: Because during the call there was a majority with A.

Evan Leibovitch: Okay I think what's happening is that - and I can't speak for Avri but my guess is that because this was specifically in the registry failover plans that she tried to address it here. But it - I agree with you, it was not in the survey. Elaine, go ahead.

Tinjani Ben Jemaa: No, no.

Elaine Pruis: Thanks. Avri sent an email earlier this week discussing why she picked this language. I guess you could reference that to see her reasoning. What she sent made sense to me.

Evan Leibovitch: Okay so Elaine are you agreeing with leaving A in there as is?

Elaine Pruis: Yes.

Evan Leibovitch: Okay. Tinjani since we have to - okay since we have to come back and we're going to pick this up on Friday could you have a look at Avri's email about this and if you still object then we'll come back to this.

Tinjani Ben Jemaa: I can give you the history - the historical facts. This - when the poll was done Alan argued that you only asked about one year; you didn't ask about three months or six months. So it wasn't clear. And I think this is the origin of this modification that Avri did.

Evan Leibovitch: Okay. Clearly the one that is in A was not in the survey, I agree...

Tinjani Ben Jemaa: Yeah.

Evan Leibovitch: ...with you 100%. That doesn't mean that we have to exclude it here if we can come to a consensus within the phone call that we did not - well basically we're saying what we didn't agree on. Well there's a ton of things we didn't agree on.

Tinjani Ben Jemaa: But on this point we did that's why you didn't put it in the poll.

Evan Leibovitch: The six months?

Tinjani Ben Jemaa: The six months, yeah. You can come back to the previous version and you will see.

Evan Leibovitch: Okay, okay. Carla, let's make a note of that. I'm going to have to go back to Avri and we'll take this into email between now and Friday.

((Crosstalk))

Tinjani Ben Jemaa: Okay.

Evan Leibovitch: We'll leave in B because that was in the survey.

Carla Valente: This is Carla. So the note that you want is to review A - 2.4(a)?

Evan Leibovitch: Specifically Lines 310 to 312 and we have to take that to the email list and see if we can come to an agreement on how that shows up in this report.

Carla Valente: Okay thank you.

Evan Leibovitch: Okay? There doesn't appear to be any disagreement about the Phrase B from 313 to 314. Okay what about the Section 315 to 321? Okay this is also based on what was in the survey essentially saying strong support with significant opposition and the other point that we got consensus.

I'm thinking that perhaps the last sentence on 319 to 321 should probably be broken into another Part C because that is a separate thing on which we got consensus. So Carla, I'm going to suggest breaking - where it says there was consensus to essentially making that a new paragraph and starting that as Point C.

Carla Valente: Okay.

Evan Leibovitch: Does anybody have any comment or disagreement with any of the stuff from Lines 13 to 321? Okay having heard no disagreement so given the fact we will take that part that Tinjani mentioned, the 310 to 312, we will put that on the mailing list, discuss that in anticipation of the next meeting.

We will stop here at Line 322. And basically if it's possible to talk about any disagreements in this draft in email between now and Friday it will make Friday go faster. But having said that - so we will pick this up then. And I guess that ends the call and we will see you on Friday.



Tinjani Ben Jemaa: Okay.

Andrew Mack: Great, thanks.

Tinjani Ben Jemaa: Bye-bye.

((Crosstalk))

Man: Bye.

END