

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 28 November at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the IGO-INGO Protections Policy Development Process (PDP) Working Group Teleconference on Wednesday 28 November 2012 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-igo-ingo-20121128-en.mp3>

on page <http://gnso.icann.org/en/calendar/#nov>

Attendees:

Donna Austin – AusRegistry
Lanre Ajayi - Nominating Committee Appointee
Jim Bikoff – IPC/IOC
Elizabeth Finberg – RySG
Alan Greenberg – ALAC
Ricardo Guilherme – RySG
Robin Gross – NCSG
Stephane Hankins - IPC
David Heasley – IPC/IOC
Evan Lebovitch – ALAC
David Maher – RySG
Kiran Malancharuvil – IPC/IOC
Osvaldo Novoa-ISPC
David Opderbeck - NCSG
Christopher Rassi – Red Cross
Thomas Rickert – NCA
Gregory Shatan – IPC
Claudia MacMaster Tamarit – Observer
David Roache-Turner - WIPO
Liz Williams – Individual

Apology :

Chuck Gomes – RySG
Wolfgang Kleinwachter - NCSG
Iliya Bazlyankov – RrSG
Paul Diaz – RySG
Avri Doria – NCSG
Wolfgang Kleinwachter - NCSG

ICANN Staff:

Margie Milam
Brian Peck
Berry Cobb
Julia Charvolen

Coordinator: ...now being recorded.

Julia Charvolen: Thank you. Good morning, good afternoon, good evening. This is the IGO/INGO Protections Policy Development Process Working Group call on Wednesday the 28th of November.

On the call today we have Lanre Ajayi, Jim Bikoff, Elizabeth Finberg, Alan Greenberg, Stéphane Hankins, David Heasley, Evan Leibovitch, David Maher, Kiran Malancharuvil, Osvaldo Novoa, David Opperbeck, Christopher Rassi, Thomas Rickert, Rick Sutton, Claudia MacMaster-Tamarit, Brian Peck, David Roache-Turner.

We also have apologies from Chuck Gomes, Wolfgang Kleinwachter, Ilya Bazlyankov, Paul Diaz and Avri Doria. From staff we have Berry Cobb, Margie Milam and myself, Julie Charvolen. I would like to remind all participants to please state your name before speaking for transcription purposes.

Thank you very much and over to you.

Thomas Rickert: Thank you so much, Julia. Before we dive into the subject I'd like to ask you whether there are any updates to the statements of interest? Hearing none I'd...

((Crosstalk))

Thomas Rickert: ...like to go to the third item on the agenda which is the status of the general counsel request. As you know during the last call of this group we have refined the wording of request for legal assessment to ICANN's general counsel, which was submitted shortly after the call.

And I've asked staff whether they could follow up with general counsel as to the status of this request or at least whether there is a timeline or deadline and so which we can expect a result from general counsel.

Brian Peck: Thomas, this is Brian Peck from staff. Just to let you know I did speak with John Jeffrey and his staff yesterday. They are planning to provide a response. They're intending - or planning to hopefully do so by the end of this week and if not by next - by the end of this week and certainly by early next week. And so that is the latest status I received from them yesterday.

Thomas Rickert: Just to clarify the response will be a response as to when we can expect results or will there be substance in this response?

Brian Peck: My understanding is that they - the response will be, you know, within the context of providing the response to the question itself.

Thomas Rickert: Okay well that's great news. That's great news. Perfect. So I trust that we will have that passed on to the list whenever the response is coming in so that we can use the results for our next call.

Great, so I think we're quite quick going through the agenda. The next point on the agenda is the - sorry - is the communication to the GNSO from the new gTLD committee. I have passed on the communication - both letters - from Jonathan Robinson, the GNSO Council Chair as well as from Cherine Shalaby from the new gTLD committee to our mailing list.

In brief I'd like to report to you that Jonathan Robinson has informed the new gTLD committee with a letter of the 26th of November about the status following the last GNSO Council call. And he has reported that the motion regarding second level protections for certain IOC/RCRC names in the first round of new gTLDs has failed while the motion regarding the approval of the PDP has passed.

He has also informed the new gTLD committee of the fact that this motion will be filed again for the next Council call. There has been a request on the 20th of November to propose the motion to the GNSO Council again.

Now as a response to that with his letter of November 27, which you can see in the Adobe Connect, Cherine Shalaby has reported on the resolutions made by the new gTLD committee. And since I do not want to misrepresent what the new gTLD committee has done I propose that I just read out those two paragraphs to you. It will not take a lot of your time.

Cherine said, "I wanted to reach out to you and the GNSO Council to let you know that the committee passed the resolution yesterday acknowledging the GNSO Council's work to date including the recently initiated expedited PDP on the protection of IGO and INGO," - sorry - "...names as well as the resubmitted motion to provide an interim moratorium on the registration of Red Cross and IOC names at the second level of new gTLDs in lieu of the final actions of a PDP."

"The committee's 26-November 2012 resolution is consistent with its September 13, 2012 resolution and approves temporary restrictions in the first round of new gTLDs for registration of RCRC and IOC names at the second level, which will be in place until such time as a policy is adopted that may require further action on the part of the Board."

"The committee also adopted a second resolution yesterday which provides interim protection for IGO names from third party registration at the second level of new gTLDs. The second resolution provides for interim protection of names which qualify for DotInt registration and for IGOs which request such special protection from ICANN by 28-February, 2013."

"This protection is intended to provide an interim solution similar to the protection of Red Cross and IOC names in the 13-September resolution until the PDP is completed and any permanent policy recommendations are

adopted. Both of these resolutions will be posted today and the report rationale will be posted next Monday. As you can see we crafted both these resolutions in a way that recognizes that GNSO work is ongoing."

I think I'd leave it at that. You have the full letter in your inbox and in the Adobe Connect at the moment so you can read it again or read the remaining short paragraphs.

Now I thought it would be worthwhile sharing this with you since this has quite some impact on our work because now the moratorium has been adopted in anticipation of the newly filed recommendation or resolution to be passed by the GNSO Council.

I have seen one reaction to this by Alan Greenberg on the list who said that he thinks that now the next GNSO Council vote is obsolete. You know, I'm paraphrasing; I don't have the exact wording at hand. But nonetheless I would like to hear your instant reactions to this and whether you see any impact on our work with this.

I see Ricardo. Ricardo.

Ricardo Guilherme: Yeah, thanks. Is that Thomas, right?

Thomas Rickert: Yes.

Ricardo Guilherme: Okay, Thomas. Thanks for the opportunity to speak. Just a very quick question - and I asked this also in the RySG. I wasn't sure whether this was the case. So this (interim) recommendation or protection is already valid from - let's say from today and doesn't require any further approval by the Board - by the ICANN Board; am I right or does it still go through some other process to be finally adopted? Just so I understand it better.

Thomas Rickert: No, this is - this decision has now been made.

Ricardo Guilherme: So it applies to all new gTLDs from the moment it is adopted like with valid from 24 hours or 48 hours from the publication or something like that?

Thomas Rickert: That is my understanding. I have not seen any conditions or other prerequisites in the resolution.

Ricardo Guilherme: Okay. Thanks.

Thomas Rickert: Margie.

Margie Milam: Hi, this is Margie from staff. Yeah, my understanding is it's for the first round of new gTLDs. And in the note from Cherine it says that these IGOs have to request the protection so it's not all DotInt names but the names that qualify under Int and have requested the special protection if that clarifies your question.

Ricardo Guilherme: Okay thanks.

Thomas Rickert: I'm very much looking forward to reading the report/rationale because, indeed, protections are in general granted with these two resolutions. But we do not know what the scope of that would be and what the organizations would be. So there's no list attached to that at the moment so that's going to be quite interesting. I have Evan next.

Alan Greenberg: Thomas, it's Alan. My Adobe is frozen and I'd like to put my hand up so...

Thomas Rickert: Okay I - you'll be next after Evan.

Alan Greenberg: Okay.

Evan Leibovitch: Hi. Margie, I just wanted to ask for a little clarification. As I'm reading this sentence here it's saying that everything that qualifies for DotInt is subject to

the temporary restriction as well as any other IGO that asks for it by the 28th. That seems to be a little bit different from your interpretation. Could you just clarify? The way I'm reading it is it basically is a bit of a free for all; everything that qualifies for Int is already there. And for anyone else that asks for it that's an IGO by 28th of February. Thanks.

Margie Milam: Oh yes, this is Margie. I'm familiar with the underlying documents. The "and" is meant to be both so it looks like the communication from Cherine wasn't that clear but it's clear in the documents you'll see when it gets published.

Evan Leibovitch: Thanks.

Thomas Rickert: Thank you, Margie. I have - oh is there a follow up question by you, Evan?

Evan Leibovitch: No, that's - asked and answered, thank you.

Thomas Rickert: Okay great. Alan.

Alan Greenberg: Yeah, thank you. It certainly does affect our work because there was still some question in the minds of some people whether we needed to do something for the January 31 deadline and this clearly makes it - it makes it clear on several different levels that we do not have to do anything; it's already being done.

I'll be candid though, I'm somewhat perturbed that they use the definition of Int eligibility where I've been told by a number of people that that has been a very controversial definition in its own right. And the GAC's proposal that they would come up with a specific finite list that is - someone is going to make the decision of what qualifies for Int and what does not will be out of ICANN's hands.

And now putting that back into ICANN's hands puts us in the middle of a perhaps small controversy but nevertheless not the kind of thing I would have wanted to see. Somewhat perturbed by that. Thank you.

Thomas Rickert: Thank you, Alan. Any more comments on that at this stage? So I'd like to add to that, if I may, that Alan, in response to your comment on the deadline at the end of January I'm not sure whether I agree with this because I think that the focus is still on the GNSO to see whether the GNSO is able to react to requests regarding to this subject.

And therefore I think that we are not let off the hook - I'm technically speaking - but I think that we still, you know, although a decision has now been made we should still be working on this full throttle and show that we can deliver prior to the deadline that you consider moot but I still think to be relevant in terms of the, you know, how the GNSO is being seen.

Remember that this subject has been tagged a case study both by the GAC as well as by the ICANN Board. Also I think that you may have put a finger on the sore spot regarding the eligibility criteria for obtaining access to protections because this might be congruent or incongruent to potential protections that might be recommended granting by this group so certainly by granting certain protections now there might be expectations that these protections might be perpetuated regardless of the outcome of our deliberations.

I have Alan next.

Alan Greenberg: Yeah, thank you. Regarding the 31st of January deadline there's only two GNSO meetings between now and then. And given the requirements for public comments and things like that I don't see - maybe I'm not imagined enough - but I don't see a way that one can fit all the things that would have to happen for a GNSO recommendation to the go to the Board prior to the 31st.

You know, just the fact that public comments, the fact that decisions can be deferred by one meeting I think make that effectively impossible. And I, you know, I would prefer not to see us trying to make that target which I don't think could be reached at all. But that's, you know, clearly that's up to you as chair.

The overall issue, yes, we might - this group might recommend protections that are less than what the Board has done, which would require rolling those back or of course the Board can override. You know, no matter how a PDP is - outcome - comes out the Board has the right if there's a 2/3 majority who feel it would not be in the interest of ICANN they can't override a GNSO recommendation. So thank you.

Thomas Rickert: Thanks, Alan. And certainly that's a fair point. And I'm not unrealistic to believe that we can get this work done before the end of January. But still I think that we should use best efforts to work as quickly as we can. And being able to report on substantial progress of our work is better than nothing. So all I'm trying to do is encourage the whole group to be working on this important matter as quickly as we can.

Are there more questions regarding this subject? Hearing none I propose that we move on to the next item, which is the continued exploration of issues defined in the charter.

I have tried to come up with a matrix - it's not a work plan but it's actually an aggregation of thoughts prior to this meeting. And I'm sure that not all of you have had the chance to consider or even read this prior to this call.

But my feeling was that - and I should make very clear this is just a proposal; nothing is carved in stone so we may completely bend it or change it as we like. But I thought that the questions asked in the charter are quite difficult to be working on in isolation. At the same time there is no natural move from

one question to the other. That was my very subjective feeling going through the charter.

And so I tried to come up with an idea as to how we can approach this big piece of work and maybe put it in a sort of sequence where we can have smaller bits of work that we can maybe even work on in parallel. So unless there are any objections by you I would like to introduce my idea to you briefly.

And while we go through it you can maybe think of things that you like and those that you don't like. And afterwards we, you know, if you follow my suggestion to use this as a rough template for work then we can go through the individual items and discuss them one by one.

And maybe - and this is a thought that you should also bear in mind when we go through this - we can have - or ask - volunteers whether they are willing to work on the various areas in parallel so that we can hopefully achieve results in a very expedient fashion.

Now as you can see from the four headings I have split the work into four different sections. And if you compare those to the items in the charter you will see that I was not using the same words but that we are, at least to my knowledge, able to attribute each and every of the items in the charter to one or multiple items here.

So I think that we will cover everything that we're tasked with or that we have tasked ourselves with with these four items. Now the first of which in A is qualification criteria. And what I mean by that is that we need to answer questions such as do we want to have or do we wish to consider only one set of qualification criteria for all organizations in question or do we choose to create different sets of criteria for different types of organization?

And should we do so we should determine which different groups we're going to specify. So the question is one versus multiple types of organizations eligible for potential protections. And this would also cover the point that was discussed earlier in this group whether - or to what extent we should give different treatment to IOC RCRC and other groups.

I see David's hand up. David please.

David Maher: Thank you.

Thomas Rickert: David are...

David Maher: Yeah, my question is doesn't this assume that there will be protection? And I don't think we're entitled to make that assumption.

Thomas Rickert: Which is a fair point. I collect your comments first and then I'll respond to that. Ricardo's next.

Ricardo Guilherme: Yeah, just a very quick point, Thomas. First of all I would suggest, perhaps because perhaps not everyone had - has had the time to look into this document in detail - myself included to be honest - so perhaps we could define a certain period of time for people to make comments on this proposed plan of action or whatever you may call it.

And just specifically on Point A without prejudice to what David just said but on the qualification criteria it is clear that we are talking here about two major categories of organizations. So one category is the intergovernment organization and they are - the level of protection that they enjoy under international treaties is something that is actually just, in my view and many other people's views, not even under discussion - shouldn't be under discussion.

But anyway this is one different - totally different category from non government organizations which includes, of course, the RCRC movement and the IOC - the International Olympic Committee.

So it would be impossible to simply say there is going to be only one qualification criteria applicable to all because we're talking about, if I may say, apples and oranges here. So we just have to be very careful about what kind of legal framework is applicable to what kind of organization so just...

Thomas Rickert: Okay.

Ricardo Guilherme: ...to make that first point clear. Thanks.

Thomas Rickert: Thank you, Ricardo. I'll take Lanre and Alan now. Greg, if I could ask your patience for a second because I would like to briefly run through the points and maybe that will answer some of the questions then we might go back and go to the individual points and then each and every one of those points will be up for discussion. Lanre, please.

Lanre Ajayi: Yes, I'm also of the opinion that we should sequence the discussion (unintelligible) just like David said we'll probably have to decide whether that is meant for protection at all for the IGOs and INGO before (unintelligible) qualified for what protection and all that. So I want to pause (unintelligible) whether that's meant for additional protection for anyone before (unintelligible).

Thomas Rickert: Thank you, Lanre. Alan.

Alan Greenberg: I guess my comments are related to the previous ones. I don't worry - I wouldn't worry about David's comment about - or Lanre's about deciding about whether we're going to have protections or not. The criteria address that. If the criteria are such that, you know, no one maps to it then so be it.

You know, clearly if there were a law against having a top level domain with a certain name - and there are no laws about that at this point that I know of - that would be indicative that we would have no choice. Other than that it's a much fuzzier question and I think we do have to investigate what kind of criteria might be used. And one of the possible results of course is no one maps to them. Thank you.

Thomas Rickert: Thank you, Alan. Lanre, is your hand up again or still up?

Lanre Ajayi: No, no I'll take it down now.

Thomas Rickert: Okay. Now to answer David's question and this was in my little introductory note, which you will find in the email where the agenda was distributed, each and every of those points is certainly depending on whether protections or whether certain criteria should be applied or not.

So certainly we can establish criteria, if any, for organizations to - that organizations have to meet in order to be able to get protections. But that doesn't imply that these protections will necessarily be in place. As Alan said it may well be that nobody matches those criteria.

But I think the question of one set versus various sets of criteria, clustering organizations, is a question that we need to ask ourselves. And I understand from Ricardo's response that at least he thinks that we should have different sets of criteria for different types of organizations.

Now going to the next point we also need to talk about eligibility criteria. Do we take statutory protection as a starting point for this? If so does it have to be a treatise or national law? Protection in multiple jurisdictions, this type of questions or aspects.

Or we might use organizations such as the IOC RCRC or other organizations as a benchmark so that only those organizations that meet this benchmark

either if we have just one set then you would be eligible if you meet that benchmark or if we had one benchmark per type of organization.

There might be additional questions that we can add to this to define potential qualification criteria. Now the next question - and this is - I'm now going to Heading B - is who checks whether an organization that claims to qualify is actually an eligible candidate?

So should ICANN do the determination and check against the criteria that we have applied? Should it be a contractor used by ICANN? Should it be an independent third party? Or can we build on an existing list of organizations? So there are various implications with this. There are liability issues if you do a wrong determination. But also there are cost implications to that.

So I think that this is something that we also need to discuss. Again this list is not exhaustive. But we need to check or have somebody check whether the qualification criteria are met.

Then the next big subject is - or are protection or protections. That is that we need to define what types of protections we recommend should be granted. And you might - some of the - or two of the ideas might be familiar with you because I stole them from Avri Doria's email to the list.

So we might have just additional designations on a reserve names list. We might also choose to have a modified reserve names list with an exemption process to reflect the potential need of IGOs and INGOs to use certain designations themselves. Because if they were, quote, unquote, merely reserve nobody could ever use them.

Or we could use modified RPMs or completely new RPMs. We might think of utilizing aspects of the trademark clearinghouse for example to store data on protections that registries or registrars could get access to.

And the last point - and I think this is something that we haven't discussed yet but which I find at least a point for discussion is that even though you might be an organization that fulfills the qualification criteria should there be an automatism that all those organizations fulfilling qualification criteria and pass the eligibility check get access to the protection.

To use an analogy if you are over 18 in Germany and if you have the required health condition you would be an eligible candidate for a driver's license. Nonetheless if you don't pass the test for the driver's license you are not entitled to drive a car.

So we might ask ourselves whether we want to grant these protections per se, whether every organization that thinks fulfills the eligibility requirements gets on the list or gets access to the protections upon application or if there should be additional criteria which might be that the organization has faced harm in the past or whether there were UDRP cases, court decisions or targeted attacks against that organization.

To give you one example if there was protection for the acronym of the World Health Organization, the term WHO would - might get protected. Nonetheless it's a generic term so it may, you know, it might at least be worthwhile discussing whether there should be an automatism or whether additional criteria need to be met in order to get access to these protections.

Now that's my brief run through the areas of work which I think need to be addressed. And I see a comment in the - on the chat, David Maher says, "I object to considering these questions before we discuss the overarching question of whether there should be any protections," which is a fair point.

However there might be people in the group, including me, that might want to get a complete picture of the potential consequences of protections prior to discussing whether protections should be granted. So I think it, you know,

from a chair perspective I think it might do no harm to work on the various aspects to get a picture that is as complete as possible.

Now are there any immediate responses to this approach? Ricardo, please go ahead.

Ricardo Guilherme: Yeah, Thomas, thanks again. I'm not going to get into the substance once more but simply to request, again, that perhaps we get a few days to make comments to this proposed working structure including, as the case may be, David's concerns and so on.

But if - like if we could define just the number of days for people in the group to make comments and proposals to this text I think it would be useful because it's not very easy to have this kind of detailed discussion right now considering we just got the paper. Thanks.

Thomas Rickert: Thank you, Ricardo. Greg, you had attempted twice, if I'm not mistaken, to raise your hand and make a comment. Would you like to jump in now?

Greg Shatan: Yeah, I think, Thomas, I agree with you that we should look at what the consequences are. You know, as we go I think we will go on kind of two tracks in the sense discussing both the issue of whether these - whether protections should be granted at all regardless of the criteria and what those criteria are, which may convince anybody who's not a - doesn't already have their mind made up that either protections are a good idea or that protections are a bad idea.

And I think that, you know, regarding them in the abstract - I'm not going to say whatever it is I'm for it or whatever it is I'm against it; we have to figure out kind of what we are for and against at least unless you're an absolutist in one direction or the other. And I would hope that, you know, everyone's approaching this with at least an open mind if - regardless of their agenda. Thanks.

Thomas Rickert: Thank you, Greg. I have David next.

David Maher: I just wanted to make clear that I'm not entirely taking a negative position on this. There are existing rights protection mechanisms. And my position is that the existing rights protection mechanisms are sufficient as protection for these organizations.

Thomas Rickert: Thank you, David. David, I would like to get back to you on this one because, again, nothing in my overview should carve in stone that protections should be granted so that's - I know that it's all interdependent. And I have made this proposal for the sake of speeding things up.

So certainly if we come to the conclusion that no protections should be granted in the first place then we might have performed redundant work. But I think - or I'm afraid from the chair perspective that we if we do everything sequential that we will be far too slow.

Robin Gross: This is Robin Gross. Can I get in the queue please?

Thomas Rickert: Yes, you're next.

Robin Gross: Sorry, I didn't mean to cut off people I just - I'm not able to get online on the Adobe Connect so I have to sort of just shout my name out when I want to get in the queue, I apologize.

Thomas Rickert: Sure, please go ahead.

Robin Gross: Yes, I wanted to support what David has said about putting the cart before the horse, if you will, and sort of, you know, trying to go through all the criteria of deciding what kinds of protections to grant before we even talk about whether or not we ought to be granting these protections.

And I think that he's right that there are existing protections that are in place, mechanisms that have been put in place to protect these interests. What I don't hear is how are those existing mechanisms insufficient to protection their legitimate interest? We haven't heard that.

And so I think that that has got to be one of our first conversations. What is it about the existing protection mechanisms that we've put in place that are insufficient to support their interests? Thank you.

Thomas Rickert: Thank you, Robin. Any further comments on this? Okay again - and I can't emphasize this enough - this is - all this is open to discussion and nothing is carved in stone so I'm perfectly happy with starting with the question of whether protection should be granted or not.

I felt that it was difficult to make that determination sort of in isolation. But I would propose that we focus on that aspect then first because I see certain hesitation within the group to take a deeper dive into the various action items that I have written down.

I have Margie.

Margie Milam: Yes, this is Margie. I just wanted to point out - and I don't know if it would be helpful to the group - but if you take a look at the issue report that was - preceded all of the activity in this PDP it actually does talk about some of the things that Robin asked about.

I believe there's a number of submissions from IOC Red Cross and the UN OECD that are summarized in the issue report so just something to keep in mind. And if you would like us to go over that at some point in the PDP process we'd be happy to do that.

Thomas Rickert: Thank you, Margie. Just taking a quick look at the chat okay I think that part of the reason why we have not included too much information about the need

or the reasons for the request for additional protections here is that we have discussed this in the IOC RC group quite a bit.

But I think that we should take a fresh start on that and gather some views on whether protections should be granted or not. And what I am particularly interested in hearing here is some hopefully objective criteria as to how to measure or determine whether additional protections are needed.

Because I think that this might help the group make up its mind regarding this question that we could almost take as a zero at the very beginning, you know, the general question should additional protections be granted or not.

So I have Liz. Liz, please go ahead.

Liz Williams: Yeah, hi. Liz Williams speaking. One of the things that is very common in this kind of debate is - which gets forgotten is what the problem we're trying to resolve?

Thomas Rickert: Say that again. Sorry, I had...

((Crosstalk))

Liz Williams: The issue that we're trying to deal with here is what is the problem we're trying to resolve? So you reverse out the - whether there's a need for special protection at the top level; that first part of that charter or piece of work for the group is to - I'd like to see a better and more detailed discussion of the problem that needs to be solved that cannot be solved with the protections that are already in place.

And I'm not hearing that. Given that I'm not hearing it then I don't think that, you know, the question of whether to provide additional protections than that which already exists in international treaties and statutes is relevant.

It's just got to be something that we have to be very, very clearly about the impact of if there are (unintelligible) protect at the top and second level for a very vast array of international organizations it will become binding contractual policy for new registries to deliver. That is all very well but I think we have to be extremely careful about the road we're going to go down.

Thomas Rickert: Thank you very much, Liz.

((Crosstalk))

Thomas Rickert: Sorry.

((Crosstalk))

Thomas Rickert: Sorry, Liz, I - did you want to add anything?

Liz Williams: No, that's okay. Thank you. Thank you.

Thomas Rickert: Thank you, Liz. I think it would be fruitful for us to obtain some information from the previous work of the IOC RCRC drafting team. I see that Kiran, for example, is in the - in this call. So, Kiran, I don't want to put you on the spot but if you want to you might wish to explain a little bit as to why you deem the existing RPMs insufficient to protect your organization's designations.

Kiran Malancharuvil: Hi, Thomas. This is Kiran. I'm actually going to defer to Jim and to David who are on the call today. I'm a bit ill and I'm working from home so hopefully they'll be able to answer that question better than I could.

Thomas Rickert: Okay, any volunteers then?

Jim Bikoff: This is Jim.

Thomas Rickert: Jim, please.

Jim Bikoff: Yeah, well, Thomas, as you know we've spent well over a year discussing IOC and Red Cross needs. And I think that the work that we did in the drafting team we were able to show the amount of harm that happens on a regular basis to the IOC and to the Red Cross through lists of cyber squatters, porno sites, all sorts of misuse of marks on such a huge level.

During the games in 2012 we were receiving actually about 1000 cyber squatting reports a week on things that were obvious cyber squatting sites and taking down as many as possible on a 24-48 hour basis.

But so I think that the harm that was faced was so overwhelming and that's just in the current 22 top level domains that we foresee tremendous damage when you add not just another 22 but possibly, you know, 1000 or more and over the long term it may be a lot more than 1000 in future rounds.

So I think that the work we did illustrates that type of thing and also illustrates the basis for which the protection was recommended by people like the GAC and the ICANN Board and the ICANN general counsel study. I think all of those should be looked at to confirm that in fact these protections are needed by these groups.

Thomas Rickert: Thank you, Jim. I have Stéphane next. Stéphane, please.

Stéphane Hankins: Yes, hi. Good afternoon, good evening. Yes, I concur - I mean, in the context of the IOC Red Cross Red Crescent group we discussed this at length, you know, the specificity of the protection, the global public interest that requires it be implemented and enforced, a priority of the - of, you know, eventual violations.

I mean, if we taking your driving license example the prohibition to rob a house, for example, exists without having to apply for it or, you know, to apply for it with the police.

Now in terms of the damage involved or the prejudice to the organizations concerned if we take the organizations of the Red Cross Red Crescent and we try to document them there's been several of the written submissions that were made, you know, in terms of - or in an event like the tsunami in Southeast Asia we had multiple, you know, attempts of sites being set up, you know, to divert money which was intended for the victims.

And we - in the context of the past working group we consistently made the case that, you know, the mechanisms existing are costly as such to activate. That, you know, we, within the Red Cross Red Crescent, you know, for us to spend donor money, which is intended, you know, to serve victims of the humanitarian crisis in which we work to address, you know, such matters in terms of personnel having to be involved to track down such situations, you know, these are extremely heavy for us to manage.

The protection requires to be in place in advance of any abuse or attempts to abuse. And the international treaties, which provide for these protections, are very clear in this regard. So that's what I will say to this point. There were a few things - there were a number of points that were addressed earlier on but I will wait. Thank you.

Thomas Rickert: Thank you very much, Stéphane. And I'm sorry for you putting you on the spot with this but I think this is a very relevant question for us to discuss. And looking at the activity in the chat it's great to see so much interaction there.

I would like to get your input on what criteria we can use to establish whether protections should be granted or not. So one thing or one idea that I heard from David Maher earlier on this call was to spell out explicitly why the existing RPMs are deemed insufficient.

Do we have any other criteria that we could apply for an analysis to answer the question? David, please.

David Maher: Yeah, I just wanted to make it clear I think that the RPMs are sufficient. I don't think there is a question about their insufficiency although I believe that's a question that this group might want to look at. But my own view is that the RPMs are sufficient.

Thomas Rickert: Thank you, David. Greg.

Greg Shatan: Well I would take a position 180 degrees opposite from David and state that, you know, I do believe that the protections are insufficient and that the introduction of, you know, 1000 or more new top level domains, you know, will make it essentially impossible for organizations to, you know, such as the ones we're considering, to effectively protect both themselves and consumers and the general public without, you know, bankrupting themselves.

You know, we're entering a completely different - and, you know, putting aside whether the RPMs are even sufficient in the world that we're in today; in the world we're in tomorrow I would say they are, you know, completely insufficient. So thank you.

Thomas Rickert: Thank you, Greg. I might get back to you on that later on because I think we need to work on that in a little bit more detail as to why we think these RPMs are deemed insufficient or sufficient by the various individuals on this call. Ricardo, please.

Ricardo Guilherme: Yeah, no just to agree 1000% or 2000% with Greg - Greg's remarks that - and to reiterate again that the arguments - several arguments have already been presented by the UPU as well as IGOs in general. So I don't want to speak for them; maybe there's other (unintelligible) on the call to confirm what I just said.

But we have already expressed collectively that the current mechanisms are not only insufficient but they are simply disregarding existing international and

- international law and as well as domestic law. So we would caution against any such discussion in this regard. Of course we have to - we're having a very lively discussion in the chat right now and this is extremely enriching.

But from the - at least from the perspective of the UPU, from the perspective if I may say the IGO community the current mechanisms are absolutely insufficient. And as Greg already said if we were to oppose applications that somehow use or want to use the name or acronym of an IGO we would simply have no further budget for any other activity of these organizations.

So just to make this point very clear of course we're open for discussion and for representing, again, this argument. But I just wanted to make this point very clear once more. Thanks.

Thomas Rickert: Thank you, Ricardo. Evan.

Evan Leibovitch: Hi there. It's interesting to be both on this call and in the representations that Fadi had over the last couple of weeks over the trademark clearinghouse of all the similarities that exist.

And there's a part of me even wondering why these issues have to be handled separately. The complaints that I'm hearing out of the IGO community essentially are the same thing that I hear coming out of Warner Bros. And frankly I'm really quite fascinated of the different tracks that these two things have taken.

Coming from the point of view of At Large there's definitely a need to protect charities and, you know, the Red Cross - the Red Cross argument is substantially more compelling than those from the IGOs or from the Olympic Committee because there is a real fraud purpose.

You know, if somebody puts a porn site up and calls it the ILO nobody mistakes that the porn site has anything to do with labor movements. In the

case of somebody putting up a Website that says Red Cross Sandy relief there is a real genuine public harm.

To me that's the real distinction between here and considering the IOC as - or an IGO as just another brand. And I really wish that ICANN would perhaps make a couple of considerations in this regard. Also personally I don't see any protections that should be afforded the RCRC that should not be afforded to (unintelligible) or (Oxfam) or other groups that have the same issue of public harm that comes from abuse of their charitable efforts on the Web. Thanks.

Thomas Rickert: Thank you, Evan. I have Ricardo again.

Ricardo Guilherme: Yeah, thanks, Thomas. It is very interesting to have the discussion of course. And we have to be careful not to get too excited because it's something that comes, you know, is very close to heart when we discuss this existing protections or the rights behind any intended protection.

And, I mean, I can only disagree completely with what Evan said in terms of the so-called known humanitarian aspect of intergovernment organizations. I mean, this is exactly what we do every day. And it's not just about charity or not just about sending relief but the scope - the mandates in the charter of intergovernmental organizations is established exactly to ensure the public good.

So I would absolutely oppose any such judgment of value which is not based on objective - strictly objective criteria and the elements that have been already presented by IGOs - the IGO community in general so far.

So this leads me to say, once more, that we have to make - this working group is supposed to make recommendations on the basis of objective parameters, objective criteria or legally binding statutes and so on so forth. I discussed this before, for example, there is no international treatise protection

for the name Olympic. I said it clearly on previous occasions and still this kind of protection went through with ICANN.

So, I mean, when we simply individualize one or two organizations then we lose the objectivity that this protections are supposed to have we tend to lead to arbitrary decisions or arbitrary policies and that's what we're supposed to avoid. So the same for the very long fight that IGOs have been having to have this rights recognized by ICANN because this is simply so clear in our minds that we're really at a loss as to how to explain to them why those rights were so clear.

So again I'm sorry for the slight rant but just to emphasize a few important points to the group. Thanks.

Robin Gross: This is Robin Gross. Can I get in the queue?

Thomas Rickert: Thank you. Who's that?

Robin Gross: This is Robin Gross. Can I get in the queue?

Thomas Rickert: Sure, I have Greg first and then it's your turn, Robin. Greg, please.

Greg Shatan: Hi, it's Greg Shatan. I think - I did want to agree with - in part - with what Evan was saying - the last part, which is that - and I think the very reason for this working group which is, you know, beyond the IOC and RCRC organizations specifically that there are many other organizations such as (unintelligible) that, you know, are worthy of similar protections.

And the idea - the very idea of this working group is to establish criteria that would, you know, give, you know, due consideration or opportunity for those organizations to get the same protections and not have to run around ex post facto knocking down houses that others have built that infringe on their rights and their names.

I think that, you know, where we do differ I think is where Ricardo was stating that, you know, looking only for - looking at content of the sites I think, you know, gets us off into a, you know, down the rabbit hole.

And I think that while the ILO is, you know, a rather, you know, obscure - well maybe not obscure but a - not a recognizable - not as easily recognizable acronym as some other acronyms or names may be but that, you know, in general where organizations that are not affiliated with an IGO or INGO are picking a domain name in order to drive traffic because people will, you know, click on it because they think it relates to that organization's work and that that is, you know, a harm in and of itself before you even get to the issue of content. Thank you.

Thomas Rickert: Thank you, Greg. Robin, please.

Robin Gross: Thank you. Yes, I'd like to support what David had said previously that I believe that the existing protection mechanisms that we've created are sufficient to protect these interests. And so I think it is really important that we focus on what those are and if they are - if they do not protect these interests I would like to hear more about how and in what way.

Unfortunately all we hear when we try to press on this point is sort of grand statements with no detail, fear mongering; oh this is going to bankrupt us, hand waving about treatise. It's just - we need to hear specific details about how specifically do these RPMs leave someone unprotected? In what way specifically?

I think we need to go back to a point that Liz made earlier? What is the problem that we're trying to solve here? Because sometimes I feel like this just - this discussion comes around to a referendum on whether or not we like these organizations, whether or not we think the Red Cross and the Olympic

Committee do good work. And that's not the - that's not what the substance of this discussion is.

This isn't about whether or not we like charities, whether or not we like these organizations but in what way are their legitimate interests being unprotected here? And I think we need to hear specifics and not just sort of grand statements of oh it's just going to bankrupt us, fear mongering sorts of attacks. I think we need to hear more specifics. Thank you.

Thomas Rickert: Thank you, Robin. Greg, is your hand up again or still up?

Greg Shatan: No, I'm taking it down; that was an old hand.

Thomas Rickert: Not to worry. Not to worry. I have carefully listened to all the statements that have been made and read the comments in the chat and as was previously said we heard a lot of strong words like (David) plus 100, usually it's plus 1 but now it's plus 100 or I disagree 180 degree or I support 1000% or 100%.

So it's very biased and I have asked at the very beginning whether we have objective criteria that we can discuss because I think it's very true that this is not a discussion of whether we like or do not like certain organizations or their missions. My role as a chair is try to facilitate discussion accurately reflecting all the pros and cons and then being able to convincingly provide reasons for why this group came up with one or the other decision.

So I would like to remind us all of that fact that we need to look at objective criteria. This can be laws or liability risks for registries and registrars. This sort of goes in line with the question that has been put to general counsel. But also we need to discuss I think that we are talking about protections at the top level, we're talking about protections at the second level, what are the differences of these potential protections or scenarios, we're talking about identical strings, we're talking about combined strings or similar strings because from what I recall from the IOC and RC discussion, there were quite

some - or there was quite a number of reduced cases taking place under domain names where the designation has been combined with another term or where a variation of the term has been used.

And also what complicates our work is that we can only derive findings from experiences in currently existing TLDs and with existing RPMs but it's hard to predict the future for the new RPMs. So I let this conversation continue because I wanted to give everybody the opportunity to voice their concerns and their positions.

Maybe as a next step we can slice the existing RPMs and the threat scenarios to get to more objective parameters, one of which we heard, that is cost or resources. Are there more?

I also heard the question what is the difference or what is the difference in threat for trademark holder versus an organization that derives its protection from a treaty? That's a point that Evan made comparing the discussions here to those surrounding the trademark clearinghouse.

So are there any views or suggestions in terms of what criteria to apply or would representatives of CRC or other IGOs be able to further specify where they see deficiencies in the currently existing and proposed RPMs?

Greg please.

Greg Shatan: To touch on a few points on the second question of insufficiency if we look first most of if not all of the protections that are available are only for identical strings without the addition of other words. So Red Cross Sandy Relief is almost certainly not a registered trademark since Sandy only occurred a month ago or less. So while Red Cross may be protected, Red Cross Sandy Relief is not and therefore many of the existing protections wouldn't be available to that if any.

The trademark clearinghouse similarly while some of these may or may not be registered marks and their issues may be somewhat different from trademarks but if we view them as marks, the trademark clearinghouse is supposed to disappear rapidly if the house is being built kind of like for a World's Fair that's going to be knocked down as soon as the fair is over and not used permanently unless some of the discussions that are happening with (Spotty) change that, so that does not provide any kind of long-term resolution of the issues.

And further, without trying to use florid language, I think I just can't underscore how much cost especially for organizations that are in many cases may be smaller and not well funded can be an issue especially those that represent more developing nations and the like. So I think we can obviously plunge into this in more depth kind of talking about this off the top of my head but I think we run through them and there are many resources available that we can bring to these calls to discuss the insufficiency of these.

I'm assuming that many of them have been seen by those who are saying they are sufficient and there may just not be - I hope that we will have a - continue to discuss them. I'm just not sure that anybody's going to convince the other side on this point, kind of a red state/blue state sort of issue to make a reference to American politics but I'm not sure that anybody's convincing anybody of anything in Washington. Maybe we can do better. Thank you.

Thomas Rickert: Thank you Greg. Any further comments or may I specifically ask representatives of the IOC and RC maybe to share some thoughts on the deficiencies or potential deficiencies of existing RPMs or future RPMs for this situation?

Jim Bikoff: (Tom) this is Jim Bikoff. I think Greg really summed it up. The protection is very limited and I think for our organizations it takes away from a lot of the funding that we're doing for the Olympism which is the benefiting humanity through sports.

We've sent materials to the IOC/RC drafting team or the past drafting team showing the types of work that's done with funding for education and medicine and things of that type. We can recirculate those materials to the new group; maybe that's something we should do. But this is all ground that's been covered. And I think maybe, you know, for the new people in this PDP some of these materials probably should be recirculated.

Thomas Rickert: Thank you Jim. Ricardo?

Ricardo Guilherme: Well I just would mirror those comments to say that the IGOs have presented also over the past one or two years communications with the same kinds of arguments that have just been said. So this could also be recirculated as necessary. Thanks.

Thomas Rickert: Ricardo I have one question for you or maybe Jim wants to answer it. The question was posed earlier. In what way do the concerned organizations consider their situation to be different from that of trademark holders that are also envisioning harm or the risk of their designations or variations thereof of being registered and abused by third parties?

Jim Bikoff: Well I can say for the IOC what's protected under the multiple national statutes are words and not brands so that the words are prohibited from use not the brand names. They're not trademarked protections.

Ricardo Guilherme: Well from the side of the UPU I can simply say that there are specific international treaties as well as domestic provisions -- and they have been exhaustively communicated to ICANN over the past years -- that simply state that the non registrability of those names and acronyms in national jurisdictions.

So actually the protection enjoyed by IGOs in general and business defined under article 16 of the Paris Convention goes way beyond simple

considerations of a domestic nature for example. So it's not even something that is subject - if you wanted to register something like that you would not be able to so the specific considerations have already been made by the IGOs and we could recirculate this with the group once more.

And this is exactly why this community of organizations has been stressing so much this point to observe international as well as domestic law. So if the group so wishes we can of course make those available once more. Thanks.

((Crosstalk))

Jim Bikoff: It's just a question of if you want that done we can do it between now and the next meeting.

Thomas Rickert: I think that would be helpful because these questions pop up now and only a subset of the participants of this call have been present when the discussions took place and IOC/RC drafting team. I have David Maher now.

David Maher: I have no objection to recirculating the materials but the point I believe is that registrability of a trademark is a vastly different concept than registration of a domain name and that's why we have this PDP going on.

Thomas Rickert: And David what would your suggestion be in terms of criteria to apply to answer the question?

David Maher: As I've said I think I don't see a need to get to that because I don't believe that there is any need for the protection that we're talking about. I think the RPMs are sufficient protection.

Thomas Rickert: Okay thank you. I have David Roache-Turner next.

David Roache-Turner: Thanks very much Thomas. I'd just like to add my support to the comments made by Ricardo a little bit earlier there. I mean I think it is

important and valuable to recall as Ricardo did that there are (unintelligible) in international law under treaties. Ricardo referred to one in particular, 16 of the Paris Convention that provides specific protection for the names and abbreviations of IGOs.

And these organizations that have those names and abbreviations are protected under that particular treaty and in domestic law as well of course operate on the basis of public funds. And those public funds ultimately need to be pumped into any of the existing RPMs that are curative. They require payments of monies in order to make them work.

And particularly in the context of the vastly expanded domain name system, one of the things that IGOs I think are concerned about is the direction of what effectively are public funds into this need for curative enforcement which is why there has been this discussion I think ongoing for some time about the need for a different form of protection which is preventative in nature rather than curative and which doesn't come at that cost ultimately to the public first.

Thomas Rickert: Thank you very much. Greg?

Greg Shatan: Thank you. I think first going back to David Maher's statements and to Jim's as well, the point here is that we're not dealing with trademarks -- I hesitate to say near trademarks -- but trademarks. We're dealing with somewhat of a different animal because of what has been identified in our charter and even in the previous discussion that these are names that are protected by statute and/or treaty that have absolute protection under those treaties or at least different protection.

We're not talking about commercial brands in that sense -- in the same sense so we are talking about something that is a different animal, at least a different breed of animal than trademarks which are established only by registering on multiple one or multiple national trademark registries, rather these are names that have been protected by specific treaty and/or law.

And that's really where this discussion differs from the discussions that are happening with regard to brand. I think we shouldn't muddle the two because the very basis of this PDP is there is a difference. Whether that difference drives additional protections is the essence of what we're discussing here but there is a difference.

And I guess I would also ask David or others on the call why they believe and how more specifically they believe that the current RPMs are sufficient. I haven't heard any discussion of that. Thank you.

Thomas Rickert: Thank you Greg. Before I give the floor to Stéphane and David I'd like those of you who want to speak up to add them to the queue because I would like to close it afterwards to move it to the next agenda item. Stéphane please?

Stéphane Hankins: Yes thank you, Stéphane (unintelligible). I want to concur with much that has been said in fact. But first of all as I already mentioned we have already highlighted and sought to document to some degree as much as we could in the papers we submitted the actual prejudice that misuse of the names of the registration of these names and the set up of sites causes.

But I'm afraid I have to come back to a point that I have made many times in the past working group which is to highlight the designations of the Red Cross, Red Crescent, Red Crystal in fact they are in some way a case of their own because the global public interest does not flow, at least it doesn't flow primarily from their affiliation to any organization whether to the international Red Cross, Red Crescent movement or any of its components. They're protected as designations of the protected emblems of armed forces medical services and organizations caring for victims or war that are duly entitled under domestic legislation to display these emblems.

They're not protected because they're the emblems of the IOC/RC or the federation or the American Red Cross. It's a different thing. The global public

interest which is recognized also in the GAC's communication to the board also reflects that aspect. They're not protected because of our names. That is only a secondary reason for their protection.

So I think we have to have that in mind and I think from that it really does send the need to distinguish and will be in this instance to have a (unintelligible) look at the issue because we feel that the protection of the designations doesn't fully fit within the purview of the PDP as it set. There is no organization actually called Red Cross. There is an organization called the International Committee of the Red Cross, International Federation of the Red Cross/ Red Crescent, American Red Cross, French Red Cross, but there is no organization called Red Cross. Well these designations are also protected under international law universally ratified treaties as such.

I think this is important. I also want to reiterate the points that we made. These are not protected as trademarks; they are protected under international law under a different reasoning. It's a different question. So I do want to make this point. I think it's important that we have that very clearly in mind so that we don't confuse matters. Thank you very much.

Thomas Rickert: Thank you Stéphane.

David Maher: Yes thanks. I just wanted to respond briefly Greg. I think that the position of the IGOs in this EDP argues too much. The concept that these existing treaties -- and I'm not denying the existence of the treaties -- but my point is that they have nothing to do with (unintelligible) and the same principle really applies to trademarks. And I think there are differences admittedly but the arguments that are being made lump them together and that's part of the problem of getting some resolution of the work of this EDP.

Thomas Rickert: David I have one follow-up question to you if I may. You say that the differences between demand registrations versus trademarks versus designations of IOC and RC or treaty protected designations, but if my

recollection is correct not all of the planned new RPMs can be used by IGOs since they are explicitly designed to help to avoid or fight trademark infringements.

David Maher: Well that's true and I can understand the desire to deal with organizations like the Red Cross or some of the other charitable organizations as having a separate status based entirely on what you might call humanitarian grounds. I don't think though that organizations that are strictly intergovernmental deserve the same kind of consideration as for example the Red Cross.

Thomas Rickert: But you said earlier that you deemed the planned new RPMs sufficient. Would you still open them up for designations of IOC, RC/RC and other IGOs?

David Maher: Well I think the Red Cross and the Olympic Committee which are the two that are the subject of the proceeding before the GNSO Council ought to be treated separately. That's a separate issue.

Thomas Rickert: Okay thank you. I have Evan next.

Evan Leibovitch: Hi, just wanted to make a couple of points. First of all just to agree with the previous conversation that they should be addressed separately. Again that's a different issue but I would fully agree with that.

Also on the issues that I was trying to make previously were sort of raised what seems to be a little bit of a Pandora's Box about comparing this to trademarks, of course the international treaties on trademarks are not identical but the end result that is being requested is functionally almost identical. In the trademark clearinghouse there's a very controversial move about the idea of blocking domains. That is what is being asked here so that are things are reserved so that you don't even have to bother doing defensive registrations because they're already being blocked.

That exact same tactic is now the source of significant conversation over the trademark clearinghouse discussions. So while the reasons for the blocking and the reasons for the claims issues may be coming from very different sources, what I'm trying to get at here is that functionally within the ICANN the end result is the same. That is the domain is not available for use by somebody that might want to use it possibly for an illegal or fraudulent purpose but also possibly for a totally legitimate one. And so I think what we need to do is find out the nexus of that with this so that we're not totally reinventing the wheel.

And finally although there's been made reference to the global public interest as expressed from the GAC, I would also want to remind the callers here that ICANN does have an At Large advisory committee that is explicitly charged with protecting and advocating the global public interest. And let me tell you our views are absolutely not totally in synch with the GAC on this.

Thomas Rickert: Thank you Evan. Greg?

Greg Shatan: I guess I would just say that the argument that brands are not the same as domain names while obviously a brand and a domain name are not exactly the same thing that the use of brands or the use of strings or words or terms or names in domain names performs a function of identification just like a brand or a name does.

If I go to gregshatan.com I expect to find something about me or rather somebody else might expect to find something about me, and if they find a porno site or a get rich quick scheme they might either associate that with me or at the very least they've gone to that site because they're trying to find something about me.

I think if we were to take the argument that brands or names of IGOs and NGOs have nothing to do with domain names I would argue there should be no RPM whatsoever at all. Maybe that's the explicit position of those or at

least some of those that arguing that the RPMs are sufficient. What they're really saying is that the RPMs shouldn't exist in the first place but that horse has left the barn.

I would submit that the issue of whether there's a relationship between words and domain names is another horse that has left the barn. The issue that we're dealing with here and I don't think we should be discussing the issue of brands per se on this call because I think the difference between IGO and INGO names and the way that they are protected and established is a difference with a distinction and is really again the subject of this particular PDP and getting dragged off into the weeds on trademarks while my it might be interesting and fruitful - I think it would be interested but it would be fruitless and more importantly it's outside the scope of this PDP and I think we do need to focus on that.

And I guess the last thing I would say is that while the IOC and the RC/RC had been very focused on moving these protections forward for their own organizations and at least implicitly for other organizations, I think that we can't stop only with those organizations. While it's great that they've kept their eye on the ball, other organizations, OECD one of the thousands of other examples, shouldn't be penalized if in fact there appropriate reasons that they should receive protections and that's the reason why we're trying to engage in a policy process here. Thank you.

Thomas Rickert: Thank you Greg. Ricardo?

Ricardo Guilherme: Hi Thomas thanks again and I'm going to be very quick. Just to reinforce one thing that I said moments ago in response to whether IGOs would be less or more humanitarian, this is a very slippery slope to take. We should not be making in this working group judgments of value on whether a certain organization is nicer than another.

So all IGOs by definition they serve a common public good, a common public interest. That's why the member states they come up, they get together and they form those organizations. So to say now perhaps the UPU when rebuilding the whole postal sector of a country devastated by natural conflict is not as good as some other organization or perhaps the Olympic committee because they're doing some sports activity, I'm sorry I don't think this is really a discussion that should take place in this group. We have to stick to objective criteria to international and domestic laws applicable, statutes so that they are fully taken into account in any kind of ICANN policy as determined by its bylaws. Thanks.

Thomas Rickert: Thank you Ricardo. Alan?

Alan Greenberg: Thank you. The conversation or the points made by David and you I think are something that we need to note for future reference. Should we decide that indeed new protection mechanisms for some of these names are not necessary or maybe even if we say they are, we need include in part of our recommendations insurance that these organizations are treated reasonably.

I'll remind you that more years ago than many of us can remember the IGO's did come to ICANN and say we want something comparable to the UDRP so that we can actually take action against people who may be misusing our name. And after a lot of study and work, the decision was made to say let's wait until after the new GTLD's and that will cover it. Well it didn't.

There is still no UDRP. The URS has - does address them but not the UDRP. And we need to make sure by the time we finish if something needs to be done in that direction, we may not be able to do it according to our charter but we can certainly recommend that it be taken up. And we need to make sure that the organizations we're looking at have reasonable protection whether that's blocking complete, you know, reservation or nothing more than reasonable rates protection mechanisms. We need to make sure that we

have a consistent solid picture so we're not doing this again seven years from now.

Thank you.

Thomas Rickert: Thank you Alan. Thank you everybody for your valuable contributions. I will try to amalgamate that into an info paper for the group to continue its discussion on the mailing list. Before I move to the next agenda item or we move to the next agenda item, I was wondering whether you would find it valuable to obtain some information about the history of this and similar protections.

And therefore Alan thank you so much for reminding the group but, you know, today Chuck Gomes has sent in an apology. He's not there but he has been the chair - if I'm not mistaken - of the Reserve Names Working Group a couple years back. So unless I hear objections from you, I would invite Chuck to provide us with some information on their work a couple years back so we better understand the deliberation when it came to reserving and thereby protecting certain names.

Also I would like to encourage the representatives of the organizations seeking protection in this group to resubmit their papers and evidence information on why they think protection should be granted. Certainly a lot of points have been mentioned during this call but you have referenced certain papers that have been circulated earlier on and I think it would be valuable to help them circulate it on this mailing list.

Also I would like ICANN staff to do some things to the previous work done regarding IOC and RC. The preliminary report and the final report has been mentioned early on. And maybe we can ask - I think - if I'm not mistaken - Brian was the primary drafter of that document. Margie is that correct?

Margie Milam: Yes.

Thomas Rickert: So maybe we can ask Brian to show us through the document so that we are on the same level of knowledge regarding this previous work.

Also those who have opposed to granting protections, I would like to encourage to send objective criteria as to why protection should not be granted to the list so that we can, you know, so that we have all the information that we need to continue our deliberations by the next meeting hopefully.

I would, you know - being cognizant of time - we have 25 minutes left. I would like us to go through the paper as edited by Ricardo seeking input from the SOAC and other groups briefly. I'm not sure, you know, whether we should go through it sentence by sentence or whether we - I should just generally ask whether you have any objections to the edits made by Ricardo.

So maybe you can have a quick look at what's on the Adobe now so that we can run through the document and hopefully come up with an agreed version that can be circulated.

Berry Cobb: Thomas this is Berry. Just real quick to advise the working group - essentially there's two requests that are going out. One is specifically within the GNSO which is what we're looking at here that would be sent to stakeholder group and constituency chairs. And then the second request for input is at the SO and AC level. Essentially the introductory statements in between the two are kind of different because they're catering to different audiences but the substance of where we get down past the process and more into the questions to consider as both the same across both documents.

So I think if we get into the substance of the SGC one that we have now then that can just be cut and pasted over into the SOAC request.

Thomas Rickert: Thank you Berry. That's most helpful.

I was cutting this short but as (Mike) remembered from (Ricardo's) email, he was making exactly that suggestion that his edits should be transferred or copy and pasted to the other document. And so can I hear you comments on this paper and whether you have any objections to the edits that have been made?

David please. David? Maybe you are on mute.

David Roache-Turner: The reference to INGO is not complete. INGO is defined as only a small sub-stack of NGO's. And I think that should be made clearer. Also I have not had a chance to review these changes and I would like to be able to review them and make comments on our website - on the email.

Thomas Rickert: Okay, point taken. Do you have a suggestion in terms of wording for the INGO issue that you flagged?

David Roache-Turner: It should be picked up from the issue report where I think it's spelled out clearly.

Thomas Rickert: Okay. So maybe (Steph) can fix that.

Ricardo.

Ricardo Guilherme: Yes, thanks Thomas. Thanks for putting those on the screen as well.

So just to clarify to David - the use of the acronym INGO here is simply replicating what is already being used in the charter of the working group. So it seems like - as I understand it - the mandate for this working group is simply to study protections for IGO's as well as INGO's. And within this category of INGO's of course you have the Red Cross movement and the IOC.

So that was simply the purpose but I would agree to maybe - Thomas - perhaps this could be relayed to the group. I mean I already sent it to the whole group but perhaps people could have maybe one or two days to make comments because they may still need some time to go through that. Thanks.

Thomas Rickert: Yes. Sorry for being unclear with this. Certainly the document will go to the group and we will give the whole group the opportunity to comment on it. I was - I intended to get all comments that this group might have, you know, the representatives on the call to at least get preliminary feedback and the points raised here incorporated into the draft that's going to be circulated to the group.

So are there any further requests for amendments?

Stéphane Hankins: Excuse me. It's Stéphane Hankins speaking.

If I, you know, building on what I - my previous comment - you know, once again, you know, the names that are associated to the organizations which remain here - Red Cross, Red Crescent - those designations are not protected as the names of organizations. So, you know, with the amendments develop specific recommendations for appropriate special protections for the names and acronyms. And - I'm sorry, I don't know what page now.

So IGO and INGO names including Red Cross and IOC - this is does not reflect, you know, what needs to be looked at because it's, you know, the names are not protected primarily as bad. So, you know, this to us is not simply an issue of being distinguished from the NGO, INGO categories. It's an issue of substance for the group to consider.

Thank you.

Thomas Rickert: Thank you Stéphane. Would you be able to submit an amended wording that reflects your view to the list?

Stéphane Hankins: Yes. We'll do that.

I need to review the whole because there is different moments where changes have been brought. So I - but we can submit a proposal. Yes. We shall do that.

Thomas Rickert: It would be greatly appreciated if you could do that as soon as possible.

I have David next.

Berry Cobb: Thomas could you put me in the queue after David?

Thomas Rickert: Sure.

David Roache-Turner: Thanks Thomas.

Just a quick observation I supposed. I haven't had a chance to go through the document and data yet but I will do that and I think it makes sense to have a brief period of time for that to occur.

I just have a question which is that the discussion that we had at the very earliest part of this call which is very useful about the impact that the SR that has gone now to the GNSO council concerning - among other things - the question of interim protection based on IMT registration criteria whether a reference to this letter and its potential impact on the present deliberations might also be usefully reflected in this document for something - as something for the group to consider further as more particulars and information about the implications of that letter become clearer.

Thomas Rickert: Yes. Good point.

Maybe (Marge) or Berry - maybe you can include an additional sentence or short paragraph to reference to that daily communication if that's possible.

Berry Cobb: Hi Thomas. This is Berry. I think that's a good idea. In fact we may want to even wait once the resolution has actually been posted so we can include the link in there and any details that might be associated with that. So hopefully that'll be up in the next day or two as well.

Thomas Rickert: Wasn't that planned to be publicized on Monday? Monday would be a little bit late in my view.

Berry Cobb: Okay. Well I'll add the few sentences and certainly I imagine it will take us at least a week or so to finalize this draft before we send it out and then we can include the resolution in it as well.

Thomas Rickert: Okay. Now I have a question to the group which is, you know, the questions to consider which you find in the request for input on the second page. They basically cover all the aspects that are in the charter. We have seen today that there was a very vivid discussion surrounding the very fundamental and general question about whether to ground protections at all or not. And it was my understanding that - at least by a subset of the participants today - this was seen as a condition for further work or a question that needs to be answered first.

Would it be something this group would like to see that we include something on that in this call for input? And I've seen that David has asked in the chat how can you prove a negative. I guess that was in response to my encouragement to those opposing to special protections that they should provide input. Certainly you can't prove a negative but I would like to encourage everybody who is opposing as well as those who are in favor of the additional protections to share their views with us and to sort of make them as objective as possible based on past experience or other criteria.

I have Ricardo now.

Ricardo Guilherme: Thanks Thomas. Perhaps in reply to your request, isn't that covered already by - on the first page of the proposed draft you have already a sentence saying as part of its deliberations on the first issue as to whether there is a need, et cetera. And then on the second page the first question would exactly be what kind of entities should be considered for special protections.

So of course if the views of a certain group are that none should be - no organization or no specific names should receive this kind of protection, they would just put the answer there and then everything else would fall from there. So I would just wonder whether this is already being covered by the paper. So there would be no need for specific editing.

Thanks.

Thomas Rickert: Thank you Ricardo. This is sort of a variation of the discussion that we had surrounding the wording in the charter. We also said that, you know, we're sort of prescribing an outcome of the PDP. So my intention with this question is not to drive it into one or the other direction but just to accurately reflect what information we would like to seek.

So, you know, one might say here that what kind of entities, if any, to make that clear. But, you know, that's up for, you know, for your comments.

Greg please.

Greg Shatan: I was just going to say briefly that you can prove a negative and, you know, the statement you can't prove a negative is kind of a convenient bottle stopper in a conversation but it's just not true. We don't need to go off into philosophical and logical and weave on that point but it's, you know, let's just

get beyond that. It's a pretty silly statement actually if you delve into it which I don't think we should do. But we should delve into, you know, the issues and, you know, support for all the positions on the call.

Thanks.

Thomas Rickert: Thank you Greg.

Back to my question - do you and I'm going to phrase that more clearly in a second - do you consider the scope of question one sufficiently clear to get the results that you would like to see as the basis for our work or would you like to see an added along the lines of what kinds of entities - comma - if any - comma.

So those who are - who would like to see an edit on question one, please make yourself heard now. Otherwise we're at least going to leave the wording as it is for the time being which certainly doesn't preclude you from making any comments on the mailing list data.

I have David please.

David Roache-Turner: I support adding if any.

Thomas Rickert: Okay.

((Crosstalk))

Thomas Rickert: Who is that?

Robin Gross: This is Robin Gross. I agree.

Thomas Rickert: Robin, please. Yes. Okay, so you agree?

Robin Gross: Yes, with David.

Thomas Rickert: So Berry or Margie can I ask you to put this into - the small edit - into the draft prior to it being circulated to the group and then certainly it's up for discussion with the group but I just, you know, want to make sure that we have amalgamated our wishes in terms of feedback into this document.

In terms of point six on the agenda which is the review of the work plan. I would very much like to skip that for the time being since I guess it makes sense to revisit that once we know what route we're pursuing in terms of work. You know, I had proposed to split our work into various sections and then we're going to shelf this for the time being. But, you know, once we have a clearer picture on where we're moving, I would very much like to add milestones or even deliverables to certain milestones so that we can more easily monitor the progress of this working group and report on it.

In terms of next steps and next meeting, I think the next step for us is to gather the information that we mentioned earlier for the group. Also we should discuss the request for input - the two documents that Berry referred to.

Berry and Margie and (Julia) what do you think would be the timeframe for that?

Berry Cobb: This is Berry. I should have that out to the list no later than tomorrow morning.

Thomas Rickert: Okay. Giving you a separate tree, I was asking but that's great information. Do you, you know, this goes out to all the participants of the group - do you think it would be sufficient if this went out tomorrow for you to provide feedback by Monday so that we can have more discussion and adopt an agreed version without too much work on the call next week, you know, to get it finalized?

You know, I would very much like to see that we finalize this document based on the discussion on the mailing list and not take too much time off next week's call. And your positions to that?

Hearing none, I would seek your feedback on the document by Monday and then we would circulate an updated draft incorporating your feedback Tuesday morning at the latest so that we have hopefully something that we can adopt on Wednesday during our next call.

Berry what is the exact time for the next call or (Julia) - I don't know who of you has taken care of that.

Berry Cobb: Hi, this is Berry. Next week it'll be the same date but it'll be at original time which was 20 - I think it was 1900 UTC. And we should get the calendar invites or the notices sent out in the next day or so as well.

Thomas Rickert: Okay, great.

So unless there are - unless there's opposition against this date - Ricardo you had your hand raised.

Ricardo Guilherme: Yes, thanks.

It was just a friendly request perhaps. Would it be possible to have this - the next call scheduled a tiny bit earlier for the people here in Europe? Thanks.

Thomas Rickert: Let's hear David first and then I'll hand it over to Berry to respond to that. David please.

David Roache-Turner: There's a problem that the registry stakeholder group has a regular meeting. For example today the registry representatives are signing

the long term schedule of the registry stakeholder group. So I would personally support retaining the hour of 1900 UTC.

Jim Galvin: Thomas this is Jim Galvin. I have the same problem as David with another organization earlier phone call.

Thomas Rickert: Okay. So Ricardo I'm afraid we're stuck with that, you know, because I would really like to see representation or more representation of the registry stakeholder group and Jim. So even if it's inconvenient, I apologize for that but I'm afraid that we don't have - I'm just seeing it's 4:00 AM in Melbourne. I sympathize with that.

Berry do you know whether there are any viable alternatives to that time of the day that would be more suitable for everybody?

Berry Cobb: Thomas this is Berry. If you'd like or if the working group wishes, we can send out a doodle poll and have members kind of complete their preferred times and see if there's any room to adjust by an hour or two or something along those lines.

Thomas Rickert: Okay. Nonetheless for next week I would propose we stick to the time given so that people can put that into their calendars and it would be great if you could send out that doodle poll in the coming day. So we might be able to make adjustments for the week after next week.

Ricardo your hand's raised.

Ricardo Guilherme: Yes. Sorry for insisting. I think doodle is a really easy thing to do. I mean Berry could - if I may request - he could send it today or tomorrow morning and we could quickly answer in terms of availability of times. So then we can clearly see, I mean, if we are to insure representation by all people concerned, we have a known negligible number of people who are residing in Europe and it's not really easy for us to participate in a call from 8 or 9:00.

So just whether we have - you may find some better common ground would be great. That's really something that can be quickly answered by all concerned. And then of course if there is no one else able to participate in another time then of course I rest my case. But just to be sure about that.

Thanks.

Thomas Rickert: Okay Ricardo. Let's keep the time for the moment. Should the doodle poll come to the result that we can change time quickly, you will get another notification on that.

I have Alan and that's going to be the last statement during this call. Alan please.

Alan Greenberg: Just a short one. No matter what time we pick, it's going to be bad for somebody. That's a given or probably more than somebody. And yes we can do a doodle quickly but it's going to take several days and by the time a decision is made, that would mean we are changing the time of this meeting on two or three days notice and that always has significant problems in terms of attendance. So I would strongly recommend we not try to change it for next week.

Thank you.

Thomas Rickert: Thank you Alan.

This meeting is coming to a close very shortly. Just in terms of my hope for the next meeting, that is that I hope that we have all the information at our fingertips before the next meeting takes place. Should (Chuck) and the others be available to update us on the previous work, you know, to guide us through the history of reserve names and related aspects. We should take this hurdle quote, unquote or answer the question during next meeting -

during the next meeting or shortly thereafter in order to be able to address the other areas afterwards.

I would very much like staff in the first place for making it possible despite the policy staff retreat to participate in this call and to prepare for it. Thanks so much and I'd like to thank you all for a very good and helpful discussion. And I hope that we're going to be able to make good progress in the next coming weeks.

Thank you so much and bye, bye.

Group: Bye.

Thomas Rickert: So I think we can stop the recording now. Thank you.

END