

GNSO
New gTLD Committee teleconference
July 26 2007 at 12:00 UTC

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<http://audio.icann.org/gnso/new-gtld-20070726.mp3>

on page:

<http://gnso.icann.org/calendar/#jul>

Committee Attendees

Avri Doria - GNSO Council chair Nominating Committee appointee
Chuck Gomes - GNSO Council vice chair - gTLD Registries constit.
Cary Karp - gTLD Registries c.
Tony Harris - ISPCP
Mike Rodenbaugh - CBUC
Robin Gross - NCUC
Mawaki Chango - NCUC
Kristina Rosette - IPC
Ute Decker - IPC
Sophia Bekele - Nominating Committee appointee
Jon Bing - Nominating Committee appointee

Observers:

Marilyn Cade - CBUC
J.Scott Evans - IPC
Ray Fassett - gTLD Registries c
Ken Stubbs - gTLD Registries c
Miriam Sapiro - President, Summit Strategies International

ICANN Staff

Denise Michel - Vice President Policy

Olof Nordling - Manager, Policy Development Coordination

Liz Williams - Senior Policy Counselor

Karen Lentz - gTLD Registry Liaison

Glen de Saint Gery - GNSO Secretariat

Apologies:

Philip Sheppard - CBUC

Craig Schwartz - Chief gTLD Registry Liaison

Avri Doria: Ask everybody to announce themselves. Yeah and do it the old fashion way of, you know, sort of like the internet.

But then – I'm going to go off and you know, collision avoidance. I will be right back. I'll go talk to the operator and ask for the recording to start.

Coordinator: Thank you. A coordinator will assist you momentarily.

Glen de Saint Gery: (Unintelligible).

Coordinator: Excuse me Mr. (Chan) has joined. Thank you.

Avri Doria: Well.

(Chan) Hello.

Avri Doria: Hi, (unintelligible) operator hold on let me try again.

Sophia Bekele: Hi everyone this is Sophia.

Chuck Gomes: Hello, Sophia.

Sophia Bekele: Hello.

Chuck Gomes: There are lots of us on.

Sophia Bekele: Cool. Back to civilization.

Chuck Gomes: Avri is trying to coordinate with the operator right now.

Liz Williams: Yeah, I'm waiting for the recording.

Glen de Saint Gery: (Alex), the operator just informed the recording has started so you can go ahead with your call please.

Avri Doria: Okay, thank you. Hi, this is Avri we're having problems with the automated attendance keeping. So in order to get to names of everybody that's on I'm going to ask everyone sort of give their name. Yeah, hopefully everybody if, you know, will be able to take the turns and do it.

This is Avri Doria, so please people on the call indicate that you're here.

Man: Why don't you do by a constituency Avri that way you won't have...

Avri Doria: Oh, what a good idea, what a good idea. Thank you.

Okay, so with the Business constituency.

Marilyn Cade: Marilyn Cade.

(Mike Rodenbaugh): (Mike Rodenbaugh).

Avri Doria: Okay.

Glen de Saint Gery: And Avri apology from Philip Sheppard who cannot be on the call.

Avri Doria: Okay, thank you. From the IP constituency.

J. Scott Evans: J. Scott Evans.

Kristina Rosette: Kristina Rosette.

Avri Doria: Okay, thank you. From the ISP constituency.

Perhaps we have no one from the ISP constituency. At this moment,
hopefully someone will join. From the NCUC.

Mawaki Chango: Mawaki Chango.

Avri Doria: We also have Robin didn't we?

Okay I've got Mawaki. From the Registrars constituency.

Anyone from the Registrars constituency? And from the Registry
constituency.

Chuck Gomes: Chuck Gomes.

Cary Karp: Cary Karp:

Ken Stubbs: Ken Stubbs:

Ray Fassett: Ray Fassett.

Avri Doria: Anyone else?

Man: Not enough?

Avri Doria: I thought there might be one more.

Chuck Gomes: There might be before we're done but that's all for now.

Avri Doria: Okay. From the Nominating committee.

Sophia Bekele: No, I'm calling, Sophia Bekele.

Jon Bing: Jon Bing.

Avri Doria: Thank you and I'm here Avri. From ICANN.

(Bolt): (Bolt) is here.

Glen de Saint Gery: I'm here, Glen.

Liz Williams: Hello, it's Liz Williams.

(Karen Lentz): And (Karen Lentz).

Avri Doria: Okay.

Denise Michel: It's, Denise Michel.

Avri Doria: And anyone else that hasn't fallen in into one of the previous category?

Robin Gross: This is Robin Gross with the Non-commercially users constituency.

Avri Doria: Okay, thank you.

Miriam Sapiro: Avri, Miriam Sapiro this thing I can't...

Avri Doria: Okay, thank you. Anyone else?

(Deca): This is (Deca) Microsoft.

Avri Doria: Okay. So that from the IP constituency, right. Anyone else?

Man: Avri a minor point of order.

Avri Doria: Yes, please.

Man: May be about half an hour into the call you might ask if anyone from the call who's not previously announced themselves. At that point, in time it may help you find out whether you got any come to be (unintelligible) from the IFTs.

Avri Doria: Yes, thank you. That put suggestion or the Registrar.

Okay. Guess that's it for the roll call for now. Anyone need to or want to update their statement of interest at this point?

Okay, if anyone does come up with a necessary update to the statement please and I'll send it to Glen for inclusion.

Goes for the agenda now. I have going – doing the review of status of the recommendation that just send out again with the agenda. Then a discussion on implementation suggestion of P the implementation guideline P.

There was the topic of the use of detriments versus material harm in P and that's on the agenda for a quick check because the system was held.

Coordinator: (Unintelligible) talk (unintelligible). To return to silent mode press "Star 6".

Avri Doria: Hopefully that was not me. Because that it had been done quite quickly at the end and so just to make sure that, that discussion was (unintelligible). Because I just had this insecure at the meeting – is that people dropping.

Chuck Gomes: I'm still on.

Avri Doria: Someone is having fun perhaps.

Woman: No, it's bridge problem Avri and Glen. Just real quickly, the system seems to be putting people on mute and then taking them off and making other tone noises. So I think may be there's bridge problem that you have to deal within the future.

Avri Doria: Okay, thank you.

Glen de Saint Gery: I'll get on to that now (unintelligible) there was another number.

Avri Doria: Thank you, Glen. So anyhow, I just wanted to make sure that that there wasn't still unopened issue there. Since there was no discussion on the list about I'm thinking that may be it's okay. Because then the next topic we have was ultimate wording defining detriment and basically had two suggestion.

One, that basically has been being work through by Philip and others especially from the Registry constituency. And one that is suggested by (Mawaki) that has a couple open questions in it. And so basically want to spend some time looking at the ultimate wordings for detriment.

Those who question that have been submitted by (Bruce) on whether the objection funnel defined in 20 with sort of binary decision making funnel. Another "Yes" is allowed, "No" it's not allowed or whether they were meant to put a statement in a sort of mediation process between the applicant and objectors.

And so I put that on the agenda so we can have some discussion on that. I'm not sure it would change 20. But it might change P or even if it doesn't P it could certainly give some guidance to the staff in terms of

ways to think about how to create this process such that it tends more towards one or the other or enable both or however.

So that's part of the discussion. It's not so necessarily that we need to change things but I'm not trying to prejudice it one way or another at the beginning.

The next slide on four was Liz brought up a question of wording consistency between recommendations three and six. She sent an email saying that she believe it's resolve to which Chuck responded, "Good, you know, we can talk about how it was resolve briefly "and also bringing up the question of that one.

So using the word enforceable which had been seen as a problem word in I guess it was six. Five to see if there was any new implementation question that has come up especially on things that had been resolve recently 620 Ps and Qs.

Then six was to review our action item list. One of the questions that was needed to be ask there is, do we have any other meetings? There are basically two Thursday between now and the tenth which is the day on which we are to be finished.

So the discussion is do we need to schedule a meeting for the time? A meeting for the time would not be to open issues. What I'm trying to do from the time that the 38th comes out, I mean, from the report of the 38th comes up to the tenth is make sure that everyone on the committee is satisfied that the report does what the report needs to say.

In other words, it's not a time to see if we can, you know, we work the recommendations or the guidelines but as to make sure the report is accurate. And everybody had the chance to discuss any issues they might have with how the report exist with this help.

So that's that topic and then assuming that there's time any other issues. Does anyone have any recommend to changes or that – and I will take ten suggestion. And before going to four at the end of three I will do the – any attendees check. And if anyone joins since we did the roll call.

Since I did that anyone joins since we did the roll call? No, okay. Going on. Okay, any comment on the agenda. Okay I will proceed with it.

Review the status of recommendation. As I sent out the report – hello, oh, I thought somebody had something they want to say.

We have to press (unintelligible) we've gone through the principal that each of the meeting there has been no changes or no comment in them for several weeks. The Principle A, B, - A, B, C no changes, still broad. D, E, F level of support broad no concern list of any of them.

And also G which was the newest one that came in, I guess three meeting ago or four meetings ago listed as broad with no concern listed on those. Assuming that that is – that status is correct at this point. No necessary change, okay.

Going through the recommendations and please at any point I'm not leaving a lot of time. But please jump in after I said something if it does need to be modified or something noted.

On one, there's a broad level of support. The - it has been a CC pending possible concern if the recommendation were separated and weren't taken as a block at left that end there's been no change on this for many weeks now.

Two broad with no changes. Three, has been stable with broad support however we have dependent question that we'll talk about in three and under the agenda item today. I don't know if there are any others just to be brought up on three at this point.

Now, okay, four, has been stable at broad support. Five, stable at broad support. Six, we had a fair amount of discussion over the previous weeks. We reach broad support on the wording that is there now. Please take a quick look to make sure that, that wording is – if you agree that's the wording we reach broad support on in the last meeting.

Under concern, we still had NCC be concern and we had several individual concerns which may be documented in individual comments in the documents. And that's were left at the end of the last meeting.

I understand that various people have other submitted our statement or our – still looking at it though it really is late to be submitting we do statement. The NCC concern related to the inclusion of relating morality and public order. There have been a suggestion from David Maher of replacing morality and public order with public interest.

And – but the discussion from the – the discussion will paid essentially the next accepted into the document.

Man: Avri.

Avri Doria: Yes.

Mawaki Chango:Mawaki.

Avri Doria: Yes.

Mawaki Chango:So I didn't understand. Did you discuss the proposal of the suggestion from David?

Avri Doria: It was suggest during the last meeting and basically didn't gather support from making a change.

Mawaki Chango:(Okay) people express opinion.

Avri Doria: Yes, there was a certain amount of discussion on it. But as far as I could tell there was no, you know, expressions of change among those who broadly support already to changes.

Mawaki Chango:Okay.

Avri Doria: So the change would in my estimation at this point causes a decrease in support as oppose to an increase in support.

Mawaki Chango:Okay, I was not on that call but I think the suggestion is a good one.

Avri Doria: Okay, thank you. As I said, it didn't end in the case gain – a gain in support. I don't know if anyone disagrees with my estimation...

Man: Avri, I thought – I think your assessment is accurate from the call last week.

Avri Doria: Thank you. Now I'll push the comment on that one at this point. Okay, thanks. So I'm hoping that there's a statement, you know, that David and others who have thought that to have consider putting an A – a statement explaining why that, that something that should be considered later.

Man: I didn't informed him and other members of the Registry constituency that if they wanted any personal statement that they have to be in yesterday so.

Avri Doria: Okay. Thank you. Okay, any other comments on six before I move on? Okay. Thank you.

Seven has been stable at broad support. Eight has been stable at broad support, no concern. Nine has been stable at broad support. Ten has been stable at broad support.

Eleven has been stable and it's absence. The one issue that's come up there and perhaps at some point and I should perhaps have had it on the agenda.

If whether it should be left blank in the report. Now what I did in this version is I actually no longer have it blank. I sold in the fact that 11, the old 11 had been replaced by 20 and a P.

And that it is left intentionally, oh left it blank intentionally so I got a word I think. Left blank intentionally the void numbering confusion and constituency statements and other documentation.

But my recommendation on this has been that, it should be left blank or rather left as a pointer to 20 and P. And I'm not to end that we not, we number. I've made that recommendation to Liz, I don't know if, you know, the recommendation is acceptable. And I don't know if others have a view point on it but, you know...

Liz Williams: Hi Avri, it's Liz here.

Avri Doria: Yup.

Liz Williams: Yes I'm going ahead with that suggestion. It was way too competitive to unravel things so, I've just done exactly that.

Avri Doria: Okay thank you. Does anyone have an issue with doing that? Does anyone think we shouldn't have done that? Okay thank you.

We'll leave that as a standing. Twelve have some broad with no concern supported, 13 has brought support with no concerns listed. But I couldn't continue to support on 12, there's no concern, no constituency concern listed.

Fourteen broad supports with no constituency concern listed. Fifteen broad supports with no consistency concern listed. Sixteen broad support with no constituency concern listed. Seventeen broad support, no consistency concern listed, 18 broad support no constituency concern listed, 19 has been stable for a couple of weeks that were

some concerns that got work out it's now listed as broad support with no constituency concern that was verified for the first time at last weeks meeting. Anyone have any issues on its stability at this point?

Okay. Twenty we have on the agenda for today and it's listed as having broad support it's listed as having a NCUC constituency concerns. The NCUC constituency concern basically concerns their recommendation that had been narrowed that only include technical and legal objections. There has been a discussion group on this one, the recommendation from the discussion group was essentially accepted others than some words missing especially in P.

Twenty is related to guideline P. In that guideline P explains the process and definition related to 20. And as I said in going to the agenda there's an open question on the nature of the process, so it maybe more a P question, it may just be a general guideline but not a guideline on our document on whether it's a binary yes-no decision. Or is there a degree of mediation process.

So we'll get back to 20 later in the meeting. On the implementation guideline the guidelines A through O have all had a broad level support with no constituency concern listed. For quite a long time it's been quite stable.

On P, P is a new one and it's on today as agenda and, but its stabilizing has not been stable through any weeks yet. There has been broad support listed to it but there has been concern all registered from the NCUC.

There's also the question of – open question that I've got on the agenda of detriment versus material harm in perhaps some other terms that was gone over at the last meeting. I believe this decision to go with detriment and other broad support for detriment but I just wanted to double check out where choice is being concern today. There's the open question on definition of detriment. They said there's the two suggestions. They're listed in the table as well as the agenda.

So let's go through that today and then Q was a new one that was added a week before or less. No open concerns on it from many constituency and has been stable for one week.

Any issues on any of the recommendation? Anything in the table either the principles of the whatever. So the table essentially, no objections who considering the table as an accurate representation of where we're at at the moment.

Okay thank you.

Okay so the next item on the agenda was in implementation guideline P. At the end of the meeting last week we had a...

Man: (Unintelligible)

Avri Doria: Excuse me. Oh, hi.

(Jony Heart): I'm sorry, I'm just saying I was joining, (Jony Heart).

Avri Doria: Okay thank you and welcome. We had on implementation guideline P, the use of the word “detriment” versus the use of “material harm”. Now

we did that very quickly at the end of the meeting. As I said my impression at the time was that we did have broad support for detriment as opposed to material harm. But I just wanted to basically open the issue this morning, this afternoon, today quickly see whether there was any objection who that impression that people feel that it went by too quickly, that we didn't resolve it. That's why I post the question on the email list on Friday, I believe it was.

There has been no discussion on the list of no, no, no, no, no the decision was wrong it should have been X not Y. So , but I still wanted to make sure in today's meeting since I said it would whether there is any discussion yet on the being broader support for material harm or some version thereof than the word detriment. Can I open the floor, I'll set a queue on it.

Chuck Gomes: Chuck please.

Avri Doria: Chuck anyone else who want to get in the queue at first instance. Okay go ahead Chuck.

Chuck Gomes: And just a follow up because I promise to follow up with the registry constituency on this one. There were a couple of individuals on the registry who tended to favor material harm over detriment but as best as I can determine it wasn't such a big issue that the registry couldn't go along with the word detriment so that's just a follow up.

Avri Doria: Okay thank you. Would anyone else like to comment on the issue of detriment versus material harm at this point? So it's basically there's no disagreement in this group on staying with detriment and moving on to the discussion of what detriment actually means.

Okay, very well. I'll consider that one as a basically having been late the rest for this document consideration that we are talking about detriment. Okay moving on with detriment, we had two ultimate wording and I'll read them both. The first one basically reads, "Detriment, the objector must provide sufficient evidence to allow the panel to determine that there would be a likelihood of detriment to the right or legitimate interest of the community or to users more widely." So that was the first one.

The second one is, "Detriment, the objector must provide verifiable or supported evidence to allow the panel to determine that there would be a detriment and the extent thereof to the rights or legitimate interest of the community or to the users more widely." And this second definition there were two words flag.

The first word flag was supported and basically said, "Please if such a thing is available replaced by an adjective that would suit a paced of prospective detriment or rather actual detriment whose effect will become material only in the future.

And two the second word flag was extent there of I believe. I think evidence is needed not only to establish detriment but the extent of detriment is now really placed by up better word if not okay.

So those are the two, I guess one issue that I would like to flag with each of them is that both definitions of detriment include the word detriment which perhaps it's only the fall of the hook and need that gets itchy about it. But other than that and I don't think that's something we necessary need to fix we're not creating a dictionary.

However to open for discussion now I'd like to take leap. Anyone who wanted to discuss first? Discuss the two option we need to basically settle as they've decided to use the word detriment, we need to settle on a definition of detriment and we really need to do it today, now.

So I first, like to have some open discussion in that discussion I'd like to get some sense of which of these two definitions have greater support and then try to fix that definition if it needs fixing. If one of these definitions has broad support as it stand with no need of fixing then we can go on. So anyone who would like to speak?

Mawaki Chango:Mawaki.

Avri Doria: Okay I have – did I have Mawaki. Who else (unintelligible)?

J. Scott Evans: J.Scott.

(Mike Rodenbaugh): (Mike Rodenbaugh).

Avri Doria: J. Scott.

Jon Bing: Jon Bing.

Chuck Gomes: Chuck will get on queue too.

Avri Doria: Anyone else for the first queue? I've got Mawaki, J. Scott, (Mike Rodenbaugh), Jon Bing and Chuck. Okay, Mawaki.

Mawaki Chango: Yes thanks, first I thought this was just about the telling the process and not literally definition so it was meant to be a definition then I'll be happy to reword what I suggest.

Also my notes – I mean they are related to basically to vocabulary, you know, language issues so I was basically asking you if you understand or if there was a use here rephrase what I mean or if you think they are better words to put at the placed that was issue.

Avri Doria: Okay yes. Thank you, yeah I can't say that the words mean what you mean. And I think the question we have to really ask is if there's one have the broader support within this meeting than do the words mean what the people who support it want it to mean.

It's very difficult for me to say that, "Yes, they would mean" and I say it's difficult for anyone of us to say, "Yes they mean what you mean them to say." But...

Mawaki Chango: I mean...

Avri Doria: ...I understood that it was a vocabulary check and it's quite clear from reading them that that what it said.

Mawaki Chango: Okay.

Avri Doria: Okay. Yeah and my comment about definition, yes these are providing context clues but they're are also sort of serving this definition. And I think my comment should be sort of taking tongue in cheek. That I think it's fine if the definition include the word. I think it's better if they

don't but I think its fine if they do and that's was just a personal (unintelligible). J. Scott.

J. Scott Evans: Yeah I want a one thing, I think we had to be careful whether how we say things and that's why I take issue with every going definition because I don't really think it defines.

I think what it defines is a process for how you could determine whether there is detriment in the picture or situation. And the only comment I want to make is I believe there were some discussion on the list earlier about verifiable. I think Chuck posted something about his people subtle slightly more comfortable with the term verifiable being in there.

I Mean in reality it should be verifiable anyway, I mean that seems to be implicit that you would have to make it verifiable but given how literal some of the community tends to be. I believe that adding a word like that in is helpful. And I would support that.

Avri Doria: Okay I just a point of clarification. Thank you on the definition. I think you're right. In which one would you support adding the verifiable?

J. Scott Evans: The problem is I don't have them textually in front of me. I only have you read them for me too. It's hard for me to say someone can pop me an email that has what you read out I have so much more comfortable in saying which between the two.

Chuck Gomes: Avri, it's already in...

Avri Doria: It's in the agenda.

Chuck Gomes: ...in H2, it just would have to be added in H1, if we want with H1.

Avri Doria: Right, okay now that's true.

J. Scott Evans: Yeah my problem is I can't find your agenda that's not...

Avri Doria: Oh okay. Oh yeah.

Glen de Saint Gery: (That's on the website).

Avri Doria: Okay if somebody could send that. I can't do that and continue talking.

Glen de Saint Gery: It's on the website.

Avri Doria: Okay.

J. Scott Evans: All right, thank you. I'll go then now.

Avri Doria: Okay so let me go back to the queue I have (Mike Rodenbaugh) next.

(Mike Rodenbaugh): Yeah, as support – definitely support the first definition. I think the second one basically brings back in by adding the language, you know, in the extent thereof. I think it's basically bringing back in own in the materiality so I think the group has moved in favor of detriment.

I think also you can solve your – the definition issue by which I agree is pulling on ideals of detriment in the so-called definition of detriment you

can just make that harm so there'll be a likelihood of harm to the rights of legitimate interest of the community.

But definitely, if you start talking about, you know, the extent of that harm you're sense of talking about the materiality of the harm and you're asking the panel to make this be a further decision as to what, you know, what level would be the appropriate level of detriment which I think we're all trying to move away from. Most of us are trying to move away from.

Avri Doria: Okay thank you. Jon Bing.

Jon Bing: Thank you I have few comments from and both down going to H2 and H1 which is favor. The first is what you call the definition it is obvious they're not the definition, it is just direction to the process. And the important part of this sentence what the detriment is – what is harmed by the detriment by pointing out that is to the right legitimate interest of the community or to users more rightly.

So that is the important part of the sentence and I think that it perhaps it's might confuse all than help to change the detriment to harm.

Otherwise you'll ask you define detriment by harm and then that's the same intention between the two words, so just the two words. So I think it is all right that instance if we mean that of – which I think it's all right that's the detriment is to the right something it will end to the community or the users more widely.

And my second point is to the evidence, it is a – of course not all arguments are evidence and the most recent qualification to count as evidence. And therefore if you have verifiable evidence they you suggest for instance that they are evidence which are not verifiable?

That would then be committed as evidence but it should not be sufficient to bring the decision probably because you have to find some evidence which is verifiable to count as evidence.

I think actually that qualifying evidence also is to make confusing rather than clarifying if you look at it. So I think sufficient evidence is sufficient. Thank you.

Avri Doria: Thank you.

Tony Harris: Then again queue? Tony Harris.

Avri Doria: All right that's Chuck and Tony Harris. does anyone else want to get in the queue while I'm building it?

Kristina Rosette: Avri, can you put me on the queue too please?.

Avri Doria: Robin?

Mawaki Chango: And Mawaki then please.

Avri Doria: Okay I just want to check out the voice was saying it wasn't Robin that asked?

Kristina Rosette: No Kristina.

Avri Doria: Oh Kristina, I'm sorry. Oh yeah. I couldn't tell. And then, Mawaki. Anyone else while I'm still building. Okay Chuck.

Chuck Gomes: All right thanks and I communicated much of this one on in an email yesterday in response to Mawaki's suggestions. In a general sense, first of all as I stated in the email that I kind of think that the H1 covers what I think more obvious is trying to accomplish here. But let me take the pieces apart and take one at a time.

First of all going to verifiable as J. Scott said, I was one of them that express interest in having that in there. And I actually was convinced by discussion on the rest that it's not needed in there that I think that – and one good reason for not having it in there is that it almost makes it sound like we're asking the panel to go out and do some investigation to verify evidence.

When I think what we want them to do is to validate what the evidence to see what are sufficient in the complaint or complaints. And compare that to the proposal itself and then the evidence to the contrary and the proposal by the whoever is submitting the strength.

Mawaki Chango: Right.

Chuck Gomes: So, I don't have a problem with verifiable being there but I don't think it's needed. The – with regard to the extent thereof, I guess, I take a different position and (Mike) does on that. I actually, think that we want them to evaluate the extent of the detriment.

But I think that's cover the elsewhere in H. Because we actually give the guidelines so it's the task to a panel is to determination of substantial opposition. The very word substantial is...

Mawaki Chango: Mm-hm.

Chuck Gomes: ...defined below does talk about the extent...

Mawaki Chango:Mm-hm.

Chuck Gomes: ...of it. Is that of significant portion, you know, and so forth. And so, were and then we define significant portion. So, I do believe that it's a task of the panel to measure the extent. But my understanding that is covered in P overall although not in this particular statement.

Mawaki Chango:Mm-hm.

Chuck Gomes: And then let me make sure I cover the point. I'm not sure what supported the adds to the because Mawaki you said verifiable or supported the I guess you're saying either words okay. And so, I guess, it would already covered that in my discussion about verifiable.

Mawaki Chango:Yeah, it is on the in the notes that I put the, I think, is a notes to...

Avri Doria: No, I think evidence is needed not only to establish detriment but the extent of such detriment.

Chuck Gomes: And in fact, I think, that's what we're asking for...

Mawaki Chango:Mm-hm.

Chuck Gomes: ...in H1. And when you combine H1 with the rest of P, so my self I would not - I wouldn't have any problem with having the extent thereof in it. Because I think in other places in T that's we're asking for.

Mawaki Chango:: Can I just consult this. I'm Mawaki.

Avri Doria: Great.

Mawaki Chango: The part that we said earlier in the process that there must be substantial opposition. It doesn't really characterize the extents of the detriments.

So, what I think here is the panel should be in position to characterize the extent of the detriment. There must be substantial opposition or harm, I mean, the objective my assets than those harm or detriment of a substantial opposition. But it doesn't give element to the panel to characterize how far – how much that detriment is.

Avri Doria: Okay, thank you. Chuck we had you completed?

Chuck Gomes: Yes.

Avri Doria: Okay, Tony.

Tony Harris: Yes, I'll step aside now. My points are being covered by somebody else.

Avri Doria: Okay, thank you. Kristina?

Kristina Rosette: I just wanted to note that one of the reasons the high in my proposing whether (what it's like) it's now to inform H1. Is that if you need that in many situation would be extraordinarily difficult if not in possible for a object to work to actually crew that there do we essentially show that there will impact the detriment until after the strength has won. At

which point the likelihood that there would be anything that anyone can do about it and soon to be (unintelligible).

Avri Doria: Okay.

Kristina Rosette: Part of the reason that I focused on likelihood detriment as opposed to detriment itself.

J. Scott Evans: This is J. Scott.

Avri Doria: Okay. I'll put you in a queue. Okay, hopefully everyone heard Kristina. I was sort of low volume for me. But I did hear it. Okay, I have Mawaki and the J. Scott.

Mawaki Chango: Okay. I want to tell you respond quickly to Jon Bing. I think ϕ 0.60 is actual a qualifier. If there's a program to qualify evidence because legally evidence seemed to be evidence something clear and it can be just compelling the argument or subjective argument.

Then we can remove all the qualifiers and just put evidence. And then about the second element are already retired to Chuck. Then I will have something like – I guess they must provide evidence to allow the panel to characterize the extent of the detriments, etcetera.

Because, if what you think is the detriments that they are manning that the detriment is already (death leaf) earlier in the process, then we don't need to put it here.

Also one word about supportive. Supportive is as I was saying, for they not at either will be on in. people would be able to provide evidence that is verifiable but some will not.

That's what the case that was brought of a Phillip in the case where as community had their name taken by a proposed proposal. They don't have historical record to provide evidence that is verifiable. But still they might suffer detriment. Thanks.

Avri Doria: Okay. Thank you. J. Scott?

James Scott: After listening to the discussion and reading a plan H2 out of the agenda, I would to say that I've been persuaded that verified or supported is not needed and I go with H1.

Avri Doria: Okay, thank you. Anyone else want to speak at this point?

Okay. A quick in on listening, I would basically make the statement. And I'm going to make it. And then ask people to object if I've got it wrong. Is that the broader support within this meeting is to stay with H1? Or to go with H1? And that there maybe some wording changes the people would want to talk about, I'll come back to them.

But basically, in terms of the people discussing things, my view was that H1 has the broader support. Is that statement disagreeable to anyone or can anyone sort of point me where I've got that one wrong?

Okay. So, my suggestion is that -that's for the rest of this discussion, H1 is the base. Now, we also had some discussion about whether

decision was sufficient or we needed to add the word verifiable or we needed to add an extent thereof or something?

The impression I got was that there wasn't broad support for adding those to H1 but we were talking about an oppositional of there was an H1, there was an H2. So, we want specifically talking about amendment to H1.

So, we've got H1 as the base and I understand the Mawaki would probably want to argue for amendment to it. And has made very clear argument for the reasons why he would support adding of verifiable or adding an extent thereof of the detriment.

I'd like to hear from other people, especially people who haven't spoken yet on whether there is a need to add any word to the base H1. And I'll take to queue on that. Anyone that hasn't spoken yet. I think everyone has spoken so far. It tends that except from Mawaki is that H1 can stand as is.

But I'd like to give a chance for a little bit more discussion on that especially if there's someone that, you know, looking H1 thinks there's a need for some tweaking.

Mawaki Chango:Avri, I just have a quick question. Can I ask now about this?

Avri Doria: Sure.

Mawaki Chango:Mawaki. Is it the panel that will be making the decision to reject or not after this process? Or is it the Board of the panel to submit the report?

Avri Doria: I believe in the first instance it is the panel. But of course, I don't exactly know. But it seems like every thing can eventually go to the board for reconsideration. But the decision would be made by this panel as I understand this.

Mawaki Chango: Or the...

Avri Doria: Or I would everything, you know, people can ask the board to reconsider just about anything.

Mawaki Chango: Sorry. My thoughts will be that the final will recommends to (unintelligible) to the Board.

Avri Doria: Well the panel would actually be making it ruling on the objection in the application process and at the point at which they say not to string, then I believe that the application process does not continue from that point.

So they may then have a reason to take a request to the board and I'm not sure what appeals mechanism. There are but people can essentially appeal anything to the Board, if I understand it.

Cary Karp: Can Cary speak please?

Avri Doria: Certainly.

Cary Karp: Is there anything that prevents the following scenario from arising? But the panel simply feels a given application, a given situation to be too complex, to be too politically, culturally sensitive and just throws it over

to the board that despite the fact that they might otherwise they've been able to make their own decision first.

Avri Doria: Well, I think that may also blend us into our second discussion. If the panel, if we decide that the panel is a yes-no binary decision panel then I'd say that, that scenario doesn't come up.

If the panel is a mediation panel of some sort, then perhaps that can well happen. So I think that's consideration to consider in this next discussion.

Chuck Gomes:: And before we go there...

Avri Doria: Oh yeah, before we go there, I just want to sort of bracket that and say, I don't know the answer but I think it depends on that decision.

Chuck Gomes: Okay, if there are no new people that want to talk. I do want to ask a question Avri.

Avri Doria: Sure.

Chuck Gomes: Okay, and this is Chuck the...

Coordinator: Your line (unintelligible).

Chuck Gomes: It sound like (Mike Rodenbaugh) and I disagree on whether the intent of H1 is to – is for the panel to measure the extent of the detriment. To me, that's a very fundamental issue that we need to make sure were on the same page on.

If in fact that we don't believe that H1 combined with all of T ask the panel to measure the extensive detriment then I would agree with Mawaki that, that's a – that needs to be added in there.

I think it's covered because that's what substantial opposition is about and we make -- when we define some terms (NP) that covers that. But I'd like to get a sense of am I correct of my reading of that if not, then I'm going to be with Mawaki and think that it thus need to be in there, because I don't know what the panel is going to do if there not going to measure the extent of the detriment.

Jon Bing: And this is John Bing.

Marilyn Cade: And Avri, it's Marilyn. I'd like to get in the queue.

Avri Doria: Okay, so we've got Jon, we've got Marilyn. Anyone else?

Mawaki Chango: Mawaki.

(Mike Rodenbaugh): This is (Mike Rodenbaugh) too. May I can just say real quick that Chuck I think we actually agree, I think you're right...

Chuck Gomes: I thought we might...

(Mike Rodenbaugh): It started up above there so.

Chuck Gomes: Yeah.

Avri Doria: Okay.

Chuck Gomes: Good.

Avri Doria: Considering that there isn't a disagreement between Jon - I mean between Chuck and (Mike). Does everyone still want to be - talk on this?

Marilyn Cade: I still want to...

Avri Doria: Okay, fine. I'm just checking, okay. So I had – If I have it, I have Jon Bing, Marilyn, Mawaki. Anyone else? Okay Jon.

Jon Bing: Yes, just note to that in a defining substantial, is that significant portion communities that et cetera. That seems to be then the fraction of the concerned persons which are indicated. While in the extent of detriment will more be oriented towards the nature of the harm being done.

And it's – I should -- I've been argued that it should have a situation there, you have a large fraction of the involve society or the community being in opposition that - that depend to find that they defer -- that the harm which is brought to them is so minimal that they should not be heard.

So they made -- we have to just at least to consider whether these are two different aspects or whether they are, as Chuck suggest, and this is what my first reading as well, implied by the other elements in the B guidelines.

Chuck Gomes: Could I ask Jon a question ion that Avri?

Avri Doria: Please.

Chuck Gomes: Jon, do you think then the example you gave is a good one I think that it seems like it could actually happen, where there's a large number of people that were impacted but the extent of their impact is, is very minimal. Do you think that the language in H1 covers that scenario? Or would you suggest some tweaking of the language to make sure it does.

Jon Bing: I'm afraid when we talk about this, maybe discussing it so I can't give you anything but the pleading A. at least A doesn't include the notion. The extent of the detriment I think

Then it goes on with significant portion and so on I haven't really considered that.

Avri Doria: Thank you, Marilyn, Mawaki. Then I'd like to put in a personal view of point and we'll go on Marilyn.

Marilyn Cade: My comment is really more about the functional lower of the panel and panel or panels as we're defining them I think this discussion Avri I would suggest would need to involve more thought about what are expectations and what are the obligations of the panelist.

I've always thought in our discussion to be intended by the panelist to be paid and to have a sort of a functional assignment. So while they might pant to the board. If they are in fact, you know, if we have a description of a panel as we do for instance for the art set panelist.

Then they would be sort of contracted to do as much as they could, fulfill their responsibility and only allow things to be panted to the board when they are in an impact or can't fulfill. That the agreement that they stepped up to it in being a panelist.

I think -- I don't want to interject the long debate about the panel and its functional role instead of it now, but I think that's something maybe that come back to.

Avri Doria: I think that will come up later in implementation when the staff is working out implementation and coming back to accounts of the board the community to sort of the -- does this match what you guys were thinking of and then refinement of the process but I think that has been said before so thanks. Mawaki.

Mawaki Chango: Yes, I thought making with this that the extent of the detriment is exactly these. I don't think it has been covered by a guideline P in general? And in H1 because as of this there been more say the substantial opposition from this quantitative notion is how many parties or entities are bossing for position and how high, how much volume they are putting to do it.

Extent of detriment is the nature, the quality of the detriment to characterize what is that the detriment and how much this will impact a community?

Avri Doria: Okay thanks. I'd like to put in a, to putting myself in the queue with a personal opinion. I tend to actually see that A and the whole process does include this implicitly does include determining the extent of the detriment.

Because it's basically were defining a weighing a panel that look at many aspects, looks at deficiency, looks at significance of a portion, looks at the targeting and all of that.

And so, I think that it comes out implicitly in the fact that they're weighing one thing against another. So when you're saying extent of detriment, again it's a projection so you'll have basically some people saying, yup there's a lot of detriment, there's a lot of harm possible. And then you'll have another point saying no there's no detriment.

And so it's not that it's quantitative because detriment doesn't come by the pound. But it's basically a weighing of the quality of - we see detriment on this type, we see no detriment on this side and a panel is expected to be judicial enough to weigh all these things together.

So I guess on a personal view in terms of it's being included, I do believe it's implicitly including and I actually don't believe that adding more word include it any more than it's already there. But that was personal opinion, now back to...

Chuck Gomes: This is Chuck, if I could get back in I have a suggestion.

Avri Doria: Sure Chuck.

Chuck Gomes: In A, in Part A of under guidelines and P. If we were at the end after detriment who put apparent that article that said including extend of detriment. I think it would be clear without changing anything.

I agree with you as I've already stated...

Mawaki Chango:Mm-hm.

Chuck Gomes: ...that I think it is implicit as well. But if we just want to make sure, a simple (terampatic) after detriment would make it absolutely clear.

Avri Doria: There's any one object to making that change to A? So it would read, "In determining substantial, the panel will assist the following, colon, significant portion, community, explicit targeting implicit targeting, established institution, formal existence, detriment, open parenth, or extent of detriment, close parenth.

Chuck Gomes: Not or but just including...

Avri Doria: Including the extent of detriment. Okay. Anyone object to making that changed?

(Mike Rodenbaugh): I actually do object to making that changed. I think that it just adds another elements or confusion is essentially. If it's already covered above in the other elements, then why confuse the issue by mentioning, essentially those elements again in the detriment.

Chuck Gomes: How does is confused it (Mike)?

Avri Doria: Yeah. How does it...

(Mike Rodenbaugh): Well, why don't you refer, they're already extent thereof...

Chuck Gomes: No one.

(Mike Rodenbaugh): ...for the extent of the prior element or something like that. I mean just sounds to me Chuck like you're circling back to include other things that the panel already will have addressed.

Chuck Gomes: With regard to detriment?

(Mike Rodenbaugh): Well yeah, because they going to check all the other boxes above the detriment as well right? Implicit (unintelligible)...

Chuck Gomes: If we agree that it's implicit that it includes the extent of the detriment then specifically stating that should not confuse anything it just makes it up absolutely clear.

(Mike Rodenbaugh): Well think what your saying though is that implicitly the extent of the detriment is implicit from the other elements.

Chuck Gomes: No.

((Crosstalk))

Avri Doria: That would I would...

Chuck Gomes: There's an element of a (song).

Avri Doria: That's what I was saying.

Jon Bing: Excuse me.

Avri Doria: Yeah, Jon.

Jon Bing: I'm not an expert in English language, but (unintelligible) if you could adjective the impromptu detriment in item A saying quality over our (unintelligible) extent of detriments. Form and the extent of...

((Crosstalk))

(Mike Rodenbaugh): Either way you're not giving the panelist the clear direction as to what they need to find. They need to find the extent of it but what extent does it matter. And who judges that?

Chuck Gomes: They do.

(Mike Rodenbaugh): But what are the criteria for judging the extent of it and the severity of the extent of it.

Man: We haven't given them criteria.

Avri Doria: Right. And there's...

((Crosstalk))

(Mike Rodenbaugh): Well, then I thought that you just did give them criteria for above with the other elements, that's what Chuck was saying and I agreed with him.

Chuck Gomes: And I agree with that too.

Avri Doria: Excuse me. I don't want to have a free ranging. If I need to take a queue further on this, I will. But obviously no wording change has been

accepted at this point. Their working H1, I'd really like - I mean were running circle almost now.

Jon Bing: Mm-hm.

Avri Doria: And is there is anything new to add to the discussion?

Mawaki Chango:Avri, Mawaki here.

Avri Doria: Yes Mawaki.

Mawaki Chango:Yes. I was confused with (Mike's) remark regards he was saying we are registered extend thereof somewhere. We're not - the H2 is removed now. So, there's no place in this the process now where we mention extent of something, anything.

Avri Doria: Well, yes. I think what was being said - I think he was coding me not Chuck. Although I might be wrong when I said that, measuring the extent is implicit in balancing all of the factors of the definition. (unintelligible)...

Mawaki Chango:No, no, Avri. I'm talking about (Mike's) remark earlier on. You said that we already mention extent somewhere.

Avri Doria: Right so, extent is not mentioned explicitly anywhere. I believe it's implicitly included but it's not explicitly mentioned.

Mawaki Chango:Mm-hm. Okay, if something is implicit. Making it explicit cannot be confusing.

Avri Doria: Actually see – and this - I probably shouldn't have mention my own opinion. But what I was saying is that extent of detriment was per se implicit. That the extent of detriment would be implicitly considered when weighing all factors against each other.

Man: Yeah.

Man: Mm-hm.

Mawaki Chango: Either way...

Avri Doria: Basically in the weighing everything, the extent of everything is measured as part of the entire package.

Mawaki Chango: Mm-hm. Because the situation right now, it doesn't prevent a scenario where people will just assert that they have, you know, (unintelligible) from harm or detriment and make completely subjective arguments.

There's nothing best that's prevent them doing so accept maybe evidence and if you accept the extend of the detriment, that will allow the panel itself to just characterize.

Avri Doria: Well, that's exactly what it says. It says sufficient evidence to allow the panel to determine that their likelihood of detriment to the right of the legitimate interest of the community or the users more widely. And then they will be weighing all of that various community variant portions of the community et cetera, against to each other. So I actually do believe it's there.

Mawaki Chango: Mm-hm.

Liz Williams: And it's true. And I think that stating it again is allowing people that potentially read in another thing that the panelist need to find. Where they list – since they will already have found the extend of it by going through the other elements.

Mawaki Chango:Mm-hm.

Avri Doria: So...

Mawaki Chango:Upon the two.

Avri Doria: At this point we have H1 – we haven't had any amendments to H1 that we did by brought support. We definitely have recorded some objections and some concerns with the definition as extent. My suggestion at the moment is that H1 go in as with. And that even though the deadline was yesterday and as I'd like to ask you Liz, even though the deadline was yesterday, if anyone has any specific new comment related to H1 just went in, they could quickly get through a paragraph on that.

Mawaki Chango:Mawaki.

Avri Doria: First let me see if Liz accepts that notion.

Are you on mute?

While is Liz coming off mute.

Liz Williams: No, Avri. I'm here.

Avri Doria: Okay.

Liz Williams: Can you hear me?

I'm here I just said – oh, okay. I just said no problem.

Avri Doria: Oh, okay.

Liz Williams: So, I'm trying to – I'm sorry, I'm trying release the report on (studio) which is Monday. So we (unintelligible) that comes in after today is really, really tough. No, not tough for me to put it in. But it just mean that if I have to proof and then check the logic and then double check...

Avri Doria: Yeah.

Liz Williams: ...it just had some time to it. I'm happy to include whatever.

((Crosstalk))

Avri Doria: I'm also a basically thing that if someone needs to get one more paragraph in explaining there objections to H1 as I went in that they get to you today.

Liz Williams: Yeah, absolutely. No problem.

Avri Doria: Mawaki, you had a comment.

Mawaki Chango: Yes, it might be (unintelligible) I feel like it's forgotten. I made a comment about the use of condition of the likelihood. And I'm not sure if I read it well but if you could clarify that, have a program with. There would be a likelihood.

Avri Doria: Basically there would no amendments on the wording that were accepted. So, I think that likelihood was certainly talked about extensively in the last meeting not so much on this one. I think your concern has been noted. But no one has suggested removal of the word likelihood that what the group has supported.

Chuck Gomes: And Kristina did today, again, state her rationale for that.

Avri Doria: No, I believe it have been discussed. I just don't believe that any change is being made and that word has been in there for a while. So, hopefully it was covered in the NCUC statement of concerns.

Mawaki Chango: I'll appreciate if Kristina could post a rationale because I didn't follow that very well. (Unintelligible) to me personally if you don't mind.

Avri Doria: Okay, that's certainly up to Christina. And if you post it, then it something that exists in the body of explanation of how we got to where we got.

Mawaki Chango: Yup.

Avri Doria: But it's definitely up to her with her – she will.

Kristina Rosette: Okay.

Avri Doria: I guess it was a good idea.

Kristina Rosette: I'm happy to.

Avri Doria: Thank you Kristina. Ok I'd like to move on now to a three, which was and we're definitely running late in the schedule on this. But we really needed to get that discussed. Is the objection panel procedure a matter of binary yes-no decisions or mediation process? Now just to say that my assumptions until the question came up had always been that it was a binary yes-no that there was a panel.

I don't know whether they were paid or unpaid. I think that's an implementation detail that wasn't a policy decision we were making. But there was a panel of appropriate expert who were asked to make a yes-no. But will just question basically, brims it up that perhaps not everyone was looking at it that way. So I'd like to get just the general discussion at the moment on what, how other people see it. And let's take a queue on it.

Marilyn: Avri.

Jon Bing: Jon Bing.

Marilyn Cade: It's Marilyn. I'd like to be in queue.

Avri Doria: Jon Bing.

Jon Bing: Jon.

Avri Doria: We got Marilyn. Who else?

Chuck Gomes: It's Chuck.

Avri Doria: Chuck. Anyone else?

Kristina Rosette: Kristina.

Avri Doria: Kristina. Anyone else?

Okay, Jon.

Jon Bing: Well, we're not using imagination to think of the type of conflicts that just come, of course. But it seems to me easy to be conflict in which amendment could make both parties see the suggestion acceptable. But the problem with mediation is of course the tenure. You have a lengthy and long drawn of process.

And could perhaps presume that the parties had been in touch and tried that avenue before it come to the panel. And then a binary decision would be to prefer. And then (unintelligible) could perhaps and note the required too much of an explanation saying that explanation of the panel is brief, in order not to encourage too much discussion of it. The problem it's being in favor or not. Thank you.

Avri Doria: Okay, thank you, Marilyn.

Marilyn Cade: Part of my comment maybe Jon says – Jon as you said in part me the part . I think you're right. You have to use our imagination at this point to envision conflicts. But I think it is a not intuitive to me that parties

would have been in touched with each other because they maybe from very different region of the world and very different aspirations.

So they may not have been in touch with each other. But, a discussion with a third party in a neutral way, may bring them closer to each other could lead to revolution of the thing that each object or even potentially allow them then go off and decide to combine and therefore no longer be in dispute with each other .

I'm not sure that the panel needs to play that role. But perhaps the process needs to be flexible enough to let these kinds of things happen at some point in the process. And then parties could be turned and resume the dispute if they have it. Sorry, resumed their use of the panel if they haven't (desire) the dispute.

I'm not sure were asking to strange people to undertake mediation or let me say, I'm not sure we should ask the same people to undertake mediation that we ask to undertake determination of the yes-no binary decision.

Avri Doria: Okay. Thank you. Chuck.

Chuck Gomes: Well, I think Jon and Marilyn both made some excellent points there and if I can tie them all together. I think ultimately that the panel needs to make binary decision but it doesn't seem to me that there's any reason why an opportunity couldn't be provided for the parties involved to try and mediate a solution that would make them more happy.

I agree with John totally that if that happens, perhaps to be a very defined timeline for that , just like we did was (string contention). And so that it doesn't drag on.

And if both parties or all parties are not willing to do that, then there's no use going that route but they be given the option. And Marilyn and I agree that I don't think that's the panel's role to do that. But a time period to, say a 30 day period, could be interjected if the parties were willing to try and come to something. And if they can't, then the panel make its decision. So, we're just given option there for mediation that occurs outside of the panel in a defined time period.

Avri Doria: Okay. Thank you. Are you recommending change to the process or is this something that you believe that process doesn't preclude as it's written and perhaps and staff implementation of it, it could be included. Or are you recommending that you we need to intentionally that something like that in the policies implementation guidelines?

Chuck Gomes: It probably would be helpful with staff. But this is really staff's call if we made a statement to the effect that providing an option for mediation provided it's time constraint and provided the panel doesn't – isn't asked to do that part of the process. A statement like that, it seems to me would be helpful with the staff. But if they're comfortable without that being there that could put it in the implementation details, that fine.

Avri Doria: Okay. I'll set the question as a second. But I'd like Kristina is in the list. (Unintelligible).

Kristina Rosette: Avri, I'm sorry. I...

Avri Doria: Now, Kristina I had you next.

Kristina Rosette: Oh, yeah. I'm kind of following – would – I think a lot of other people said well, you know, I would to think and I think you would all like to think that any objector would have made its concerns known prior to actually formally initiating the process.

I don't know that that's necessarily going to be this (unintelligible). And I think is the practical matter even if it is, I think the lawyers among us would certainly agree that its one thing to thing to indicate and intent to pursue an objection.

But it's entirely different than to actually do it. And I think that once the objection has been raised following up touch point and as suggestion I've posted earlier, I do think that there should be something built in to process 30 days, 60 days, no more than that unless parties can agree to it where they have an opportunity to say, "okay before we go forward with the proceedings, here's our last chance to work this out ."

Man: Yeah. But...

Kristina Rosette: So, from there. And I don't think we need to – I would actually suggest that we not (unintelligible) that the mediation because I think in some instances, it maybe better off to have the parties talking directly.

Avri Doria: Okay.

J. Scott Evans: Avri, this is J. Scott.

Avri Doria: Okay, I'll put you in the queue – put you in in a second. Did anyone from the staff want to respond on whether they needed something specific or whether just having had the discussion (unintelligible) – okay.

Or is there - would anyone from the staff like to comment. Not at this point J. Scott.

J. Scott Evans: In Europe in their - before their trademark authority, they have when anyone makes an objection you have a cooling off period of about 60 days I believe is (entered) prior to there being any action on the administrative body that reviews the objection. And it just said that the cooling off period were about the parties or lap by whatever means the see fit whether it's direct negotiations, mediations, arbitrations, whatever to work it out before then institute the formal proceedings.

Avri Doria: So basically, are you suggesting that under process, we add a line that there will be cooling off period of sixty days before...

J. Scott Evans: ...the panel takes up the...

Avri Doria: ...before the panel takes up discussions?

J. Scott Evans: Yes.

Avri Doria: Does anyone object to the addition of that line of the process?

Woman: Avri.

Avri Doria: Yes.

Woman: Avri, I don't object any good to great addition but I think it should say up to 60 days because its obviously if the dispute is resolved in three days, we don't want to go through this.

Avri Doria: Okay, I take that as a there will be a cooling period of up to 60 days before the panel takes up the discussion.
Does anyone object adding that to the process to allow for any ones objections are filed - that should be ones objections are filed but there will be a cooling period.

J. Scott Evans: Very well.

Marilyn Cade: And it's Marilyn again. I'm sorry – I like the way J. Scott that wordings. It was quite of precise the party by any means they choose. Or are we just saying - are we just going to say there will be a cooling off period and stay silent on suggesting that the party filing...

Avri Doria: (We're discussing) an amendment to this that once exception were made, there will be a cooling off period of up to 60 days to allow...

Marilyn Cade: The parties...

Avri Doria: ...the parties...

Marilyn Cade: ...by any means they choose. But...

Avri Doria: To resolve the issue by any means they choose including – this (unintelligible).

Chuck Gomes: Now.

Avri Doria: I'm sorry Chuck.

Chuck Gomes: Chuck I'd like to get back in.

Kristina Rosette: And this is Kristina, I would too.

Avri Doria: Okay and – okay so I've got Chuck and I've got Kristina.

Kristina Rosette: Yes.

Chuck Gomes: It seems to me that it might be good to – before initiating a cooling off period to – that the parties involved agreed to that. Because if one of them is not willing to do anything there is no use wasting time lets just get the decision made.

Avri Doria: Right.

Chuck Gomes: The - all I'm saying is that the parties involve how are many if they all agree to that cooling off period and that time period then do it if not just proceed.

Marilyn Cade: Right, Avri could...

Avri Doria: And then Kristina.

Marilyn Cade: And then Marilyn.

Avri Doria: Okay.

Kristina Rosette: I was just actually going to give – had a similar suggestion but coming at somewhat a different angles. First, that the cooling off period would be automatic however, the parting on mutual agreement could request that if you terminated early and I think we may want to think about do we want to provide the opportunity for the parties to speak in additional extension of it.

((Crosstalk))

Kristina Rosette: So that when they mutually agreed then either some of you that through this arrangement I think might not necessarily lend itself to as only to 60 days. And particularly when you're trying to negotiate to (unintelligible).

Chuck Gomes: Can I respond to that specifically.

Avri Doria: Of course. Please.

Chuck Gomes: Kristina the one concern I have there if one party was just being ups on it if it require mutual agreement then one could just be obstinate and not agree just to delay the process.

Avri Doria: Basically yes, win their objection by permanent delay.

Chuck Gomes: Yeah, well not permanent because they're getting a timeline with.

Kristina Rosette: Well, I'm not trying to sent you name that the parties – are you telling that mutual agreement as to the extension beyond 60 days or the initial 60 days.

Chuck Gomes: If it required a mutual agreement to end the process early, okay. If one party didn't really want to ended early what it really wanted to create delays they just refused to agree to ending at early and it goes the full period. Now, that's not terrible. But that would be only my only concern there.

Man: But that's not what I understood her to say. What I unders – Kristina to say is that, that you get 60 days and if the party in there (missed) in negotiating something they can mutually agree that they'll extend it for another period of time beyond the 60 days to allow them a time to resolve the issue.

Chuck Gomes: Yeah, I didn't understand that. I thought...

Man: Is that what you said Kristina?

Kristina Rosette: Well I said both actually.

Man: Okay.

Kristina Rosette: Both what you said and what Chuck thought I said.

Man: Well I cannot trust your first point.

Avri Doria: Okay. I've got at the moment while I was listening and we – we'll really making a recommendation to the staff and their implementations. I don't how deeply into detail.

Man: Mm-hm.

Avri Doria: But once – but basically I've added to something that says, “By mutual agreement of the parties the party – the period may either be ended or extended for an additional 60 days”.

Man: Okay.

Avri Doria: Is that's basically to deal with the issues and then the staff get to actually flesh out the details of how such a things would happen etcetera.

Marilyn Cade: Avri it's Marilyn I still want to speak on this topic.

Avri Doria: Yeah, I know.

Marilyn Cade: But it's specific to your recommendation.

Avri Doria: Yes, please.

Marilyn Cade: I think that you're right but on the one hand we're not trying to dictate the implementation but we are trying to get guidance that said group who had been working very diligently on this and thinking about it and then leaving it to the staff to send us back an implementation approach.

I think that anyone who has overseen mediations or even arbitrations understands that they go in jerks and spurts. But they sometimes do this often good outcomes and sometimes they fall apart.

I think we just want to provide the process that if two parties or three who are strongly opposed to each other you come together and tend jointly put forward to string. We don't want to close that off even if it takes some 90 or a 120 days.

So perhaps we could just say we could just think about that and ask the staff to did a construction process that doesn't create too much ability to gain the system.

Avri Doria: So are you at the moment has been collecting wording and until I'm asking are you making a specific recommend the change to the wording because that's the easiest way to do this. The moment I've got once exceptions, once objections are made there will be a cooling period of up to 60 days to allow parties to resolve the issue before the funnel take – takes up discussion.

By mutual agreement of the parties, the period may either be ended or extended. I haven't made a specific so would you recommend any...

Marilyn Cade: No, I'm happy with that. I just wanted to say more – my comment was lure about, you know, I do think it is appropriate for the task force working group as a whole whatever you...

Avri Doria: Okay, thank you, yeah I understood. Yeah, I take the corrections that it is appropriate for us to put a policy recommendation in here. Thank you.

So does anyone disagree with adding and now leave it again because I keep fixing my writing every time I read it on the...

Chuck Gomes: Sounds pretty good Avri.

Avri Doria: Yeah, well but I'm collecting it while I'm reading it sometimes it get it written so. Moving off period – and I'm saying things that I'm not actually (unintelligible) but of course Liz is also taking this down.

Okay once formal objections are made, there will be a cooling off period of up to 60 days to allow parties to resolve the issue before the funnel takes up the discussion. By mutual agreement of the parties, the period may either may be ended or extended.

And just leave it that's for now. Does anyone object to that being put in as read? Okay, thank you and thank you for the discussion.

Okay at this point I have said that I was going to check and see if anyone joins the call that wasn't here when we did the roll call. I got Tony Harris. Anyone else? Going since then, no, okay.

The fourth item we had on the agenda...

Man: Avri.

Avri Doria: Yeah.

Man: Sorry, did they decide them that it will be a binary decision?

Avri Doria: Yes, I believe we did.

Man: Mm-hm.

Avri Doria: I think to that presumption was accepted.

Man: Okay.

Avri Doria: Did we need to say something?

Marilyn Cade: We decided it will be a binary decision after this additional (process).

Avri Doria: Right.

Marilyn Cade: So that as Marilyn is saying that...

Avri Doria: Right and I understand. And I don't think – because I mean, informing I don't know that we had needed to add other words because it said an application will be rejected if an expert funnel determines. And it's sort is on so that it sounds to me like a binary rejection. It doesn't make a sound that all like a mediation.

I think it was a suggestion that it might be good to have mediation. And I think that things (will put) aside. No, it doesn't want to put in the mediation it puts on the cooling period and were not specifying how the party try to resolve on this (unintelligible) so to (unintelligible).

Marilyn Cade: Avri, it's Marilyn. I need to ask related question, which I don't think we've talked about. I'm not suggesting we're going to see it but it is important to understand.

Let's say the funnel rejects of what makes the binary decision. Are - you know, today if the – if consensus policy is sent to the board they can't modify it. They can reject it and send it back with explanation but

they can't modify it. Are we suggesting – what's our guidance on if a funnel makes a decision can it be appealed? Because at - that I think is a little different than consensus policy.

Avri Doria: Yeah, it seems – I don't think that we've - the consensus goes beyond I think...

Man: Mm-hm.

Avri Doria: ...the new gTLD policy. But as far as I can tell just about any decision relating to applying for a new gTLD can be appeal to the board.

Marilyn Cade: That was my understand I just don't know...

Avri Doria: And I don't think that that's something that we are making comment on in this and this we're coming up for a process for new gTLD and a sort of been a presumption in this. I mean, there was some of us at the beginning that thought that there should be an automated procedure that did not include the board accept, you know, perhaps of a final due diligence step.

But, you know, that's not the way ICANN in it by law the written anything can be taken to the board for reconsideration as I understand this.

Chuck Gomes: Avri, this is Chuck. My understanding and it's been a while since we've talked about it. But that stuff was going to come back with whatever the appeal procedures might be. And I don't think there was any presumption that that had to be the board.

But is that not true. It's been a while since we talked about it.

Avri Doria: Anyone from staff to push to comment?

Marilyn Cade: I'm not been staff but that's my recollection as well. But I don't know that we have given much time for that to happen so.

Chuck Gomes: It would be good if we get some responds there whether today or later because when we get to L.A. that's likely going to be a question that's ask. So it's going to be important from an implementation point of view that we have an answer.

Avri Doria: Yup.

Denise Michel: Hey, this is Denise. I don't have very good connection what's the question you didn't answer on?

Woman: The question is that there were discussion earlier that within this implementation the staff would be including discussion of an appeals mechanism. And so the question was, will the staff be basically able to include some discussion on that? Certainly by L.A. when people will be asking for it if not sooner.

Denise Michel: They'll be some discussion on it of course all those – all the proposed implementation text that you get from staff will be proposed and preliminary. And then as we – we discussed in the past they'll be either to process for we will come back to the counsel and have a discussion about the proposals build upon them. And then of course start to finalize them only when the board approved the final report.

Woman: Okay.

Chuck Gomes: But Denise included in that would be a proposed appeal process.

Denise Michel: That's what we're working on and we'll come to you next week with an update on where that work stands. And our estimate of when we'll have them - a proposal ready for you.

Chuck Gomes: Thanks.

Denise Michel: Yeah, thank you.

Avri Doria: Okay, moving on to item four. Liz brought up an issue of word inconsistency between recommendation three and recommendation six. And I think one of the things being discussed was the inclusion of the word "Enforceable" in three when after much discussion it has been removed from six.

So I don't know if Liz you wanted to speak on this. Basically Liz had recommended that the issue could be remove from the agenda. Chuck recommended that if it has been resolve then it was good to just sort of mention what the resolution path had been before moving on.

So Liz.

Liz Williams: Yup, thanks, Avri. Yeah, my main concern was the consistently particularly about the use of enforce and enforceable. And I had spoken to Miriam typically about the use of that word and I was not alone this concern about having terms of the implementation of it.

Because that was my own personal concern being resolve which the system advice. The other thing that I also did was Philip had been speaking to separately about the consistency between recommendation and recommendation three and six.

And after listening to last week conference call it seem to me that the group was satisfied that they were happy that three remain the same. And lastly in terms of the principal and so the only question that I have out (unintelligible) now is, is the consistency between the use of enforce and enforceable happy in everybody's mind.

I didn't see any traffic on it on the list and I just wanted to mention I tied up that list in.

Avri Doria: Okay.

Liz Williams: So I was happy but I wanted to mention others were happy.

Avri Doria: Okay. So I'll open up the queue. Does anyone want to discuss this issue at this point?

Chuck Gomes: Just a clarification Avri, in other words, three and six would stand out they are with no changes.

Avri Doria: Exactly, unless there's a recommend to change.

Chuck Gomes: Thank you.

Avri Doria: That has broader support – as broader – broader support and what's there now, yes. So anyone else want to comment.

Hearing no comment, I would suggest that things stand as written.

Woman: Thanks Avri. That's great everyone, thank you.

Avri Doria: Okay, moving on to five. Any new implementation question that the staff have? All staff has been rather quiet during this meeting and so I'm wondering if in six, in 20, in P and Q the – are any new questions that the staff would like further discussion and clarification on.

Liz Williams: Avri, it's Liz here. This is an update of (William) had undertaken to come back to you about the implication of public comments and our ideas about public comments. And that paper has been prepared internal. It's not quite ready for distribution to the committee yet but I don't think that that's very far away.

Karen has been responsible for doing that. So I think that's pretty close to coming out. And that was it from my side Karen or Miriam might have a things to add in (Craig's) absence. Because Craig is in Hong Kong at the moment.

Avri Doria: Anyone from staff wish to bring up any other implementation questions, clarifications, issues.

Karen Lentz: Yes, Avri, this is Karen. I do have a question about the new language that was just added on the cooling off period.

Avri Doria: Yup.

Karen Lentz: Is that – just to clarify where that was put, was that in P?

Avri Doria: That was put in P at the end of process.

Karen Lentz: Okay.

Avri Doria: And as allot point within the process definition at the beginning.

Karen Lentz: Okay. So they - that then only apply to objections that are filed on 20 or to all objections?

Avri Doria: I guess we've only applied it to 20 which is the only objection process that we've defined.

Karen Lentz: Okay.

Avri Doria: The staff may want to look at it in other places if they think it's appropriately implementation.

Karen Lentz: Okay.

Avri Doria: I don't know that I – because we haven't specifically define the other dispute process as those all have been, you know, like in 12.

Karen Lentz: Mm-hm.

Avri Doria: You know, dispute resolution current (unintelligible) this must be established. But we haven't actually given that many implementation guideline on how they would be established that was something that the staff was working on.

I think seeing it in 20 it certainly was considering in other places but I don't know if it's appropriate.

Karen Lentz: Mm-hm.

Avri Doria: Is anyone else want to comment on Karen's question or my answer.

Chuck Gomes: This is Chuck I would...

Avri Doria: Yes, anyone else who wants to get in to queue while I'm collecting one? Okay, Chuck.

Chuck Gomes: Yeah, I think I just raised this same issue that Karen is raising. I think it was just between Liz and Avri and I in an email exchange yesterday but I can't remember without checking. And I raised the same question, would this be applicable in a couple other places? I don't know what the answer is but I agree with you are raise at.

If staff sees the applicability of the principle elsewhere it's – would seem reasonable to consider therefore.

Avri Doria: Applicable as a new guidelines. Anyone else want to comment on that question.

Marilyn Cade: Avri, it's me – with Marilyn I do.

Avri Doria: Okay, Marilyn. Anyone else? Okay, Marilyn.

Marilyn Cade: I just want to say that I think that the profit – the opportunity fills in that if staff does to the applicability they will put it into the draft

implementation procedure, the guidelines and that's then they've already said they're going to come to the counsel for agreement.

So (unintelligible) we could wait for that feedbacks from them in the implementation process.

Avri Doria: Certainly, I think that was included in what I was saying, thank you. Anyone else wish to comment.

Kristina Rosette: Yeah, Avri it's Kristina.

Avri Doria: Hi, Kristina.

Kristina Rosette: Hi. I would actually suggest that we do include it for the process we (sentenced) because I don't see (unintelligible) be. I mean, the same motivational for including that in 20 I think it apply equally with regard with the three and six.

Man: Yes.

Avri Doria: Okay, thank you. Any other comment. Kristina, question. Are you basically saying that there should be sort of a recommendation or are you saying this is something where we should add something to (unintelligible) recommendation?

Kristina Rosette: I think it can be (bias) in implementation guidelines. I guess part of it is that I'm not really entirely clear to when we cross the line, between, you know, recommendation and implementation guideline.

So, you know, in short I have no compelling preference but I think it's a practical matter it should apply across the board. You know, for any dispute.

Avri Doria: Right. Well what we did once before and it's been – basically once before we have look at something. And this is implementation guideline two where staff will provide and automatic reply to those who submit public comment that explains the objection procedure.

Now we have talk about that in one place and then I'd realized it was applicable to others. So, I guess what I'm asking is, are you recommending that the line we just added to process of objections actually become an implementation guideline R.

Woman: Yeah.

Marilyn Cade: And Avri it's Marilyn. I think that's an important distinction because implementation guidelines might change by staff after time that policy guidance from the council to the staff with prior coming back to council to make that changes.

So that's maybe the distinction that council and that working group as a whole should think about either getting guidance to the staff, are they just sharing their views with the staff.

Avri Doria: Okay, thank you.

Chuck Gomes: Chuck would like to get back in.

Avri Doria: Excuse me.

Chuck Gomes: Chuck would like to comment.

Avri Doria: Chuck anyone else? And at the moment were talking about basically, making a recommendation implement in guideline R that basically includes the language those reading before and I'll read it again.

It's once formal objections are made there will be a cooling off period of up to 60 days, through are all parties to resolve the issue before another could be a problem before the panel takes up to discussion. We'd have to actually create something new.

Kristina Rosette: Right.

Avri Doria: Okay, Chuck.

Chuck Gomes: Okay, by the way I'm supportive of what Kristina suggested. But one implication of that is if we have the wording such that it's a 60 day cooling off period and understanding that, that can be shorten or lengthen by mutual agreement.

But it seems to me that it would be better if we set the target at 30 days which then able to do it, so that if somebody was being obsolete you can have a 60 days to lay on anyone of the dispute processes.

And if somebody didn't want to agree to it that then it will automatically be 60 days, it lengthens the process anytime there is a dispute even more than we wanted.

So, I don't feel so strongly about this but it's a hot issue for me but I would suggest that we suggest the target at 30 days, still having the options for it to be extended or shortened rather than 60.

Avri Doria: Yeah...

Marilyn Cade: Yeah, Avri it's Marilyn I want to speak an opposition to that shortened.

Avri Doria: Okay, so basically Chuck as I was understanding you with a series of three or four possible objections, we could – someone could end up delaying by at – almost a half year to a year.

Chuck Gomes: Well I don't know if there's serial, in terms of the way. That's another question for implementation, but what I'm saying is that we applied this is the 3, 6 and 20 then – if they can't get mutual agreement then there's an automatic 60 days delay in any applications where there is at least one objection filed where they can't reach mutual agreement to shorten the period.

Avri Doria: Right, so with three objections we end up with, even if there were 30 we end up with 120 days possible up to six months or more.

Okay, Marilyn you wanted to comment. Anyone else wants to comment and I must say, probably late to be adding new policy recommendation at the last minute but let's discussed it so. Marilyn. Anyone else?

Jon Bing: Jon Bing, yeah.

Marilyn Cade: I think we need to be careful of something that we are kind of notorious for and that is being overly aggressive about our timelines, but not being able to meet them. And again I'm just going to say...

Avri Doria: Excuse me, which of was this is? You mean the one were not trying to finish off? The new gTLD (unintelligible) and a half...

Marilyn Cade:: Yeah, no no no no.

Avri Doria: Okay.

Marilyn Cade:: I'm just saying, you know, we have a PDC process it stands in by-law which is not merely achievable and none of us would think it gives us enough time.

Did you work for – well we just need to be careful when we set time frame that, you know, just 30 days give parties who may not speak the same language. They try to come together and have a meaningful discussion, I'm not trying to pre-judge that I'm just suggesting perhaps we actually should look for more feedback from the staff on what's their views are on how to implement some of this. And maybe we could use language like this should be a prescribed time frame and then try to determine what that time frame is.

Avri Doria: Okay, let me try and put some language here, just give me one second.

Marilyn Cade: Avri I'm just going to use as an example that if the parties decided to fly to a mutually agreeable location and have a two day meeting. I don't

know how you are - the rest of you are, are scheduling but I doubt it could them several weeks.

Avri Doria: Okay, what I think were discussing here is a implementation guideline R that may read as follows: once formal objections or disputes are made they're will be a cooling of period to allow parties to resolved the issue, before the dispute process is initiated by mutual agreement if the parties period may have to be ended or extended, and leave it to the staff to come up with a suggestion for the lengths of time.

Jon Bing: Yes, the length of time and the serial.

Marilyn Cade: Yeah.

Avri Doria: Okay.

Marilyn Cade: I agree.

Avri Doria: So, is putting in implementation guideline "R" that I've just read acceptable to everyone, does anyone object to it, in other words?

Robin Gross: This is Robin, I have a question. It sounds like this cooling off period would begin upon any objection being filed with so ever, even if there were (unintelligible). Is that the case?

Marilyn Cade: I actually thought it was only when there was going to be a panel.

Avri Doria: Well, for the panel, it's already in there in implementation guideline P. If three and six are resolved with panels but we've also got the panels

are themselves, deciding whether an objection was to be reviewed further or not.

Chuck Gomes: What we could do I supposed is a, have the panel decide whether that cooling off period if applicable.

Jon Bing: Sorry, this is Jon Bing. Don't we – are we not know in the process of doing what often is done with this (unintelligible) so, I'm having a some sort of a committee or council which should decide which to (could) before the court or not. And do they need or want to do that?

Robin Gross: I agree with Jon, I think we have to be careful, there's enough creating layers of bureaucracy.

Avri Doria: Right, just basically made one amendments to this based upon what Robin said and see if this works for people. Once formal objection or disputes are accepted for to discussion there will be a cooling off period.

Chuck Gomes: Sounds good to me.

Avri Doria: Where not getting into how there accepted, who accept it. Although we have talked about that in the past, it's just once they are accepted for discussion there will be a cooling off period. Thus that -- has anyone object to that? Robin thus that answer your question?

Robin Gross: Yes, it does. Thank you.

Avri Doria: Thank you, now in putting in implementation guideline R do I remove the specific one that we just stuck in P. Since now it implies to everything, we've made it general.

Any objection to removing it from P and just having implementation guideline R. I'm taking no objection, I will do that.

Thank you, (Karen) for recommending we look at this more detail.
(Karen) does this resolved your issue?

(Karen Lentz): Yes, it was just a question but...

Avri Doria: It was a question, but it was a good question.

(Karen Lentz): Thank you.

Avri Doria: Okay, any other implementation issues that we needed to look at clarifications on? Nope.

Kristina Rosette: Wait, Avri...

Avri Doria: Yes.

Kristina Rosette: This is Kristina. I'm sorry. I don't have the entire chart off in front of me, but someone in our constituency pointed out that there is potentially, a contradiction between the implementation guideline. That talks about how well take community support on trial.

When you kind of new that context of what had just develop into 20, that perhaps we need to go back and look at that implementation guideline and make sure that, you know, it's modified accordingly.

Avri Doria: Sure, which one implementation guideline you mean?

Kristina Rosette: I want to say G maybe.

Avri Doria: Oh okay, when an applicant lays any claim that the TLD is intended to support a particular community such as varsity of the other TLD intended for a specific community. That claim will be taken on trust with the following exceptions.

If the claim relates to a string that is also subject to another application and the claim support the community is being used to gain priority for the application. Under this exception staff evaluators would the five criteria and procedures to investigate the claim, where as in P we are in the case of an objection on...

Chuck Gomes: A good point.

Man: Mm-hm.

Chuck Gomes: Well.

J. Scott Evans: This is J. Scott. I don't see where they're incurring the (unintelligible). That seems to say that unless we get an objection we're going to take it on Trust. You don't have to do we're just going to try.

Woman: Which is fine. Then we...

Avri Doria: Right, that's how I read it also.

Chuck Gomes: Don't you – we just probably should be clear. Because I can see where there - it could be proceed as conflict...

J. Scott Evans: But they want to – we just put in a little (roman number) two. It says, it follows the exceptions with name is “blah, blah, blah” in two and an objection is raised, period.

Chuck Gomes: Yeah. That covers that I think.

Woman: Well, now. And I don't understand this. Let – so, we're saying if you I don't need this issue to understand it. If you post a objection in a public comment period, it's taken on Trust because...

Man: Yeah.

Woman: ...that is not by nature of itself going to block.

J. Scott Evans: No. that's not what this is saying.

Woman: Okay.

J. Scott Evans: This is saying that when you're an applicant, if you make a specific claims in your application they're going to take those claims from Trust unless there are two...

Woman: Okay – sorry.

Avri Doria: So, two with basically be - okay. Then we have with the following exception. So one would have to change it to exception.

J. Scott Evans: Mm-hm.

Avri Doria: And two, would be a formal objection process is initiated.

J. Scott Evans: Yeah.

Chuck Gomes: Yeah. That's good.

J. Scott Evans: Clear then.

Avri Doria: Does anyone object to that amendment to implementation guideline G? Kristina does that resolve the issue?

Kristina Rosette: Absolutely.

Avri Doria: Okay. I've got that amendment. Hopefully Liz has the two. I'll get this list out. Okay. Any other issues in terms of clarification on the implementation?

It actually worked out well wasn't only staff clarification much better was our own that's good. Okay. We're running short on time. But this is the most important thing we have to do.

So, if there are no other issues on the recommendation at this point - get those in. Get the list send out, I'll get it send out later today. So people can read it with as quickly as possible just to make sure that the wording is right because Liz has to include it in her document.

And now go to the action item list. And talk about how we continue from here. And hopefully we don't run over a few minutes. But if we do hopefully people can bear with us or bear with me.

So, we have several things that have done. And basically, initial impact statements resolve recommendation 3196. We've also just resolved, I think during this meeting recommendation 20, implementation guideline P, we discussed the open issues and finalized and I believe we've done that.

Chuck Gomes: Just one comment there Avri. It seems to that it would be useful just because of the latest changes that we do a final confirmation on that next week.

Avri Doria: Well, okay, I'll get to that in a second. I think we need to do a final confirmation on that over the list in next few days.

Chuck Gomes: That's okay.

Avri Doria: If any, you know, obviously and that's why I need to get it up because Liz's deadline of the 30th needs to stand if we'll going to have something on the table for the Board in LA which is one of those goals that, I think, we've taken as unbridgeable, we have to make that one. I hate to go to LA and not have made that one.

So, we have a resolution. I will get the wording out immediately. I will ask people to take the time in the next 24 hours to discuss that on the list if there are any issues.

So, discussed open implementation - implication issues, I think, we did that. There was one feedback on ICANN AINA names from the staff which I believe is still pending. I don't know that we need it for closing this particular instead of our recommendation but if one of the things that still pending in the work list.

Chuck Gomes: And it would be good – I got the impression Avri that staff maybe coming back to us next week with a little more information which regard to implementation guidelines and our implementation procedures and so forth.

And so, as far as the next pending action I think, you know, getting that report and having some discussion. Again I don't think that has to delay what list has to do but an important thing for the committee to do next week.

Avri Doria: Okay, thank you. And I know it update impact statements from final comments that close as of the 20th was an extension to the 25th for those that asked. Today basically, since we added some new language anyone who has a comment or objections make with regard to the new language that is has been added is encourage to get list a paragraph or two if necessary on the objection or comment today. So that Liz can meet her deadline.

Chuck Gomes: And you skipped one Avri. Reserved names for new gTLDs.

Avri Doria: That's one where I talked about the feedback on ICANN IANA names. That was the pending item on these.

Chuck Gomes: Oh, okay. Okay that. Got you. I (unintelligible) that.

Avri Doria: Sorry, I said it back was I said that the issue and then I said for reserve names as suppose to actually reading it back column by column.

Man: Okay.

Avri Doria: So that we have an updated draft for the final committee review that's the 30th and that's need to get all the updated text in the addition of the note on pro-recommendation implementation guidelines coming later inclusion of remaining impact statement, and other statements of concern, etcetera.

So, that is a final draft for us to review. Then there's basically, a week for us online to review that to verify that everything that we all think need to be set in it not we've given in all the statements we've stand and all the recommendations are there in the proper language.

And then it goes off through a month process of getting refined and getting approved by the various people within the ICANN staff legal, the Federal have to review it and out the council in time for us to do the council vote on it on 7th September.

And I don't have the breakdown of what goes on during that month but I think that would a good thing to actually see and understands just to make sure that everything is going on in place. Then other things that need to happen before makes it to Board is at public comment period. There's preparing a package extend to – send to the Board. And there's actually delivering it to the Board. And that takes awhile.

And then we have a report from the working group beyond which reference team quotation of the right protection mechanisms about will be coming to the council much this committee – I believed. I don't believe this committee will reset the deal with those on October.

Woman: That's right – Avri.

Avri Doria: Huh?

Woman: That's right.

Avri Doria: Right. But I just as part of what comes out of this committee it's included in that now. One of the things was what other meetings to renewed? We don't need another meeting hopefully. And I don't believed we do this discuss recommendations and such because those really have to be final as of this meeting with the one day 24 hour review before Liz produces the final report.

But then we do have a lot of other things to discuss which are, you know, staff coming back with its various report and guidelines as next after them. Various things on appeal mechanisms, for example. There were the IANA ICANN names issues for reserved name that should be available next week.

We do not currently have a meeting scheduled for next Thursday we certainly can. And the following Thursday we would be running into a council meeting which scheduled for that day. But so, we've got two other weeks to people think that we need other meetings. Or can it all be done on Liz's discussions.

Chuck Gomes: Since to me that if staff is coming back with some more implementation information then it would be helpful to have a meeting to discuss that...

Avri Doria: Does it need to be...

Chuck Gomes: ...including the public comments document that how does it going to be handle.

Avri Doria: Okay, now, does it need to be in the next Thursday slot? Is that best time on...

Chuck Gomes: Or we can't do it – two weeks if we can't do it two weeks from now because of the council meeting. (Unintelligible).

Avri Doria: Why? But we could perhaps find another day although other days are getting solve with other meeting.

Liz Williams: Avri, this is Liz here. Can I make a suggestion about dealing with some given that (unintelligible) of days that we've got, and the other work that's going on. Because apparently the WHOIS guys are also continuing on.

Perhaps if we will release a public comment document maybe you could make the decision about holding a meeting after we will had a chance to read it because perhaps there will be sad beautiful that there'll be nothing to ask.

No - I'm lost one. I'm just joking. But maybe you want to just hold that off until that (unintelligible) man made the decision.

Woman: Except that (unintelligible) were going to hear some staff more feedback on the implementations approach and document thing.

Avri Doria: Now to these, would that material be available in time for us to discuss that next Thursday? Or would it more reasonable to try and like schedule something for the following Monday or something, I don't think they've love the meeting by Mondays?

Glen de Saint Gery: No. Monday time.

Avri Doria: Monday is a pretty empty. So, and I'm just wondering if we sort of aim for the middle of the week period for another meeting, your people have a problem with scheduling a meeting for sometime Monday.

Liz Williams: Avri just what days is that? If you've got your calendar for review?.

Avri Doria: Sixth of August.

Liz Williams: Monday the 6th, okay?

Avri Doria: And that puts us in the middle of our week's discussion period. And in time for that. Does that seem like a good time for a meeting? And perhaps we can work on the later. I don't know how many people and I was if - instead of dealing the that's 12 UDC we did the 14 UDC for the folks in California who has been bearing with them very miserable schedule on this for the last months.

So, is there any objections to planning our next meeting for 14 at 2 o'clock essentially. UDC on the sixth.

Okay, I'll take that as scheduled. We'll try to do as much as possible on the list between now and then. So, that we will the only things we have left, things that really need discussion.

Okay. We've five minutes gone over now. I suppose to leave for having us that we would need the whole time. Are there any other issues that we certainly don't have much time discuss them here? But if they brought up we can initiate discussion on them on in the list.

Robin Gross: Yes.

Avri Doria: So, is there any issue that I should put on the left.

Robin Gross: This is Robin I just have a quick question. I'm just wondering if there's – if we can get any indication about when the public comment period is going to take place on this recommendations.

Avri Doria: A good question. One is public...

Liz Williams: Robin, it's Liz here. I've take an action to item to resend you the schedule which I've sent at San Juan. It's nothing in the public comment period. It's pretty much as soon as the last call has done or I can open the public comment period straight away. And then that needs to run for the 20 days.

So, but also I want for you listed be date by date. By date I'll send it around for the group again so that everyone has it in front of them

Robin Gross: Thank you Liz.

Chuck Gomes: There is more than one comment period too, right? There is the comment period after the council make the decision on September 6 within about five days after that the final document approved by the councils post for a the public comments, right?

Liz Williams: Yup. I'll send it that for you.

Avri Doria: Right. And then we can any question – further questions so we can certainly discuss on the list. Any other question, any other issues people have that should have a conversation initiated on the list?

Okay, in which case I thank you all for your participation and patience and contribution and see you on the list and then talk to you again on August 6 at (to) UDC.

Woman: Thanks Avri.

Woman: Thanks.

Avri Doria: Thank you.

Woman: Bye.

Avri Doria: Bye-bye.

END