

**JAS  
TRANSCRIPTION  
Tuesday 26 July 2011 at 1200 UTC**

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<http://audio.icann.org/gnsso/gnsso-jas-20110726-en.mp3>

On page :

<http://gnsso.icann.org/calendar/#> <<http://gnsso.icann.org/calendar/#jul>  
(transcripts and recordings are found on the calendar page)

Participants on the Call:

GNSO

Rafik Dammak - NCSG - Council liaison - WG chair

Avri Doria - NC

Andrew Mack - CBUC

Krista Papac - RrSG

At-Large:

Carlton Samuels - LACRALO - At Large - WG co-chair

Dev Anand Teelucksingh - LACRALO

Tijani Ben Jemaa - AFRALO - At Large

Cintra Sooknanan - At-Large

Dave Kissoondoyal - At-Large

Cheryl Langdon-Or - ccNSO Liaison - APRALO

Alan Greenberg - GNSO Liaison – NARALO

Olivier Crépin-Leblond - ALAC chair

Baudoin Schombe - At-Large

Elaine Pruis – Minds and Machines

Eric Brunner-Williams - Individual

John Rahman Kahn - Individual

Sebastien Bachollet – ICANN Board

ICANN staff

Karla Valente

Gisella Gruber-White

Seth Greene

Wendy Profit

Glen de Saint Gery

Apologies:

Evan Leibovitch - (NARALO) - At Large  
Carlos Aguirre - Nominating Committee Appointee to GNSO Council  
Alain Berranger - Individual  
Alex Gakuru - NCSG  
Michele Neylon - RrSG  
Tony Harris -ISPCP

Coordinator: Please go ahead.

Gisella Gruber-White: Thank you. Good morning, good afternoon, good evening to everyone.

On today's JAS call on Tuesday the 26th of July we have Rafik Dammak, Cheryl Langdon-Orr, Tijani Ben-Jemaa, Cintra Sooknanan, John Ramen, Baudouin Schombe, Carlton Samuels, Eric Brunner-Williams, Dev Anand Teelucksingh, Avri Doria, Olivier Crepin-Leblond, Krista Papac, Alan Greenberg, Sebastian Bachollet, Andrew Mack, Elaine Pruis. From staff we have Karla Valente, Des Green, Wendy Profit, Glen de Saint Gery and myself, Gisella Gruber.

Apologies today noted from Michele Neylon, Evan Leibovitch, Carlos Aguirre and Alan Bernageir. If I could also please remind everyone to state their names when speaking it's for transcript purposes.

Thank you, over to you Carlton.

Carlton Samuels: Thank you Gisella. Good day everybody. Welcome to this JAS call. It's really great to see the crowd we have today. We are almost in the end zone here. And we are trying to make sure that we have a few items as tight as possible. If you look to the bottom left hand corner for those in the Adobe room you will see markup of the issues we want to tackle today.

Just to let you know we are going to continue trying to fill out all of the information we possibly can on methods and parameters and terms of in kind services. We're going to do everything we can to find as much information as we can on funding models, funds and process aspects, you know, our leads in this areas Elaine and Avri respectively.

For those who haven't yet done so may I remind you if you have outstanding SOIs you could update them and pass them to the staff as usual.

Avri has a situation that she has to leave on the half hour so although Elaine is listed as first in this (text) might I ask Avri to lead off by talking about any updates she might have in the area?

Avri Doria: Okay, yes, this is Avri. And I apologize I'm calling on Skype so if the quality is poor that's the reason. I've got no other way to call.

No change has been made to any of the text. I haven't received any comments on any of the text. And I don't think I added any of the text other than there was one place where I think it was Elaine pointed out last time that on I think it was panel selection and gaming I had repetitive text. And so I fixed that, cleaned up that text a little. Other than that no changes since Friday.

Carlton Samuels: Okay. Thank you, Avri. Any one of us have any questions for Avri? By the way for those of you who are on Adobe Connect the text that we are talking about is on the - I put it in the Skype - in the Adobe Connect chat window. It's on the wiki on the candidate text. And it could be useful for you to refer to this text. This is what we have consolidated so far for any kind of comment. I see Tijani on board. Tijani, you have the floor, sir.

Tijani Ben Jemaa: Hey. Thank you Carlton. I read your text, Avri, and I find it well. The composition of the panel is - I think it's the best way to run something which is more or less not gameable. But what I was waiting is a way to avoid gaming. This is the point. The composition of the panel will contribute to that but is that any - if you want - I don't know any way to work so that we will not be gamed.

Avri Doria: Is that a question to me or to the...

Tijani Ben Jemaa: Yes.

Avri Doria: ...group in general? To me I think this is ICANN so there is absolutely no way to prevent an attempt at gaming. I mean, ICANN is probably the world's center - someone's got me oh - is probably the world's hub of professional gamers. So the attempts are going to be made. That's why I made the recommendation that I did. I think we need to have a set of criteria.

And I think what Alan offered sort of discussion of what strong criteria (unintelligible) is something that motivates a panel. But you have to count on the skills of that panel to take those recommendations and make sure that they're applied to prevent gaming.

And still somebody will get through. This is ICANN; someone will game. And therefore we probably also need some notion of penalty for gaming when you do get through and do get caught. But that's about the only thing I can think of.

If, as various people have argued, if we make the conditions too tight that just gives somebody a recipe to follow to game. If we make them too loose then almost anybody can game; you don't have to be that clever. So what we're looking for is the Goldilocks point where the - it's as tight as we can make it without being too tight and we have a panel that understands the issues and understands - recognizes a gamer when they see one.

And we know - we know that ICANN has some people where they say what would so-and-so do if this was the rule. And we need to have so-and-so and I don't want to quote names on this but we need that so-and-so or maybe two of those so-and-sos on this panel.

Thank you for whoever (unintelligible). Nope, it's still there.

Carlton Samuels: Thank you, Avri. Alan, you are on the board and Andrew. Alan, you're next, sir.

Alan Greenberg: Thank you very much. It's Alan Greenberg. Yes, I think Avri captured most of the message I was trying to put out in what I - in the little thing I did last night. We cannot come up with concrete hard rules. And I'm not sure we want to because we need judgments to be involved here otherwise gaming becomes a recipe issue. And we don't want that.

I think we need to recommend to ICANN whether we want the errors to be on the side of generosity or anti-gaming because I don't think you can do one - I don't think you can go strictly down the middle. Yes we want a judgment call but where do we want to err to make sure that we never miss anyone who's truly needy or make sure that there's absolutely no gaming.

And I think that's a call that we should be making. I'm not quite sure I know where the right answer is but I think it's a call we should be making. It's also why I stress the need that the judgment has to be done outside of ICANN. It's not only a matter of skills although the skills are exceedingly important; it's a matter of not being in the political center where pressures can be applied through the various, you know, sources within ICANN both staff and board members and others.

So I think that isolation is very important in having a panel which can make a decision based on what they see is the fact and not as subject to pressures as it might be if it was closer into the center of ICANN. Thank you.

Carlton Samuels: Thank you, Alan. You're next, Andrew, you're on the board sir.

Andrew Mack: Thank you very much, Carlton. Andrew Mack. I guess I have a couple of questions. I think what's been said so far by and large makes sense. For Avri I am wondering who makes up the group of volunteers and, you know, whether it makes sense - I think it might - to try to prescribe that different

parts of the community are represented thus giving us both an outcome that's probably more representative but also, you know, avoids some of the politics.

And to Alan's piece of it I hear what you're saying about trying to make it outside of the stream of the politics I'm just wondering who would, you know, who would do that? Would it have it no connection to ICANN at all? Would it be, you know, how would that work in point of fact?

I'm a little bit concerned if we're asking volunteers to do something over a long period of time that in the same way that we've had, you know, challenges with just, you know, volunteer fatigue I think that might be an issue. And so I'm wondering whether we can think that through in advance. Thank you.

Avri Doria: I have some answers but I'll wait until after Tijani.

Carlton Samuels: Yes, thank you Avri. Tijani is next and then Avri after Tijani. Tijani, you own the floor, sir.

Tijani Ben Jemaa: Thank you, Carlton. I do prefer the panel composition that Avri described than a panel (of) ICANN as Alan proposed. We - perhaps we need to make it out of the political circle of ICANN but it is much better that the community will compose this panel with the help of the specialists of the experts. Thank you.

Carlton Samuels: Thank you Tijani. Avri, you're next.

Avri Doria: Yes. Okay yes that's what I was going to say basically in response to Alan and Andrew. I'm recommending that - I always recommend if I can, existing text or an existing process that already exists. So with the review teams that we've put together for Whois, for accountability and transparency and whatever ICANN has developed a practice now of a way to build a cross-community team so my recommendation is that we build such a team.

Now exactly who does the final choosing is - I don't think I'd say it's the GAC chair and the Board president. I'm not sure how we'll figure that piece out. But, you know, perhaps that does work, I don't know. But I recommend using that kind of mechanism where there is a representative on this panel from each of the ICANN communities.

To Alan's point I think there need to be a bunch of outside experts on this; an expert in donor community politics, you know, an expert in the economics of the comparative economics of developing areas, you know, what have you, I mean, those things that we don't - expect our community to actually understand. So that's the kind of thing I'm recommending.

In terms of overload I think most of the work is going to be - if we follow the recipe that I'm trying to give where the application for fund help goes in at the same time as (TAS) opens and they plunk down their first \$5000 (TAS) fee and that the acceptance decisions of funding have to be there by the time the application period closes.

So I think it's an intense period of work more intense than the review committees have been and perhaps that's problematic although in this case I don't see any other way to do it. Perhaps it could start a little sooner, I'm not sure.

But - and then after that I think that that committee is over until the next set of applications unless we want to ask that committee to remain on hand to be oversight for any problems that occur. But still it would be much less work; it would be in a very intense period of work kind of like nom-com has.

If you take a cross between ICANN's nom-com where, you know, they sort of worked for a while getting up to speed and then there's the week of, you know, intensity and the way the reviews committee, I think, that's kind of my notion of how ICANN uses mechanisms that it already has and understands and attach them to this particular application. Thanks.

Carlton Samuels: Thank you, Avri. Can I just for one small clarification? Alan asked the question; said - the community participation - when you say that you actually obliged to use invested interests and that might be good; their noses already onto the (tent). And I know we're talking about panel composition here and there's the notion that we have inside people of ICANN community and I know it's that expert Avri brought it down to two different sets where you could have one (unintelligible) and a review panel. That's what I'm hearing.

Do you think it would be sufficient to address the concern that Alan raised here? That's the question I'm asking.

Avri Doria: Only Alan could say if it's sufficient to respond to his concern. I think one of the foundations of ICANN is that we try to do the right thing by having all the vested interests in the room talking together where our vested interests counterbalance each other so that we have the GAC, the ALAC, the SOs, etcetera. In the room all the vested interests are represented and within the ICANN notion that aggregation of vested interests in a transparent manner gives us as close as we're going to get to, you know, cumulative neutrality.

So - but only Alan can say whether it's sufficient to respond to his. And then as I say we need the - and I wasn't thinking it of two panels I was thinking as with the accountability panel which is the one I paid the most attention to but I've noticed the others you bring in some outside experts and they are members of that panel as well.

Whether, you know, they're advisors or they're observers or they're voters are not - I didn't really think about, you know, I think once you get into a group like that it all works together, it builds its own chemistry as we saw with the accountability and transparency committee which at least the committee part its recommendations, you know, looks like an overwhelming success. We'll see how the recommendations do but in terms of working as a balanced neutral open committee it, at least to my mind, it was very successful.



Carlton Samuels: Thank you, Alan. Cintra was next on the board but she's saying here she was disconnected. So if you - while we get to her so that we can have her back in voice contact. Can I ask Alan, because you're next on the board, to...

Alan Greenberg: Yes.

Carlton Samuels: ...speak?

Alan Greenberg: Yes, certainly. I've noticed Rafik has had his hand up forever. I don't know if that's an error or not.

Carlton Samuels: Oh I have not seen it. I'm so sorry.

Alan Greenberg: Okay. In response to Avri I did not - have not pictured this as a volunteer process at all. ICANN uses volunteers and community representation from the various stakeholders essentially on policy issues whether it's policy on how to implement a technical function or policy on how to run the organization.

This is an implementation issue and ICANN does not have a long history of doing actual implementation by volunteer committees with balanced representation where you bring experts in to do the job. You know, we don't compose IANA of a bunch of volunteers. So I guess I disagree completely that this is a volunteer process. Thank you.

Avri Doria: Okay. If I can give one quick answer to that?

Carlton Samuels: Yes please just deal with it.

((Crosstalk))

Avri Doria: I think you're largely right that we don't generally do implementation. I don't think it's the case that we never do. Certainly the NomCom function is an implementation function.

Alan Greenberg: Right.

Avri Doria: Though people like me have argued that it should be more external than it is but that's beside the point. Well I'll just be honest but it is. And I think if you look at some of like the other committees like the RSTEP and things like that where they're, you know, are they volunteer? Are they outside professionals? They're kind of both-ish. And I guess that's the way I'm looking at this.

But you're right, perhaps an outside panel that was fully up to speed would be as reasonable a way to do it, you know.

Alan Greenberg: I think we need people who are used to seeing through the ruses and making judgment calls and have a track record of success or failure.

Avri Doria: I don't think anybody can see through ICANN ruses like an ICANN person.

Alan Greenberg: No, no you're not going to see through them all but, you know, okay I've said enough; I'll let other speakers now.

Carlton Samuels: Thank you, Alan. I really wanted to hear that. Rafik, you're on the board, sir. I'm so sorry I missed you in the first go-around.

Rafik Dammak: Okay thank you. Maybe my comments are over nothing at least what Alan and Avri discussed. But my question is okay maybe we want a few (unintelligible) expert outside ICANN community. But regarding (unintelligible) is it really possible to implement that?

I think we have that maybe (unintelligible) before the beginning - on the long shot (unintelligible) and beginning of applications. So we still have time to

make this review panel with people outside ICANN and to bring them. So maybe it's more easy to have review panel with people from ICANN committee because it's more easy than because bringing experts maybe (unintelligible) than (unintelligible).

Carlton Samuels: Thank you, Rafik. I understand. What Rafik was saying - and this is one question that goes to about the - in terms of reference maybe that will help. What we are hearing is - there's two things - there's about the panel composition and we'll have very rich discussion on that.

But there's also a need for a tightening the terms of reference. Something Eric Bruner-Williams said earlier in the process might be part of the consideration for the terms of reference. But I will hope Eric is going to say something about that. But, Cintra, you're on the board and you have the floor and Tijani, you're next.

Cintra Sooknanan: Thank you Carlton. I want to raise two issues with regard to the second paragraph. You talk about the applicants presenting necessary documentation. Who defines what that documentation is? Is it the (shop) or is it (unintelligible) defining or is it ICANN? That's the first question.

Secondly with regard to this process you said this could be responsible for reviewing applications before the end of the application period. Are we building in a peer procedure in the event that, you know, maybe an applicant wants to raise a query with regard to the thought decision? I mean, a lot of these applications are quite sensitive. So I don't know if that is something you want to consider in terms of timeline.

Avri Doria: All right, okay should I give answers...

Carlton Samuels: Yes, please, Avri just answer the question.

Avri Doria: Okay, right.

Carlton Samuels: Tijani, please just bear with me while Avri answers.

Avri Doria: Okay. On the first one I think that we have given a set of content - a set of information generally that is useful. And I think the staff in writing up the implementation would be the one that got specific about what kind of documentation would be needed.

So I think it's like most things on this, this group would give a general definition of, you know, whatever is needed. And I'm not absolutely sure I know what that is; I assume other people in this group know better than me. But I filled out applications and it's normal application stuff.

And then the staff is the one that would come up with well it needs this document, this document and this document. And then we go back and forth between this group and that on that.

On the other - I didn't build in an appeal time and I think that as with some of the other review processes this time around if we get this much going and trust to the panel and we're giving people their \$5000 back if they don't succeed I think that, you know, that's the best we can do. I don't know that the time table works for an appeal although I generally think that you have to have an appeal mechanism in but I'm just not sure given the time we could build one in at this point.

Carlton Samuels: Thank you, Avri. For the record Karla from staff has actually put some information in the Adobe chat area and she said essentially that this is a joint effort from the working group here and staff to identify documents and information needed.

She also made a pertinent addition to that in my opinion which says this should be in the instruction manual and that is the instruction manual that we are proposing to have for this process. Thank you Karla there.

Tijani and Alan, you are both on the board. Tijani, you are first up. You have the floor.

Tijani Ben Jemaa: Thank you. I think that a panel with community volunteers combined with the experts as advisors will work very good. It will be a combination between the community and the external experts. So it is our hope from the beginning - I don't know if you remember but from the beginning we said we need the community to be in to assess and to evaluate the applications.

So I think we have to continue in the same way and to try to have the community volunteers on the panel. Thank you.

Carlton Samuels: Thanks Tijani. Alan, your hand is up; you have the floor, sir.

Alan Greenberg: Yes, it's Alan Greenberg. Just in response to what documents. In the thing I prepared I think we need - we - ICANN - need to go to outside people who are used to evaluating financial need and ask them what documents. We went through a number - iterations a number of months ago about what kind of metrics are we going to use and every time we came up with one we came up with a counter example why it was a bad one and not applicable.

And I don't think we have the skills and experience to do that. So I think ICANN needs to involve some outside people quickly in determining exactly what is it we're going to assess to determine financial need. Thank you.

Carlton Samuels: Thank you very much, Alan. Tijani, your hand is still up is it a question...

Tijani Ben Jemaa: No, sorry it was a...

Carlton Samuels: Okay.

Tijani Ben Jemaa: Okay.

Carlton Samuels: Eric, I don't know if you're on board. You've made a - can I ask you to - you mentioned a risk of community involvement. And you also had a notation - and I'm looking for it - about the - in terms of reference that there is an economic question that might be included in that. Do you think it'd be useful for you to expound a little bit more on that for the group? Because I think the idea has something to do with the terms of reference which is a lot of the talk for this group - for the panel. Eric, are you hearing me?

No Eric might be - there was an interesting notation in the chat that I thought is - had some impact on the terms of reference for the panel but Eric apparently is not available.

Avri, I know you have to go so can I ask the questions; do you believe that you have all exhausted all the comments to do with the panel composition and the terms of reference for the panel that will be required to evaluate so that there is - has an anti-gaming initiative?

Tijani, you have your hand up, sir.

Tijani Ben Jemaa: Yes, thank you.

Carlton Samuels: You have the board.

Tijani Ben Jemaa: Before Avri leaves I would like to say that perhaps we need to start now figuring out the skeleton of the document, the final document. We need to put it now and to try to fill it in by the new text so that we in the future - in the future calls because it's - the time is very tight now - we will go through the text and we will approve - we will try to find the consensus on each part of the text.

So perhaps we need now to make the structure of the text and to begin to fill it. Thank you.

Carlton Samuels: Thank you. Thank you, Tijani, I totally agree. Can I ask Eric to speak now because as I said he raised quite an intriguing comment to my mind in the chat and it has to do in the first place with the terms of reference for the panel. And he was zeroing in on an economic issue which I think is quite interesting. Eric, can you hear me now? Can you go on?

Eric Brunner-Williams: Testing. Testing.

Carlton Samuels: Yes, we are hearing you, Eric.

((Crosstalk))

Eric Brunner-Williams: Good. Eric Brunner-Williams for the transcript. In the chat I pointed out that if we are looking at this from a motivation point of view of the gamer the utility of their action is to acquire an asset.

And if the asset - if the cost of the gamer upon detection is lost at the outset and the game that the asset provided them, that should address the utility function that motivates gamers.

What else would - is necessary for clarification? Thank you.

Carlton Samuels: Thank you Eric, this - is it just me who sees it, there is raised an issue there for that might have to be included in terms of reference?

Eric Brunner-Williams: I'm sorry, I'm not sure I understood if that was a question.

Carlton Samuels: Yes, that was my question to the panel Eric, I didn't see anyone respond to you but I thought it was an interesting thing. You have to find a way to penalize gaming, even as you make it so that it is not onerous or doesn't frighten away real live people who need help.

Cheryl you have the floor, your hand is up.

Cheryl Langdon-Orr: Thank you Carlton, Cheryl Langdon-Orr for the transcript record. I would put my personal response to your question Carlton in the same camp as I would Jeff how we've discussed issues of deliberate or otherwise omissions areas in changing status.

If you know a good qualify and that would include because you falsified or gained, you pay back and then owe the penalty.

Carlton Samuels: Thank you Cheryl, I just wanted to have that a part of the term because remember we are going to create an instruction manual here and I believe that's something like that has to be placed in the record.

Eric you have your hand up.

Eric Brunner-Williams: Thank you, the cost for misrepresentation under the guidebook for unqualified applicants, so these would be applicants who meet the DAGS definition of unqualified which for shorthand I'll say owned by the mafia or Al Qaeda, whatever the boogeyman of the moment is.

The penalty for that is the application is blocked and I don't think that refunds are made to the applicant. So the cost imposed by the KPMG staff development of this particular item is not merely the refund of benefit but actually if they - the total loss to the applicant engaged in constructive fraud or direct fraud.

So thank you.

Carlton Samuels: Thank you Eric. Yes, we have had a good discussion on the panel especially and you know in terms of reference and of course the composition I think we have some things we can work on there.



But we have to move on to the next topic unfortunately. This is the in kind services, Elaine is the lead here. Is Elaine on?

Elaine Pruis: Yes I'm here, can you hear me?

Carlton Samuels: Yes I'm hearing you Elaine, you have the floor. Thank you.

Elaine Pruis: Okay, Carlton there has been no changes or updates since last week. We did see some emails coming through from different registry service providers identifying open source solutions that would be available possibly to our needy applicants that could be added to the list.

But that's the only thing that I've seen different than last week and I'm about to enter a no coverage zone and I'm not on Adobe so perhaps you could take over the conversation in a couple minutes when I drop off.

Carlton Samuels: Okay. Thank you, are there any questions for Elaine? Nobody's hand is up. By the way we've been working with Karla to draft a document that from their perspective an overview of all of the transcripts and all of the recordings, what they think of open questions.

And this is very helpful as a matter of fact in some of them we've discussed so far, especially affects panel selection and gaming, they were actually identified as items they feel were still not - they're not sure from listening to the records were completely taken care of.

And in this case they've asked a question here that they think is still not fully explored and the question is are all of the services pro bono? Do we contemplate that all of the services are pro bono services?

And this was in the definition of what is in kind services.

Elaine Pruis: Carlton it's Elaine, can I answer?

Carlton Samuels: Yes, please go ahead Elaine.

Elaine Pruis: I would suggest that we not force it to be pro bono, which I think means free. I think we should allow providers to offer at reduced pricing because we'll have more participants that way. Thanks.

Carlton Samuels: Thank you Elaine. Is there any concerns about the answer Elaine gave for that question? And thank you Karla and Cheryl you have your hand up, you have the floor.

Cheryl Langdon-Orr: Thank you. Cheryl Langdon Orr for the record. I don't have a concern about Elaine's response, I just have a slightly different take on what pro bono perhaps means and that is certainly the pro bono services organizations I'm involved with are the receive or gifts.

The services are costers, they are simply not charged but the cost is indeed recognized. It still costs, it's at a no charge service or occasionally it is at a level of charge where for example billable hours will be marked up and reduced to a zero charge.

But other aspects of the service provision are charged at cost as opposed to cost plus profit. So we would probably need to define what is meant by the JAS work group in - for use like terms pro bono.

Carlton Samuels: Thank you Cheryl, this is very important, this is my understanding of what pro bono means as well. And it's very important for us to have a common understanding of it, I believe so.

So I quite agree with you. I think that is something that needs to be defined within the context of in kind services because it means something - there are implications down line for - depending on where you are in the world, in delivering what we call pro bono services.

Are there any other comments, concerns? We see no other hand up for this question. Nothing else Elaine? The other open question that the staff caught up is channel access program.

This has to do with the absence of ICANN accredited registrars in the region, for sustainability of qualified applications and the question that was raised here was do we need to say anything more specific about that in the report?

So answer that question.

Karla Valente: Carlton, this is Karla speaking.

Carlton Samuels: Yes Karla, Cheryl has her hand up. Cheryl you can go right after Karla. Karla go ahead please.

Karla Valente: Yes, the reason this is there is because there was a discussion in Singapore so there were some notes from there and there was a discussion with the group here about you know those services being something that this group would look into it.

So what we want is just to confirm that this is a closed issue or is this still an open issue?

Carlton Samuels: Yes, thank you Karla, you're quite right, that - otherwise that's what the question was asked with the intent. Cheryl you have the floor.

Cheryl Langdon-Orr: Thank you Carlton, Cheryl Langdon-Orr for the transcript record. I don't think we can close this issue off. I think something needs to be said, it's what needs to be said that still needs to be to some extent discussed.

This comes back to - and the third point I made in an earlier call with what ICANN can and cannot do, and what ICANN cannot do is in my title view,

make some sort of instruction to industry as to what it might provide where to any form of applicant, needy or otherwise.

The best we can I think do is strongly encourage that facilitation and undying gratitude if that's what it takes. Somehow is stowed on industry players who do offer such services but I'm certainly unaware of anything that could in (unintelligible) make it happen.

Other than coming from industry players themselves, when that stepping forward or self identification or offer happens, then yes, there's absolutely a role and the JAS report should outline that there would be a role of ensuring a chain of trust and appropriate matchmaking service be facilitated.

But there's an awful lot of stuff and stuff should be underlined in inverted comers and bold face that needs to happen in the industry camp for the magic in that black box to actually work. Thank you.

Carlton Samuels: Thank you Cheryl. Alan you have your hand up so you have the floor.

Alan Greenberg: Yes, I think Cheryl got it pretty well right. I'll add a comment that we don't make in our report. I think ICANN in terms of people within ICANN have a strong role to play in making sure this happens or trying to ensure that it happens.

But this is completely you know off the record and on a person to person basis. I'm a little bit disappointed that a month or so plus after the first discussion of the \$2 million that there are no matching funds that have been announced yet.

But you know I think we're going to have - we - ICANN is going to have to do a lot of consciousness raising to get some of that money and in kind services donated.

But I don't think it's going to be an official you know ICANN requires that you do this. Thank you.

Carlton Samuels: Thank you Alan. So I also think that Cheryl kind of captured what needs to be said there and maybe we for the record we can from the transcript see if we could get some of the language placed in the appropriate spot so that it helps us to fill that out.

It would be very useful indeed. Are there any other comments for Elaine?  
Cintra you have your hand up, you have the floor.

Cintra Sooknanan: Thank you Carlton, yes, I was on mute. I have a bit of a problem with us saying let the buyer beware when we are also (interviewing) that the work is a certain amount of legal advice.

And so that the general documentation and that kind of thing. I think we should also advise applicants on what they should look for from a provider, not to say specifically give them advice on whatever arrangement is made, but just a checklist of things so that they know what they should expect.  
Thank you.

Carlton Samuels: Okay and I see Cheryl is agreeing with this approach suggested by Cintra. We have to capture specific language to ensure that this happens and so probably if we can add to Elaine's draft in the candidate text area our comment that will help.

It will also be - we could also add the definition for pro bono there as well and that would certainly fill out the document and make it a lot tighter. So thank you Cheryl and Cintra for that, I'm sure Elaine appreciates the help.

Any other comment? Okay, there being none in this area, can we move to the final little item, and this concerns the - last time we had a discussion on

financial criteria and I'll just set them up and we thought that there would be some specific language that would capture some concerns.

And we believe that Alan made some comments that were germane to this objective. Alan has put together some comments and some text for this qualification, this is the criteria area now so we are back to criteria and filling out a little item there.

Alan can I ask you to just lead through this text and see if we all agree with you. Alan you have your hand up.

Alan Greenberg: Yes, okay thank you, just let me pull it up, I wasn't expecting to do that today, I thought we were running out of time, just let me pull up the document if I can find it.

Okay I realized as I was starting to do the work and I didn't get a chance to do it until late yesterday that the existing document has a lot of the criteria or the constraints in it. They need rewording but I think a lot of them are there already so although I started trying to put them in from scratch I realized as I went along that there was no point given the late time I was doing this to try to integrate it all.

So I think there needs to be some work done and I'm willing to try to do it in the next - hopefully before Friday to pull together what I put with what is in the original wiki page which I was working which I assume is basically the same as was in the milestone report.

Because we did do a lot of work on those kinds of constraints. I think it's a multi-step process that we're in right now. I think we're in a good position to identify what the overall constraints are. I don't think we're in a good position to specify the criteria in a way that they can be submitted and addressed by the applicant in their application.

I think ICANN needs to go to outside experts who have a track record of doing this kind of thing. But guided by our overall constraints and the perimeters that we want to put around it, and I think it's doable.

This is one of those instances however when I think we need feedback from ICANN staff as I'm doing this or as we're doing this to say is what is being proposed something that they believe is viable and they can find experts who know how to do this?

I did identify that the main people in the world who do this kind of thing are international funding organizations and bilateral donors, by bilateral donors I'm talking about the you know development cooperation units or groups within national governments.

And there are people there who do this on a regular basis and I think those are the resources that ICANN needs to draw upon and you know perhaps there are a number of GAC members who can act as a go between to identify the right people in their governments who might be able to provide us with some words and the details on how to go about this in the future.

I don't think we have enough time to go through it piece by piece right now but I think that's the substance. I...

Carlton Samuels: Thank you Alan, so can I just summarize? Alan's put the text there, as Alan noted the criteria and all of those constraints may have been in there more to report but he feels like we might do a better job of collating them and restructuring them and he's volunteered to do just that.

Thank you Alan. Tijani, you have your hand up sir, you have the floor.

Tijani Ben Jemaa: Okay so thank you Alan for your feedback, it's very interesting and I think that it was what I meant by raising the point last time. Exactly as you said the

combination between the objective criteria and the specific (unintelligible) for each applicant is necessary, necessary both.

Because we can - and this way we can avoid gaming from one side and we can avoid also complaisance for the other side. You had an interrogation saying whether we have to provide avoiding gaming or missing really just serving applicants.

I think that the main objective for this group is that the support goes only to the needy applicants, even if the victor will drop some other needy applicants or more or less needy applicants, it's less dangerous for me than giving the support to people who are not needy or who don't deserve this money, this help, this assistance.

You said that we are not able to define criteria and I agree with you, we are not specialists. But we have the duty to do so, so if we are not able to do so we have to ask for help and to get those criteria to put them in our pot.

It is our duty to find who can help us if it is ICANN we have to go to ICANN and tell them please help us. If it is not ICANN, if it is outside ICANN we have to try to find them.

It is our duty, it is in our chapter, we have to put them. And if we don't have other criteria or matrix, then that we defined before, so we will keep what we had and try to find better.

I think that you asked another question about manageable process. I think that the process must be manageable and any complex process will lead to an (unexpected) or unpredictable results.

So preferably I will vote for manageable process even if it will make some people losing or not having the support. Thank you.



Carlton Samuels: Thank you Tijani. Eric you have your hand up, you're next and then followed by Alan. And we have three minutes until the top of the hour so please be concise, thank you. Eric you're up sir.

Eric Brunner-Williams: I don't appear to be audible.

Carlton Samuels: You are now, go ahead.

Eric Brunner-Williams: Thank you, I have a question for Tijani, Tijani this is Eric Brunner Williams. You've pointed out the difference of two models, one is - prevents as a cost to some applicants who are needs qualified and the other possibility is the cost of having non-qualified applicants receive benefits.

And you've indicated you prefer the former rather than the latter as a sort of a risk model for dealing with screening applicants for their qualifications.

The question I have for you is, does this division into two possible risk models, does this survive if we have a post award recovery of assets to remove the utility of gaming from gamers?

And if I stated my question poorly let me know.

Carlton Samuels: Thank you Eric, Tijani could you answer quickly? All Eric as I understand is asking is if you follow your model, would you be satisfied if you have some kind of criteria that says well if we catch you, you have to pay back.

Tijani Ben Jemaa: Yes, sure.

Carlton Samuels: Okay. Well that's a short, swift answer. Alan you have your hand up sir, you're next.

Alan Greenberg: Yes, in response first of all to Tijani, I agree on both counts with his answers. My personal opinion is better to have you know not serve as many people than to allow gaming and the same with the complexity issue.

The reason I raised it is there are probably models of certain types of applicants, maybe national governments or those where it's going to be exceedingly difficult to recognize need and keeping these simple may mean we exclude them.

I don't want to focus on that particular one but it's an example. With regard to Eric, I heard a slightly different question than what you rephrased. I heard is - if we go for a model where people have to repay does that lessen the worry about gaming and my answer to that is yes, certainly.

Assuming there are sufficient penalties on not repaying, that there's some teeth in the process. I don't - I haven't heard that we are definitively going for that and that ICANN will accept that which makes the process more difficult at this point.

I think we have to assume that it is not going to be repaid and if it is then the actual criteria used in the judging becomes more flexible. There's still only a finite amount of money in the first round regardless of whether it gets repaid at some later date though. Thank you.

Carlton Samuels: Thank you Alan, we are going to take the last intervention from Cintra here, some of us have another call that's right on us so Cintra you have the floor, please keep it short.

Cintra Sooknanan: Thank you Carlton. The first criteria you say financial need is the key right? I agree with that, but I don't want it to be restricted as to only financial need.

Even if an applicant has the - a percentage of the money for the application or has the full amount for the application but lacks technical capacity, shouldn't we be able to cater for that? That's my question. Thank you.

Carlton Samuels: Thank you Cintra. This certainly has raised a few issues for us. Can I suggest that we take Alan up on his offer to reformat this area of criteria from the MR to report and then make his additions as he sees practical, especially with the items that came out of this discussion.

And that would be helpful to us. We are at the top of the hour, just past the hour. We also have another call pending. I really want to thank all of you for participating and calling this discussion to an end.

Thank you all, see you Friday. Good bye.

Woman: Thank you everyone.

Woman: Bye.

END