Controversial Names sub group of Reserved Names working group teleconference TRANSCRIPTION

19 April 2007, 18:00 UTC

Note: The following is the output of transcribing from an audio recording of the controversial names sub group of the Reserved Names working group call on19 April 2007. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

http://gnso-audio.icann.org/contro-wg-20070419.mp3
http://gnso.icann.org/calendar/#apr

Attendance:

Avri Doria - Chair Nominating Committee appointee to the GNSO Council
Marilyn Cade - CBUC
Tamara Reznik - IPC

Absent

Victoria McEvedy - NCUC
Mike Palage - Registries constituency

ICANN Staff:

Glen de Saint Géry – Secretariat

Avri Doria: We have to figure out what it is we need to do and then how to go about doing it.

Man: Uh-huh.

Avri Doria: I think I'll start the recording so we can get started. Hold on a second and I'll disappear.

Coordinator: Thank you all for standing by.

                At this time, I would like to inform you that today's call is being recorded. If you have any objections, you may disconnect at this time.

                Thank you. You may begin.

Avri Doria: Okay. Thank you.

                Well, at the moment, I think in terms of attendance, we've got Marilyn, (Myra), myself, Avri, and Glen on the line.

                Anyone else joined us this time?

Woman: No one else.

Avri Doria: Okay.

Woman: And we do have (unintelligible) (Victoria) and Mike Palage.

Avri Doria: Right.

                And hopefully, they'll join us at some point or they will just have to follow up listening to the recording or - and I'll simply talk to them.

So we've got this three-week task, I guess, three and a half week task that, basically, in terms of an agenda just - I sent out but I had basically - oh yes, I had meeting prologue. That can roll which I just sort of did then it was interesting. It's going to - we need to do another set of interest statement on this or is the one…

Woman: I shouldn't imagine so, Avri, because this is a subgroup of the reserve names group.

Avri Doria: So the fact that we get then in reserve names is sufficient, should anybody join the group that isn't in reserve name, then we can ask the group.

Woman: Yes. And also perhaps if they want to update the statements for their...

((Crosstalk))

Avri Doria: Okay, if there is anything particularly relevance here.

Okay. So, anybody has got anything particularly relevant to controversial names that they want to add to their interest statement, please do so.

Okay. In terms of the agenda, I had reviewed the statement of work then review or at least mentioned a relevant part of the reserve names report, identify the relevant parts of the GAC report to this, identifying any relevant parts of the IDN report then basically figure out how we're going to do our work and make a plan for doing it.

Marilyn Cade: I'm sorry, this is Marilyn.

So, we're starting from where the previous group left off in doing the IDN?

Avri Doria: Yeah. I mean, there's additional - perhaps, there's additional concerns in the things that came out of the IDN.

Marilyn Cade: Yeah.

Avri Doria: But the GAC report…

Marilyn Cade: Right.

Avri Doria: But, yes, we're starting from where it was left off.

((Crosstalk))

Marilyn Cade: Okay. I just…

Avri Doria: …relevant parts. I had the reserve names because that is the starting point.

Marilyn Cade: Good. I'm just verifying that because I'm digging around to find my copy of it. Thanks.

Avri Doria: I did put the URL in the mail.

Marilyn Cade: Yes. Thank you.

Avri Doria: So it's there possibly.

So anyhow, on the (SoW). And I included the relevant part in the email I sent. It was review of GAC principles. Okay, we need to do that. We need to consult with the GAC as possible. I like the way that was written.

One of the things that was mentioned and I guess another one of these meetings and I forgot whether it was the (RN) meeting (unintelligible) or the ones to letter meeting that we've had a consultation with GAC. They're pretty good at giving general principles that they agree to in consensus but if we want interpretation and we maybe ought to get some help from them but probably not.

And certainly, if we want details then, you know, that probably won't happen. We can though certainly approach various members of the GAC, you know, especially (BLD) who's been sharing parts and ask questions.

But I think they gave us a lot of good hints in terms of, you know, words to look at, things like guarantee versus support or promote. So in other words, I think we've got, you know, what's (worked) but we need to consult with GAC.

Then consider the possibility of creating a disputed name list, how to reserve name list that will be updated when other controversial names are rejected and would be use for guideline-purposes only. And, I guess, this would be the warnings, pick one of these names and you're going to be in the slow track process.

Restate recommendations and the (RN) working groups report for possible use in the new gTLD evaluation process not as reserve names. I'm not quite sure I understand that one.

Marilyn Cade: Oh, that's because the - this is one of the categories that does not - we're doing work to compete the - and contribute to the new gTLD report. But these will not actually be reserve names. It would be in different category than reserve.

Avri Doria: And yet, still different than disputed or is this the - this is bell on the disputed? That's where I'm not clear of.

Marilyn Cade: Disputed would be one of the labels that we might apply to them. Reserve names were probably going to end up, as I understand it Avri, and I contributed to this so I think I understand it.

Avri Doria: I contributed too but I'm not sure I do.

Marilyn Cade: The idea that - a reserve name is a prohibited name. That's different than a disputed name or a controversial name.

Avri Doria: Yeah.

Marilyn Cade: So a prohibited name, you can't release a prohibited name. There might be a procedure that's put in place to individually release a prohibited, you know, category.

But generally, it's on the reserve list. It would go into every gTLD registry agreement and it's an across the board reservation or at least broad reservation, right?

While the process we are contributing to is to try to figure out how to deal with disputes, controversy, lack of clarity - I'm kind of struggling now with other examples.

Avri Doria: Yeah. Okay.

Marilyn Cade: But the names aren't…

((Crosstalk))

Avri Doria: …basically so it is - okay. Well, I think where I was getting confused is I was thinking this is something other than what was described as the (security) name list but it really isn't.

Marilyn Cade: It's just that…

Avri Doria: There may be different characters on this other than disputed names.

Marilyn Cade: Right. Because we may contribute to the creation of disputed name but the process is also going to enable dealing with a name that comes up all by itself and people go - that was got a problem because it's a religious name or it's this or it's that. And the question is what is the process to clarify or clear out for that.

Avri Doria: Okay.

Marilyn Cade: That's what I think we're doing.

Avri Doria: Yeah. Okay. Although - I mean, I get concerns because then we get in to some - like some of the other discussions that have come up of creating the - a priority table of prohibitions and that's problematic in other places.

Marilyn Cade: Except I thought the point was, you might be able to (prior) name off out of this category.

Avri Doria: Yes, if you do it with sufficient (cost). I understand.

Marilyn Cade: Yes.

Avri Doria: Okay.

Can you go to - describe the process well and I think this is one thing that sort of contribute within the new gTLD process, the whole - if I'm understanding it correctly, the whole how to meet challenges or concerns about proposed names get dealt with. And I believe that's a process, well, we're talking about here.

Marilyn Cade: Right. Whether we're creating something like the (RSTEPs) but with different characteristics…

Avri Doria: Right.

Marilyn Cade: …or…

Avri Doria: (Unintelligible) recommendation on that.

Marilyn Cade: …or three - you know, a process which has categories that have - because the (RSTEPs) have different kinds of experts in it.

Avri Doria: Yup.

Marilyn Cade: Yeah.

Avri Doria: And it's up to the chair to pull out the - I forgot whether you used three or five on a particular issue but to pull out the one from his large table of experts…

Marilyn Cade: Uh-huh.

Avri Doria: …the appropriate ones to the issue being discussed.

Marilyn Cade: Right.

Avri Doria: So, yeah, I think that's good starting model. We need to look at it.

                   And then the next was - as part of that, provide examples. So in addition to the flow which is sort of an explicit definition to sort of just a - work through a couple of examples if you get this name, if you get that one.

                   Then incorporate any relevant comments on the IDN working group report which we'll get to, provide a brief rationale and support of the recommendation referring to the role of the category if applicable. So, yeah, we've got to explain what we're suggesting.

And then other text of the individual subgroup report as applicable to conform with the fact that controversial names will not be considered reserve names. I'll say that next time.

Man: And that's probably going to be quick to do, I think.

Avri Doria: Right. But we can probably do that at the end once we've figured out.

Man: Yup.

Avri Doria: That's kind of like writing an abstract once it's going to be a document.

Man: Yeah.

Avri Doria: And then finalize that these guidelines or any other additional work if necessary.

Marilyn Cade: So, you know, I sort of think there's probably a - it's probably, "Gee, somewhere in here, there is a need to assess the low-hanging fruit and see whether we quickly can see that we can include some things and not others because it may take time to develop the guidelines for the additional work.

                 And if we spend all of our time working and then all of a sudden we find ourselves caught on the night before realizing, "Well, we've got to write a process to complete additional work." So maybe we needed to flag that somehow.

Avri Doria: I guess I'm not as confident that there is any low-hanging fruits at this point.

Marilyn Cade: Well, I'm not either. I was…

Avri Doria: I think the lowest-hanging fruit is the process.

Marilyn Cade: Uh-huh. Uh-huh.

Avri Doria: Because the process - who's on the phone that's with you on that
(Saturday), was it me? I don't think so. The process has certain issues
to be resolved but they are separate from the identity of any names.

    And if we can come up with a process then we've achieved something
even if we've only covered a couple of the types and that then tells us
what other work we have to do.

    If we can't come up with a process that is acceptable to the members
of the group, then anything we say about the rest of it is relatively
irrelevant, I think.

Marilyn Cade: Uh-huh. Uh-huh.

Avri Doria: And I think I look at this and I see, (unintelligible) is creating a process
that takes into account all these aspects of controversial names.

Marilyn Cade: Well, let me pull out two activities. So, A, you know, we can walk -
maybe we can walk to the GAC's principle for instance at least one
time today and figure out if we have specific questions to go to the
GAC.

    Then…

Avri Doria: Yeah. That was one of the next things I had on the agenda.

((Crosstalk))

Marilyn Cade: Yeah. I was just going to see if there was…

((Crosstalk))

Avri Doria: …relevant to us.

Marilyn Cade: Yeah.

Avri Doria: I think only one or two of them are actually.

Marilyn Cade: Yeah.

So actually F, is probably something right we need to do. Maybe rather than leaving it to the end, that might be something to ask a couple of members of the subgroup to see if they could provide a mark up for us to the next meeting. Because that's kind of…

Avri Doria: Okay. That's one of the things that we need to get to also and the work method.

Marilyn Cade: Okay.

Avri Doria: Whether we're actually going to have next meeting to try to do everything on the list.

Marilyn Cade: Okay.

Avri Doria: And because with only three weeks to do work and the number of meetings that are (crowding each things), one of the things I was going to suggest is that we have this start off meeting and then we basically work on the list producing things and then have another meeting at the end to review and discuss.

                   And so, if we tend sort of parcel out the work would be difficult to do because only half of the group members are here; actually a little bit more than half, three out of five.

                   But - you know, and then basically, work on stuff (either typically) on the list or actually in terms of producing a plan perhaps getting it in on a, you know, whatever we use and who is a - common editing thing, a common work management.

                   But anyway…

Marilyn Cade: Avri…

Avri Doria: I have a scheduled meeting at this point with the (unintelligible) meeting.

Marilyn Cade: I hear you but I think you need to be thinking about a minimum of three meetings because there needs to be a final meeting where we just approve everything, right?

Avri Doria: That's - that can also be done on mailing list after the meeting where we had discussed…

Marilyn Cade: If everybody in the subgroup is as comfortable as you are and only using online.

Avri Doria: Yes, but it's also in a subgroup like this; hopefully we can educate ourselves to be - as I said, finding time to schedule meetings in the next three weeks is going to be murderous. There's such competition for getting time but we can leave that open.

   I know Mike is as comfortable as I am. I'm not sure about (Victoria) tomorrow. Are you comfortable with the online working method?

Woman: Yeah. I'm comfortable with that.

Avri Doria: Are you, Marilyn?

Marilyn Cade: Not at this point until I see what kind of interaction we're going to have. I live through, in the last subgroups, people changing documents not with the full group but trying to change documents because they weren't face to face.

   And they were negotiating by sending in changes to the Chair and so they didn't actually work compromises out. And I think that's an important thing for a subgroup to do.

Woman: Yeah. I've seen that too so (unintelligible).

Avri Doria: No. Obviously, I don't think we can do that. But I don't know especially when you can only get three out of five people face to face.

Woman: Uh-huh.

Avri Doria: I don't think face to face or phone are actually inclusive either simply because…

((Crosstalk))

Marilyn Cade: No. I hear you and we probably will be spending enough time on that.

Avri Doria: Right. Okay. Obviously, if we need extra meeting, we'll do that.

Marilyn Cade: And, Avri, our final drop dead date is the May 10 that is to the full working group or that's it completely?

Avri Doria: I believe that's it completely.

Marilyn Cade: Which means our date to the full working group is before that.

Avri Doria: Probably yes. And we haven't gotten that date from (unintelligible) so I'm not sure how all of that would work.

Marilyn Cade: And, Glen, I think that date was discussed on - something tickles the back of my mind that it was discussed because there needed to be a final walkthrough by the full group.

                Could we - can you try to recapture that particular point and just update it by email?

Glen Desaintgery: Of the reserve names working group?

Marilyn Cade: Yeah, because (Chuck) I think made the point that there has to be an opportunity for everybody to, you know, walkthrough all the recommendations which would mean, we would need to get our document in and maybe, Avri, I don't know how much earlier but certainly earlier.

Avri Doria: Yup.

Glen Desaintgery: I have to look for your note.

Marilyn Cade: Or, Avri, is it okay even after the fact but just…

Avri Doria: Yeah. No, I have to figure. I mean at the moment, the timing on this is ridiculously short. I'm trying to do something reasonable in this ridiculously short time.

So anyway, to go back to the relevant parts of the (IRN) report.

I think basically, their Table 0.8 and their Appendix K which is the table that reflects controversial names. And the appendix which is the discussion of those.

Marilyn Cade: So that's in Page 124. Page 124 is Appendix K and Table 0.8 is Page 32, okay?

Avri Doria: Okay. And so let's walk in through those at the moment.

Marilyn Cade: Probably.

Glen Desaintgery: The completion date, sorry, for the reserve names working group is Monday, 10 of May.

Marilyn Cade: Right. Glen, when did (Chuck) plan to have final review of all of the draft reports to the full - his full committee can walk through all of them? Has that - maybe that hasn't been planned yet.

Woman: Okay. I don't remember.

Glen Desaintgery: I don't think the dates for that because in the working group statement of work, there is no date put to that. It's just the schedule is restart Wednesday, 11 of April, completion date, Monday, 10 of May.

Marilyn Cade: So could I just ask maybe Avri if you was the chair or Glen, however you want to do this. If you could outreach to (Chuck) and ask him?

Avri Doria: Yeah, I'll do that.

Marilyn Cade: Yeah.

Avri Doria: Okay.

Okay. So going through the controversial names just quickly, for something that qualify as a TLD under prevailing string criteria, if it not fall into any other reserve name category and it is disputed for reasons other than some other reserve name category or prior legal rights of others.

So now, the - on the asking the proposal to create a category called (unintelligible), category called controversial names, the use is top level only, a label that is applied for would be considered controversial.

If doing the public comment phase of the new gTLD application process, the label becomes disputed by a formal notice of a consensus position from an ICANN advisory committee or ICANN supporting organization, otherwise, meets the definition of controversial names as defined above.

Marilyn Cade: So, it's Marilyn. I have a comment on that.

As I read the GAC principles, they did not limit the objection to a consensus position and I'm not - I was in this group previously. I'm not actually sure that it's going to be feasible to restrict this because there's no process provided for here where a group outside of ICANN would be able to object.

And it's feasible that a string would be proposed that a non-ICANN involve group but have a very legitimate reason to object to.

Avri Doria: Okay. Now that - I mean certainly, we do have to look at the GAC position but, yes, any single country able to object. Although, they don't specifically say that. What they really say is that when a specific country goes to the board, they want the board to listen to them and to respond. They're not necessarily saying that in a public comment period is they want that privilege.

So - and also - so it's definitely one that we have to think about but I don't know that we immediately need to say, "Oh, therefore any

country who is a member of GAC is sufficient." But we certainly do have to look at that, you're right, and we'll get back to that when we get to the GAC stuff.

Marilyn Cade: But, Avri, you understand I made two different points?

Avri Doria: Yeah. I heard.

Marilyn Cade: Okay.

Avri Doria: And on the second one, yeah, we need to think about whether the - again here, we're in a position where we have the first group making a certain set of recommendations that are the base and we have the IDN group and the GAC group having made comments that we need to take into account.

And then I guess, as a third thing, these new considerations that we want to bring into it but those, I think, we have to be more careful with because we are therefore then opening up the previous work that was done and reopening it for further - which we can do but we need to do it more carefully because we thinking the thing was not necessarily in the charter as I understood it although responding to GAC and IDN was.

Marilyn Cade: However, when we specified more work -- and I was on this group -- we understood that that meant more work. And so…

Avri Doria: Yeah. I understood that too but - because I was on that group too, but I thought that that had - more of the work had to do with how because

we to totally (hand waved) about how is the dispute mechanism would work.

Marilyn Cade: Well, I was just going to say something about ICANN and the reality here and being pragmatic. This does not specifically mention - it mentions the advisory committees so that would include the (ILC), that it doesn't take into account a broader community not involved who - and selects - use the well-worn and much-abused example of (dotbank) or (dotfinance).

Generally, the companies who operate in the financial institutions or the accrediting bodies thereof are not part of ICANN. So, I'm just saying, you know, however we want to document it, we just need to figure out how to accommodate…

Avri Doria: I don't know. I mean, I don't think there's agreement or consensus that we need to accommodate the banking association of East Kansas or the banking association of Rome (dotbank).

I know that there are various people that believe that we should but there's by no means consensus on that. So it's a place where we have to try pretty carefully because there are certain people that are adamant because the second you say that an association has the right to dispute in this formal manner, you're basically saying that everything will be disputed.

So there's always some associates and somewhere who wasn't included and then you're asking people to evaluate who is important enough or not. So as I said, we don't have consensus on doing that.

Where we did get agreement and consensus was the advisory committee doing it. And - or the supporting organization who can represent (unintelligible). The (BC), you know, could certainly say, "Hey wait a second, the banks are not in and…"

((Crosstalk))

Marilyn Cade: Actually no. The (BC) could not. The (BC) could take it to the GNSO.

Avri Doria: The GNSO, you're right.

Marilyn Cade: Look…

Avri Doria: And perhaps there's some extension in making a supporting organization or its constituencies or something that opens it up a little but keeps it away from the place where we don't have consensus.

And unfortunately, (Victoria) is not on the call so I'm sort of speaking in her absence. But a strong objection to an individual association being able to say, "Sorry, we dispute it."

Marilyn Cade: I'm sot suggesting an individual association ought to be able to dispute it but I don't think we're acting legitimately if we're recognizing the millions of people who don't even know who ICANN is.

So I think we need to at least flag the question of what is the threshold needed beyond an ICANN insider such as an advisory committee or supporting organization.

Avri Doria: Perhaps. I mean, certainly, we need to have the discussion. I mean, I'm not disagreeing that we need to have the discussion. I wouldn't go so far as to say we're at the point yet where we're talking about what the thresholds would be because we haven't even got to the point of talking about, you know, outside disputes in that case.

Marilyn Cade: Right.

Avri Doria: It's certainly a topic we need to have.

Marilyn Cade: Okay. That's what I was asking for.

Avri Doria: Okay. Let me note that down under work to be done.

                So, session on dispute by non-ICANN body.

                I think that's about as unprejudicial as I could put it. Discussion on dispute by non-ICANN body.

                Okay. Two, in the event of such dispute, applications to that label would be placed in a hold status that would allow -- and this is getting into the flow -- that would allow for the disputes to be further examined.

                If the dispute is dismissed (unintelligible) results favorably, the applications would reenter the process in queue. The period of time allows for disputes should be finite and should be relegated to yet to be defined external dispute resolution process and this is the additional work that we need to do.

The external dispute process should be defined to be objective, neutral, and transparent. The outcome of any dispute should not result in the development of new category of reserve name.

Marilyn Cade: Yeah. I would ask a question about that. Yet at the same time, we acknowledge that it might, I don't know, develop in this kind of warning list.

Avri Doria: Right. But that's not a category of reserve name though so I think it's okay.

Marilyn Cade: Uh-huh.

Avri Doria: I mean it doesn't say it here but nor does it preclude it.

Marilyn Cade: Uh-huh.

Avri Doria: And especially since that list as I heard is talked about (unintelligible) is really just an advisory list.

Marilyn Cade: Right.

Avri Doria: It's saying, "Here's the list of names that have been disputed in the past and, you know, unless you really want to get bugged down or have a really good reason, don't pick it, but, you know, it's not more than that I would expect."

It could be not withstanding outcome of any such dispute and (unintelligible) is applied to all applicants but then it's jurisdiction and in cases where the process (unintelligible) law, enforcement of one

nation's law, an applicant from a different jurisdiction (unintelligible) should apply and that goes to the, you know, the (dot not use) and the dot - the holocaust didn't happen when the EUs has - of course you're not allowed to say that.

Three. It is recommended that more work needs to be done in regards to dispute resolution processes including minimizing the opportunity for such processes to be gained or abused. You know, one of the things was, one, was that was trying to keep it from being gained.

And then four, the process or lack thereof described to could also be applied (unintelligible) that fall other reserve name categories for example, the geographic and geopolitical names. Process may apply equally well to names to second level.

I don't think we should get into the second level at all and - at this point. I mean, we're…

Marilyn Cade: Yeah.

Avri Doria: We're designing a process but I don't think…

Marilyn Cade: Yeah.

I'm just trying to think about what else we go back to as a resource document which - because I actually thought there had been something said somewhere else that controversial means are best dealt with by the registry operated at the second level and I'm trying to think of where that discussion would have taken place but we can kind of go back and look for it.

Avri Doria: Okay. But anyhow so I mean I don't see that as - well, it actually says it right here on second level in this recommendation, "Processes, if any to deal with controversial names at the second level, should left to the discretion of the gTLD registry…"

Marilyn Cade: I'm sorry, what do you…

Avri Doria: I'm in the second level on the table on…

Marilyn Cade: Oh, yeah. I kind of wish…

((Crosstalk))

Marilyn Cade: I wish which we can get the…

Avri Doria: We covered there.

Marilyn Cade: …number of this category.

                So this is - I'm reading…

Avri Doria: We're reading the table.

Marilyn Cade: Yeah?

Avri Doria: I was just been reading it, you go down to second level and third level.

Marilyn Cade: Oh, I see.

Avri Doria: And that basically say…

((Crosstalk))

Marilyn Cade: Yeah. We're going to get better formatting, okay.

Avri Doria: Okay.

Marilyn Cade: So really, we could - base on that four above which is - (unintelligible) into numbering things; four above under the recommendation is actually linked to, Avri, second ASCII no and third ASCII no.

Avri Doria: Right.

Marilyn Cade: But - and they both say that we should leave it to the registry operator subject to their meeting to apply with local law and that's the case. So basically, we can put that last sentence in square bracket I think, right?

Avri Doria: We can although we might be designing a process that serves as a, you know, possible example process for registry operators and we could make a recommendation or something in that, we could make a recommendation that yes, of course, it's up to them, however, you know…

Marilyn Cade: Other…

((Crosstalk))

Marilyn Cade: Other than sponsored…

Avri Doria: …whatever I mean…

Marilyn Cade: Yeah.

                 This is sponsored gTLD so if we go to an accreditation process where it's a first-come-first-serve…

Avri Doria: Right.

Marilyn Cade: …to register a name.

                 Unless the registry is data mining and pulling names out and warehousing them, they would have to have published a list that would have these names on it and announced what they were going to do with it and that would turn those names into reserve name.

Avri Doria: Yeah. What I'm saying is -- and this is probably going down the rat hole -- is that a registry - let's say we did create a disputed name list and a new registry could sort of say, "And the process we're going to use is all the names on the disputed names list have to go through our committee for using the disputed name."

Marilyn Cade: You're talking about the second and third level?

Avri Doria: At the second level, a registry could say that.

Marilyn Cade: Yeah, but they would have to put that into their bid.

Avri Doria: Yeah.

Marilyn Cade: Okay.

Avri Doria: Right. I mean basically we're saying we're leaving it up to them, so one of the things they could do is piggyback off of the disputed names list…

Marilyn Cade: Yes.

Avri Doria: …if they wanted to. If they were the family-friendly TLD.

Marilyn Cade: The only problem I have with that is I mean okay but it says no more work as needed on both of those.

Avri Doria: Right. And we wouldn't be doing it. We would just be - basically, I think the comment that says your process may well apply is substantiated by what I said. But yeah, it may apply and here's one way that could use it, there's no work to be done, you know, I agree.

                  Does that make sense?

                  This is what that they would do. We're just saying that this maybe useful recommendation to the gTLD they're trying to figure what to do.

Marilyn Cade: Uh-huh.

Avri Doria: Okay.

                  And so - and I don't want to go through all the content in the appendix which resulted discussions but I do recommend that we all reread it just for all the agreements and thoughts and discussion that went on before because I think that those discussions have to constrain us to a

certain extent. And if we go against what was decided before then we have to be careful.

But as I say, once we have all the members' discussion, I don't think we'll reach consensus on something that, you know, would go against those agreements.

Okay. Anything more to be said on going through (RN) stuff?

And the next part would be the relevant parts of the GAC. And 2.1B seemed relevant because it had religious in it. "The sensitivities including terms with national, cultural, geographic and religious significance." So that one seems one.

Two-dot-two is not really aspect geographical.

Marilyn Cade: If they accept that, to think that acknowledged that, the process of resolving those disputes might use the same process.

Avri Doria: It might, it might and that's why my place as Chair on the geographic is going to be participating in this. And if yes, if in defining a process, we can make it one that works just as well to them too then we've done a good thing and we should work with Mike to see if we can do that.

Two-three-three is the protecting the rights of others relative one including names in a governmental organization; so that's not us.

And 2.4 is the confusingly similar and that's - or two letters so that one is not us.

So - and under delegation of new ones, I don't think there's anything that is anything in 2.7, "(Unintelligible) the challenge abuses of names with national geographic significance."

Now, that's second level anyway; document support, all the sense of resolution cyber-squatting in 2.9; 10.6 is…

((Crosstalk))

Marilyn Cade: You know, I was - Avri.

Avri Doria: Uh-huh.

Marilyn Cade: I just want to (unintelligible).

So, basically, 2.1 - no, sorry, 2.2 is where the GAC addresses top level, and 2.7 is where the GAC addresses the second level on national and geographic, right? This seems to be - so, they actually had two principles.

Avri Doria: Right. And one of them is under delegation and one of them is under…

Marilyn Cade: Evaluation.

((Crosstalk))

Marilyn Cade: It was introduction, yeah.

Avri Doria: Right. Well instruct - they're not instructed to work and stuff.

Marilyn Cade: Right.

                  So one of them is an instruction to ICANN and the other is kind of an
                  instruction to ICANN to make sure the registries do something.

Avri Doria: Right.

                  So in any case, I don't think it affects us in this…

Marilyn Cade: Uh-huh, uh-huh.

Avri Doria: …report, so has nothing in 2.9. No, stability and security, best
                  practices, integrity. Continuity plans maintaining the resolution. Two-
                  dot-twelve, appeals regarding price changes, renewal procedure
                  service level in contract condition; 2.13 material changes, no, that-
                  those principles are relevant to all new gTLDs, sure.

                  Now, to 3.1, that's for the board to notify the GAC to provide guidance.

Marilyn Cade: Why is it - I was just wondering why, let's say, hypothetically that
                  Marilyn is a highly controversial name.

Avri Doria: It could be in the same level of example at this point.

Marilyn Cade: It can be.

                  If the GAC protested the idea that they brought to the board's attention
                  that this name is controversial for some reason, it would seem to me
                  that one thing the board could do into 3.3 might be to say, "Well, we've

got the (unintelligible) expert set of panelists that we're going to consult with."

Avri Doria: Not theoretically. It should have - the GAC could have - and this is something that the GAC - here the GAC is asking for what to do in the end game, when they're going to the board.

Marilyn Cade: Uh-huh.

Avri Doria: With what we're already discussing, the GAC is a government advisory committee, so this advisory committee . So even if the challenge process, they can challenge.

Now, there's nothing - one of the things here and we haven't had the discussion yet with the GAC that the GAC does not meet to its challenge as a consensus that the GAC can - and they said this a couple of times and I know that various people have been working on it that they'll be actions that GAC can take (as against) that aren't consensus position but basically something like for example, expressing concern or requesting - now, this is where, okay, we set a consensus decision and the GAC has every right to push back and say, "Hey, you want the people to tell us how we make decisions?"

Marilyn Cade: Uh-huh.

Yeah. the conversations I had with the number of the governments about this issue of challenge is that they may actually have no mechanism to just stay in a challenge but would have a mechanism to send a letter to the board saying, "Don't do this," which, you know, my point to them, then talking about, the folks I was talking to about it was

that's unfortunate because if you got into the challenge process, you might be able in 60% of the cases and I was thinking about geographic names largely. It might be able to resolve why it's okay to go ahead.

But anyway…

Avri Doria: I think - yeah. I think that once there isn't challenge process that's open to them, you know, they may be ought to come up with a way to do it.

Marilyn Cade: Uh-huh.

Avri Doria: I mean they can evolve their principles that, you know, they got a new active Chair; I'm sure that's good.

But anyway, okay. Then ICANN should consult the GAC as appropriate regarding any questions, regarding the interpretation, if individual GAC members or the government express formal concern about any issues related to the gTLD, the ICANN board should fully consider these concerns and clearly explain how we'll address them.

Now, again, that is not putting a requirement on the process - the challenge review process, your resolution process but it is putting it on the ICANN board. And then the valuation procedures and criteria for introduction delegation operation (unintelligible) participation of all stakeholders which is possible that we're going to try to do.

So, I don't think there is that many issues that we have to deal with in terms of GAC other than the one you mentioned, the one when we say it's consensus of the advisory committee and, you know, one can

argue that it's not for the GNSO policy recommendation to decide how another group makes their decision.

And they did use the words "expressed formal concern" so they're not just talking about some of the things, "You know, I don't really like this one," but they're doing something and they're sending letters and they're doing whatever.

Marilyn Cade: Uh-huh.

Avri Doria: So I think we already have the issue that needs to be worked on. Actually, no, it's session of GAC access to the challenge.

Anything else that we need to bring up in the GAC right up at the moment? I mean, we can al ways go back to this.

If not, then moving on to the (IDN1) now.

I had done a quick review of the GAC and (IDN1) first looking for things. I did not do it on IDN. I think though, having been on the IDN working group, one of the biggest concerns is going to be how one brings in and this is again in the challenge process, how one takes into account when you've got a challenge of an IDN, how do you bring in the language experts?

Marilyn Cade: Uh-huh.

Avri Doria: Or the language community expert. I think that would probably be definitely one of the concerns that needs to be dealt with.

Marilyn Cade: And assessing whether language experts are sufficient or there's some need for cultural expertise or, you know, technical expertise that needs to be a panel of five, three of one kind, one each of another or something like that which sounds though that that's just the question of, "What are the ingredients we put into our soup today?" As opposed to, "Are we making soup?"

Avri Doria: Right. And if we do come up with the board that's similar to the (RSEC)…

Marilyn Cade: Uh-huh.

Avri Doria: …you know, we could basically have both the cultural and a language expert from, you know, I don't know, (N) communities.

Marilyn Cade: Well - or the ability on a - you know, you can't…

((Crosstalk))

Marilyn Cade: Right, because you can't forecast necessarily what language is going to be applied for, right, so you need to be able to say, "Now, we need a specialist in (Temal) that we have - that 16 Chinese experts that we've identified and 14 of this kind and 17 that kind, 4,400 French speakers."

Avri Doria: Yeah. Well actually though…

Woman: Does (Michael) have (Ling), I don't really know because (Michael) have so many language experts.

Marilyn Cade: No, no, no. (Michael) doesn't have any; that is exactly the point.

Woman: Yeah.

Marilyn Cade: With the panels, the way the (RSTEP) work - (Tammy), are you familiar with how the (RSTEP) works?

(Tammy): I'm not.

Marilyn Cade: It's - there's a Chair of the process of (Laimun Taipen) who's highly technical, former board member that he has a stable participants who range in their technical skills and expertise. And based on the application from a registry, he assembles the panel with suitable skills to assess that technical application - the application of a technical security and stability standpoint.

It's a little different but I think Avri and I were thinking that the framework might work, the concept might work, but, you know, so let's say you have an application for the same word that some - that has linguistic characteristics and visual characteristics but it's from different scripts.

(Tammy): All right.

Marilyn Cade: You probably need script experts from both.

(Tammy): It's a tough issue.

Marilyn Cade: But you might also need to know that 70% of one category of users of that script are actually online and 5% of the other category are online.

> And, you know, factor into this the question of are there other alternatives? And it is that is going to be tough I think.

Avri Doria: Right. And I think those that's it's something that, one, we can give a couple of guidelines or we can suggest that, you know, "Here are some of the characteristics that one would put into, you know, such as table of experts." And yes, it would be up to the Chair and the staff to, you know, recruit the staff they needed, you know.

And as IDN come along, they'll come along slowly because only certain scripts will be, you know, supported…

Woman: Uh-huh.

Avri Doria: …as life goes on. So, it's something that can be built up. The…

Woman: Uh-huh, uh-huh.

Avri Doria: …you know, the cultural ones might be more difficult but I think…

Woman: Uh-huh.

Avri Doria: …we can sort of build this into the dispute process…

Woman: Uh-huh.

Avri Doria: …recommendation to ICANN on how to populate that particular table and then have to pick a very clever person to chair it, a very, very - the other definition of the word "catholic."

Woman: Uh-huh.

Avri Doria: Okay. I don't know if we need - it might be worth it. I don't know if we need to do it in this meeting. But if one of our - I can do it if no one else jumps up and volunteers, go through the IDN report to pick out any other - because I had a chance to go through it on the IRN report and the GAC report in that. I did not have a chance to go through the IDN report and see what is relevant.

Marilyn Cade: Would it be useful to send the question to (Tina) and to (Gary) or kind of - are two kind of resident - or (Rom) and (Dana) and ask if they have any views as well?

Avri Doria: It certainly wouldn't hurt. I mean, I still think that one of us needs to go through this.

Marilyn Cade: You know, I hear you. I was just trying to augment that.

Avri Doria: Right. And it might be worth asking them after we've gone through it…

Marilyn Cade: Uh-huh.

Avri Doria: …as we've come up with any questions, we can do those.

Marilyn Cade: Uh-huh.

Avri Doria: So go through IDN and report what's relevant, you know, find questions, ask (Tina) and (Rom).

                (Can he)?

Anybody else want to bring up anything else that they see already in the IDN that should concern us or is going through?

I'll consider any name with multiple scripts and it's controversial. But the IDN group allows that or something.

Yeah. So okay.

So, yes?

Well I thought I heard some other things. Sorry.

Okay. Now we've gone through the relevant now. The next thing I have work methods and plan. We talked about work methods a little in terms of phone calls versus online work.

Woman: I mean can we - you know, I know when I had that problem, Marilyn, that you outlined. I guess it was just due to on - I mean, I first thought it was people in different countries or different time zones but also just to online work without the phone calls to confirm?

Marilyn Cade: Yeah. It was interesting, wasn't' it? You and I probably exchanged, I don't know, five or six emails each eventually to get to the point that, "Oh, that was an easy misunderstanding to take care of."

Avri Doria: That's true too, yes.

Marilyn Cade: And…

Avri Doria: I have been sometimes (unintelligible), you know, for example, I always like to go this really, it be a lot easier.

Marilyn Cade: Uh-huh.

                Guys, I'm going to get cut off by my hotel and I'm probably not going to be able to dial back in, but maybe we could leave it…

Woman: You got to pick - okay. We can schedule a meeting for two weeks and see where we're at and see what works. Is that okay?

Marilyn Cade: We're going to do - we have to do work in the meantime, don't we?

Woman: Yes, we have to work in the meantime.

Marilyn Cade: Okay.

Woman: Yeah.

Marilyn Cade: Okay.

Woman: And what I wanted to do is see, I've got this work on schedule that I have to do. The discussion of things that we picked up today, discussion on dispute by an ICANN body, somebody's got to sort of frame that discussion as they're on the list so we can start having…

((Crosstalk))

Marilyn Cade: Do you want to take comment - can I enlist you in - you and I can do, we can go look at our staff and you're not familiar with that. I'm a little

familiar with it that I'll - we can look at it together and see kind of outline what we think the concepts are and put that out in writing?

Woman: That sounds good to me.

Marilyn Cade: Yeah, Avri, would that be okay?

Avri Doria: Yes.

Marilyn Cade: And then if you want to send somebody else our way but we could sort of analyze our steps and say, "Is it an appropriate framework to cannibalize?"

Woman: Right. What I'd like to suggest -- I think that's a great idea -- is that the two of you take lead responsibility for it but to the discussion on the list so that anyone else can chip in.

Marilyn Cade: Okay.

Avri Doria: So do the discussion online on the list?

Marilyn Cade: Yes, so we'll do it, you and I can do it.

((Crosstalk))

Marilyn Cade: You and I can do the call, walks through it, and then we're start posting things on the list of…

Avri Doria: Okay.

Woman: Okay.

Marilyn Cade: Is that all right?

Woman: Yup.

Avri Doria: Okay.

Woman: Okay. So then we had the (unintelligible) - as I said, I'm working on a scheduled discussion dispute by nine (RTM) body.

                  So we should - I'll timeframe the questions that came up today and send them out each on the list…

Marilyn Cade: Okay.

Woman: …to get discussion going on that, okay?

                  And that probably - hello? Did she just cut off?

Avri Doria: Maybe.

                  (Marilyn)?

Glen Desaintgery: Yes, I think she got cut off.

Woman: Wow, that was abrupt.

Glen Desaintgery: And I think the call is probably also a procedural to an hour.

Woman: Okay. Sorry.

Glen Desaintgery: When is the next meeting?

Woman: I'd like to do it in two weeks from today so…

Glen Desaintgery: That would be the 3rd of May?

Woman: Third of May...

Glen Desaintgery: Okay.

Woman: …if we can find the time.

Glen Desaintgery: There's a meeting already at this time which is…

Woman: The (RM) meeting.

Glen Desaintgery: What time is this? In the - yes.

Woman: It's the 13…

Glen Desaintgery: Or we could have it before.

Woman: Is that okay with everyone?

Woman: Yup, it works for me.

Glen Desaintgery: Before would be two hours before say or one hour before on the
                3rd?

Woman: On the 3rd? Wait; so that's going to be into May 3rd?

Woman: Yup.

Woman: Yup.

Woman: Oh I guess that's the day after (unintelligible), okay.

Marilyn Cade: So in my hotel in Geneva has a time-out.

Woman: Oh, we thought you disappeared and we were - because you had said you might not be able to get back.

Marilyn Cade: No, the hotel. (Unintelligible).

Woman: Uh-huh.

                Okay. We were just trying to figure our next meeting. We're talking about May 3rd. Now this already a - an (RM) meeting for 17 UTC or 13…

Glen Desaintgery: Eighteen UTC…

Woman: Oh, 18 UTC.

Glen Desaintgery: …and moved later.

Woman: Oh, it moved later.

Glen Desaintgery: So we make it 16 UTC.

Woman: What, the week is 5/3 or Thursday - yeah.

Woman: Seventeen UTC, is this 17 UTC that we started today?

Glen Desaintgery: No, no, no, no.

((Crosstalk))

Glen Desaintgery: We started it 18 UTC.

Woman: Yup.

Woman: Eighteen. And so you're talking about for the next one doing…

Glen Desaintgery: Sixteen UTC two hours earlier. So (unintelligible) to reserve names.

Woman: Or we can go to three hours earlier if we people can handle it out
                    unless we have any Californians.

Glen Desaintgery: Okay.

Woman: Because that way we can schedule a two-hour call because there
                    should be substance to the time…

Woman: That would be fine to me. I mean I'll be in Chicago so…

Woman: So…

Glen Desaintgery: Okay. So we make it two hours earlier.

Woman: About three hours.

Glen Desaintgery: Three hours so that would be 17, 16, 15.

Woman: Fifteen, right.

Glen Desaintgery: Okay.

Woman: Which would be 11 o o'clock Eastern Time and yes, so 8 o o'clock Californian time so…

Marilyn Cade: Okay. I'm okay with that but that means that between the - we basically have to be done except for editing.

Woman: Well…

Marilyn Cade: Because…

Woman: We have to be - yeah.

                And we can do impromptu, Skype calls and people talking and working online. And (Clab), I mean there are only four of us.

Glen Desaintgery: And should point on, I'm going to be around next week but then after that I'm going to be into madness.

Marilyn Cade: Right.

((Crosstalk))

Woman: But we mostly have to be done, right?

Marilyn Cade: Right, because we're going to have to get a read out to the reserve
                name working group…

Woman: Yup.

Marilyn Cade: …you know?

Avri Doria: Basically, we should have most of the (dust) but not necessarily in the
                row and then we have to finish the report the rest of that week.

Marilyn Cade: Okay.

Marilyn Cade: But (Tammy), you're going to be - when - (Inta) is the 28 to the 4th?

(Tammy):   (Inta) is - yeah. Basically, really the 28 to the 2nd.

((Crosstalk))

(Tammy):   …I'll go through the 6th really.

Marilyn Cade: So you're not available on 3rd?

(Tammy):   No, I am but I'm…

Marilyn Cade: Okay.

(Tammy):   …just thinking I'm not going to be very available…

Marilyn Cade: Oh, I got it. Okay. Right.

(Tammy):   …during (Inta).

Marilyn Cade: Okay.

Avri Doria: So, and I will try to send out a bunch of emails over the next day…

Marilyn Cade: Okay.

Avri Doria: …just talking about the issues that came up and start getting the
                 discussion rolling on the list.

Marilyn Cade: Great.

Avri Doria: And, you know, we can pull off an impromptu phone call, you know,
                 Skype allows up to ten people. So, if we need to do something, we can
                 do something.

Marilyn Cade: Okay.

Avri Doria: Okay. Anything else we want to cover before we disappear?

                 I want to thank you guys for being here.

Marilyn Cade: And we want to thank you for chairing.

Avri Doria: Oh, thank you.

Marilyn Cade: And, Glen, thanks.

Avri Doria: Yeah, thanks, Glen.

Glen Desaintgery: Thanks, Avri.

((Crosstalk))

Marilyn Cade: I am constantly amazed and want to applaud the fact that Glen can keep all of our calls great, oh my god.

I'll talk to you all later.

Avri Doria: Okay, thank you. Bye-bye.

Marilyn Cade: Bye-bye.

END