Cross Community WG discussing Recommendation 6 of the new gTLD process (Rec6 CDG-WG)
TRANSCRIPTION
Wednesday 8 September 2010 at 13:00 UTC

Note: The following is the output of transcribing from an audio recording of the Cross Community Working Group discussing Recommendation 6 of the new gTLD process (Rec6 CDG-WG) meeting on Wednesday, 8 September at 1300 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. The audio is also available at:

http://audio.icann.org/gnso/gnso-cwg-20100908.mp3

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(transcripts and recordings are found on the calendar page)

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Cheryl Langdon Orr - ALAC chiar
Olivier Crépin-Leblond – ALAC
Carlton Samuels – At Large

Commercial Stakeholder Group
Philip Sheppard – CBUC
Jon Nevett – CBUC
Jaime Wagner - ISCPC

Non Commercial Stakeholder group
Konstantinos Komaitis

Registrars Stakeholder Group
Krista Papac

Registries Stakeholder Group
Chuck Gomes – GNSO Council chair

Individuals
Richard Tindal
Stuart Lawley

GAC
Frank March – GAC - New Zealand representative
Bertrand de la Chapelle – GAC - French representative
Liang Wang – GAC - China

Staff

Liz Gasster - Senior Policy Counselor, ICANN Policy Support
Margie Milam - Senior Policy Counselor
Marika Konings - Policy Director
Glen de Saint Géry – GNSO Secretariat

Apologies:
Heather Dryden - Interim GAC Chair – Canadian representative
Stephane van Gelder - RrSG - GNSO Council vice chair
Caroline Greer – RySG
Avri Doria
Paul Stahura
Anthony van Couvering
Sebastien Bachollet – ALAC
Massimilliano Minisci - Manager, Regional Relations – Europe
Marilyn Cade – CBUC
Mary Wong – NCSG
Mark Carvell - GAC – UK representative

Coordinator: The call is now recorded, please go ahead.

Glen de Saint Gery: Thank you very much. Good morning, good afternoon, good
                  evening everyone. This is the community working group call on the 8th
                  of September. And on the call we have Cheryl Langdon-Orr, Jaime
                  Wagner, Carlton Samuels, Stuart Lawley, Chuck Gomes, Krista Papac,
                  Frank Marsh, Konstantinos Komaitis, Jon Nevett, Liang Wong, Richard
                  Tindal, Philip Sheppard. And for staff we have Liz Gasster, Marika
                  Konings, Margie Milam and myself, Glen de Saint Gery. Thank you
                  Chuck, over to you.

Chuck Gomes: Thank you Glen and I suspect some others will join as we get going
                  here. Welcome to everyone. It seems like we just ended our other call
                  to me. So I appreciate those that are right back on. And I just a few
                  minutes ago sent a proposed agenda - I'll go over that quickly in case
                  you haven't seen it.

We'll start off with a brief discussion of the report draft that Margie provided. And then go right into a continuation of where we last left off on Monday on the thread discussion and then wrap up today's call with some action items and we'll deal with that when we get there - the last five minutes or so of today's call.

Any questions or comments or suggestions on the agenda?

Liz Gasster: One, Monday 13 June, should be Monday 13 September...

((Crosstalk))

Chuck Gomes: Oh, June, June, June, yeah well - yeah I'm not surprised...

Liz Gasster: I think everyone knew that but...

Chuck Gomes: Yes forgive my error there, June. How did I do that? Well I guess because I'm still waking up. So you've probably been up for a couple hours.

Liz Gasster: Who me?

Chuck Gomes: So all right, thanks Liz, for pointing that out. And let's spend - I don't know if any of you had a chance to look at Margie's draft report. Keep in mind that it does not contain any recommendations because we're not ready to do that yet.

But what I asked her to do was to prepare a skeleton there with as much of the general information as possible so that once we get to the end of the week all we really need to do is - and next Monday is plug in

whatever recommendations with approximate level of support for those recommendations in the report.

What I'd like to encourage everyone to do - what I did last night is I made some suggested edits to the report and provided that in a redline version to the group. And mainly what I was trying to do is to avoid any areas where I thought based on previous discussion there might be controversy on these general items.

I would like to request others to take a look at the redline version that I did. It'd be real nice if by our call tomorrow - or excuse me on Friday - if we could, you know, be in general agreement that the basic report structure and content with regard to general items is okay. So please take a look at that if you haven't.

Now does anybody have any comments on that? If you do have comments right now we'll take just a few minutes and talk about those. Frank.

Frank Marsh: Yeah, thanks Chuck. Just a brief comment about the background, I mean, I've read the (unintelligible) and it's, as you say, it's pretty much a skeleton. But I'm not sure it's true to say that the GAC suggested that this needs to be done in time ICANN Board's retreat.

We certainly suggested that there needs to be a cross-community effort be commenced but I don't think we set a deadline on it.

Chuck Gomes: Thanks. Margie, I assume you have the (pen) on this?

Margie Milam: Yes Chuck. It's Margie. I'll take notes and send out a redline. And I apologize...

((Crosstalk))

Margie Milam: I wasn't sure of the background on that so I made an assumption but I can clarify that.

Chuck Gomes: Yeah and I think it was the working group itself that came to the conclusion that we should deliver the report and in essence our charter or our terms of reference basically indicated that. So thanks Frank. Anybody else?

Okay again if - between now and - hopefully by the end of the day on Thursday if you have any other suggestions on that so that - in Friday we can kind of basically be in agreement on the general part of the report then it becomes relatively easy to plug in our recommendations. The more challenging will be to come to agreement on the level of support for those recommendations. Thank you very much.

Margie, did you have something else?

Margie Milam: Yeah, I just wanted to highlight a couple issues as you review the report since a lot of you maybe haven't had a chance to do so. The structure that I used was a typical GNSO Council structure so some of the sections may not make a lot of sense or as you look through it, you know, maybe - there's no need to include them.

For example I have a section on the members of the working group and the solicitation of the statements of interest. And that's a

procedure that we typically do with GNSO Council working groups. We haven't formally asked those yet of the working group although I believe that Glen is going to do so.

Since we have members from other SOs and ACs, you know, I'm not sure whether for example members of GAC need to submit a statement of interest. But we're at least inviting those who would like to submit a statement of interest to do so. So that's kind of one issue.

And then the other thing that I did - that I just wanted to also highlight is I did make some assumptions in the background so please take a look at that. And I'm thankful - but frankly they look to identify some of these issues.

And I do have placeholders for additional content. So, Chuck, I didn't know if you wanted to perhaps solicit volunteers for some of the sections. But really the crux of the report is not, you know, the content hasn't been drafted yet. And it might be helpful to identify people to pick up different sections once we sort of know what the, you know, the substance of the recommendations would be.

Chuck Gomes: You mean a substance with regard to the recommendations themselves?

Margie Milam: Yes and also the issues. So for example, you know, as we go - work through the list of issues if we want to highlight because that might be relevant for the board members to look at why the existing proposal in the Draft Applicant Guidebook Version 4 was not workable for example, you know, it might be useful to have someone write that content about the issues that were most troubling to the working group.

Chuck Gomes: Well as you may or may not have seen on the redlined version that I did last night one of the suggestions I made is that we list the 14 threads with a clear enough description of them that is, you know, it makes sense to a novice reader.

My suggestion because of the limited time we have - and if you're willing - is to go ahead and take a crack at describing those. Some of them just based on the discussion we've had so far might be easier to do than others. And let me suggest that if you see the need for help in properly describing those threads - and I'm talking brief description, a sentence or two hopefully in each case - then let's solicit someone to help on that. Is that okay to handle it that way?

Margie Milam: Yeah I could try to give that at least a draft. It would be nice to have someone kind of review it before it gets out to the list.

Chuck Gomes: Well I'd like everybody on the list to review it so if you could get that out like by the end of the day today just on those - the descriptions of the 14 threads then we'll all review it.

Margie Milam: Okay, okay.

Chuck Gomes: And then if we need specific volunteers to go a little bit further we can solicit those.

Margie Milam: Okay, okay that sounds like a plan?

Chuck Gomes: Okay?

Margie Milam: And I have also one other point is the next steps. I think that's the area where I struggled as to what the next steps for this report are. I see that you made this into a report instead of an initial report so that makes sense. But really the question...

Chuck Gomes: Yeah, let me comment on that. The reason I did that is because we've had some debate - serious debate in this community working group with regard to whether, you know, work is going to continue after we deliver on the 13th or what. I'm not taking a position one way or the other but I thought the easiest way to avoid controversy in that regard - let's just call it a report. And then we avoid that controversy. Is that all right?

((Crosstalk))

Margie Milam: Yeah, no that's fine.

Chuck Gomes: Go ahead Margie. You were continuing and I interrupted.

Margie Milam: No that's fine. And the other issues really is what's, you know, how does this get presented to the board because without some sort of endorsement or statement from the various, you know, like the GAC or the At Large or the GNSO community it's just a report from individuals; there's no real, I mean, it seems as though it needs to go back to the participating organization to get some sort of statement whether you support it or you endorse it, you know, whatever would be appropriate within each organization and to send that up to the board so that it has a substance and backing as is normally, you know, seen through the processes that are in the bylaws.

So I'm a little concerned just saying comment on, you know, that the group should comment on it. To me that doesn't seem like it's a significant enough step for the board to take actions.

Chuck Gomes: Well the board I think is going to take action regardless of what we do. But the reality of the matter is - and you could tell by (unintelligible) I made is that to actually get approval of the three major SOs involved in this - SOs and ACS, the ALAC, the GAC and the GNSO will take many weeks.

What my thinking was - and of course people can challenge me on this and I welcome that - is is that if it might be quicker to get the GNSO, the ALAC and the GAC to submit comments. I'm not opposed to eventually some sort of an endorsement of that but considering each of our processes I think that takes quite a bit of time.

And I think it would be good if the three groups could at least provide some comment after seeing the report if it later involves a specific endorsement that's fine. And of course we could break it up into two steps, comments first then endorsements but I think we're talking weeks maybe months to get endorsements or approvals in the GNSO which I'm a part of.

So - but by the time the GNSO Council goes out to the stakeholder groups and so forth, I mean, it will even take time just to generate comments. But I think it's unrealistic in the near term to expect approvals or endorsements of the report.

Anybody disagree with me on that? I see - Margie, did you want to say more?

Margie Milam: Just that I think that approach would work, comments followed by some sort of endorsement so that, you know, the process eventually gets to the - what we normally expect, I mean, to the organizations. But the comment period or commenting quickly gives the board an indication that it's likely to get this endorsement or support from the groups as the process, you know, unfolds. So I think I would agree with that.

Chuck Gomes: Yeah, except that I'm not - I don't think we can necessarily assume that we're likely to going to get endorsements; that would be nice. But that's - I'm not sure that's a fair assumption. Frank?

Frank Marsh: Yes thanks Chuck. I just wanted to support what you're saying. There'll be no prospect at all of getting any useful input from the GAC until probably the face to face meeting in December. So, you know, the timeframe is too long.

                 We just have to accept this is an ad hoc working group put together at the request of the board and it's the board to take on what they see as being appropriate from this. Without that endorsement I don't think there's any prospect all of getting useful feedback from the GAC in that timeframe.

Chuck Gomes: Okay, thanks Frank. Hopefully that's helpful Margie. I understand your concerns. Just in this short timeframe that may be the best we can do. Bertrand.

Bertrand de la Chappelle: Hi everybody and apologies for joining late, I was caught in another conference call. If I understand correctly we're talking about

timing somehow. I just want to make an input on that that in general terms I think the shorter the report the more condensed it is the better because it will facilitate review by actors outside.

I'm pretty encouraged by the kind of work that we've done so far. It's obvious that we will not have a final, final solution endorsed by everybody by next week of course.

But with the direction we're heading I think if we have a very short report that says there was agreement - and this is why the group has been set up - to review the modalities and these are the proposals that we're making it will be relatively rapid to see whether - I think it will be faster to see whether the end result is palatable by all actors or not.

I think the longer the report the harder it will be to get approval because people will be either intimidated by the length or they will think they have to read it in very, very careful detail.

Chuck Gomes: Thank you Bertrand. And before you got on we talked a little bit about the draft report that Margie sent around. And I asked people to take a look at the redline that I did and comment on that on the list. Margie is going to try by the end of the day today to insert the descriptions of the 14 threads without any recommendations or anything, just the threads.

But one of the things - as people comment on that basic - the general information in the report if there are sections you think are not needed or that would be better to be in an appendix please make that comment on the list.

We're going to try by our meeting on Friday to agree on the structure and substance of the report itself without the recommendations so that that part is done and all we have to do is fill in any recommendations and their approximate level of support. Okay. All right thank you.

Anything else Margie, on that? Thanks for all your work on that.

Margie Milam: Hey no problem. I'm done, thank you.

Chuck Gomes: Okay. All right let's go onto a continuation of our thread discussion. And as I think everyone knows where we left off on Monday on the thread we were - we spent a lot of time talking about the third one in our list there which is the high board threshold for approving or rejecting Recommendation 6, dispute resolution procedures.

Now there's been a lot of great discussion on this on the list. And I'd like to test a conclusion that I'm making in my mind, make sure it's right, and if it's not we obviously need to work on a little bit more. But it seems to me that there's pretty broad agreement on the list and in our meeting the other day that there should be a high threshold - a higher threshold than just simple majority for any decisions by the board to go contrary to what is recommended by the dispute resolution services provider.

Now I know we're still going to get to the issue of outsourcing that and we will but for the sake of this discussion if there is an independent dispute resolution service provider as suggested in Application Guidebook Version 4 it seems - I don't think I've seen anybody opposing having a higher threshold if the board rejects a

recommendation by that expert panel. Does anybody disagree with that?

So I think then - and I don't know if Marika is going to continue it or if, Margie, you're going to do it, but it seems like then we have one more recommendation - a possible recommendation to add to our list that we started creating on Monday and it's in the - is that the - there would be a higher threshold of board approval required for decisions that go counter to the recommendation of the DRSP.

Anybody disagree with that? Now the other question that we grappled with on Monday and I want to see whether we're okay on that - Bertrand I think you are okay and I'd kind of like you to comment on this if you will - that we were talking about some subset of the - of situations where there might be a higher threshold to approve a string even in cases where it was in agreement with the DRSP recommendation. Is that still on the table in your mind, Bertrand or do you think that - you posted a very clear statement - apologized for it being a little long, actually I didn't think it was that long.

But are you okay now with this one recommendation that I just stated?

Bertrand de la Chappelle: Yeah, basically this is what I circulated thinking about it and after the discussions my feeling is in a nutshell if the board followed the recommendation of the DRSP either to approve or not to approve it should probably require a simple majority.

And if it is overturning the decision of the DRSP if we accept this notion it should certainly have a super majority. But as I tried to explain I believe that having or requiring a super majority to - for instance

endorse a recommendation for not entering the string is likely to close a loop that could maintain a string in limbo in bad situations.

So I suppose that it is clearer if the DRSP recommendations are being followed with just the majority or return with a super majority. But in that I want to add in this respect that the discussion yesterday was very, very interesting in basically in my view allowing to get out of the debate of morality and public order and into the procedure of the community objections a certain number of the cases that we were considering where governments individually would have a problem.

So we have now basically three blocks, one block is the completely internationally - international principals objection where I think the principal of the DRSP with those two elements of majority or super majority are covered.

Then we would have an examination of when and how a slight modification if any in the community objection can cover some of the problems. And we have to make sure that we are also covering the concerns of the GAC about sensitivities in general that would not fall in one or the other category. And maybe there are none but maybe there are some.

And I think it would be interesting to explore. But I think the discussion yesterday was very clarifying in that respect. It's when the so-called international objections, really great principals of law, and the more individual national objections that in part can be covered by the community objections.

Chuck Gomes: And does anyone think that we should add a 15th thread regarding the use of the community objection process? Would that be a good thing to discuss a little bit further and put into our report as a possible recommendation whatever that might be? Or do you think that the threads that we have will cover that?

Now Margie has in her draft report a placeholder for some description of what (Carol) provided yesterday. Certainly I think it's important that this whole idea - and including the points that Kurt made - the clarification that Kurt made in regard to community based objections should at least be in that part of the report if it's not a separate recommendation as well. Okay? Bertrand.

Bertrand de la Chappelle: Yeah, Chuck, answering your question I think there are two elements, one is that we can certainly follow in the discussion - put a 15th thread to indicate precisely what Kurt Pritz clarified yesterday and explain that a certain number of objections that were of concern by governments could probably be covered by the current community objection.

And if we feel that there are some modifications that could need to be made into community objections to cover additional elements then because we would get out of the term of reference we may make a comment saying we are considering addressing that further.

Chuck Gomes: Okay. Anybody object to adding that 15th thread? You got that Margie?

Margie Milam: Can you repeat that, Chuck, so I've got it right?

Chuck Gomes: Yeah, well let me ask Bertrand - I thought he did a pretty good description of the 15th thread. Do you want to repeat that please Bertrand?

Bertrand de la Chappelle: Yeah, the idea, Margie, the idea of the 15th thread is that in the report we would have something that would say one, Kurt Pritz has confirmed that governments - sorry that community objections can be put against the string even if it's not a community-based string which is very important element.

And the second point would be that considering this the possibility for governments to raise a community objection against a string when for instance it is insulting for one of their communities or having a detrimental impact on one of their community or whatever is probably addressing a certain number of the concerns that the GAC expressed in the principals of 2007.

However - and we'll have to discuss that further - there might be a third bullet that says however some additional modifications of the community objection mechanism might be useful, but as it is out of the term of reference of this current group we will address it later after we fully agree that we want to do that or something like that.

Chuck Gomes: And Margie, as far as a short name, not that necessarily we need the short name in the report, but we could just call this community objections as the 15th thread.

Margie Milam: Okay I got it.

Bertrand de la Chappelle: I would suggest use of the community objection.

Chuck Gomes: That's fine. Thank you.

Margie Milam: Okay I got, thank you.

Chuck Gomes: Okay very good. Anything else on the high board threshold? Then let's move onto the string only thread. And Marilyn I think was the one that asked a question in that regard that I at least gave my personal opinion in terms of what I thought we meant which basically is just that in looking at Recommendation 6 dispute process the question was I think, you know, is it just the string that's involved in that dispute not the - any, you know, who proposed it or who - or what, you know, how it may be used or the content issues, etcetera.

Now (Carol), yesterday did mention that the he thought - he himself thought that context could be brought into the issue. I confess myself, I'm not real clear in my mind how you do that without venturing into the content area or whatever. So I wonder if anybody has any thoughts in that regard?

While you're thinking is there...

Cheryl Langdon-Orr: Chuck.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Chuck, Cheryl here. Perhaps - oh I'll give you a (unintelligible) I was just going to for the record perhaps draw attention to Mary Wong's recent traffic to the list which is specific to this point where she states, and this me quoting Mary. I believe that (Carol)

agrees that in fact that most although not all international treaties require more they need information even though (unintelligible) context might not be relevant considering whether there is in fact (unintelligible) in a particular case and goes on with that paragraph in fact an important part of the discussion (when looking at stream only).

Chuck Gomes: Thank you for pointing that out. That's very helpful. And Mary did apologize for not being able to make the call today. But thank you for doing that Cheryl. That's appreciated.

Any questions or comments on that input from Mary?

Okay, let's go to (Olivia).

(Olivia): Thank you Chuck. I was just going to actually try and find out just a quick question. Whether anyone thinks that ICANN should indulge in content related work or do they think that we should just keep way out of it?

My personal feeling is we should stay out. I just wonder whether anyone else thinks opposite.

Chuck Gomes: And there are a couple of people responding on the list I think that they do not think that content - will indulge me as Chair. I will also say that personally I would think that content is not an - looking at content is not an option because it goes beyond ICANN's mission.

Man: Yeah.

Chuck Gomes: But let's go - Frank you took your hand - okay, so Frank you've made your comment I think in the Adobe Connect. Thank you.

Richard.

Richard Tindal: Yes, thanks Chuck. Yeah, so I mean I don't think ICANN should or is in the content business.

But I don't think that looking at the full application in making and (bond) resolution says provider. I don't think that looking at the full context of the application in making my judgment; I don't think that's making content judgments. It's just to me it's just making a more informed judgment about the string and the extent to which it might impinge on, you know, global principle of international laws.

So I don't view that as content much so. I would think that the DRSP would tend to look at the full application. We made the application what they said they're going to do with the string and as well as the string itself.

Chuck Gomes: So Richard do you think that's the context that (Carol) was talking about yesterday?

Richard Tindal: Well I don't know what other context, you know, they would have. And I guess if you look at the (deck, right), you've got the application, you've got the statements of the parties to the objection and then you've got public comments. I think that DRSP looks at all of those things in making an informed judgment.

Chuck Gomes: Okay, thank you, so Bertrand.

Bertrand de la Chappelle: Yeah, I think it's a very important element. But I would like to raise a distinction here. When we talk about content and I would follow Richard here, there are two elements. It is absolutely clear in my mind that nobody has suggested even when talking about context that ICANN should take a decision regarding a string on this ground of morality, public order or whatever we name it on the basis of the content of the Web sites that are underneath. Any way we don't know that before.

So any element that is related to content on the sites hosted under the domain names of the second level in a TLD is something that will be done once the TLD is implemented and this will be a question of traditional blocking at national level.

I think Richard hit the thing on the nail. What will be taken into account by the DRSP is something that I suppose is somewhere in the deck. I couldn't find it before talking now.

But which is basically the intended purpose of the string. When an applicant makes an application he doesn't say I want string A but he says I want string A and the purpose of the TLD is to do this, to serve this community or to address the specific need.

So I think this is the limited context that should be taken into account. And it could cover for instance some of the elements that we were addressing with very delicate words like a (.Nazi).

It is not about the content on the site. It is about the fact that the applicant says I want a (.Nazi) to promote the (Nazi) values or so on or

I want a (.Nazi) to document the activities of the NACAP and the registration policy will be as follows.

So I think the distinction is it's clearly not the content of the sites which in any case weren't available before but it should probably take into account the whole application.

Chuck Gomes: Thank you Bertrand. Now my question for the whole group is this. Is there some statement that you think would be good to make in our report with regard to the string only thread that we're talking about right now and maybe it's something along the lines of what Bertrand just said.

But what do you think about that? Is there - anybody want to comment on that? Do we want to make any sort of a recommendation or statement with regard to the strong only thread in our report or not?

Frank.

Frank Marsh: Yeah thanks Chuck. I think it is very important that the (unintelligible). I would suggest though that it might be better to make a general recommendation that in proceeding with setting up the GTLD ICANN not concern itself with content issues, something along those lines because the - it's a more general high level issue than focusing on the string.

I personally believe that the only grounds for objection should be the semantic value of the string. We could say something along those lines.

But I would suggest making a statement about avoiding the content issues completely might cover the issue more completely and perhaps less controversially.

Chuck Gomes: Thank you. Okay Bertrand.

Bertrand de la Chappelle: Oh sorry. No, no. I just had my hands (unintelligible).

((Crosstalk))

Chuck Gomes: Okay. I didn't know. I thought maybe you left it up intentionally so I was going to come back to you.

Well let me ask this rather than taking a lot of time of drafting on the call. Is there someone or maybe a couple people that would like to draft a possible statement? Both Bertrand and Frank actually, you know, expressed it fairly well in the words they just shared.

So would one of you guys or both of you maybe working together like to propose a brief statement, it doesn't have to be very long. In fact I think Bertrand said earlier, the briefer we are as long as it's clear, I think the better, to put on the list as a possible statement in regard to this thread?

Bertrand de la Chappelle: Chuck this is Bertrand.

Chuck Gomes: Yes.

Bertrand de la Chappelle: Yeah. No, just to say that in response to a comment made by (Stuart) I think there could be something along the line of saying

that the DRSP will examine primarily the string almost as Exhibit A and as needed could use if necessary or something like that, the element contained in the application to provide additional context if necessary. So that it is (unintelligible) element.

Chuck Gomes: And what about Frank's statement with regard to not dealing with content?

Bertrand de la Chappelle: This is why I was making the distinction. This is not content. It's the intended purpose of the string.

Chuck Gomes: Right. But I think if I heard, and Frank feel free to jump in, him saying that it might be helpful to, you know, call out the fact that this does not - we're not going in a direction of evaluating content. Now I think the staff fully understands that but still might be good to be in our report.

Bertrand, would you take a crack at a statement in regard to this and send it to the list so that we can then refine it as needed?

Bertrand de la Chappelle: Okay, I'll try to do that. I was already trying on the chat but I'll do that, yeah.

Chuck Gomes: As you know I'm not very good at keeping up with the chat while I'm managing (the telephone).

Bertrand de la Chappelle: Well I haven't sent it yet.

Chuck Gomes: Oh okay. All right, okay. Richard?

Richard Tindal: Yeah, thanks Chuck. I just had a question for Frank to clarify what you said a moment ago. Frank do you view the identity of the applicant and other information that's in the application, are you considering that to be content?

I don't view that as content. I think of content as what's going to be, you know, on the Web sites later. But a question for you is that how you're interpreting content?

Chuck Gomes: Go ahead Frank.

Frank Marsh: Hi. No, no, not at all. I think that's the context that Bertrand is describing. I mean obviously the character of the people making the application is going to be an important part of the assessment as to whether the application should go ahead.

And obviously that's a context issue not a content issue. I think content is quite specifically what is the anticipated nature of the material on a Web site. And that's the area that ICANN should avoid in my view.

I am - so this - by the way this is a very personal view. I have not - this has not been specifically discussed in the GAC at all. But I intend to make sure that it is in the future.

Thanks.

Chuck Gomes: By the way and I'm going to jump back a little bit in the agenda, Margie one of the things and I meant to mention this earlier and we got onto other things. In the report where we list the participants, I think it's very important to preface that list with a statement that basically says that

the participants unless they stated otherwise with regard to a particular contribution in the Working Group were participating in their individual capacities.

So I think that's very important to have there.

Sorry, I regressed a little bit. Richard does that answer you - did that answer your question?

Richard Tindal: Yes, thank you.

Chuck Gomes: Okay, very good. Cheryl.

Cheryl Langdon-Orr: Thank you Chuck. Following up on the context - the content discussion and what Frank was just outlining, this is one of those points in the report where certainly because the large Advisory Committee and indeed the wider at large community in its deliberations on the matter as far back as Mexico in a (former segment of ILAC) been endorsed, but back even earlier to Los Angeles Meetings (unintelligible) continually making what we think (unintelligible) and obvious statements that where context is worthy of consideration. There needs to be.

Content is something that should not come into consideration by ICANN at this point in this process and so (ILAC) would be able to use much stronger and firmer language because it's (borne) directly out of our previously statements on this particular (commentary).

Chuck Gomes: Thank you Cheryl. Frank did you still want to get back in the queue?

Frank Marsh: Apologies, hand coming down now.

Chuck Gomes: Okay, thanks. Okay, all right so let's go on then. If - I see no more hands and hear no one else. So let's go on then to the next thread which is the issue of outsourcing the dispute resolution process.

From what I've seen on the list and in our discussions and our calls, there certainly are those that don't support the idea of outsourcing the dispute resolution process. But there are also those that think that's a very valid thing to do.

Who would like to - let's take a few comments on that, we don't necessarily have to rehash all the discussion that's already gone on on this issue?

But let's discuss it. Frank you're first.

Frank Marsh: Yeah thanks Chuck. Just to reiterate what I said the other day actually that the Board - I don't think the Board can legally duck its duty in terms of making a decision here. It's the party that's legally responsible.

But that does not mean in any sense that it shouldn't seek advice and there's no reason at all why there shouldn't be some sort of Advisory Panel in my view.

But it can't duck the issue. It should not duck the issue by passing the buck to an external group. That's what I have said and that's still my view.

Thanks.

Chuck Gomes: Yeah. And I think that we all understand that the ultimate decision rests with the Board. California law does not allow anything different than that.

So my question for the group then is, you know, do we want to make any statement with regard to outsourcing of the process? Do we want to spend more time on that topic?

I think there are several options that we have. We can just, you know, not making any statement with regard to outsourcing. We can say that there's a mixed view in the group of whether that's appropriate or not.

What thoughts do you have?

And we'll start with Cheryl.

Cheryl Langdon-Orr: Thanks Chuck. And here I'm again bringing to the record at this point in our discussion reference to the conversation that was raised and this a little bit (unintelligible) hasn't happened from (Marilyn)'s earlier discussions on this where we argued our thought quite strongly for a number of benefits for having an outsourcing.

And of course in our meeting I think it was minus two or three on the one we're at now (unintelligible) we did go through - looking back at the transcript you may see that I do think that the product that is actually the benefit for ICANN and its Board to have an add-on link that is (advanced) particularly with an advising expert would be very, very useful.

So I think we do need to make that statement on this (string). And it also goes to ensuring that the Board when reading our report is very clear that we are very clear on the facts.

Chuck Gomes: Thank you Cheryl. (Philip).

(Philip): Chuck thank you very much. Yeah, I'd just like to supporting what Cheryl said. I mean just two points really. The - I see this as no different to any other ICANN process essentially where the Board is overseeing it, it appoints service providers and ultimately the Board is taking a decision to appoint, you know, service providers and to adopt their decisions in terms of in this case ultimately accepting or rejecting an application for a new URL.

And the second point I think is that in this area like so many to be honest the Board is not going to have the expertise to make those substantial judgments. It will have the expertise to appoint people with the expertise but to actually do the job itself I think we would be wanting to recruit simply a different Board to the one that we currently have.

Chuck Gomes: Thank you very much (Philip). I appreciate that. Bertrand.

Bertrand de la Chappelle: Oh yeah just a quick point. I think we're saying the right things here. The notion of outsourcing would mean that it is completely external and that the DRSPs making the decision which is not viable.

At the same time as (Philip) said the Board doesn't have the time or the expertise to make the evaluation or the comments itself. And so the

question basically boils down to whether we allow the Board in principal to overrule the DRSP.

If the Board has the possibility to overrule the DRSP recommendation then there clearly is a balance and it is a responsibility that is the responsibility of the Board and the DRSP is providing something that is the equivalent of an advice.

Depending on the majority, super majorities to overturn if we adopt this in Canada the role of the DRSP is more or less binding. But is a cursor that we can use.

So clearly I don't think there is agreement in the group unless I'm mistaken for the idea of having a complete outsourcing of this very important element.

Chuck Gomes: Yes. Does anyone on this call disagree with -- I know there were people early on -- disagree with the outsourcing of the dispute resolution process to a third party?

Bertrand de la Chappelle: What do you mean by outsourcing?

Chuck Gomes: In other words the Board - I think there were people that were suggesting early on that the Board itself decides the dispute without outsourcing it to a third party, a panel of experts.

Bertrand de la Chappelle: Oh okay. Chuck can I comment?

Chuck Gomes: Are we (fast enough)? Yeah, go ahead. Go ahead Bertrand.

Bertrand de la Chappelle: No, I just want to - us to be clear with the word outsourcing. The way I understood it is related to what Frank said in one of the first meetings we had and that I think this is where the thing came up. My understanding is if we say the Board outsources it means that it basically gives the DRSP the responsibility to make the decision.

And for instance we could even have a situation where the Board has no right to overturn. It just endorses the recommendation of the DRSP but it cannot go against.

The notion that we're discussing here is having an external panel so basically there are three stages or three possibilities. One, the Board makes its decision without requesting expert advice and I think for the reason mentioned before it wouldn't be sensible.

Either the Board completely outsources to a third party a DRSP and basically has a recommendation that is binding or the Board has this (mechanism) in between where it has certain rules for following the advice and certain rules for overturning.

You'll remember that the question of the binding nature of the independent review panel was more or less about this element.

Chuck Gomes: Right. Okay, thank you very much. (Olivia).

(Olivia):   Thank you Chuck. I will actually agree to the fact that the DRSP should be an external consultant such - should provide consultancy for the Board to take its advice or not take it. And the Board should have the last word.

The reason for it being that ICANN in itself is structured so as to avoid any kind of capture. And if one leaves all of the decision process to the DRSP this is a critical part of ICANN's work that would be in the hands of or potentially be in the hands of an external provider that could be captured.

Thank you.

Chuck Gomes: Thank you. Okay. Now Cheryl since you're the one and (Philip) concurred that, you know, you think it's good to I think make a statement in this regard not just leave it alone.

Would you be willing to draft it and you could even run it? You and (Philip) might do it together if you - if the two of you want to do that. I'll leave it to you.

But would you be willing to draft a statement?

Cheryl Langdon-Orr: Unfortunately I'm in a Board retreat at the moment. I'm (unintelligible)...

((Crosstalk)

Chuck Gomes: Well you can't. (Philip) would you - you're a great writer. Would you be willing to draft something and put it on the list for consideration as a statement in regard to this issue?

(Philip):   Sure. Yeah.

Cheryl Langdon-Orr: And I think and (Philip) we've referenced back to some of the chewing and throwing that happened when (Marilyn) put up her (case). I think (you might get a feeling if you can't).

((Crosstalk))

(Philip):   Yeah, good thought.

Chuck Gomes: Good. And again the idea is for (Philip) to put something out and then the rest of us can comment and tweak it as we think necessary.

But I'm not hearing anybody objecting to the use of an independent third party as an expert.

I think we can accept and don't really need to state this. But we can accept unless people think we need to state it that the Board has to be the ultimate decider on these issues. That's part of the law.

And if that needs to be in the statement, we can say it, but I think it goes without saying. So I think we all understand that.

Cheryl Langdon-Orr: Chuck I know it should go without saying but I think it should be said.

Chuck Gomes: Okay. You heard that right, (Philip).

(Philip):   Okay.

Chuck Gomes: Okay.

(Philip):   I mean in my mind it's the same as anything else, right, because the Board can make a decision and they can overturn it the next day but...

Chuck Gomes: That's right. Yeah.

(Philip):   Yeah.

Chuck Gomes: Okay, thanks to everyone. Anything else on the outsourcing thread?

                 Okay, let's go then to universal availability objective with limited exception, another thread that received about 11 - 11 people chose that one in the top 6 issues.

                 The - is there - where are we at on that? There's been some discussion on that. I think I've seen pros and cons of that being an objective. The universal availability I think it came out of the GAC statement.

                 Who would like to comment on that?

                 Go ahead.

Bertrand de la Chappelle: Yeah. No. This is Bertrand, just one point. The initial formulation was universal resolve ability.

Chuck Gomes: Right.

Bertrand de la Chappelle: And the GAC had (led) discussions that were hinting at the notion that if some (TLDs) are being blocked at the top level domain then it is contrary to stability and to - and it would lead to

fragmentation. I think there has been some exchanges including within in the GAC but also on this list that explained and rightfully so that even if a TLD were to be blocked it is not really doing fragmentation per se.

There are still risks later on that if for instance some operators, all governments get in the habit of distributing their own sort of (routine) file with the ones that they don't like taken out. Maybe they could be inclined at one moment in point to continue to distribute this and introduce their own other TLD. So this is something we're to keep in mind.

In any case what we were discussing here with the expression universal availability is that there is probably an emerging principle. I don't know whether it is useful to formulate it explicitly. But I wanted to raise it. There is sort of a principle that any blocking should happen at the lowest granularity level and that just like the universal declaration of human rights it is clear that governments always retain the right to potentially block a TLD. However it should be a sort of extreme measure and it should be under clearly defined exceptions.

And I think Mary has developed a certain number of suggestions in that respect that is by law that, etcetera.

So it's just to explain the difference between universal resolve ability and universal availability.

And I think there is a concern in the GAC which I think is legitimate, that a flood of applications that would be partially blocked here, partially blocked there is not globally good for the DNS, and that ideally

we should have a sort of objective of having all TLDs available in all countries even if this means telling governments that they can only block under very explicit reasons.

I hope it clarifies it.

Chuck Gomes: Thank you Bertrand. (Olivia).

(Olivia): Thank you Chuck. May I echo what Bertrand has just said and also add that I think ICANN should strive towards this universal resolve ability. But let's face it. It's the real world. So some governments will obviously be blocking specific top level domains.

What I think is that if this is frowned upon or if there is some kind of mention to us say that this is not condoned by ICANN then it would make this - the exception more than the rule.

Thank you.

Chuck Gomes: So do you think it might be good (Olivia) for this Working Group to make some sort of a statement that we encourage ICANN to, you know, take whatever steps necessary. I don't like my wording but anyway I think to get the thought across, to minimize blocking. We don't think blocking of TLDs is a desirable activity. But if it is done and we could follow along the lines that Mary has contributed on the list.

What are your thoughts on that (Olivia)?

(Olivia):   Well perhaps not as strong as saying that we want that but more that we support universal resolve ability. It's not a specific point I think that needs to be developed. I might be wrong. I don't know.

But it is certainly something that we support. And it's an ideal that we would support.

Chuck Gomes: Okay. Bertrand.

Bertrand de la Chappelle: Yeah just following what (Olivia) was saying, I think there could be even something as light as a concluding remark in the document that says that the group hopes that the modalities that are being proposed to address this issue of implementation of Recommendation 6 will help promote universal accessibility of TLDs entered in the route and limit any national decision of restricting access to a whole TLD to very specific situation determined by law, etcetera.

So it's just that the processes that we are putting in place, including the argument I was making regarding the fair hearing of governments, even if (Milton) doesn't like the expression, the whole exercise is intended to make it harder to just say oh, we were not heard and so we block without any reason.

So maybe a sentence that we can formulate later would say we hope this will have the new GTLD program achieve or support universal availability of the new TLDs and alleviate the conditions under which restriction to access to those new TLDs are eventually being done, or something like that.

Chuck Gomes: Thank you Bertrand; Richard.

Richard Tindal: Yeah, this is Richard. Yeah, I support what Bertrand just said, and I think it would be very useful for us to put an appropriate statement of some sort in our report.

Chuck Gomes: Okay. You know it seems to me -- and please feel free to disagree with me -- but in Bertrand's first sentence I think, he did a pretty good job of making a statement. And I personally kind of like the idea of putting that in our conclusion. I think it fits there very nicely.

If nobody disagrees with that I will ask Glen or Margie or one of the staff members if they would maybe either listen to the transcript or whatever and capture that sentence.

And let's not include it so much as a list of recommendations -- but we need people that are on the call to weigh in on it was well -- but to list it as a concluding - one of our concluding statements.

Margie or Glen or someone else from staff, is that possible to do?

Margie Milam: Chuck, it's Margie. I need to ask Glen how quickly we can get the transcript, because if you want something by close of business today, I don't know if I'll have access to that today. Glen, do you know?

Chuck Gomes: Glen, are you there? Did we lose Glen?

Glen Desaintgery: Now, can you hear me?

Chuck Gomes: Now I do, although it's quiet again Glen. I'm not sure what's going on.

Coordinator: Glen, your line is open, please go ahead.

Glen Desaintgery: Oh, thank you. Sorry Chuck, my line was muted.

Chuck Gomes: Okay.

Glen Desaintgery: Chuck yes, the transcript will probably come out around about my midnight which is still half day for Margie. Otherwise I can try later on and get it off the recording.

Chuck Gomes: Okay. So is that all right Margie?

Margie Milam: Yes, that's fine. I prefer the transcript Glen, if you can get that.

Glen Desaintgery: I'll do that Margie, okay. As soon as it comes through I'll send it to you.

Chuck Gomes: And we'll put that out to the whole group as well as one of our possible concluding statements. Good suggestion by a couple of people there; thank you.

Anything else on that issue of universal availability - acceptability; whatever term we use?

Okay. Going on then to (spanding)...

Cheryl Langdon-Orr: Whoa, whoa, whoa - back up, up, up Mr. Co-Chair.

Chuck Gomes: Okay. I see your hand now Cheryl, but I heard your voice before your hand popped up.

Cheryl Langdon-Orr: Oh well, we're on the other side of the pond, you know. It takes a while for the little thing to get all that distance.

Chuck Gomes: Okay, go ahead.

Cheryl Langdon-Orr: It's not specific to this particular thread but, rather I - what I think might be a very useful point, you know, is a mechanism for allowing us to - as we go through the threads in the document, to make sure if we have a comment or statement or a summation point in recommendation which will be in another section of the document, that we have a hyperlink in the document.

So, for example under the thread Universal Availability, one could go straight to whatever statement the work group agrees to. This is going to be - we need this to be (unintelligible) is a very lean document.

So, for ease of reading the more we can hyperlink to - from a point to another point within the document rather than be repetitious (unintelligible).

It was more of a comment on general form of the document than specific (unintelligible). But it struck me, this is one of those points where that could be useful.

Chuck Gomes: Thank you Cheryl, and sorry for sitting ahead a little bit too quickly.

Margie, do you understand what - are you clear on what Cheryl is suggesting there?

Margie Milam: Yes, I understand what she is suggesting, I've just got to figure out how to do it.

Chuck Gomes: Yeah, okay. And by the way Cheryl and others, as we work with the report if you see areas where that would apply, please suggest it on the list and then that will help Margie with - she's not going to have enough time to be able to do all these things on her own without as much assistance from us as we can give.

Okay. All right, anything else on Universal Acceptability or the report? And I appreciate you interrupting and anything anybody thinks of with regard to the report as we go through this process, don't hesitate to jump in in that regard.

All right, now we go to standing for filing objections. Early on in our discussions on that issue I recall comments made where some people - I remember someone saying that only governments should standing to object.

I've seen others say that the standing should be pretty broad like it is now in Applicant Guidebook Version 4.

Where are we at on that? Are there still concerns about a standing the way it's defined in the Applicant Guidebook 4? Is this an area where maybe we don't have any further concerns?

(Philip):   Chuck, (Philip) here. Just a clarifying question. Is there a - does the cost of objection here is like in most other cases?

Chuck Gomes: Yes.

(Philip):   Which is really a way of filtering frivolous objections I guess.

Chuck Gomes: Right. And there's also the quick look process that is another one of our topics that is designed to filter out frivolous objections as well.

                  And I think, isn't it -- somebody from staff; I don't know if (Curt) joined our call today -- but the - I think there's an effort to - the fee structure I think is if I recall -- and I'm not real clear in my head right now on that -- there's a two-stage fee structure isn't there, or is there -- with regard to filing objections?

                  There's an initial filing fee and then there's an additional fee. Is that - can somebody from staff help me there and then I'll go to the queue.

Liz Gasster: Chuck, I don't think (Curt)'s on the line and we'd have to check to see.

Chuck Gomes: Okay. Liz if you could, you know, check that and just send a message to the list; that would be fine.

                  Okay, Richard.

Richard Tindal: Yeah, I think the fee to make a recommendation (unintelligible) objection I think is like the other forms of objection and that is that the loser pays.

                  So even though both parties front the cost of the process, I think that the successful objector has their fee refunded to them.

But I'll check to make sure that's the case. Certainly it's the case with other sorts of objections. I think it's the case with this one as well.

Chuck Gomes: Yeah, and my question was, is there a two-step fee process in the beginning? I agree with you on what you're saying there. I think that's the case.

By the way, feel free to confirm that on the list. That would be very helpful.

So Frank.

Frank Marsh: Yeah, thanks Chuck. I just wanted to note that the GAC is likely to object very vociferously to any suggestion that government objections would require a fee being paid. I think this point has been made.

I just wanted to reiterate it that it's a position the GAC is likely to be very strong on.

Chuck Gomes: And it seems to me -- and I'm throwing this out there for reaction -- it seems to me that it might be good if we made that statement pretty much the way you said it Frank, in our report. Is there any disagreement to that?

Richard Tindal: Sort of, with a clarification. Frank, is there any easier definition of government? I mean when does it become an official government complaint versus an agency what we call in UK terminology, a quango and that sort of thing?

Frank Marsh: Pass. Good question but I don't have a ready answer to that. There is of course the GAC definition of what a government is that might be an appropriate one.

Richard Tindal: Okay. I mean to my mind - I mean that sort of clarification would be needed if we are going to make any assumption of that, which seems imminently reasonable. Because to my mind certainly looking at many public sector models there are all sorts of bizarre agencies that pretend to be pseudo public sector who potentially have far less standing than other private sector organizations.

Frank Marsh: Yeah, I don't disagree with that. The only thing I could come back is the only text I'm aware of that might help resolve it -- and I emphasize the might -- is the GAC definition of who it's members might be.

                 Again, but that might help.

Chuck Gomes: Frank would you -- and I'll get to Bertrand in a second -- would you be willing to put in writing kind of the essence of what you said with regard to the likely GAC position with regard to fees there and distribute that to the list for comment? And then we can see where we might fit that if people are in agreement so including that in our report?

Frank Marsh: I just indicated, yes.

Chuck Gomes: Oh okay, I'm sorry. I was zoning a little bit here in my office.

Cheryl Langdon-Orr: Chuck, I think that would be forgivable considering the amount of these calls we've been doing almost end-to-end. I think zoning out is a sanity type exercise.

Chuck Gomes: I think you're right Cheryl. Okay, Bertrand.

Bertrand de la Chappelle: Yeah, I think there are two elements. First of all, I think we thought initially the idea of having governments only in certain cases.

My understanding of the discussions in the previous days is that basically governments are able to apply for whatever morality and public order their objections would be defined or for a community objection and other actors can as well.

So I think there is probably no distinction in particular, taking into account Frank's comment.

What I would like to insert here is maybe a suggestion that we've not explored that came to mind after the discussion yesterday.

The whole debate about when a national government has a problem and it is not a universal problem but it may be sufficiently widespread or it is in different regions and not in others, would there be a way to have a way for governments to go through the GAC and to actually use the GAC?

In a situation where the GAC would provide the direct advice to the Board and would have the possibility of saying for instance, that a significant concern among sufficient numbers of the GAC members, to consider that -- and please don't shout in horror -- that a high threshold of the Board would be needed to approve this TLD? So you can do it.

But without getting through the objection, we request that the -- and it would be a unanimous comment by the GAC so that there's a sort of filtering -- there's no way a GAC member can basically make a comment or an evaluation on the pertinence - or explicitly the pertinence of what another government is saying on behalf of its national law.

However I wonder if the GAC unanimously considers that this is a sufficiently sensitive string for a sufficient number of governments?

Just requesting a super majority to approve this TLD would probably be an interesting avenue that could on the one hand solve the question of making an objection, paying by a given government if it thinks that it can get GAC approval for this procedure.

And second, it would encourage governments who are not part of the GAC to join the GAC to be able to use this procedure.

What do you think? It's just an idea that I'm floating and I'm not sure it will not raise another can of worms, but I just wanted to insert it here.

Chuck Gomes: Bertrand, before I go on to Richard and Cheryl, can you help us understand how what you're suggesting would fit into the evaluation process?

Bertrand de la Chappelle: You mean in terms of timing in particular?

Chuck Gomes: Timing is one element of it but I'm just - but also just where in the process would this happen?

Bertrand de la Chappelle: If it is something that is being sent to the Board directly, it can even arrive relatively late, although it is very unpleasant and not very good for the process.

Maybe it is something that could be sent -- that's a good question. It could be sent to the DRSP if there is an ongoing procedure so that a government doesn't initiate that.

Or -- it's a good question. I don't have a good answer. You're absolutely right to ask. Sorry, I'll have to think about it more.

Chuck Gomes: So with regard to the DRSP, what you're thinking -- and I understand you still need to give it some thought as well -- but the GAC might have some sort of a unanimous decision or whatever - however the GAC defines consensus, that's submitted to the DRSP with regard to a particular string?

Bertrand de la Chappelle: Yeah, that could be part of it. In any case governments can always submit comments to the DRSP.

But I think one element is to find channels and procedures for handling Frank's remark and government objection to trigger the evaluation. Maybe it is possible to have the DRSP triggered by just a unanimous request by the GAC and maybe without payment.

But for instance I'm elaborating as I speak, but the government would have an option of saying if I want to apply directly from an objection, I go to the DRSP and I have to pay unless we agree otherwise.

Or if it is through the GAC, the GAC as a whole could be considered as triggering a DRSP evaluation or an objection without having to pay. I suppose if there's a unanimous decision of the GC that this deserves examination, it is sufficient or it should be sufficient. It's likely to not frivolous I would say.

Chuck Gomes: Okay. And by the way and I think everybody knows this, the GNSO recommendation certainly gave the GAC status to file a dispute if they wanted to. So I think that's consistent with now, we'd come back to the full fee issue. So if the - does the GAC have to pay a fee to...

Bertrand de la Chappelle: The GAC can pay.

Chuck Gomes: Yeah. So that's another subject entirely. Well we're running out of time so let me jump to Richard.

Richard Tindal: Thanks Chuck. Maybe this has already been addressed in the day, but one way to approach what Bertrand was discussing would be to have the independent objective and be required to act on the sort of request from the GAC.

Man: I'll have to refresh my memory on (unintelligible) said. I think the interdependent objector is then sort of paying his own bill if you like.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Richard that leads perfectly to what I wanted to raise with some of what Bertrand was saying when he was saying GAC.

I was hearing a benefit of perhaps saying, you know, ICANN Board Advisory Committee, we have a (unintelligible). And whilst we - if we end up coming forward with a concern that is being unresolved as a consensus policy within those processes of either the GAC or multi ILAC, it may be the GAC should have a trigger for an independent objector system for a trigger point for a higher barrier or sort of higher nature of the super majority for Board on those things.

This is one of those that we need to work on a lot more. Interesting but it does need work.

Certainly the ILAC has looked at each role with the independent objector along (unintelligible) at large with the conversations we're having now in terms of standing.

Chuck Gomes: Okay, thank you Cheryl and thanks for that discussion. I think we're going to have to pick up with this thread on Friday and certainly we can do it on the list.

So if anybody has any ideas including further clarification or after you do some thinking on yours Bertrand that would be helpful.

What I want to do before I adjourn the call today is just talk about our next steps; action items in particular.

So Margie and or Marika or Liz or which one - however you decide to make it happen, what would be very helpful if we haven't updated the list distributed to the working group list today, that would lift the possible recommendations and/or statements that were - that there was support for on this call for a list discussion.

And then ultimately before we finalize a report we'll have to measure the level of support for those statements. So if you would do that I would appreciate that. Are there any questions on that action item?

Okay. And then what I would like everyone else to do, not only those on the call, but certainly other people on the list, so when we send that list out please encourage everyone to communicate if they have any objections to that or any suggested edits so that we can on Friday get close to some agreement in terms of language in that regard.

And then our meeting schedule -- some of you may have seen it; if not you probably will because I know I received it I think shortly after the meeting started today or right before it started -- a meeting request for Friday at 12:30 UTC. Is that right Glen? Did I get that time right?

Glen Desaintgery: That's the correct time Chuck.

Chuck Gomes: Thank you. And then our regular call which I'll have to do from Vilnius -- some of you - some of the rest of you may be there at the same time I am -- on Monday at 20:00 UTC.

And at that particular meeting we need to be at a point where we, you know, make final decisions on the report that will be submitted. And I think it's going to be a report coming from the working group to the Board and to the ICANN Implementation Team.

So any questions on the schedule? So on Friday what we will try to do is spend a little more time on the standing issue to see what, if anything, we're going to say about that.

And then we will try to cover as many of the rest of the items as possible. Now to facilitate that a little bit, is there anyone who would volunteer to draft a statement and send it to the list regarding the use of the Community Objections process?

If we have something in advance of the call on Friday that would probably facilitate that. Any volunteers? Richard are you volunteering?

Richard Tindal: I am. I would be happy to do that. Are we saying - what is the statement though? Is it sort of a summary of what is currently available or is it some sort of proposal for how we (unintelligible)?

Chuck Gomes: I think it's a - I don't know that it's a new proposal. I think it's a recognition based on our discussions with (Carol) yesterday and other discussion in this group that the use of the Community Objection process provides an opportunity to deal with some of those concerns for example, that the GAC have raised, with regard to sensitive strings and so forth.

Does that help a little bit?

Anybody else want to help Richard out there? Thanks for volunteering.

I would suggest -- yes, Bertrand?

Bertrand de la Chappelle: Yeah, I think in the course of the discussion today I outlined three building blocks. I think Margie or somebody else must have taken them down somehow.

Just reiterating Corporate's remark about Community Objections being open even against non-Community TLDs.

Second, the argument that we were making that it probably allows us to cover some of the concerns of the GAC, and third that potentially some additional elements might be needed.

But do you mean or would you like the second paragraph to be developed a little bit more to give more explanation? Is that what you're asking for?

Chuck Gomes: Richard, would that be helpful?

Richard Tindal: Yes, that would be helpful.

Chuck Gomes: Okay. Bertrand, would you do that?

((Crosstalk))

I'm not asking you to do Richard's job but could you...

Bertrand de la Chappelle: Let me rephrase that.

Chuck Gomes: ...(unintelligible) that paragraph a little bit.

Richard Tindal: I'm sorry, can I just jump in here Chuck.

Chuck Gomes: Yes.

Richard Tindal: What I'll just do is offline I'll just team up back a forth a little bit with Bertrand. I can draft this whole thing out.

Chuck Gomes: Thank you very much, I appreciate that. That's...

((Crosstalk))

...an important one to get in the report.

Okay, and then the next one coming up is the Guidebook Criterion. There's been a great discussion on that. I don't know where we're at in terms of if we're close to something. I think that's going to be a hard one to get agreement on the actual terminology used.

Could - is there anyone that would volunteer to kind of summarize where they think we're at on that one?

Hearing no one or seeing no hands, Liz is it possible to get somebody - - and Margie has got an awful lot to do so I don't want to dump everything on Margie.

Is it possible to get somebody to take a look at that thread on the list ad maybe provided a little summary in advance of the meeting on Friday of where we may be on that to help us discuss it more readily on Friday?

Liz Gasster: Yes, which thread are you referring to?

Chuck Gomes: The Guidebook Criterion 4.

Liz Gasster: Okay.

Chuck Gomes: You know, the one...

Liz Gasster: I'll check on that.

Chuck Gomes: ...that we've talked about call it Public Policy Issues or other was suggest that kind of thing. If you could follow-up on that I think that that would help.

Liz Gasster: Yes, resources are limited at least in the Policy Group for - you know, it's a Jewish holiday tomorrow. And if I can get someone from (Curt)'s group, yes. But if not, no.

Chuck Gomes: Okay. Well I would appreciate you trying.

Liz Gasster: Yes, I'll definitely try. It's just a really bad couple of days here.

Chuck Gomes: Yeah.

Liz Gasster: And especially with so much on Margie, you're absolutely right.

Chuck Gomes: Yeah, that's why I didn't want to dump it on Margie.

Liz Gasster: Yeah.

Chuck Gomes: So, I understand, okay.

Cheryl Langdon-Orr: Chuck?

Chuck Gomes: Yes.

Cheryl Langdon-Orr: I'm wondering sort of jumping on top of Richard saying that - - I apologize Richard -- but we're sort of at a tipping point in our list here as well when you look at the, you know, prioritizations that people are given.

Would it be expedient to put a call to the list for volunteers to...

Chuck Gomes: No, that's a good...

Cheryl Langdon-Orr: ...(unintelligible) calculation?

Chuck Gomes: That's a good idea. I've give myself an action item to call for volunteers on the remaining ones.

Cheryl Langdon-Orr: Yes...

Chuck Gomes: Richard...

Cheryl Langdon-Orr: ...from this particular point down. Sorry Richard, I apologize.

Chuck Gomes: Go ahead Richard.

Richard Tindal: Yeah, no problem at all. I'm just - it's a question, where in these threads -- it might be the one we just talked about -- but where in these threads is the sort of the third piece that Bertrand mentioned?

One piece is the Community thing, there is that. The other is the refinement of the Global Principles of Law. And then the third one

which I think has been more controversial in all this is sort of objection based on the national law.

We don't sort of have a consensus that one I think but where does it fit into the threads with that third one?

Chuck Gomes: Correct me if I'm wrong, but doesn't that fit into the use of Community Objections, at least in part?

Richard Tindal: In part, or I guess they're all inter-related in terms of the ability to object. But I think as Bertrand has articulated, I think there's sort of three approaches that can be taken.

I saw the ability to make objections perhaps with a different standard based on a breach of national laws so that you get sort of an independent type of thing.

Is that not the case; I thought it was?

Chuck Gomes: It may be and I think Bertrand that you said on one of your recent postings that you were still going to develop your thinking on that one a little bit further.

So maybe if you will come back with some brilliant ideas there, that will help us.

We've gone over and I have to prepare for chairing a GNSO Council Meeting in about - in a little over 20 minutes so I need to bring this meeting to a close.

Thanks again for great work and super cooperation. And we will talk again on the list and in our call on Friday.

Meeting adjourned.

Man: Thank you Chuck.

Cheryl Langdon-Orr: I'll talk to you in about 6-1/2 hours.

Chuck Gomes: That's correct Cheryl.

Cheryl Langdon-Orr: When he gets through GNSO he's got another call.

Chuck Gomes: All right, bye everyone.

END