SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPTION
Tuesday 26 October 2010 at 1300 UTC

Note: The following is the output of transcribing from an audio recording of the SO/AC new gTLD Applicant Support Working Group (JAS) Tuesday 26 October 2010 at 13:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

http://audio.icann.org/gnso/gnso-jas-20101026-en.mp3
On page: http://gnso.icann.org/calendar/#oct
transcripts and recordings are found on the calendar page

Participants on the Call:
ALAC
Tijani Ben Jemaa - AFRALO - At large
Alan Greenberg – ALAC
Carlos Aguirre - At Large
Evan Leibovitch – Co-Chair
Sébastien Bachollet – ALAC
Cheryl Langdon-Or - ALAC chair
Dave Kissoondoyal – At Large
Baudoin Schombe – At Large

  GNSO
Rafik Dammak - NCSG - Council liaison
Avri Doria – NCSG – Co-Chair - (only on Adobe Connect)
Andrew Mack – CBUC
Elaine Pruis - Mindsandmachine
Eric Brunner-Williams – Individual

  ICANN staff
Karla Valente
Glen de Saint Gery

Apologies:
Alex Gakuru – NCSG

Coordinator: This call is now being recorded.

Glen Desaintgery: Good morning, good afternoon, good evening everyone. This is the JAS call

on the 28th - no, sorry the 26th of October. And on the call we have Cheryl

Langdon Orr, Carlos Aguirre, Rafik Dammak, Tijani Ben Jemaa, Elaine Pruis,

Alan Greenberg, Evan Lebovitch and Dave Kissoondoyal. And for staff we have Karla Valente, and myself, Glen Desaintgery.

We have apologies from Sébastien Bachollet, Alex Gakuru, Avri Doria and I that was all wasn't it Evan?

Evan Leibovitch: So far as I remember that's correct.

Glen Desaintgery: And may I just ask you please to say your name before you speak for the transcription purposes. Thank you very much, and over to you Evan.

Evan Leibovitch: Okay, all right. By the way according to - I can't get into Adobe, not for technical reasons apparently but I'm told that I haven't been given permission yet to get into....

Cheryl Langdon-Orr: Karla will let you in in a minute, it's a private meeting. We all get that.

Evan Leibovitch: If it's a private meeting I don't get in, that works for me.

Cheryl Langdon-Orr: Evan, you're in mate, sorry. She let you in. No escape.

Evan Leibovitch: I tried. Okay and if you could give me meeting presenter status, okay. SO the document that is on the screen right now is the last one and so as far as I understand recently there have been edits that have been submitted by Tijani, by Sébastien and by Eric.

And I hope they have all been incorporated. It's my understanding based on conversations I've had with Avri that there is not a lot left in this document that we need to nail down.

And hopefully if we can reconcile the new additions and come to either a consensus on the points or an understanding of if there is divergence or something less than consensus, then we can basically put this to rest.

It's my understand that staff is working on coming up with a new applicant guidebook in advance of the Cartagena meeting so the faster we can put something down the faster we can put this in the staff's hands and possibly see at least bits and pieces of this go in.

Karla could you kindly give me host status? I can't even scroll the PDF where I am right now.

Cheryl Langdon-Orr: Evan she's trying to get scroll control, it's come in and out once. But the AC room in the meetings I've already had today has been very flaky so it could be that there's a lag time between commands she's giving and seeing it for some reason.

Evan Leibovitch: Okay. Well remember Cheryl from my point of view Adobe connect has always been flakey.

Cheryl Langdon-Orr: Yeah, I mean I've not had those historical problems and it's really flakey for me. I couldn't even stay in rooms today, it kept dropping out every few minutes.

Evan Leibovitch: Okay, well as long as - okay so Avri now has host status, I note she's on line but not on the call. So if we can I guess scroll to the parts in color that are changes proposed to the document I guess those are incorporated the changes from Tijani, Sébastien and Eric.

Maybe we can scroll - do I have a scroll bar?

Cheryl Langdon-Orr: You should be able to now.

Evan Leibovitch: I see it.

Cheryl Langdon-Orr: Thanks Avri.

Evan Leibovitch: Okay, so I'd like to do now is...

Cheryl Langdon-Orr: it was around Line 200 something wasn't it?

Evan Leibovitch: Yeah, I think it was .2.2.1 or something like that where we had some of our...

Man: It was 2.26.

Evan Leibovitch: Yeah, Line 209 is the first.

Man: Yes, that's it. So may I have Evan?

Evan Leibovitch: Please go ahead Tijani, I'm still working on it.

Tijani Ben Jamaa: This is my proposal. What I put in the red is to be removed from my point of view and what I put in blue is what we have to add as I understand it.

Evan Leibovitch: Okay, so hold on, what's in red we're taking - okay, so if everybody could just take a moment and I mean so all right, I'm going to read out in blue the new text that Tijani is proposing.

If there is a consensus view that the fixed variable cost of $100,000 based on total cost of previous rounds of applications might not be relevant to the new gTLD applicants and should be reduced for applicants that meet the criteria established by the working group.

On the other hand in light of complexity of the calculation that establish the basis for the $100,000 cost it might be too difficult to determine what if any of the fees should be eliminated.

Therefore further investigation should be made. I - okay I guess I'm a little bit of a loss seeing how different the paragraphs are in substance.

They're both essentially saying there might be some room to move down from the $100,000, it's just we don't know what they are so we're asking for extra investigation.

I guess the - I'm not sure what subtlety you're trying to get across here.

Tijani Ben Jamaa: I don't understand your remark Evan.

Evan Leibovitch: My remark is saying I don't see the two paragraphs sufficiently different.

Tijani Ben Jamaa: They are too much different, the red and the blue? There is a big difference. Because in red we say that there was a consensus that we don't have any recommendation to do.

And the blue there was consensus there that we have to command to reduce the $100,000 but since it is too complicated to know how it was calculated would perhaps further investigation is needed. That's the difference.

Evan Leibovitch: But at least to me Tijani, Number 6 is too confusing because it's saying well we think that it should be reduced, we just don't have any idea how much.

Tijani Ben Jamaa: That's it exactly.

Evan Leibovitch: So if we don't know how much then how can we even say it can be reduced?

Tijani Ben Jamaa: We said we need further investigation.

Evan Leibovitch: Right, but the investigation may determine that it can't be reduced, like this is the whole gist of it is there's - you know there's a consensus that you know the $100,000 may be too much, on the other hand we don't know, right?

Both of these things are saying we don't know and more investigation is needed before we can even come up with a recommendation of how much to drop it.

I don't see them as being that different.

Cheryl Langdon-Orr: Evan if I may, Tijani, Evan is saying that reading what is the red writing in Point 6, Lines 209 to 214 is more concise, it has clarity and still says the particular essential points of what he said in the Lines 215 to 222. In other words that it is complex, we do not have a clear understanding of the complexity of the component paths of the calculation to the fixed and variable costs.

But that investigation is recommended so that if it is possible a reduction could then be calculated and recommendation made after that investigation. Have I captured that vaguely?

Evan Leibovitch: You've done extremely well Cheryl and thank you. I mean basically Tijani it's as Cheryl says, fewer words being clearer said. The heart of the matter is we'd like to be able to recommend dropping the cost but we really have no idea how much.

And in that sense the first paragraph still conveys that idea. Alan go ahead.

Alan Greenberg: Yeah, I in fact think the first one does it somewhat better because the if as the phrase if any fees should be eliminated for applicants meeting the requirements for support is near the beginning.

And it prefixes its clearly saying we're not sure if there is, the second paragraph says the same thing but it's buried after the statement saying we have to determine how much.

And I think for that reason the flow is not quite as clear.

Evan Leibovitch: I mean Tijani is there another smaller more subtle change we can make to the first paragraph that will convey the difference you want? Because I'm still not understanding how what you want is different from the first version.

I mean if you're trying to get across that we had a consensus that we've got to do something but we don't know what, that's still kind of confusing. Because that's - you know that doesn't bring forward anything useful by whoever's reading this.

If we're going to recommend something, let's recommend something. If we're recommending that we need to do further investigation and upon further investigation we may discover cost savings, then let's say that.

Tijani Ben Jamaa: I have two proposals. T he first one is we keep the original version of this paragraph. I think we had better to remove it at all because we are not recommending anything and we say we can't recommend, there is consensus not to recommend.

So there is no reason to put something to say would not recommend. The second possible solution for that is that we say that we - is that this cost, there was consensus in the group that these costs should be reduced first up.

Evan Leibovitch: Okay, all right. Let me suggest a third option. Is it possible to reword this in an even simpler way that says we recommend more study with the aim of discovering areas where costs can be reduced? Does that not get across really the heart of this?

Because there is a recommendation, well it's a suggestion but Number 6 definitely does put forward something saying that we need there to be more study.

So is - can we possibly rework 6 to say we're recommending investigation of the nature of the $100,000 to discover areas where costs could be reduced for deserving applicants?

Cheryl Langdon-Orr: The second way you said it works, the first didn't work but Elaine has her hand up, sorry.

Evan Leibovitch: Go ahead Elaine, sorry I don't see the hand up.

Elaine Pruis: I was going to say exactly I think that was Cheryl that said the same thing, the second way works, the first way doesn't.

We need to honor the fact that somebody suggested that we review the $100,000 and by including that idea into the 6 that we're saying that yes we thought about it and this is what we decided to do with it.

I don't think we should just say look, we should review reducing costs some more.

Evan Leibovitch: Okay, so now I just need to remember what I said the second time. Okay, so there's a consensus view that the $100,000 base cost be reduced to identify areas that could be reduced or eliminated.

Man: Be reviewed.

Evan Leibovitch: Sorry?

Man: You said (unintelligible) that ought to be reduced, you mean reviewed.

Evan Leibovitch: Yes, so we're asking that the $100,000 base cost be reviewed to examine areas where costs could be reduced for qualifying applicants in need or something like that.

Tijani Ben Jamaa: That's better than what is in red now.

Evan Leibovitch: So Tijani you're okay with that, and that's even shorter and more concise than either of the current proposals.

Man: It misses the if. It presumes there is a cost reduction, we just have to find the details.

Evan Leibovitch: Well it's saying that let's examine it and see what's available, the possible result of the examination may be it's not available. But we're basically saying look at the $100,000 see if there's any room to move.

Elaine Pruis: Evan could you type your text in the notes section so we can read what you're proposing?

Evan Leibovitch: Okay. So hold on, sorry, I put my phone on to speaker so I can actually type and talk at the same time, forgive me, it's early morning.

Okay there is consensus that the - okay that there's a - so there's consensus that the $100,000 base cost be reviewed...

Cheryl Langdon-Orr: To ascertain if any cost reductions can be passed on to suitable applicants or something like that. Because as Baudouin's pointing out it's investigate first, discovery and then pass on the results.

Evan Leibovitch: How's about that? There's consensus that the $100,000 base cost be reviewed in order to determine if any cost reductions could be made available to suitable applicants in need, assuming the spelling is fixed.

Cheryl Langdon-Orr: That works for me. I don't - I think losing the language that talks about the complexity, blah, blah, blah is a good thing.

Evan Leibovitch: Well it's almost assumed that it's too complex which is why we need to research it. Tijani are you okay with the simplified wording?

Tijani Ben Jamaa: Yes, I put a check mark.

Evan Leibovitch: Okay is there anybody on this call who is opposed to wording, Elaine does that meet what you were thinking of?

Elaine Pruis: I'm sorry, I still can't - did you type it somewhere?

Man: It's in the chat area.

Evan Leibovitch: Adobe Connect.

Elaine Pruis: Oh there we go.

Cheryl Langdon-Orr: The AC room is being flakey for a lot of people I'm afraid.

Evan Leibovitch: Okay, I'll read it back once more, there is consensus that the $100,000 base cost - oh now it scrolled off. There is consensus that the $100,000 be reviewed in order to determine if any cost reductions could be made available to suitable applicants in need.

Cheryl Langdon-Orr: Can I ask for the second cost to go, to say if any reductions could be made available?

Evan Leibovitch: That's fine, that's even more concise. So Elaine are you okay with that wording?

Cheryl Langdon-Orr: She put a check mark up.

Evan Leibovitch: Okay, so I'm not seeing anybody opposed so having said that then we have a more concise Number 6 that clearly reflects this group.

And okay, that's good, we will move on, put that up on the - we'll put that out as soon as the call is over I'm hoping for anybody who is not on the call to get comments.

And so without further ado...

Man: There was a change, something by Sébastien around Line 170 by the way, I don't know if that was a change or something else, 175.

Evan Leibovitch: Yes, I'm there right now and I'm trying to see what's there. Okay maybe because I'm not seeing it red lined.

Cheryl Langdon-Orr: It's not red lined, it's just commented. I'm not sure...

Sébastien Bachollet: Maybe I can do it?

Cheryl Langdon-Orr: Are you with us Sébastien, we had your apologies, so we didn't realize you were with us.

Sébastien Bachollet: Yeah, I was late and my apologies.

Man: before we continue who is C? There's someone on Adobe Chat with the name C.

Man: Cutlass.

Man: Oh okay, thank you.

Evan Leibovitch: Okay, Sébastien go ahead.

Sébastien Bachollet: Yeah, it was more a comment to say that we start (unintelligible) with very tiny small amount of money and I know that every dime it's a dime, but when

you compare the $26,000 with $10 million it's - I have the impression that here we start with the small side of the net and we don't want to show the ratings.

And I - when I read it again subtly I saw that hey, they are doing something interesting here and then I see that it's nothing compared to the $10 million. That was my remark.

Maybe it could be better to say something that later because it's not just after we come with more important figure that this small piece of money. But it was - that was it.

Evan Leibovitch: Okay Sébastien I'll just make a couple of quick comments at least in explaining what I understand to be the intent of the difference.

The $26,000 is waived for every single application, the $10 million is a pool to be shared by everyone. So it's not quite the same thing, they both have a place in this recommendation but they both cover very different things.

The $26,000...

Sébastien Bachollet: You're right, except if I read well that there is a total amount of $184,600 spread by 26, that means it will be four or five projects, no more. And the $10 million is for everybody.

It's just a matter of discrepancy between the type of figures we are talking about.

Evan Leibovitch: I don't think actually that's even the intent Sébastien, I don't think the intent of the $10 million was to do this $26,000 subsidy.

I thought - it's my understanding that the intent is that ICANN would literally reduce the price of the entry cost for the gTLD application.

The $10 million would be used by different applicants to those that even needed some help to fund that reduced price. So the two are actually complementary, it's not one instead of the other.

That cost reduction does not go against the $10 million.

Man: Sébastien has dropped off.

Cheryl Langdon-Orr: He'll call back. I'm - let's just note his comment, thank you very much and move on.

Evan Leibovitch: But do you generally agree with the assessment here, is apples and oranges here?

Cheryl Langdon-Orr: Alan wants to speak.

Evan Leibovitch: Go ahead.

Alan Greenberg: Yeah, I missed the inclusion of the $184,000 profit there, I think that's a red herring completely. If you remember the $26,000 was not part of the formal budget for new implementation of the new gTLDs.

It's a repayment to reserve of money paid out ahead of time and the point of this one was not it's only a small amount therefore you can waive it because that violates the intent of the board decision to say there shall not be any financial reduction as such.

This says waive repayment to reserve and I think the inclusion of the reference to the $184,600 is a complete red herring and should be removed from that.

Evan Leibovitch: So Alan you're proposing that the sentence between 76 and 78, sorry between - sorry I'm not counting right.

Cheryl Langdon-Orr: Right, 176 and 178.

Evan Leibovitch: Yeah, okay so that sentence, the program budget indicates an expected net profit of US $184,600 for the new gTLD program. If I read you right Alan you're saying...

Alan Greenberg: And the next sentence which says this profit.

Evan Leibovitch: Okay, this fully or partially offset the loss of waiving the $26,000 program development costs for several applicants.

Alan Greenberg: Yeah, I think those two need to be replaced or should have been replaced with the statement saying the $26,000 is not part of the formal budget but a repayment to reserve.

Cheryl Langdon-Orr: And that needs to be waived.

Alan Greenberg: And then we expect - and then go on, we expect relatively few applicants with the financial burden of waiving these fees should be reasonable.

Evan Leibovitch: Okay, so hold on, I'm trying to get the gist of what you're saying so if you slow down, I mean let's come up with some replacement wording here and...

Alan Greenberg: I thought I just did.

Evan Leibovitch: Okay, well I'm just trying to get it committed to writing here. So under the current...

Cheryl Langdon-Orr: Isn't Karla capturing these things?

Evan Leibovitch: Karla?

Cheryl Langdon-Orr: She said earlier in the chat she was.

Evan Leibovitch: Karla I'm just confirming with you, do you need us to wordsmith this or do you have what Alan said? It's just I didn't really want to move on before confirming that either Karla had it or we had it.

Okay I'll tell you what, Alan could you just sort of to yourself just craft that and then text it in and have it ready in case we need it.

Tijani Ben Jamaa: Karla is here.

Karla Valente: Sorry, I had it on mute, (unintelligible).

Evan Leibovitch: Okay now I see why you were on mute. Okay I just wanted to ask did you have Alan's wording changes here?

Karla Valente: I do not have the word change.

Evan Leibovitch: Okay, we're going to change the lines between 176 and 179, so we're looking to change that. And if I recall from what Alan was saying, so instead of the phrase from beginning the current proposed program and ending costs for several applicants, that we replace this with text that reads under the current proposed program $26,000 is meant as repayment.

Alan Greenberg: I'll put something in the chat.

Evan Leibovitch: Okay, thank you Alan. Okay Sébastien, you're back on the call with us, are you okay with Alan's proposed replacement?

Sébastien Bachollet: I don't know yet, I didn't - you were trying to give the sentence and then Karla said yeah, we'll write it and I don't know. But I assume yes.

Evan Leibovitch: Okay and so the intention Sébastien is to make it very clear that the $26,000 is a cost reduction that has nothing to do with the pool of $10 million to applicants who would be able to use it to in fact pay for the reduced cost application.

So the two are not at all the same thing. Okay...

Sébastien Bachollet: Wait, let me get the sentence written.

Cheryl Langdon-Orr: He's going to wait until he reads the sentence Evan. You're not going to get any commitment until he sees what Alan is saying. So hold on to your hat.

Alan Greenberg: I'm done in the chat, it says the $26,000 is not a part of the implementation budget but rather a repayment to reserve.

Cheryl Langdon-Orr: And that sentence replaces the two sentences concerning the current program and the profit could fully, the sentence we expect relatively few stays in.

Evan Leibovitch: Yeah.

Cheryl Langdon-Orr: Is that clear Sébastien.

Sébastien Bachollet: Yes it is, I agree.

Cheryl Langdon-Orr: Good.

Evan Leibovitch: Okay, Karla you may have to go back on mute I think because I think it's your line that's causing some weird feedback.

Alan Greenberg: I've added a couple more words at the end of the sentence to make it clearer, it's in the chat.

Evan Leibovitch: Okay. And so that's the rationale behind our desiring to have the $26,000 waived.

Alan Greenberg: I was the one who originally proposed it and have championed it all along and yes, that was the rationale.

Evan Leibovitch: Okay, is there anybody on this - put an X if you have any opposition to Alan's replacement of that text.

Karla Valente: Evan do you need me to read the whole thing.

Cheryl Langdon-Orr: NO, we don't.

Evan Leibovitch: I don't think it's necessary Karla, especially considering the quality of the line you're on. SO if you could just edit it within the document and we're going to move on.

Okay, so the next thing that has any red lines in it okay, there's some green at Line 270.

Tijani Ben Jamaa: Green, yes, it's a comment.

Evan Leibovitch: Okay, program development function to avoid confusion with the new gTLD. Okay Tijani, go ahead, you want to explain your comments here, go ahead.

Tijani Ben Jamaa: It's on there because someone on the call next time said or wrote that the program development is confusing with the new gTLD program development. So that's why I proposed to change the name to avoid any confusion.

Evan Leibovitch: I'm okay with that, a program development usually refers to the efforts within ICANN to develop the program. So if the intention is to have a - you know if we change it, yeah I understand the possibility of confusion.

And so if we - let's see, so program development to change that to program support.

Alan Greenberg: Call it support program development in Line 266.

Evan Leibovitch: Okay, so in 266 we add the word support, so it's there is consensus that ICANN establish a support program development function.

Alan Greenberg: Wordy but it's not confusing.

Evan Leibovitch: Okay. All righty, is there anybody who is opposed to that change?

Carlos: Carlos agreed.

Evan Leibovitch: I'm looking for X's for anybody that doesn't agree with this, if not we'll accept it and move on.

Cheryl Langdon-Orr: Can we make sure that the comments Section 273 on is clearly removed because it's an in line comment instead of a side line comment.

Evan Leibovitch: Well yeah, I was sort of assuming that being in green it's just sort of an aside that will be removed ultimately because it's not really part of it.

Cheryl Langdon-Orr: never assume.

Evan Leibovitch: Okay Karla, you got that?

Karla Valente: Yes.

Evan Leibovitch: Okay. So moving further down I'm looking for red green or blue or Christmas colors or anything like that.

There is a comment from Dave at Line 365. Do we need to include first, okay sorry, I need to (gem) on this, I've got a small screen. Dave is saying do we need to include that through the applications to be made by the applicant's agents for the sake of supporting the applicants themselves as legal entities should be considered?

Avri says even if they are agents I think the applicant is still the entity we care about. I think that's - I would agree with Avri's comment, can we accept that and move on or Dave did you want to speak further to this?

Okay Dave says in the comment area, fine so we are moving on. Okay, so continuing to scroll through this. All right, so the next thing we still have - we're now at Line 391.

Okay and so there's a comment from Tijani in 395 we're listing here the category's eligible support. Tijani do you want to speak to your comment?

Tijani Ben Jamaa: Yes. Here the would qualify for aid is we have to remove it because we are A, B, C, D, it is all those points are categories, eligible for support.

So we don't put in this special case would qualify for aid, all are qualified for add. All are qualified for aid.

Cheryl Langdon-Orr: I thought we said we were going to use bullet points, not alphabetic order.

Tijani Ben Jamaa: Yes, but she put it in specific order and not in priority order and she put A, B, C, D back.

Alan Greenberg: Okay, the rationale is so we could talk about them better.

Evan Leibovitch: Yes, okay well the first thing - first things first. Tijani makes a point that putting would qualify for aid is redundant given that we're enumerated a number of categories that we said would qualify for aid.

So those words in red are redundant, does anybody have a disagreement with that? Okay so without making comments about bullets or letters or whatever, can we - so we can agree to take out the words that Tijani has put in red.

And along with removing the comment in green next to it. Okay, next is Line 405, so we have in blue from 402 to 409, so we have...

Cheryl Langdon-Orr: Evan are we coming back to making them bullet points instead of A to D, because we spent ages making sure it was bullet points, not A to D.

Karla Valente: I changed.

Cheryl Langdon-Orr: Thank you.

Alan Greenberg: In that case we - never mind.

Tijani Ben Jamaa: It was done to go by them so that we can speak about them.

Cheryl Langdon-Orr: I understand the rationale Tijani, having spoken about them and settled, let's revert.

Evan Leibovitch: All right, we're at Line 402, Cheryl your hand is up.

Cheryl Langdon-Orr: I'm trying desperately to get it lowered.

Evan Leibovitch: Okay so then next to move on Lines 402 to 409.

Tijani Ben Jamaa: May I explain?

Evan Leibovitch: Go ahead.

Tijani Ben Jamaa: It's only to be relevant with - to 8A, this is speaking about the brand applicants and we said that they are not allowed to apply or they are not eligible for support.

Except some exceptions that can be eligible for support for those who are coming from the markets that cannot permit non-profit.

We said it in the categories that are eligible and now for particularly that they're not eligible we have to be relevant with the other part if you want.

Evan Leibovitch: Okay, personally I don't see that they're the same thing but we've got people with their hands up. Eric, welcome to the call and go ahead.

Eric Brunner Williams: Thank you, this is Eric Brunner Williams, I wrote a response to this and sent it to the list. As brands don't exist as a type language about whether supporting or not supporting exceptions for brands is non operative language here.

If you (unintelligible) then it would be appropriate to discuss whether or not there should be any language concerning brands in this (unintelligible).

So the first - my first observation about this entire passage from...

Cheryl Langdon-Orr: From 391 on?

Eric Brunner Williams: Thank you Cheryl, not 391 on, no 399 I think, is that reference to brands should go so the first part under A should be removed.

And then what's left is the discussion about exemption under market constraints or a conditional exception. And since it's present in 28E above, not to try to use letters for purposes other than clear communication, since that's present in 28E is duplicated here.

So I recommend removing the entire passage because of the reference to brands which don't exist and the duplication of the previous text. Thank you for putting up with this long talk.

Evan Leibovitch: No problem Eric, Alan go ahead.

Alan Greenberg: Yeah, I was going to make reference to the dot brand not being a formal thing but I would have changed it separately. We don't know at this point if there will be a dot brand or not.

The BI group has not defined one well but that doesn't mean based on the amount of discussion that it's raised that there won't be one. So I would put an if in that sentence saying if there is a dot brand classification then.

However I do not agree with the exemption, the exemption that we previously talked about said entrepreneurs. I think the concept of an entrepreneur is trying to start up a new business and dot brand where the whole concept is, this is a gTLD for something which is an accepted, widely used brand name are pretty well mutually exclusive.

So the exemption we talked about for entrepreneurs I do not believe could apply to a dot brand and I would not want to see the exemption applied to them.

Evan Leibovitch: Okay, so if I - so just before I go on to Andrew so I just want to make sure I'm hearing you right because I think I - it sounds like - it makes sense to me. So just bear with me.

So you're saying that Number 1, that we should leave in the brand thing because it is being contemplated and essentially saying if there is such a thing as a brand TLD it should be excluded.

At the same time you're making the case that it is not redundant with 28E in that local entrepreneurs is equated from established brands.

Alan Greenberg: That's correct, I'm saying that the concept of someone running a dot brand is mutually exclusive with the entrepreneur so we don't have to factor in the entrepreneur clause here.

Evan Leibovitch: Okay, so basically what you're saying Alan is that we also keep in the red text that suggested for removal basically saying we have consensus that should there be a brand TLD that it not be qualified for aid.

But there was a minority view that exceptions could be made.

Alan Greenberg: Yep. And if be added somewhere appropriately in A.

Evan Leibovitch: Okay.

Alan Greenberg: Consensus in the group that if brand gTLDs are deemed to exist in the new program then.

Evan Leibovitch: Okay, all right, so Andrew and Eric go ahead and then I'm going to ask that we may suggest some wording. So Andrew go ahead, and then Eric.

Andrew Mack: Sure, thank you very much. I'm lining up more along the lines of what Tijani is suggesting about - and I'll explain why. I agree with Eric that we're not in the dot brand world but we may be at some point in time.

And so our recommendation strikes me - there's no harm in including them. I understand I think where Tijani is coming from and based on the experience that I've had working in some of these markets, what you find is brands that are - that do exist but don't exist in a strong way on the Web.

Because a lot of these people are - have built brands without using a lot of the same tools that we might. Strong local and regional brands may actually be pretty big without having an equivalent sized Web presence. On that basis they can still be very much entrepreneurial enterprises in the Web space and in the gTLD space.

And therefore I think that they would fit very nicely with the other - with the same things that we're talking about, the two type markets. So that's based on some personal experience I think what Tijani is saying makes sense.

Alan Greenberg: Tijani ended up putting a checkmark on my suggestion also just to confuse issues.

Andrew Mack: Then I am really confused. My recommendation would be this. My recommendation would be to include in the if that Alan suggests, if that dot brand does get developed then I think that the - that it would be appropriate for entrepreneurial companies in the two type markets to have access to this kind of support.

Alan Greenberg: That they should receive or they should not be entitled.

Andrew Mack: That an exception should be made, that they should have access in part based on the fact, many of them don't have the kind of Web presence that they would have in a different market, in a less underserved market.

Evan Leibovitch: Okay you're saying something very different than what we have now. Okay hold on, just a sec. I mean what I'm hearing you're saying is that should there be a brand TLD that we should - then it should be enabled to get (unintelligible).

We have it here as presently denied.

Andrew Mack: Okay, the minority view says that an exception should be made, right?

Evan Leibovitch: Yes. We're saying that there's a minority view that...

Andrew Mack: And the minority view was the one put forth by Tijani, correct?

Cheryl Langdon-Orr: Correct.

Andrew Mack: Okay, and so I'm suggesting that though I understand Alan's point of view about the difference between an entrepreneur as we understand it in the north and the dot brand in fact based on my personal experience there can be such an instance where you can be an entrepreneur on the Web even though you have a very well established company off the Web in some of these markets. That's all.

Evan Leibovitch: Okay.

Alan Greenberg: I must admit I disagree. We're thinking in Technicolor, if someone doesn't have a Web presence at all and they're going to jump in, they get a dot brand TLD to fix that problem, I don't think those are the people that we're trying to help to be honest.

I'm not disagreeing with the concept that a well known brand can be entrepreneurial in certain regions, I agree with that completely. I just thing that setting up a dot brand TLD for someone who doesn't have a Web presence, who is still deemed to be an entrepreneur in the Web sense I think is an edge case that we're trying to gild the lily to put in.

Andrew Mack: Okay and all I'm suggesting is that while people may have some Web presence they wouldn't qualify, you know they're not a Coca Cola, that's all.

And there's a substantial difference and they may fall in that space somewhere between somebody who has the resources to do big - you know

to go international in a big way and the very, very small start up entrepreneur that we want to support in 2.E or whatever it was that Eric referenced earlier.

Evan Leibovitch: Okay we're starting to redebate the core issue which I really don't - would prefer not to at this late date. We seem to have a group position and we've got a minority view.

I'm trying to refine this in such a way that is consistent with what Eric was saying. So I've typed into the bottom of the Adobe Chat, should a brand TLD category be defined by the future applicant process such brand TLD should be excluded from support.

Alan does that (unintelligible) with what you were trying to say?

Alan Greenberg: That does say what I was trying to say.

Evan Leibovitch: Okay. So notwithstanding the fact that we have a divergence of views, okay we clearly had it that there was a consensus to exclude brand TLDs but a minority viewpoint to allow.

Okay...

Man: You have two person on the queue.

Evan Leibovitch: Sorry, my queue doesn't scroll very well, Eric I was going to ask you for your comments on this anyway, go ahead.

Eric Brunner Williams: Thank you Evan. First I'd prefer not to mention things that don't exist because the hypothetical about brands could be extended to other hypothetical's that may or may not exist at some future point in time.

So from my point of view the cleaner solution is to not mention brands. If brands must be mentioned then the statement that you just put into the session window is entirely adequate.

I would like to discuss just for a moment the issue that Andrew brought up, so I've already covered the hypothetical nature of - about brand and the existence of other possible hypotheticals.

My next point is that this applicant, this hypothetical applicant does not meet the needs qualification. The presumption that they are present in the bricks and mortar space in some locality, and has some regional presence implies that they are not going to meet the needs qualification.

As a successful bricks and mortar business they are not meeting the needs qualification a registry operator and I think that's all I have to say on the issue, thank you very much.

Evan Leibovitch: Okay. I would simply make the note that I just went on to Google and did a search for ICANN brand TLD and got almost 2000 hits.

So whether or not it actually exists in fact there's certainly a lot of chatter about it Eric and I wouldn't say there's that amount of chatter about other things.

So if you're okay with this wording that you know on one hand anticipate - you know it talks about something that doesn't exist, but talks about something about which there has been a significant amount of conversation and may yet show up in a future process.

I hope that you're okay with this wording at least that addresses well we know it's not there but in case it does because we know people are talking about it we've explicitly allowed for it here.

Eric are you okay with that?

Eric Brunner Williams: Evan I've done the same search for a city TLD or for a linguistic and cultural TLD or for even a sponsored TLD, I suspect you'd also come up with large numbers.

Yes, there is talk of this, that doesn't make it real. Thank you.

Evan Leibovitch: Okay, Tijani go ahead.

Tijani Ben Jamaa: Yes, thank you Evan. I really beg your pardon, please forgive my very poor English. That's why I put this comment. Because I confused brand with for profit business applicants.

So I did assimilate it with entrepreneur. That's why I ask you to withdraw this comment, I don't want to put it.

Evan Leibovitch: Okay. So are you okay then Tijani with maintaining the existing wording with - along with the suggestion that Alan has made as the wording that I have put in below?

Tijani Ben Jamaa: Yes, okay.

Evan Leibovitch: Okay. So all right then, as far as I'm concerned we have addressed 2.9 and Eric your comments are taken into consideration but it did appear that this group did want to make a statement on that so I'm going to allow it even though it is hypothetical.

This group did want to expressly address that. Karla go ahead, we're at the top of the hour and really you're going to need to move off because a number of other people - a number of people on this call have to move to the ALAC call that's starting...

Sébastien Bachollet: Sorry, I am back and not on Adobe and it's the best thing sorry for that, it was very difficult to come back. But what I have here I can't read nothing and I didn't know the sentence.

But if you keep the brand TLD I will say that I disagree with this keeping this word in the document. But I will read carefully what you suggest because I don't.

Evan Leibovitch: Okay, Sébastien we are not skipping it, we are simply saying that since it is not defined if it is defined we're against it.

And I know that you and a couple of other people have to go to the ALAC call at the top of the hour so we're going to try and wrap this up shortly. Karla go ahead.

Karla Valente: Are we including the sentence that you had in the chat room, should a brand TLD category be defined by a future applicant process that brand TLD should be excluded from support.

My question is what additional changes do you want to this?

Evan Leibovitch: Okay, so going back to 2.9, so here's where we are. Looking at the text that is on there right now so we're changing Line 399 to reflect the change that I put in there, okay.

So should a brand TLD be defined by future applicant process such brand TLDs should be excluded from support as they should be self supporting companies and thus not eligible for need based support.

So Karla are you - do you understand that change?

Karla Valente: Yes.

Evan Leibovitch: Okay. The lines from 402 to 404 in blue are not being added and the section in red is not being deleted.

Karla Valente: So I delete the blue and I keep the red and I delete the green.

Evan Leibovitch: That is correct.

Karla Valente: Okay, thank you.

Evan Leibovitch: Okay so we are at the top of the hour, people who are on ALAC are going off to the ALAC call so it really - Tijani are you still with us?

Tijani Ben Jamaa: I will go. I have the ALAC meeting. You too.

Evan Leibovitch: Yeah, I guess so. Okay so we can deal with some of the other comments you have in green but I think we've gone through a lot of the substance of the changes that have been proposed.

Tijani Ben Jamaa: I think it's okay, there is not a significant other comment.

Evan Leibovitch: Okay so basically what I have - my reading of things is that things are generally complete. We need to go through the FAQ part of this but we have addressed the comments and the changes.

So we are at the top of the hour and I guess we will see you back here on Friday hopefully to wrap this up and thank you all for participating and we will see you then.

Tijani Ben Jamaa: Please continue on the list if there is other comments, please everyone continue on the list. Thank you very, very much.

Alan Greenberg: Thank you everybody.

Tijani Ben Jamaa: Thank you, bye bye.

END