

**SO/AC New gTLD Applicant Support Working Group (JAS)  
TRANSCRIPT  
Tuesday 03 May 2011 at 1300 UTC**

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**Participants on the Call:**

**GNSO**

Carlos Aguirre – Nominating Committee Appointee to GNSO Council  
Rafik Dammak - NCSG - Council liaison – WG chair

**ALAC**

Tijani Ben Jemaa - AFRALO - At Large  
Alan Greenberg – GNSO Liaison – NARALO  
Dev Anand Teelucksingh – At Large  
Olivier Crépin-Leblond – ALAC chair  
Evan Leibovitch - (NARALO) – At Large  
Cintra Sooknanan – At-Large

Eric Brunner-Williams - Individual  
John Rahman Kahn - Individual

**ICANN staff**

Karla Valente  
Glen de Saint Géry  
Gisella Gruber-White

**☐ Apologies:**

Dave Kissoondoyal - (AFRALO) – At large  
Carlton Samuels – LACRALO - At Large - WG co-chair  
Cheryl Langdon-Or - ccNSO Liaison - APRALO  
Andrew Mack – CBUC  
Elaine Puis – MindandMachines  
Andrew Mack – CBUC  
Alex Gakuru – NCSG  
Michele Neylon - RrSG  
Baudoin Schombe - At-Large  
Alain Berranger - Individual

Gisella Gruber-White: Thank you. Good morning, good afternoon everyone on today's JAS call on Tuesday the 3rd May.

We have Rafik Dammak, Tijani Ben Jemaa, Cintra Sookanan, Carlos Aguirre, John Rahman Kahn. Olivier Crepin-Leblond, Alan Greenberg, Dev Anand Teelucksingh, Eric Brunner-Williams, Evan Leibovitch.

From staff we have Glen Desaintgery, Karla Valente and myself Gisella Gruber White. And we have apologies today from Alain Beranger, Tony Harris, Michele Neylon, Andrew Mack, Carlton Samuels, Baudouin Schombe, Cheryl Langdon-Orr and Alex Gakuru. I hope I haven't left anyone off the list.

And if I can please remind you to all state your names when speaking for transcript purposes. Thank you. Over to you Rafik.

Rafik Dammak: Thank you Gisella. Thank you everybody for joining today's call. For (today) do we have just to that we exited last time that we are going to review the part three and part four, especially the red parts and to reach agreement on them.

Now I want just to say that in order to make quick progress I suggest that we try really to not spend so much time in every part, like no more than five or ten minutes. And especially we shouldn't bring new topics and to try to work on the existing part and to reach agreement.

And if there is any comment and it would be more helpful to suggest some more rewording that will help especially the scribes. Thank you. So let's start.

For the leading from the scripts is it Evan or Cintra who wants to take the lead? Evan?

Evan Leibovitch: Okay I'll do it.

Rafik Dammak: Okay, please go ahead.

Evan Leibovitch: Okay so all right, so let me just get out of the editing. And all right, so we did get to a certain point on part three. But right now if you go to the wiki right now we have a certain amount of text. Some is in red, some is in - we got multicolored text going on. And so what I'd like to do is try and nail this down so we can read on the wording of this.

This is the summary of the criteria which will be applied in detail immediately following.

So what I'd like to do is get everyone's approval, comments -- whatever on the part that is between the words Part 3 and 3.1. So could everyone please concentrate on that?

I think we can - we are okay to get rid of the stuff - wording to come because a lot of this has already been put in.

So I want to draw your attention to the text that is in black, red and green and to find out what you think. Because here's what we're going to put in the summary of what we're going to say as well as the formula that binds them. So at this point are there any immediate comments?

Alan, I see your hand up.

Alan Greenberg: Yes a couple of them. I don't think there - the - and just before the Numbers 1 and 2 there's an equal weight. I don't think we should state equal weight because I don't think - I think the concept of weighting is inappropriate here. I think we need to say there are two main criteria both of which must be satisfied.

I'm going to try to wordsmith. I'll trust you or someone to do that. But I don't think we should talk about weight because that implies something which I don't think is appropriate here.

Evan Leibovitch: Okay.

Alan Greenberg: Hello? Can you still hear me?

Evan Leibovitch: Yes.

Tijani Ben Jemaa: Yes, yes.

Evan Leibovitch: We've lost somebody on the call.

Alan Greenberg: Okay. In terms of the green just in terms of volume I would try to summarize those in a sentence or two sentences and not have them as bullet points. I think it overwhelms the previous points.

And lastly the Number 3 I don't think is appropriate. The numbering I don't think is appropriate. I think either we leave that sentence out or incorporated it into the preamble thing, you know, applicants are supposed to self-declare. That's it.

Evan Leibovitch: Okay, Tijani, go ahead.

Tijani Ben Jemaa: Yes, I support the first remark of Alan. I proposed in my draft the working group has determined two main criteria to be used et cetera.

And for - there is a wording that I don't understand. One financial need of the applicant, primary and mandatory and then if applying for financial support and technical need of applicant if applying for technical support and. I don't understand this wording.

Point two, I've proposed to modify it this way. Applications removed must serve - serving the public interest and then remove the part from applicants are required to et cetera till by because it is more text which is not needed.

And between brackets we put increasing skills investment and et cetera till gTLDs et cetera and you close the brackets.

Evan Leibovitch: Well what's in the red text is new stuff that was entered in on Friday. Is this adding too much? It actually adds certain things such as gender balance and contribution to national economies that we hadn't had in the wording before then.

So Tijani, do you want to keep that in or was this just to late an addition?

Tijani Ben Jemaa: I think that we can keep the text but we have to refine it, that's all. There is value - added-value in this text I think because it explains more what is the public interest for example.

Evan Leibovitch: Okay Tijani could I ask a favor please? Could you take your revision to this point number two and send it either by email or by chat to myself or Cintra and we can incorporate it directly?

Tijani Ben Jemaa: Okay I am happy to do so. But Evan what I sent you by email isn't in the text now. What I proposed last time and you agreed and the group agreed it is not in the text now.

So I am happy to do but I hope that it will be taken into account. That's all.

Evan Leibovitch: Okay Tijani sorry about that. I've thought what you sent me I put in. I apologize if I did not.

Tijani Ben Jemaa: No problem. No problem. Okay I resent it. I resent it.

Evan Leibovitch: Okay so for Number 1 we're leaving as is including the words in red. For Number 2 Tijani is suggesting some new wording.

Tijani Ben Jemaa: It is more refining not - removing something and adding a few things.

Evan Leibovitch: Now does your proposed wording depend on those following bullets?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Okay so...

Cintra Sookanan: Evan may I just say Tijani I put in your text it's under 3.1. The text that you had in your email.

Tijani Ben Jemaa: When did - perhaps - okay, okay.

Cintra Sookanan: All right, thank you.

Tijani Ben Jemaa: No but excuse me Cintra no, it is still the same text in the 3.1, still the same text.

Evan Leibovitch: Okay well get to that in a second Tijani. I'm just right now trying to concentrate on your suggestions here.

Tijani Ben Jemaa: Okay, no problem, no problem. We will not argue about that. I will send you my suggestion for Point Two.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: For Point 1, 2 there is a wording I don't understand if you can explain it or perhaps we have to remove it, for Point 1.

Evan Leibovitch: So okay, what I'm going to do is I'm going to ask for you to send your suggested rewording. And then if that's cleared up that will replace what's here.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: All right, So Tijani is suggesting wording that will refine point Number 2. Is everybody okay with the bullets for Point Number 3?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Okay.

Alan Greenberg: I don't understand the question Evan.

Evan Leibovitch: Okay right - okay right now I'm - we're on these bullets - we were on these numbering points, 1, 2 and then there's a bunch of bullets and then Number 3. I'm just trying to nail down that everyone's okay with this wording.

Alan Greenberg: But you said the bullet's for Number 3?

Evan Leibovitch: No, no sorry. The bullets that are associated with Point Number 2.

Alan Greenberg: Well I have my hand up. It's a little bit confusing that there are some criteria that are now, you know, such as fostering gender balance and presence of minorities that are now in the text and then there are some in the bullets.

It's not clear which ones fell into under what, you know, other than they got drafted in different ways.

I think - at this point I think we need to make sure that the sentences parse and are understandable and clear. And I don't think we have that right now.

In Number 1, the parenthetical primary and mandatory, I'm not quite sure what that means anymore.

Evan Leibovitch: Just that's going back to the Milestone Report that was basically saying that financial support was the main need and everything else was secondary. That came out of the Milestone Report.

Alan Greenberg: So if you only have technical need you can't apply under this program?

Evan Leibovitch: Correct.

((Crosstalk))

Alan Greenberg: Okay that's fine. It's not.

Evan Leibovitch: Alan?

Alan Greenberg: Yes?

Evan Leibovitch: Again, if this group wants to change that that's okay. I'm just trying to - this is just going back to the Milestone Report that said financial need is paramount.

Alan Greenberg: Evan, I'm not focusing right now on what I want. I'm focusing on making sure that what we have which is supposed to be final in two or three days is under - going to be understandable. That's my issue.

Evan Leibovitch: I'm with you there.

Alan Greenberg: Okay. I'm not trying to change what it says contextually.

Evan Leibovitch: Okay.

Alan Greenberg: I just want to make sure it's clear. And in terms of Number 2 with some items in the bullets and some items in the text, it is far from clear to me.

Evan Leibovitch: I agree with you. Okay.

Alan Greenberg: I think this needs a clean redrafting now that we agreed this is what it should be saying. It needs to be put into language that is going to be understood.

Evan Leibovitch: Okay.

Alan Greenberg: I don't think we're going to do that on - word by word on this call but I think it needs to be done before the next call.

Evan Leibovitch: So the way I understand it right now Alan is that Tijani is going to be sending a rewording - a reworded version of the Point Number 2 and that so what the writing team is going to do is take that, put that in and make sure that that together with the bullet that you see here are clearly - is reassembled.

Alan Greenberg: That's the intent.

Evan Leibovitch: Okay. Now the one thing that I want to find out from the group is these new items that are added increasing skills, investment in skills base of a target community, fostering gender balance, presence of minorities and so on, the new text that is in the red, is that staying or is that going?

The stuff that's in the green text goes back to the Milestone Report in previous discussions. The stuff that is in red is new as of last week.

So I want to get some direction from the group on where that - on what that is. Tijani, go ahead.

Tijani Ben Jemaa: Sorry. It was - I forgot my hand. Okay. It's okay.

Evan Leibovitch: Okay. Well I'm asking the group right now for some direction. We have some new text that was inserted into the red.

And Alan makes a really good point that this is potentially confusing because we have a set of criteria in the red text and we have a set of criteria and bullet points right underneath. What is the direction of this group?

Is the new text in the red new criteria that is going to be listed or is that just an aberration that comes out?

Alan Greenberg: I'm happy to keep it but it needs to be made so it can be understood.

Evan Leibovitch: Okay.

Alan Greenberg: And of right now it looks like there's two orthogonal sets of criteria, those that are in the text and those that are in the bullet points.

And somehow you have to meet - I'm not sure, you know, one of each of them or something like that. And it just doesn't read well right now.

Evan Leibovitch: Okay Cintra, go ahead.

Cintra Sookanan: Okay. I just want to say that what is in red, those are just examples of ways that they can demonstrate public-interest right? So it's not necessary that they have to - I don't think we really have to define all.

It - we can't define the scope of public interest (firstly) but we're just giving examples here.

So maybe we could just make that clearer or but I -just to say that we need to define what gender balance is I think that's a waste of our time. Thanks.

Evan Leibovitch: Okay. Now it's clear. So there's a sort of general - there's a general point of serving the public interest that could be met by a number of different things such as these whereas the ones in the bullet points are more specific ones that have come out of earlier discussions. Okay, we can work with that.

Cintra, your hand's still up. Do you have more to add?

Cintra Sookanan: No, I will take down my hand. Thank you.

Evan Leibovitch: Okay, Tijani, go ahead.

Tijani Ben Jemaa: Yes thank you. I think that Alan has a valid point. We have to be clear. And those examples can be taken as criteria. And perhaps if we keep them here people who are not applying for example for something will better their gender balance or will not fall in one of those kind of public interest, will not be eligible for support.

Evan Leibovitch: Okay, I think we have reasonable direction from the group right now that the intent is to try and combine these.

Tijani Ben Jemaa: Yes.

Evan Leibovitch: The suggestions that are in red are examples of something that could serve the public interest whereas the ones in bullet points are specific ones that we want to do direct to whoever's making - whoever is making judgments on the criteria.

I think that they're something to work with for the Drafting Team in order to work with this.

Tijani I received your revised wording so I'll try and put that in in a moment.

Now okay, continuing to go down, is everybody okay with the list in the bullet points?

Alan Greenberg: Yes Evan it's Alan. I'm not at my computer this second. I think if you read it now and in light of what Cintra said I think you probably need to switch the order around because the bullet points are specific types of applications that we will look on in favor.

The items that were in the text, our example that it does say for instance of the kinds of benefits one can get out of it.

So I think you probably need to flip the order and but they are two different lists. And, you know, I think if you flip the order and make it clear that this things in the text are - that are currently in the text are examples of types of benefits that one can expect to - one can hope for I think a bit of rewording will clean it all up.

Evan Leibovitch: Okay, I agree with you. The next - okay, we need to keep moving. So I want to know just make sure that the list of bullet points that is currently in green and there's one more in red that also goes back to the Milestone Report, is that list of bullets okay and clear as worded?

Tijani Ben Jemaa: I had my hand up.

Evan Leibovitch: Tijani go ahead.

Tijani Ben Jemaa: Okay thank you. First what is the decision concerning Point 1? Is the last part of Point 1 valid because I don't understand it?

Evan Leibovitch: Financial need to the applicant primary and mandatory if applying for financial support and technical need of the applicant if applying for technical support.

Alan Greenberg: But Evan there should be no if there if it's mandatory.

Evan Leibovitch: No you're right. You're right. This - that part needs to be cleaned up.

Tijani Ben Jemaa: Okay so this is the first point. Second point is I agree with the bullet points but the last one is we have to get agreement on it.

When I proposed to modify a little bit the criteria for the - yes the criteria for not being eligible for support there was a big reaction from the group concern of the governments.

So before putting this point we have to have an agreement on it, the last point.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: I am talking about the last point.

Evan Leibovitch: Okay, Tijani your point is well taken.

In the Milestone Report there was an explicit wish that governments, that specifically government and state owned companies should be not exempt from this.

Tijani Ben Jemaa: Yes.

Evan Leibovitch: (Elaine) has since - sorry, the GAC has specifically explicitly requested that we consider adding in purely government-sponsored applications as eligible for the criteria.

And we need to get some direction from the group on whether this is accepted - whether this is an acceptable change to what was done in the Milestone Report or not.

Tijani Ben Jemaa: Exactly.

Evan Leibovitch: Tijani, do you have more to add specifically on this? What is your opinion on it?

Tijani Ben Jemaa: I personally think that we can do something but perhaps not as it is worded now.

Evan Leibovitch: Don't worry about the details of the wording. You're absolutely correct in saying that we need to deal with the issue whether or not this comes then differently from the Milestone Report or it stays out. So Tijani you're saying it's okay to bring it to...

Tijani Ben Jemaa: Yes.

Evan Leibovitch: ...allow for government entities to apply?

Tijani Ben Jemaa: I have other comments for the bullet points or so - wording comments. So if you want I can send it by email.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: Okay (Dev) go ahead.

Dev Anand Teelucksingh: Thank you Evan. Perhaps the - regarding the green text okay, perhaps you can reword it in this sense, all right, take the first one, community-based applications such as cultural linguistic and ethnic, just a clarification.

Is it means that the application has to be a community-based gTLD that is operated for the benefit of either a cultural linguistic or ethnic community from an emerging market or nation? That's my question.

Cintra Sookanan: I could respond to that. That listing is basically a list of applicants that can apply all right, that listing (email). So report relates to the applicant.

Dev Anand Teelucksingh: Okay, yes okay. But I mean first - the first one talks about the community-based application of the applicant. And then so another words I guess what I'm trying to say - what we want to say is like stated like an - the applicant must be, you know, bullet point, bullet point, bullet point.

The application must be bullet point, bullet point, bullet point.

Cintra Sookanan: No...

Evan Leibovitch: Actually we - I've already considered the possibility of changing this section along those lines because some of the qualities that we're talking about are qualities of the applicant and some of these things that we're talking about are qualities of the application.

Dev Anand Teelucksingh: Yes.

Evan Leibovitch: And I think it would make it a little clearer here if we were to make that distinction clear, that there are certain things we expect out of the application and certain things we expect out of the applicant.

And I - we can do that while maintaining total consistency with the actual points that are being discussed here.

Cintra Sookanan: The only comment I have on that is that everyone refers specifically to the Milestone Report as it does here. This is how it was. It was a mix rather than

separation all right? So that's reference I suppose will have to come out. But as long as it's covered I don't see an issue.

Evan Leibovitch: Okay, let's move on please.

Dev Anand Teelucksingh: Okay.

Evan Leibovitch: Now there's a red point Number 3, applicants give a self-declaration that they're eligible to receive support.

The reason that was put in is because there are some criteria that are positive, that is you must this be this and in some criteria that are negative, you must not be this.

And the intention was that the applicant would certify for themselves that they to their knowledge met these posted criteria. Is this - does this need to be there? Should it come out or is it okay?

Cintra go ahead.

Cintra Sookanan: I believe Alan said that this should come out. I don't know if he want to confirm and that it should form part of the main body text at the start.

But in any event I do think that we need to list it just to let them know that we do require specific undertaking or declaration by them.

Evan Leibovitch: Okay Alan your next in the queue. Go ahead.

Alan Greenberg: Yes I think the sentence needs to be cleaned up because it doesn't parse very well. I don't think it needs a number however.

I think it - having a general statement saying we expect applicants to self-declare how they meet these various criteria is a reasonable statement. And I

would put it - I would leave it where it is at the end unnumbered because I think it needs to stand out.

In terms of your original question you asked a while ago of should we keep the red in, the from a developing country governmental or (paristatal) applicant, I think we have to because there's a huge paragraph, the second paragraph in Section 3 talks about us leaving it out initially. But we've decided that because the GAC has indicated strong support for it we will figure out a way to do it. So I don't think we have any choice but include it.

Evan Leibovitch: Well the paragraph that was in there was the GAC had asked for it. We had not confirmed whether or not this (unintelligible).

Alan Greenberg: The working group will work to obtain a mutual acceptable definition and criteria to fit government applications with the GAC. It says we will.

Evan Leibovitch: So all right, so it looks like we are okay with everything. (Unintelligible) taken out because...

Gisella Gruber-White: Sorry, we're just filtering out the noise now.

Evan Leibovitch: Okay the blue text can come out. Now as well it is necessary to combine, combine and weigh these criteria in a manner that provides a predictable and stable indication of the kinds of applications.

So do we need to do that? Do we need - there's been a couple of different application formulas that have been put in. One is a little further down in the Red just before Part 4. (Elaine) I believe has put one in in the comments.

Now Eric you are not in Adobe Connect. Do you have anything to add in anything so far?

Eric Brunner-Williams: Evan, this is Eric.

Evan Leibovitch: Eric are you on the call?

Eric Brunner-Williams: It's apparently difficult to follow the text with - I'll have to respond by email when I can access the net later on today or tomorrow.

Evan Leibovitch: Okay. Okay then. So what we're looking for at this point is all right, so we're moving on. The part in red there that - the part in red that says as well as is necessary to combine and weight, these - that line in red will come out because there's a mention in the formula later on.

Tijani Ben Jemaa: Exactly.

Evan Leibovitch: Olivier, go ahead.

Olivier Crepin-Leblond: Thanks Evan. In the formula it doesn't mention and between the demonstrate financial need, demonstrate need to service (equity) and certify that its corporate structure is not eligible according to 3.2.

I understand it is and isn't it? It has to satisfy all three of these conditions.

Evan Leibovitch: Where are you right now? Are you jumping ahead of us?

Tijani Ben Jemaa: Formula.

Olivier Crepin-Leblond: Application formula. You mentioned the application formulas so I've jumped to the application...

Evan Leibovitch: Oh sorry, I made reference to it but we're still right now trying to make our way down the text.

Olivier Crepin-Leblond: Okay all right, forget it then. Thanks.

Evan Leibovitch: We'll definitely get to it because there's that text and also (Elaine) has also submitted a suggestion as well.

Okay so right now we're on 3.1. So the text that is in 3.1 there is only one part that is in red. And that is whether or not the manual - annual income, unencumbered assets not more than five times the conventional cost of a TLD currently set at 185.

Tijani, I know that you've had - you've frequently commented on this. I'd like to nail this down right now if we can.

So this is the only part that is in red on Section 3.1. Does anyone have any comments? Tijani would you like to just make your point again?

Tijani Ben Jemaa: So right now that middle bullet point is saying maximum annual income should not be more than five times the cost of getting a TLD at \$185,000. Do we leave that in? Do we make it more vague? Do we change the number? Tijani go ahead.

Tijani Ben Jemaa: Yes thank you. First of all the minimum, for the minimum I gave an alternative text saying that this minimum has to cover the financial instrument obligation which is in the DAG and which when applied to the applicant because we requested to reduce it. This is for the minimum.

For the maximum I proposed last time and nobody opposed on it. I propose to keep only \$185,000 because if we take five times it will be almost \$1 million. And I see - I don't see how we can help someone who has in hand \$1 million.

Evan Leibovitch: Okay but Tijani, this particular line is talking about maximum income.

Tijani Ben Jemaa: Yes.

Evan Leibovitch: So this is saying you can't have maximum income over five times the cost of getting a TLD.

Tijani Ben Jemaa: Yes I know.

Evan Leibovitch: So...

Tijani Ben Jemaa: Someone who has five times can have the support. And I don't agree with that.

Evan Leibovitch: So you want this lowered?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: To what, to three times?

Tijani Ben Jemaa: No I said one time.

Evan Leibovitch: You said to one time?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Okay. So Tijani is proposing that that middle bullet point instead of saying maximum annual income not being more than five times the conventional cost, Tijani is saying not being more than the cost itself.

So the annual income of the applicant should not be more than \$185,000. I have an X mark from Olivier. Does anybody want to comment on this?

I mean we - okay, Olivier, go ahead. Oh, Tijani...

Olivier Crepin-Leblond: Thank you Evan. No, no thanks. I was just going to say the \$185,000 is really the application fee. Running the gTLD is going to be a lot higher than that.

If you put a limit of \$185,000 being the upper limit for being able to help an organization, we're not going to be helping that organization at all. The only thing we'll be doing is to make it fail or help it fail.

Eric Brunner-Williams: This is Eric. I'd like to get in the queue now.

Evan Leibovitch: Okay. Go ahead and then Tijani.

Eric Brunner-Williams: Go ahead who?

Evan Leibovitch: Eric.

Tijani Ben Jemaa: Eric.

Eric Brunner-Williams: Thank you. I disagree utterly with what all of you have just said. The cost of running was trivial compared to the fee. The cost of running .museum was infinitesimal compared to the fee. The cost of running .co-op was very small compared to the fee.

The cost of running (Aero) was very small compared to the fee.

It is madness to think that because staff has come up with a number close to 1/5 of \$1 million that it takes \$1 million to actually start what amounts to a database with a front end.

Evan Leibovitch: Okay Eric going on from that how to resolve this wording?

((Crosstalk))

Eric Brunner-Williams: Thank you for your time.

Evan Leibovitch: Actually Eric I'm not done with you. Okay based on what you said then we have a line here setting a maximum income for the applicants. Do you agree on having a maximum limit of five times the fee or are you okay with Tijani's suggestion that the applicant should - to be successful should not have an income higher than the application fee? What's your position?

Eric Brunner-Williams: Thank you for the follow-up Evan. I pointed out previously that the income model itself is problematic since applications will probably have a fixed fund and no income and just a burn rate until failure or success.

But leaving aside whether income is the right choice I agree with Tijani, not with Olivier or the five times number. One times is sufficient.

I urge you to go back to the 3rd of the - March when I posted mail on what I believe are the specific capabilities the applicant must have for the application fee, for the operational cost, for the challenges, for the continuity instruments.

I spent several hours then -- much more than that -- on crafting a means of testing the applicant's eligibility in terms of capability and coming up with criteria. And only (Elaine) bothered to complement on that entire set of notes.

Evan Leibovitch: Okay.

Eric Brunner-Williams: It's frustrating because the text can't really be fixed over months of time but clearly the five times is wrong. Thank you.

Evan Leibovitch: Okay, so the gist of it is that you're agreeing more with Tijani on the number but disagree in general that the income model is useful.

We'll go back to your email and see if it might be a reasonable substitute for this.

Okay, all right, so are there any other comments right now on the point of - on 3.1?

Tijani Ben Jemaa: Tijani.

Evan Leibovitch: Okay Tijani go ahead and then (Dev).

Tijani Ben Jemaa: Yes for the third time I repeat for the minimum gross income what is decided on?

Evan Leibovitch: As of right now - okay well let me ask then, Olivier, given what you just heard do you modify what you say or do you still disagree with Tijani's point?

Olivier Crepin-Leblond: No, the minimum, not the maximum.

Evan Leibovitch: No, no, well right now the point is talking about the maximum. So I'm trying to deal with the wording that's in this statement right now.

Oliver Crepin-LeBlond: Thank you Evan. Actually Eric has a very good point specifically with regards to the actual income being mentioned in there. It could be a burn rate rather than income. It could be of a lump sum that they've actually got to start with.

With regards to the actual number this is where I don't feel that strongly about this point anyway. But and I understand Eric's point that yes you can run a top level domain at a lesser cost than some of what this staff has come up with. And so I'm not going to contradict him on that.

I'm just wondering, you know, I'm hoping we don't price too many people out of the - too many people out of the equation.

There are some organizations that will have more than the amount that we have on screen and that will still require support one way or the other because they'll need that little - that - some, you know, to sort of push them forward.

But if the consensus is otherwise I'm not going to fight for it.

Evan Leibovitch: So I would simply - okay, thank you Olivier. I would simply make the note before getting to Tijani that if we leave in the maximum annual income of \$185,000 the likelihood of any government on earth being able to satisfy that requirement is probably pretty low.

So while we may be including the ability for governments to be part of the application pool, by saying that you have to have a maximum income of \$185,000 we've essentially said that no government on earth is running that tightly.

And so we - so this is probably a practical barrier to entry for government applying by putting in this limit. Tijani, go ahead.

Tijani Ben Jemaa: Yes thank you. Any figure we report there will forbid any government to be eligible. So any maximum you put will prevent them to be eligible I think.

Evan Leibovitch: Well then perhaps then we have to consider Eric's alternative criteria to income in talking about the abilities of the applicant.

If we -you're absolutely right Tijani, as long as we have a maximum annual income in here even if it's five times we've essentially shut out governments.

Tijani Ben Jemaa: Yes.

Evan Leibovitch: So this is something that is somewhat contradictory in what the group is doing. Cintra, go ahead.

Cintra, your hand is up. Go ahead.

Cintra Sookanan: Yes sorry. I don't think we should waste too much time on government. I think the onus is on the GAC to work with us to find an acceptable criteria or formula for government.

So I - if this criteria work for our other entities or potential applicants I say we run with it and let the GAC come and work with us and give suggestions. Otherwise, thank you.

Evan Leibovitch: Okay, so tentatively speaking then we're going to implement the suggestion that was made by Tijani and backed up by Eric that we change this from five times to one time and then we will deal with the government issue later on where we've gone to that paragraph.

Okay, any other comments in 3.1 before we move on? Speak now or we keep going. Tijani go ahead?

Tijani Ben Jemaa: Yes still in 3.1 the first, the minimum gross incomes that I sent by email Evan is not clear now. What is decided on it? I said it must cover at least the estimate, the financial instrument obligation instead of three times, et cetera.

Cintra Sookanan: Tijani, I think that is incorporated. Perhaps you can refresh your page?

Tijani Ben Jemaa: Okay, okay sorry.

Evan Leibovitch: The one I have on the wiki right now is your wording Tijani.

Cintra Sookanan: Yes.

Tijani Ben Jemaa: Okay, I am sorry. Okay. I didn't refresh.

Evan Leibovitch: Okay so on 3.1 going once, going twice gone. All right, we're at 3.2 where there is, okay.

Tijani Ben Jemaa: Moment, moment. May I speak Evan?

Evan Leibovitch: Go-ahead Tijani but we're trying to get through this.

Tijani Ben Jemaa: Yes, yes, yes. The last paragraph is repeated twice, that's all. And the whole text there it is repeated twice.

Evan Leibovitch: Okay we will - we'll deal with that.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: Okay in 3.2, Eric I'm going to have to go back to...

Olivier Crepin-Leblond: Evan? Evan?

Evan Leibovitch: Oh sorry, Olivier, go ahead.

Olivier Crepin-Leblond: Okay, what is the number that is given in the Applicant Guidebook that mentions the minimum gross income covering at least a financial (unintelligible) operation instrument obligation?

Tijani Ben Jemaa: Now three years operation, now.

Olivier Crepin-Leblond: Okay. So...

Tijani Ben Jemaa: And we are asking for the reduction of this instrument for the applicants that are selected for support.

Olivier Crepin-Leblond: Because the problem I see here is the minimum gross income number might be higher than the maximum annual income number of \$185,000. Could it not be?

Tijani Ben Jemaa: No.

Eric Brunner-Williams: If I can get in the queue again?

Evan Leibovitch: Go right ahead.

Eric Brunner-Williams: Thank you. This is Eric Brenner Williams.

Olivier the Temporary Drafting Group legal has been dealing with the continuity instruments more than any place else within the corporation that I'm aware of.

In discussions with staff, staff has recognized that the cost of operations is undefined. I propose that the costs be that of operating a quiescent registry, that is being able to respond to takedown requests, being able to create a zone file and very little else, handling renewals for instance is included but not handling new registrations and not conducting marketing or other activities which are intended to generate greater revenues.

Others have argued that it should be the cost of running an active registry leading to a much higher assumption about what the annual costs of the continuity instrument will be when it's monetized.

But we don't actually have a formal commitment from staff what it means, what they are looking for in terms of continuity, if it's just enough to keep the thing from disappearing then it's a very low figure.

If it's enough for it to operate as if it's not actually in continuity then it is a much higher figure.

And I think from our point of view the correct answer is lowest one possible.  
Thank you.

Evan Leibovitch: Olivier, do you want to follow-up to that?

Olivier Crepin-Leblond: Well can I just ask - Eric what is the number that you think might be achievable? All I'm trying to do here is keep the window as wide as possible so as for us not to be in a situation where the window is actually so tight that there will be no one qualifying.

Eric Brunner-Williams: That's a very good question. And the answer actually is it depends. If we assume that the applicant it exists in an abstract with no relation to any other - it's no longer applicant now. It's a registry. If we assume that the registry exists in isolation then of course each one of the costs actually exists.

If we assume that the registry is operating on a registered service providers back end or has joined some kind of pool or is a the service for continuity services then the actual cost of implementing the monthly reports to ICANN, the zone file preparation, that de minimis function of registry continuity operations is exceedingly small and quite difficult to quantify. It is effectively free.

Having done registry operations now for the better part of a decade I can tell you that the incremental cost of adding the reporting function to ICANN and adding the additional zone file and so forth calls for de minimis operation of the second and subsequent zones that are operated by a single registry operator is trivial. It is really a for free or a nuisance cost.

That has conceptualized the applicant as existing in isolation from all other parties which is of course ridiculous because hundreds of applicants will be

using the backends of existing provider such as VeriSign and (affiliates use sarcore) and so forth.

These parties will experience no continuity costs actual when they prepare their application because this is built into the structure of the services which they are purchasing from the registry backend services operator.

So if we try to answer this in the abstract we end up with a high number. If we try to answer this in the best guidance of the applicant then we come up with a very low number.

My view is that we should be offering the best advice we can to applicants which is you must for your sanity and self-protection join some form of pooling mechanism at the very least to allow you to have the lowest possible continuity costs.

So you've asked for a number and my response is it really depends upon which of these two fundamental choices you make. Thank you.

Evan Leibovitch: Eric, I'm going to have - I'm going to cut you off because we have a little bit - we've got a short amount of time to go through here.

Is there some specific wording where we can deal with the it depends part?

Eric Brunner-Williams: Yes and I'll send it to you.

Evan Leibovitch: Okay, thank you. Okay, I'm sorry to cut you off it's just we have a lot of work to do and we're more than halfway through this call.

All right Alan, go ahead.

Alan Greenberg: Yes, since Eric says that at this point we have no commitment from staff, that there will be a more minimalist version of the continuity instrument in the

Applicant Guidebook when it goes to press I think we need a statement here saying for these - for our applicants the ongoing - the continuity instrument must cover. And we can, you know, list the few specific things.

Eric even suggested the renewals. I don't think we need renewals. All you're trying to do is provide a guarantee to the people who have registered under the domain that it will keep working.

Evan Leibovitch: Okay Alan...

Alan Greenberg: And I think we need a statement to that effect.

Evan Leibovitch: ...could you offer to send in some suggested text on specifically that point?

Alan Greenberg: Not likely at this point. I'm up to my ears on (Pednar) where we're starting our first review meeting in a couple of hours.

Eric Brunner-Williams: I'll take care of it.

Alan Greenberg: I think Eric understands the words. He can come up with a sentence trivially if he's sending you something else.

Evan Leibovitch: Okay Eric will be waiting on you. If I don't hear from you by tomorrow morning I'm going to start pestering you.

Eric Brunner-Williams: Okay.

Evan Leibovitch: Okay, onto 3.2. Alan your hand's still up. Do you have any...

Alan Greenberg: No sorry, down, down.

Evan Leibovitch: Okay, 3.2, parts at the bottom. Okay so now Eric right now we still have in here LDC category 199, landlocked developing country 432, small island developing state 722.

Right now I don't remember whether or not you said they were adequate or not. We've added aboriginal groups. I did not specifically put in the ILO spec so maybe we probably should.

Can this go in as is or does it still need much more work?

Eric Brunner-Williams: Just a minute. I have to look at it.

Yes, you cannot use the word aboriginal. You must use the word indigenous or else you have no recourse to a standard definition which is what ILO 169 provides.

Evan Leibovitch: Okay, thank you. Okay, just making a note of that.

Eric Brunner-Williams: So it's indigenous peoples with a plural. The S is important.

Evan Leibovitch: Okay my apologies. That will absolutely go in. And I - we - will add the - and add the ILO reference.

Eric Brunner-Williams: Yes, it's a reference of Article 1 of ILO 169.

That's where indigenous folk is discussed which is the closest you can get to defined.

Evan Leibovitch: Understood. Okay now Eric there was a point Number 5 but since we've previously had a conversation about non-state - oh Olivier, did you have something to add to that? Oh your hands...

Olivier Crepin-Leblond: It was - well it was just to ask well is it with an uppercase indigenous and uppercase peoples?

Eric Brunner-Williams: Actually that doesn't matter.

Olivier Crepin-Leblond: Okay, all right, because sometimes it does on definition-wise. Okay thanks.

Evan Leibovitch: Okay now to Point Number 5, Eric we had had a conversation in a previous meeting about groups from non-state defined entities. And is there some specific wording that we can adhere briefly and succinctly that will get the point across that we are specifically trying to empower groups that are not defined within specific states?

Eric Brunner-Williams: Well indigenous covers an enormous amount of that. And it really depends upon whether you think of Palestinians as indigenous to Palestine as opposed to the peddlers.

Evan Leibovitch: Well I mean we - you'd also use the example of Roma before.

Eric Brunner-Williams: That's correct. So yes I should provide additional language here which deals with an example such as the Roma.

Evan Leibovitch: Right. So can we put in a very brief like one-liner here that would at least enable the reader to know what we're getting at?

Eric Brunner-Williams: Yes, we could reference the European Union's determination that Roma are a protected status. And I can find that.

Evan Leibovitch: Can we not make this broader than just Roma or Palestinian?

Eric Brunner-Williams: It would be an example such as peoples who have been designated by the European Union or similar bodies as protected first - protected class.

Evan Leibovitch: Sorry, just trying to capture that wording. People have been designated as a protected class such as the Roma.

Eric Brunner-Williams: Yes.

Evan Leibovitch: Is everybody okay with that kind of wording? Does anyone have any comments about it as an addition, the Point 5 that right now is on - in blue pending wording? I have a checkmark from Tijani, nobody with their hands up. So if that's the case we're going to move on. Okay.

Eric Brunner-Williams: Makes the people's is in plural. The S is important.

Evan Leibovitch: Okay. Okay. All right so on to an addition 3.2.4 underserved language eligibility. This goes back to I think there was some - an attempt to propose some text here. Tijani, did you have - oh your hand has gone up and then down again.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: Did you have something to add?

Tijani Ben Jemaa: No, no. It's okay.

Evan Leibovitch: Okay. So we're on 3.2.4. This is something new that was added. And this went back to conversations between Eric, (Edmund), Andrew and (Elaine). And we thought some text was going to come in.

And to - specifically to mention service to languages whose presence on the Web was limited. If we don't get some specific wording I'm going to suggest

taking this out because we're - right underneath we're talking about community support for underserved languages.

So does anyone have a problem with taking out that green text right now because I don't know if - it gives a level of detail right now I don't think we're going to agree on between now and the next meeting.

Eric Brunner-Williams: This is Eric. I think you're (unintelligible).

Evan Leibovitch: Hold on a second. Okay. (Unintelligible) cut out on us.

Okay thanks. Eric go ahead.

Eric Brunner-Williams: I think that eliminating the green is fine as the example is provided in the black that follows. I would suggest changing the IDN eligibility to underserved language support basically looking for IDN throughout and changing it to language. We agreed to - on the last call. Thank you.

Evan Leibovitch: And language and not script right?

Eric Brunner-Williams: Correct.

Tijani Ben Jemaa: Yes, yes.

Evan Leibovitch: Okay I've got a checkmark from Tijani. Okay is there any other comment about the text that is in black relating to 3.2.4 here, communities needing to preserve language or culture, community support for underserved languages?

There's - the actual heading, community supports for underserved languages is clumsy language and probably needs a little bit of reworking. Sorry, just making notes for myself here.

Okay so unless without further ado, moving on to 3.2.5, organizations based on in lesser developed economies, okay. So we have an addition of 3.2.6. Don't worry about the actual numbering of this because we'll probably try and integrate this a bit into the wording.

But so here is where we have the paragraph that deals with the GAC request to add - the GAC request to add in government sponsorships.

So Tijani, go ahead.

Tijani Ben Jemaa: Yes this paragraph is repeated three times in the text. And I think that we have to remove it at all. Perhaps we can put a smaller mark. But we - I can - I can't see it in our final document.

Evan Leibovitch: Okay. Okay so Tijani you're saying that we've mentioned this too many times and we should simply make in a reference to the GAC request and that we encourage their further engagement in trying to figure out how we can accommodate them?

Tijani Ben Jemaa: Yes. And then...

Evan Leibovitch: Is everybody else okay with that kind of wording? I mean they've come in with a very obscure wording, haven't really worked with us on this. And considering the short timeframe we really need to work with them.

Okay, Tijani, go ahead.

Tijani Ben Jemaa: Yes I just want to make sure that you finished the 2.4 because I see that there is a lot of text concerning the languages. Sometimes it is repeated and sometimes it is useless. I don't see why we have to...

Evan Leibovitch: Hold on. Where - what are you talking about 2.4?

Tijani Ben Jemaa: Two point four, for example the paragraph concerning community needing it to preserve language et cetera. It is already in 3.1. It is - and we are talking about underserved language. So we don't have to repeat a lot of times the same - it is as if we want to emphasis on...

Evan Leibovitch: I've been moving on to 3.2.5 and you're going backwards again. What are we talking about?

Tijani Ben Jemaa: Yes you go very fast for - on 3.2.4. And I didn't catch.

Evan Leibovitch: Make no apologies for that.

Tijani Ben Jemaa: No problem, no problem. But explain me, that's all. I want to understand. That's all.

Evan Leibovitch: Okay, we were trying to get to wording on 3.2.6. You're making a point that we're talking far too much about IDNs. Do I have that right?

Tijani Ben Jemaa: Language and IDN together.

Evan Leibovitch: Okay. Okay Tijani off-line if there's specific text that you want deleted or removed or combined you'll send me that in email?

Tijani Ben Jemaa: Okay. Okay, it's okay.

Evan Leibovitch: Okay? So I agree with you that we shouldn't make it too redundant but at the same time we need to make the point. So will leave it at that right now and move on.

Tijani Ben Jemaa: Sure. Sure.

Evan Leibovitch: Okay so we are back on 3.2.6. Could somebody here possibly volunteer to rework this into a simple piece of wording saying that we invite the GAC's

participation to move forward with this? Don't everybody put your hand up at once.

Cintra Sookanan: Hi Evan, I can do that.

Evan Leibovitch: Okay. Will Cintra, you and me and the writing team are already going to have a lot on our plate. I was sort of hoping somebody else might step forward. I guess in the absence of that it's back on us.

Okay, all right, so under this we have the Working Group wish to maintain flexibility and the type of organizational structure that could apply.

So this goes - okay, so what we have here in the red in the bullet points, this goes back specifically to wording that was in the Milestone Report if I recall. And so this was one of the negative requirements.

So in other words we're saying an application must be this, this, this, this. An applicant must be this, this, this, this. And here's an area where we are saying the applicant must not be one of these things.

So is everybody okay with this wording? Does it come out - well I mean I don't want to contravene what we said in the Milestone Report so, you know, so I don't think we need to revisit the issue about geo-names and corporate names and that kind of thing.

The government-owned companies we're going to deal with in the paragraph we just discussed. So this will go from red to black.

Okay so...

Dev Anand Teelucksingh: Could I - this is (Dev). I have a quick question on just the clarification on one item regarding this.

Evan Leibovitch: Please go ahead.

Dev Anand Teelucksingh: Okay in this discussion earlier on 2. regarding a local entrepreneur in those - in these emerging markets nation et cetera where market constraints make normal business operations more difficult isn't that a local entrepreneur can apply for a (harsh) but an open gTLD essentially was what this was says? Do you understand my question?

Evan Leibovitch: Now when you say open you mean as in a generic without specifically serving a community kind of...

Dev Anand Teelucksingh: Yes be it a brand or, yes.

Evan Leibovitch: Okay it was my understanding that if something is not serving a community specifically that it is not eligible under this program.

Dev Anand Teelucksingh: Okay.

Evan Leibovitch: That this program was not designed simply to have a financially strapped applicant to have a catch-all gTLD.

Dev Anand Teelucksingh: Okay just making sure because it's not well specifically stated I think. So it needs to be worded.

Evan Leibovitch: The whole issue that has been gone to in the beginning about serving the public good, okay we've got a queue.

But at least in my interpretation the service to the public good inferred represented representing or working with the community and wasn't necessarily just, you know, an applicant with no money going after (dot shock).

Okay we've got a queue, Tijani and then Cintra.

Tijani Ben Jemaa: Yes (Dev) it's clear now with the new wording because we have two main criteria and any applicant have to fill those two main, those two main criterias. The first is the need, the financial need. And the second is to be serving the public interest.

Dev Anand Teelucksingh: Well just to follow-up Tijani it's certainly says at least one of the criteria.

Tijani Ben Jemaa: No, no. No, no, no at least one inside two, inside applicant serving public interest.

Evan Leibovitch: Okay.

Dev Anand Teelucksingh: Okay.

Evan Leibovitch: So (Dev) criteria one is financial need. Criteria two is serving the public interest.

Dev Anand Teelucksingh: Okay.

Evan Leibovitch: He's going to a little bit of detail of what describes the public interest.

Dev Anand Teelucksingh: Right.

Evan Leibovitch: But I don't think that would include a general purpose TLD.

Dev Anand Teelucksingh: Okay that's good. Good, all right.

Evan Leibovitch: Okay nobody else in the queue, okay. So moving on, okay there's some green text in 3.3 about who's not eligible.

So applicants are not eligible if there are factors that would hinder the applicant from availing itself of the Working Group support. It would be self-defeating to support an applicant or application which by virtue of disabilities may not be able to avail themselves of any support granted.

So if the applicant is aware that the application will be contentious, already bankrupt or subject of pending litigation they would not be eligible here.

Comments on this, should this text which is reasonably new in here, should this stay? Should this go? Should this be modified? What are the comments on this particular section talking about 3.3?

Okay, without comment I will assume that the group is okay with essentially leaving this is and turning it from green and red into black as part of the proposal. Olivier, go ahead.

Olivier Crepin-Leblond: Thank you. Just a question and you might not need to answer that because I know it's a chicken and egg scenario.

But applicants that failed due diligence obviously would also be precluded from this. And I just wonder whether there could be any kind of language on there.

Evan Leibovitch: To be honest with you Olivier I think it would be obvious - well personally because we are not replacing the applicant by book. We are an addendum to it. So anything that would not meet that kind of criteria in the AG itself wouldn't even get this far.

Olivier Crepin-Leblond: Yes, so maybe we can add that as a line as well, anything in the AG plus of course aware that application will be consensus, et cetera.

Rafik Dammak: Yes.

Evan Leibovitch: Okay.

Rafik Dammak: Evan?

Evan Leibovitch: (What)? Rafik you wanted...

Rafik Dammak: I think that we...

Evan Leibovitch: Oh hi. Go ahead.

Rafik Dammak: Yes, I thought that we didn't have agreement about who this word that application will be contentious or controversial.

Evan Leibovitch: Okay, I think Tijani had added that. It's my understanding that the reasoning behind that is if since we're trying to deal with ICANN on a cost recovery basis that we don't want to have an application coming in that will also - that will almost by its very nature require an awful lot of expenditure by ICANN to process deal with contention issues, et cetera.

Rafik Dammak: Yes but yes but how to check this? We had the discussion if it will be up clearly or (unintelligible) clearly checking. So that's why we should avoid this. I think we reached agreement last time about that. So I'm surprised to find it again.

Evan Leibovitch: Okay Tijani go ahead.

Tijani Ben Jemaa: Yes it's different. It's different from last time because...

Evan Leibovitch: Did I hear you with your hand up too?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Okay so Tijani first and then Eric.

Tijani Ben Jemaa: Okay it is different because here it says self- declaration. So the applicant has to declared if his applicant application is - can be contentious. If it's the case normally it is not - he is not eligible for support.

It is different because last time we said if there is - but who will tell us if he's - this is the question. This is the (unintelligible) also.

Evan Leibovitch: Rafik, does that answer your question?

Rafik Dammak: So we are in this we expect the good will of the applicant to say if his application will be contentious and then that his application are not going to have support.

Yes, why not to expect the goodwill of the applicants, why not?

Evan Leibovitch: Okay Eric go ahead.

Eric Brunner-Williams: Thank you. I recommend removing this line. We have no idea in (Preori) what will be contentious or not. Asking the applicant whether they think their application will be contentious really requires us to read tea leaves.

The .cat application could have been contended by the Spanish state. We didn't know in advance. It wasn't. We were lucky.

An honest answer here it might be less than useful for both the applicant and the potential objectors. You don't know really and in advance what objections there are going to be.

So I recommend the bankruptcy reference and the litigation reference. But the contentious reference I think is not helpful. Thank you.

Evan Leibovitch: Okay, Tijani go ahead.

Tijani Ben Jemaa: Yes Eric I agree with you. But is there someone who can apply for .Africa and don't - and say that there is not a problem with this TLD? It's known now. There is a problem now for .Africa and everyone knows about it.

Eric Brunner-Williams: No Tijani everyone does not. There's been a marketing campaign by at least one party, possibly two, possibly three to intimidate other applicants by asserting that they have the rights to .Africa. This is entirely marketing. It is - it's not contentious until it's measured by a defined contention resolution mechanism.

And the statements of (pretence) to an application are simply not - don't rise to that level.

Tijani Ben Jemaa: Eric, may I ask you a question? Suppose we give support to an applicant and after the preliminary evaluation there is (opposence), there is opposition and we need further of valuation costly, very costly. And perhaps we'll need the resolution, the dispute resolution procedure.

So what will happen for us, for our money that we give to this applicant?

Eric Brunner-Williams: Tijani my response take's two forms. First I addressed this in my email the 3rd of March about the capability of the applicants. The ability to respond to challenges after the application is submitted is one of the capabilities that the applicant either has to have or we have to support.

It's a thing that - it's not how shall I say the - it is likely that objections will arise no matter what the application is. It is not a given that they will not.

(Unintelligible) it is not the case that our - that support money is conditional upon unpredictable future outcomes. We cannot know at the point of supporting an applicant whether or not there will be objections raised by parties in good faith or parties in bad faith which will incur costs.

So I don't understand why this becomes an issue to you that there might be an objection. Yes there might be an objection. That is a given. Thank you.

Evan Leibovitch: Okay we're going to have to - I'm going to give (Dev) the last word on this because we really do need to move on. We've got 15 minutes left and we haven't even touched Part 4.

Dev Anand Teelucksingh: Okay, thanks Evan. Just - well let's just say that a lot of this - these questions regarding the subject of pending litigation criminal investigation is part of the Applicant Guidebook and as part of the questions and is part of the background checks and so on.

So it is - goes back to the - what Olivier suggested regarding, you know, in conjunction with the Applicant Guidebook, applicants wording to that effect that, you know, wording to the effect that in addition to the - be able to answer all the questions in the Applicant Guidebook and this also leads to a possibility of how is this - sorry, how is this - how we're going to actually evaluate it? Are we going to evaluate it outside the Application Guidebook before it, during, in parallel?

I think the Milestones said parallel or can it be possibly integrated? And I know that's a long answer so maybe you can defer this till after.

Because I know we have a lot of more stuff for in 3.4.

Evan Leibovitch: All right, on that note we're going to move to the last part of Part 3 which is the actual of - the actual formula that we want to use.

So as of right now there are two that have been put forward. If you are on the wiki page there is one that is in bold in red at the bottom of part - sorry there three attempts. So one is mentioned application formula in bold in red at the end of parts three in the main text.

There is one that (Elaine Berrenger) has put forward. It is the second to the last comment on that page. And there is a third one somewhere that I'm - that I don't...

Cintra Sookanan: Hi Evan they're all in the same place all right, on the application formulas. Yours is at the top, mine is the first and Alan is - his one is on - the third - the second one sorry.

Evan Leibovitch: Okay so let's nail down what the application formula should be. From the sounds of it earlier in the call it essentially means it must be financial needs and it must serve the public benefit.

So this may actually simplify things a bit because it's a financial need and the public benefit which could be this, this, this, this, this or this. (Dev) are you speaking to this now?

Dev Anand Teelucksingh: Yes. Yes go ahead.

Evan Leibovitch: And then to Tijani.

Dev Anand Teelucksingh: Oh sorry.

Evan Leibovitch: Eric did I hear you going into queue?

Eric Brunner-Williams: Not yet but thank you for asking.

Evan Leibovitch: Okay. Tijani go ahead.

Tijani Ben Jemaa: Okay thank you. I propose the following formulation. To be eligible for support and this program an application must first demonstrate applicant financial need and sustainability which is 3.1.

And aim - the application must aim at serving public interest and belong to at least one of the six listed categories which is 3.2 and include a declaration that the applicant and the application are not ineligible for support which is 3.3.

Evan Leibovitch: Okay. Okay so this is financial need and public interest and make a declaration. So...

Tijani Ben Jemaa: Yes.

Evan Leibovitch: ...those three?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Okay so that's essentially the one that Cintra's put forward and I'm absolutely okay with that. Does anybody else have a problem with that? That's essentially three-pronged?

It must be financial need, and public benefit as we have described above, and make a declaration that they believe themselves to be eligible based on what they've read of our criteria.

Tijani Ben Jemaa: I sent it on the chart.

Evan Leibovitch: Does anyone have a problem with what Tijani has suggested which is based on Cintra's proposal?

Cintra Sookanan: Alan?

Evan Leibovitch: Yes. Okay sorry Cintra go ahead.

Cintra Sookanan: I just want to mention that Carlton and Alan they suggested both that public interest should come before need at least be seated before need into the criteria.

That is slightly divergent even though I've given them equal weight, it's a slight diversion to how the wording is stated in the charters what is the Milestone Report.

But it's up to the group to decide just in terms of order how it wants the formula to be stated. Thank you.

Evan Leibovitch: Okay well I guess my problem is the fact that I can't talk to either of them here. But if the two criteria are of equal weight, that is if you don't have the financial need you don't qualify.

If you're not serving the public interest you don't qualify. Does it really matter which one is listed first?

Tijani Ben Jemaa: No matter.

Evan Leibovitch: And Cintra based on your understanding since I can't ask them why did it matter to them...

Cintra Sookanan: I - it doesn't matter to me but I know it's a point that they feel strongly about, you know, and similarly I also see that Tijani feels strongly about me being (put) first.

So I know it's something that we should not give too much time to but I do think let's decide one way or the other.

Evan Leibovitch: Okay I mean from my point of view since they have equal weight I don't care. All right if that's the case then I'm going to ask for a show of hands in Adobe Connect.

If you believe that financial need should be first in the list of criteria - okay sorry, do I have Tijani and Olivier's hand up. Go quickly.

Tijani Ben Jemaa: Yes my point is that the financial need is compensatory is monetary that's all.

Evan Leibovitch: They both are.

Tijani Ben Jemaa: I don't care if it is first, if it is second. Someone who is not needy cannot be qualified that's all.

Evan Leibovitch: Okay so all right Tijani then we can settle this actually pretty quickly. Olivier you go first and I'm going to suggest something.

Olivier Crepin-Leblond: Thanks Evan. I don't care about the order. But I do want to with regards to governments how do they qualify there or is that going to be a totally separate track that we'll sort out with the GAC?

Evan Leibovitch: I think what you just said is correct in that the original Milestone Report said that governments cannot qualify.

The GAC has asked to be in. We're probably going to add some wording in here that will indicate that we're going to continue to move forward with them to figure out how to integrate that.

Olivier Crepin-Leblond: Perfect.

Evan Leibovitch: Okay now having said that since based on what Cintra has said that being first even though the two criteria are of equal weights that mentioning public need first in the list of criteria is important to them and it is not important to some of the rest of us.

Is there an objection to simply listing the public need - the public need criteria first with the full awareness that if somebody doesn't meet the financial need they don't qualify?

All right does anyone have an objection to that, going once, going twice, gone okay. So what we're going to do is we're going to include them as equal criteria. We will list the public good one first.

But it will be made clear that if somebody does not meet the financial need they don't qualify.

All right, well okay we have gone through the entirety of Part 3 and I thank you all for your patience in going through this.

We have five minutes left in this 90 minute call. Do we start on Part 4 or sorry - we may...

Rafik Dammak: Evan?

Evan Leibovitch: ...able to deal with this because there seems to be very little contentious in it.

Rafik Dammak: Evan it's Rafik.

Evan Leibovitch: Rafik go ahead. Actually I guess I should yield the chair back to since we've done Part 3. What do you want to do?

Rafik Dammak: Okay I think last time we agreed to go to Part 5 because you have a lot of work to do there. But just also we have question from Karla that maybe we need to give an answer to it.

She was asking if the report is going to reflect for counselors (unintelligible) counselors and like the Milestone Report and also if the report is going to

recommend how the funding will be (shared) given up with the cost neutral principle?

Evan Leibovitch: First of all I think that what we're doing here is getting full consensus. The deliberate way I've been going through this has been trying to get to wording that everybody can agree on.

So I'm really hoping we're not going to have an issue where we have to deal with full or partial consensus.

As far as the cost aspect that is definitely integrated into Part 4. So if we are asking for reduce costs we definitely have to make a mention of how this is going to be impacted on cost recovery.

At the same time if this is going to be input used in the creation of a foundation issue than cost recovery is a non-issue.

So I - we have to deal with this as were working on Part 4. Now Rafik I'll...

Rafik Dammak: Yes...

Evan Leibovitch: You're the chair however you want to proceed from here. We have three minutes left in a 90 minute call.

Rafik Dammak: Okay we can finish with the Part 4 hopefully now and then we still have the Part 5 for next call.

Evan Leibovitch: Now there are no - there's only a small amount of non-black text in Part 4. And the question is at this point -- and Rafik you make a good point of wanting go directly to 5 -- do we even put in - to what extent do we put in Part 4?

Because we certainly don't have the ability to fully research do the research necessary to justify the kind of price reduction that has been advocated for the duration of a lot of our calls.

One of the things I think we're going to have to ask to do is to ask for a little bit more time to try and research this because we have been we've asked to reduce some of the costs.

We have some rationale we can put in but that rationale does not exist in this Part 4. So Cintra go ahead. Cintra you had your hand up?

Cintra Sookanan: Yes I just want to say that this price reduction that I think is coming primarily from the Milestone Report. So we can mention that we have a hard time to really focus on it as well as, you know, we'll have to work with staff on it.

But just we are repeating what was stated in the Milestone Report which is price reduction should be implemented encouraged.

Evan Leibovitch: Okay so essentially what we need to do is add a preamble onto Part 4 saying that this is something that has been part of the group since the Milestone Report and that we continue to advocate that price reduction should be a go.

Cintra Sookanan: Correct.

Evan Leibovitch: Is that reasonable? Does anyone on the call disagree with that? Okay Tijani go ahead and then Alan?

Tijani Ben Jemaa: Yes I do agree with that. But the text here need rewriting. The organization of the text, how it is written now, I will propose you something different, not different but I will reorganize it and send you what is my proposal.

Evan Leibovitch: So you're basically proposing to give it some more clarity rather than...

Tijani Ben Jemaa: Yes exactly, exactly.

Evan Leibovitch: Perfect. Okay clarity is always good. Okay so if that's the case then so Part 4 is going to be essentially is there any comment on the part that is in green and in red, the one paragraph in the one sentence?

When we talk there's a line there what other nonfinancial relief is possible?

Eric I'm going to - oh sorry Alan go ahead.

Eric Brunner-Williams: Yes I was just commenting on the concept of price reduction or foundation. I believe the question is quite mute at this point.

If we're looking at first round there is no opportunity to put a foundation in place and do all of that work. It's not going to happen in the timeframe.

So price reduction in one form or another or subsidy is the only option we have for the first round. Longer term the situation may change. But it's not an issue of debate at this point. Thank you or shouldn't be any way.

Evan Leibovitch: Okay so that should go - so that should go in. Sorry just making a note here. And again I've made the point myself that I didn't believe ICANN should be in the role of philanthropy but that's I guess a different issue.

Okay...

Eric Brunner-Williams: Evan for the record if it's a foundation it is not ICANN. It may be money that comes from ICANN but it's not ICANN. That's the whole concept of the foundation. Thank you.

Evan Leibovitch: Okay Eric is there a possibility you could give a little assistance in helping us figure out the kind of price reductions that are possible while maintaining the cost recovery mantra?

Eric Brunner-Williams: Well that's a big task.

Evan Leibovitch: Well put it this way. We're grasping at straws. We have not had a lot of opportunity to do research. Staff has been unhelpful in helping us to identify things. So any stab we can take at this will be better than not taking a stab at it.

Eric Brunner-Williams: Of course. We're discussing the text below the price reduction in green. The - I see five bullets. Is that what we're dealing with?

Evan Leibovitch: Actually it could be any part of this Part 4.

Eric Brunner-Williams: Okay.

Evan Leibovitch: So put it this way Eric, any suggestions you can offer would be appreciated. You've got a depth in some of these issues that goes well beyond most of the other participants in this call.

So if you could possibly suggest some specifics that would allow us to identify places where ICANN could reduce its costs without compromising its mantra of cost recovery that would be helpful.

Eric Brunner-Williams: Okay sure.

Evan Leibovitch: Okay well if that's the case then we can declare Part 4 to have been covered here. And we are 2 minutes into - two minutes over the 90 minute call. And I hand things back to Rafik.

Rafik Dammak: Thank you. So I think too that we're waiting for some comments and reword from volunteers. And for the next call we will work on the Part 5.

But it will be also more helpful that the comments and rewording to we - to be sent before the call so we can make more progress.

Any comments, any feedback otherwise I will adjourn this call for today?

Evan Leibovitch: I want to thank everybody that was on the call. We got an awful lot done. This is all substance. This was all good.

So I really want to applaud and thank everybody. We've had an awful lot to do and we've accomplished quite a bit today.

Rafik Dammak: So thank you everybody and we adjourn the call for today. See you in Friday.

Evan Leibovitch: Absolutely and hopefully on the mailing list and/or the Skype chat before that.

Eric Brunner-Williams: Evan would you say on the call for a minute please?

Evan Leibovitch: Absolutely.

Gisella Gruber-White: Thank you everyone. (Carol) you can - Eric and Evan do you still need this recorded or can we stop the recording?

Evan Leibovitch: You can stop the recording.

Gisella Gruber-White: Okay.

END