SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPT
Friday 22 April 2011 at 1300 UTC

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ALAC
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Cintra Sooknanan – At-Large
Tijani Ben Jemaa - AFRALO – ALAC
Alan Greenberg – GNSO Liaison – NARALO
Evan Leibovitch - (NARALO) – ALAC
Dev Anand Teelucksingh – At Large
Olivier Crépin-Leblond – ALAC chair
Dave Kissoondoyal - (AFRALO) – At large

John Rahman Kahn - Individual
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Sébastien Bachollet – ICANN Board
Michele Neylon - RrSG
Baudoin Schombe - At–Large

Alain Berranger – Individual

Gisella Gruber-White: Thank you, (Kelly).

Good morning, good afternoon, good evening to everyone on today's JAS call on Friday, the 22nd of April. We have Carlos Aguirre, Tijani Ben Jemaa, Cintra Sooknanan, Cheryl Langdon-Orr, Rafik Dammak, Olivier Crépin-LeBlond, Alan Greenberg, Evan Leibovitch, Eric Brunner-Williams, Dev Anand Teelucksingh.

And from staff we have Carla Valente, Glen de Saint Gery, and myself Gisella Gruber-White.

Apologies today from Sebastien Bachollet, Carlton Samuels, Tony Harris, Alex Gakuru. And we will try to join (John Rahmanankan) and Boudoin Schombe should join within the next 30 minutes.

If I've left anyone off the list, please let me know.

And can I please remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Rafik.

Evan Leibovitch: Quickly. And hi, Gisella, this is Evan. I also have regrets in from Andrew Mack.

Gisella Gruber-White: Fantastic. Thank you very much Evan. Noted.

Rafik Dammak: Okay. Thank you for joining today call. As agenda, we are going to - I think we'll continue like the last call. So to make some progress in the document, I think is not in the Adobe Connect. I'm not sure why. And I think we will start from the point - I read Point 3.4 or 5. As for the IDN, we discuss about that in the next call on Tuesday.

Any comment about the agenda?

Cintra Sooknanan: Rafik, I requested that Gisella not put up the text that we had before simply because we were not able to modify it since Tuesday's call. And, I didn't want that to be a sticking point with the group.

So I suggested that perhaps we really get the ideas and the concepts down in this call and that we will be able to present something that is in line with the wording of the milestone report and also have consensus of the group.

Rafik Dammak: I think we agreed that we will continue from the Point 3.5. If we are going to go back to what we did last call, I'm not sure that we are going to make progress.

Cintra Sooknanan: Okay.

Rafik Dammak: Just - okay.

Cintra Sooknanan: It that we want to proceed, that's fine.

Rafik Dammak: But I think the idea that we make to go forward the document to make some comments, as I saw that there was no comment from the last call on the Wiki. But...

Tijani Ben Jemaa: I sent an email.

Rafik Dammak: Yes. But just a few I think went out before the call. I'm not sure that everybody really did.

Okay. So since we want to continue like last time, to lead for the Item 2.

Cintra Sooknanan: Okay. The only thing I want to mention Rafik is that if you do look at the Wiki page, right, 3.5 basically is where we're going to pick up from, and that's organizations (unintelligible) less developed economies, right?

It says basically first approve the categories there and move on to Part 3, which is what do qualified applicants get? Which to me, it's not - what we have there is just a slight build out from the milestone report, but essentially a lot of the information there is encapsulated in the milestone report.

That my suggestion was perhaps that seeing as we've gotten as far as 3.5 in terms of the criteria that maybe we can just (around) the focus on where - if there are anything - any criteria that we want to add to what was in the milestone report, or if there any changes that we wanted to make as compared to that, as well as a review of what is in the milestone report.

I am guided either way by you. You are Chair. But in any event once we finish this process, if you want to go that way, we will I suppose go back to what areas we do want to (unintelligible).

Rafik Dammak: So what do you suggest exactly?

Cintra Sooknanan: Well, you see the text that I have up right now, right? If you want to maybe - if nobody has an issue, maybe we can just go through these just to understand the purpose of our document and how our audience is.

I don't want to just build on the milestone report. I also want to give the community something that really reflects what we are trying to accomplish. And I think it's important for the group as a whole to direct their minds to that as well, okay?

So I don't have a problem starting from 3.5 as was suggested on the last call, but time is against us and right now I think it's important that maybe we work not only efficiently but smart as well.

Rafik Dammak: Okay. Please go ahead.

Cintra Sooknanan: Okay. So is okay if I go along this line, or you want to pick up at 3.5?

Rafik Dammak: If we don't have any objection from other working group member, we can go along.

Cintra Sooknanan: Okay. All right. So in reading the milestone report, we start of and we speak about financial need and financial criteria. But to me, that is our main focus. It is also reflected in the charter to - that financial criteria is important. But in my mind, what we are really trying to accomplish and build is a gTLD process that is inclusive, and that is the main point that I want to get across to the Board. And, I think that is what is key in our whole JAS program.

So I'm suggesting that we really focus on what applications we will serve along with evaluating the applicants themselves as being needy and as being of a philanthropic nature in order to obtain our support.

Tijani?

Tijani Ben Jemaa: Yes, thank you Cintra. I want to remind that the recommendation - the Recommendation 20 of the Board was for needy applicants. For people who doesn't have money to apply. This is the main mission of this group. So, I don't think we have to go back and see other consideration than that. This is the main point of this working group.

Cintra Sooknanan: Okay.

Are there any other comments on this?

Evan Leibovitch: This is Evan. For some reason, I'm having a hard time with Adobe Connect - big surprise. So sorry, I haven't been able to put my hand up in it.

Tijani, you're right that the primary thing is need, but I guess I'm putting on my At Large hat here and saying that our primary - the primary goal is to

serve badly served communities. In part, this is done through helping support some applicant that might otherwise not be able to serve the communities.

But our interests, and at least my interest as somebody coming in from At Large, is serving the public interest and the public communities that serve through supporting certain kinds of applications. But to me, the - you know, the Board has directed issues about need of the applicant, but we also need to balance that off against need of the community.

Supporting an applicant - supporting a financially poor applicant to put out a gTLD that nobody wants is not necessarily our interest either.

Cintra Sooknanan: Rafik, just to clarify. Do you want me to take the lead at this point? Or...

Okay. Well Eric, please continue.

Eric Brunner-Williams: Thank you. This is Eric Brunner-Williams. If we just look at need as has been suggested, we still don't have a single thing that we can use. Going to my (unintelligible) example of an application from South Asia, which has in India, 22 official languages supported by 11 scripts, it's conceivable that an application would require $4 million to apply for a TLD that served the community. That is all the users of a particular - with some particular interest.

We totally would be attempting to compare applicants which need $185,000 in application fee - well, let us say a monolingual community located somewhere else or with some other purpose, and an applicant which needs $4 million in application fees to cover the community of interest which they seek to serve.

So even when we say need alone, as if that was an easy thing to grasp, it seems to me that we're actually attempting to use a tool that has a built in presumption about it. Thank you very much.

Cintra Sooknanan: Thank you, Eric.

                      Tijani?

Tijani Ben Jemaa: Yes. Two questions. The first one, are we going to challenge or to modify the milestone report? Or, come up with other recommendations that those who - which are different from those who - that are in the milestone report?

                      And the second question, if for example VeriSign applied for a string which will serve a huge community of indigent community, are they eligible for support?

Cintra Sooknanan: I'm sorry Tijani; can you repeat the last question?

Tijani Ben Jemaa: The last question, it is for Eric remark. I would like to say that the number of people in the community who are served by the string, given if they are indigent or it's a very, very -- how to say -- a very noble thing to do, it is not the question. The question is who will apply for it? It's very important.

                      That's the problem. We want a new gTLD program inclusive. Inclusive of who? Of people who cannot apply for a new gTLD.

Cintra Sooknanan: Eric?

Eric Brunner-Williams: Thank you. I actually agree with Rafik that...

Rafik Dammak: Thank you.

Eric Brunner-Williams: ...or I'm sorry, with Tijani. The support for a VeriSign application is out of the question. In fact - well from my perspective, VeriSign shouldn't be allowed to apply for anything under any circumstances for you know competition policy reasons.

But in terms of the application support program, I don't think any of the incumbents are possibly qualified to be supported. Thank you.

Cintra Sooknanan: Okay. With regard to your first question Tijani, I don't see us going back on the milestone report, but rather building on it. And if we build in a slightly different direction as to what was explicitly stated, then it's not a backwards step. It just means we're refining the concepts that are already there.

I actually see the focus here not being on just writing a check for an applicant, because they be poor. I see it as being - adding real value to the Internet community by supporting applications that are worthy of our support and happen to be tied to applicants who are serving these communities as well as needy.

I really want to encourage discussion in this area. I do know Dev, if you are - if on the call, I haven't heard anything from you. Do you have any comments on this?

Olivier? Anybody? I - you know, I really need to build some consensus on this.

Eric, please go ahead.

Eric Brunner-Williams: Well, thank you. This is Eric Brunner-Williams again. Since the Paris meeting, ICANN - through staff and the Board have both consistently rejected having any policy other than the $185,000 as the (unintelligible) for an application to the new gTLD program.

This is not - this approach has never actually been informed by a public interest commentary, or the policy originating from the GNSO has no - had no and still has no formal means for the public interest to inform the policy making process, except through public comments, which of course are not

part of the consensus process and therefore, not obligatory. And I believe in this case not - haven't been binding on the formation of policy.

So the - we're engaging with a process that has no ability by design to distinguish between two applications, one which we believe is in the public interest, and one which we are certain is not in the public interest.

As a ALAC chartered body however, or at least in part an ALAC chartered body, we're certainly in a position to assert that - or should be - the ability to distinguish between applications which are in the public interest and applications which are not in the public interest. And, that our means for determining that is not limited simply to the ability to meet the admissions testing posed by the GNSO, and ICANN staff, and Board, respectively, since the Paris meeting, which is simply the ability to present $185,000 of ancillary fees through the applications process.

So broadly, I'm in support of Cintra's statement that we are capable of asserting that there is some rationale for distinguishing between needy applicants or between applicants which lack the means to meet the admissions testing posed by the GNSO and ICANN Board and - staff and Board respectively. Thank you.

Cintra Sooknanan: Olivier?

Olivier Crépin-LeBlond: Thank you, Cintra. I was going to remind everyone that on last Friday I actually mentioned that the GAC - that the latest version of the GAC scorecard or the GAC communiqué to the Board was made available earlier last week. And there is a section that speaks about the Joint Applicant Support, and I just wondered whether that had been taken into account. Because unfortunately, I was unable to take part in the call on Tuesday.

And there, there will be - well, you can see some moves towards a shift away from the intransigent view that $180,000 is it and nothing can be done about

it. So there is defiantly a shift in the GAC's - or a desired shift as seen from the GAC communiqué. And I also wonder whether anyone has looked at the latest version of the draft Applicant Guidebook so as to see whether there was any shift on this.

But certainly, the position which had been held by the Board prior to the San Francisco meeting was a lot more stern with regards to keeping the $185,000 cost as it is now, or than it is now. Sorry. Thank you.

Cintra Sooknanan: Thank you, Olivier.

Tijani?

Tijani Ben Jemaa: Yes. Eric, I agree with you. It's - that's why in the milestone report the needy applicants have to belong to one of the categories mentioned in the milestone report. So not any needy one can have support. No. There are other conditions.

And, I agree with you. It must be - for me, it must be the public interest.

Eric Brunner-Williams: Right.

Cintra Sooknanan: My question is Tijani, does it make a big difference if we deal with the criteria for which applications do we want to serve before need?

In my mind, just as an (unintelligible) - making an argument, making a case, that is a powerful case that we are making. That is the point of JAS, and that is what we wanted Board to open our document with. You know, that's our lead argument.

Therefore, is it so detrimental to divert from the milestone report as need be for this criteria?

Tijani Ben Jemaa: Repeat the question please.

Rafik Dammak: Cintra?

Cintra Sooknanan: Yes?

Rafik Dammak: I just want to really to remind that we need really to focus on more substantive and work on the document. I am afraid that we are still having some discussion, but we are not making some progress. If we need to settle things, we need to do that quickly and to not really waste time in endless discussion.

Just really a strong remind we don't have so much time and we need to finish as soon as possible. Thank you.

Cintra Sooknanan: Okay. Thank you Rafik.

Eric?

Eric Brunner-Williams: I'm sorry. I was hoping that you and Tijani would complete the question and answer before Rafik's comments about and endless discussion, which I thought were non-constructive comments by the Chair.

Cintra Sooknanan: Okay.

Rafik Dammak: Rafik again. It's not really against you or anybody. It's really a remind that we need to make more progress. I didn't say this is not a constructive discussion. It's - I'm sorry for the misunderstanding, but I didn't say that. I just - I wanted really to remind that we need really to work on the document. That's all. Thank you.

Cintra Sooknanan: None taken. Thank you Rafik.

My point is this is a document that we are putting out there, right, that requires about Board approval, right? As well as community approval and support. I want to put it in a way that's palatable and would obtain that approval.

Need is certainly an important aspect of our criteria, but the real crux of our existence is to ensure build out and representation for underserved communities, et cetera.

Eric?

Eric Brunner-Williams: Thank you. I think actually that you, Tijani, and I, and I hope others are in agreement, that the question that we're dealing with here is whether our purpose is to lower the price for some subset of applicants, or if our purpose is to achieve the diversity and public interest goal? And I think as an ALAC co-chartered entity, the ALAC's purpose is probably more towards the diversity and public interest rationale (unintelligible) than for lowering the pricing abstract.

So I actually do support the idea that price or -- excuse me -- the need isn't our best opening argument. That our best opening argument is the diversity and public utility or public interest in the applicants that we propose to support. Thank you very much.

Evan Leibovitch: This is Evan. My computer just crashed, so forget Adobe. I have nothing on my screen right now.

I just want to support Eric, I mean to a certain extent. Tijani on one hand I understand your points about the milestone report. On the other hand, our goal here is not just to resubmit the milestone report. We've got to build on it. And, I think we now have to take into consideration the kind of points that Eric is making in saying what we want out of this is better served communities.

The public interest really is less concerned about who the applicants are than making sure that the communities are better served, providing -- as Eric said -- our goal here is not just to give more money to a VeriSign to create loss leaders.

Cintra Sooknanan: Tijani?

Tijani Ben Jemaa: Yes. I agree for the public interest, but I don't agree that it is more important than the need. Because, the purpose of this working group is Resolution 20. And the Resolution 20 is about need, not about that other thing.

So the main thing is the need, then I agree with you that the supported people have to be - have to bring public interest. Otherwise, they don't - they shouldn't be helped.

Evan Leibovitch: And Tijani, I'm - this is Evan again. I'm going to agree with you part way, but I think - I honestly think we're looking at it backwards a bit.

On one hand, the Resolution says that we have to help applicants that couldn't do this on their own. But again, supporting an applicant to put out a domain that is not of use to a community is not I think what we're trying to do here. So it has to be a combination.

Yes. Need is paramount in a sense that if the need doesn't exist, then eligibility for any benefits we're talking about under this program doesn't apply. Having said that, need alone is not and cannot be sufficient.

And so when you have those other part - we have those other categories, those other issues of need that we're - attempted to be defined under the Part 3 on the Wiki that - have attempted to try and flesh things out. One of the things that I'd hoped to encourage through the writing of that was to try and figure out -- and this group really hasn't come to terms with it -- is what kind of combination of those things needs to apply?

So, we have issues of serving communities. We have issues of IDNs. We have other issues involved, and as soon as my computer comes back up, I'll remember the rest of them.

But need is important, Tijani, in the sense that if an applicant doesn't have the need, then it's rejected out of hand from this proposal. But need itself - simply financing poor applicants is not the goal of this - the ultimate goal of this, at least from a public policy perspective.

And I think that I'm sharing Eric's point of view here. Is that - the goal here is to create a diversity. If we're not creating the diversity, then subsidizing applicants is pointless.

So although need is an important and critical part of this, I would absolutely disagree now that this is the primary driver.

Cintra Sooknanan: Okay.

Cheryl?

Cheryl, you have your hand up.

Tijani Ben Jemaa: Mute. Star 6.

Gisella Gruber-White: Cheryl should be able to talk. I'm going to unmute her.

Cheryl Langdon-Orr: I was unmuted. When I hit star, 6, I muted myself. So can you hear me now?

Cintra Sooknanan: Yes, we can.

Cheryl Langdon-Orr: Yes. I was already unmuted, but for some reason, it still wasn't going through.

All right. Where to start on this.

Am I perhaps hearing from this group that we may be able to agree that it would be useful to have a higher priority to applicants that are requiring assistance, not just allowing for price but assistance in the spectrum that we have discussed previously in the milestone report and the work that we need to post-milestone still stands on that?

Where a test such as does the proposed gTLD meet a purpose otherwise unmet in the community? Does the proposed gTLD serve a particular community need or requirement that is unique? You know, some of these checklist type things, which to me is going to at least allow whoever has to sift and sort this a set of - we only have X amount of assistance in whatever way assistance is been given to give, and we have to carve it up somehow. And if we have greater requests than we do abilities to give the assistance, how are we going to prioritize?

I think this group, to focus on some of those very particular, but nevertheless still general criteria, would be extremely useful. And if we were to be able to start doing that, then we can worry less about the theoretical and the philosophical arguments about the who's, the why's, and the wherefore's.

And assume that having got a group of applicants who have (fitted) in the basic milestone, and if you (unintelligible) with the municipal and local governments may or may not be part of consortia, et cetera. Let's assume you know, we've got them (fitted) through that much of the (unintelligible). Now, how do we prioritize or how do we establish those who have the greatest eligibility or criteria for the limited resources of assistance?

If we could start doing that, then we might actually get on track in a timely manner for a result to come out.

And yes, diversity and all of those things. I was just giving two examples. Does it you know, increase the diversity of the gTLD space? Does it - does it - does it - does it? And if we can get some checklists done, that would be great. Thank you.

Cintra Sooknanan: Thank you, Cheryl.

Tijani?

Tijani Ben Jemaa: Yes. Thank you. I will not come back to this - my question of primary criteria - criterion or not, even if it is written in the milestone report that the need is the primary and the compulsory criteria - criterion. And even if Evan write it again in his draft on the Wiki now, I will not discuss it again.

But, I will say that our main mission now is to give mechanisms, as Cheryl said, we have to say how - they ask us how we will recognize the needy applicants. How will we recognize the applicants that are eligible? We have to give them those information.

And for example - as Cheryl said, we have to say that for example, this category if we have this, and this, and this, he's eligible. If we have only this, it is not eligible, et cetera. So if we go to the mechanisms, to the metrics, we are doing our job and we are evolving. If we don't do that, we are still in the same place.

If we are defining the new criteria and new categories, we are going back and we are not advancing.

Cintra Sooknanan: Okay. Tijani, I just want to respond. We are not defining new. We are refining, right? With regards to the need criteria, it is important. But, we need

to understand who our audience is? Our audience are not the applicants. Our audience is the Board.

And while need is important for an applicant to know whether they at all fit in, it is the Board that we are trying to speak to here. And, that is why I personally think that what applications we will serve is more powerful. I'm not saying it's more - it's of a greater weight than need. They work in tandem. But I'm just saying that in terms of our write up, it should come before need.

Olivier?

Olivier Crepin-LeBlond: Thank you Cintra. Just following on what Tijani and what Cheryl have said would there be any worth in recommending a checklist with points for each one of the - of the parts - I don't know, sort of, you get two points for being a small island developing state plus 10 points for a cultural linguistic ethnic group plus X number of points for that?

I guess that will probably be an operational thing but we can give a recommendation as for something like this to be used as a system to choose. Thank you.

Cintra Sooknanan.   Okay, before I go to Evan I just want to say, Olivier, that's a really good suggestion and it's almost coming to a scorecard approach with regard to what applicants will (unintelligible) and then coupled with binary approach as to is the applicant needy. Evan.

Evan Leibovitch: I'm perfectly fine with what Olivier is suggesting. And in fact this is the kind of thing that I was trying to provoke through the wiki. What I've done is tried to define those various things under what I call Part 3, financial need is sort of paramount so if a group doesn't have the financial need then the rest are not applicable.

But then if there's some kind of a weighting or a point system given to the subsequent four points that are there, corporate structure, need - the need of a language or cultural community, the use of IDNs and the location of the organization if we have some kind of a weighting system based on that that would say, you know, if they get to this level then they would apply I'm perfectly happy with that. But we need to get to that point before we start assigning the weights.

Cintra Sooknanan.   Okay so on that note can we move forward with where we had left off on 3.5 which is applicants located in developing economies? Do we agree that these are the economies that we'd deal with, least developed countries, (land) of developing countries, small island developing states? I

Is there anybody opposed to these criteria being used?

Evan Leibovitch: Is there any opposition to the wording that is used? One of the things that I had hoped to do when first writing the wiki is is I was coming across issues from the milestone report finding things that at least to me seemed either unclear or unresolved. And so if there are any comments specifically on the issues in red, I mean, if we've got broad agreement on the five points then that's important.

But also - and this can be done later on in the mailing list or outside there's - like I say if there's some clarification that can be given by the group on the issues marked in red that would also be appreciated.

Cintra Sooknanan.   Okay well just to mention that the wiki - that page is not actually up but I've posted the link so everyone can access it. Right? And what we're looking at right now is 3.5, who qualifies for support.

Evan Leibovitch: Eric, are you okay with 3.5 with the intended designations of the definitions of lesser developed economies meaning the UN lists least developing countries,

landlocked developing countries and small island developing countries; is that sufficient for our purpose?

Cintra Sooknanan.   Eric, please go ahead.

Eric Brunner-Williams: Sorry, I have my autistic son wanting laptop access and of course that would be incompatible. If we didn't have Palestine already through the creative use of the UN statistics designation of it as a statistical identifier or PS as a statistical identifier we couldn't find Palestine within Israel because Israel is not a least developed country nor is it landlocked nor is it a small island.

We certainly could not find Native peoples in the Northern - within the (Nuralo) area - none of the (Nuralo) states are - meet the least developing landlocked or small island definition although I've tried very hard one of the unused US ccTLDs recently abandoned UM allocated to native people through the Department of Commerce that hasn't happened. And I'm still working with the Department of Insular Affairs just to bring (first) the issue.

But we can't count on any part of the (Nuralo) area's existing resources in terms of TLDs to be allocated to solve the problem similar to the workaround or hack that solved the Palestine problem.

So I appreciate that the Points 1, 2 and 3 cover an enormous amount of need but they do leave us unable to see needs that we also know exist. The Palestinian - the occupied territories are not the only instance of a very colonized population or nation, more Indians in North America, the only possible instance of a group - a large group within a economically developed area which are themselves not economically developed. Thank you very much.

Cintra Sooknanan.   Thank you, Eric. Tijani.

Tijani Ben Jemaa: Yes thank you. I agree with Eric but what we need to have is something very objective. If we put it open saying poor countries or developing countries or developed economies we - and we don't give precise definition of those economies, those countries, we will not have - if you want an objective assess - or objective evaluation.

So I am fine with those 1, 2, 3 but if Eric have another category or another kind of countries that we can include I don't mind. But we have to put it clearly in this report.

Cintra Sooknanan. Okay thank you. Eric.

Eric Brunner-Williams: Yes, thank you. This is Eric Brunner-Williams again. Okay let me say one theoretical problem with the language that we've got as proposed in 3.5 and that is that we are an ALAC co-chartered entity and perhaps only an ALAC chartered entity and that all of these constructs, countries and states, are reasonable for a nomenclature that arises from the GAC but they are unreasonable for a nomenclature that arises from a non-nationalist public interest.

So if we think of the public interest as not a monopoly of nation states - and I suggest that that is a credo within ALAC - that we should not casually adopt the language of nation states when speaking of the public interest. That's the theoretical part.

To answer Tijani, yes I will try very hard to get a fourth bullet item here that will capture the problem that we are discussing. Thank you.

Cintra Sooknanan. Thank you, Eric. Tijani.

Tijani Ben Jemaa: Yes, Eric, what is the alternative if you don't use those? Because country doesn't mean government; country is an area, is a territory if you want. So it doesn't have anything to do with the governments.

Eric Brunner-Williams: That assumes that we're talking with smart people on the board
and in staff who won't naturally grab at the notion that country means country
and that states in the UN sense - remember this is actually a UN document
therefore with the exception of things like Palestine it inherits the nationalist
conception of territorial jurisdiction with the only exception perhaps the
Vatican state as being a non-nationalist or a theological notion of what a
territorial jurisdiction might be.

I don't have an alternative at the moment, Tijani, let me work on one.

Tijani Ben Jemaa: Okay.

Eric Brunner-Williams: Thank you.

Evan Leibovitch: This is Evan, sorry I can't put my hand up in the chat room. Is it okay if I talk?

Cintra Sooknanan.   Yes please Evan.

Evan Leibovitch: Okay, Eric, I'm more than happy to work with you offline to do what we can to
add to this. I mean, the idea of adding something to 3.5 that would be
inclusive of the groups that you mentioned while being reasonably objective
in being able to eliminate judgment calls from this would be extremely helpful.
I totally agree with your point.

I think it may end up being problematic putting something forward to the
board that says we want to serve poorly-served communities in rich countries
that would include, you know, aboriginal groups in North America and the
Pacific and elsewhere. But this is definitely part of the diversity goal we've
got.

I think our challenge is going to be putting in sufficiently objective language
that won't - that will try and prevent that particular issue from being gamed.

I'm more than happy to work with you offline over the weekend to try and build some of that language into this.

Again our issue is being objective about it and trying to make something that isn't subject to judgment calls with, you know, with the US saying that, you know, this indigenous group doesn't count or is real saying well this group in Palestine doesn't count or whatever.

We've got to allow for some kind of objective measure in this. And relying on saying UN list is quite objective; it doesn't allow for a lot of opinion. So I think our challenge here is going to be able to present something to the community that is reasonably resistant to gaming.

Cintra Sooknanan.   Thank you Evan. I just to consider are there any other applications that we want to include at this point? These were the ones that were in the milestone report and not dealing with IDNs as we discussed earlier. We'll discuss that fully on Tuesday.

But I've just pasted in the chat perhaps some other - types of applications we might want to include there may as well be others. I don't know if we want to go so far to include social relevance applications that for instance in (pre-skills) investments and skills-base of a target community may foster gender balance and presence of minorities and impact positively on a contribution to regional and national economies.

Or another example may be an application that - where they have previous experience in technical expertise. These are just up for suggestion, it's just a suggestion it's not in or out either way. As well as, you know, if anybody else wants to discuss any other types of applications that we may add to this kind of approach, this scorecard, weighted approach I suppose now is the time to do it. Any thoughts?

Okay so I suppose we can come back to this. All right, yes. How to evaluate the need of the applicant; we discussed this in a bit of detail on the last call. Eric, you had made a suggestion on the wiki page that it may not have been the most appropriate to use the figures that were using. I don't know if you just want to express your opinion on that there?

Eric Brunner-Williams: Thank you, Cintra. This is Eric Brunner-Williams. The formulation that I've read there, both the applicant needs to show projected or historic three-year revenues. Let me actually go and pull up the text. Yes, the minimum gross income being three times or the maximum annual income being five times.

I actually have not come across an applicant in the period of time - well in the 10 years I've been doing - involve in registry applications, from 1999 basically to the present - I've never come across one that really had an annual budget with one exception and that was NuStar's application for .biz where NuStar as a business had a revenue stream from the North American numbering plan administrator contracts.

I think that applications in general will be coming with a fixed budget. This is the amount of money that was raised by the community or by the speculators for standard applications - they'll have some initial budget and then they'll have budget numbers for when they expect to be profitable whether they're, you know, in what quarter they anticipate being profitable.

And I gave as an example of course (unintelligible) cats application which granted used an existing registry operator's platform, that of (Core) so it didn't have that build-out cost, but its total budget was €2000. And yet it achieved profitability in the first quarter. I don't think it achieved profitability in the first month but in the first quarter it (unintelligible).

Pardon? I'm sorry, I just heard some crosstalk. My point being that the three-year construct may not be applicable to a large number of applicants

particularly the applicants that we're seeking to support which start with some budget which they hope is sufficient. And that's all I think I need to say right now. Thank you, Cintra.

Cintra Sooknanan.   Does anybody have any other comments to add on that? I know it was discussed on the last call. Okay moving ahead.

We just have about five more minutes to discuss this but at least we can start. Perhaps we can discuss how could we make this cost effective. I know we had made some prior requests to staff with regard to unbundling the $185,000 cost.

I don't know if Rafik, you can probably just give us an idea of the outcome of that if there was any and in that event can we make another formal request for that? Because, I mean, we do have to show the board how this is going to be cost effective. Are you there, Rafik? Okay Cheryl, please go ahead.

((Crosstalk))

Cheryl Langdon-Orr: I'm going to put my chartering organization leadership that on. And I'm going to ask you to think in preparation for the next meeting that we try and map - I've just put a couple of cut and pastes out of the charter - the extended charter which should be in themselves A-J prioritized now as to which ones you're going to be able to - we're going to be able to do before the final applicant guidebook comes out.

That being asked some very, very specific questions to be answered and none of those should we or shouldn't we unbundle the cost of whatever amount whether it's $4,547,000 or $85,000 it says assuming that a need is established how are we now going to say this person's financial or this applicant's financials are or are not bona fide etcetera, etcetera.

I mean, they're very particular things that we're asking the workgroup to look at. And as important as these discussions are - and I'm not saying they're not and they certainly would need to be in the final report - if we can perhaps get some of this specific mechanism work done then it'll give them a little bit of time for the additional drafting for, for example, in 3.5 words like in addition to those listed in the milestone report the JAS workgroup or so now, you know, agreed by consensus that the following, you know, need to be added.

I mean, that all needs to be done. But I am most concerned that we still not getting down to mechanisms and to methods which we've been specifically asked to come up with. Thank you.

Cintra Sooknanan.   Thank you, Cheryl.

Cheryl Langdon-Orr: And, Cintra, if I may you're not writing this for the board; you're writing this for the chartering organizations.

Cintra Sooknanan.   Okay.

Cheryl Langdon-Orr: So look at what the chartering organizations have asked you to do and do it.

Cintra Sooknanan.   Okay, Cheryl do you think...

Evan Leibovitch: Cheryl, sorry, Cintra, this is Evan. Cheryl, I guess the premise I've been going under with the wiki is it's kind of hard to figure out how to do the details if we haven't totally agreed on even the higher level sets of needs. I mean, we can kind of - the measurements and the metrics, I mean, there's been a really actually quite a lot written about that that we can incorporate pretty easily.

But this group has been stymied even on issues of, you know, what is the, you know, what is the checklist, what is the scorecard of the things that

somebody must meet? If we're having trouble getting past that then getting to the details seems almost, you know, basic...

Cheryl Langdon-Orr: Then I suggest I we write to the chartering organizations and tell them that we are not able to continue our work in a timely manner if that's the case because I would like to think that we should be able to say whatever the resources are that the applicant is unable to meet be they the backend service stuff or the cold hard cash up front that they should be able to establish in their application for support the bona fides of those.

And that we should be able to put together some criteria that says this does or this does not make the cut for support to be considered. And then assuming it makes the cut for support to be considered how they can indeed be prioritized where one is deemed more or less worthy of getting limited resources and that's where things like the diversity and the public interests come in as well. If this can't be done by middle of next month it can't be done.

Evan Leibovitch: We're in violent agreement, Cheryl. I mean, part of my frustration has been the fact that, I mean, if you've been following the mailing list you've known that there's been extremely little to follow. There's an awful lot of work to be done. It seems that very little is being done outside of these calls and it's extremely frustrating because there's a lot of very important things that need to be - that need to be debated.

Part of what I'd hoped to do with writing the wiki and putting all this stuff in red was outlining a whole bunch of issues that were still open that needed to be resolved and there's not a lot of action. I mean, even look at this call, look how few speakers there are on this call.

Cheryl Langdon-Orr: I understand, Evan. And I hear what you're saying but, I mean, we've been specifically requested to - if we are going to have applicant support in this first round on launch then there is some particular requirements

specifically on the criteria and establishment mechanism that need to be done and need to be in before the applicant guidebook goes out, yes.

Evan Leibovitch: And I'm trying to turn that from a passive to an active. It's - we can't say it needs to be done...

((Crosstalk))

Evan Leibovitch: ...it means this group needs to do it. And this is essentially what I'm trying to ask is reminding everybody if we don't do it it's not going to get done. So we are already two minutes over this call.

If we go another between now and Tuesday without action on the mailing list, without action commenting on the wiki, without action on the chat group what Cheryl is saying is absolutely right, we're going to have to go back to the chartering organization saying we weren't able to do it and this group will have no one to blame but itself.

We just can't have all that dead air; we can't have all that many silent people. You really, really need to step up here. This is a very - this is unfortunately a high pressure situation but we need more than a small handful of people to be doing most of the work if this is going to be inclusive at all.

Cintra Sooknanan.   Alan, you have a comment?

Alan Greenberg: Yes, I'm not sure it's going to be anything different from what you've been saying. I guess I have a comment to Evan on his very last comment; I don't know if any workgroup within ICANN with the exception perhaps of the VI one which ended up not being particularly successful in accomplishing the original goal where there was anything other than a small handful of people doing all the work.

Cheryl Langdon-Orr: Absolutely.

Alan Greenberg: And I'm talking about some really major projects. The only way is a small handful of people drafting things and then a very disciplined process to go through them and either decide that yes the group can live with it or no it can't.

We're continually going back to process here and moreover people who have not gotten exactly what they want are continually revising - raising issues again and this is a clear case where perfection is the enemy of something - of some level of output.

I'm highly dubious that we can get something out in the timeframe. But the only way that anything is going to be possible is by a small number of people doing a super human effort. And those who do not comment online cannot continue to stop the process when we have the two calls.

Cintra Sooknanan.   Thank you Alan.

Alan Greenberg: That's just concise as I can make it.

Cintra Sooknanan.   Eric.

Eric Brunner-Williams: Thank you, Cintra. Of course I wasn't present on the last three weeks of calls and I have to, I mean, I don't have to but I'll share that I felt remarkably ineffective in spite of the amount of time I've spent on the JAS since the Brussels meeting.

Nevertheless the reason I raised my hand was to point out that for applicants the clarification of what forms of assistance are available needs to happen before the close of the application window. And it might be helpful if it happens as early as when ICANN begins its public outreach which I believe is still on schedule - or the last time I looked at the schedule was three months prior to the opening of application windows.

I can't say as someone who contemplates writing an application or more than one application that it's critical to me that - or from a perspective of an application draft or a potential application draft or - the information be in the current or next or final applicant guidebook rather that it is available before the applications are actually submitted.

So that's the only nuance I'd have to Cheryl's statement that if the answers to the questions aren't available by the time the applicant guidebook goes to press then the answers are irrelevant because they're too late. I think they're too late if they fall after the close of the application window and they're probably not too late if they fall within a month of the closure of the application window.

But I don't actually know if that's going to be a one month or a three month window so that's a nuance or a minor caveat to the - I don't reject the urgency claim merely the finality of the particular deadline when we don't actually have a date yet for the application window itself. Thank you.

Rafik Dammak: Okay, Cintra, okay - can you hear me?

Cintra Sooknanan.   Yes, please go ahead Rafik.

Rafik Dammak: Okay I think - yes we are now six minutes right in time of this call. I hear everybody about if we are going to have our report in time or not. And I tend to agree with Alan. What I can say that we need - that we have now time today until Tuesday that people should or at least if I can say must make comments, make comments in the wiki so the editor can compile them.

And then we really need to focus on the substantive part of our work. We have this discussion again and over again about process. And we need some level to make some agreement that we cannot go backward what we did before.

Maybe we can have the last comment from Alan.

Alan Greenberg: Yes, I've made some very negative comments; I'll make a positive one which starts off with a very negative statement. We are within a hair's breadth of declaring failure and not being able to come out with a report which we can stand behind is failure.

I think at this point the time is very short. We have to stop agonizing over making this perfect and totally all inclusive and addressing every possible need that we feel should be met. There are many people who have, for good reasons, think that this is something we should not be getting into in this round.

And if we are to achieve anything I think we need to focus more and put some minimal requirements in which will help some people and get off the - the track of trying to be, you know, solve every possible problem in this pass. We're not going to do it at that point.

And if we can't get some focus on the most important issues and realize we're going to have to drop some of them then I think we're not going to finish. And my suggestion is that those who are interested in doing some work start looking for the core of what we want to get through because it's not going to be the full superset of everything all of us wanted.

So that's a bitter methodology that, you know, I'm hearing again and again on these calls, you know, that we need to add something in because there's a really important part of the community that needs to be addressed and we need to do it. But by - sorry by targeting the superset of all possible needs we're virtually guaranteeing that there be nothing.

I think we need to tone down our ambitions at this point very quickly and get something out we can live with. If we get everything done by the 10th of May

then we have another five days to add another section or to refine it. But let's target getting something out that will end up making a convincing case to the board members who do not think this is implementable at this point that we do something to help the disadvantaged applicants. Thank you.

Rafik Dammak: Thank you, Alan. I think, yes, we need to maybe to prioritize some tasks now and then...

Alan Greenberg: But let's not spend four weeks doing it.

Rafik Dammak: Sorry/

Alan Greenberg: I said but let's not spend four weeks doing that.

Rafik Dammak: Yes maybe we prioritize what - we prioritize it before. Anyway so we have really a last comment from Tijani and please keep it brief it's - we are already now...

Tijani Ben Jemaa: Sure.

((Crosstalk))

Tijani Ben Jemaa: Sure, sure. It's only to say that the issues that on which we have to target are the issues - the requests of the board. That means that some items of our new charter - we have to focus on them only. Thank you.

Rafik Dammak: Thank you. And so just for the next call so please make comments and work on the wiki so it will be really - we can make more progress. And for the next call we will have also discussion about (IN) when Andrew will be present on the call.

Thank you everybody for joining today call. And this call is adjourned. See you.

Cheryl Langdon-Orr: Bye.

Tijani Ben Jemaa: Thank you.

END