

The Working Group to Protect the Rights of Others (PRO)

Tuesday, 24 April 2007

18:00 UTC

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The audio recording is available at:

<http://gnso-audio.icann.org/pro-wg-20070424.MP3>

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

Attendance:

Kristina Rosette - IPC Chair of the working group

Mike Rodenbaugh - CBUC co-chair

Lance Griffin - IPC

Victoria McEvedy - NCUC

Jon Nevett - Registrar c.

Margie Milam - Registrar c

David Maher - gTLD Registries c.

Jon Bing - Nominating Committee appointee to the GNSO Council

Avri Doria - Nominating Committee appointee to the GNSO Council

Eun-Joo Min - WIPO

ICANN Staff:

Patrick Jones - Registry Liaison Manager

Glen de Saint Géry - GNSO Secretariat

Absent - apologies:

Liz Williams – Senior Policy Counsellor

Jeff Neuman - gTLD Registries c.

Alistair Dixon - CBUC

Peter Olson - IPC

Man: (Yeah), (thing of the electron).

Kristina Rosette: I know. I know.

I just have to hope, every time the cleaning people come by that they truly are putting the respectable paper bin in the recyclable paper bin.

Man: Yeah.

Coordinator: Avri Doria has joined.

((Crosstalk))

Kristina Rosette: Hi, Avri.

Avri Doria: Hi.

Kristina Rosette: How are you?

Avri Doria: Pretty good. How are you?

Kristina Rosette: I'm well.

Avri Doria: (Need to) answer your email.

Kristina Rosette: Yeah.

Yeah. I'm kind of torn about what to do about that. (I mean)...

Avri Doria: The answer is essentially - yeah. It covers the stuff both before and...

Kristina Rosette: Okay.

Avri Doria: ...and after. And I mean, it's obviously up to you. I think it accurately reflects, you know, the end of the processes you saw, then you should feel free to say so.

Kristina Rosette: Okay.

Avri Doria: If you think that that's inadequate and, you know, and also I mean, (unintelligible) the conversations and stuff but that hangs on before, so...

Kristina Rosette: Right, right.

Avri Doria: So I don't see a need for you to abstain, but it's really your call.

Kristina Rosette: Okay.

I just didn't know whether kind of a partial vote. Partially yes...

Avri Doria: (Right).

Kristina Rosette: ...was an option.

Avri Doria: Well basically if, you know, from what you've seen, (is it).

Kristina Rosette: Right, exactly.

((Crosstalk))

Kristina Rosette: Exactly, exactly.

((Crosstalk))

Avri Doria: I've got the same question to someone (else).

Kristina Rosette: Oh okay.

((Crosstalk))

Avri Doria: ...any of the meeting and then (I give) (unintelligible).

Kristina Rosette: Oh (hey thanks). I can see that.

All right. I'm hoping people are just start joining in the next couple of minutes because I have actually got a file from (unintelligible) federal court today. So...

Woman: (Oh wow).

Kristina Rosette: Yeah.

((Crosstalk))

Woman: ...real?

Kristina Rosette: Yeah, exactly, exactly. Very real for the person on the receiving end, for sure.

So I'm not going to - if we go much past an hour, I might have to hand off to Mike.

Is anybody else on? I know, you know, obviously, (unintelligible) and Avri on.

(I missed) anybody?

((Crosstalk))

Coordinator: Excuse me, Ms. (unintelligible).

Kristina Rosette: Yeah.

Coordinator: This is the operator.

(I was asked), Glen Desaintgery had just asked to speak to you offline. Is that okay if I connect you with her?

Kristina Rosette: Sure.

Coordinator: Okay thank you. One moment.

((Crosstalk))

Coordinator: Lance Griffin's line has joined.

Woman: Okay hold on, please.

Lance Griffin: Hello.

Kristina Rosette: Hello.

Lance Griffin: Hi, it's Lance.

Kristina Rosette: Hi. It's Kristina. How are you?

Lance Griffin: I'm great, Kristina. How are you?

Kristina Rosette: I am well.

((Crosstalk))

Coordinator: ...has joined.

Kristina Rosette: Oh, hi, Mike.

Mike Rodenbaugh: Hey, Kristina. (Hello).

Lance Griffin: Hi, Mike.

Kristina Rosette: (I think) (Dave) and Avri and did everyone else join while I was off with
Glen? No? Okay.

I think...

Coordinator: Patrick Jones has joined.

Kristina Rosette: Welcome, Patrick.

((Crosstalk))

Patrick Jones: Hello.

Kristina Rosette: How are you?

Patrick Jones: I'm fine.

Kristina Rosette: Good.

I just would very briefly, (I think) Glen (unintelligible) will be joining us in a minute.

What I may do is just actually give her just a minute and then actually go ahead and get started and then circle back to roll, simply because I know that we've got a lot to cover and I need to make sure that we're close to on time...

Coordinator: ...has joined.

Kristina Rosette: All right.

((Crosstalk))

Woman: Hello.

Man: Hello.

Man: (Liz) will not be joining the call. She asked me to join and...

Kristina Rosette: Okay.

Man: ... (unintelligible).

Kristina Rosette: Right, right. Welcome.

Mike?

Mike Rodenbaugh: Yes.

Kristina Rosette: If we go much past 3:00, I'm going to have to jump off because I've got to get something filed across the river at the (Rocket Docket). So, I'll probably just go ahead and jump off at 3:00 and let you take over from there.

((Crosstalk))

Coordinator: Victoria McEvedy has joined.

Kristina Rosette: Hello, Victoria. How are you?

Victoria McEvedy: Very well, thank you. How are you doing?

Kristina Rosette: I'm good, thanks.

((Crosstalk))

Coordinator: Excuse me, Margie Milam has joined.

Kristina Rosette: Hello, Margie.

Margie Milam: Hi. How are you?

Kristina Rosette: Good. How are you?

Margie Milam: Oh I'm fine.

Kristina Rosette: I hope (Tim) is going to be able to join us. Does anybody know?

John, I know they had (unintelligible) (at some) useful discussion.

John Nevitt: This is John (unintelligible). I just joined.

Kristina Rosette: Oh, welcome, John.

John Nevitt: Thank you. How are you?

Kristina Rosette: I'm good, thanks. How are you?

John Nevitt: Good.

Kristina Rosette: (Unintelligible) (caffeinated).

((Crosstalk))

Coordinator: Excuse me. Ms. (unintelligible) has joined.

Woman: Hello, (unintelligible).

Woman: Hello.

Kristina Rosette: All right. I think I'm going to go ahead and get it started.

Glen will be joining late. (She will) take role once she's able to join, although I think keeping kind of a loose track of everyone who's on. So I'm going to go ahead and start the recording.

((Crosstalk))

Coordinator: Thank you all for standing by.

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

Thank you. You may go ahead.

Kristina Rosette: All right.

I'd like to just kind of go ahead and jump right into the agenda.

We had talked towards the - in our last meeting about really getting to kind of the meat of the statement of work with regard to what was identified as the creation or development or determine whether to recommend to the council a best practice approach and there had been some discussion about frankly, you know, notwithstanding the council's use of that terminology in the statement of work.

To instead proceed with a reference to guidelines simply to avoid kind of two issues and if (Tim) is on and I'm not capturing everything, he should feel free to jump in.

But the idea was that by not using best practices, we avoid, A, the perception that a registry that is not adopt to one of these mechanism (unintelligible) out of compliance so to speak and also to avoid suggesting that what it is that we propose is (exhaustive) (simply because) I think we all agree that there's probably somebody very creative somewhere that will come up with something that none of us have thought of.

I am perfectly fine using guidelines but then I've seen a lot of kind of back and forth about, you know, suggest new guidelines, educational guidelines and I would, you know, rather just go ahead with (suggesting) guidelines simply because I think if we go down the road of educational guidelines, then I think we've put on ourselves a burden that frankly I don't think we have time to carry.

Namely, going down the whole road of, you know, extensive discussion of what's come before and, you know, exhaustive detail of all the proof of concept report (unintelligible) strategies report and so on and so forth.

And while I certainly think that's an important part of our ultimate work, I don't want us to get frankly sidetracked by that.

So can we - is there anyone who would have any objections (unintelligible) just from this point forward referring to them and (suggesting) that guideline and then in the report itself, there would be a footnote as to why we're referring to them that way.

Woman: Well could I just comment on that?

Kristina Rosette: Sure.

Woman: I was on the call last week, so forgive me if I'm going over any ground here.

But I have been following on the (unintelligible) discussed. I mean essentially as I see it, this goes to the very core of this group's work in the sense that if we say guidelines, no matter how we describe those guidelines, educational or otherwise, that's essentially a clear decision by the group not to recommend the best practice approach, which is the core of our work here, determine - I think, the statement of works have, you know, one of - (our past); number two, determine whether to recommend to the council best practices approach to providing.

So if we (oft) to the guidelines, we are voting no to best practices approach. And I just think that should be squarely on the table and we should all be quite cognizant of that. I mean I myself do not (unintelligible) favor of the guidelines approach. And we'll probably be putting the statement to that effect.

But I will be in a minority (medium).

((Crosstalk))

Woman: But I just wanted to point out, it goes to the very core of our work. So this is not (mainly semantic).

It's not about these (unintelligible) document. It goes to the very core of our key task here that to vote against best practice approach.

Kristina Rosette: All right. Well let's take a vote.

Man: Well, hold on, are we voting against best practices or are we saying that we can do something like that within the time frame...

((Crosstalk))

Kristina Rosette: Well I think (unintelligible) and I don't want to put words in your mouth but you're suggesting that if we are, in fact, going to say we're not going to call it best practices, we're going to call it guidelines that we need to essentially make a formal decision that that's how we're going to go forward.

((Crosstalk))

Woman: Yeah. I think that's right. I think that's right.

((Crosstalk))

Woman: All right.

Man: (Then) what's the basis for that (unintelligible)? I mean I believe in best practices but I may not believe it's possible within this time frame.

Am I missing something?

Woman: Can I just address - can I just comment on that?

(I mean) the time constraint (being) on May 17 deadline. Is that the time constraint?

Man: Yes.

Woman: Uh-huh.

Victoria McEvedy: What would be the constraint? I don't see fundamentally, you know, to my mind, I mean, please correct me if I'm wrong. I see no time constraint in doing either task. And I see that not a huge (demand) - and (unintelligible) and the work involved in either task, so...

((Crosstalk))

Man: Okay.

Victoria McEvedy: I don't know what the - (I don't know), with - I don't think it is a time constraint. But I'm, you know, that's just my opinion.

Kristina Rosette: I mean, I personally, Victoria, I view it as a question of semantic. But I don't know if the proponent of that revised language is actually on the call.

(Tim), are you on the call?

Man: Can we take a roll call?

Kristina Rosette: No, we - Glen has got the - I mean we can go through and do that right now. I don't have, you know, the list of everybody who's on but we can go ahead and do that right now.

I know that (I'm on)...

Glen Desaintgery: Kristina?

Kristina Rosette: Yes.

Glen Desaintgery: Glen, can you hear me?

Kristina Rosette: Oh yeah. Please...

((Crosstalk))

Glen Desaintgery: ...for you.

Kristina Rosette: Excellent, thank you.

Glen Desaintgery: David Maher.

David Maher: Yeah.

((Crosstalk))

Glen Desaintgery: Avri Doria.

Avri Doria: Yup.

Glen Desaintgery: Lance Griffin.

Lance Griffin: Yup.

Glen Desaintgery: Yourself.

Kristina Rosette: Uh-huh.

Glen Desaintgery: Mike Rodenbaugh.

Mike Rodenbaugh: Yes.

Glen Desaintgery: Patrick Jones (and staff).

(Unintelligible).

Man: Yes.

Glen Desaintgery: (Unintelligible) (Nevitt).

(Nevitt): Here.

Glen Desaintgery: Victoria McEvedy.

((Crosstalk))

Glen Desaintgery: Margie Milam.

Margie Milam: Yes.

Glen Desaintgery: And you and (unintelligible).

Woman: Yes. Yeah.

Glen Desaintgery: My pronunciation.

Kristina Rosette: Right. And I know that Peter had indicated he would not be able to join.
I don't know whether he had sent you apologies or not, Glen.

Glen Desaintgery: Right. He had sent a document.

Kristina Rosette: Right, right.

John Nevitt: This is John. Could I ask a procedural question?

Kristina Rosette: Sure.

John Nevitt: And I guess, Glen could probably answer this.

Kristina mentioned voting. How would the voting work in this kind of working group, question one?

And question two, the - which constituencies are represented on this call? So - I know registrars and registries are and (ICC).

Woman: (And)...

John Nevitt: ...and (BC). Is anyone from the other two?

Woman: Yeah, Victoria is on from noncommercial.

Correct?

Woman: (Unintelligible) and we have not got ISPs.

Woman: Right.

Man: Okay. (Unintelligible) ISPs?

Woman: No - yes, we got business, sorry, (unintelligible).

((Crosstalk))

Woman: Right.

Woman: (We got two) (unintelligible).

Woman: Right.

Man: Does anyone from the ISPs ever join the working group at all?

Woman: No, unfortunately, despite repeated pestering.

Man: Okay.

Woman: Yeah. I don't - I guess there still the question about voting, but before we got to voting, I would like to also understand the issue between semantic and not semantic because I'm not - I thought it was semantic but now that someone say it's not semantic, I would like to understand why.

Woman: Well I could address that (unintelligible) my opinion.

((Crosstalk))

Woman: I mean guidelines (by their) - the very nature of the word to my mind (speaking) from a legal point of view indicate they're voluntary.

Woman: Uh-huh.

Woman: A best practice approach is slightly - is also voluntary arguably, but it is a slightly high standard. It suggests that, you know, a need to explain oneself (unintelligible) (adopting it).

And it raises the presumption that it should be followed because there is a good reason to do so.

So, it will arguably, you know, neither of them are mandatory or have binding force, I think there is a real difference from the two. And given that our statement of work as I said earlier so with this I recommend the best practices approach.

Guidelines just to you mind is - as a vote to no, with the no (unintelligible) best practice. Guidelines are not best practice.

And people are talking about educational guidelines, again, that's not a best practice recommendation.

But that's to my mind.

Woman: Right.

((Crosstalk))

Man: ...well I mean my...

((Crosstalk))

Man: I'm right there with you - I mean we - our statement of work is pretty clear. It mentioned best practices and it mentioned that, you know, there's a (BNI) towards incorporating those as contractual guidelines. So I'm not sure why we've gotten so off course with that other discussion.

Woman: Patrick, can I impose on you and I apologize for just calling on you out of the blue.

To your knowledge, the best practices have any kind of consistent understanding within ICANN and to the extent it does, is it - is that understanding kind of - (or) that meaning consistent with how Victoria's - the meaning that Victoria has used?

Patrick Jones: Is this the question for me?

Woman: Yeah.

Patrick Jones: Just off the cuff I think it's pretty close to what Victoria is saying and (unintelligible) there is something behind it as best practices are...

Woman: Right.

Patrick Jones: But, you know, perhaps someone in the registry constituency can speak to that as well to call them out.

Woman: All right.

John Nevitt: So is this akin - it's John.

Is this akin to in contract language in the United States to use best effort as one standard in a little lower as commercially reasonable, is that where you're going, Victoria?

Victoria McEvedy: Not really, but it's more about like the way I would analogize it and is that, you know, best practice is like a self-regulatory code or something like that, a code of conduct that an industry agrees to be bound by, you know, and while it's not legally mandatory, you know, and it's pretty much, you know, the questions were asked and that sort of the, you know, it's a (cat) on top of the (lore) and it's strongly include - it strongly suggested that people should follow it, you know, without - it's not mandatory.

Guidelines make us, to my mind, entirely optional, you know, educational guidelines, these are more so, particularly given the sort of disclaimer language we've seen on the list of people saying, you know, what works for different business models and what have you. So you can speak guidelines to be even (watered down) even further.

So I think that, you know, really, that is the analogy I would give, (do not say how).

Patrick Jones: This is Patrick, again.

I guess to add to that, I think our best practices are something sort of like what comes out of the IETF as a generally recognized standard...

Woman: Yeah.

Patrick Jones: ...that can we followed. And guidelines are something that you could choose to follow, but you may not be required to follow them.

Man: Excuse me. I'm having a bit of terminology use within ICANN, but obviously (unintelligible) introduction state to what one intends to the terms using the documents presented people to disagree or agree, but that basically (unintelligible) by what the terms used in the documents in what sense the terms are used in the documents, what everyone agreed upon.

Woman: Right.

Well let's just - and, John, I think you announced the question about voting and in the statement of work, it identifies that voting is supposed to be done on a rough consensus approach, you know, we can do kind of a straw poll voting.

Each constituency gets three votes regardless of how many working group members there are and each nominating committee councilor holds one vote and unfortunately, (unintelligible) liaison such as yourself are not voting.

So...

((Crosstalk))

Woman: ...do you think it will be helpful to everyone to just do a quick straw polling and see where we are in that? And what might be the easiest thing to do I think is...

John Nevitt: You know, I think it's - this is John. And I think it's hard to vote at this point. I mean many of us represent ourselves...

((Crosstalk))

John Nevitt: ...on the working group but also represents and holds offices as constituency executive committee members and it's important for us to be able to go back and poll our constituencies or (solicit) inputs from our constituencies.

So I think it's hard to do a formal vote, and it will be difficult for us to do that, but a straw poll may make more sense from an individual perspective versus constituency (by) constituency perspective.

Woman: I mean I'm fine with that. I mean frankly, I personally don't see how, you know, you'll be able to get input next (week that) you wouldn't have, you know, in the next day or so, but let's...

John Nevitt: I wouldn't...

((Crosstalk))

John Nevitt: You're right I wouldn't but, you know, it's like a formal vote from - as a - from a constituency-by-constituency perspective, it's...

Woman: Sure. No, that's fine.

((Crosstalk))

Woman: Let's do this as a straw poll, you know, I personally am in agreement with Victoria's position, but given the amount of time than we have left, I would propose the following; namely that we take a straw poll and that - well I guess Victoria, let me ask you.

I mean did you have in mind that (if we decided) that we were going to - that we were intentionally going to not call whatever we're coming up with as guidelines. What did you see the next step (out there)?

Victoria McEvedy: Well - I mean my only point - my only view is that - I mean I don't feel strongly that we needed to vote right now. I mean it goes - what I'm really saying is to my mind, this goes to the very core of our work, right? Or, you know, but in a way, it's a decision we could make at the end, do you know what I mean?

Woman: Right.

Victoria McEvedy: Whether we put, you know, the work involve I think is essentially the same and we may decide, you know, I think it's - to be honest, (something) we could probably (leave) to the very end of our work and then decide which way to put them forward.

And, you know, in a way, it might actually be helpful for us - it might help us make the decision seeing the work done. Do you know - you know...

((Crosstalk))

Woman: Now, I completely agree with you.

Man: Yeah.

((Crosstalk))

Woman: So I'm (perfectly) happy. I'm - all I wanted to do is put on the table in case we went all, you know, perhaps it just struck me because (unintelligible) I've been away from that group, but it's coming back to us. It just struck me that this whole issue was actually preemptive of where we were going.

Woman: Sure.

Woman: I'm quite (happy to leave it) at the very end of our work and I think to be honest, we might all benefit from that because then we'd be - look back at our project to go where do we want to put this (forward) as one or another, you know?

Man: Right, right.

Woman: And so I mean I'm open minded.

Kristina Rosette: Okay.

Does any one disagree with that suggestion?

Man: I think it's great suggestion.

Kristina Rosette: Right.

The next thing - so I will make a note of that, that we were going to go ahead and move forward and decide formally as to what we are going to call our output once we have an output.

The second thing that I had on the agenda and again, you know, I'm just trying to make sure that we kind of cover our basis here, these things are not essentially in any kind of particular order was to talk a little about the framework that (Liz) had circulated last week based on our - based on the conversation that we had had in terms of kind of setting out the principles and the recommendation and cross-referencing everything against the gTLD report.

Does anyone have any feelings one way or the other about adopting that model?

Woman: Well I do.

Kristina Rosette: Go ahead.

Woman: Sorry.

Kristina Rosette: No.

Woman: Okay. I mean - and again I'm, you know, please correct me if I'm giving the wrong (end of the stick) here, but - okay looking at the guidelines, you know, first of all, on the very first page, that last paragraph, when it says sort of in addition working group members recognize the registry

and registrar business models may be different, that again, as, you know, that (relates to the issue) that we just been discussing.

So that (in terms of us) setting out the principles of the GAC and the council or the committee, whatever it is, have got to so far.

I mean, I really - I mean we kind of (unintelligible) basically is that can sort of - they can almost without really looking at it giving us all (unintelligible), oh, there's a consensus on the group that we totally agree with everything that that done or see it and what have you.

And - I mean I just don't know if that - I mean I'm not sure or if it was going to be done, I would have probably wanted it to be or preferred it to be very, very (footnote-ish).

And I think perhaps, the mission, the combination of mission plus core values is confusing, but that's just, you know, sort of - but I'm just wondering what are we doing here? I mean (affirming) that we agree with GAC and the staff work so far, I mean that could be done on a paragraph.

I mean, do we need to sit (them all out) or I mean where are we going with this. I'm not sure.

Woman: You know, it was my understanding and I think Mike, you perhaps I think had a better understanding of it during last week's call.

But my understanding was that (Liz) had proposed that not only to give us - and I guess I should say as an initial matter that the (text) on

background was really (text) that you just kind of put together kind of a placeholder.

It wasn't...

Woman: Yup, fine.

Woman: ...necessarily, you know, something we'd (all sign off on).

Woman: Yeah, yup, yup.

Woman: But the idea was basically to give us a - not only a structural framework within which consider our guidelines but to also or whatever it is our output is, but to also ensure that to the extent that it was possible to do so that they correlated with, for example, the principles that the new gTLD committee has agreed on thus far and the GAC in so much.

So just kind of draw the correlation across. And, Mike, if you could jump in here because this is where I got kind of hazy on it personally?

Mike Rodenbaugh: I think it wasn't just the GAC, but just making sure in the principles, the new gTLD report we had a good statement of this principle, which is essentially, you know, to minimize against any need for (defensive) registration.

I guess no, the better way to put it is to minimize the likelihood of use of registrations. Some sort of text like that in general principles and then we divide the policy around that in accordance with our statement of work.

Woman: Well in that cases I would have thought we could have been much more focused perhaps pulling out the ones that are really relevant to our work and I just didn't...

Mike Rodenbaugh: Well that's problem, there's none in there now that are (vertically) relevant to our work so we need to draft them.

Woman: Right.

Mike Rodenbaugh: And propose them to (Liz). But I don't think it needs to be very complicated. I mean you look at those principles, they're basically simple sentences.

Woman: Right.

Right. And in fact, Victoria, I don't know if you've got access (unintelligible) the electronic copy. But apparently as I understand it, what (Liz) had done was to really just kind of put everything in there and then highlight the most - the portions that she felt were relevant to our work.

Victoria McEvedy: The grain stuff.

Woman: Yeah.

Victoria McEvedy: Oh I see, okay.

Woman: Okay.

Victoria McEvedy: So arguably, the (blanks) that could come out and the grain, we might be there for the grain to work with.

Woman: Yeah. Correct.

Victoria McEvedy: Okay, fine.

I think that could do it a bit of work from us to be honest and just...

Man: Yeah.

Victoria McEvedy: ...if we're going to do that, otherwise we should just maybe have a paragraph saying, look these are what we work - this is our base, this is what we're looking at and then draw out the particular, you know, restate our statement of work and - I mean I just don't know that it's - but anyway...

((Crosstalk))

Woman: (No), I mean just - that's exactly what I want to find out what everybody feels. I mean it may be that we decide that an even shorter way to do it is to say that, you know, in considering our statement of work and in (compiling) our - whatever it is that it is we're going to call them, you know, we view the following principles, you know, (DE and F) to be (key).

And keeping in mind that this is going to be an appendix to the final report, so it's not going to be difficult for somebody to refer back.

So we physically don't even have to have them in...

Woman: Uh-huh.

Woman: ...if people think that it would just be clear to read, you know, again, I can understand why it's helpful to have them anchored and clearly in context, again, kind of assuming that we agree on which ones are relevant, but on the other hand, you register a point, you know, at least (I view) and you go through these things and like, okay, where does the text start already.

And it would be a shame that people got kind of too focused on those because that's not what we're doing.

Is there - does anybody - I mean what would - so (unintelligible) that we have two suggestions, one would be to kind of leave this as it is, but make sure that there are additional - I don't if you want to call them principles, recommendations, (unintelligible)...

((Crosstalk))

Man: What is this? What are you talking about exactly?

Woman: What?

Man: What leave - what exactly as it is? What are you talking about?

Woman: Leave this draft document that (Liz) has circulated as it is.

Man: The approach to guidelines.

Woman: Right.

Man: Yeah.

Woman: Right, right.

You know, so one action is to just leave it as it is and make sure that to the extent that we've identified any holes in terms of kind of drawing a connection between what's in here and what are, say, our purpose is.

Another option will be to just delete the things that you don't think are relevant. And a third option and correct me if - there might be a fourth, but a third one would clearly be to just (unintelligible) it down and to kind of a very summary paragraph that would identify which guidelines, principles, recommendations, et cetera, we took into account in making our proposal.

Victoria McEvedy: The - yeah, because you know, like on Page 4 (of 8), you know, so you actually arguably made the two boxes - actually the only (Box 3) is arguably really relevant to our work.

Man: Box 3, no, I don't think - that's just talking about TLDs. I think really Box 12 and Box 17, are the ones that apply to us right now. And we need something more specific.

Kristina Rosette: Right, all right.

Well, can I suggest this because I would love for us to get down into kind of some discussion about some of the substance of things that have been put forth? Could I ask that everyone, you know, basically

think about this for the next couple of days and start putting forth on their list what their - what the view is?

And to the extent, you've got something envisioned that physically looks different to just kind of put together a very, you know, basic draft of that.

Would that be acceptable to everyone?

Man: Basically (what you say) comments all these documents and...

Kristina Rosette: Right, right.

((Crosstalk))

Kristina Rosette: Right. But do it on the list as opposed to now.

All right. So it doesn't sound as if anybody has any objections to that.

All right. One of the things that I would like to do is talk in more detail about kind of the substance of whatever recommendations you may make. And again, I'll just shy away from calling them guidelines or best practices.

And I realized that there - I mean - and for example there are already some proposals that are out there. The most recent being (Peter's) but also before that, some - I guess proposals that (Kim) and John had put forth, is there anybody before we move into discussing these? Is there anyone who's kind of at the point where they have additional proposals that they'd like to put forth so that we could discuss that now?

((Crosstalk))

Man: Sorry, Kristina.

Kristina Rosette: What?

Man: What were you asking exactly?

Kristina Rosette: I was saying that before we start getting into (sort of) example discussing kind of the gist of, you know, the substance of John's April 18 email and response, talking about, you know, how we - there should be any requirement, et cetera, are there any additional proposals that people would like to discuss during the call?

Man: So I guess you're asking - I mean I read John's email saying he wants them to be educational guidelines, (right)? If you want to debate whether they should be that or best practices, I thought we were going to move pass that (and talk about)...

((Crosstalk))

Kristina Rosette: No, no, no, no, no. I was really - I guess really what I'm talking about, I guess, is maybe the starting point of maybe the better way to start that would be (Tim's) statement, for example.

That he doesn't think that registry should be required to implement rights protection mechanism and that it should be (left) up to them based on their model, intended use and discussion.

((Crosstalk))

Victoria McEvedy: I think that does go actually back to the guidelines...

Man: Exactly.

Victoria McEvedy: I really do. Yeah.

Man: I think where we should focus on, Kristina, is actual substance of what the guidelines or best practices or contractual conditions whatever they end up to be...

Woman: Yup.

Man: Let's talk about the substance of the...

Kristina Rosette: Right, right, and perhaps I'm not being clear, but for example when I look at what (Tim) is saying, I read what he's saying that he basically mean there should be no baseline requirement that there be some kind of rights protection mechanism and that it all has to be variable depending upon, you know, whether the - what the registry is going to do to the community and so on and so forth.

And it seems to me for example and just to kind of give you an example, what I've talked about with some of you, I can agree with that under very narrow set of circumstances.

For example and again, this is kind of depending upon how you want to call it. And this, again, could be one of the practices just to kind of give you a sense of where I'm coming from.

I would be willing to agree and, again, just kind of speaking personally that if you have a registry that has a very narrowly defined community that has been easily identifiable and verifiable number of members, all of whose connection to the community can be documented and verified that that is a situation in which an additional rights protection mechanism such as a Sunrise process or (unintelligible) claims process is not as necessary.

And I'll just take that travel, for example, to that the TLD I summarized. When you have, for example - in my view when you have a TLD that is that highly defined, you have to be a member of one of these 18 communities, you have to submit documentation, the names that you're entitled to have to have a direct verifiable correlation to the names you use to do business, when you define it that way, when you create that kind of initial framework, you don't really need the Sunrise - I mean, and that is - another way to look at it is that is one type of rights protection mechanism.

So that's where I was trying to go with this is that, you know, maybe we should start out by talking about that. But I'm, you know, I'm certainly open to (delving) right into (Peter's) proposal.

Woman: Can I just make a suggestion?

Kristina Rosette: Sure.

Woman: So I'm just wondering, you know, if we (ought not) (unintelligible) sort of basically a list, you know, because we really worked out from our

earlier compilation of all the different registry, you know and what they are doing.

We've really looked out what - you know, what existing practice and we - now, we've got (Peter') ideas about - some quite noble ideas, which (unintelligible) actually brilliant some of them, you know, I mean, are we now not in the processes of like listing everything and then like almost - like looking at the pros and cons beside it and then deciding whether it should go forward as a best practice or an (implication of) guidelines...

Kristina Rosette: Oh absolutely.

Woman: ...or whatever.

Kristina Rosette: Absolutely.

Woman: And I wonder if we should be just (unintelligible) (unless) and then (like us) if everybody (to think again), you know, for a few days about anything else to throw into the list and then we, you know, probably go to the process of - I mean, obviously the questionnaire process is going to turn up new ideas that we haven't thought as well, which would be great. But...

Kristina Rosette: I mean, certainly, I was at, you know, I think the way it proposes far more structured and organized streamline than what I had in mind.

But we can certainly do that and I'm, you know, kind of willing to act as (unintelligible) for purposes of, you know, sending around (proposed) meeting email.

So to that end, you know, one - like one, rights protection mechanism would be, you know, something akin to - and unfortunately, I'm not as familiar with the other sponsored TLDs, so those of you who are on the phone, please jump in, but using .travel as a baseline for example - or as an example.

You know, it's a tightly defined community of eligible registrants, (used) connection to the community to be documented and was required to be documented.

And within the community itself, those eligible members where eligibility was restricted even further by requiring an (unintelligible) between the .travel domain names a community member desired and what they were eligible for.

Woman: Well that's right. I mean, I think - I mean, I think - I mean this probably actually - I mean in terms of methodology, there's probably only about seven or eight that we know of, right? You know, like eligibility being one and then we're going to have like variations or sophistication, right?

Woman: Right.

Woman: And we should like put them all in like Column 2, you know, and, you know, I mean this is - I think the answers will come out of just like having the stuff to look at visually in one place, you know, to be honest because obviously some of them won't to be appropriate.

I mean - and this is what I'm saying, leaving a vote till the end is a good idea because you know some of them (are so) clearly not be appropriate for general use, right?

Man: Right.

Woman: And we may be - but we may be able to see things where we, you know, decide that things are appropriate for general use.

Kristina Rosette: Just so that I'm following you because I think I'm following, we would - we should draw out - what you're suggesting is we should draw out from the summary, six or seven key characteristics and then (match) those across the various TLDs.

Woman: Well, I mean, I'm really just (saying), you know, we know from our - from those compilation (I am saying that) actually.

Woman: Okay.

Woman: You know, we - there are only like - we only know about five. There's only five in use, right? Eligibility being one and then it's like - okay, this - it's used in different ways but, you know, that's one rights protection mechanism. You know, but here is the three main variations, right? What have you, there's only - there's very few, right?

So we should just like list them all and then (start) and then look at the variations and decide which maybe a general application and which clearly aren't and, you know, then - and (Peter's) (come) with some quite novel ideas which I certainly were not having heard of before.

((Crosstalk))

Woman: Is somebody trying to talk?

Right.

Man: I just say, I agree with Victoria. It's a really good approach, which is kind of list what the different options are everywhere from registrant verification up to (UDRP) and - well not only what we've got and look at so far but, you know, this ideas of (Peter's) and my idea, you know, other ideas.

And start talking about those for the next few weeks.

Kristina Rosette: All right. Well let's go ahead and just - I mean to the extent that we can, you know, run through that broad list of what we would identify as the basic models. And then I can put something together and post it and people can just kind of fill it in. So that (sound) like a good way to go about it?

Woman: We think we'd need to have you - look at your - you've done a big compilation document, (haven't you), of all of them so far.

Kristina Rosette: I haven't updated it since Lisbon but I can do that.

Woman: Okay. I would need to have a look at it myself to be able to come up with some - because it's with all - that's where we got (unintelligible).

Man: Yeah. I have it here IP claim. So we can create the list from this document very easily.

Woman: Uh-huh.

Man: And actually, Kristina, I'll go ahead and do that.

Did you ever, by the way, get this TLD summary document and anything other than a PDF?

Kristina Rosette: No, because every time I go to my word processing department and I ask them to put into one document, they look at me and (steam comes out of their ears).

So if anybody wants to (unintelligible) be my guest. So, no is the short answer to that.

Man: Okay, okay.

At some point I need to get it in Word. Maybe can you just send me all Word files or they - do you think they've all been posted to the list, right?

Woman: They should be, yeah. Everything - everybody should...

Man: Except of course, (our jobs).

Woman: Well and .biz and (.aero) and (.aero) is my (fault) and I need to just wrap that little section up and (move on).

All right. Well I hate to, you know, given that we really only have, I think, probably two more, three more calls, you know, I think, Victoria

has done a great idea about the easiest way to go forward. I'm just reluctant to say, okay, well we're done for the day and, you know, to try new this time.

One way - one thing that we could do is if people have got kind of initial reaction, I realized (Peter) isn't on the call and, you know, he certainly can answer questions about his proposal better than anyone else, although I know that Lance and I have talked with him about aspects of it.

Does anybody want to just kind of start commenting on (Peter's) proposal? Is there anything in particular that - there's one other kind of administrative thing that needs to be done, but I was kind of hoping they just kind of put that at the end and (that's) where we are right now.

John Nevitt: I just saw - this is John. I just saw (Peter's) email, so I (haven't been able to) look through it. But I thought, Victoria's suggestion was listing them before we start commenting pros and cons and then - so we could see what's on the spectrum and just to make to sure we understand the proposals and then comment on them at a subsequent meeting...

((Crosstalk))

Kristina Rosette: Well, I mean right, but part of what I was hoping to do is that to the extent that people had look at (Peter's) proposal and had questions about it.

Man: Yeah, no...

((Crosstalk))

Kristina Rosette: That I could just go ahead and convey those to him so that we can post the answers so that we're not kind of behind.

John Nevitt: So you're looking for questions, not comments.

Kristina Rosette: Yeah, yeah, yeah, yeah, yeah, yeah.

John Nevitt: Okay.

Man: Well, okay, how about this, registrant verification - I mean that's a topic we've talked about a lot in the new TLD task force, but I don't know that it's really gone anywhere.

So I'm wondering John what you think about kind of looking at these things as they're (either or), they're going to be restricted to some (verified) registrant community or they're going to be unrestricted like we have with (dotcom) and (net now). That pretty much the way you're looking at things or do you see there being middle ground between those because (unintelligible) do.

Man: (Unintelligible). (What if) - well could you clarify exactly what you're asking?

Man: I mean, some sort of registrant verification model in new TLDs, basically I'm asking you whether you're looking at these things like there could be a set of criteria for open unrestricted TLDs and then a different set of guidelines or whatever you want to call them for restricted TLDs, .travel that we have today.

Man: You know, the sponsored ones?

Man: Yeah.

Man: I don't have an opinion and I'm open to hearing the pros and cons of each of the proposals. And if it makes sense for one type person other or all types, but that would fit well with me.

I think, you know, the underlying issue of whether they should be voluntarily or best practices and I guess we'll just deal with that once we get the different ideas on the table on - to the extent they're more on the guideline side (versus) best practices is probably more flexibility. I would think on the part of the registry, certainly.

Man: Okay.

Kristina Rosette: Patrick, I hate to put you on the spot, again, but one of the questions that I have in looking at (Peter's) proposal is - and I realized that (it maybe) that this is the question that I need to direct to the General Council's office.

But are you aware - I mean, I'm just wondering whether, for example, (Peter's) suggesting that there be kind of a centralized administrator and (Peter) can give ICANN or (WIFO) as the example.

Is there - has there ever been a discussion about having ICANN take on that role before and if so, what happens, you know?

Patrick Jones: To my knowledge, I don't think that's ever been brought up.

((Crosstalk))

Patrick Jones: (I mean), maybe some of the others who've been around for a while might have knowledge of that but, you know, I know there back in - geez, (unintelligible) (99) when the network solution was the registry and the registrar.

There was an attempt to have a - I don't want to call it a band list, but it was sort of a list if someone applied for a domain name and had a trademark, that it would raise a flag and automatically block it from registration.

And at some point, that turned into an unworkable thing to maintain as so many new domain names were registered at the time. And, you know, if that's one of (Peter's) suggestions, I think pretty quickly some of the registries are going to say that that's not something that works.

Kristina Rosette: But what about somewhere, for example, where there was a centralized database of the claimed rights details for lack of a better way to describe it, which I think is part of what he's talking about here.

And, you know, and so you would have a situation where you would not only have kind of a centralized database, but you'd also have kind of a role somewhat similar perhaps to what PwC did in connection with (.EU).

Man: (But) aren't there going to be problems where some parties may claim a right in a word or name and others have (completely), (I think),

perfectly with legitimate rights to use that same word or name in a different context.

David Maher: So this is David.

Man: David.

David Maher: Could you put me on the queue to talk about this?

Kristina Rosette: Sure, absolutely.

To answer your question, (Peter), I mean, Patrick, yeah, although I had understood from going through (Peter's) proposal or at least, you know, one part of it, now, I can't find it. I guess towards the end (working), talking about resolving conflicts. I don't know if that answers your question or not.

Man: No, I don't have it open in front of me.

Woman: Okay.

Man: But, you know, I guess it's something to consider if this is one of the things that's being discussed, how do you reconcile multiple parties having equal rights to use the registrar...

Woman: Right.

Man: ...and then (unintelligible) might show up on the list.

Woman: Can I just (emphasize) that - I mean, from a trademark point of view, that's the - I mean this is why it's all first come, first serve, isn't it, because like the different sort of trademark (unintelligible), isn't it. It's not territorial and that's why they were subject of - subject to (entrench) rights, you know.

Man: Well it's not all first come, first serve anymore.

((Crosstalk))

Woman: Well that right. No, absolutely.

But (unintelligible) subject to...

Woman: Right.

Woman: ...you know, prior rights or early rights or (beta) rights, right?

And - but can I just also while I'm just - while I'm speaking, that example someone give that the old (unintelligible) solutions approach. I'm just thinking, you know, there must be sort of a wealth of knowledge about the old (unintelligible) about - like things that we tried and, you know, like (unintelligible) practices or things that have already been attempted or things that didn't work and I'm just wondering if there's anywhere we can tap that sort of knowledge because that was such a good example.

Man: Yeah.

((Crosstalk))

Man: ... (the thing is), that was tried in 2006, you know, now things have really changed a lot...

Woman: Uh-huh.

Man: ... since they - it's kind of discarded other ideas and resolve it there with the UDRP. Now, we've been dealing with that for the last six years and...

David Maher: This David.

((Crosstalk))

David Maher: Sorry to interrupt, again.

Woman: Yeah, (no, go ahead).

David Maher: I'm - I think I could act as your historical authority since I wrote along with two other people, I first pre-drafts of the UDRP.

Woman: Uh-huh.

David Maher: At the time we were struggling for the old network solutions approach, which said if you had a trademark (as any time), you could take off - you could throw out a domain registration, that had proven to be totally unworkable that even network solutions wasn't (defending) it very strongly.

So the UDRP was developed with a concept of good faith to being the test of whether someone was (cyber-clonic) or not. But we also - I remember talking to all of the IETF people.

So we said well, you know, let the trademark (unintelligible) on a logical basis, let's develop a national or (unintelligible) an international database trademark. And the three trademark lawyers who were working together, myself, (unintelligible), (Albert) (unintelligible) said, that's just impossible.

For one thing trademarks come and go, there's a time dimension. Trademark can be abandoned or trademark can be created.

There's another way to create a database that has any meaning with the letter to encompass all of the rights that people have territorially, you know, time dimension and a product dimension or service dimension or anything else.

And it's the database would be larger than all the hydrogen atoms in the universe or close anyway. I think you're barking at the wrong tree that we even been talked about this possibility.

John Nevitt: But it - this is John.

It may (come in to us) like the (unintelligible) version like registering those who have (same) trademarks (unintelligible) ground or in (unintelligible) time and keeping them for the next time and adding on to it all the time. That would be a pragmatic approach and might even also have some - (though not) solve a problem.

Kristina Rosette: Right.

Well and another way to go about it, to structure it, for example, one way that I think, you know, possibly you could deal with the (abandonment), the (unintelligible) issue that David points out is it would be, you know, it would be incumbent on each participating trademark owner to annually verify the information that they had provided was accurate, complete and current.

Man: Right.

Kristina Rosette: And I realized that doesn't take into account, you know, marks that are abandoned in between that when you're (faced) but, you know, again, that's, you know, that...

Man: And what happens with all of the people who've registered (Gold Medal) and (United) and all the other names that are used by - in some cases hundreds...

Kristina Rosette: Right.

Man: ...of different users.

Man: Right. These are all of the issues that were discussed extensively when the UDRP was created.

Woman: (Unintelligible) it just strikes me listen to your comments (unintelligible), this is exactly the kind of really value base sort of really (in this) kind of (thoughtful) exercise that we need to be engaging with, you know, this is absolutely right.

I mean, obviously that it's going to be part of our work in the next stage when we look at the list and, you know, hopefully you're going to be - then if you say historical resource and go well, you know, I mean, I'm just thinking and, you know, we can't - I mean, my only concern is the only reason I'm just now making this point is, you know, (we thought it'd be) (unintelligible) - you know, we don't want be coming out with, you know, serious policy recommendations on the fly, you know, and I think that...

Man: Right.

Woman: ...you know, all of us need to take, you know, so perhaps, we need to stick back (unintelligible) what we really going to look at (unintelligible) look at that, you know, went through down the list and once we've worked out, were to verify - what it possible - even possible best practices of general application, they were going to need to have a very close and thoughtful look at them.

Kristina Rosette: Right, absolutely.

And it may be that we end up doing is really kind of a - almost on a negative best practices list, in the sense of, you know, these are all the things that have been tried and regardless of who - what sector you talked to, whether it's the registrar, the registry, the trademark donor (unintelligible), you know, this particular practice did not work, and that maybe what we come up with.

Woman: Uh-huh.

Man: And I mean that's (what I had). I think none of the processes have really worked because none of them deal with the two fundamental problems that you can't ever guess what the (infringers) are going to register.

There's always plenty more combination that they will be able to register that you did not think eventually registrar even if you had the rights.

Woman: Uh-huh.

Man: Uh-huh.

Man: More fundamentally, any of those domain names potentially could be used for some fair use. I can make an argument about any domain names you can name that potentially could be used for fair use even if it has a trademark in it. Until the site is actually used, it's not infringing in my mind.

Woman: Uh-huh.

Man: So that's why, you know, I'm willing to give up on Sunrise, let registry do whatever they want to do for Sunrise (period). So long as we can get some sort of quick effective UDRP, because the one we have does not work. It does not - it is not deterrent to cyber (squatting) as it was intended to be.

Kristina Rosette: David, is there a historical document or even some kind of (unintelligible) article or something that would have all of these stuff documented...

Woman: Uh-huh.

David Maher: Yup, yup.

Kristina Rosette: ...so that we could say...

David Maher: Yup.

((Crosstalk))

David Maher: Yes, there is. I wrote it.

Kristina Rosette: Yeah.

Excellent. Can you send it around?

David Maher: (Okay).

Kristina Rosette: Oh that would be fabulous...

((Crosstalk))

Kristina Rosette: ...because I think to be able to kind of draw the - and maybe that circumstances have changed or not or there has been a new development that it perhaps capped on to something that was (unintelligible) (rejected before) or, you know, considered them rejected that it might work this time. But to even just have that as kind of a baseline checklist would be (unintelligible).

All right. Does it make sense - and I don't want to keep us very long.
Does it make sense to maybe take a step back and see if we can - see
if we want to or feel that we need to kind of identify the overall
principles that any such mechanism must satisfy?

Woman: No.

((Crosstalk))

Woman: Myself I didn't think so, that's only my view.

I think that - I think that only once we've got the information in front of
us and I think the exercise will work best backwards. And then maybe
we can test it against that.

But I don't think...

((Crosstalk))

Woman: I mean I certainly couldn't - well I couldn't, maybe someone else could
come out with - I think it's premature.

Kristina Rosette: Well I'm talking (unintelligible) kind of 30,000 foot (lake). It must
(unintelligible) or it must, you know, we don't...

((Crosstalk))

Woman: I think my - I mean, I hear what you're saying, but I think, you know, we
all know the values that are inherent in the ICANN system. You know

what I mean? So I mean I think - I don't know if we're going to need to formalize that.

Kristina Rosette: Okay.

Woman: To - I mean this is just my thoughts, but people may think differently.

Man: Hey, Kristina, can I add something?

Kristina Rosette: Sure.

Man: I guess from an operational and implementation side of things, John Nevitt's email from a couple of days ago was really helpful to sort of - that approach of taking it from - maybe not so much best practices that are mandated from the registries, but some kind of guidelines that would be useful in protecting the rights of others that (unintelligible) a really workable way to proceed and that would be my suggestion is someone's who's not been on your calls and coming into this - hopefully not just for today but just to give you some guide, some background, that would be a good thing to follow.

Kristina Rosette: Which email are you talking about? I want to make sure I'm (unintelligible).

Man: I'm talking about John's email to the list from Wednesday, April 18.

Woman: Well do you mind if I interrupt, (John), were you on the beginning of this call?

Just because we have that, you know, that goes to the very substance of that first issue of like whether we recommend that the end of our work to best practice or guideline...

Man: Yeah.

Woman: ...and that difference between the two of those because - and to me...

Man: I was...

((Crosstalk))

Woman: ...you're raising the same issue which is fine, I'm just pointing that out.

Man: I really want to go back and, you know, have the same argument that was raised at the beginning of that call, but I just wanted to say from an operational and implementation side of things that if you're looking to help the new gTLD effort, that John's approach is really good.

Woman: Meaning that - I guess I'm trying to just fill out what...

((Crosstalk))

Woman: ...characterizing as the approach versus the guideline issue.

Woman: (You're saying) that you will vote the guidelines when we eventually have the vote.

((Crosstalk))

Patrick Jones: I don't have the vote. I'm just asking.

Woman: Oh okay.

Kristina Rosette: No, but, Patrick, I want to make sure that I understand because I'm - I actually don't think that I do.

Are you - can you be a little bit clearer as to what - I mean, are you in fact talking about kind of the whole guideline versus best practices issue or you're talking about kind of drilling down even further and saying, okay, if you're going to have and this is a little bit of what we talked about last week that, you know, if for example you as a registry want to adopt a model that kind of (loosely have falls) within "the Sunrise mechanism," you need to do A, B, C and D, are you talking about that latter scenario?

Patrick Jones: Well my suggestions is instead of trying to come up with things that are mandated upon a registry to follow as part of their startup process that there be some kind of, I guess, the guidelines is a better way to go rather than a mandated best practices approach.

And I know that's in the statement of work is to come up with some best practices. But in looking at this from an implementation side of things, it may be easier to provide options and guidelines and go - take that approach rather than something that's mandated upon a business.

Avri Doria: This is Avri. Can I say something?

Kristina Rosette: Sure go ahead.

Avri Doria: Okay yeah. I mean I may be totally confused, but I think that what we're trying to say is in either case the same and whether at the end of it, we said it was a guideline or we said it was the best practice, was the thing that we had postponed to the future, but that we were leaving that neutral.

And I think that that, you know, that doesn't (unintelligible) what was just said that we can just basically keep on going.

Whether we say it's the best practice or whether we say it's a recommendation at this point is (moot). I mean we use whichever work we're most comfortable with while we're talking and the nature of these things is what's going to be determined at the end, so that...

Man: That's fine.

Avri Doria: (Right).

Kristina Rosette: Victoria, I have a question for you. And I don't want to put you on the spot but, you know, one of the things that I've been struggling with is I really don't think that there is a one size kind of fits all model. I'm really been trying to come up with the model that works in every scenario.

And one of the things that I've been thinking about is, you know, is there - if there is agreement among the working group that that is in fact the case, at least, among the members of the working group that maybe there is value in saying, okay, we're not necessarily going to say that there is one single best practice, you know, here are the three

different models or four different models or five different models that have been used.

And if you we're going to pursue Model A, we - it is a best practice within that model to include this component, that component and this component and then kind of go through the various models.

Is that - I mean what's your reaction to that? I'm just trying to kind of get a...

((Crosstalk))

Victoria McEvedy: Well I think that's very sensible. I mean, I think that will be - I think this is where I think we should leave it to the end because I think that it will become clear that only that kind of approach will even be remotely feasible, right?

Kristina Rosette: Right.

Victoria McEvedy: And I (unintelligible) where I think, you know, like basically once we've done the work, the answer will - it'll answer itself.

((Crosstalk))

John Nevitt: This is John. If I can make one comment on...

Kristina Rosette: Sure.

John Nevitt: ...on where we're going.

I think there's a distinction between mandatory and not mandatory. And if we make that distinction now, once we get through the process, then we could decide if it's - especially if it's non-mandatory, then you could decide where it falls on the spectrum between best practices, guidelines, educational...

Victoria McEvedy: Yeah. Well nothing is mandatory. I mean the best practices approach...

((Crosstalk))

John Nevitt: Okay. No, and I understand that.

((Crosstalk))

John Nevitt: But if we could get agreement that it wouldn't be mandated on the registries...

Victoria McEvedy: Nothing is going to be mandated, best practices.

John Nevitt: Okay, (okay).

Victoria McEvedy: Even the highest, you know, we're looking at the difference between guidelines.

John Nevitt: Well, Victoria, just let me finish.

If it's not mandatory in that, it's not a part of a contract, in which case it would be required and my feeling is...

Victoria McEvedy: It's not on the table. That's not even on the table.

John Nevitt: Okay.

((Crosstalk))

Victoria McEvedy: ...statement of work talks about whether or not we're going to recommend a best practice's approach. So it mandated nothing is on the - it's not even on the table.

Kristina Rosette: I mean - (it may morph) itself into part of RFT, but I don't know that - but that's beyond what we would do. I mean the council may say this is a really good idea. Let's put this in, you know, this is going to have to be part of the RFT that goes out to all new gTLD applicants.

But, again, I agree that's kind of beyond what we can - we're in a position to do.

Man: So now if I could finish, if it's not mandatory which tells (unintelligible) everyone is in agreement that it's not in a - in fact may not even be part of statement of work in which makes it even easier, then I agree that we should follow through with the process that we're undergoing but - and like I said in the note is we then link it from the new TLD report and maybe - and Kristina's position is and I don't necessarily (disagree) (unintelligible) this body to decide that, but we - it could be this body recommending it to the higher body be it the GNSO or the actual task force, then essentially we could really roll up our sleeve, put out these ideas, list them, comment on them pros and cons.

And then at the end decide whether we want to recommend them as best practices, recommend them (unintelligible) guidelines, educational materials, whatever we want to call it at that point to - but I think the - being under the gun that we have to do this by May 17, I don't think is workable and the only reason why we have that gun at our head is because there's a perceived notion that this final report needs to be in the new TLD task force report and I think that's been the problem from the process standpoint for a while.

And again, I don't think (it's this body) that needs to decide that, but it could be a recommendation from this body to the other body.

Woman: I think that's a really good point. I think I have to say that - although I'm (unintelligible) process, I think that's often a problem.

I mean we should try and do quality work (for staff) so, you know, I mean that's a time constraint, arguably must be negotiable on some level.

Woman: (Got it).

Woman: I mean our focus should be (trying) to deliver the best possible products so that it is most used to the committee and council or whatever.

Kristina Rosette: I mean, I agree and, you know, John and I have talked about this offline. You know, the problem we have here is that the GNSO council in deciding to create the working group and then approving a statement of work made it abundantly clear that it is their intention that

this be considered as part of the new gTLD process which is why they want it in the report.

And while I certainly would - don't want to say that we can't identify other areas of work, for example, you know, (the reason) for those of you familiar with reserved names working group, it's my understanding that they did submit their final report. But in doing so, they identified additional areas that they thought would require additional time.

And on the basis of that, they got an additional 30-day extension. And I would much prefer and frankly I think its incumbent on us given our mandates to go that group.

In other words, we provide the best reports that we can, and as practical matter I'm not all that sure that we're not going to be able to do it in, you know, between now and the 17.

And that we identify what additional areas that we thought really could benefit from - for example, from another 30 days. But I don't thinks it's realistic or possible for us to submit a report or that basically a letter saying, you know, we know what you ask us for but we disagree that it should be part of the new gTLD report. A, because it's not mandatory; and B, because we just need more time, so you'll get it when you get it. And you - I don't mean (that you realize) what you're suggesting, John, but that - how that type of request will be perceived.

You know, and if the council were meeting before our deadline, I would have absolutely no qualms about suggesting that we get an extension but, you know, the bottom line is they're not and there's something that I can do about that.

Woman: Yeah, I think it's very - I think it's a really interesting topic quite frankly because I think this (unintelligible) (official baselines) must be responsible for an awful lot of very bad policy, quite frankly.

But (I hear) - I mean, I agree with what you said, Kristina. There's a way to negotiate it, obviously. And that sounds like - (that sounds) sensible to me.

Kristina Rosette: Well I would just encourage, you know, everybody to kind of - I think we've all been thinking about this (leadership) for a long time, which is why we get involved in this working group in the first place.

And I would just encourage everybody to really start, you know, using the list. And, Mike, if you can get kind of that chart out, you know, I - that in the next, you know, definitely before the weekend and preferably in the next day or so that would be great, because I do think that there's a way that we can, you know, take advantage of the list and take advantage of our remaining calls.

And I - and coming personally to the view that, you know, what I expected to be a really, really long report is probably not going to be, which I (unintelligible) (some time in the back end).

I need to go. You all are welcome to continue if you would like. I have taken a quick poll on last week's call as to was going to be the - at the IMCA meeting. And, Victoria, I don't think you are on that call. Are you going to be there?

Victoria McEvedy: I'm sorry.

Kristina Rosette: The IMCA meeting in Chicago next week?

Victoria McEvedy: No.

Kristina Rosette: Okay, all right.

Avri?

Avri Doria: Yeah?

Kristina Rosette: You're not going to be in Chicago next week, are you?

Avri Doria: No, not at all.

Kristina Rosette: Okay.

Professor (Banks)?

(Banks): I'd be on the call next week, yes.

Kristina Rosette: No, will you be in Chicago next week?

(Banks): No.

Kristina Rosette: There's...

(Banks): No.

Kristina Rosette: Okay. And (unintelligible), will you be there?

Woman: I will not be there but my colleague (Eric) (unintelligible) will be.

Kristina Rosette: Oh excellent. I'll email with you separately.

((Crosstalk))

Kristina Rosette: And I think - is there anybody else who's on this call that was not on last week's call that I haven't asked this question of?

All right, but I was just thinking that, you know, it'd be nice if we all kind of met socially as opposed to the phone.

I'm going to jump off, Mike, if the group wants to continue, if you wouldn't mind taking over the chair that would be great.

Mike Rodenbaugh: Okay.

Kristina Rosette: All right, thanks.

Bye-bye everyone.

Man: Bye.

Mike Rodenbaugh: Pretty much over time (unintelligible).

Woman: Yeah.

Mike Rodenbaugh: Anybody else has anything else they want to discuss, I think we should end the call.

Woman: I agree.

Man: I think that's fine.

Man: Awesome job (sharing), Mike. Thanks.

((Crosstalk))

Mike Rodenbaugh: (Aim to please).

((Crosstalk))

Woman: Bye-bye.

Man: Bye-bye...

((Crosstalk))

Woman: Bye.

Mike Rodenbaugh: Bye all.

Man: Bye.

Man: (Well) (unintelligible)...

END