Vertical Integration PDP Working Group
Transcription
Monday 29 March at 17:00 UTC

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Coordinator: Good morning. Thank you for standing by. At this time the call is being recorded. If you have any objections you may disconnect at this time. Please utilize your mute buttons. If you don't have mute buttons you may press star 6 to mute and unmute your phones. Thank you.

Mikey O'Connor: All right. Gisella why don't you go ahead and do a roll call real quick? It's - we've got quite a few people on the call, and...

((Crosstalk))

Gisella Gruber-White: Absolutely.

Mikey O'Connor: ...the agenda and then carry on (from there).

Gisella Gruber-White: Good morning, good afternoon, good evening to everyone. On today's vertical integration call on Monday the 29th of March, we have Shiva Muthusamy, Mike O'Connor, Faisal Shah, Jeff Neuman, (Rusian Suterov), Jeff Eckhaus, Jothan Frakes, Roberto Gaetano, Alan Greenberg, Graham Chynoweth, (Mike) - Michele Neylon, John Nevett, Brian Cute, (Scott Austin), Cristian Ernan, (Teron Mustala), George Sadowsky, Michael Palage, Statton

Hammock, Krista Papac, (Yannick Scoh), Kathy Kleiman, Berry Cobb, (Jacob Ruska), (Chin Chow), Tim Ruiz, Ron Andruff, Amadeu Abril, Keith Drazek, Avri Doria.

And from staff we have Glen DeSaintgery, Liz Gasster, Amy Stathos, Marika Konings, Mike Zupke, Dan Halloran. And I hope I haven't left anyone out. And we have apologizes from Paul Diaz, Stéphane van Gelder, Eric Brunner-Williams.

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

Mikey O'Connor: Thanks, Gisella. Welcome all. We have an astounding number of people on the call, so if everybody could be pretty aggressive about muting, that would be helpful. There was a little bit of noise on the line as Gisella was talking.

First up is the agenda. And Roberto and I were on the phone earlier today and thought that we would move the Objective 5 discussion up in front of everything else, because we really need to get that done. So I think we're going to take that first. Is there anything that people would like to add to the agenda at the end under any other business or AOB? This would be a good time to throw your hand up.

We've got one item we'll - you can see that there's a little poll in the lower corner on Adobe Connect. There - it turns out next week's call, Monday, is a holiday in some parts of Europe, and we want to quickly get a sense of the group as to whether to cancel the call. So if you could take a moment and just indicate whether you can make a call next Monday that would be helpful.

Our inclination is to keep going, but we want to make sure that that's all right. Are there any other items that people would like to add to the agenda at this point? Jeff, go ahead.

Liz Gasster: Jeff has his hand up.

Jeff Neuman: Just a quick question. Just - so your poll, is that - so does that mean that all of our calls are going to be this time every Monday? Are we setting a set schedule? Is that what you mean to say? Which is fine, but...

Mikey O'Connor: Yes that's our thinking at this point. We thought about alternating the schedule a bit to accommodate Asia, but Roberto talked to a bunch of people in Asia and arrived at the conclusion this time would probably work just as well as any. And so rather than have a complicated alternating schedule, we would just stick with this one straight through.

Jeff Neuman: Okay thanks Mikey.

Mikey O'Connor: You bet. Any other business? We have lots of time at the end I hope, so if it - if something comes up during the call, we've got a little bit of flexibility to add items at the end. But Roberto and I were both pretty convinced that we should really dive back into Objective 5.

                 Marika has the results of the poll on the screen, and I think everybody can control it for themselves, right Marika? So if I scroll it up and down it doesn't move it for everybody?

Marika Konings: That's correct.

Mikey O'Connor: Yes, okay. So just to summarize, essentially a fairly good group of people -- about 50 - just a bit over 50% -- rated deleting Objective 5 as their first choice, and another not quite so large group of people were for amending it as their first choice.

                 One of the questions that came up in the comments that Roberto and I both thought were - was a really good one, was whether by deleting Objective 5 we might run into the issue of having to basically redo the charter. That was

the question that Glen and I were visiting about right at the top of the call. We were hoping that Chuck would be on the call. But we'll leave that one for later and throw the discussion open at this point about Objective 5.

I have an idea that I'd like to throw out, because in reading the comments and in talking to people, it seems to me that the split over Objective 5 was really a split over timing. And many people noted that Objective 5 is a big broad topic that's going to require a lot of time to really do justice to and really do a deep analysis of. And that runs smack into the difficulty of another of our charter objectives, which is not to slow down the new gTLD process.

And so my idea, which I haven't checked with Roberto on -- so he may be the first one to jump in on this -- is that maybe what we do is we amend it the way (Milton) suggested, and defer it for the broader analysis section of our, which Roberto and I are now starting to call Release 2 -- sort of in software release style -- so that we don't lose it.

But we don't put such a huge task into our nearer term schedule that we can't make our target dates. So there's my idea. Roberto, you want to jump in? And then after Roberto I'll take the queue. Jeff's in there, but first to Roberto.

Roberto Gaetano: Yes, this is - actually it's pretty close to what I was thinking. I note that half of the people were for deleting Objective 5, as you said. And so therefore if it makes sense to have both, I think that we have to take this answer as the majority.

And I was thinking in similar terms -- that is for the time being we drop Objective 5, and we don't move in that direction. We don't include explicitly thing that aren't related to Objective 5 in our discussion. And that to achieve our short term goals. And then we can still put that back in if we find the form that is - that gets the consensus for our longer terms goals.

So in fact, that's pretty similar to what Michele was proposing. I think I agree.

Mikey O'Connor: All right. Also folks take note of the chat. Avri raised a point there - and - or two. And now to Jeff.

Jeff Neuman: This is the point I had in the poll and I still have. And I - and maybe you all call help me understand this, but if we're going to make a suggestion in the short term that's all right different than what's already applies to the status quo or that's any new policy, how could we even make that recommendation if we're not going to do the analysis that goes along with it?

In other words, how can we tell the board in the short term, "So this first round of gTLDs, this is how we think you should do it -- not do any analysis, not do any market research, not do anything like that." And then the board's just going to go do it.

Then we've opened the genie, which I think were the words that was used on the last call, or actually was used in the explanation. If you look at the board resolution, you see the board members - a couple of them that spoke up saying, "We've heard a number of times about opening the - or opening the body - the bottle and letting the genie out." And that was their big concern, hence the reason they put in strict separation as a baseline. So can someone help me understand that, because I can't possibly.

Mikey O'Connor: This is Mikey. I tried to address that a bit in the sort of charter process document that I wrote. I don't think that we can make big changes to the status quo, but I think that we might be able to make some changes in a first release with clear understanding that there are certain things that clearly can't fit into that schedule.

A good example it would seem to me of something that can't fit is a review of current registries -- the relationship between current registries and registrars, because I agree that that's letting a genie out of a bottle and also requires a lot of analysis.

But I would think that there might be something that we could do in the short term. That's one of the discussion items a little bit further down the agenda is what some of those could be. But that's at least my thinking on it. Alan you want to go, and then Roberto and...

Alan Greenberg: Yes, I...

Mikey O'Connor: ...then (Mike)...

Alan Greenberg: I had the same concern that Jeff does on how do we make a recommendation despite the fact that it's hard or perhaps near impossible to really understand the impact. How do we make a recommendation without assessing it at all? So that says, "This is what we should do. We don't have a clue what it's going to - what's going to happen because of it."

I like your idea of minimal changes, and I suspect that all we could do in clear conscience is recommend changes which we feel as a group are mandatory to make the new gTLDs successful. In other words, if there are some impediments to the status quo for some classes of gTLDs or for some business, you know, I don't want to belabor the point, but those I could see doing. Anything more than that it would be awful hard to recommend without any clue about what the impacts are.

Mikey O'Connor: Thanks Alan. Roberto?

Roberto Gaetano: Yes. I think we have to be pragmatic. The current situation is the vertical separation. If we do nothing, that's what is going to stay for the next round of gTLDs. This discussion about Objective 5 is getting in mixed with the scope and with the two releases of the results of this working group. But my thinking is that if we want to open up, we have to do it in - instead.

In other words we have to try to do as much as possible in terms of opening up and presenting cases in which vertical integration makes sense in order to have some TLDs with vertical integration up at the start. But if we want to have the complete study before making any recommendation to the board, we will be in any case late for the first wave of - we will be late for DAG 4.

So the choice is do we want to have a limited objective that will allow some cases of vertical integration, and that will maybe even start up the discussion and bring some food for thought for the next steps, or do we want to do the complete work at the cost of being too late and not achieving nothing for the first round of TLDs?

Mikey O'Connor: Thanks Roberto. Mike Palage, you're up.

Mike Palage: Yes. I just would tend to agree with Jeff. And just a little concerned Mikey by your comments about already precluding the issue of looking at a registry's ability to go direct. Obviously if that's the consensus of the group, so be it.

I will reference to the affirmation of commitments and the obligations I - that ICANN has there to commit a - provide a thorough and reasoned explanation of its decisions, the rationale thereof, and the sources of data and information of which ICANN relied.

So I believe again if we're going to start precluding stuff right now with the sole intent of just moving this thing forward, I believe the concerns Jeff raised are probably even more heightened.

Mikey O'Connor: Okay. Amadeu? May be on mute, Amadeu. Last call for Amadeu. We'll continue on. Amadeu if you...

Gisella Gruber-White: Sorry. He disconnected Mikey.

Mikey O'Connor: Oh okay. Thanks. All right, anybody else got any thoughts? I'm open for ideas. I think that if we, you know, I certainly don't disagree with the idea that Mike just raised, which is that we would have to document anything that we did, but it seems to me that some of these issues are big enough that the level of review required to back up any conclusions would take us way beyond the deadline for (DAG 4) and even the next gTLDs, but that's just one observer's point of view.

Mike Palage: Can I respond to that?

Mikey O'Connor: Sure Mikey.

Mike Palage: We either do it right, or we don't do it at all. I mean that's - if those are the options here, then - well we could only do this, and this is all we can do in six weeks, somehow I don't know believe that that's sort of what the affirmation of commitments is saying.

And as I said, I guess what happens here is, you know, I guess the community will just have to rely upon the GAC to be the failsafe safety net in this mechanism if we're going to cut corners to meet a timeline.

Mikey O'Connor: I guess I wouldn't disagree with everything you're saying, but cutting corners isn't the way to describe it. I'd - I'm keen on the notion of reducing scope, but there you go. Okay we've got Tim and Jeff in the queue. Tim, why don't you go?

Tim Ruiz: Thanks. You know, I understand, you know, Mike's point about, you know, what the affirmation of commitment calls on ICANN for. But I think, you know, there's part of the reason for that was because of decisions that ICANN makes that are outside of many times community prevue or they're not a product of community consensus or community work or policy work.

So certainly any time ICANN is making those kinds of decisions, then it needs to be transparent. It needs to be the kinds of explanations and information that the affirmation of commitments calls for.

But I think may be applied somewhat different when we're talking about a policy development process that's open, that's participated in fully by the community, that there's a resulting consensus based on, you know, whatever information that that decision was based on within that - within the working group.

And that's not a decision ICANN's making. That's a decision the community's making as a whole. And I don't think those are the kinds of decisions that have been called into question in the affirmation of commitments. I think it's a different kind.

So I don't necessarily think that that would preclude this working group from making decisions about, you know, what it can and cannot pursue within the transformation that it has, because clearly, you know, if we're going to be done within the timeframe we're giving, we have to make some decisions of that nature.

Mikey O'Connor: Thanks Tim. Amadeu are you back on? I see...

((Crosstalk))

Amadeu Abril: Can you hear me now?

Mikey O'Connor: Yes. Go ahead.

Amadeu Abril: Okay. Thanks. It was cut off for almost (20 minutes). Regarding what Mike said, he's correct from a theoretical point of view but, you know, in practical terms we have a policy that was developed even before ICANN existed for some (unintelligible) years (and dramatic) reasons.

(In technical) to change everything (unintelligible) we need point out what are the, you know, the critical data, (unintelligible) the need for changing everything. (They probably lack that). So in practical terms, if we say even (team to your) ground for changing everything, it's easier to justify than saying (unintelligible) from - for changing everything, right?

So if you say I think that (there is a) certain practical pension (unintelligible) of the (second score) that is the language that is in 16 out of the 17 conflicts which (unintelligible) them, they need to (unintelligible) (refined and clarified and examined for) a new situation but that's (debates).

Now, having said that, the (factor) needs to be what the policy is. And the policy is separation with some degrees of possibilities. And our policies say whether we want a radical change (as I guess) we will remember -we (six weeks) for any sort of (valid) (unintelligible) to go back to 0% across ownership or 100% or whatever.

Or the other sense, what we probably are in the best solution to do is to (steer). We have experienced data and rational (package) for that is to point to the board the situation or mechanism for allowing, you know, definitions from the current policy. And I think this is more we need to focus on. And then we have very good mechanisms for having (said this). And...

Mikey O'Connor: Amadeu?

((Crosstalk))

Mikey O'Connor: Amadeu could I interrupt you?

Amadeu Abril: Yes.

Mikey O'Connor: People are finding it hard to hear you. Could - if you're on a speaker phone or on a regular phone, could you...

Amadeu Abril: No, I am on a cell phone in the mountains. Probably that's...

Mikey O'Connor: Ah.

Amadeu Abril: ...probably will send an email later if that would be easier.

Mikey O'Connor: Well actually just now it's much better. So if you could...

Amadeu Abril: Oh. Well the mountains I - the mountains are exactly the same place that they were five seconds ago.

Mikey O'Connor: Oh well.

Amadeu Abril: Now what I'm saying is that instead of deciding now what's the grand plan, we need to see whether we have agreement on something. And then this something will build to either changes in mechanism, changes in when -- in categories -- in degrees or, you know, grand changes in we need to complete your policy. But we need to decide that afterwards -- after we, you know, we see in how many cases we agree.

Mikey O'Connor: Terrific. Thanks Amadeu. Jeff and then Gray.

Jeff Neuman: Yes...

Mikey O'Connor: Jeff Neuman? Go ahead.

Jeff Neuman: Yes. Sorry I had to take myself off mute. Can you guys hear me now?

Mikey O'Connor: Yes.

Jeff Neuman: Yes, so I do think that there are things that we can discuss and some use cases that we probably could agree to before DAG4 comes out that aren't going to necessarily require the - or that shouldn't require the same amount of analysis that would need to be done if we were considering a much broader solution.

But I also wanted to kind of touch on the fact of that there were a number of people that responded to the survey and said, "Well Objective 5 you've got to take into consideration Objective 6, which is not to delay the gTLD process.

But the way I see it, the board has a resolution. The board's resolution is they have a default situation, whether we like it or not. So I'm not sure how doing the analysis would contravene Objective 6, since ether board - the staff have made it very clear that they're going to - they're not going to wait for us for our solution in order to do their work.

Graham Chynoweth: I guess - am I up next here?

Roberto Gaetano: I don't know what happens to Michele, but Gray can you - you are next.

Graham Chynoweth: Okay. I guess my point was that I feel like we're already - we've kind of been laboring this thing to death. And I guess my suggestion would be that we say - a third option might be that we just say, "Hey we'll do this if we get a chance to it," or we suggest that the council and then the language to say, "If," you know, "if there's time after the other objectives have been addressed prior to, you know, the deadline which we're interested in getting information back, please additionally look at this - look into this issue.

I just feel like we're debating it, and we're already wasting time on getting to this substantive matters of the work. So, you know, can we just put this at the end of the line and say if we get there we get there, but let's do the first four initially?

Mikey O'Connor: Okay. Jeff doesn't agree. Roberto, where shall we go from here?

Roberto Gaetano: Well I think that I was wondering whether we are mixing two things. One is the Objective 5 per se, and the other one is the scope of our work. In - I'm not really sure whether the - your proposal has been fully understood and replied to.

The question is - what I hear from the people is that people who have intervened would like to make sure that we have - that we do a complete study and have it right from the beginning. Now the question that I would have is what if then we don't make it on time with the limited time that we have?

And also I don't know how to put together the people who have been on the microphone right now with the fact that the majority had proposed to delete Objective 5, plus a substantial number of people have suggested to amend it.

So I really don't know how to go forward. I would be tempted to ask if there are some other people that have a dissenting view that have not been expressed up to now to make your voice heard so that we have a complete spectrum.

Mikey O'Connor: Would anybody like to take Roberto up on that offer -- anybody who hasn't spoken so far? Ken go ahead. Though you may be on mute, Ken.

Ken Stubbs: Can you hear me all right now? I apologize.

Mikey O'Connor: Yes. Now we can hear you fine. Go ahead.

((Crosstalk))

Mikey O'Connor: You're a little soft. Speak as close as you can to your phone.

Ken Stubbs: I am. I was screaming into the phone. Believe me I have a loud voice. Everyone will attest to that. So we have a real - first thought is going to come and we have a real issue with clarity on this call. So hopefully they can...

Mikey O'Connor: Oh yes.

Ken Stubbs: ...get this resolved for the next one.

Mikey O'Connor: We have a lot of people on the call. That's part of the....

Ken Stubbs: Yes.

Mikey O'Connor: Go ahead. You're getting louder.

Ken Stubbs: Sounds to me like we are - we have a bit of a - I won't call it a conundrum, because I'm not exactly sure whether that's the right description for it. The board has pretty well given us what even they've admitted is a somewhat draconian resolution whereby they were trying to say, "You guys are going to have to do something. You're going to have to show us that you can do something."

At the same point in time, we have issues with time with respect other PDP. But my point very simply is this -- we have to move forward. We have to arrive at some sort of a solution, whether that solution - I'm not sure whether like I say, it's a formal PDP, whether it ends up being some sort of a resolution form the working group that goes to the board, that the board can use as - I'll use the term justification. They can use it as justification to be able to amend the current resolution that they have.

And in fact acknowledging that the working group worked on it diligently, strong schedule, tried to get as much done as they possibly could, but we may very well have ended up being limited by the constrictions on the process that have been imposed by the bylaws.

But I'm just at a point in time where I'm beginning to say we've got to keep - we've got to stay focused guys. And I'm speaking - I am speaking for Ken Stubbs. Not for anyone else. But I just don't want to get us down to the point where the board says, "You guys can't even agree on anything except that you can't do anything."

And I mean I just think we're - we've got a lot of very competent people here, and I think we're capable at arriving at some sort of a resolution. I just don't know how formal it may be, but I think the board's looking for something. And I'd sure hope that if there are board members out there, they might speak to this. That's all. Thank you so much for hearing me out.

Mikey O'Connor: No worries. Thanks Ken. Avri you're next.

Avri Doria: Yes. Pretty much been saying what I wanted...

Mikey O'Connor: Oh Avri could you speak...

Avri Doria: Sure.

Mikey O'Connor: I think what happens is that people start soft and then maybe the operator is helping out. So....

Avri Doria: Okay I have no idea. I'm speaking directly into the microphone that's hanging from my ear.

Mikey O'Connor: Great.

Avri Doria: I said most of what I wanted to say in the chat. I do believe that a majority is - I mean working groups are supposed to be more working on consensus than voting majorities. I think we need a consensus to drop - to recommend that the council drop something from the charter.

I do believe also -- and I was going back and looking for it and I need to check -- that the council when they gave us this, come up with recommendation for what to do about Five in a certain amount of time, or else we'll do this -- that, you know, the council has some default actions it was take on Five anyway.

Also, the final thing I'd say is that on those that they're looking at doing something other, many of them I believe - I know mine was one of them -- we're looking at keeping Five and just looking at varieties of wording changes. So I mean keeping Five in some form. So I'm not sure even that the majority is as clear cut as it looks. That's all.

Mikey O'Connor: Okay. Thanks Avri. David?

Brian Cute: Mike, this is Brian. Can I get in the queue?

Mikey O'Connor: Sure. Let's let David go and then you can be next.

David Maher: This is David Maher. I agree with what Ken said. I think the worst thing that we could do would be to throw up our hands and say that it's impossible to proceed. I think the current available economic studies are probably flawed. I'm not defending them. And in an ideal world we should have much better economic studies, but we're not going to get them, and time is running out whether we like it or not.

I think we have to come up with some kind of consensus-based policy, and we have to proceed. And what it amounts to is I believe ignoring the number Five. Thanks.

Mikey O'Connor: Thanks David. Tim, you're next on Adobe, but Brian's in the queue in front of you. So Brian why don't you go next.

Brian Cute: Thanks Mikey. And I've got a tenuous connection too, so I apologize if it's unclear. I think I agree with the forward motion thought. I think what we can do as a group that's responsible is it sounds -- if you listen to everybody -- there's a recognition that we may be limited in what we can put forward at the end of the exercise.

But what we need to do at a minimum is to identify the issues that are raised by any of the proposals. And whether or not we're able to do the adequate analysis we owe it to ourselves and we owe it to the council to do a fulsome identification of issues and, you know, maybe that - the problem back in their lab. And that's not really the intent.

But as I said last time, if we just get together and do what I call a naked compromise and put that forward without any identification of enforcement mechanisms or other things of that nature, I don't think that's sitting on a good foundation.

Mikey O'Connor: Thanks Brian. Tim you're up.

Tim Ruiz: Yes. I'll have to be honest. I'm not completely sure what David and Ken were promoting. I take it as meaning let's ignore Five for now and move on with our work, which I would agree with. I think, you know, in picking up Avri's point about consensus, you know, which is a good point, I think it's clear that there is no consensus on Objective 5 one way or the other, and I think it's pretty clear that no matter how long we debate this, there isn't likely to be.

And so I just question if it's the value in continuing to debate Objective 5 or right now coming to a conclusion that we don't have consensus. That's what we communicate to the council and then, you know, recommend that we ignore that for now and get on with our work. I mean I think that's the best course forward.

And I would suspect that regardless of what we recommend, you know, if we can't come to consensus, council would probably - I would hope would recommend then that we ignore Five for now and continue on with our work and not that we hold things up while we try to hash that out. So that's my suggestion. Let's agree there's no consensus and move on for now.

Mikey O'Connor: Thanks Tim. Roberto is next.

Roberto Gaetano: Yes. I see from the chat that Avri, who knows what she's talking about, because she has been chair of the main council, is also saying that no matter what if we change Objective 5, the chatter has to go back for - to the main council for approval anyway, whether we drop a little bit of Objective 5 or the - or whether we drop completely Objective 5.

Then the second consideration that I'm doing here is that the root cause of this debate is the fact that the chapter objectives that we got from the main council will have a majority position and a minority position. In other words, the current formulation of Objective 5 come - is supported by (MCSG) registries and registrars, while IPC and BC support different versions.

So since it - I understand that it is in fact the main council who has the last word on the wording of Objective 5, why don't we tell to the main council to come back with a formulation of the Objective 5? Because it is really in the scope of the main council and not of this working group, and in the meantime, as Tim suggested, we go on ignoring the Objective 5 until we don't have a consensus formulation from the main council.

Mikey O'Connor: Thanks Roberto. Tim and Ken your hands are still up, but I'm assuming those are leftovers from before. So Jeff I think you're new. You want to go?

Jeff Neuman: Yes. Just a classification I guess. I am fine with deleting Objective 5 if the group understands that in deleting it we are not recommending that analysis not be done. We're just basically assuming that the analysis falls into

Objectives 1 through 4, because again, if that's what we're saying then I'm fine with taking out 5 But I can't in good conscience basically vote in favor of deleting a recommendation if it means that we're just going to propose a solution that's got no analysis or research behind it.

So could someone just answer that question that favors deletion? Does that mean we don't do the analysis?

Mikey O'Connor: I'm looking for hands.

David Maher: This is David. That's not what I intended.

Mikey O'Connor: Anybody else want to affirm that? Certainly as an observer as the - as a co-chair, I would find it very difficult to proceed without analysis. So that's certainly not the intent that I thought. Tim?

Tim Ruiz: Yes, I don't know if I can agree with what Jeff said in the way that he put it, but I don't - I would doubt if any of us intended to proceed without some analysis or relying on some existing analysis or information or whatever it is, to reach consensus and conclusions on the different elements of the charter.

Whether that means, you know, fully going into the analysis called for in Objective 5 or not, that I would not agree needs to be done. I think that's kind of the, you know, we'll see as we go forward. So, yes I don't think anyone's saying we just pull something out of our hat, but I don't think there's consensus on the full analysis as called for in Objective 5.

Mikey O'Connor: I think we'll do Scott and then Roberto and then we'll draw a line under this part of the conversation and see where we are. Scott go ahead.

Scott Austin: Hi. Can you all hear me or can you hear me...

Mikey O'Connor: Yes.

Scott Austin: ...my mute is off. Okay my comment I guess is -- and maybe this is trite -- but to say throwing the baby out with the bath water. I don't know what level of analysis is required and what the threshold is, but the chat seems to say that the economists from Georgetown and George Mason was insufficient.

And I mean I read what they say as just sort of a background piece more than specific, you know, you have to do this or you have to do that. My only concern is that if we delete Five, we are taking action on it, and that perhaps we should just say we abstain, or as one person earlier said, ignore it.

Mikey O'Connor: Thanks Scott. Roberto you get the last word.

Roberto Gaetano: Well I'm coming in because I felt that I had to reply to the question. And what I say - what I mean by forget about for the time being about Objective 5 and maybe ask the main council for their consensus formulation - reformulation of Objective 5, I don't mean that we are not going to use - just taking a sentence from Objective 5, that we are not going to use all information that has been collected by ICANN to date, but determine whether the changes to the current restrictions and so on and do forth.

I'm just ignoring this as a formal objective. But then if the working group had that material, all the information that has been collected by ICANN to date, and all the studies that have been done preceding this, of course we are going to use that to produce the results of the working group.

But we are probably stopping (five finger) on the language of Objective 5. That was - I was trying to say whether we can go ahead and put this issue aside instead of spending one month of the three months that we have on a - on the language of an objective that in any case then has to go to the main council for ratification. So let's have the main council coming up with the language instead of us. Thank you.

Mikey O'Connor: Thanks Roberto. I think what I'd like to do is walk you through my little approach document just to clarify the release structure, circle back around to this at the end of that just very briefly to see if we can fit the Objective 5 issue into that well. And then if we can't, we'll pass this to the council for the council to resolve for us.

On the screen now -- and if you want to read ahead, I sent a copy of the latest version to the list yesterday -- is this little essentially work planning document. I don't want to go through all of it, but I do want to sort of highlight things. Marika, do I have control of this one or does the group? Because if you could give me control I'd like to sort of highlight pages.

Marika Konings: Okay. Let me change the status and lock the (boxes). So give me two seconds.

Mikey O'Connor: Okay thanks. This first page is really I - my attempt to sort of summarize to a certain extent the dilemma that we find ourselves in, which is that we have substantial work that's going to take quite a while to complete, and at the same time a very tight deadline. And I think that the conversation we've just had essentially underscores that point that we - it - this is one of those ones where we're both right or everybody's right.

Yes there is a strong need to get going, yes there is a strong need to make sure that our work is underpinned well with analysis and facts. Yes, the deadline draws nigh. There you go. Life is hard that way sometimes.

On the next page, what I laid out was essentially if we had unlimited time - this doesn't quite fit, but I think you get the idea. If we had unlimited time, we would do a pretty exhaustive set of analysis. We would bring in economists and regulators and ourselves -- because I really do believe that we in the ICANN community are perhaps the closest to these issues and understand them better than many. And that's often why we're frustrated with economics that's done by people who are as close to what we do.

And then what we would do is we would put together a series of principles, broad statements that sort of outline the policy direction that we wanted to go, and then we would narrow it down to specific policy recommendations.

But who knows how long that would take? It would certainly take quite a while. I put dots in the middle of this chart on purpose, because I don't really know how long that would take. But it would be a while.

The advantage is that we would get an exhaustive analysis and we would run much less risk of letting an unsatisfactory genie out of the bottle. But the disadvantage is if we made the world wait for us, it could be a long wait, which will be a long delay.

So then what I tried to do was shoehorn a bylaws-compliant PDP into the time between now and the DAG 4 submission deadline. And it's just insanely tight, but I put in there just to show you how insanely tight we - I don't know we could do it quite frankly, So there's a little rant about that, but basically it's just crazy fast.

So then we came up with this notion of do a PDP pretty fast, because remember the average time for a PDP is quite long. Three to four hundred days is sort of the norm, and this would be much faster than that. But it would give us a bit more room to maneuver.

And the problem is that it starts at the middle level of detail. And I think this is to the point that Jeff and others were raising -- that, you know, we run the risk of essentially making decisions without appropriate underpinning. And that's listed in this list of advantages/disadvantages.

It's still really, really fast, but it's sort of already fire/aim problem. On the other hand, it does meet the bylaws and the working group guidelines, and it also provides a lot of public commentary and a course correction opportunity at

the Brussels meeting. And it might not even delay the launch, depending on whether we get some lucky breaks.

So then this is the upshot, which is maybe what we do is that which we can do quickly we do quickly, and that which cannot be done quickly and needs deeper analysis we do more slowly. And we use that second wave - the second release as a way to refine, confirm, broaden, et cetera, the ideas of the - that are proposed in the first. And that's where we came to sort of the two-release notion.

Michael, I'm going to get through my little story and then I'll call on you. It's not that I don't see you there. It's not a perfect world. It's not everything that we all want, but it can get a lot done if we want to do it this way. And the rest of it sort of lays out the details of what would be happening when.

The first half - this - the part that develops essentially into broad principals happens quite quickly. One of the drawbacks to having the ICANN meetings timed the way they are is that we're in the short interval between two meeting. So we really don't have much time, especially if we're trying to get two rounds of public comments in.

Now one of the questions that we could raise is whether we need to treat this - I essentially doubled the number of public comments in this timeline, because I've put public comments twice before the course correction and in the next chunk I've put in two more rounds of public comments. So if we were to treat this as one PDP, we're actually going out for public comments twice as often as the PDP calls for.

But given the nature of this issue, I felt like it was better to be safe than sorry. And I think another thing that I'd point out on this picture is that while I indicate that we stop in the middle, there's no absolute necessity that we stop; we could keep right on working and continuously fold the public comments in all the way through.

So rather than having six weeks to work, we really have, you know, closer to ten, which makes life a little bit easier. But I do think we need to come if we - if we're going to do it this way. We do need to come to something that we're going to push out to public comment fairly fast so that it could go out, be very reactive to - comments can come back and we can fold those into our (for instance) set deliverables.

I'm going to come back to this details one. I want to really zip ahead to sort of the thought of what would be in this. I'm not sure that three/five pages is in any way a magic thing, but the idea here is that this is a less detailed document than our final product. It's more like a memo of understanding or a requirements definition or something like that, but it's not the absolute final details. But those details come later.

And that - we're looking to Brussels for a lot of mid-course correction from the community and from the board, from the GNSO council, from the GAC, et cetera, and that we would fold that course correction into the second half of our work that would happen between Brussels and the final/final DAG deadline which is here.

I saw in the chat that - somewhere I snuck SWAG into this - that stands for sophisticated wildass guess. Some of this is guesswork hopefully to be refined later, but again on this one it's almost identical structure of the work. But the nature of the work is much more detailed. And on this particular one, what we would wind up with is leaving enough time for the GNSO council to approve this and then a month that is required between the GNSO council approval and the board taking up the thing.

And all of that sandwiched up again a deadline that I made, up, which I think will probably be mid-November, but I don't know for sure in terms of getting things into the DAG.

So I've - I wanted to take a few minutes to see if this sort of two release approach is workable and satisfactory. I've tried to paint the dilemmas that we face, but it's all just choices. Eventually it just boils down to choosing.

And while this is what I would do if I were left on my own, it's not necessarily what you all will agree to. And that's the point of this part of the discussion. So with that I'll take queue, starting with Mr. Palage.

Mike Palage: Thank you.

((Crosstalk))

Brian Cute: Mikey it's Brian. Sorry. Just wanted to get in the queue.

Mikey O'Connor: Brian I'll get you in again.

Mike Palage: So Mikey I think what you've done here is proposed a prudent approach, given the awkward situation that this group finds ourself in. The only thing I would ask in going with this tiered approach is that you not preclude ideas from at least entering into that first phase.

And again that goes back to my concern with your initial thing of, "Well the ability of a registry to go direct -- we're not going to do that." At least, you know, allow that to move forward, because if there is when we go out to public comment, support for that, allow the economist or whoever is going to do the more deeper drive into the validity of the different models, at least have that opportunity.

When you're taking off options at the beginning of the process, I - that is where my concern is. So I have no problem with this two-tiered approach as long as you are allowing people within the group to put forward models for consideration.

And with regard to this topic being discussed, as Jon Nevett knows oh so well, this has been discussed within the registrar community in connection with the museum contract in connection with the post contract. This is not something that no one has discussed, and again, obviously in the Cray Report, the concept of a single registrant TLD and the inefficiencies of having to go and get your own registrar.

So that would just be my point as far as moving forward with this two-tiered approach. Thank you.

Mikey O'Connor: Thanks Mike. I need to immediately back pedal. And to the extent that I implied that I was going to take anything off the table, I need to make it extremely clear that that's not going to happen. I don't view that as appropriate to my role as chair. And to the extent that I left that impression, please excuse me.

And I'm glad to hear that the two-tier approach is okay, Mike, because I think this is really the only way out of this particular dilemma. Brian, you're next.

Brian Cute: Thanks. These are two questions about timing. And maybe there aren't answers, but I want to ask them anyway. What I see is that in Nairobi the board put out a resolution and said, "Okay all you folks, get around a table and come up with a solution through the PDP process," and then secondly an understanding or knowledge that the staff wants to get DAG4 out by Brussels.

Do we have any sense that we're building this potential timeline around, you know, something that's actually written in stone? Do we have any sense from staff or sense from the board if we're starting out this exercise using hard, you know, hard deadlines or hard enough deadlines so that we don't go off in the wrong direction?

Secondly, if we do the phased approach where we I guess do some form of high level lighter weight work and proposal, but then continue on to do more detailed work and deep - as much analysis as we can in a second phase, do we have any sense from the board who has put this ball squarely in our lap and said, "You know, come up with something or else," if there's a point in time on your calendar where we know that's kind of an actual drop dead?

Because otherwise the board'll throw their hands in the air and say, "These guys can't produce anything" and go off in their own direction with staff. Two different questions on timing. Anybody have any sense of those?

Mikey O'Connor: This is Mikey. I can give you some answers to those, but not all. The May 15 deadline that I rolled into that first chart -- this one here -- is cast in stone. When I threw myself on the mercy of the drivers of that process trying to negotiate even a week's delay, I got pretty firm, you know, that they're holding that date pretty firm. So that one's fixed.

And that's where I got to the point of saying pretty tough to hit much of anything for that deadline. Now that's not the only deadline, because that's - the deadline then from there starts to get mushy. Because if you presume that there are no subsequent iterations of the DAG, and that the DAG will then be up in front of the board for final approval at Brussels -- now this is a whole series of if statements in a row -- and then you back off that date a little bit, that's how I arrived at that November deadline.

And one of the things that we've been talking to the staff about is whether it would be possible to leave a hole in the document. Another point that was raised on the list, and which we have raised with staff, is that the board resolution requires a change to the DAG too, and that somebody on the staff is going to have to take a crack at crafting DAG language based on the board resolution. And we need to be able to see that as part of our deliberation.

So we have this sort of interlocking series of, you know, sometimes people say too moving parts. We have a lot of moving parts in this one, and that's what I know. If anybody else has got more scoop, I'd love to hear it. Tim are you in the queue for that? And Palage I assume your hand is left up from before, or is that a new one? Tim?

Tim Ruiz: Yes thanks Mikey. I - not about what you just said specifically, but just more about, you know, the process going forward in general, you know, it - for months now -- actually it's more like years now -- you know, we've had discussions about vertical integration and various proposals have been put forward and different ideas.

We've seen different things in the DAG. Economists proposed different things, the different stakeholder groups have proposed different things. So there's a lot that has been done and proposed to date.

And in my opinion it seems that productive way forward would be to take a proposal -- I think (John) presented, you know, a very reasonable one -- that we use as a basis of starting point, and then applying Objectives 1 through 4, we work towards a version that would have consensus of this working group. Because that's really what we have, you know, the time and capability to do before, you know, by Brussels.

Once we have that version that, you know, we have that this consensus on, that at least this community, the ICANN community agrees with, then, you know, that can go out for public comment. That may become part of the DAG perhaps in this first round.

That doesn't mean though then that further analysis couldn't be done or moved forward as someone suggests with Objective 5. And as we - and as new things are learned, as we have experience with the TLDs that are - that implement the policy that is on vertical integration that it has affected at that

time, that things can't change going forward. I think it's impractical to think that we're going to come up with something that isn't going to change.

The market changes, the - this whole internet business is, you know, changes quite fast over the years. It's kind of moved in dog years. So I think no matter what we do, you know, things are going to change. Things are going to need to modified and edited.

So accepting that, I think, you know, we should start with something that we've already discussed and has been debated for months and years, and use that to work towards some consensus, at least within this community, and then allowing the further analysis to go on over time, modifying as we've learned new things going forward.

But that would give us a, you know, something to start with this first round, that I think would be reasonable. You know, it would at least have the consensus of the community.

Mikey O'Connor: Thanks Tim. Jeffrey?

Jeff Eckhaus: Yes thanks. So I'd like to agree with Tim on that, and - but I wouldn't want to - I think Tim I'm not sure - I don't know if you want to respond, but I don't think it was let's just work on (John)'s. I think we still had this two week workforce time period that I think Jeff Neuman proposed.

So my thought is, you know, to look at those, you know, some of the proposals put forth within that time period, and then start working on those instead of, you know, picking a few and say, "Let's just work on these because they seem easy." Because we don't know if they are going to be easy or if they're not or what the issues are, because, you know, let's say a single - somebody proposed single registrant TLDs. We don't know if that's a, you know, an easy or if there' s got to be consensus on it.

So my thought is let's put a few out there. You know, Jeff Neuman has proposed this two-week period -- I believe that was Jeff Neuman that did. Let's put some of those out there and start working on those, and as Tim said, try and reach consensus on a few and see where the issues are and then sort of - we can narrow our scope on that once we see what the issues are.

Because right now everyone's, you know, I think throwing out like, "Hey let the genie out of the bottle." I don't think we've gone through and said, "Hey this is what the genie is. These are the issues." I think we start - need to start working on that and moving those forward and see what those problems are and lay those out on the table. That's it.

Mikey O'Connor: Thanks Jeff. Avri's agreeing with Eckhaus -- with Tim, with getting moving? I think with getting moving. I think there is a lot of pent up let's get this thing going.

Let's draw a line under this conversation. I'm not hearing anybody saying that this broad approach to running the work is the way we should go. We'll take that back and hammer that into some details. There are a couple of more nips, and then I think we can put all of this process stuff aside.

Unless I hear sort of screeches of agony and paid, we'd like to get a comment period open to get ideas to flow in as quickly as possible. Remember we have two comment periods. We have - we actually have four if you count all of the - in the first half and the second half.

But the idea would be that this first round would bring in perhaps more proposals or refinements to those proposals to help us flesh out the work that we're doing.

And so this is sort of a going once going twice kind of call on that unless I hear - we don't have to do it on the phone call, but by the end of the day

today I really want to get that out and announced so that we aren't slowing ourselves down on that.

Taking a look at next week's call, it looks like most people are going to be on it unless - again unless I hear screeches of agony, I'm going to say that we're going to go ahead and meet again next week, because as we all know time is very short.

I really like the idea that's emerging from the conversation just now about pull in a series of proposals either over a week or two from the group. And my only request as co-chair would be that if a person would be willing to also be the editor and sort of keep track of pros and cons for their proposals, that would be helpful.

The email list gets pretty bewildering if there's not somebody that's sort of keeping track of what's being said about a given proposal, and I fear that we'll sort of lose track or lose control on that. I think those are sort of my agenda (nips). Let me just take a moment to regather my wits and make sure that I haven't missed something.

Normally I would throw the ball to Roberto and ask him to fill for me as a radio guy, but...

Roberto Gaetano: I have no problem in chiming in. I think that there were no other issues that we needed to discuss that we had in our list or in the agreement that we had in the call. We were expecting maybe in the open area at the end if there were some issues that were coming from the floor kinds of odds and ends. But...

Mikey O'Connor: Yes.

Roberto Gaetano: ...I don't have anything, although I think that we need to - you were touching on the - on this public comment period that had to start, and my concern is to get that done.

So if - I think that there was a text that was circulated; there were comments and it was amended. And now the second - the - what's hopefully's going to be the final version has been circulated.

And so I would be inclined to say if we don't hear the - in the next few hours, we'll fight it out and we'll start. What you think?

Mikey O'Connor: Yes. I - that's exactly where I would like to leave it as well. We'll certainly listen today and try to work the comments in, but do remember that this isn't brain surgery. Nobody's going to die if we get this just a little bit wrong. And I think it's really important to get the wheels moving on the substantive stuff.

And I promise as a co-chair that at least I will not provide nearly as much process and administrative stuff for any subsequent call, but it's really helpful to know that the rough outlines of the approach that we're taking is satisfactory to folks.

I think it's time for open discussion -- sort of any comments on anything for the rest of the call. Jeff is in the queue but anybody else can join in as well. Jeff, go ahead.

Jeff Newhouse: Thanks. I just wanted to say I think the public comment - the piece that's as revised looks good and I think it's ready to go out. I think we need to get it out.
The question I have is on - there's two kind of comment periods. There's a 20-day comment period that this one I guess is meant to address. There's also a 35-day comment period for constituencies or stakeholder groups to get in.

Is this notice going to serve for both of those periods, just to make sure that we, you know, the bylaws require both of them? So I just want to make sure we get them both in.

Mikey O'Connor: Very good point. I couldn't find the constituency statement language in the bylaws, so maybe Jeff you and I could circle around to that after the meeting on email, because we - I wanted to run both of those in parallel and didn't realize that the other one was 35 days. I thought they were both 20, so let's get that fixed and we'll get that one kicked off too.

Liz Gasster: I'll send you around specific reference. This is Liz.

Mikey O'Connor: Okay Liz. Maybe we - rather - if that's really right, then maybe what we need to do is just formulate the language to kick that off and get that - base it on the one that's Marika's got done for us. But go ahead and get that one going too. Palage?

Mike Palage: Thank you Mikey. Mike Palage. Quick admin question. I was just looking at the note that Glen sent around earlier about extending the deadline for working group volunteers or team members. I was just wondering why that was done, and was there a timeline? Was is someone who wanted to participate it that missed? I just don't understand why we extended it.

I think it's a good thing. And just as a point of - a factual point, the high security zone we've actually imposed no deadline. So we still - if there's someone that's still interested, we let them come in at any point in time in our work. So could either you or Roberto explain why you extended the deadline?

Mikey O'Connor: Yes I did that by accident, so let me take the brunt of it. We had a couple of folks come in right after the deadline, and I sort of said, "Sure why not." And then Stéphane pointed out that there had been a pretty firm deadline in the write up. And so we had a pretty substantive debate between Roberto, Stéphane, and me in which the trade-off was as follows.

We all like the idea of open processes and et cetera, et cetera, but the dilemma here is that this is such a large group that we were concerned that if we didn't draw a line, that anybody coming in late would have such a learning curve to get up, that it just wouldn't be feasible for them to catch up with the conversation of the group.

And so we arrived at a compromise which was we extended it a week in order to allow the stragglers that come in - that's - they are no longer straggling in, I'm happy to report, but we needed to announced it formally. We couldn't just casually do that. And that's the reason why we put it up with Glen's note. Roberto?

Roberto Gaetano: I just want to mention that one of the issues that we debated at length in the GNSO review working group and in the review committee was the openness of the working group -- you know, that to avoid situations that - where you have always the same closed group that kind of repeats the division of the constituencies in the council.

So that was one of the opening reason for saying, "Okay but let's try to reopen it and to have - and to accept more people." Now we have to see also in practice how this will work.

Mikey O'Connor: Thanks Roberto. I see that Palage has said thanks for the clarification. And I'm looking back up the chat. Folks, if you're trying to communicate to me through the chat, you need to know that sometimes I see stuff, but a lot of times I don't. So if I don't respond to something that you say in the chat, it's not because I hate you; it's because I've got a lot of moving parts going here.

But I see (Scott)'s comment about the format of proposals, and I don't have real strong opinions about that, but I think it might be a useful topic of conversation on the list, because if we could figure out a good way to get this done, it would make the work a lot easier.

And I'm not sure that we need to take (unintelligible) on the call, but if folks have examples from other working groups or processes that they think would be good to try, I think we need to be especially mindful in a working group this big and with the nature of the work that we're undertaking, that the better we can use the tools to make this more transparent than - and at the same time fast, the better.

So some sort of conversation on the list about all that would be neat. And I'm - I've got no particularly strong opinions about it. Any other business that people want to bring up at this stage? All right I thank you.

Again to repeat, I think we will meet again next week at the same time. There will only be one meeting time. And I thank you all. And we'll see you in a week.

Man: Thank you. Bye.

Man: Thanks Mike.

Man: Thanks Mikey.

Woman: (Unintelligible) Roberto. Bye-bye.

Man: Thank you.

                            END