

**SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPT
Friday 29 April 2011 at 1300 UTC**

Note: The following is the output of transcribing from an audio recording of the SO/AC new gTLD Applicant Support Working Group (JAS) Friday 29 April 2011 at 13:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

<http://audio.icann.org/gnso/gnso-jas-20110429-en.mp3>

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Participants on the Call:

GNSO

Rafik Dammak - NCSG - Council liaison – WG chair

Carlos Aguirre – Nominating Committee Appointee to GNSO Council

ALAC

Cheryl Langdon-Or - ccNSO Liaison - APRALO

Tijani Ben Jemaa - AFRALO - At Large

Alan Greenberg – GNSO Liaison – NARALO

Olivier Crépin-Leblond – ALAC chair

Cintra Sooknanan – At-Large

Evan Leibovitch - (NARALO) – At Large

Baudoin Schombe - At-Large

Eric Brunner-Williams - Individual

John Rahman Kahn - Individual

Sébastien Bachollet – ICANN Board

ICANN staff

Karla Valente

Glen de Saint Géry

Gisella Gruber-White

Apologies:

Dev Anand Teelucksingh – At Large

Elaine Pruis – MindandMachines

Andrew Mack – CBUC

Alex Gakuru – NCSG

Michele Neylon - RrSG

Carlton Samuels – LACRALO - At Large - WG co-chair

Tony Harris

Alain Berranger - Individual

Dave Kissoondoyal - (AFRALO) – At large

Coordinator: The call is now being recorded. If anyone has any objections, you may disconnect at this time. Thank you.

Gisella Gruber-White: Thank you very much, (Julie). Good morning, good afternoon, good evening to everyone on today's JAS call on Friday, the 29th of April.

We have Rafik Dammak, Cheryl Langdon-Orr, Boudoin Schombe, Tijani Ben Jemaa, Eric Brunner-Williams, Carlos Aguirre, Cintra Sooknanan, Sebastien Bachollet, Alan Greenberg, Olivier Crépin-Leblond, Evan Leibovitch.

From staff we have Karla Valente, Glen de Saint Gery, and myself Gisella Gruber-White. And apologies noted today from Alex Gakuru, Dev Anand Teelucksingh, Carlton Samuels, Tony Harris, (unintelligible), Andrew Mack, and Dave Kissoondoyal.

Can I please remind everyone to state their names when speaking for transcript purposes.

Thank you, over to you Rafik.

Rafik Dammak: Thank you, Gisella. Thank you for everybody for joining today call.

Just for the agenda, maybe I can ask Oliver to introduce some purpose of (unintelligible) I think on behalf - I'm not sure. On the behalf of (unintelligible) Committee of ALAC, and...

Cheryl Langdon-Orr: (Sorry). The whole ALAC.

Rafik Dammak: Oh, the whole ALAC.

Cheryl Langdon-Orr: Yes.

Rafik Dammak: So provide some suggestion and guidance. So, I would like to ask Olivier to explain a little bit what would - because it would give us more guidance about the agenda today. Olivier?

Olivier Crépin-Leblond: Thanks very much Rafik. I'll give you a quick overview of what basically happened this week. We had the call, the JAS call on Monday. On Wednesday, we had an ALAC meeting in the afternoon. A long conference call and the subject of JAS came up. It was then also discussed on the Executive Committee, and we also had an extra call which lasted quite a while later on in the week.

And finally, thought well if we can - the first thing. If we can focus on a number of - and I call them quick wins, but I guess in this subject there's no such thing as a quick win or an easy win. Everything is pretty tough - a pretty tough subject. But if we can focus on a number of things that this group can actually achieve within the time that is given to it, and that's not long, we're talking about a week and a half left now because the report has to be in the ALAC's hands and in the GNSO's hands on the 6th of May.

We're working backwards because the 6th of May is when both organizations need to have it in their hands. They then need to be able to have a few days to read them. As far as the ALAC is concerned, we can work pretty fast. And so in a few days, we can then perhaps make any amendments or comments that need to be made on it and pass it on over to the Board.

And this needs to be passed on that early because the Board goes into a retreat in mid-May and they need a few days, about ten days to get the paperwork ready, and so on, before they meet for the retreat. Otherwise, we're going to miss the Board retreat and this - the work of this group might as well just go to waste altogether because it will not be considered at all. That's the risk that we have.

So we thought about having a kind of roadmap to focus on the most important - what we feel - we are so close to being able to get consensus on and be able to have something drafted by the 6th that we'll be actually quite good because it will take most of the work that has been done here and be able to transmit it over to the Board in good time.

So that's the idea.

Now, the two parts which appear to be particularly important because they relate to the actual charter of the JAS - and you have to remember, this group was chartered to do a number of things by both the GNSO and the ALAC. So, it really - the first thing it has to do is to answer the questions that are pointed to in the charter. The two parts which we felt were particularly focused on this were Part 3 and - because that really is the crux of the whole question. Who qualifies for support?

And also, perhaps - and we're going to suggest to take a small bit of Part 5, which was the actual - the mechanism or the combination of the factors - the formulaic combination of those factors and put it over in Part 3. But I'm sure we can go deeper into that afterwards.

So who and how, Part 3, and then maybe if we manage to get some consensus on that, a part of Part 4, which is what do the applicants get? Although, that is a little bit further removed. First, concentrate on Part 3.

So that's it. Any - if you have any questions, I'm open to questions. And if any of my colleagues on the ALAC Executive Committee would like to add anything as well, they're very welcome to do so. Thank you.

Rafik Dammak: Thank you, Olivier.

So if there is none - no objection, we can follow that and work on the Part 3 and the Part 5. I think that it's in the Adobe Connect screen.

So hearing none, I think we can move to that. And maybe Evan will read this item. Evan?

Evan Leibovitch: Yes.

Okay. All right. So what I'm going to do is - what my preference right now is to take everybody to the Wiki page where we will be taking most of our attention right now. So the intention - I mean, if every - if the group disagrees, I mean we can move on from that. But I mean right now, the intention is to take the Wiki page and then massage this into what will be a report.

So I have made a couple of modifications to this, given numerous conversations and meetings and whatever that have happened since the - through this week, including the JAS meeting earlier this week. And so if everybody has the Wiki page open, I'd like to draw your attention it. And again, I apologize for my inability to be on Adobe Connect.

So Rafik, I'm going to need to defer to you in terms of people with their hands up or things like that.

Okay. So if everybody is at the Wiki page, the first thing I'm going to do is draw your attention to the text in red at the very top of it. As you'll notice the words "Draft Second Milestone Report" up here, at the top of this. And so essentially - again, this is a proposal that I am making that we are not ready to make a final report. Obviously, there's so many things that are not done. Even if we work at break-neck speed, what we're going to have for March (sic) 6th was it? Is going to be certainly not everything that we were asked to do.

So what I'm suggesting at this point is that number one, we've made a conscious decision to decouple this -- the JAS process -- from the Applicant Guidebook. So the Applicant Guidebook would not be modified. It would not

be touched. And what we're doing would be a process in parallel to it, so we'd need to keep that in mind as we're doing it.

And then what that means is that we could not necessarily be bound to the timing of the Applicant Guidebook. So if the Applicant Guidebook is nailed down and approved in Singapore, it does not necessarily mean that we have had to have everything done by Singapore.

If we can continue to work on substantive measures and indicate to the chartering organizations that we send this back to that this is a second milestone report, we can continue to work on this even as the Applicant Guidebook is approved and give ourselves a little bit more time to do this.

Are there any questions...

Man: Evan, a comment.

Evan Leibovitch: I mean, do you need me to - Rafik, do you need me to re-read the text for the record? Or, is it okay for everybody to read it themselves?

Rafik Dammak: I think just to - what point that you think that we should focus and to reach some agreement.

Evan Leibovitch: Okay. What I'd like to do is at least - at this point is...

Rafik Dammak: Evan. Just by the way. Please, if you - you can continue, but we have Alan and Tijani in the queue.

Alan Greenberg: Yes. A quick point. With regard to decoupling from the Applicant Guidebook, I think that will be resonant with at least a number of Board members who would not want to see things formally delayed. And I think it can work all right.

Because remember, we do have a communication period after formal launch, which will give us some time to prepare things. I believe however, it's - I think it's important for us to note that the Applicant Guidebook must make reference to this project - to this parallel effort so people are aware of and know that they have to look somewhere else if they believe they will qualify.

So what that provides though is that there needs to be a reference to it but not the details. I think we're fine on that. Thank you.

Evan Leibovitch: So, there should be something in here indicating that we ask that the Applicant Guidebook have some reference to this.

Alan Greenberg: Yes. Because in the interest of fairness, we need to make sure all applicants are aware of the - that there may be something else which can help them. I don't think we need to couple the details into the Applicant Guidebook, but it has to - they have to be cognizant of it through the Applicant Guidebook.

Evan Leibovitch: So the sum total of the changes we request to the Applicant Guidebook is a mere acknowledgement of this program?

Alan Greenberg: In some key place, yes.

Evan Leibovitch: Okay.

Okay. I'll just (unintelligible) stuff later.

Okay. Who was next?

Tijani Ben Jemaa: Tijani.

Evan Leibovitch: Okay. Go ahead.

Tijani Ben Jemaa: Okay. Alan said what I wanted to say. The Applicant Guidebook has to have a mention of the parallel process. It will make it more official because we are not sure that it will be executed if it is not in the Applicant Guidebook. That's all.

Evan Leibovitch: Okay.

All right, moving on. Well, put it this - okay. Is there - does anybody have any problems with the wording that is in red at the top of the Wiki page right now? Notwithstanding the addition that needs to be put as just mentioned.

Okay. Going once.

Going twice.

Okay. So that text is changing from red to black. Is that - we'll assume we have had agreement on it.

Okay. So given what Olivier has said, we're moving down to Part 3 and going under the assumption that in the previous meetings, Part 1 and 2 have been generally agreed to. So the real important thing that we need to deal with right now is Item Number 3.

What you see there now is a number of items - a couple of items in red and a number of items in green. What you see in green has been added by Cintra to make sure that everything is in green has been brought over exactly from the milestone report. So the intention to make sure that what we're doing is consistent with what was already done in the milestone report doesn't necessarily revisit this. That's an important factor here.

So the intention right now is to have some wording that brings this all together, while you are now aware through the text in green of what exactly was in the milestone report.

So - all right. So getting to the beginning of Part 3. Again Rafik, if there are questions or people with their hands up, I'm going to need you to interrupt me any time.

Rafik Dammak: Yes.

Evan Leibovitch: Okay. So going from the - going to the text that is in green right now. You see the bullet points from 1 to 5, and then right below that is a new set of bullet points in green that have been added. So what we need to do is to bring these together.

So, are there any comments at this point? I mean, they're a little bit redundant with each other...

Cintra Sooknanan: Evan?

Evan Leibovitch: ...especially since...

Rafik Dammak: Evan, we have comment from Cintra.

Evan Leibovitch: Okay Cintra. Go ahead.

Cintra Sooknanan: Yes. Thank you. I just wanted to mention that number one, the financial need of the applicant, that was included in the milestone report, so the bullets are really in comparison from 2 to 5, right?

So I don't know if we want to just revert to the language of the milestone report rather than merely propose new language that may confuse our readers. So you know, this is up for consideration right now, and basically it's in the group's hands either way we go. But certainly Number 1 is staying in. Thank you.

Evan Leibovitch: Okay. So is there - okay.

Tijani Ben Jemaa: Evan?

Evan Leibovitch: Sorry.

Tijani Ben Jemaa: Evan?

Evan Leibovitch: Go ahead Tijani.

Tijani Ben Jemaa: Okay. So what said Cintra is important. I think that if we can stick to the language of the milestone report, it will be better for - to avoid any confusion. And the five categories and the bullet point in green are explicit - are clear and explicit, so there is no reason to void them or to change them in my opinion.

So it will be in my opinion good to stick to the language of the milestone report.

Evan Leibovitch: So we're eliminating the 1 to 5 that's there in black and replacing them with the stuff that's in green and (unintelligible) the rest of this to match. Is that what you're saying?

Tijani Ben Jemaa: No. 2 to 5. 2 to 5. 1 has to be there because the financial need.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: All right. Okay. So we're eliminating 2 to 5 of the numbered ones and replacing them with these bullet points. Is that what you're saying?

Tijani Ben Jemaa: Yes.

Evan Leibovitch: Is everybody in agreement with that?

Alan Greenberg: No. I have a question.

Cheryl Langdon-Orr: I don't agree with that.

Alan Greenberg: Number 3 is the need of the community to be served. And unless I'm missing something, I don't see that as being addressed by the bullet points.

Tijani Ben Jemaa: Evan, is it the criteria - is it criteria for need the need of the community to be served?

Evan Leibovitch: Well, we seem to have come to general agreement that the need of the community and the benefits to be received from this new TLD existing are a critical part of the decision. That it's not just the applicant. So I'm not sure if it fits here, but somewhere it has to be.

Tijani Ben Jemaa: Okay.

Evan Leibovitch: We've discussed that a number of times. I think we've had general agreement, but it's never actually made its way into the document in any clear way.

Tijani Ben Jemaa: Okay.

Alan Greenberg: It can go in a number of different place, but I'd - but so far, I don't think it's gone anywhere, and this is the closest we've come to it in the past.

Tijani Ben Jemaa: Evan, Point C is detailed in 3.3. And 3.3 is talking about languages, and languages is already addressed in 3.1. Community-based, especially a linguistic, ethnic, and cultural.

Alan Greenberg: I'm not disagreeing. I'm saying that we may have to - we need to make sure as we're doing this that we somehow incorporate that there needs to be an evaluation of the worthiness of the project, or you know whatever words we choose.

And if we're making - if we're eliminating it from one of the bullet points here or anything close to it, we have to make sure it's somewhere. I'm not trying to argue where it has to be.

Tijani Ben Jemaa: May I propose public interest as one of - added criteria if you want?

Rafik Dammak: Evan?

Cheryl Langdon-Orr: Cheryl here. Evan, just following on from Tijani's point. I think we also need to recognize that it's only in the most recent derivation is the Applicant Guidebook drafting that the question has been added to ask the applicants what particular need in any given community they might be serving. So this wasn't something that we could've really explored, based on Applicant Guidebook text anyway, in the original milestone report. So it's appropriate I think to introduce. It's a good point.

And of course is in keeping absolutely with the sentiment expressed by many of us on this call.

Evan Leibovitch: Okay. So I'm just trying to figure out...

Cheryl Langdon-Orr: And you have Cintra as well.

Evan Leibovitch: Okay. So I'm just trying to figure out what's going in here in terms of the writing. So what I'm doing is I am - I've eliminated Points 2 to 5 of the numbered bullets, keeping Number 1, and replacing...

Alan Greenberg: Evan, Cintra's been trying to get in and she may have a suggestion.

Cintra Sooknanan: Yes.

Evan Leibovitch: Go ahead.

Cintra Sooknanan: May I propose - Alan raised the point of public interest basically that we need assess the application. What we are doing under Part 3 is we are assessing the applicant. So may I suggest that assessing the application in terms of their public interest criteria or whatever, that that be given a separate weighting. Perhaps we can call that 3.4 or something like that.

Evan Leibovitch: Actually, I would suggest perhaps that the whole thing has to do with the application, and one or two references can be made to the applicant behind it. But I don't mind changing the first sentence of Part 3 to - from the (allegiant) applicant to the (allegiant) application and take it from there.

Alan Greenberg: I think that's delightful.

Evan Leibovitch: All right. I know that others, including Carlton, have been making that point before, that we should focus on the application and the applicant is just one part of this. The application, its purpose, the communities it serves, and so on is the focus of this and then you know, structure or whatever behind the applicant is a minor point behind it.

Evan Leibovitch: Okay. So...

Tijani Ben Jemaa: I have my hand raised.

Evan Leibovitch: Okay Tijani. Go ahead.

Tijani Ben Jemaa: Okay. Thank you. I'd like to remind that the Recommendation - the Resolution 20 is talking about the applicants. It is for support to applicants that need assistance. So we - our work have to be focused on the applicant,

but we can add as one of the conditions that the application must be in the - relevant with the public interest.

Evan Leibovitch: I understand what the Board said Tijani, but at the same time we're trying to convince the Board to do something and we may be able to convince the Board perhaps that the focus should be on the application rather than the applicant.

Eric Brunner-Williams: This is Eric. Can I get in the queue?

Evan Leibovitch: Go ahead Eric.

Eric Brunner-Williams: Thank you. Not to be narrow or legal-ease, but an applicant isn't capable of being diverse. An applicant exists by itself with no relationship to any other party. So when Resolution 20 mentions diversity, it's looking beyond the individual applicant. It's looking at classes of applicants or groups of applicants to find or attempt to find some diversity within that class of applicants, so that hypothetically, they're not all coming from a single entity in Reston, Virginia.

The other language in Resolution 20 also goes past the - a single applicant existing in isolation. So I think what Tijani has made this point several times. It is the case that Resolution 20 does not address narrowly a single applicant, and it's the need of a single applicant. Thank you very much.

Evan Leibovitch: Okay. Well Eric, what are suggesting then?

Eric Brunner-Williams: Oh, I'm suggesting at looking beyond the applicant to the application, to the community, and to the class of applicants or the group of applicants when we look - attempt to find diversity of type, diversity of origin, diversity of purpose, any of the other goals that are present in Resolution 20 is appropriate and that we should not restrict ourselves merely to a yes/no question on whether the applicant is in need. Thank you.

Evan Leibovitch: Is there anyone else that wants to speak to this? So whether or not (unintelligible)...

((Crosstalk))

Alan Greenberg: We've got three people in the queue. Tijani, Cintra, and Alan.

Tijani Ben Jemaa: Yes. May I speak?

Evan Leibovitch: Tijani, go ahead.

Tijani Ben Jemaa: Yes. It's okay. Thank you. So the purpose of the Resolution 20 is to make the program inclusive of people who cannot apply because of the fees - the high level of fees. So this is the main - and you all remember what was discussed before the Resolution 20 and why the Resolution 20 came.

So, the - if people have money, we don't have any need to have assistance or to have all - this program wouldn't be necessary. But, there are people - there are applicants that can not apply because they don't have money. And this work - our working group is here to provide a sustainable program or stable approach for support to those applicants.

So I understand very well the public interest, and I am with the public interest, and we can put it as one of the mandatory criteria. But, we cannot omit or we cannot minimize the importance of the applicant, because their program, their Resolution, or charter at the beginning and our charter now is in the same way.

Evan Leibovitch: Okay. Tijani, this is not an either/or situation. Part 3 is focusing on the application and the primary criteria is the need of the applicant behind it.

Tijani Ben Jemaa: Exactly.

Evan Leibovitch: But there's more than that criteria. These are not - we're not talking this or that. The two issues are not mutually exclusive.

Tijani Ben Jemaa: I agree.

Evan Leibovitch: As we're (unintelligible) the application, one of the main things about the application is the financial situation of the applicant. That was the Number 1 bullet point that was originally there is that I thought was maintained.

Tijani Ben Jemaa: Okay. It works for me.

Alan Greenberg: Cintra is next.

Evan Leibovitch: Go ahead.

Cintra Sooknanan: Thank you. I know we've gone back and forth on this quite a bit with regard to how we're really going to structure this document, and I don't see how we're going to get away from need being the first criteria. I mean as Tijani said, it is basically the first bullet in our charter.

If we do want to - an as well, the way the milestone report is structured, it's an evaluation of the applicant. So if we're deciding right now that the application is what should have more weight than the applicant, then it means us basically rewriting this or giving this a lesser weight than the public interest service that the application is going to give.

And then, we need to assess what are the metrics for really determining that public interest. Is it that we are going to ask the applicant to provide that information because we are the experts as to what community they will be serving, et cetera? These are all questions we need to address if we're going down this route. Because it was not covered at all in the milestone report.
Thank you.

Evan Leibovitch: Alan?

Alan Greenberg: Yes. Several things. Number one, I think we're talking semantics here, and I don't think we should waste a lot of time on it. Yes, we were asked to - criteria to evaluate applicants. If we really think the Board was wrong and they missed something, we need to say it.

And Tijani's probably right. We should structure it to answer the questions but make it clear that there was something missing, and I think that is our obligation to do.

The second thing is we keep on talking about prioritizing or the primary I think avenues that are in the primary criteria. These are not prioritized or primary. These are two criteria which must be satisfied to gain approval or to gain support. The applicant has to need money as it were in the various different forms, or support, and the project has to be worthy.

So let's not think of prioritizing or which is 1 and which is 2. Both of them are going to be mandatory and we have to make that clear. And I agree with Cintra; it's going to be difficult to come up with a criteria. I'm not sure we will be able to come up with criteria. And this is going to be a very subjective decision as pretty much every other funding operation in the world is. It's a judgment call.

So, let's not agonize too much over objective quantified criteria. Let's put in the basic words that this has to be a worthy project and the applicant needs - you know, must demonstrate their need for support. But - thank you.

Evan Leibovitch: Alan, just to take it further from there then. All I'm trying to do - okay. We're trying to get to this first paragraph. I'm trying to come up with wording. Can we get some consensus within the group on what wording we need to be

there? Are we saying applicant? Are we saying applications? Let's get some agreement and move on with this.

Alan Greenberg: Well I say I agree with Tijani. We were asked for applicant. We don't want people to tear the report apart because we didn't technically answer the right question. So let's answer the question on applicant. But one of the criteria is does the applicant have a good application.

Tijani Ben Jemaa: Yes. Very good.

Evan Leibovitch: Okay. So we're not changing the wording through the first paragraph of Part 3. The eligible applicant must have some function that is social to (anthrop) community based and/or minority IDN (focus).

Alan Greenberg: Yes. It's not - remember it's not only the function. It's a plan, which says they're going to be able to address it.

Tijani Ben Jemaa: Yes.

Alan Greenberg: Just coming up with a good idea isn't good enough. You've got to actually demonstrate that you're going to address the problem or what your, you know, whatever the right terminology is for...

((Crosstalk))

Tijani Ben Jemaa: ...public interest for example.

Evan Leibovitch: I heard multiple things at the same time. Tijani, were...

Tijani Ben Jemaa: Yes. I said we can say that the applicant have to apply for an application for a (unintelligible), for an application that is relevant with the public interest.

Evan Leibovitch: Okay. So - all right. So is that specific wording you're suggesting for here?

Tijani Ben Jemaa: I do think that public interest is a good wording.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: Perhaps my sentence is not good but public interest...

Evan Leibovitch: Okay. But what I'm doing right now is I'm now at the bullet points, number points, whatever.

Tijani Ben Jemaa: Yes.

Evan Leibovitch: So the WG has determined that a number of criteria to be used in determination of a gTLD application eligible support and/or cost relief are:
Number 1, financial need to the applicant.

Tijani Ben Jemaa: (Very good).

Evan Leibovitch: Okay. Number 2. Tijani, could you repeat your wording.

Tijani Ben Jemaa: Yes. The application must be relevant with the public interest or must address public interest issue or I don't know, something like this.

Evan Leibovitch: Okay. Well...

Cintra Sooknanan: I think that should say too that the application is not contentious and serves the public interest.

Evan Leibovitch: Application is not contentious meaning that there's not a duplication or something like that or an identical one. Okay.

Cintra Sooknanan: Yes.

Alan Greenberg: Cintra, I use the term contentious to say someone disputes it, not that there's contention for it.

Evan Leibovitch: I think that's the term that's being - I think that's the context being considered here too Alan.

Alan Greenberg: Okay. Then it's not an issue of competition. It's whether other people say no we shouldn't fund that. You know, this is a terrorist group. We don't - ICANN shouldn't be in that business or whatever. I'm giving a radical example.

Evan Leibovitch: Okay. Now here's what I'm trying to figure out. Somebody sooner or later is going to have to make a judgment call on whether or not something serves the public interest.

Alan Greenberg: Yes.

Evan Leibovitch: Can we not be a little bit more specific on this? The - where I was trying to go with the original wording is saying that the application has to serve a specific identifiable community.

Cintra Sooknanan: (Unintelligible).

Evan Leibovitch: Is that not a reasonable route to go with this? I mean how are we defining whether or not an application meets the public interest? We've got to give some help to the reader here.

Tijani Ben Jemaa: Yes. Cintra has other...

Cintra Sooknanan: Yes.

Evan Leibovitch: Cintra, go ahead.

Cintra Sooknanan: Thank you so much. Previously I had suggested some text that was with regard to social relevance and that sort of thing. I've copied it into the Adobe Connect but I knew Evan you wouldn't be seeing that so I'll just read (unintelligible).

Evan Leibovitch: No, no. I'm on Adobe Connect now.

Cintra Sooknanan: Okay. So I don't know if this is acceptable social relevance for instance by increasing skills and (reference) and the skills base of (unintelligible) community or (string) on the balance in presence of minorities and positive contribution to reach an international economy. I see Cheryl also has that - has suggested that it meets a need of currency and (unintelligible) existing gTLDs.

Now this is for the applicant to provide to us, you know, to give us a summary because it may vary (experts) on the application on the communities that they would be serving and the benefits that they'd be giving. So this is not for us to go and investigate as far as I'm seeing. Thank you.

Evan Leibovitch: Any other comments or hands up?

Alan Greenberg: I don't have my hand up but a quick comment. I think in the interest of trying to go forward and get to the point where we think we have something we can support, I would suggest not trying to refine the wording of each sentence perfectly. If we think it needs refining, put a comment in red. But let's get to the bottom of the section and see whether we believe it represents what we're trying to say.

Evan Leibovitch: Okay. Is there anything that's in the existing document right now so that it doesn't totally need rewriting? Like for instance the concepts of community support for underserved languages; communities in need - needing to preserve a language or culture. Is any of the existing text in there of any use or does that all just get tossed?

((Crosstalk))

Tijani Ben Jemaa: (Unintelligible).

Evan Leibovitch: I mean basically what I'm hearing is I need to rewrite all of Section 3.

Tijani Ben Jemaa: No. I find it well. Only if we add to the public interest issue, it'd be perfect.

Evan Leibovitch: What would be perfect Tijani? I'm trying to - okay.

Tijani Ben Jemaa: The Section 3 before 3.1. If we add the public interest point, it is good. I find it well.

Evan Leibovitch: Okay. Now that's with the green text or with the black text or...

Tijani Ben Jemaa: I expressed my point of view if we can integrate the green text to be good. And with the green text, I think that one, final should need of the applicant; two, the public interest of the application and the public interest you can put in all those criteria shown.

Evan Leibovitch: Okay. And (unintelligible).

Alan Greenberg: I think those are examples of public interest.

Cheryl Langdon-Orr: Yes, they're not separate issue. I'd rather them clustered than looking like individual aspects.

Evan Leibovitch: Okay.

Cheryl Langdon-Orr: Which - sorry, you've got people with their hands up, which actually brings me back to saying that Cintra's suggested generic text which brought in more general terms most of what is covered together. That perhaps should be a

higher sentence. And then examples are and that bucket list that's there both in numbering and bullet points if they need specific (elicitations).

Evan Leibovitch: Okay. I'm actually going to have to ask somebody else to take over the chairing component of this because trying to come up with words while chairing; my brain just doesn't have the ability to split that finely right now.

Tijani Ben Jemaa: Cintra. Cintra want to speak.

Evan Leibovitch: Cintra, go ahead.

Tijani Ben Jemaa: Cintra.

Cintra Sooknanan: What I wasn't sure of is if all the updated discussion on the meeting (this will end every). For instance, with regard to IDN eligibility as well as - well, I believe everything with regard to developing and markets and countries in - but I wasn't sure about that point as well as 3.26.

If you look at that, that is the government - inclusion of governments. I'm not sure if we want to propose wording here or finalize wording or decide where everyone want to go with governments or not. Either way. Thank you.

Cheryl Langdon-Orr: Many of this indicated that public private partnership in all the municipalities is something we certainly would put on the list.

Rafik Dammak: Evan.

Evan Leibovitch: Sorry. I need somebody else to chair this. I can't...

((Crosstalk))

Rafik Dammak: Yes Evan. Okay. I can help for chairing and then you can focus on the (reading). Evan, can you hear me? Can you hear me, no?

Cheryl Langdon-Orr: I'm sure he can. Just go ahead Rafik.

Rafik Dammak: Okay. Okay. So fine. So we agreed about everything for that part or not and then we can move to the next.

Alan Greenberg: Rafik, you need to speak up. You're fading away.

Rafik Dammak: Okay.

Cheryl Langdon-Orr: Yes. (Unintelligible).

Rafik Dammak: Okay. Sorry. So I think we agreed about everything so we can move or not. Okay. Hearing none. So for the financial needs we have I think in the - we have in the green part. So if everybody can read that one more time, could have some difficulties to switch between the Adobe Connect and the Wiki page.

Any comment on that?

Alan Greenberg: Rafik, I'm not sure what you're asking.

Cheryl Langdon-Orr: Yes.

Rafik Dammak: So I asked - sorry. I asked if we agreed about that part for the Point 3 and then we can move to the next point. And hearing none, I moved to the next point. And as we agreed the new part is in green. So that we can discuss about in the financial need in the Wiki.

Tijani Ben Jemaa: I have my hand up.

Rafik Dammak: Okay. Go ahead.

Tijani Ben Jemaa: Okay. Thank you. So if we are in 3.1, the minimum metrics are already set up in the DAG, the financial continued operation instrument obligation. So is it necessary to repeat it here as our own criteria or our own metrics? I don't know. It is already there. So any application need or not needy have to satisfy this condition. That's all.

Rafik Dammak: I think it's not this part that you're - we are discussing about. But about that, if the...

((Crosstalk))

Rafik Dammak: Yes. About the (unintelligible) part. I think you asked about that part in red.

Tijani Ben Jemaa: No. No. I am - I'm not talking about the green part. I am talking about the main text, the black one. The first paragraph in fact.

Rafik Dammak: Oh. Okay. But - so what you suggest?

Tijani Ben Jemaa: I suggested that we don't need to mention the minimum metrics because it is already in the DAG in the Applicant Guidebook and it is applicable to all applicants, needy or not.

Cheryl Langdon-Orr: Cheryl here if I may Rafik.

Rafik Dammak: (It's okay).

Cheryl Langdon-Orr: Perhaps if Tijani - I don't think that text is so (full) that we need two colors. I don't have a problem with leaving it there. If it was to be minimized, then saying what you just said to make it clear that the workgroup recognizes that these are minimum criteria as established in the Applicant Guidebook regardless of the requirement or desire for applicant support or otherwise.

And by the time you say that, you may as well leave the black letters there.
But that's my view.

Rafik Dammak: Yes. Thank you Cheryl. So I think we can just to keep that. I don't see any problem given the (mentions) in the guidebook. Okay. All right. Any comments?

Cheryl Langdon-Orr: I'm sorry Rafik. I didn't understand a word you just said. Could you repeat it please?

Rafik Dammak: Okay. I just - okay. First we comments from Olivier. Olivier, please go ahead.

Olivier Crepin-Leblond: Thanks Rafik. I was just going to suggest the same thing. Can you speak a little louder? The other thing is I - is Evan taking notes about this then whilst this is going on?

Man: We lost him.

Man: Evan.

Evan Leibovitch: Sorry. I muted myself.

Olivier Crepin-Leblond: That's why. I was thinking we're speaking, we're speaking but if you had disappeared then it'd be a problem. I just want to make sure we got the thing right. So Rafik is chairing, you're taking the notes while the discussion is taking place. Yes?

Evan Leibovitch: Correct.

Olivier Crepin-Leblond: Cool. Thanks.

Rafik Dammak: Okay. So what - just I'm sorry that I'm not - my voice not so loud or what (unintelligible) but we keep anyway. That part is not really the problem. If I

end this (unintelligible) to it correctly what Cheryl suggested. And then we can move to discuss really about part in green and to reach agreement on that. So Evan can edit and we can move up to the next item.

We just have ten minutes in this call and maybe we can have more but just to keep working and then we can make progress. Okay. So please if there is any comment in the green part; otherwise we can move to the next point.

Cheryl Langdon-Orr: Rafik before we move beyond the green, I would be - Cheryl for the record by the way. I would be discomforted if we didn't address the red text. These are very important issues to decide whether or not the red text highlighted are agreed to or otherwise.

Rafik Dammak: Okay.

((Crosstalk))

Cheryl Langdon-Orr: ...deal with the green and if there's no changes, then it turns black. That's fine. But don't leave 3.1 without the red text being dealt with.

Rafik Dammak: But because of the question about the red text wasn't - because the question was if this number is too low or too high. But the answer was that is already in the - that is already in the Applicant Guidebook. That's why I thought that we can move. But anyway if we can continue.

We have comments from Tijani, Cintra and - Tijani, please go ahead.

Tijani Ben Jemaa: Yes. First of all, the discussion of the - the focus has to be put on the red text because it is something that need to have consensus. Second, I have to - I want to remind you that the green text is something that Cintra added to say what is in the milestone report. So we not decide on it. We will accept to change something from it or not. That's all.

Cheryl Langdon-Orr: It is what it is. Yes. It is what it is.

Tijani Ben Jemaa: Third point - yes. Third point, we have to decide on the minimum and the maximum incomes. It is something that we didn't decide on. So I said that for the minimum we can even not do it because it is already there. For the maximum, I say that it is too high because someone who has almost \$20 million I don't think he needs any support. So I propose and I propose before to reduce it to one time 185 (kilo) dollar.

Rafik Dammak: Okay. Alan.

Alan Greenberg: I have a question. I think it's probably aimed at Eric who has tracked this better than some. We had an awful lot of discussion earlier on in the workgroup on the amount that had to be set aside for continued operations that we said the number in the Applicant Guidebook was far too high to simply sustain an operation of a TLD which is not growing anymore but just keep it in the root.

Did we ever come to closure on that? Was that still an item we're going to raise or was the Applicant Guidebook changed because it seems to have disappeared from our discussions and I thought it was an important one?

Eric Brunner-Williams: This is Eric.

((Crosstalk))

Tijani Ben Jemaa: It didn't. It didn't. It is there.

Alan Greenberg: It is there.

Tijani Ben Jemaa: Yes.

Alan Greenberg: I'm sorry.

Tijani Ben Jemaa: Later on. Later. You will see it later.

Alan Greenberg: Okay. But talking about the minimums required by the Applicant Guidebook, the minimum metrics without reference to that I think is obfuscating.

Tijani Ben Jemaa: And for the maximum.

Cheryl Langdon-Orr: Eric.

Eric Brunner-Williams: Yes.

Cheryl Langdon-Orr: Were you able to - I didn't think you actually managed to get the microphone long enough to answer Alan's question.

Eric Brunner-Williams: Yes. Rafik unfortunately stepped on my response. Now if it is later and Rafik and the call manager address this later or I can address it now.

Rafik Dammak: Eric, you can answer the question. I didn't refrain you from answering the question.

Eric Brunner-Williams: Thank you Rafik. Alan, to respond, the - there is no improvement that I can detect globally in the continuity of instrument cost (the DAG) has created in the draft Applicant Guidebook Version 5. This work has progressed on the temporary drafting group legal mailing list. I've made numerous proposals to staff. I haven't gotten a useful response back.

This doesn't mean that they've rejected proposals such as the applicants identifying some cooling mechanism in order to reduce their cost. One area where staff has indicated some understanding is that the initial estimate that they had of the continuing cost of running a registry, which is doing nothing was higher than it should be.

Unfortunately there's pushback from GNSO participants who think that running a registry when nothing is happening is actually a very active and intensive activity and I think this reflects their interest in things such as intellectual property and (domainers).

Alan Greenberg: Then to be short, if we need to reinforce this because it's important for our group, we need to simply mention it if nothing else if there's ongoing discussions. And I - the reason I raised it is I wanted to make sure there's nothing in conflict at the beginning of 3.1 that is in conflict with our belief that the continuity instrument or similar things may need to be changed.

I would first make sure there is no conflict. That was the...

((Crosstalk))

Eric Brunner-Williams: Yes. I can't see the text of 3.1 so I can't answer the question. But I do suggest that this is an area where the support of the applicant - the working group has a - can inform the Board and can inform staff, which is the polite way of saying it's screwed up and we should try to help them fix it.

Alan Greenberg: And you - do you - is there a short sentence we can add to this section, which will do that?

Eric Brunner-Williams: Unfortunately I can't see the section because I'm not on Adobe. I'm in a network (unintelligible) location.

Alan Greenberg: Okay. And you're - so you're not on the net you're saying.

Eric Brunner-Williams: Correct.

Alan Greenberg: Okay. Can - Evan, can we put a note in red to make sure there is no conflict with what we're saying are the minimum criteria and our belief that we may need to lower the guidebook minimums because of the continuity and such?

Evan Leibovitch: Are we in a position to lower the guidebook minimum given that we have to parallel to the guidebook and not replacing it?

Alan Greenberg: It's an issue that needs to be raised now and maybe we need to flag it as this is something we believe has to be adjusted in the guidebook. But you're correct. But if we don't flag it, it's never going to get anywhere.

Eric Brunner-Williams: If I may, this is a hidden cost. And while the guidebook is cognizant of this explicit cost and staff does rather irresponsibly added a bunch of implicit costs. As we identify the needs of applicants, we can certainly point out the costs which we believe have not been correctly addressed in the DAG or that represent significant increased costs for which support is appropriate.

Rafik Dammak: Thank you. We have the comments from Tijani. Go ahead.

Tijani Ben Jemaa: Thank you. If I spoke about the minimum threshold and wanted to replace it by something telling that it is already in the Applicant Guidebook, it is not innocent. I did that because we asked for a reduction of this instrument. And if it happens that we succeed, the applicant will not be obliged to guarantee three years operation that I find high. I told that last time. Thank you.

Rafik Dammak: Okay. Thanks Tijani. So any such system for (unintelligible) that we can put for the minimum and the maximum? Okay. Hearing none, I'm not sure how to - is best we keep that or to find some - suggest until later and then we can move or how to deal with that. Tijani, please go ahead.

Tijani Ben Jemaa: Yes. I make two proposal for each one and I repeat them in case people didn't pay attention. I propose...

Rafik Dammak: Yes.

Tijani Ben Jemaa: ...I proposed \$185,000 for the maximum and what will be applicable for the applicant as a financial instrument for the minimum threshold. Thank you.

Rafik Dammak: Can I just to be - maybe - Evan, did you get that or not?

Evan Leibovitch: Sorry. Tijani, could you repeat that?

Tijani Ben Jemaa: Okay. For the minimum I proposed to replace the mention of the (C)'s by what will be applied for the applicants as the financial instrument. And for the maximum I proposed to replace the five times 185 by one time 185. Because if an applicant have almost \$1 million, I would not agree to give him any support. He's already rich.

Evan Leibovitch: So change the five to one time?

Tijani Ben Jemaa: I think so. It's my proposal.

Rafik Dammak: And for the minimum just so only the financial instrument.

Evan Leibovitch: Any comments on that? All right.

Rafik Dammak: Okay.

Evan Leibovitch: And the first one, the minimum gross income Tijani, what were you saying that should be?

Tijani Ben Jemaa: We have to say that it is the financial instrument, which will be applied for the applicant because we are asking for a reduction of this amount.

Evan Leibovitch: Okay. I need wording. Right now there's a line that says minimum gross income being three times the combined operation and contingent risk costs required to sustain operations with the gTLD. What are you proposing to change that to?

Tijani Ben Jemaa: I would say being the - how to call it the instrument - the financial instrument required by the Applicant Guidebook which will be applied for each applicant.

Evan Leibovitch: And how much is it?

Tijani Ben Jemaa: It is three years operation. It's exactly what is written here.

Evan Leibovitch: So are - should we leave this line in?

Tijani Ben Jemaa: Because why I want to change it because if we succeed to reduce it, it will get reduced for this point also.

Evan Leibovitch: All I'm trying to do is find some wording Tijani. Are you okay with this wording or are you proposing a change?

Tijani Ben Jemaa: Which one? Repeat.

Evan Leibovitch: The first line. Minimum gross income being three times the combined operational and contingent risk costs required to sustain operations of the gTLD.

Tijani Ben Jemaa: Yes. I am - I want to change it because if we succeed to reduce the financial instrument, we can reduce this - the minimum incomes to the amount - to the period that we - do you understand.

Evan Leibovitch: (Unintelligible).

Tijani Ben Jemaa: All done.

Evan Leibovitch: So repeat what you want to change that to.

Tijani Ben Jemaa: I want to - you want words. I don't - you know that I am not English speaking speaker. So I can write something but not like this.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: I can prepare something if you want.

Evan Leibovitch: Okay.

Tijani Ben Jemaa: And send it to you or to the list.

Evan Leibovitch: Okay. All right. So I'm just slotting in that there's going to - that - I moved that from black to red. And we'll be - and have noted you'll be bringing in - suggesting some alternative text to that. Okay.

Tijani Ben Jemaa: Okay. Okay. Thank you.

Rafik Dammak: Okay. So we wait for wording from Tijani. And if there is any suggestion now from other working members, otherwise we can move to the next - to the next point. Okay. So given you will...

Tijani Ben Jemaa: Okay.

Rafik Dammak: Yes.

Tijani Ben Jemaa: Can I - okay. For the last paragraph of the - of 3.1, I'd like to add something. It is also important that as Cintra said, as the support is not provided to controversial or (possible) application because the cost of the extended evaluation and the (unintelligible) resolution might be too high and can prevent the needy applicant from paying the due amounts. Can you add this paragraph?

Evan Leibovitch: Okay. Please say that again. Go ahead.

Tijani Ben Jemaa: Okay. It is also important that support is not provided to controversial or opposable application.

Rafik Dammak: Just - I'm sorry. Yes, what do you mean by controversial? It's, I think...

Tijani Ben Jemaa: The application have to pass - if application go to extended evaluation, the cost is not predictable. So any application that can be opposed, can't be founded, in my opinion.

Eric Brunner-Williams: Chair, if I could get the queue, this is Eric.

Rafik Dammak: Okay, we have Cintra, then Eric. Please Cintra, go ahead.

Tijani Ben Jemaa: I write it in the chat, Evan.

Evan Leibovitch: I'm trying to do the wording right now and I think I've got the gist of what you're saying.

Rafik Dammak: Cintra, so you can ask - you're listed.

Cintra Sooknanan: Thank you.

Rafik Dammak: So, Eric, please go ahead and then we can go to Cintra. Eric?

Eric Brunner-Williams: Thank you chair and thank you Cintra, for appealing. These string intention can't be known until sometime after applications have been filed, so this - the attempt to not have controversial or controversial means where a string contention exists, we can't actually know that until the string contention period.

Similarly, the opportunities where a third party is to object is not something that occurs at one time early in the application but is somewhat continuous through the application process.

And then finally there was the extended evaluation. Just as a matter of principle, I'm not sure that we should be saying that consistence is limited to applications which have no intuitive - excuse me, innovative ideas which for reasons that we can't predict in advance, staff designates as a requiring extended evaluation.

I appreciate that the extended evaluation is an unbounded cost, but we're also - well, I guess the point is the controversial part might be reasonable if it's a reference as Alan suggested earlier to terrorists, but if it's to the ordinary string contention competition and the ordinary objection process, these are things which we can't know in advance and occur continuously through the application's evaluation period. So making a statement that eliminates where these risks exists is actually quite far reaching. Thank you very much.

Rafik Dammak: Thank you Eric. Cintra?

Cintra Sooknanan: Thank you. I want to go back to Tijani's point about putting non-contention as being part of this criteria and need. I don't think it should fall in this section. I think we should create a new section for it simply because it wasn't part of the (master report) and secondly, we are going to have to put in our own evaluative criteria assessing non-contention, whether that be a declaration from the applicant or, you know, some maybe preliminary background screening or something.

But I'm suggesting that we not make it part of the need criteria. Thank you.

Rafik Dammak: Okay. Thank you Cintra. We already have 10 minutes as extension of our call. Just I want to ask that we can now have 30 minutes and to have for - that we'll have for the next call a call of one hour and one half. If you agree on

that, we will proceed following that and then we can finish our work and we making progress. Any objection to that?

Okay. So Evan, do you need more wording or can you wait for Tijani? I'm not sure now how we can deal with this new section about controversial. I don't think that we have already agreement on that. I really want to hear more comments from other working vendors. And then otherwise I don't think that we can - we should add this part about controversial application.

Any comments?

Tijani Ben Jemaa: So if you don't have comment, what does that mean?

Rafik Dammak: I just...

Cheryl Langdon-Orr: I - Cheryl here, Rafik. I already talked to this. I don't believe you'll be able to identify a contention risk before you have to commit to support. It simply won't work in my opinion.

Eric Brunner-Williams: That was shorter than what I said Cheryl. Good job.

Rafik Dammak: It's Eric. But we have Tijani in the queue and Eric you can comment later. Tijani, go ahead.

Tijani Ben Jemaa: Yes, my question is if we provide support to an applicant and then there is contention that is opposition that is - so those problems and then the applicant cannot afford to pay the amounts necessary for this evaluations and resolution and dispute resolution, what will happen? We will have lost our support?

So if we don't want to decide before, prior, we can decide - we can say that the support will be given after the preliminary - how do you say, the

preliminary evaluation. But there is a problem here that as people - that as applicants that doesn't have the \$185,000 to apply at all. That is my question.

Rafik Dammak: Okay, Eric?

Eric Brunner-Williams: Thank you. In abstract, we will support an applicant let us say with the entire fee. The application fails for some reason. There is already the refund mechanism that staff has created for the fees committed by the applicant. That is the amount - that is the fee recovery which the - wherever our fees come - our funds come from that the fee committed will be refunded to.

I don't see how we can assume that every applicant that we support will survive the evaluation process. Therefore we have to anticipate that some application fee support contributions to some applicants will be conditional upon events that we cannot predict and we cannot, therefore, eliminate them simply by asserting that no fee will be - no support will be provided where there is risk. Thank you.

Rafik Dammak: Thank you Eric.

Speaking with my own capacity, not as a chair, I don't think that we can have any insurance that any application with that we will support will pass all stages of the application process. And I don't think that we should make judgment about if it's controversial or not.

We define it already some criteria and we stick to that and I also agree what Cheryl comment and also Eric. So Tijani, I don't really see the - see any agreement from that. Maybe if you want to propose some other rewording...

Cintra, please go ahead. Cintra?

Cintra Sooknanan: While I do agree with Cheryl and Eric, I mean, it's basically our duty to reduce the risk of giving support to applicants that will fail. So I do think that we do need to evaluate the application and just trying to some extent before. I had spoken to (Carla) previously about getting some information from staff with regard to us doing or having preliminary backgrounds (prename) done by the same contractors that would do it in the DAG.

I haven't gotten much feedback from her with regard to that, but I'm suggesting maybe we might want to build in a preliminary evaluation check by the same contractor so that they also use that when - if we do approve, they can use that preliminary result in their full background screening evaluation.

It's just a thought, okay? And I'm just putting it out there and you can evaluate. Thank you.

Rafik Dammak: Thank you Cintra. I am assuming that you are not proposing any wording or something. I can...

Cintra Sooknanan: Can propose wording?

Rafik Dammak: I was asking that I am assuming that you are not proposing a rewording now?

Cintra Sooknanan: No. I'm not in a position to propose wording right now. I just want to know how the group feels about us actually in a sense borrowing that aspect of the DAG to our process, particularly with regard to application evaluation.

If the group is happy to consider it, I will propose wording on the mailing list. Thank you.

Rafik Dammak: Thank you Cintra. Okay. Cheryl, please go ahead.

Cheryl Langdon-Orr: First of all, am I unmuted? I can't remember what buttons I've pushed.

Evan Leibovitch: You're okay.

Cheryl Langdon-Orr: Oh, good. Thank you. Cheryl, for the record then. I'm getting increasingly discomfited by proposals that are likely to be seen by the non-applicant supported community as being in some way fast-tracking or advantageous to those who are going down an applicant support pathway.

And I think three checks, et cetera, et cetera, would be one of those things. I think this is a matter that at this stage of this report should be less unsaid, at least at this point in our deliberations. I think it's fought with danger and be - it's taking considerable time diverting us from other issues that we do have on the table in front of us.

Rafik Dammak: Thank you Cheryl. Okay. It seems that we don't have agreement on that to add this additional process or any other proposal. So I'm not sure that we should keep discussing about that now.

Maybe, I'm not refraining Tijani to defend or asking this question again but maybe we should move to the next item and then we can - if we have other comments from the rest of the working group, we can fix that.

I'm not really in favor of, how to say, to check if it's controversial or not, controversial application or not. We should be not for long on that, we are trying to giving support following some criteria that we already defined.

Please Tijani, go ahead.

Tijani Ben Jemaa: Suppose we have an application that we already know that is in contention with another applicant or another party, and this applicant pass all the criteria we set, shall we give him the support or not?

I am not saying that we have to evaluate the application. I am saying that if we know or if we have elements that make us know that this application will be opposed, it is better not to give him support because it will be lost and other applicants will be prevented from it, from the support.

Eric Brunner-Williams: Let me get in the queue.

Tijani Ben Jemaa: Thank you.

Rafik Dammak: Eric, please go ahead.

Eric Brunner-Williams: Thank you Rafik. It's really difficult to hear you. I assume you said Eric go ahead.

Rafik Dammak: Yes, Eric, please go ahead. Yes.

Eric Brunner-Williams: If we don't provide application fee support, then the applicant that Tijani just mentioned can't even submit their application. We cannot know until the applications are submitted and ICANN posts the lists of submitted applications that an application is or isn't in conflict, in string contention conflict as we understand it, let alone, that's how the Sabre algorithm computes it.

We can't know this at the time that we have the applicant needing assistance to just submit the application itself. So this is a risk that cannot be identified at the time when the necessity is present. Thank you.

Cheryl Langdon-Orr: Absolutely. Hear, hear.

Rafik Dammak: Thank you Eric. I saw also a comment from Alan and I agree with him. We don't have real widespread support for that point, that new point. I don't think - so as we don't have real consensus widespread support for that point, I'm sorry, Tijani, but I'm not sure that we can add that.

Tijani Ben Jemaa: Okay, okay. Okay.

Rafik Dammak: I'm sorry about that.

Tijani Ben Jemaa: Okay, okay. No problem.

Rafik Dammak: Okay, so for the point 3.1, we will wait rewording from Tijani for Evan and then we can exit on that. So I think we will wait on the mailing list and then we can move to the next item.

Okay, so the discussion is about 3.2.3 in the bullet point 4. It's - I think it's a suggestion from Eric. So possibly Eric impending the (unintelligible) designation that will be inclusive of indigenous groups in developing economies, as well as we see in non-national entities like Palestine.

Any comment on that?

Eric, do you want to make any further comment on that or propose some rewording?

Eric Brunner-Williams: Well I can't see the existing wording. I'm sorry.

Rafik Dammak: It's just - okay. It's designation that will be inclusive of indigenous groups in developing economies, as well as within non-national entities.

Eric Brunner-Williams: Stop there Rafik. I've already supplied the language. I thought it was a reference to ILO 169. It was a one line addition, assuming that the - without passing comment on the reference to the categories from the UN Development Programs, Categories 199, 432 and 722, but without passing comments on those, I proposed one additional line which was supplied in text already on the mailing list and I think I may have added it to the Wiki, as well.

Rafik Dammak: We have Evan in the queue. Evan, please go ahead.

Evan Leibovitch: Yes, Eric. I've got that. It's not put in, but I have that. The ILO definition is going to go in as an additional point there. What I was hoping to find from you, you had made some comments earlier about some of the inappropriateness of the category designations...

Eric Brunner-Williams: Right.

Evan Leibovitch: ...that were suggested. I was hoping to get that nailed down. Also, if you had any suggestions about the - since you've mentioned this before about developing economies that aren't necessarily identified nations.

Eric Brunner-Williams: Right. So let me just briefly say what I - summarize my mail which is on the three categories.

While we have members at present who are from small developing - excuse me, small island countries, that's a list that contains Singapore and so using that as a list is well it requires some work. The per-income range over that list is enormous.

A similar problem exists with the landlocked countries in that we happen to know or in a position to know that many of the ccTLDs for these countries are fairly well, lame, to put it impolitely and that applications from those may be unlikely to succeed in any event.

And then when we just go to the larger category of simply least developing countries, the same lack of capacity is present in most of these countries, so I put these comments about the three categories themselves that somehow we need to improve this list because, well, in the worst case, if we say that support is limited to applications arising from countries which are on these three categories and let's just ignore Singapore for the moment, we've said that no aid is available for anyone else.

And if we actually have no applicants from these least developing countries, then we've said that there is no aid whatsoever. So the exclusive reliance upon these three categories presents a problem in theory and the theory being that there might not be any applications from these - the countries on this list or from applicants located in those countries.

I'll stop there and take questions. Thanks.

Rafik Dammak: Thank you Eric. Any comments?

Evan Leibovitch: Eric, my only follow-up question was, is there a way you - you and I can possibly work offline to try and figure out some wording that will address your very real and correct concerns about this?

Eric Brunner-Williams: Yes. Why I'm offline today I don't know, but I'm not offline generally.

Rafik Dammak: Cheryl, go ahead.

Cheryl Langdon-Orr: Thank you Rafik. Cheryl, for the record. Eric, I hear your concerns and I understand them.

By the same token, even if we had within the area of Singapore an applicant that who did, in fact, qualify under the financial assistance requirements and everything else, they would not be excluded, I think perhaps it seems to of the limitation to these lists rather than a statement along the lines of a preference or some form of waiting or priority should be considered to be given to applicants from these lists, rather than, you know, if it's not on this list, it doesn't happen and if it is on this list, it's not.

Perhaps the language that you and Evan work on might look to open up rather than restrict because I think certainly from my perspective it's the

restrictiveness and the negative areas that will come into it just using those lists as a criteria that is a concern.

Thank you.

Eric Brunner-Williams: Thank you Cheryl. I understood you.

Rafik Dammak: Thank you. Adam, please go ahead.

Alan Greenberg: Yes, I'll point out that the preamble to this section says that we suggest that you preference to applications originating from these kind of areas. So there's not a problem with if there aren't any, there's just none to put at the top of the list.

The really sailing question I think we're asking ourselves - we need to ask ourselves here is do we really want to be of any application from these areas preference over what otherwise might be a very good application but from a country which doesn't meet these particular criteria. And that's a binary yes/no answer, and I think that's really the one that we need to consider here.

Thank you.

Rafik Dammak: Thank you Alan. Okay. I think that Eric and Evan got the comments. Maybe you can work on some rewording. I'm not sure that you can - it - yes, Eric?

So maybe I said Eric and Evan can work on some rewording, but not sure that they can have that now and then we can discuss about that later. Does it work for you Eric, Evan?

Eric Brunner-Williams: Yes.

Rafik Dammak: Okay.

Evan Leibovitch: We're at a half mark. I think we need to quick decide what we're going to - how long the next meeting is so we can be - we can prepare for it.

Rafik Dammak: Yes, Evan, I suggest that we have a meeting of one hour and half. Does it work for you or...

Evan Leibovitch: Fine with me.

Rafik Dammak: Just we still have two calls, that's all. I'm sorry. I'm hearing some noises in the record. Can you hear me?

Evan Leibovitch: Yes, we can.

Cheryl Langdon-Orr: We can hear you but the background noise is considerable.

Rafik Dammak: Okay. I think we're already reached the one hour and half. So I think we have the agreement that we will have two calls with one hour and a half so we can make progress.

We are waiting for some rewording from Tijani and from Eric. So Evan, as penholder then can put that and then we can continue discussing about them. Maybe better on the list, so in the next call we can move ahead to make progress in the other points and then - and to hopefully we can finish as soon as possible.

Okay?

Olivier Crepin-Leblond: Olivier.

Evan Leibovitch: Preferably within the deadline.

Rafik Dammak: Hopefully. Olivier, please go ahead.

Olivier Crepin-Leblond: Thanks Rafik. I notice it's - we just have one minute, do we have time in that minute to have a look on that page whether there's anything that could be resolved offline rather than discussing it here?

Cheryl Langdon-Orr: Cheryl here. Olivier, I mean I'd love to say yes, but we, in fact, have significant contributors - traditional contributors to the JS Workgroup not on this call that is (unintelligible) such a resolution would be any...

Man: Hello?

Olivier Crepin-Leblond: Okay, no worries.

Rafik Dammak: Okay.

Alan Greenberg: The noise is starting to exceed and can't hear.

Rafik Dammak: Yes, the noise is too much noisy. Okay. I'm really very (unintelligible).

Gisella Gruber-White: Sorry, we're just going to try and mute this noisy line. (Julie), would you (unintelligible) mute the line?

Rafik Dammak: Tijani, go ahead.

Tijani Ben Jemaa: Yes, my reply to Olivier is that, of course, everything can be on the mailing list and if people submit their comments or their opinion on the mailing list and the other members discuss it on the mailing list, it would be very easy to draft and it would be very easy to ask during the call to realize the text.

But the problem is that people don't use the mailing list. Very few use it.
That's the problem.

Rafik Dammak: Okay. Maybe if we can put those points and asking clearly people to comment on that prior to the call. Maybe we can make more progress, trying to make more progress.

Already we have the two points that are waiting for suggestions from you and from Eric. At least if we can make some progress in the call - I'm sorry, in the mailing list we can trying to make more advance in the call for other points. That's what I can suggest.

Cheryl Langdon-Orr: I agree Rafik. I think pushing the edited text and the new text just being generated from tonight's call out to the list may get reactions, at least on the Wiki, if not on the mailing list. But we can but try.

And thank you for everyone today trying as hard as you did. I certainly feel somewhat more heartened than I have after many of these calls, just from a personal perspective, anyway.

Rafik Dammak: Thank you Cheryl. Olivier, I think you will have the last word.

Olivier Crepin-Leblond: Thanks Rafik. I didn't think I was going to say the last word but I guess the last words was thanks for a call which I believe has so far been the most positive and certainly the most fruitful call of the JS so far, at least for me. Thanks.

Cheryl Langdon-Orr: For a while some of us will argue the point.

Rafik Dammak: Thank you. Okay.

END