

GNSO
New gTLD Committee teleconference
July 13 2007 at 12:00 UTC

Note: The following is the output of transcribing from an audio recording of the New gTLD committee teleconference on 13 July 2007. 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/new-gtld-committee-20070713.mp3>

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

Committee Attendees

Avri Doria - GNSO Council chair Nominating Committee appointee

Chuck Gomes - GNSO Council vice chair - gTLD Registries constit.

Edmon Chung - gTLD Registries c.

Jon Bing - Nominating Committee appointee

Philip Sheppard - CBUC

Robin Gross - NCUC

Kristina Rosette - IPC

Observers:

Marilyn Cade - CBUC

J.Scott Evans - IPC

David Maher - gTLD Registries c

Ray Fassett - gTLD Registries c

Werner Staub - Registrar

Jon Nevett - Registrar c.

Miriam Sapiro - President, Summit Strategies International

ICANN Staff

Denise Michel - Vice President Policy
Olof Nordling - Manager, Policy Development Coordination
Liz Williams - Senior Policy Counselor
Karen Lentz - gTLD Registry Liaison
Craig Schwartz - Chief gTLD Registry Liaison
Glen de Saint Gery - GNSO Secretariat

Apologies:

Adrian Kinderis - Registrars c.
Tom Keller - Registrar c.
Greg Ruth - ISPCP
Tony Harris - ISPCP
Mawaki Chango - NCUC
Alistair Dixon - CBUC
Sophia Bekele - Nominating Committee appointee
Cary karp - gTLD Registries c.
Ute Decker - IPC
Ken Stubbs - gTLD Registries c

Avri Doria: Okay, thank you very much. Okay, let's start the meeting. Can we start with a roll call?

Glen de Saint Gery: Shall I do the roll call Avri?

Avri Doria: Yes please, Glen. Yeah. Either - it has to be either you or (unintelligible).

Glen de Saint Gery: Jon Nevett?

Jon Nevett: Here.

Glen de Saint Gery: Jon Bing?

Jon Bing: Yes.

Glen de Saint Gery: Avri Doria?

Avri Doria: Yes.

Glen de Saint Gery: Karen Lentz, staff?

Karen Lentz: Yes.

Glen de Saint Gery: Marilyn Cade?

Marilyn Cade: Yes.

Glen de Saint Gery: (Business)? Chuck Gomes?

Chuck Gomes: Yes.

Glen de Saint Gery: Registry. Denise Michel?

Denise Michel: Yes.

Glen de Saint Gery: Denise is on staff?

Denise Michel: Yes.

Glen de Saint Gery: Ray Fassett. Ray Fassett?

Ray Fassett: Yes.

Glen de Saint Gery: Registry constituency, Liz Williams?

Liz Williams: Yes, Glen.

Glen de Saint Gery: David Maher?

David Maher: Yes.

Glen de Saint Gery: Registry, Craig Schwartz?

Craig Schwartz: Yes.

Glen de Saint Gery: Staff, J. Scott Evans?

J. Scott Evans: Yes.

Glen de Saint Gery: IPC, Robin Gross?

Robin Gross: Yes.

Glen de Saint Gery: Non-commercial, Miriam Shapiro?

Miriam Shapiro: Here.

Glen de Saint Gery: Kristina Rosette?

Kristina Rosette: Here.

Glen de Saint Gery: Kristina just joined.

Avri Doria: Oh good and tell them...

Glen de Saint Gery: I can see her but she's IPC and Edmond Chung.

Edmond Chung: Here.

Glen de Saint Gery: Hello.

Avri Doria: Okay, thank you. Welcome all to today's meeting, Friday the 13th. I'm assuming a very lucky meeting for us today. Does anyone have a statement of interest to update at this point? There is not and then when does have one, please ask, send it to the list. Thank you.

Goes with the agenda and just to make sure everything's there and such the first thing is to review the status of the recommendation stock at chart. And people noticed that I sent out an updated copy - two updated copies yesterday, first one. And then one, correcting the omission – the error of omission on my part, and we go through that just to confirm that the chart contains an accurate picture as of the start of the meeting.

Then discussion on issue six, reviewing the recommendation from the discussion group, discussing wording and any recommended amendment decision whether to accept or not the decision group's recommendation.

Then we'll do the same thing with issue 20, reviewing the recommendations from the discussion group, discussing the wording any recommendation, recommended amendments and deciding whether we accept the revision or not. Then go into issue number 19, getting an update on registry and registrar discussions. I'm not sure there were any. But if they have been going on to discuss the wording and any amendments that may be proposed.

At one point, I thought I saw some recommended wordings to someone but then when I went back for my list looking for, I couldn't find it. So if someone did have recommended wording, you know, please be ready to speak up at that point.

After we've had the update on the discussions then review the action items list. And move back to the end since it just seemed to more reasonable there as opposed to going items that said, "Oh, yeah. This one's on the agenda. Oh, yeah, this one's on the agenda." is review what at the end, see where we are and see what we need to do.

And then any other issues. I don't have any thing listed under that at the moment. Is there anyone have anything that should be put unto that one at the moment?

No, okay. What we can add staff there as we move along should it be necessary, I'll ask again at the end. Is the agenda okay with (unintelligible)?

Okay, assuming that that static was not a comment. I'll move on to review status of recommendation. As I said, I sent out another chart. The changes in it from last week are the addition of recommendation, I

mean of principle G which was the string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.

I have level of support on this written as to be confirmed but appears broad. Any comment on that at this point? Is it - does anyone object to me removing the "to be confirmed"? Or can I assume that we do have broad support on that? Actually I'll be removing the "to be confirmed" appears. Any objections, any comments on my doing that?

Okay, I'll go ahead and do that and then it will show up as just broad in the next version. Does anyone have any other comments on any of the principles all listed as "broad level of support" and have been stable for quite a while but just checking?

Okay, moving on. On the recommendations, we had a change in three where basically there's a note in the - there still a note that freedom of speech will be changed to freedom of expression and that's marked as down in Liz's copy. And the change here is the notation that recommendation three will remain as is with addition of the new principle G that we just went over.

And that this solution was acceptable to the people at the last meeting at which point I did change from appears to be broad or it actually was forwarded and change that. But I did drop NCUC from at the concern column. Is that a correct change? Can I leave that one as is or does it need to be amended?

Woman: Are you talking about recommendation six?

Avri Doria: No, I'm talking about three at the moment.

Woman: Yeah, yeah. That's fine.

Avri Doria: Now, so any comment on three? Okay, in which case we'll move on, thank you. We leave it as it is now on this one. No changes in four or five and six. We'll be talking about that one today but I just want to indicate what's in the table and - so this is not to discuss the issues so much as to discuss with this table where I do list still the change of freedom of speech to freedom of expression in the previous one.

NCUC is still listed as having concerns and there has been a proposal from the subgroup to replace six unless they want to express it later but I'll just read it out now to show what's on the table. The things must not be contrary to generally accepted and internationally recognized principles of law. Examples of such principles of law include but are not limited to the universal declaration of human rights, the Paris Convention, the protection of industrial property, the agreement on trade related aspects of intellectual property, talents, (unintelligible).

The Berne Convention on the protection of literary artistic work, the international covenant on civil and political right pact, ICCPR at close parent, the convention on the elimination of all forms of discrimination against women, parents, CE, DAW, close parents and let me page it down and the international convention on the elimination of all forms of racial discrimination. But they say that's up for discussions at today's meeting. Is that an acceptable representation of the current status of six?

Okay then moving on. No changes in seven through 18, 19 remains open no changes in the table but it's on today's agenda. Twenty, there are some changes. This is where I basically had to correct mine the statements, the text to 20 remains as it originally was. This has been a broad consensus listed as NTC having concern. Several wording changes have been considered none as in stabilized yet I - we inserted that in.

The NTC recommends now and to only include technical and operational objections that have been there previously. I had deleted it in one portion, I've reinserted it and then there's the proposal from the subgroup which I guess as only a partial proposal or I don't know what levels of agreement it happened in the subgroup that's for my mistake had been.

And that's an application that is targeted to a specific community may be rejected if it is determined that there's substantial opposition to it from significant established institutions within the targeted community. This is on the agenda to be discussed. Is there any comment or objection to the way it's detected in the chart at this point?

Robin Gross: This is Robin. (Unintelligible) and satisfied with NCUC, we still think it's far too broad. And in terms of the type...

Avri Doria: Right.

Robin Gross: of objections. And so...

((Crosstalk))

Avri Doria: So, it's what written in their file.

Robin Gross: The minority were happy to file a minority report...

Avri Doria: Right, yeah.

Robin Gross: ...at this recommendation.

Avri Doria: Right, I understand. Is the picture that's in the table correct at the moment? And then we'll get to the discussion later.

Man: Yes, it is.

Avri Doria: Okay, thank you. Robin, do you agree that the picture on the table is correct at the moment?

Robin Gross: I'm not sure what you mean by the picture in the table.

Avri Doria: In other words do I state your objection, your recommendation for narrowing correctly.

Robin Gross: No, because - not really because we said legal that, you know, we wanted objections on technical and legal and it's still a technical or operation.

Avri Doria: Oh okay, I will correct that now. So it's technical and legal.

Robin Gross: Yeah, if we could narrow it to those types of objections, I agree.

Avri Doria: Okay. So, I have corrected the table to say, "NCUC recommends narrowing to only include technical and legal objections. "

Robin Gross: Correct, that would be great.

Avri Doria: Okay, thank you.

Robin Gross: (Unintelligible).

Avri Doria: Okay, great. I wanted to make sure that I have the - what the table was showing to indicate correctly what the status are.

Robin Gross: Okay.

Avri Doria: Are there any issues on any of the other recommendation?

So, okay. I have corrected the table. I will – I may have other additions to the table that get made during the discussion today. But thank you for the correction. The implementation, you know, a guidelines have not been touched...

Jon Nevett: Avri, this is John. Can I just make one point?

Avri Doria: Sure.

Jon Nevett: In recommendation 19, the registrar proposed a change in that line in due and I think that's the way with you referring to that...

Avri Doria: That I couldn't find, yes.

Jon Nevett: ...to be confined. I will actually give (inaudible) this is the list in the next five-ten minutes, but certainly before we get to talk about it.

Avri Doria: Okay great.

Jon Nevett: Okay. Thank you.

Avri Doria: Thank you. And then I'll add it the call but we may resolve it today. Okay. So it's registrar's language. I'll just make a notation there. I just made a note that registrar's language was suggested.

Okay, great. So then, any other concerns or issues before we move on to discussion of six?

Okay. Moving on to six, just as a quick reminder to people, I did read this suggested and I want to read it again. But also with the current in case anyone's not staring at their computer and hasn't committed all of these things to memory yet.

Strings must not be contrary to generally accepted legal norms relating to morality and public order. They are enforceable under generally accepted and internationally recognized principles of law.

Examples of such limitations that are internationally recognized includes but are not limited to restriction to fine in the Paris Convention for the protection of industrial property, parent in particular restriction in the use of some right as trademarks, close parent and the universal declaration of human rights, open parents, in particular limitation to freedom of speech rights. Now that had been amended to freedom of expression rights already without any issue.

The subgroup came up with a new a proposal which I read earlier. And I wonder is there someone from the subgroup at the moment that would like to speak to the subgroups recommendation. And then I'd open the floor to anyone else that wanted to comment and then we can see whether there seem to be consent for - a support for replacement.

So is there someone from the subgroup that would like to speak to this and talk about the process and the recommendations?

No. Because I did not participate so while I can read the statements as I've done already, I can't leave and say anything about the discussion or just to give a side to the (unintelligible).

Jon Bing: Avri, perhaps I can speak. This is Jon Bing.

Avri Doria: Thank you.

Jon Nevett: I'll give one explanation.

Avri Doria: Okay.

Jon Bing: Or which is (unintelligible) of course. It was so that internationally recognized principles that they confirm enforceable or enforced principle which was the other alternative in the current wording. Because if something is enforce to (unintelligible) internationally recognized.

So it was that feeling that this rather simple expression. It was not in content, very different from the originally expression with their

exception that won't struck morality and public order their reference for morality and public order. Thank you.

Avri Doria: Okay, thank you. Does anyone else from the subgroup want to add anything at this point?

Okay.

Man: Avri, I was not on the subgroup either but I recall seeing a post, I think by Milton. And one of the examples he thought that should have been narrowed that it - Robin, can you comment...

Robin Gross: Yes.

Man: ...on that or is it okay...

Robin Gross: Yes.

Man: ...the way it is?

Robin Gross: Yes, I'd like to comment on that. Yeah, Milton made a suggestion that we narrow the reference to TRIP to those aspects of TRIPs. Encompassing trademarks and geographical indicators since it is impossible for a TLD string to violate copyright protections, software protections, or industrial designs.

So, we would want to sort of a narrowing as to which aspects of TRIPs we were talking about. And I noticed here in the wording, it also mentions the Berne Convention for copyright and I'm not sure we can

say that. I'm not sure if a string could be copyrightable. That's – that would be a new invention.

Jon Bing: So, that's...

Avri Doria: So, and in other words Robin, if I can just understand before and then open it. So, what you're suggesting is that you would like to see a further narrowing on the wording that's come out of the discussion group.

Robin Gross: That's correct.

Avri Doria: I'm not quite sure though that I picked up exactly what's the edits to the wording would be.

Robin Gross: Okay. So, to the part where we say TRIP, it must be a specific hard for us.

Avri Doria: So it's in the examples part. Okay.

Robin Gross: Yeah, exactly. It would be a specific part of the TRIPs, the part of TRIPs that encompasses trademarks and geographical indicators.

Jon Bing: Mm-hm.

Robin Gross: And we don't take the Berne Convention born's in there.

Jon Bing: Thank you. This is Jon Bing. I would agree on the basis of (unintelligible) and goal but some – surprisingly, some think that expressions as a short as domain names maybe protected on the

copyright. That's not my own lieu and that's for the lieu of my own goal but I understand that there are countries which do not make further claims to orient another team that this is possible.

And I don't really see what problem it does because there's a reference to Berne also in TRIPs of course which were done that excludes by their more specific reference to trademark and geographical locators. Thank you.

Avri Doria: Okay. So, basically at the moment, I'd like to open the floor both to discussion of the proposed amendments to the discussion group's text and to the proposed text itself. The impression I'm getting is that there seems to be a general agreement on accepting replaces as replacement text. But there's still an open discussion on the two amendments adjusted by NCUC. And so if anyone disagrees to that characterization also, please speak. And speak both to the amendment and the text and I'll take the queue.

Philip Sheppard: Avri, just to let know that Philip now joins the call.

Avri Doria: Oh hi, Philip. We're in the process. I don't know how long you've been on but we're in the process of talking about recommendation six, accepting the rewording but also to NCUC proposed amendment to the wording. One is the addition of a - in the parent that says TRIPs in the examples, a dash, trademarks and geographical indicators and then a deletion of the Berne Convention.

J. Scott Evans: This is J. Scott. I'll get with you.

Avri Doria: Okay. Thank you. Anyone else on the queue?

Kristina Rosette: Avri, it's Kristina, I'll jump in after J. Scott to the extent that I'm not going to end up saying the same thing.

Avri Doria: Okay. Anyone else who want to be in the queue at this point? Okay, after the two of you have spoken, I'll see if there's any others. Okay, J. Scott.

J. Scott Evans: Basically, I agree with Robin's point. In at least under United States Law, that the string is not copyrightable. And so therefore, the expansive coverage of putting the Berne Convention in and some of the other things under TRIPs are not directly applicable.

But as I understood, (beyond) their say, there was some concern that in some jurisdictions that might not be the case. So, therefore it was kept open and broad. I mean I have – I don't see why we necessarily need to narrow it.

Philip Sheppard: No.

J. Scott Evans: You know, if it's not copyrightable and you can't bring your claim under the Berne Convention or under copyright then what does it matter that we say that, you know, and that those would be there. I mean you're – it's nothing.

So, on my particular point is, you know, if that's what it takes to get broad consensus as they include those even though they're in actuality if you drill down all the way to the bottom, you'll find out that in certain jurisdictions, they're inapplicable, I don't see the harm.

Avri Doria: Okay, thank you. Kristina?

Kristina Rosette: I was going to say simply the same thing.

Avri Doria: So, in other words it's been said?

Kristina Rosette: Yes.

Avri Doria: Okay, sorry. I could barely hear you. So, I was just clarifying. Okay, thanks. Anyone else who want to speak?

So, if I understood correctly and then perhaps I'm being slow this morning, so, you're basically – J. Scott and Kristina, what you're basically saying is while you would have no objection to removing, to making the changes in NCUC has, you also see no reason to remove them because in the places where they're meaningless, they're meaningless?

J. Scott Evans: Yes, because as you all know, articulate it and I took it that he was actually in the small group. The reason that was not taken out to begin with was because there were certain individuals in the small groups that thought it was applicable.

Avri Doria: Right, okay. Yeah.

J. Scott Evans: So my point is I see it's in those jurisdictions where it doesn't apply, it being there is no – it is harmless. And that jurisdiction would have might apply then it's there so it can apply.

Avri Doria: Okay. That'll...

Jon Bing: Avri, this is Jon. That if you're with the Berne Convention specifically was not discussing the subgroup. So, if you feel it is redundant, I – they'll not insist on having it there by no means. So, one should not think that there's any strong feelings about that Berne Convention being in a route.

Philip Sheppard: Avri, Philip here. Just with a quick observation, I think we're getting slightly hanged up on the list we've got.

Jon Bing: Yeah.

Philip Sheppard: What we're making as I understand it is a recommendation and then we're attempting to help those who are doomed to implement our recommendations by the phrase examples of...

And the more you can make a list of international agreements that may be relevant to certain jurisdictions to my mind the more helpful well being. So, I find this attempt to restrict or change a list of examples a bit a bizarre topic of conversation frankly.

Avri Doria: Okay. I understand your point. I guess example sometimes can – if an example is perhaps seen as somewhat as a wrong example, perhaps it can take people down the wrong path. And so that's why I think given that we've got the open time for discussion here, if there's that kind of concern about an example that either it's too broad an example and therefore can be a bad example is then it shouldn't be included.

I'm not necessarily saying it is a bad example. But I guess I'm not seeing it as bizarre in that example of both good and bad and we'll surely be giving good example.

J. Scott Evans: Well this is J. Scott again, Avri.

Avri Doria: Yeah.

J. Scott Evans: My point is I can't – I can tell you that under United States Law, Robin's point of view is exactly correct. I cannot tell you that under the law of South Africa, United Kingdom, Australia, that her view is exactly correct. So, I am not sure that if in certain jurisdictions, the Berne Convention would not have applicability. So I am, you know, saying in the US it doesn't – I can see her point of view but outside the US, I can't speak to that.

And that there was an international group that listed that and I see it's harmless as to the US because Robin's point is correct. A string is not copyrightable in United States and they couldn't get any protection but I don't know about outside the US.

The Berne Convention has many, many provisions but the US has not adopted. It doesn't apply in the United States. So, I just think that leaving it end since the people who considered it has suggested it is the way to go at this particular point.

Avri Doria: Okay, thank you.

Jon Nevett: This is John. Can I?

Avri Doria: I'm wondering how we got in those (unintelligible)...

Jon Nevett: Yeah. That's my point. I was on the subcommittee and we didn't discuss any of these conventions to use as a specific example. So, it probably just got in through a prior report or a staff for putting it in. So I won't hold any weight to some subgroup - international subgroup agreeing to that.

Philip Sheppard: Mm-hm.

Liz Williams: Avri, it's Liz here. I can make an explanation for that.

Avri Doria: Okay please.

Liz Williams: Jon Bing raised the Berne Convention in the discussion within the small group. And Jon you can confirm if that's correct or not. But that's what I heard. And then as I said to the group, when that call was going on, that I would speak to Miriam after the call and establish the list. And there was a mix of human rights related things and then trademark things and then freedom of expression things. And Miriam helped me put together that list, which is there.

And despite then fact that covenant has got "covenant", incorrectly spelled, it was Miriam's advise to me that that was the reasonable list. And if everyone can see it, it was says "examples but are not limited to". And Philip's point was – we were just trying to provide a list of examples that would be helpful for potential evaluators.

So, the Berne Convention did come up in the small group call because Jon Bing raised this. And then as I said to the group during the call that

Miriam and I would speak after the call, and establish the most useful list.

Because some of the original things that Becky had suggested in her suggested up that in text, “where either not enforced or actually not currently used”.

Avri Doria: Okay, that's great.

Philip Sheppard: Avri, just another suggestion which may help it get rounded. I mean, in fact the list we currently have is actually partial. It also examples and include some other things that go on in terms of freedom of expression, I think we're fine. Probably the better phrasing will be say, “examples include those treaties administered by WIPO” and that is by definition comprehensive of – relevant of international treaties that the WIPO looks after the whole range of them including things like, you know, the rights of indigenous people from that.

Avri Doria: Mm-hm.

Philip Sheppard: And that would be a part for more elegant way of doing that rather than listing some but not all of these things that may be made development.

Liz Williams: Philip, just a point of clarification if you don't mind. Do you mean WIPO and the UN? So we'd catch the Universal Declaration of Human Rights?

Philip Sheppard: What I was saying WIPO in terms of those in depth or property and other related things.

Avri Doria: You're recommendation is to remove all of those and replace the...

Philip Sheppard: Will be to remove Paris Convention and Berne Convention.

Avri Doria: Right.

Philip Sheppard: And we've got Rome, Geneva and Madrid, and Arabia and Washington, those as well. And to say those indus – those intellectual property treaties administered by WIPO.

But then you would still need to keep treats and the UN ones because they're not administered by WIPO.

Jon Nevett: Mm-hm.

Avri Doria: Thanks Philip. Okay, one other thing...

Philip Sheppard: I need to (wear) out of doing it and – a list, an international list. But again, like the ISO list, we're not responsible for it.

Avri Doria: Okay. One of other thing that I was thinking of in this discussion that may be helpful is when we say examples of such principles of law include, are we actually saying examples that may be useful of such principle. Because we're not actually saying that all the principles of laws in this examples are applicable. We're just saying they may be applicable.

And so, would adding such a phrase “examples that may be useful of such principles” are proper English but...

Philip Sheppard: For example of such principles of law may include...

Avri Doria: May include, right?

Philip Sheppard: Yeah.

Avri Doria: Would that – if we made those two changes, would that be an acceptable amendment?

Philip Sheppard: Yes.

Robin Gross: This is Robin.

Avri Doria: Robin you brought up your (financial) issue.

Robin Gross: Yes. I think it would - particularly, if we could narrow then TRIP to the trademarks and geographical indicators.

Avri Doria: Okay, is that problematic for anyone?

Philip Sheppard: Well, potentially. I mean again I think we're second guessing as a bunch (unintelligible) to the scope of international law. Let's not go down that road.

Avri Doria: Okay. So, so far in terms of acceptable changes, I've got the examples – okay, then we go -- examples of such principles of law may include. And then we had basically, what was the phrasing you were using Philip?

Philip Sheppard: The Intellectual Property Treaty administered by WIPO.

Avri Doria: (Unintelligible). Okay.

Philip Sheppard: And that text replaces your current text for Paris Convention and Berne Convention but nothing else in your current list.

Avri Doria: Okay, that takes up that one. And that one we're trying to get this week reconstructed. Please bear with me.

That's Paris Convention and the protection (unintelligible). And then leave everything else.

Chuck Gomes: So that "but are limited" – were not limited to space?

Man: No, I think so.

Chuck Gomes: I'm asking because I didn't hear that read.

Avri Doria: Okay. I'm...

Liz Williams: What you just going to say examples may include?

Avri Doria: Oh, may include but are not limited to, right, yeah, yeah...okay.

Liz Williams: Yeah examples may include but are not limited to.

Avri Doria: Understood. Okay. So at the moment we've got examples of such principles of law but not limited to the universal declaration of human rights, intellectual property treaties administered by WIPO, the

agreement on trade related aspects of intellectual property rights TRIP.
We haven't agreed to any limitation yet there.

The international covenant on civil and political rights convention and
then the rest remains the same.

So the only open issue we have is on leaving TRIP unrestricted.

J. Scott Evans: Well I mean, in reality Avri -- this is J. Scott for the recording.

Avri Doria: Mm-hm.

J. Scott Evans: ...by saying "may include but is not limited to", limiting it to a
parenthetical really doesn't do anything.

Philip Sheppard: Mm-hm.

J. Scott Evans: Because you've said in the (Shippo) language that it may include but is
not limited to that.

Avri Doria: Yes.

J. Scott Evans: So I mean, you can put the restriction end but that doesn't necessarily
mean it will carry the day. So I think...

Avri Doria: Right.

J. Scott Evans: ...it's just a preference of which language.

Avri Doria: Robin, is that acceptable?

Robin Gross: It's not. It's not a major issue. I'm just concerned that leaving it in without some kind of narrowing would give an indication that in those jurisdictions for sure, there would not be copyright protection for strings, it might be applied.

Miriam Shapiro: This is Miriam. I think it was Avri earlier who suggested the wording, "examples of principles that may be applicable". Perhaps, will that solve this question?

Avri Doria: I think that is definitely more narrow. Okay, thank you.

Philip Sheppard: Yeah. We also - Philip here again -- we also need to be aware, that I presume we all are on recommendation six. We start rough talking about morality and public order.

Avri Doria: Yeah.

Philip Sheppard: Their only looking at timid or snippets of all of these international agreements that may actually relate to that. And it's just those bits that may be relevant that's all we're trying to enter here.

Avri Doria: Okay. But let me read what I think we have at the moment. We're getting close, you know. "Examples of such principles of law that may be applicable include but are not limited to the Universal Declaration of Human Rights, the Intellectual Property Treaties administered by WIPO, the agreement on Trade Related Assets, Intellectual Property Right Parent TRIP, the International Covenant on Civil and Political Rights, the Convention on the Elimination of all of Forms of Discrimination Against Women, and the International Convention on

the Elimination of All Forms of Racial and I lost the bottom there.
Racial...

Liz Williams: Discrimination.

Avri Doria: Racial Discrimination. I don't know if it went further into parentheses.
Okay. Is that acceptable as a replacement at this point?

Philip Sheppard: Okay to me.

Avri Doria: Any objection to that? Okay that...

Jon Bing: So, sorry. This is Jon Bing. No, I have no objections. But I guess, in the
editorial page, you will rearrange the sequence.

Avri Doria: Yeah, I guess. I mean, I'll leave that part to Liz and then, of course...

Jon Bing: Yeah.

Avri Doria: ...we will come back to the committee to make sure that in the
rearrangement, it hasn't somehow change substantively. But - yeah, I'll
leave the words missing to the word must if that's okay.

Liz Williams: Yup. That's fine Avri.

Avri Doria: Okay. NCUC, in making this replacement, can I remove you from the
Has Confirmed column?

Woman: Possibly. I need to check with the others but I expect that would be...

Avri Doria: Okay, I'll put a TBD beside it for now. And then the language will come out. We can make sure that the language is okay. Okay. Any more discussion on text while we're here.

Chuck Gomes: Just one thing for me Avri, this is Chuck. The – and we can deal with this later. It's initially was brought up on the list. And I think that Becky first suggested it. But as I look back at and I now look at what we've done with six, are they any different in terms of what they cover, except six may be a little broader?

Avri Doria: Any discussion on that?

Chuck Gomes: It seems like they duplicate.

Philip Sheppard: I know they duplicate because the starting point with three and six is different. Three talks about legal rights and then attempts to find – to tell you where to find them and six talks about morality and public order and then tells you where to find them.

Chuck Gomes: You're looking at the old wording, right?

Philip Sheppard: Of what? Three?

Chuck Gomes: Six.

Avri Doria: Of six.

Philip Sheppard: Of six.

Avri Doria: Because we've now replaced six with the new wording.

Philip Sheppard: So what's supposed the starting with this...?

Avri Doria: At least that wasn't - strings must not be contrary to generally accepted and internationally recognized principles of law. And that was replacing six.

Philip Sheppard: Are you taking out morality and public order?

Avri Doria: Yes.

Philip Sheppard: So you're driving coach and horses completely through the...

Avri Doria: That was the recommendation of the discussion group that we've been discussing the last (unintelligible).

Philip Sheppard: Boy, my apologies for being absent then because I don't understand the intent to six in that case. What you've done is dramatically widened six.

Man: Indeed.

Chuck Gomes: And that's what I was saying Philip. I think that it includes what we have in three as the way we widened it.

Man: Can we - can Avri read three.

Avri Doria: Three as it currently exist, certainly. One second.

Woman: And then three and G went together. So principle G just to read that at the beginning. The strings evaluation process must not infringe the applicant's freedom of expression rights. They're protected under internationally recognized principles of law.

Then going to three and then the recommendation. Strings must not infringe the existing legal rights of others that are recognized, enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized includes but not limited to the right to find in Paris Convention for the protection of industrial property, in particular trademark rights that was in Parent, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights open parent, in particular freedom of expression rights.

And that's three at the moment as with broad consent.

Philip Sheppard: And Avri, did you start up linking a principle to that about freedom of expression key?

Avri Doria: There was, in other words the agreement to G. The agreement to leave three as it was originally, the original text included the addition of principle G.

Philip Sheppard: Right by I mean we can't – it make any sense to link principle G to recommendation three and thereafter.

Avri Doria: No. It's not.

Philip Sheppard: It merely, but if G exist in isolation, then I'm happy with that.

Avri Doria: Right. It's not linked in anything except...

Philip Sheppard: Right.

Avri Doria: ...the agreement of the group.

Philip Sheppard: Okay.

Avri Doria: There's nothing in G or three that cross references the other.

Philip Sheppard: Okay, I mean for me the only difference is that three has the merit of clarity. And six now has the merit of confusion on generality.

Avri Doria: So basically you're indicating that indeed you don't accept the substitution of...

Philip Sheppard: Well, I accept it but that doesn't, I think we're defeating our own objective.

Man: What is six say?

Avri Doria: Six, original six says, "Strings must not be contrary to generally accepted legal norms relating to relating to morality and public and order that are enforceable under generally accepted and internationally recognized principles of law."

Man: That's the old one right.

Avri Doria: That's the old one, right.

Man: Yeah, what's the new one?

Avri Doria: The new one says, "Strings must not be contrary to generally accepted and internationally recognized principles of law."

Philip Sheppard: I mean with out that.

Avri Doria: But remove legal norms relating to morality and public order.

Philip Sheppard: Yeah. I mean without that public order thing, it gives you no guidance in the implementation as to what we're talking about or basically saying is what ICANN does should not be against international treaties which is a bland bit of motherhood and apple pie. The reason we take a decision to say nothing about morality and public order or catch up six all together and we're very happy to have that abusive word or we attempt to make some wording to a void that.

I really don't understand that changed to the beginning of the six. It seems to have broadened it beyond all meaning. Or am I wrong?

Robin Gross: This is Robin. This was the recommendation that Becky Burr has put forward and it's been discussed on the list for I think a week or so now. And we (unintelligible)...

Philip Sheppard: I apologize for missing it. But then, I mean, tell me if my understanding is wrong that it is dramatically widening to the point of meaningless the recommendation six. I think in the past week or year. Is that right or wrong?

Jon Nevett: Well, Becky raised the point after suggesting the language and it being agreed on upon by the group and that's what Chuck just brought forward was the fact that as amended, did six and three now do the same thing. And if so, did we want to eliminate one of the two.

Avri Doria: Right. Because basically that language broadened to cover any consideration - would be considered under three or six. And perhaps others as you say it may be broader but without being specific about morality and public order.

Philip Sheppard: But if you ask me, we're going down the path that makes it easy for us so as we try to achieve some consensus and makes it almost impossible for the people who we want to implement this. I mean, Liz, do you feel the same?

Jon Bing: This is Jon Bing. I think that the point Philip is making is valid.

Liz Williams: Sorry Philip, I was on mute because I'm typing as the group is talking.

Philip Sheppard: Okay.

Liz Williams: I'm not going to make any comment about...

Philip Sheppard: Okay.

Liz Williams: ...this (effort) because the small group spent nearly two hours discussing this the other day. And the point of the exercise there was that the – and this is an accommodation of the NCUC's concerns about the inclusion of morality and public order. And the text was agreed at that small group call and we had consensus on it at that point.

Robin Gross: But, yeah.

Liz Williams: In fact that I might will – the fact that we might will come back as implementation issue and say the broadening of it makes it impossible for us to provide adequate and appropriate and correct guidance to either applicants or evaluators is another story all together.

Avri Doria: Okay.

Philip Sheppard: I know. We just say that it shouldn't be...

Avri Doria: I'd like to recap where we are.

Philip Sheppard: What we just said it shouldn't be contrary to about in a 500 pages of international law. I think we've got the implementation team working for three years before we can have New gTLDs with the accommodation six.

Avri Doria: Okay. So where we – if I can recap where I think we're at, I think we've accepted as a group a new (unintelligible) list.

Philip Sheppard: Yes.

Avri Doria: But we've come back now to not having - basically having the current text, strings must not be contrary to generally accepted legal norms related to morality and public order. They're enforceable under generally accepted and internationally recognized principles of law. And then a suggested by the groups but obviously not yet by the discussion group but obviously not yet fully accepted here. Strings

must not be contrary to generally accepted and internationally recognized principles of law.

We can talk about this some more but at the moment, I guess I understand that we don't have consensus to replace the original text with the discussion groups. (That's what I think).

Philip Sheppard: All right. But I mean, I'm sorry if I failed to coming in late to an argument and see instructed...

Avri Doria: It happens to everybody at some point. And that's, I mean, that's one of the reasons why...

Philip Sheppard: That's sounds like somebody's – how I intent – that's...

Man: (Unintelligible).

Philip Sheppard: ...you see the danger in the current wording as six. (Avri)...

Avri Doria: Yes. I'll take a list in a second. What I wanted to point out is that is one of the reasons why until we close the discussion. In fact if anybody sees something that's – that they feel the need to discuss, it can be discussed. Who wants us to get on to the list?

Jon Bing: This is Jon Bing.

Avri Doria: There was Jon. Would someone else before Jon?

Craig Schwartz: Craig Schwartz.

Liz Williams: Liz.

Avri Doria: Was it J. Scott?

Craig Schwartz: It's Craig.

Avri Doria: Oh, it was Craig. Sorry, I missed your name.

Craig Schwartz: That's all right.

Avri Doria: Okay. And I was having trouble with the voice. Sorry. So there was Craig, there was Jon, there was Liz. Anyone else?

Ray Fassett: Ray Fassett.

Avri Doria: Ray. Anyone else? Okay, Craig.

Craig Schwartz: Could – adding on to Philip's latest comments, and I think what I heard Jon Bing is also saying is if it's the whole process is supposed to be objection based and there's – there are, should be relatively clear basis or grounds for objecting the, I mean in the policy recommendations watering down the recommendation as Philip – I think I'm hearing Philip correct, makes the base - makes it almost impossible to have a somewhat clear basis for objecting to a string.

And I think it complicates the process enormously which is not to say that morality and public order was simple to begin with. But when you broaden that and basically trade no boundaries, I do think it turns into a bigger black hole than we are in before.

Avri Doria: Okay. Thank you. Jon?

Jon Bing: Yes. I just wanted to point out that there really are two amendments in the subgroup's proposal. One of the things that disappeared was the requirement that the norms should be enforceable. And the question of morality and public order is different from that. So you could still retain a reference to morality and public order without including a reference, the reference in the original text to the principle of being enforceable only being recognized.

That was my first point. My second point is that one might perhaps consider if one was arguing this from freedom of expression point of view that the – that they should be as narrow as possible. And if – and I agree with Philip that it has been opened up and that may be contrary to the interest in the freedom of speech. Thank you.

Avri Doria: Okay. Thank you. I guess I have Liz next.

Liz Williams: Jon – yes, Avri, just quick question for clarification here because a number of people were not on this small group call. Just that so we're clear about where I think where we are because I'm drafting as I'm going along and I'm listening and I'm taking notes.

With the old text which you had read out and which was included in your table which included morality and public order, there was consensus on that text.

Avri Doria: There was broad support. Yes with one concern.

Liz Williams: Yes. There was broad support body NCUC for that text.

Avri Doria: And then there was concern by several people on the enforceable word.

Liz Williams: Yes, enforced already – enforceable. So I'm just double checking that there was also agreement, not just considered as an agreement that the inclusion of principle G and recommendation three that that was agreed and left alone but that whatever examples we derived for six would be used consistently as illustrative language in three.

So, I'm just trying to capture it just for (unintelligible) sort of that's where we are.

Avri Doria: And that point – okay, an extra issue on three.

Liz Williams: Yes.

Avri Doria: And we can go back to three later just to make sure that people accept having the same examples with.

Liz Williams: Yup. That's right. Thank you.

Avri Doria: Okay. But at the moment I'm trying to figure out where we are on the first part whereas we basically have the existing text that has issues against it because of morality and public order and that had an enforceability issue. Then we have the suggested text by the group that has a generality issue against it. And then I hear the beginnings of a third version but it don't have text on it that basically maintains the strings must not be contrary to generally accepted legal norms related

to morality and public order that are accepted and internationally recognized principles of law. Is that how it would go?

Chuck Gomes: Avri, please add me to the queue.

Avri Doria: Sure. I'll...

Miriam Shapiro: Avri, it's Miriam. Can you add me as well?

Avri Doria: Okay. Yeah. I'm just trying to figure out where we are on the text at the moment and hopefully you guys can help me on that. And so I had Chuck and Miriam. Okay. Go on.

Chuck Gomes: Okay. I think we've – this discussion has been very useful. I think we don't want to end up with things that people aren't all on the same page on. I'm wondering if it would be useful to have the group six and anybody else that wants to join them, go back with the understanding of what we've just discussed and do some additional work before our meeting next Thursday on this one. This may be hard to resolve in this call today. And it would probably take all the time. This is just a suggestion.

Avri Doria: That is a good suggestion. Miriam?

Miriam Shapiro: Thank you Avri. Just a couple of points which may help clarify the issue and help the group reach our consensus that of course implementable.

First, this is a factual matter, the references to morality that are both in the international covenant on civil and political rights and also in the

universal declaration are incorporated by reference in the current - in the text under discussion.

Philip Sheppard: Mm-hm.

Miriam Shapiro: Second point, just consider makes it easier for people to accept this. You could perhaps not have an example of list. But instead specify in this recommendation the references to those two conventions – that one convention and the universal declaration. And I only say that because (unintelligible) and third racial discrimination. These are concepts not the expressive protections but the concepts are of course included in the universal declaration and the international covenant.

And the third point really just a question, but if this helps people get to our consensus. If the group feels that there is a need for both three and six then is there any point to using three to capture the IP conventions and six to capture the other dimensions.

Philip Sheppard: Mm-hm. (Unintelligible) points.

Avri Doria: Okay, I guess both are definitely interesting questions. Okay, I'd actually like to accept Chuck's recommendation at this point. I see us as having moved the discussion along, but as Chuck said, we're not at broad support.

The broad support still is continued for the old six with perhaps the change of the examples. We've had, I think two variants of - for the first paragraph. One, the one who's suggested by the group, strings must not be contrary to generally accepted and internationally recognized principles of law.

We've had in the second one, the sort of forum while we we're talking which was strings must not be contrary to generally accepted legal norms relating morality and public order that are generally accepted and internationally recognized principles of law.

And then we've had the consideration that Miriam and others had brought up. Now, that basically opens it up and makes it a group that is looking at both three and six.

Then link in this conversation consensus that we've been a presumption that these lists have the same examples list on what as Miriam proposes. They become completely separate and therefore would have a different perhaps examples.

Philip Sheppard: Avri, I'm going to comment once you're finish?

Avri Doria: Yes. So, I guess I'm proposing that we follow Chuck's proposal that we haven't been able to reach closure on this. And give people another week to talk about it. So if anyone else that wants to comment on...

Man: Avri, did we bring out, we'll see him in two...

Avri Doria: I'm sorry we did. Forgive me right. It's Ray and then Philip.

Ray Fassett: No, that's okay. Miriam's pretty much said it better than I could. Thank you.

Avri Doria: Oh okay, and apologies. Okay, Philip.

Philip Sheppard: Thanks Avri, yup. I mean, I think Miriam had brought it back a little bit two reasons of objectives which always help. And I think – what we – if I recall correctly, try to do in three is to say, it could be infringement of legal right and the concern was then to balance that in terms of freedom of expression.

And then six, was there could be concern to do with abusive words or similar. And we wanted to balance that for something we do with freedom of expression.

So I think however we come out, those two things are different. And certain examples list will be different for those of those. Because what we mean by legal right, I think we would want to be quite defined on. And also the board as a setting convention where we may find relation to things like morality and public order.

So I'm afraid we copy and paste the example. This is to my mind not an option we should pursue.

Avri Doria: Okay thank you. I'd like to basically there stop the discussion on that at this point. Basically recommend that we continue discussion both on list and then at discussion group. And I guess I'd like to ask Chuck with your suggestion, if you could basically take what was at the discussion group before and sort of organize one that we'll send this week. And, basically, and then people that want to participate in it should get in touch with you to...

Chuck Gomes: The only problem with that is since I wasn't involved in that group at all.

Avri Doria: Right, which makes it good for you to be the coordinator.

Liz Williams: Avri, Liz here. Avri, it's Liz here. I coordinated that one because nobody else volunteered.

Avri Doria: And I understand.

Liz Williams: I'm happy to continue doing that, if you wish. Could I just check that presumably – can I just double check that you - we wanted another week of discussion on six and that it would be helpful to have another (unintelligible) call.

Avri Doria: It looks some of the discussion that people wanted to look at both three and six in light of this discussion now. At the moment my (presumption) on everything is that three and six remain as written until we come up with or unless we come up with broader consensus, broader support on something new.

And if people wanted to take another week to basically talk about things, people wanted to look at the example's list on three, I think or maybe not. Maybe three just remains as it is, I don't know.

Chuck Gomes: Well, I think.

Philip Sheppard: Well, exactly. Avri, I think you're right. Three must remain as it is because (unintelligible) we started talking about three was because of the overly broad where we ended up on six which we've now decide that we need to somehow scale back to make implementable.

Avri Doria: I don't – yeah. I – yeah.

Philip Sheppard: So I think three is a down deal...

Avri Doria: I'm not sure we decided...

Philip Sheppard: ...then that's certainly as easy.

Avri Doria: I'm not sure that we've decided anything and there have been still open discussions on the example of list. I know you have proposed that it remain as it is. But I thought I've heard people recommend that perhaps it shouldn't.

So, I'm not sure where we are. I'm not sure if that's – that it doesn't need to be - perhaps not. Perhaps when people get together, it was like there's nothing to talk about in three. But if Becky's recommendation which is the basis of the discussion group recommendation for a new six, we may imply than it does affect though. And I don't know that we had a decision one way or another on how change fits you,

Liz Williams: Avri, it's Liz here. Can I just ask a clarifying question when everyone else is finish please?

Avri Doria: Yeah, go ahead.

Liz Williams: Just to – is it your intention to have discussion on the list about a comparison between the existing text for six and the suggested new text?

Avri Doria: The discussions that occur on the list, the discussion can occur in the discussion group. At the moment, I think that we've got a fairly stable

set of examples for six. And we have the existing text plus two variants.

One, the discussion group came up. And one that is about doing this meeting that maybe discussed. And then the other issue that I think we've got up, is does we need a review, in light of what six become. And perhaps we can go over the...

Philip Sheppard: Avri, just to make our lives all work easier for next week. Could you ask the question now if anybody was uncomfortable with the variant wording on six which I think was dropping the word enforceable because I think I didn't hear anybody speaking against that? I think we'll have again the forum.

Avri Doria: And I just don't know that we got time. Okay, the variant wording that I thought evolved during this meeting and that was strings must not be contrary to generally accepted legal norms relating to morality in public order that are generally accepted and internationally recognized principles of law.

Philip Sheppard: And then I'm happy with that. I thought it would – if I actually (unintelligible) wrong, I'm happy with that. Not the change to help prevents us (unintelligible).

Avri Doria: And right. Are there concerns with that wording?

Robin Gross: Yes, this is Robin.

Philip Sheppard: Okay.

Robin Gross: We have a concern with that, that's why Becky suggested the alternative language that was discussed in the last week. It was like in - specific inclusion of the word morality and public order. That's - we were concerned about because these are...

Philip Sheppard: Yeah, but without - let's be sensible. Without these words...

((Crosstalk))

Avri Doria: Let's take this – can we take - as opposed to asking people to be sensible. Can we take the discussion to the list at the discussion group? We obviously have three variance of the text at the moment. We've got the current one, we've got the discussion group which you did not accept and we have a variant that is also in the meeting that NCUC does not accept. So I'd like to basically – back to the discussion group and see if we can settle on a new variant either A or B. And then come back next meeting and either live of what we've got or have a new variant.

But I'd like to sort of cut it at this point and move on and...

Chuck Gomes: And Liz, you're going to lead that?

Avri Doria: And Liz, do you want to coordinate this one still if...

Liz Williams: Yes, Chuck.

Chuck Gomes: That's fine. I just wanted to clarify.

Liz Williams: Yes, Chuck. No problem for me to do that at all. And I'm sorry, I can't leave my phone off mute but I'm trying to take note for my keyboard is very noisy which is why I put myself on mute but I'm listening to what the group is saying.

Avri Doria: That's okay. We're willing to wait for you to come back in.

Liz Williams: Okay. So, yes I will coordinate and yes I will do what I did before which was present a recap in one email to the group to then consider.

Avri Doria: Okay.

Liz Williams: Okay.

Avri Doria: And we'll leave it at and I'll take the recommendation that's come up that will leave three alone at the moment. Not only reconsider it afterwards if the wording in six brings it up for example as Chuck did in this meeting.

Chuck Gomes: Now, does anyone who was not involved in the recommendation six group wanted to be added to that group? Okay, just want to know and make sure so that Liz knows.

Liz Williams: Yup.

Jon Nevett: That does mean that Philip want to make sense – this is John -- want to make sense all of you to join that group since you have about a strong feeling on that topic?

Avri Doria: He was on the group, John. He just wasn't able to attend.

Philip Sheppard: (Unintelligible), yeah.

Jon Nevett: Oh, he wasn't there. Okay.

Avri Doria: Yeah. Yup.

Jon Nevett: Good. Because it will be helpful to have him.

Avri Doria: Yup, thank you. Okay, let's move on to 20. Thank you. On 20, we basically have the wordings as existing which is an applicant will be rejected if it is determined based on public common for otherwise this is as a substantial opposition to it from among significant established institutions of the economic sector or cultural or language community to which this targeted or which it is intended to support.

We had a recommendation from the subgroup that had partial subgroup support but I guess not complete subgroup support. Or maybe I'm misunderstanding.

Chuck Gomes: No, you have that correct. The NCUC did not support the...

Avri Doria: Okay.

Chuck Gomes: ...this language.

Avri Doria: That basically said an application that is targeted to a specific community maybe rejected if it is determined that there is substantial opposition to it from significant established institution within the targeted community. Now, it seems to me that in some sense, we

didn't move to broader support which was the intent of the discussion group so we're left with...

Woman: Well...

Avri Doria: ...two choices. We can either discuss further and we certainly can in this meeting or we have the existing text that remains and basically minority/variant statements are added to it. (Unintelligible).

Philip Sheppard: Avri, I've got a question on it all. I'm (Princess). In the applications to date, how do we know what are the targeted community is? I wasn't aware we were obligating applicants to specify that. I thought that was brought on today.

Chuck Gomes: They would only specify that Philip as they were targeting a specific community.

Philip Sheppard: Right.

Chuck Gomes: We're not saying that they have to.

Philip Sheppard: Exactly. So...

Jon Nevett: But Philip I think that, you know, it would depend. I mean that date is an example where they would have to state that they're targeting a particular group. On the other hand, (dot Mallorry) or (dot cherry key) or (dot Sue) or something like that by implication target to community.

((Crosstalk))

Avri Doria: I'd like to take a queue on it so that we have (unintelligible).

Philip Sheppard: Yeah. So that's exactly my question. It goes to the point about it implies the targeting or not because without to specify because we're now moving from strings to use.

Avri Doria: Mm-hm.

Philip Sheppard: And I thought that the original wording we had was intended to avoid that in an objection based process where the new wordings seems to imply but we are insisting that every applicant tells us about their targeted community.

Chuck Gomes: Avri, before we open the up the queue on this one, it might be helpful if I try to share a little bit of what the subgroup tried to do and why in the old wording.

Avri Doria: Good idea. I'm glad that you ask you put that and should have?

Chuck Gomes: Okay, first of all we dealt with the phrase based on public comments and decided that that should be deleted. That the, you know, the challenge process, the public comment shouldn't come in to play there because it's very difficult to do that and how do you make that objective and measure it and so forth.

So we took that out as you can see in the recommended text.
Secondly, we talked quite a bit about a question that I had raised on the general list a week or so ago and that is with regard to the mention of economic sector, cultural language community. And whether it should be just those three to be limited to those three or whether there

is any type of community regardless of whether it's one of those three that would apply here.

And most of us that were on the subgroups concluded that, you know, probably it would be better to leave that open and not to predefined what type of community could be involved there. Plus it's kind of difficult in some of the cases to really define the community.

So that kind of it, are the two main things that we tried to fix in the previous recommendation. And then try and we did some words missing to make it is as clear as possible whether we succeeded or not. It's up for everyone else to decide. But that's a little bit of background of what we're trying to do and we definitely focused on a targeted community whether that be implied or stated and we didn't really make a distinction between that.

Avri Doria: Okay, thank you. I'd like to take a queue on.

Kristina Rosette: Could I ask a point of clarification from Chuck. I think I had the answer. I just wanted to make sure I understand it.

Chuck Gomes: (Yeah, shoot).

Kristina Rosette: This is Kristina. Is it the case that the subgroup, separate and apart from NCUC thought that the proposed language was better than the previous language full stop.

Chuck Gomes: Yes.

Kristina Rosette: Okay.

Chuck Gomes: And correct me, those of you that were on the subgroup if you disagree with me but yes I think that's true but not in the case of the NCUC, I don't think they like either language.

Kristina Rosette: Right. No, I was just trying to (unintelligible) whether it was in the general approval of that language overall apart from the NCUC.

Avri Doria: Yeah. I could search for NCUC here.

Kristina Rosette: Or I just wanted to make sure that it wasn't the case that this is language that we put force in an effort to get new unanimity and if there was going be union and in the unanimity. Let's go back to the original language.

Chuck Gomes: Right. What we did is we agreed to the new language with the understanding that the NCUC person on the call would take it back to the NCUC and run at by them and see if they wanted to propose any changes to it. And a response that came back from the NCUC was what Robin communicated earlier that no, you know, they want the whole thing narrowed to include technical and legal objections only.

Kristina Rosette: Okay.

Chuck Gomes: And by the way, we talked in the group about the whole idea of legal. And one of the points made was - is that this particular recommendation according to the intent that was - that I believed was behind it originally in the full committee. Probably is not possible to tie to law.

Robin Gross: This is Robin. Can I get in the queue?

Avri Doria: Okay, yeah. I'd like to take a queue. I've got Robin in it...

Philip Sheppard: Philip.

Avri Doria: Philip.

J. Scott Evans: This is J. Scott.

Avri Doria: Okay. Anyone else? And what I'd like to do is let's get opinions on both the issue of replacing the existing with the new because while there was broad agreement in the discussion group, I'd want to make sure that we have that same level in the committee. And then to just, you know, get the other opinions on the language.

Anyone else? I got Robin, Philip, J. Scott. Anyone else? Okay. Robin?

Robin Gross: Yes. I didn't participate on that call but from my understanding of what happened and what the recommendation that came out of it is, is we support the new recommendation much, much, much more than the old recommendation. However, we still would like to see a bit of narrowing of that so it would be limited to technical and legal.

So as between, leave it as it is or keep the new one and let – there's not unanimity, I don't think that's really the right approach because I think there was agreement for the most part on this new recommendation. However, we would like to see it narrowed more.

Avri Doria: Okay. So you're saying it may have broader support even if it hasn't reached complete unanimity.

Robin Gross: Exactly. The new recommendation has broader support than the old recommendation. It's just not 100% of the way there yet. But it has more support than the old recommendation.

Avri Doria: Okay. So...

Chuck Gomes: Thanks for that clarification Robin.

Robin Gross: Yes.

Chuck Gomes: Victoria wasn't able to – she was trying to be real cautious in terms about, before she took it back to the group. But that's a helpful clarification.

Robin Gross: Thank you.

Avri Doria: Philip?

Philip Sheppard: I certainly support the taking out of public comments. I think we discussed that briefly in Puerto Rico if I recall and we've agreed that that was problematic, and I see no harm in that.

If we're not going to get a – I certainly don't support the reasons Chuck outlined, this concept to try and to tie this to legal or technical. I think that's the way of hearing. And...

Chuck Gomes: But – I'm sorry Philip. You said, I don't think understood you correctly. You said that I suggested tying it to that? I didn't suggest that.

Avri Doria: No. You're saying that not (unintelligible).

Philip Sheppard: No, no, no. I'm saying I supported what you said that...

Chuck Gomes: Oh. Okay. I got it. Thank you.

Philip Sheppard: ...that is irrelevant to this particular recommendations. I'm – I don't know, I'm personally neutral in terms of a new phrasing towards the end. I thought what we had done in the older phrasing was again attempting to broaden the explanation of what we meant. I have – the danger is the more you have general language, the more likely you are to lose clarity in terms of what was really intended and you find it becomes interpreted overly broadly. That's my new concern.

Avri Doria: So are you saying that this new wording does not have your support?

Philip Sheppard: With exception of the deletion of public comments, I think I prefer the older wording. But I'm not going to – I'm not dead set on it but I'm just warning that I don't quite understand fully the objective in that change of wording unless the only objective and change was to get NCUC's support which we haven't got then it seems to be redundant.

Chuck Gomes: Well, one of the things Philip that I had questioned, I had never understood when we mention the economic sector, culture or language community that those were supposed to be inclusive to the possible communities that might be able to submit an objection. I could have been wrong on that. But it seems to me it's pretty hard for us to predict

that those are the only three types of targeted communities that could be impacted by a string.

Philip Sheppard: By economic sector or social community. That were the two broad terms that would cover what we mean, I thought.

Chuck Gomes: And that – that's – those are pretty broad as well. I'm not sure that it really accomplishes your objective of narrowing it down.

Philip Sheppard: Maybe not. You're right.

Avri Doria: Okay. J. Scott.

J. Scott Evans: First of all, I just want to say that it was my understanding that the proposed language that we have on the table now that came out of the subgroup, and I was a member of the subgroup at least from my perspective, was put forth in an effort to get unanimity from the NCUC.

Now, while at the end of that call, Victoria was unwilling to do so because she felt rightly so if she needed to back to the NCUC and get their support and it has some explanation and find out where they stood as a group. That was the reason the language was put forward – is to get a unanimity on this. It wasn't because the – everyone involved had tremendous concerns although that Chuck has first voiced the ambiguity he saw in the original language. But that is the reason that I participated and was willing to agree to the language.

And it was my understanding that Victoria was going to go back to the NCUC with this language and then get back with us either during this call which it appears Robin has done for us which is – well, we like this

one better than the other one, we're still not satisfied. But my perspective was the IPC was supportive of this in the hopes of gaining unanimity. If that's something that we're not going to be able to do, I'm with Philip and I think we should go with the original language.

Avri Doria: Well, Okay. I'd like to check something because being with Philip would I think include an amended statement that removes the, based on public comment or otherwise.

J. Scott Evans: Again, the reason we agreed to that was because that was something the NCUC said that they would require in order to support.

Avri Doria: Okay. Philip, did I understand you correctly that you basically supported that one sort of it wasn't based on NCUC's position? It was straight forward.

Philip Sheppard: Well, I mean my - now, my understanding of our discussion on that in Puerto Rico was the following that we wanted to make the public comments process meaningful in some way, point one.

Secondly, it seemed to be appropriate to this recommendation. Thirdly, that there was a difficulty in factoring in the sort of the broad brush of public comments into what is otherwise an objection based process. And it was our discomfort with that third point to see what we might do.

But I thought we also discussed the idea that you would either have the direct third party lodging an objection in the ordinary way. Or maybe staff monitoring public comments would see something happening and we'll make an approach to the vocal party on public comments and say, "Are you aware about this process? Do you want

to file an objection? There was a process to do that.” And that would be the function of public comments.

Avri Doria: Okay. (Thank you).

Philip Sheppard: That was my understanding of where we'd left it. And I see this...

Avri Doria: So basically, you're saying you would, as J. Scott indicated, if we don't accept new wording with unanimity, you would stay with the original wording?

Philip Sheppard: I think as I mean...

Avri Doria: Okay.

Philip Sheppard: I see the point in general. Yes.

Avri Doria: And that's where – the point I was trying to make because I had misunderstood you before.

Philip Sheppard: Yup. Yeah.

Avri Doria: Okay. Any other discussion on this one? At this point, I think we'll add a point of...

Miriam Shapiro: Avri?

Avri Doria: ...remaining with the original wording.

Miriam Shapiro: Avri?

Avri Doria: Who? Who?

Miriam Shapiro: It's Miriam.

Avri Doria: Miriam. Yes?

Miriam Shapiro: May I pose a question to the group?

Avri Doria: Yeah.

Miriam Shapiro: Perhaps mostly to Robin but to others as well. If the language did, Robin has suggested regarding legal and technical basis for objection were to be added, how would it differ from recommendation for dealing with technical grounds or from recommendations three and six which currently deal with legal rights and legal norms?

Avri Doria: Any comment?

Robin Gross: I'm sorry. I missed that question. This is Robin. Could you state that question again?

Miriam Shapiro: Certainly. If your suggestion was adopted so that recommendation 20 was limited to legal or technical grounds. The question is, and it's going to take in terms of implementation and criteria, how would this recommendation be different or this basis for an objection be different than the basis under recommendation four which is now an objections process that deals with technical concerns or with respect to recommendations three and six which in their current text - current versions deal with legal rights and certain legal norms?

Robin Gross: It strikes me that 20 is a bit different because that sort of asks for considerations from an outside community as to with their - how they feel about a certain string which is again our main – our concern with that is that it is very subjective among say, a general public that one can never really anticipate what their feelings are going to be whether or not they'll support something or feel offended by it or what not.

So, that's why we're so concern with clients because we're see it has broadening up three and six to include sort of objections that can come from any sector from anywhere as opposed to from the expert panels themselves.

Chuck Gomes: And we clarified in the subgroup call that it is only focused on targeted communities not just anybody. So if somebody does not have a standing as in the targeted community, it's not - they would not have any basis for complains.

Avri Doria: Okay, I think at this point, I'd like to cut discussion on this one. I think where we're at is at the moment the current text remains at a broad level of support with the concerns listed by NCUC.

I think that there's probably an opportunity for a little bit more discussion in the next week to see if the people are willing, to see if the gaps toward unanimity can be closed.

J. Scott Evans: Avri.

Avri Doria: At the moment, I think we've got something that we haven't moved on yet. Yes. Who is it?

J. Scott Evans: J. Scott.

Avri Doria: Okay.

J. Scott Evans: I don't think that Robin answered Miriam's question. What she did was she explained how 20 as written is different from three and six. And I thought what Miriam was saying...

Woman: But How are -

J. Scott Evans: ...that being argued in those that we amended to include recommendation 20 to be narrowed to legal and technical issues, how is that different from four, three and six? If we change 20 as the NCUC want, then how that any different than four, three and six as currently written. Is that your question Miriam?

Avri Doria: Yeah. As I understood Miriam's question is if changed, was does it add to the body of existing - of the other recommendation.

J. Scott Evans: And I did not hear Robin answered that question. What I heard Robin tell us is why they think 20 is different than three, four and six as 20 is written right now.

Robin Gross: I'll answer it again if I need to.

Avri Doria: I don't – Okay, I mean we can continue the conversation, although I did not want to move on with the rest of the agenda.

J. Scott Evans: Well, that's fine if they just – if we're going to have another subgroup call if the NCUC Representative would come and answer that question.

Robin Gross: From a community somewhere, does the objection come from the expert panel. That's the distinction as I said before. Where does the objection come forth? Does it come from a targeted community or does it come from the expert panel? That's the distinction between them.

Philip Sheppard: Yeah. But it makes no sense to have a subjective objection on a technical ground. It's just – I'm sorry, I see that suggestion is phrasing as basically being a destructive amendment to nullify the objective of recommendation 20. So I see very little hope in moving in that direction in the next week.

Avri Doria: Okay.

Liz Williams: Avri, it's Liz here. I just need to ask a clarifying question please. Because I think that I'm going to be coordinating this again next week.

Avri Doria: Well, I'm not sure that there's something to coordinate. But go ahead please.

Chuck Gomes: Yes, it's not clear to me that the additional subgroup work on this one is going to accomplish very much.

Avri Doria: Right.

Liz Williams: Okay. So then just in that case for the text, so that my notes are correct. We are reverting to the original text and the subgroup work.

Avri Doria: We're remaining with the original text.

Liz Williams: Thank you.

Avri Doria: And as there's been no agreement. As far as I can tell, and people can tell me if I'm wrong, I haven't seen any agreement to move to new text. And therefore, now, I don't bar - I'm not recommending that the subgroup continue working unless the members of the subgroup themselves feel that there's a chance for reaching broader support.

But at this point, I believe we're at a point of we have broad support on one statement.

Liz Williams: Yup.

Avri Doria: We have one community's concern with that and I don't know that we're going to get beyond it at this point.

Liz Williams: Thanks Avri. That's fine.

Chuck Gomes: And I'm not sure we – the supporters as broad as we thought it might be either on the old one. Because I think public comment is an issue and the listings of those economic sectors, culture and language community is also an issue.

Avri Doria: Okay Chuck, I'm not quite sure. Yes. I guess that the broad support is – if that's the case, then we would need to go through the statements and find out which constituencies would want to withdraw support and add themselves to the concern column.

And so, are you indicating that you think that there are other communities in the concerns column?

Chuck Gomes: Yeah. I can say that I still have concerns on those issues, so I have not tested that with other registering members but I can do that.

Avri Doria: Okay. I've added Chuck with registry constituency with a question mark (unintelligible) in the table.

Chuck Gomes: Yeah. And my concerns are totally different than the NCUC concerns...

Avri Doria: Yes. I understand.

Chuck Gomes: Because I do not think that the technical and legal objections narrowing it to that work on this one at all.

Avri Doria: Okay. And did any other person or maybe a representative want to add themselves to the (concerns)?

Okay. So, at the moment, I'm not sure if we have broad support or support and we'll have to look at that as it develops in the next week. I encourage people to discuss this further on the list. And if it looks like we've moved down once you've come back from the registry, you know, constituency and say, "Yes. You know, there is a constituency issue." then I will back it down to support as opposed to broad.

Chuck Gomes: Yeah. I'll do that. Thank you.

Avri Doria: Okay. Thanks. Any other issues on this one before we move on to 19?

Okay. On 19, did you send out other language? I haven't looked at my email. (Unintelligible).

Jon Nevett: I just sent it. I wasn't sure if I could send this to the list, so I sent it to you and Liz and (Unintelligible).

Avri Doria: Okay. Let me find it then on my email.

Jon Nevett: But I can read it. It's very simple. The current language says, "Registries must use ICANN accredited registrars." And during the presentation from ICANN staff in San Juan, it was clear that there are some ambiguities in that language. So to clarify, Adrian circulated this with our interest statement, I guess it was a week or so ago. But the new language we're suggesting reads: "Registries must use only ICANN accredited registrars in registering domain name and may not discriminate between such accredited registrars."

Avri Doria: Okay. Let me make sure I've got that.

Okay. So it's still just one sentence, "Registries must use..."

Liz Williams: Avri, it's Liz here. I had received John's text and had posted it to the list so everyone should have it.

Avri Doria: Okay. So let me get up to John's language.

Jon Nevett: Thanks Liz. Appreciate that.

Avri Doria: Okay. Let's see to this. I guess I just didn't get it yet. Oh, there it is. Registries must use only ICANN accredited registrars in registering

domain names and may not discriminate between such accredited registrars.

Okay. I don't know.

Philip Sheppard: That proposal came from the registrars, is it?

Avri Doria: That proposal came from the registrars.

Philip Sheppard: So that would mean a small registry couldn't do a privileged deal with one or two registrars but would have to have the same contract or registrars. Is that the intent?

Chuck Gomes: It's not, Philip. I don't think it's saying that registries have to use all registrars.

Philip Sheppard: No.

Avri Doria: (Unintelligible).

Philip Sheppard: But it...

Chuck Gomes: Oh – it could be a small subset of registrars or it – but it is saying that...

Philip Shepard: The terms of the conditions have to be the same.

Chuck Gomes: ...or registry – small registry couldn't be a – would have to be an accredited registrar if it was going to be its own registrars. And that's an issue that's more contractually related than...

Philip Sheppard: Yeah.

Chuck Gomes: ...the (unintelligible)

Jon Nevett: But there are two issues here. One, and I don't make sure we don't confuse them, one is, this language in the recommendation and whether we require the use of registrars whether we require the use of all registrars or you – all registrars would have the same rights and opportunities under the recommendation.

The second issue which is where this, subgroup if you will, of registries and registrars are talking about is related to language. I think it's in 6.3 of the proposed contract related to whether or registry can actually own more than 15% of the, of a registrar.

In the current contracts and certainly in the current plan that's been circulated in the working report has – there's a contractual provision that says that registry cannot own more than 15% of a registrar. And – so that's the topic of conversation from the subgroup and that relates only to the 6.3 provision about ownership of a registrar and does not – we're not talking about this specific provision.

Philip Sheppard: Okay. I'll have it just to clarify this suggestion. I think we're talking about two different elements here of interest. I think it will help if we separated them out. I mean, my understanding of our objective with the current 19 - talking about accredit registrar is basically a public interest objective. Because a credit registrars have some come back on them and as we set certain standard and ICANN is monitoring those standards.

So, that's the public interest objective. And I think we talk about maybe clarifying the language to say that we're not intending or let say at least from the accredit registrar (unintelligible).

Jon Nevett: But that one I won't to agree with that.

Philip Sheppard: Would you?

Jon Nevett: No. It's There are couple of issues that going to looking of this chart. She laid them out. And the question is whether it's only any or all. And I would even divide that up is, you know, much registry is use only ICANN accredit registrars is the first question. That's the first level.

Second question is...

Philip Sheppard: Yeah. And that's where we agreed as a group was the case.

Jon Nevett: Right. So, I then I added the word "only".

Philip Sheppard: Yup.

Jon Nevett: So, the first change in the proposed Chuck – in the proposed text is registries must use only ICANN accredit registrars.

Philip Sheppard: Right. And then anybody does agree with that?

Okay, carry on.

Jon Nevett: Then I added the clause in registering domain names just to make it clear. What, you know, just to make sure we're having that.

Philip Sheppard: Yup.

Jon Nevett: And then the last clause is I think is where you're headed is - and may not discriminate between such accredited registrars.

Philip Sheppard: Yeah. I mean I think that to my mind is a separate thing and you...

Avri Doria: And that the second line must be used any a different thing.

Philip Sheppard: Yeah. I mean I got no track with the first part of that. I think it's clarifying our recent intent. The second strikes me something that, I mean, I'd like to know are we making new policy or that basically is taking existing policy?

Jon Nevett: The existing policy is they can't discriminate - a registry can't discriminate (unintelligible).

Philip Sheppard: Right. So it's redundant.

Jon Nevett: And in gTLD registries must used any registrar that wants to sell those names.

Avri Doria: Yeah. It's basically it looks to me like it's stating explicitly a continuation of the current policy.

Jon Nevett: That's the intent as more of implication of the existing policy.

Philip Sheppard: Yeah. If that's the intent, then I've got no problem with that. I just want to be clear we're not attempting to make new policy.

Avri Doria: And I don't believe on (unintelligible).

Chuck Gomes: And I would agree with John. I don't think that this is adding anything new to the intent of what the committee had suggested here. So, I think it's confirming what exists now.

Avri Doria: Okay. I'd like to check – take a queue on anyone else that may have questions or concerns with this.

Craig Schwartz: Avri, hi. It's Craig.

Avri Doria: Okay Craig. Anyone else? There's Craig at the moment, I'm checking to see whether we do in this committee have broader support than we have before. My impression is yes but I want to confirm that. Anyone else want to be on the list?

Woman: (Unintelligible).

Avri Doria: Excuse me?

Woman: Sorry - I'm just rejoining.

Avri Doria: Oh – okay. Sorry. Okay Craig.

Craig Schwartz: Yeah. I don't have a question or concern but I did want to point out that in the staff expression point of document that we submitted, Section 3.12 addresses recommendation 19 and that staff interprets the

recommendation to mean that registries use only ICANN accredited registrars.

And that staff also understand the recommendation is means that registrar operators would be required to just provide non-discriminatory access which in basically reach on just said so - just to be credit the staff is interpreting the recommendation exactly the way John's rewording suggest.

Avri Doria: Right. It was just – okay. Thank you. It was just that the registrars on reading it if I understand correctly had felt that there was ambiguity and therefore...

Craig Schwartz: As agreed.

Avri Doria: ...I wanted to make it clear so this would not change if I understand it. This would not change the staff interpretation. And does changing it to the registrar's...

Craig Schwartz: Yes.

Avri Doria: ...wording won't change anything in your implementation...

Craig Schwartz: That's right.

Avri Doria: ...understanding. Okay.

Craig Schwartz: That's correct.

Avri Doria: Would anyone else like to speak on this? Or is it safe to say that the - rewording by the registrars is boldly accepted. In fact I would assume unanimity because that'd be able to take the registrar of the concern's list. Any objection to my doing that? Fantastic! I thank you for that one.

Chuck Gomes: Thank you.

Avri Doria: I mean I thank you for all of that. But I thank you for that one. Okay going back to the agenda then. So – I'll put this on in next week's meeting. When I go through the chart, we'll be able to look at it again and make sure that I got it right.

Okay. The next item on the agenda was to review the action item on pending action. And let me look at where we are. Okay. So, we had a resolve recommendation three. And the pending action was to send the new statement to the list which was done to review level of support for principle G which was done.

So the moment, I would say that that one is resolved. Of course, I'll check again and I'm not - and I don't believe that at this point it stands as we opened. Is that a correct assumption? Does anyone disagree with that assumption that it has essentially been resolved?

Okay. Moving on, resolve recommendation six we have the subgroup committee discuss possible language change and a discussion today. We discuss the possible - the language change. We had a discussion today. We have further discussion that'll occur in the next week that the subgroup that Liz will coordinate or basically look at the two options on the first paragraph.

I'm taking an assumption that we pretty much stabilize on the examples language so that it may yet reopened. But that we really focused not on the examples. But we're focus on three options. One, the original text to option A which was the text suggested by the discussion group and then option B which was sort of hybrid wording that a stored of develop in the discussion. But that the discussion group will go back and look at that some more.

So that that one remains open it's not resolved further work and all, amplify that. On resolve, any issue discussion on what I've just said on text?

Okay. Resolve recommendation 19, we had feedback from registry-registrar. We had new wording from registrar which I apologize for missing. And we have reached a broader support in fact unanimity on that new wording. And that therefore that is resolved.

Okay. We've – any issue on that? Okay. We've got Resolve Recommendation number 20. Discuss possible language change discussion at this meeting. I believed that we did not accept any changes and that basically that this – that 20 has basically as remaining as it is that there is another week if people want to see if they can fine other solution.

But this essentially they does seems to be a reason to continuing the discussion group and that we basically have reached a point where we have broad support behind the existing statement with - or actually it's no – okay, that that needs to be corrected. That we have – we think we have broad support but we may only have support and we're waiting on a registry statement on a deck on possible concerns.

We will determine level of support at next meeting base on new statement of concern. Is that an object – is that an acceptable statement? Is anyone objects to the way I'm putting it?

Philip Sheppard: No, fine Avri.

Avri Doria: So there's not any...

Philip Sheppard: But also – I mean what – also that means located (unintelligible) but yes the registry (unintelligible) wants to come out with some fresh wording to address those concerns. It looks like it's clarifying our reason of intent. Then let's see it.

Avri Doria: Okay, yes. But that was - and I guess that falls within the saying that sort of it - if people wants to suggest new wording, we'll review it but at the moment we're standing with the word rewording we've got and we'll review level of support next time.

Okay. Discuss open implementation implication issues that would be primary item on the agenda next week. The staff has been going through their issues lists and basically we're looking at them base in terms of the work that's been done by the committee both in San Juan. And since then - and so that will be a major item on next week's agenda to see whether maybe further clarifications and, you know, other ambiguities that need to be removed.

The next item was already listed as done the initial impact statement. Update impact statements all constituencies will basically asked to submit any update.

Chuck Gomes: We really can't do that, can we Avri until we finished our work?

Avri Doria: Yes and no. I mean we had that done as of July 19th. So, I do believe that people can certainly start working on them in terms of clarifications that have been already been done.

I think that in trying to finally - to finalize 20 and six that basically people will be updating their impact statements based on the current standing. And if we change things then they'll be able to remove content.

But I would recommend that people work on finalizing those now. Because the wording with each week that it remains unchanged becomes more stable. So we've got that done as, I guess the 19th as the deadline which is next week.

Given that (unintelligible) in time that we've got forgetting things done and the reports out. I suggest that people try to meet that so that Liz can do her update. I think there'd still be a chance afterwards to do some further edit. But I think it's our concerns on the wording as they stand now a safe that is that changing the wording becomes less of a possibility as each week goes by.

Report from the working group dealing with reckless implementations for RPM that is a long term item that's on the list. And at this point, it's only been a week. I'm going to ask for status unless there is a status update.

Okay. Updated draft for final committee review. And that had been listed as July 30th. There was a discussion in yesterday's council meeting about Liz being able to put out the copy earlier. Liz would you like to speak on that? Coming off mute?

Philip Sheppard: Mm-hm.

Liz Williams: Yes. Avri. I am coming off mute.

Avri Doria: Actually, sounds like you're off mute.

Liz Williams: Yes, Avri. Sorry about that. Avri, I'm concern about - and the other day we talked about being able to get this out as early as possible. Given that six is not agreed to and we expect to if there's not going to be agreed a unanimity on 20 and that there will be a minority statement, I suspect that this is going to be a last minute thing.

Because we have to, it seems to me allow the remainder of the week to let discussion take place on six and then make a decision on next week's call. It is not possible for me to finalize the report until those two tasks are completed. And I had a supplementary question as well - is that if at the end of today's meeting which in the couple of minutes that we - it seems that we don't have the unanimity on 20 then I needed to double check on expectation for submission of minority report and the deadline for that directly take place.

Avri Doria: Right. Yeah. My assumption is that - unless something changes radically -- that 20 is remaining as it is...

Liz Williams: Okay.

Avri Doria: ...and you'll need minority statement or variant statements.

Liz Williams: Yeah.

Avri Doria: Because sometimes people have objected to the word minority but variant statements from anyone that has a variant in it by the deadline of next week if possible.

Liz Williams: Yup.

Avri Doria: What my suggestion was that I was sort of being floppy in stating is that if someone puts in a variant statement and then by some miracle things do change to the point whether no long a variance is easier to remove a variant statement than it is...

Liz Williams: Absolutely fair.

Avri Doria: ...to insert one.

Liz Williams: In that case, could I please ask the NCUC to submit next week's call is on the 19th not Friday, it's Thursday because we have to cancel call yesterday? So, could I please ask the NCUC to have their statement on recommendation 20 to me prior to the 19th of July meeting?

Avri Doria: Can I actually make a slight suggestion change?

Liz Williams: Yeah, sure. Go ahead please. I'm just looking at my seminar.

Avri Doria: (Unintelligible). What we have is the 19th since - what I'd like to recommend is that – so that the meeting is there if they prepare it but that the deadline actually be moved one day to the 20th.

Liz Williams: That means that nobody will have a chance to read it prior to the meeting, so it couldn't be withdrawn?

Avri Doria: No. I would suggest that people have it. But that perhaps finalizing it, doesn't need to be done until the 20th.

Liz Williams: Okay, fine. I'm happy with that. It just has to be included in...

Avri Doria: But I recommend, so that people put it in, so the people can read it. I think that's a good suggestion.

Liz Williams: Yeah.

Avri Doria: That it be final, that - and so that sort of allow us the leeway that if you sent in so that all can see it. But that it needs to be finalized by the Friday after the meeting.

Liz Williams: Yes, please. That's fine. In that case then just for my purposes for clarification then, I will coordinate recommendation six discussions during the week by sending out the updated these three options that we have. I'm going to need 20 alone. We're going to have the meeting at this time on Thursday of next week and that will "accept the variance" that from the NCUC to include in the report. And we make it a final decision on the language to fix on the 19th.

Avri Doria: One clarification - I mean, any - this group does not need to make the decision to accept variant statement say they (unintelligible)...

Woman: No – no – no. It just comes in. It just comes in it's not a problem to me.

Avri Doria: Okay, right. Okay – I just want to make sure them.

Liz Williams: Yeah. Yeah, but my point Avri is that the decision on recommendation six will be made next week.

Avri Doria: That any change in the decision will be made for next week otherwise will remain in the status quo.

Liz Williams: Yeah.

Avri Doria: Fine.

Liz Williams: Thank you.

Avri Doria: But basically we've left one more week open for changing. And of course, as I said, if there's ever a better solution that have more support on...

Liz Williams: (Unintelligible).

Avri Doria: ...anything then we can consider it to the last minute.

Liz Williams: Okay. I'm trying to determine Avri what the last minute is because until I know the last minute then I can't complete the report. So, I need to

have a decision from the group as to when the conversation stops and let me say we don't have the unanimity.

Avri Doria: I think (unintelligible).

Liz Williams: We don't have unanimity or we don't have full consensus. And because what it means is if following the 19th, there still no unanimity on six then it means that the minority statement has to be submitted on that as well which will take that let say it's a week. It will take that a week so that to be submitted as well.

Avri Doria: Well, that's one my recommendations that even for six the deadline for variant statement is the 20th.

Liz Williams: Oh, fine.

Avri Doria: And that's for all variant statement...

Liz Williams: Thank you.

Avri Doria: ...is the 20th.

Liz Williams: Thank you.

Avri Doria: ...and that...

Liz Williams: Okay, fabulous.

Avri Doria: ...people be working, I think even on six sending in the variant statement before the discussion.

Liz Williams: Yup.

Avri Doria: Make sure that everything is fully understood that we have one more crack at it. We see if can come to any agreement on broader support...

Liz Williams: Mm-hm.

Avri Doria: ...and if not then you've got, you know, one day left to polish up the variant statement to remove it to whatever.

Liz Williams: Sure. I appreciate that Avri, that advise of the variant statement would have to be on May 20th.

Avri Doria: Basically all of update too.

Liz Williams: Fine. Thank you.

Avri Doria: Okay.

Liz Williams: Got it. Thank you.

Avri Doria: Thank you. Okay. Last couple of minutes, reserved names on New gTLDs.

Chuck Gomes: One question in that regard, Avri. In all of our tweaking of language on several other recommendations, I'm confused were a geographic challenge would fit. So, for example, in a reserve name we recommend that there would be some sort of process for challenging a geographic name. Is that in 20?

Avri Doria: I believe that's in 20.

Chuck Gomes: Okay, just want to clarify.

Philip Sheppard: That was mine standing too Chuck.

Chuck Gomes: Yeah. That helps a lot, and so, I'm just a little bit confused.

Avri Doria: And I believe that it was still on 20 even with the suggested broadened language.

Chuck Gomes: Yeah. Okay, that's good. That's what all I needed.

Avri Doria: Okay. So, we had three items there. We had Kerry sending new language for symbols recommendation. I know he sent you something this morning.

Liz Williams: Yes, he has.

Chuck Gomes: Yes.

Avri Doria: That's it. I basically, didn't understand as being clearer but so, we may have a little bit more discussion on that. There was myself and Edmond sending single and two-character IDN string example.

Liz Williams: He's already done that to me, Avri. Thank you.

Avri Doria: Right. And I sent mine to Chuck so...

Liz Williams: Yup.

Avri Doria: ...hopefully you've got them. And then there was Liz's feedback on ICANN IANA name. And I guess that's still in...

Woman: That's in China, as I said yesterday on the council call, Avri.

Avri Doria: Right, yup. Yeah. Okay. And then the last thing on that was the final review. That basically, that'd need to be done by August 10 assuming that we get the draft out. At the moment, the date is listed as the 30th but the council asked that it'd be out as earlier as the 23rd. So we'll see where and when someone in the middle up there. And that we have a week to two for making sure that it reflects accurately the work of this group. And then it process on to the council for itself.

Liz Williams: Avri, just one more question as clarification, if you don't mind. We had anticipated doing public comment period once the council has taken their votes on the report.

Avri Doria: Mm-hm.

Liz Williams: I just wonder if people could put their brain cells together about the construction of a quite tightly targeted public comment period. That would really address issues that we think they must still be some - that there would be useful comment from the public to clarify any outstanding issues to take this from an implementations prospective. (Unintelligible) needed to prepare and I will do this for you correspondent - from a correspondent attaching copies of the final report that will go the (unintelligible) that would be I say in resolve.

Avri Doria: Right. And this is something that comes out of the council done on this committee.

Liz Williams: Yeah. That's right, exactly.

Avri Doria: Right.

Liz Williams: And I just remind (unintelligible).

((Crosstalk))

Avri Doria: You and I should probably talk about that offline just to make sure that we've got all the pieces straight for the council conversations...

Liz Williams: Yeah.

Avri Doria: ...deliberations, and decisions.

Liz Williams: Yeah. I just wanted to let everyone know that has not fallen off the map. And when we do the board report, the collation of the council's work response through May season has always and inclusion of public comments would be included in the board report.

Avri Doria: Okay, great. Thank you.

Liz Williams: Okay.

Avri Doria: Okay. At this point, couple of minutes left. Are there any other issues, not that we have a whole out of time to talk about them but we could

certainly continue discussion of them on the list. Any issues that should be carried over?

Nope. In which case, I thank you all for the call and I'll talk you all on the list or next week.

Chuck Gomes: Thanks Avri.

Liz Williams: Thanks Avri.

Man: Thank you.

Liz Williams: Bye-bye.

Avri Doria: Thank you, bye-bye.

Man: Bye.

Glen de Saint Gery: Next.

END