The Working Group to Protect the Rights of Others (PRO)
Tuesday, 20 February 2007
15:30 UTC

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The audio recording is available at:

http://gnso-audio.icann.org/pro-wg-20070220.mp3

On page : http://gnso.icann.org/calendar/#feb

Attendance:

Kristina Rosette - IPC chair of the working group

Kelly.w.Smith - IPC

Lance Griffin - IPC

Peter Olson - IPC

Mike Rodenbaugh - CBUC

Frank Schilling - CBUC

John Berryhill - Registrar c.

Tim Ruiz - Registrar c.

Jeff Neuman - gTLD Registries c.

David Maher - gTLD Registries c.

Mike Palage - gTLD Registries c.

Jon Bing - Nominating Committee appointee to the GNSO Council

ICANN Staff:

Liz Willams - Senior Policy Counsellor

Glen de Saint Géry

Abent- apologies:

Philip Sheppard - CBUC

Coordinator: The call is now being recorded. Thank you.

Glen Desaintgery: Okay, I'll start. (John Berryhill), registrar constituency; Kristina Rosette, IPC; Jon Bing, Nominating Committee Appointee to the GNSO Council; Tim Ruiz, registrar constituency; (Lance Griffin), IPC; Kelly Smith, IPC; Peter Olson, IPC; Mike Rodenbaugh, BC and David Maher, registry constituency.

    We have no one from the non-commercial constituency. And no one from the ISP constituency has joined to the best of my knowledge, just for your information.

Jeff Neuman: This is Jeff Neuman from registry of NeuStar

Glen Desaintgery: Okay, sorry I left you. Anybody else I missed?

Liz Williams: Yeah Glen, it's Liz. And I'll just introduce everybody so that we're going to get started with.

Glen Desaintgery: Okay, Liz. Thanks. Liz, sorry I missed you, too.

Liz Williams: Oh, no it's fine. Don't worry. Good morning everyone.

Man: Liz, we can't hear you.

Liz Williams: Good morning everyone, can you hear me?

Man: Very weak.

Liz Williams: Just bear with me. I'm on a hotel phone and I might just dial out and dial back in again. Can you hear me now?

Man: It's better.

Liz Williams: Okay. Okay, I'll proceed. If everybody is online, can I make sure that everyone has the latest updated statement of work from Bruce Tonkin and I don't know whether you've followed the discussion today with (unintelligible).

Glen Desaintgery: I sent it to the list.

Liz Williams: Yeah thanks, Glen. Thank you. What we need to do today is to first of all agree that the statement of work as Bruce has centered on is that for the statement of work that the group is going to do. We need to have everybody introduce themselves so that we know where everybody is from with just a brief background.

                  Need to assign a time frame and many of you will be here in Los Angeles this weekend. If you're coming, bring your warm clothes because it's a beautiful sunny day.

And then we will need to let the chair, someone needs to volunteer to do that. And many of you who are on the reserve names group will see that it's quite a large task and it'll need quite a bit of time. But I'll be helping you to do that.

And then we need to - it will take about an hour for this call and we need to set up how we're going to do the next part of this. Did anyone…

Tim Ruiz: Hey Liz -- Liz this is Tim.

Liz Williams: Hi, Tim. How are you?

Tim Ruiz I don't recall receiving and I can't find it in my inbox the current statement of work - the terms of work.

Liz Williams: I've got it right in front of me, Tim. So if you want me to send it again I will do that right now.

Tim Ruiz Yes. I would...

(Peter): Yeah, this is (Peter) in Copenhagen. I just joined today I guess as well. Please send it to me as well.

Glen Desaintgery: I'll send to (Peter). I'll send it to you, (Peter).

(Peter): Okay.

Liz Williams: Is there anyone else that we expected to join the call today? We don't have (unintelligible) from the advisor group and if somebody else can introduce the (unintelligible). It's not necessary for us to have absolutely complete representation across the constituencies. But we do need - because the group is going to again to be providing advice to the committees and new TLD's - we just need to be clear that (payroll) will take - I mean back to their constituencies and make sure that it's exactly what the constituencies want.

Did anyone have any early questions before we proceed to the next bit? No? Okay. If everybody has in front of them the statement work there are couple of procedural questions that I just wanted to step people through first of all, for the new people on the group.

The most important part of it is the policy development process which is contained in the ICANN by-laws which is Annex A. And I can send that to the group and working group structure is not contained in the by-laws as I stand. But how we've done things is to facilitate as closely as possible the work of the group in a way in which the IDN group has been formed and the way in which the reserved names group has.

If anyone is a new volunteer and would like a bit of extra background, I'm happy to deal with that. But I don't want to take up time on the call today to work out how that should be done. Is there (unintelligible) who want to turn the meeting over to a new chair? Is there anyone who likes to ask any question about anything before we do this?

Kristina Rosette: Liz, this is Kristina. I just have a quick question.

Liz Williams: Sure.

Kristina Rosette: The statement of work that you're referring to is the new one. I just want to make sure that that's the one that Bruce has circulated?

Liz Williams: Yep, that's the one.

Kristina Rosette: Okay, and second you and I had talked previously about from additional changes that you thought you and (Dan) might want to make.

Liz Williams: No, they're all encapsulated in (unintelligible).

Kristina Rosette: They're in here? Okay, all right. All right.

Liz Williams: (Unintelligible). I wasn't going to (unintelligible) the group (unintelligible) email (unintelligible).

Kristina Rosette: Okay, all right. Okay.

Liz Williams: The rule there - and you'll note that the piece that Bruce (Unintelligible) has - because it takes a little while to get this off the ground, we've extended the time frame. So it's going to take place until May. As everyone who is looking on the new TLD's work you'll be aware that we're having two days of meeting here, on Thursday and Friday this week in Los Angeles to make some more progress on finalizing the recommendations for the new TLD process.

This is the context in this particular group that is taking place. But we will have to take account of that in the broader group so it's going to be

expeditious and busy work and we have to be careful that we don't take on too much and we get what we do take on done (unintelligible).

I wanted to turn now to getting some pulse of who wants to place (unintelligible) chair. Is there anyone who would like to volunteer for that and as I said I'm more than happy to assist whoever that is. It's a guiding role and it's random meetings' role. I generally design and distribute the agenda if that's necessary, depends on how much help the group needs. I'm imagining that there'll be at least a conference between now and May.

Is there anyone who'd like to volunteer?

Kristina Rosette: Liz, I'd be happy too if no one else... This is Kristina.

Liz Williams: Sure. Thanks, Kristina. I'm recognizing some of the voice, oh I forgot something, I'm sorry. Would everybody just mind doing a quick whiz around the room and introducing themselves what company they're from? I heard what constituencies they're from but we need to know what companies they're from. And all of the introductions made to be followed up with the statement of interest. And there have been two that I've just seen this morning from (unintelligible) and from Jeff Neuman that have gone to the group.

So I'll pause there. David, would you mind just quickly introducing yourself? David Maher?

David Maher: Yes. David Maher, Senior Vice President of PIR , the operator of the registry for .ORG.

Liz Williams: Thanks, David. Kristina?

Kristina Rosette: Covington & Burling, IPC North America representative to the GNSO Council.

Liz Williams: John Berryhill?

John Berryhill: I'm John Berryhill, I'm an intellectual property attorney in private practice in Pennsylvania, USA.

Liz Williams: Thanks, John.

John Berryhill: And member of the RC.

Liz Williams: Oh I beg your pardon, sorry to run over you. Jon Bing?

Jon Bing: I'm Professor Jon Bing at the Norwegian Research Center for Computers and Law at the University of Oslo and I'm appointee to the council.

Liz Williams: Tim Ruiz?

Tim Ruiz: Tim Ruiz with GoDaddy. Vice President of Corporate Development and Policy.

Liz Williams: (Lance Griffin)?

(Lance Griffin): (Lance Griffin), the Walt Disney Company.

Liz Williams: What do you do with Walt Disney?

(Lance Griffin):   I'm Executive Counsel in the Anti-Piracy group.

Liz Williams: Kelly Smith?

Kelly Smith: Hi. Kelly Smith, Senior Attorney in the Trademark group with Intel Corporation.

Liz Williams: (Peter Olson)?

Peter Olson: Yes, I'm a trademark attorney here in Denmark and a .EU panelist as well.

Liz Williams: Mike Rodenbaugh?

Mike Rodenbaugh: Hi. I'm a Senior Counsel at Yahoo focusing in intellectual property law and I am the BC officer in GNSO Council.

Liz Williams: Jeff Neuman?

Jeff Neuman: Liz, did you say Jeff Neuman? Sorry you're really…

Liz Williams: Yes, I did. Sorry.

Jeff Neuman: It's okay. Jeff Neuman, Senior Director of Law and Advanced Services at NeuStar Inc. We are the registry operator for .BIZ and .BIZ ccTLD and .US ccTLD and we provide back-end services to .TRAVEL and .TEL. And (DNS) services to a whole bunch of TLD's including (Intel) Org, UK.

Liz Williams: Thank you. And there was one more person I missed and that is (Peter)? No? Terrific.

It's obvious from those quick introductions, thank you very much. I didn't introduce myself. I'm Liz Williams, I'm ICANN (unintelligible) New Policy Counsel based in Brussels. And I've been leading on the policy development processes for both the new TLD's project and for the policies.

Well (contractual) conditions, there are many of you hear my (unintelligible) terms on too many companies. And you will have seen the two large reports that went out this schedule date.

I'll move now to what we needed to do - we seen it - or everyone, it's clear that we need to pick some other input from people who are outside the trademark world. And I'd encourage anyone in the registry - in any of the constituencies to (unintelligible) with different experiences (unintelligible). So, that's going to be an important (unintelligible) what we need.

Anyone else who wants to be a volunteer for the chair? (Unintelligible) it's up to you. (Unintelligible) enough to volunteer for that job.

Man: Yeah.

Liz Williams: That's really helpful because Kristina and (Ute) are now being with me in the background.

Kristina, I'm going to hand the chair to you. As it's normal practice, the call is recorded. Glen, I don't know whether we've (unintelligible) today. Did we (unintelligible)?

Glen Desaintgery: Yes. It's going to be a transcription and as soon as the recording and the transcription are available, accustomed to the list and they are available on the website. So if you go to the calendar page, which is (mark) (the) calendar, you'll find everything there. Thank you.

Liz Williams: Kristina, would you please take over. Would you mind as a matter of (unintelligible), breeze the statement of work which everyone needs to be - understand. By the end of the meeting get some sense of when the next calls will be, what kind of (unintelligible) - what kind of schedule you want supported and where we're going to meet.

Kristina Rosette: Yeah, absolutely.

Liz Williams: Thank you, Kristina.

Kristina Rosette: For those of you who have only just seen it and (Peter) and others who had not had it. I believe Tim, you did indicate that you may not - I will just run through it (unintelligible) but do let me know once it arrives if you've got it. In terms of setting out the initial statement of work and the primary (unintelligible), to essentially set the stage in terms of the background. Referring to the new gTLD committee of the GNSO that is currently developing the policy recommendations with regard to the inspection of new gTLD's and that is the committee that Liz referenced earlier.

The committee is also considering what guidelines may assist the ICANN staff in preparing and setting forth the application process and creating also a standard form agreement for registry operator. That is in one of the comments that has come out of the new process. It's that to the extent that it is possible and feasible to have a standard form agreement that would apply to registry, that would go great distance towards not only streamlining the process but also decreasing registry applicant costs.

The next context is to really provide current background with regard to the - specifically the registrar accreditation agreement which as I suspect all of you know, requires that the registered name holder represent that to the best of his knowledge and belief that neither the registration or the registered name nor the manner in which it would be used directly or indirectly violates the rights of the third party.

That registration - that agreement also imposes on the registrar - I'm sorry - on the registrant. And it is something that is not in the statement of work that we may want to think about adding. That essentially - the registered name holder agrees to participate so to speak or to be bound by the outcome of a UDRP proceeding which is the uniform domain name dispute resolution policy which is consensus policy into the ICANN framework.

The policy - the UDRP is intended to resolve disputes between the registrant and any third party over the registration and use in bad faith of an Internet domain name. And again, I think maybe we should add that as a clarifier just to - a side note to make sure that we're clear on the bad faith component.

In the past, applicants for new gTLD's have been required through the request for proposal that ICANN has put forth to set out and to implement measures to discourage registration of domain names that infringe IT rights. To reserve specific names, prevent inappropriate name registration, minimize abuse of registrations, comply with applicable trademark and anti-cybersquatting laws and provide protection for famous names and trademark owners. And there's been a number of approaches that have been used in terms of - that have varied in terms of cost and effectiveness and the number of third parties that have been affected by them.

As part of the new gTLD committee deliberations, there has been discussion about what protection - what additional protections beyond the current registration agreement and existing UDRP mechanism should be in place to protect the legal rights of others during the domain name registration process. And particularly where in the startup phase of the new TLD in the launch where there is frequently a contention for what registrants...

Man: Stop.

Kristina Rosette: I'm sorry? For what registrants perceive to be the best names. And before I go on to the proposed purposes, is there anything that anyone would like to comment about or has questions about or would like to raise with regard to the background?

All right. In terms of the purpose of the working group, it's been set forth into two sub-categories. The first being to document the additional protections that have been implemented in the past by existing gTLD

operators. Although I'm thinking that actually we should probably revise this to TLD operator so we can bring in .EU and some of the others.

The - on the current terms of registration agreement and existing dispute process mechanisms, essentially the documentation would look into what problems or issues these protections were intended to solve. To come up - and essentially as a threshold issue, I would think, to define the terms that we're referring to. So that as we move forward and to the extent that there are recommendations made and what these recommendations are that everyone is essentially speaking the same language.

The documentation is intended to identify the problems that these additional protections were intended to solve. To - and is carried out further in the working group to essentially do some quantitative and qualitative analysis.

With regard to the second purpose that will essentially be to determine whether to recommend to the GNSO Council a best practices approach. To providing any additional protections beyond the current registration agreement in UDRP, afford the legal rights during the domain registration process. Particularly during the initial startup and launch. And a best practices document for example could be incorporated into the (RP) or the GNSO could elect in the future to start a (PDP) to create a consensus policy.

Liz Williams: Kristina, it's Liz here.

Kristina Rosette: Sure.

Liz Williams: There's a couple of things and I don't know whether the (unintelligible) are aware of these things (unintelligible). Every - another (unintelligible) nominating committee representative (unintelligible) that make sense to do about - by (unintelligible) be able to read that. I will fold to the group (unintelligible) council.

And so there's a couple of things that (unintelligible) up and I'll send that to the group environment. I just don't want this going barreling down the road of assumptions that what we might (unintelligible) council. That new TLD's without considering other people just (unintelligible). But it's on it's way and...

Sorry, keep going.

Tim Ruiz: This is Tim. I (unintelligible). At least I'm only getting like every other word that you're speaking.

Liz Williams: Oh, I'm sorry, Tim. I'm going to get off this phone and dial in on another one. I'm sorry. Thanks.

Kristina Rosette: I have received a brief message. Would it be helpful to everyone if I re-answer you where your comments were or suggestions were?

Starting with (unintelligible) to mess this up, in the fourth paragraph of the background section, she would like to recommend removing the word "additional" in the second line. So that it would read, as I understand her suggestion, as part of the new gTLD committee (unintelligible), there has been some discussion about what protections beyond the current terms and the registration agreement and existing dispute resolution. Oh I'm sorry, I'm reading that incorrectly.

And she would also delete beyond the current terms and registration agreement an existing dispute resolution mechanism. So that it would read, in its entirety, "As part of the new gTLD committee deliberations there has been some discussions about what protections should be in place to protect the legal rights of others during the domain name registration process. Particularly during the initial startup of the new gTLD where there's a contention to work registrants perceive as the best name."

If I understand her comment correctly and given that she's not on the call. I have to just hope that I do. Would seen that she is suggesting that the kind of baseline for consideration should be moved - should be set differently. So for example, that there should not be any assumption that the current provisions of the registrar accreditation agreement regarding the agreement to be bound. The representations by the registered name holder and agreement to be bound would be removed as would the incorporation of the UDRP.

And Liz, I would just have a question.

Liz Williams: Yup, I'm back. The operator turned my volume up which could be a bad thing for everybody. Is that better?

Kristina Rosette: No, significantly. For me at least. I - but...

Liz Williams: Oh, super. Okay. Sorry, the question was?

Kristina Rosette: Well, here - as I - and I was just reading through aloud for everyone (Aubrey's) comments which if I understand them correctly, she has

essentially eliminated the word "additional" and also the phrase
"beyond the current terms and registration agreement and existing
dispute resolution mechanisms" which, if I'm understanding correctly,
would basically move to...

Well and I guess what I'm actually not clear on is to what extent there
has been discussion within the new gTLD about additional production
to be on the registration agreement and the UDRP applicability. As I've
only recently comment the entire deliberation process, it seems that to
a certain extent there's factual information that I simply don't have. And
- which is raised - asked others who may, to contribute here.

Liz Williams: It's Liz here. I can just give a quick, bit of background if that's helpful.
The UDRP has not been discussed - the applicability of UDRP has not
been discussed in any particular detail beyond the terms and
conditions. As opposed to the contractual conditions for new TLD's.
And that's why this work is valuable because perhaps it made more
flushing out in more discussion.

One thing that was done was the use of UDRP-like processes to
determine and in due has worked (unintelligible) because we have
been working in the background on this as well. About how we would
use UDRP-like processes to resolve two different issues. One which
was thin contention between applicants for the same name which will
include - and it would also include a chance for assist - for existing
trademark and intellectual property right owners. Two, challenging the
application on the basis that the application would unfairly restrict their
rights that are held as trademark rights or intellectual property rights.

So in terms of the detailed discussion about whether a new registry operator would be obliged to for example, implement a - I don't want to be prescriptive here, but assign (sunrise-like) period for the new registry. That has not been discussed in any detail at all.

And as from - to my mind, the purpose of this group's discussion is to determine to have a look at the background of those types of things. Look at the way in which they've been run in the past for new registry. Look at the way they're being used and come up with some good advice for the committee to consider whether (sunrise-like) processes were useful and the appropriate mechanism to protect rights of holders and then the rights of others.

But there are plenty who are again - they have broader rights that need to be protected in terms of free expression. And that's what is important that the entity usually provides us with a volunteer or we take their explicit views because there is certainly some tension between the two (unintelligible) which as the person has to rush all these, I have to balance that very, very carefully.

So that's a bit of background. If anyone wants to ask me more questions on that specifically, I'm more than happy to...

Tim Ruiz: Liz, this is Tim. I have a question.

Liz Williams: Yeah, go ahead Tim.

Tim Ruiz: So what (Aubrey) is trying to do is to open up the discussion to include the protections that are already granted in the registration agreement and being able to discuss whether those are necessary or sufficient.

Liz Williams: Yup.

Man: (Unintelligible).

Liz Williams: For example, the connections between the relationship for the registrar (unintelligible) one of the recommendations from the committee is that new registries will obliged to continue to use ICANN-accredited registrars.

Now continuing to use ICANN-accredited registrars on the same types of conditions, probably needs to be a question that should be answered. So - and that moved our right to the heart of the questions that are being raised here. So we probably need to include that in the discussion. But I'm pretty sure that that would get flushed out when we start to divvy up the work.

I'm not quite sure how you wish as a group to take the work on. And those of you who are on the (unintelligible) guidance in the reserved names group, we'll be finding it rather - large a task and perhaps you thought you're going to get into. It depends on how we're going to divide up the work as to which issues we assign to which people or how we do trace of material. Or what you would like me to do for the group in terms of putting things together.

So, if we just have a bit more of a sort of broad discussion about the meaning of the parameters of the statement of work, then I think some of that will be flushed out.

Tim Ruiz   Before we do that, should we hit (Aubrey's) other points...

Liz Williams: Sure.

Tim Ruiz: ...about the tension - potential tension with the IDN working group?

Liz Williams: Certainly.

Kristina Rosette: Or she has essentially raised the question about what the relationship is between this group and the IDN confederation group. And that she believed that the issues of translations and transliterations of (marked) that will come into play in the context of IDN. So it's something that is not considered.

And I had thought that when we - that someone had raised the question in the February 1 call about whether or not IDN's were with - in the scope of this. And that the conclusions have been no. But I don't, you know, please correct me if I'm wrong, anyone.

Liz Williams: Kristina, I'll take that one on that. And I think we need to be very careful here. This is why it's really important that we coordinate the work very carefully. Many of you who are on the - some of you perhaps are - if I look back at the list, is anyone first of all on the IDN working group.

Mike Rodenbaugh: I am. Mike Rodenbaugh.

Liz Williams: Mike Rodenbaugh is there? Mike?

Mike Rodenbaugh: Yes, I am.

Liz Williams: Right, okay. That's - so there's only one crossover there. What I'll do is I'll speak to Ram Mohan and just double check on what's going on on his side. Olof is on holiday at the moment so I can't speak to him about it.

I - the bottom line for all of this is because this work is being done in the context of new TLD's and application for IDN TLD's will be treated in the same way as application for spTLD's.

I do think though that it's a whole different ball of problem to be dealing with UDRP and other bits and pieces. And we'll probably need to fix some special advice on what have people or others in this group to make sure that we get all of that exactly right.

So if you don't mind, I'll take that as an action item to just double check things with Ram. And then come back to the group either by email or on a conference call - we do our next call to just make sure that we're all okay there.

Mike Rodenbaugh: I would think that we probably have to have a liaison. And I wasn't aware that I'm the only person crossing over so I guess I would be the best candidate just for that.

Liz Williams: It's all right, Mike.

Mike Rodenbaugh: Yeah, we sincerely want to make sure that we're obviously not duplicating work. And there has been discussions in the IDN group that personally I think is more appropriate for this group in regards to confusing similarity and all. So...

Liz Williams: Yup, thank you Mike. If you wouldn't mind just taking that and then I'll
                    speak to Ram in the background about what else we might need to just
                    make sure we cover all.

                    Kristina, that was a bit of a digression.

Kristina Rosette: No, no, that's fine.

                    The other two comments that (Aubrey) had is that with regard to
                    typographical error she had noted and she would like to revise the
                    reference to affected parties. So I'm having a hard time finding where
                    that is.

Liz Williams: It's halfway down the page.

Kristina Rosette: In the background section?

Liz Williams: In the - please go ahead and I'll find that for you.

Kristina Rosette: All right. And then she's raised a question about to what extent is the
                    enlarging scope of trademark rules that comes into play once IDN's are
                    included taken into account by this or the IDN charter.

                    I'm frankly not really quite sure how to incorporate that because that -
                    the question I think presumes something that is not necessarily,
                    universally, or unanimously agreed upon. Namely that the IDN's will
                    enlarge trademark rules. So I'm a little reluctant to go too much further
                    into it without having a better sense as to if she means something else.

Liz Williams: I'll be speaking of course to (Aubrey) about (unintelligible) stuff later today. So leave that with me and I'll just speak to her...

Kristina Rosette: All right.

Liz Williams: ...(unintelligible) what she intends.

Kristina Rosette: The only question or comment that I would have is that – and I think maybe we need to go back to the minutes of the February 1 meeting – is with regard to her initial suggestion about to essentially move the baseline for discussion. So that we would have to consider whether the current registrar accreditation agreement provisions and whether the UDRP would come into play.

I was on…

Coordinator: (Marco Poley) has now joined.

Kristina Rosette: Okay. I don't believe that that was actually part of the conversation in the sense that I don't think there was any discussion. And again, you know, I certainly think it's worth checking the recording since Feb 1. But I don't believe that there was any discussion as to whether we were even - as to whether that was even open for discussion. In other words, I think there was no discussion of it all within - and I personally had led - come to conclusion that, you know, the baseline would be, you know, the UDRP consensus policy can the existing registrar accreditation agreement.

And if she's proposing something other than what seem to be the consensus on the February 1 call, then I think we have a question

about do we now need to go back to the GNSO Council to get approval on the statement of work.

(Peter):   This is (Peter) in Copenhagen. To me the adoption of the UDRP is a given, it's an assumption that has to apply to everything. I mean, it's been in place since 1999 and works perfectly for the unlimited things that it's designed to do, namely the cybersquatters.

Man: Well…

Kristina Rosette: Well, let me just step back and ask this, Liz. And I apologize because I haven't had the chance to read the revised PDP Feb '06 draft. Where is that coming now on whether or not consensus policy should apply?

Liz Williams: Kristina, would you mind just asking the question again that was related to February 6 and I'm taking my phone off mute.

Kristina Rosette: Oh sure, sure, sure. I was trying to just step back and get a better sense as to where in the current draft of the Feb '06 PDP are we on whether or not consensus policy should always apply? Because that may allow us to side step the issue depending upon what the outcome is there.

Liz Williams: I will read you the recommendation which says, "All constituencies supported..." No, wait on, let me see. I'm going to open it. I'm going to give you exactly the recommendation.

Kristina Rosette: I have them actually on the tip of my tongue.

Liz Williams: I should. I'm going to take all these guys to - hang on a second. All

                  right. Sorry I'll be with you one second. When you think about it

                  (unintelligible). Bare with me, sorry. I'm just scrolling through the

                  (unintelligible). I want to give you the exact…

Kristina Rosette: Sure. No, I appreciate it.

Liz Williams: Yeah.

                  There's were few elements to it and I'm sorry this is tedious for those

                  who are not on that particular group. But it'll help us answer the

                  questions. Two elements to the term of reference with respect to

                  registry - relationship between registry agreement to consensus policy.

                  It was evident from the straw polling that we had done and the task

                  force does straw polls rather than vote. Was it the strongest support for

                  recommendation was that the present limitation to consensus policy of

                  group is to continue.

                  But all the elements that apply for consensus policies as they stand.

                  And there are five of those sections that are contained in (unintelligible)

                  (Chapter 16). The age of the registry agreement that are already

                  published on with the ICANN website. And then the second part was

                  about sponsorship and delegation of responsibility.

                  And all constituencies supported the recommendation that certain

                  policy-making responsibility should be delegated to gTLD operators

                  that have sponsored TLD's like museum and (unintelligible) model.

Jeff Neuman: This is Jeff Neuman. I'm also on that Feb '06 and I can just say that

                  there's never been any discussion in that approved on the UDRP

individually. In other words, there's never been any discussion that said that UDRP should not apply.

Liz Williams: Yup. That's exactly right.

Man: Yeah.

Liz Williams: Does that help you Kristina?

Kristina Rosette: Well, it does, you know. The problem is that I understand given what's going on in the PDP '06 context and given my recollection of the discussion on the February 1 call, to say, you know, what essentially that's what (Aubrey) has suggested is inconsistent with what's previously approved. And we are not going to make that revision...

Liz Williams: Yup.

Kristina Rosette: … which could be wrong. I frankly, I mean that's what I'm trying to really get a handle on.

Liz Williams: The group itself doesn't demand its turn to (unintelligible).

Kristina Rosette: All right.

Liz Williams: But we just have to deal with what is published.

Kristina Rosette: Right.

Liz Williams: And Bruce is (likely) published the document incorporates the suggestions that were made by (Chuck) and by others named in the background. And that's what we we're dealing with.

Kristina Rosette: All right. Then I am inclined to say that in that context - that that proposed revision is not correct.

Jeff Neuman: (Probably). Well, let's just - I think we'll just deal with that on the council.

Kristina Rosette: Right, right. And if we have to circle back and broaden the scope of the working group then we will. But I, you know, I don't want to get too bugged down into it. And I haven't seen any other comments.

Jeff Neuman: Right.

Kristina Rosette: Does anyone else seen anything else?

(Tom Keller): This is (Tom Keller) saying that he agreed with - and (Chuck) saying that he agreed versus (unintelligible).

Kristina Rosette: Right.

Liz Williams: Yup.

Kristina Rosette: Okay. Well, I would imagine Liz and see what other suggestions that the next order of business would do - try and identify what meeting schedule would work for everyone in the context of our May 27 - May deadline, essentially.

Liz Williams: Yeah. How are we - Kristina more than how to do that. How we have to do it. I'm very sorry for people who are not used to this system but I'm happy to - in spite in the background. Glen is mistress of the master calendar and Glen make sure that we don't have crossing over with IDN working group, this group and any of the other groups.

And each of the group could generally agree that they wish to meet in the frequency of once a week. Let's say or whatever, between now and x period of time. And I would suggest that it's the end of May to make sure that we catch everything in time for the board report. And I just wanted to step everyone through quickly where we're up to in the new TLD's process just because this will have a direct bearing on how often and when you choose to meet.

The state that we're in now for the new TLD's report is at a draft final report has been released and I'm sure many (unintelligible). That final report - don't laugh, that's not even funny. In the next couple of days when we have the meetings here in LA, that draft final report will be turned into a final report to submit to the GNSO council.

The GNSO council will sign that. Often say we think that's fabulous good job committee which (unintelligible) have to be here. And what will happen between now and the Lisbon meeting is that that report will turned into the formal final report of the committee's work. Now of course, again I have to put a place order in that report for this group's work with some of the work on the IDN group. To some of the work on the reserved names groups. So there's a few pieces of the puzzle that made to be put together.

What happens between Lisbon and Puerto Rico, the intention is that we would have a final board report ready between Lisbon and the Puerto Rico meeting which would include another public commentary on the recommendations. And any further updates we might have on the progress that the GAC is making on their public policy principles. And that relate to the introduction of the new TLD's and that's another critical piece of the puzzle which needs to be incorporated.

Keeping all that in mind now and I have to rely on Glen here because I was bothered this up, the master calendar sets out what's possible for us to do over the next couple of months. And generally what I like to do is to set a one-time - this less inconvenient to everybody that is predictable and that doesn't change because there's nothing - wasn't (passed) and just going back with (unintelligible).

So each of the group could agree that they wish to meet. For example, once a week at this rough time, between now and the Lisbon meeting to complete x portion of the work and that's certainly doable. And then what we should do at the Lisbon meeting is get together face-to-face and I have to schedule that in all of the other workshops and working groups that we put together for face-to-face meeting. But that's actually quite an effective way of working.

Now, if that suits everyone then Glen and I would come back with some suggestions about dates and time - oh, days and time. It's not dates and time - it's days and times for a meeting for the group to meet by 10:00 o'clock between now and the Lisbon meeting.

Jeff Neuman: Mm-hm.

Liz Williams: Anyone have any questions about that idea?

Kristina Rosette: I think given our proposed schedule on purpose, I think we will - I think once a week at a minimum. And then perhaps we can just flush it out later. To see if that's become necessary to do more frequently or sub-groups can meet more frequently.

Liz Williams: The issue with the meeting, if the group's meeting more frequently is that there is an already an existing GNSO council schedule…

Kristina Rosette: Mm-hm.

Liz Williams: …existing IDN schedule, the (Lisbon) schedule and many of the assigned people are involved and people do get very weary of constant ICANN conference - teleconference.

Man: Yes.

Liz Williams: And that we have to be conscious that people's time is not all divided to ICANN-related matters, even though they're very important to us. Who else is involved in the group on another - one of the working groups? Mike's in the IDN group, David, Jeff, Kristina…

Man: I'm on leave, (several weeks)…

Liz Williams: …group, Jon Bing and Tim Ruiz and it is not much crossover. Mike (unintelligible) you're looking at the background there. You're on the reserved names groups as well, aren't you?

Man: Correct, Liz.

Liz Williams: Yeah, how are you?

Man: I'm doing fine.

Liz Williams: Good, good. So we don't have too much either left with this group and I'm very much hoping that the Feb '06 task force calls finish now and we complete the work on Sunday here in Los Angeles. So that would leave us clear if we could not forget those (unintelligible) obligations to pop this one into it - into that slot. That (unintelligible) everybody.

Kristina Rosette: And for those who aren't familiar with that schedule that's a 14:00 EST, 11:00 Pacific and forgive me I haven't really focused on European Time.

Liz Williams: You should be, Kris. That's where I live. I'll remind you all because my children know this, that if we have conference calls in the evening to see your lot and the L.A. lot. It's 8:00 o'clock at night for me and I have a very, very long day. So if it could be earlier in the day for me I would greatly appreciate it but it makes it almost impossible for always cause people to participate if there are any who will.

                   So is there anyone on the West Coast that needs to be included?

Mike Rodenbaugh: I am on the West Coast, Mike Rodenbaugh.

Kelly Smith: I'm Kelly. I'm (unintelligible) as well I believe.

Liz Williams: Okay, all right. So what I suggest we do is leave it at that time. Occasionally you will hear. So please do not to get off the phone for my CEO. That's beyond that and I think it's best to…

Mike Rodenbaugh: And so which time?

Liz Williams: What? Exactly? It is 11:00 o'clock in the morning L.A., 2:00 o'clock in the afternoon EST, 19:00 UCC and 20:00 Brussels.

Mike Rodenbaugh: And what days of the week?

Liz Williams: On the PDP '06 one which I'm thinking of substituting has been Tuesday.

Mike Rodenbaugh: Got you.

Liz Williams: Does that roughly help everybody?

(Peter):   This is (Peter) in Copenhagen. Doesn't help - I also have children. So I'll be calling from home.

Liz Williams: Yeah. Me, too. So is that to - we've got to just pick a time that we stick with it that's least convenient - inconvenient to everybody.

(Peter):   Right.

Liz Williams: So if…

Mike Rodenbaugh: So how about earlier in the day because that could still be convenient for us in the West Coast and more convenient for you all in Europe?

Liz Williams: Frankly, if it's going to be in the evening and it needs to be after dinner. I've got children to bed. I'm sorry to bore everyone with my (unintelligible).

(Peter):   That's right.

Liz Williams: However, there's a witching hour between about 5:30 and about 7:30 that's just (unintelligible)…

Mike Rodenbaugh: Yeah.

Liz Williams: …that goes on.

Mike Rodenbaugh: I hear you, I have it as well.

((Crosstalk))

Liz Williams: So I suggest that to cut it short, we stick with that time and that helps Glen and I to (unintelligible) at that time. But also we record everything and we transcribe things and we put everything in (unintelligible). So if you were doing this and then that's how we've handled in the past.

Mike Rodenbaugh: It is about Tuesday at 11:00 am Pacific Time?

Liz Williams: Yes. But I'm not going to commit to that now. I'll just get Glen and I will
                   do this offline and if you could send it around to everyone with the
                   proper dial in details having…

(Peter):   Right.

Liz Williams: …of course, you know, you don't need to take it down there. What I
                   want is to get with agreement in principle that you thought your (fault)
                   that one actually just fine on a conference call at a time and then we'll
                   set it up.

Kristina Rosette: I think we have consensus.

Liz Williams: I think we'll quickly move on Kristina before they change their mind.

Kristina Rosette: Sure. Just running quickly through the outline of - suggested outline of
                   the working group work plan. The first component is obviously to
                   analyze the protection mechanisms that have been used thus far.
                   Focusing obviously first on what TLD's we're talking about. And I do
                   think that in late of the .EU experience that it's very important to also
                   include .EU in addition to what I usually consider to be the TLD - the
                   usual TLD's.

(Peter):   Mm-hm.

Kristina Rosette: And to the extent that there are other ccTLD's that others believe have
                   had an experience that would be significant - would be valuable to take
                   into account, then obviously we could extend to cover that. And so
                   once we've identified the TLD's we're talking about we need to identify

what the issues that the mechanisms were designed to solve and issues that may have developed over time.

For example, the issues that may have been designed to solve, for example, are someone seeking in bad faith to register a domain name that is equivalent to a famous (unintelligible). And just kind of throw that out to give you an example, and issues that may have developed is for example, the fact that many trademark owners sometimes find themselves seeking essentially defensive registration. Mainly to serve as place holders, those type of issues.

Then turning to the existing rights protection mechanisms, looking at things like eligibility…

Jeff Neuman: Kristina, this is Jeff. Can I ask a question about that?

Kristina Rosette: Sure.

Jeff Neuman: Those are issues both - are they tough issues or they're operational issues? Because there were ton of operational issues that arose in everyone's implementation whether it's .EU, .BIZ, .US, .INFO. Are we - is this the place where do operational issues?

Kristina Rosette: I would think so. But again, that's something that we haven't set in (so) so we can certainly talk about what the consensus of the group would be, as to what would be most useful to take into account.

Liz Williams: Kristina, I just need to add a little piece unto that bit. The piece associated with that is the impact of implementing any agreed ICANN consensus policy. So those operational impacts are very, very

important in an analysis of whether you want to provide - whether the committee would want to provide policy guidance or implementation guidelines. And we have to be very conscious of the operational impact on registry operators. And the cost that's associated with imposing a policy that needs to be balanced to customer needs, other interest.

So that work is very, very important and if anyone who's not committed with that wants to have a little look at the way in which for example, customer support is structured. The constituency impact statement is really important. And so those who (unintelligible) group for example, those elements need to be included into the existing draft report. So that we see that we formalize properly in the process of reporting process.

The way in which that there's - the impact statement of - on a constituency of any proposed policy. So that's where those kinds of operational elements would go into it and it's very, very important piece of the work.

Jeff Neuman: Yeah, and just to add to that. This - each of the registries that were launched in 2000 have proof of concept reports. And .ORG also had a proof of concept report, although I guess they really didn't have any launch. Because it was just a transition but...

And I'm not sure Liz, and if you could check - we at .BIZ, we submitted our (ICANN) back in 2002 or 2000 whenever it was. And they - it hasn't been posted by them. I'm going to send around to the group our proof of concept report which has a whole section on our IT claims process and all the problems that we encountered and how we solve them or -

and recommendations. I'm going to send that around. I don't know why ICANN never posted it.

Liz Williams: Good question, Jeff. I don't know. The other issue of course is in the evaluation reports for the 2004 realm, ICANN registry staff (unintelligible) names and that's not (unintelligible) also did impact report of the establishment of new TLD's. So those reports are available.

And I would imagine and I bet I haven't read them that somebody will have done some analysis on the impact of the .AU introduction for example. So all of that material is very, very useful. And Jeff, would you mind asking if there are other registries that wouldn't want to share their proof of concept report?

Jeff Neuman: They should all be posted in public. But I'll ask the question to see if they've done anything since.

Liz Williams: Would you mind because I haven't seen them on the site. And it would be helpful if they were posted somewhere that was useful, most likely in the registry section.

Jeff Neuman: Okay.

Liz Williams: Thanks.

Jeff Neuman: Kristina, just to answer your question. Yeah, it's going to be crucial to analyze the operational impact.

Kristina Rosette: Well I, you know, honestly, I have never really drawn the distinction between it because most of the impacts that I frankly - personally can consider are operational, so you have no disagreement here.

In terms of continuing on the analysis of the existing rights protection mechanisms, the next part is really more of the descriptive. What eligibility requirements were in place, what rights basis or requirements were applied, what was the submission process, what were the cost of submission. What cost, what was the process and the cost associated with review of applications.
What mechanism for challenge was made available if any and what were the cost of that mechanism.

And in terms of the other issues, and again some of these are frankly just illustrative and we can certainly expand them as we think it's appropriate. And in terms of the issues that have been arising out of the related to existing rights protection mechanisms again, kind of a linking back to those various considerations. Eligibility, rights basis, you know.

For example, rights basis or requirements in, you know, one example that comes immediately to mind just to give everybody some context is that in connection with the .EU launch, it was possible and many did go seek a (unintelligible) registration which would then provide them the hook – the eligibility that the basis to participate in the .EU (sunrise).

Liz Williams: Kristina, I just need to go to the heart of what we actually need to do. And can I just ask a question about the group's intention about how they wish to do the work? Is the group's intention that for example, you divide up section 1-B and 1-D, 1-B and C and then 1-D and put it all in

a different bunch of volunteers or are you intending to do it as a block of work with everybody working on it?

Kristina Rosette: I was thinking that, you know, again that there were really two ways to do it. And one is to go kind of straight across the TLD, you know, each of the people will be responsible for analyzing particular TLD's in kind of across the board. What was the mechanism, what were the operational issues, what were the, you know, all of that.

The other way to do it is that you suggest to kind of divide it up (schematically) in terms of looking one group with perhaps again across the TLD's. Look at the operational issues and essentially kind of tie that with - because they do cross relate versus somebody doing A and C.

Does any - do people have a preference in terms of what they think would be easier?

Liz Williams: I think the former makes more sense to me.

Mike Rodenbaugh: Yeah, Mike Rodebaugh. I agree. I think just take it by TLD and go all the way through section one and then once we get section one done, I think we kind of move on to the other sections and divide the work again.

Kristina Rosette: Right, right.

Liz Williams: One thing then that might help you guys, I don't know whether all - we should all rate all of the registry agreements. There's some stuff that I did together with (Dan) on the draft comparison of ICANN registry

agreements. And I'm just opening it now and I will drag out the sections that are irrelevant to this and use that as the beginning of it. And there's also a table that I will send around to everybody. And we can just insert it into the tables.

It has all of the registry agreement. We've done at the left hand side and what kind of TLD agreement it is, if it's sponsored or not sponsored, when it was available, you know. All the conditions that were associated with it.

So I will - I'm just anxious that this a large piece of work to do and we've got a small amount of time to do it in. And what I did for the reserved names group was to pull together a background information document that (unintelligible) on the same place.

Now I know you're all very comfortable dealing with contracts and looking at things and (unintelligible) point a bit of information. So what I'll do Kristina is I will pull together like I did to the reserved names group. All of relevant material for people to start with so that you don't have to go back to the very, very basic. So through and through.

Kristina Rosette: That's a great idea. And then the (unintelligible) just continues into analysis of quantitative effectiveness, qualitative effectiveness...

Mike Rodenbaugh: Kristina, can I just - maybe just plan a little bit better how we want to divide up the work on this per section once (unintelligible) those dividable background work.

Kristina Rosette: Oh. no. Yeah, I was actually thinking that essentially people could just volunteer because, you know, obviously just for example has got, you

know it doesn't make sense for Jeff to do - I don't know .MOBY. I mean, that just doesn't make sense.

Mike Rodenbaugh: Right. No, that's just a suggestion. I think they can kind of be grouped together and maybe take it - the original gTLD's that were put out, (COM) .ORG. And then take the second round and have somebody do it so another group do sTLD's and then have another group to do ccTLD's.

Liz Williams: Was that Mike speaking?

Mike Rodenbaugh: Yes. Sorry, something in my throat.

Liz Williams: No, no it's alright. I just have to identify your voice yet and we need it for the transcript. And we need it to identify who you are as we're going along. I would hesitate to make a distinction between sponsored and unrestricted. I like your idea of 2000 and 2004. And then there's the hybrid ones in the middle which we can use a couple of example.

Sorry, I mean Mike, I was on the board of .EU when we did all of these. So this could mean to do country coding for example, we could use a change in the way in which the country code was used. And then of course we have the regional ones like .AU which - a different (unintelligible) again. So that'll be 2000, 2004. Some ccTLD example and some hybrid examples, I think.

Mike Rodenbaugh: Okay. Well I guess obviously, we can wait until you get your background work and then divvy it up at that point.

Liz Williams: Yeah, sure. And that will be by the end of the week. Before the next conference call I'll send it around to everybody.

Mike Rodenbaugh: Okay.

Kristina Rosette: All right. Unless of course somebody happens to have a list of the TLD's handy and all the documents. I actually have a collection of all the 2004 applications which obviously is different from the actual policies themselves. But I'm happy to send that around if anybody would like it.

Liz Williams: I think what we want to deal with is actually registry agreement and how the - how it was done in the actual…

Kristina Rosette: Right, right. Right, right, right.

Liz Williams: …rather than…anyway, sorry keep going.

Kristina Rosette: Okay, and then just in terms of looking at the impact, we will look at registries and registrars as one category. Other affected parties which would be, you know, prior rights owners and kind of a very blanket - other categories which could be…

Tim Ruiz: Excuse me.

Kristina Rosette: Sorry?

Tim Ruiz: This is Tim.

Kristina Rosette: Yeah.

Tim Ruiz: Just a question.

Kristina Rosette: Sure.

Tim Ruiz: Now, we're not talking about - we're not assuming that the only
                 protection of the rights of others is strictly - have to do with intellectual
                 property, correct? I mean…

Liz Williams: Exactly.

Kristina Rosette: Right.

Tim Ruiz: Okay, so as we look at this it's more of a broader - likes of others. SO I
                 think registrants in general will certainly be a category.

Kristina Rosette: Oh sure, absolutely. Absolutely.

Tim Ruiz: Okay, thank you.

Liz Williams: Tim, that's where the - when you're on the reserved names group that
                 you can - can I officially designate you to be the reserved names group
                 liaison to this group, please? And I just think because you happen to
                 speak up. But seriously though, the protection of the rights of others for
                 example, and (Michael) will have more to say about this like for
                 international governmental organizations or other reserved names that
                 are not able to be registered in any registry. The same conditions
                 apply.

(Mike): Yeah, Liz. This is (Mike) (unintelligible). If I could interject at this time Kristina. Just - I do have a comment - actually two comments. The first is you said prior rights owners. What were you intending by "prior rights owners"?

Kristina Rosette: Well that's one of the first things we need to do is, you know, identify ahead of time what terms we think we will need to be using and how as a group we want to define them.

Mike Palage: Okay, and Liz, maybe you could answer me this question. You may recall in the reserved name list I had initially proposed the question of whether we were dealing with ICANN reserved names or reserved names. I asked what the definition was upfront and I was told that we were handcuffed by what the council had set forth. So do we have latitude here to define our terms?

Liz Williams: Nope. We do not.

(Mike): Okay, that's what I thought. So, Kristina I just wanted to sort of provide you that little bit of insight because I ran into that obstacle in the other working group. And with regard to, if you will, the rights of others, I would just point out that if you look at the (Y02) report, the rights of others is rather broadly defined. And not only include just a trademark owners but indigenous people, geographic places.

And again, this is something that perhaps Tim as the designated liaison of the reserved names working group might be able to interface and provide some continuity there on those points.

Kristina Rosette: Right. Absolutely. And I think to the extent that I was, I mean, my - what I - when you asked your question, prior rights, I was thinking I'm more than micro – not the macro. So I think, you know, to the extent there was a disconnect of - I think it's where it was.

But Liz, is there kind of a set list of terms that have been defined either by other working groups or in the context of other PDP's that maybe useful here so that to the extent (unintelligible)…

Liz Williams: That's certainly definitions of reserved names.

Kristina Rosette: Okay.

Liz Williams: Yup, which would apply - I mean if the policy is going to continue to apply the reserved names policy as it stands and it's quite comprehensive across the existing registry agreements. And the reserved names group says, "Yes, that's a great idea. Continue as is." Then it is likely that that would be a policy recommendation from the committee that the reserved names policy will apply. So that's the context of this.

Kristina Rosette: Okay. All right. And then ultimately, what we are looking to do is to also not - but also to try and identify is there something that's scalable, is there something that if it was the recommendation of the working group that it should be adopted. Is there something that can be easily implemented that to the same. You know, obviously in - when you're talking about scalability and - usability and implementation issues really become critical.

And then finally, to the extent that there are other mechanisms that perhaps have not been considered or have been considered but not implemented for one reason or another, what are those? Should we be taking a closer look at them? How can we - to the extent that there were perhaps implementation issues in the past (unintelligible)?

I guess in terms of - for assuming that we're going to have a comment Thursday...

Man: Tuesday.

Kristina Rosette: Oh. Tuesday, I'm sorry. We're telling the wrong date.

Liz Williams: I will double check that with Glen to make you know the date.

Kristina Rosette: Okay. All right.

Liz Williams: (Unintelligible).

Kristina Rosette: Does everyone want to just go ahead and do we want to wait for those - the registry? What was this, the document list that you've got, the registry agreement?

Liz Williams: Yeah, I've got the whole background...

Kristina Rosette: Okay. All right.

Liz Williams: ... that you'll read there, just represents - I'm actually in Los Angeles and...

Kristina Rosette: Okay.

Liz Williams: ...it would be easier for me to send it than talking about it. So how about I take away two action items. One is that I will look for tentative time and the date and place of the meeting. That will be one, six time at about this time for between now and (Lisbon) and that be prior to the next meeting. I'll release an agenda and some background documentation which I'll try to give people enough time to go through the minutes.

The next meeting we should be able to (unintelligible) up the work unless somebody wants to volunteer right now to do the lot which would be super.

Man: I think at this point we should still be focusing on filling out the group as well. Giving it a little bit more representative instead at the outset. So I'll make an - certainly as takeaway item to talk this - at this weekend's meetings in LA with some folks from ISP's and the (NCUC) at least. And see if we can recruit a couple of folks from those constituencies.

Kristina Rosette: Oh, absolutely.

Liz Williams: That's great. Okay. All right. Is there anything else that you needed, (Christina)?

Kristina Rosette: I don't believe so.

Liz Williams: Any questions from anyone, anything that wasn't clear or anything that needed - anything else? In that case, thank you everyone for your time. I really appreciate it.

Mike Rodenbaugh: Thank you.

Kristina Rosette: Okay.

Liz Williams: Thanks.

Kristina Rosette: Goodbye.

Glen Desaintgery: Okay, bye.

Liz Williams: Bye-bye.

Jeff Neuman: Thank you.

END