

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 21 August 2013 at 16:00 UTC**

Note: The following is the output of transcribing from an audio recording of the IGO-INGO Protections Policy Development Process (PDP) Working Group Teleconference on Wednesday 21 August 2013 at 16:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-igo-ingo-20130821-en.mp3>

On page: <http://gnso.icann.org/calendar/#aug>

Attendees:

Jim Bikoff – IPC/IOC
Avri Doria - NCSG
Elizabeth Finberg - RySG
Chuck Gomes – RySG
Alan Greenberg – ALAC
David Heasley – IPC/IOC
Berly Lelievre-Acosta - WIPO
David Maher – RySG
Judd Lauter – IOC/IOC
Sam Paltridge - OECD
Thomas Rickert – NCA –Working group chair
Megan Rogers - OECD
Greg Shatan – IPC
Claudia MacMaster Tamarit - ISO
Joanne Teng - WIPO

Apologies:

Mason Cole - RrSG
Stephane Hankins – Red Cross Red Crescent
Christopher Rassi - Red Cross Red Crescent
Kiran Malancharuvil – IPC
Guilaine Fournet – IEC

ICANN Staff:

Berry Cobb
Brian Peck
Glen De Saint Gery
Julia Charvolen

Coordinator: Just to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Julia Charvolen: Thank you, (Kelly). Good morning, good afternoon, good evening, everyone. Welcome to the IGO/INGO Working Group call on Wednesday 21st of August, 2013.

On the call today we have Jim Bikoff, Avri Doria, Elizabeth Finberg, Alan Greenberg, David Heasley, David Maher, Judd Lauter, Thomas Rickert, Greg Shatan and Claudia MacMaster-Tamarit. We have also Megan Rogers.

And from staff we have Berry Cobb, Brian Peck, Glen de Saint Géry and myself, Julia Charvolen. We have apologies from Mason Cole, Kiran Malancharuvil, Christopher Rassi, Stéphane Hankins and Guiliane Fournet.

May I please remind all participants to please state their names before speaking for transcript purposes? Thank you very much and over to you.

Thomas Rickert: Thank you so much, Julia. My name is Thomas Rickert and I'm chairing this working group. And as usual I'd like to ask whether there are any comments or questions regarding the agenda or updates to statements of interest?

Hearing and reading none we can move to the second agenda item which is the review of the protection recommendation working proposal. You will have seen an updated document that has been sent to the list by Berry.

And today's task - and I guess that the second agenda item will take the biggest portion of this call is to further review the protection matrix that we started discussing during last week's call with the aim of actually going through it - through the remaining parts.

And then hopefully, at the end of the call, have a quite accurate assessment of the consensus level for the individual recommendations that are in the document. And then we can actually start the consensus call.

We will further discuss the niceties of the next steps in Agenda Item Number 4 when we review the work plan. But for the time being I guess we should focus and concentrate on the recommendations that you find in the document.

You will have seen that the document, as it stands now, has been updated so it looks a little bit different than the document that you've seen during last week's call.

And maybe, Berry, you would like to briefly explain the changes that you've applied to the document to make it easier for us to understand and discuss the matrix?

Berry Cobb: Sure thing, Thomas. This is Berry Cobb with the staff. So for those that are in the AC room we have the working proposal posted in there. And if you're not in the AC room then please refer to the attachment that was sent yesterday.

Essentially there's about four pages to this - or six pages to this document. The first is kind of - help setting up what the document is about. It includes a scale of consensus levels based on the recommendations per the PDP guidelines.

We've also included a couple of definitions about the scope of identifiers. Given the complexities of what identifiers are included for certain types of protections there needed to be that separation because one group of identifiers may apply to particular recommendation where a second set of identifiers may apply to another set of recommendation.

Unfortunately we haven't devised a way to make it cleaner so this is what we've come up with. And we felt that defining first what an identifier is was important especially for those that are not familiar with the working group activities or more importantly when this is loaded into the final report and then

secondarily to give a scope definition around the set of identifiers that are included within a particular set.

I think for most of us here on the working group though we understand the delineation between the varying scopes across the different organizations that are seeking protection.

Moving down into page 2 and really the subsequent pages, these are the proposed recommendations per organization. So the first is the Red Cross Red Crescent; second is the Olympic Committee; third being IGOs and fourth being the INGOs.

And each table is a compilation of both top level and second level protections. And what you'll see in the second row is a listing of the Scope 1 or Scope 2 identifiers per each organization.

What you'll also find in Column 3 of each table is the chair's assessment of the current level of consensus for each recommendation. And we can go through these line by line as necessary.

But as I mentioned Page 3 is the Olympic Committee; Page 4 goes into the IGO recommendations, proposed recommendations; and then lastly the INGOs and the proposed recommendations with their level of consensus.

And lastly - because these recommendation options were not only mentioned in the initial report but they were also included in much of our deliberations this last table is a set of those proposed recommendations that had the least amount of support.

And in terms of context for the report we thought that it would be important to include them although there isn't a support to make a full blown recommendation from them.

So in essence this is really just a slight variation of the spreadsheet that we reviewed last week. Again, the idea there was to start to consider these recommendation options by organization giving the varying legal protections that are classifying them as such as well as, you know, I think it almost kind of goes in line with the trouble that we had in terms of defining a single set of eligibility criteria.

So the momentum forward at this point is to review the set of recommendation options per organization and develop the final recommendation that would belong - or will be imported into the final report.

So without - I think that's enough in terms of the explanation. If anybody has any questions. Claudia?

Claudia MacMaster Tamarit: Hi, Brian - or Berry, sorry. This is Claudia. I have a question because I'm not sure on the page for INGOs we've divided it between Scope 1 identifiers and Scope 2 identifiers. Does Scope 2 identifiers exclude those from the first list?

In other words, is it meant to be only the 140 organizations on the general consultative status list versus the 2000 organizations that are on the special consultative status list? Is this - this is new to me. Or is it supposed to be the special consultative status plus the general consultative status?

Berry Cobb: Thank you, Claudia. This is Berry. That is a very good question. And out of the four groups I think that this is the one area that still needs to be confirmed by the working group.

I think up until about two or three meetings ago there didn't seem to be as much traction in the INGO arena and then there was some discussions in terms of the eligibility criteria that was supposed by the ISO and the IEC and there was also discussion about the ECOSOC list as well as the distinctions within the ECOSOC list.

Clearly the special consultative status, like you said, is plus identifiers or - pardon me - organizations whereas the general consultative status is the much more confined list. And I think for sure this is definitely a topic that we'd like to flesh out further today to nail down what kind of criteria is most acceptable by the working group in terms of trying to put together a proposed recommendation for this area.

And you'll also note that in terms of any languages that would be applied to any of the organizations that are seeking protection that probably still needs to be nailed down where it's much more defined for the other organizations.

Claudia MacMaster Tamarit: Okay...

((Crosstalk))

Thomas Rickert: Thanks, Berry and thanks, Claudia, for your question. Can I please ask that we discuss or further discuss the INGO question and how the table should be read and what it ultimately should look like once we get there? And now, you know, I was rather thinking of - Berry's introduction reminding us all of what the changes between last week's version of the document and this week's version of the document are and the thinking behind it.

But I would suggest that we now continue in the order of the document to go through it and determine whether my assessment of the consensus level is correct or where it needs some alteration.

You will remember that the working group in its deliberations has made a determination that we will look at all four categories of organizations separately which is why I should share with you the idea or the approach that once this is finalized and ready for a consensus call we will actually put out the four categories of organizations separately for the community to respond to.

Unless, I should say, there is a consistent level of consensus for all four organizations, which I do not see happening or being existent at the moment. But certainly if the group thinks the - takes the same views for all four organizations then certainly it would be an artificial step to ask for a consensus call or carry out a consensus call for all four categories of organizations separately.

So this is the main reason why we've now restructured the document so that it would deal with one organization category after the other. We have discussed RCRC and IOC protections during last week's call which is why I would like to move to the third category which are the IGOs in a moment.

But I would still like to get back on one question that we've recently discussed quite vividly. And, Stéphane, who unfortunately can't participate in today's call, has made at least one intervention in the last two calls, if not more, following up to several written interventions that he has made - he and his colleagues have made where they've asked for additional identifiers.

It was my assessment that the working group did not lean towards granting protections for the additional identifiers as they would for the Scope 1 identifiers.

Nonetheless, in order to ensure 100% that we correctly grasp the level of consensus or the lack thereof for this particular question I would like to reopen the discussion on this specific point. And I see Alan's hand is up. Please.

Alan Greenberg: Yeah, no my hand was up predating this. I've missed at least one meeting, possibly two. And I'd like a little bit of a clarification. On the items that there's consensus or even strong consensus with some divergence I understand where we go forward.

On the items where there's no convergence what is it we're going to be putting in a recommendation to the GNSO to pass on to the Board? I'm not quite sure I understand the steps going forward once we go through this process.

Thomas Rickert: Thanks, Alan. The idea is that, you know, for the working group to ensure that we have - or that, you know, that I, as chair, have accurately assessed the consensus level, that we put it in writing here in order to double check with the group whether my assessment has been correct.

The recommendations - and I think this - the last column with the assessment of the consensus level might not necessarily go in there - the recommendations will be put out for a consensus call and then added to the final report.

And this, you know, this will ultimately go to the Council and should the Council then make a motion out of it then the - I guess technically the Council will point to the specific pages in the final report to include the recommendations in there.

And certainly the points where we do not have consensus, where there's divergence, we sort of have - wanted to keep the items in there for information purposes but also because we anticipate at least one group if not more to provide us with minority views. And this will certainly enlighten both the Council as well as the Board ultimately should it get there to fully understand what the situation inside the group was and then base its decisions thereon. Does that answer your question?

Alan Greenberg: I think so. So you - I mean, as you know there's a lot of discussion going on on what is a successful PDP and what is failure. And so you're working under the assumption that a deadlock or inability to decide on certain things is a valid outcome that we will pass on to Council and thus the Board?

Thomas Rickert: Well certainly that's something for the group to decide how the format that is presented to the community, ultimately to the Council and the Board, is presented. But if you're asking for my personal view I think divergence is not the end of the world; it is an accurate reflection of the views inside the community and therefore it deserves being presented to those that ultimately have to make a decision on it.

And what I can't predict at the moment is that maybe Council or, you know, speaking of Council I refer to the GNSO Council, that the Council or even the Board may or may not pick up one or the other idea and include it in their decision making.

Alan Greenberg: Okay thank you. I wasn't trying to initiate a debate, there's going to be plenty of that. I just wanted clarity on what our plan was. Thank you.

Thomas Rickert: And would you subscribe to the plan or, you know, because this exercise is certainly one of the last steps that we hold prior to a consensus call. But I would certainly be open to suggestions to maybe handle the process more expediently or differently.

Alan Greenberg: Well my personal opinion - and it's well known - is I believe PDPs should make recommendations and shouldn't require that the Board become the policy organization in our place. But I don't believe we have the tools to do that kind of, you know, final decisions within our current repertoire. But as I said I think that's a different discussion than we're - than we need to hold right now.

Thomas Rickert: And maybe we will have that discussion face to face in Buenos Aires when we meet next time. Okay, thank you very much, Alan. But in terms of substance I would very much like to get more views on the still open or at least not completely answered question of the additional Scope 2 identifiers for the RCRC. And I see Chuck's hand up. Please, Chuck.

Chuck Gomes: Thanks, Thomas. And I encourage David Maher to correct me if I misstate anything. But with regard to the additional RCRC identifiers I believe that the Registry Stakeholder Group will consider those in the same way that we have all the other identifiers where we've taken a position.

And I want to take everybody back to way before even the drafting team was formed when the idea of protecting Red Cross and IOC names was first brought up and before the GAC gave more specific advice on it.

The Registry Stakeholder Group responded by saying we were very concerned about setting undue precedence, in other words, opening the door up so there's everybody and his brother wants to get special protections.

That concern still exists today. Now we went from there and the GAC narrowed down their advice and we've received some analysis from the general counsel's office with regard to international legal protection of these names.

And so our basic rationale for the names that we've decided to support getting protection is twofold. Number one, there seemed to be evidence that there was international legal decisions, treaties and so forth, that support the protection but that was not definitive in and of itself.

And so it wasn't enough just that we could say, hey, let's put this bed to rest; they need protection because the law is very clear with regard to domain names in this regard.

But then we - the next criteria then we applied was GAC advice. Respecting the role of the GAC as the advisory group from governments and the fact that they did give limited lists of names so it didn't open the door too widely, we applied that in combination with the international legal information we received and decided okay, both of those criteria are met, not fully in the case

of the international legal analysis but strong enough that we felt willing to support the protections.

My prediction is we will apply the same standards to be consistent with any other proposals for protection that come across the working group's agenda here. So in the case of these added names, two questions that I ask are, okay, does international law support protection of these added organizations in a strong-enough matter that there's a strong case for that?

Now Stéphane has made his case and I respect Stéphane and what he's provided. But I think it's incumbent upon us to get more than just the interested party's analysis of those additional names.

And secondly, would the GAC also then support protection for these additional names? So if those conditions were met I think that there might be - and, David, please correct me if you think differently, there might be a chance that the Registry Stakeholder Group would support protection for those names.

Now what does that all translate to in this case? Well, it means we probably wouldn't be able to support that at this point unless somebody can convince us that both of those criteria are met at this point in time. And that would then, if I'm correct on that, that would probably cause a delay in this decision until we get more information.

Not delaying the whole work of the group but possibly calling for some additional work on that particular area. Hopefully that makes sense. And, David, please correct me if I misstated anything.

Thomas Rickert: Thanks very much, Chuck. David, would you like to add to that?

David Maher: Yeah. I just - I think the talk about international law protections is misleading. The counsel's advice - the ICANN General Counsel's advice was that there's

nothing, with the exception of one or two countries, that specifically speaks to domain name registration.

There's no question about international trademark protection but that's a different area. And I don't think we really need to go into further analysis of these additional Red Cross names. I disagree with Stéphane's basic position. And I think the Registry Stakeholder Group also does not agree with the position on the additional names.

Thomas Rickert: Thanks very much, David. I would like to hear from those who do think they would support the additional identifiers. It would certainly - and that's already on record - certainly the representatives of the RCRC would be in favor of the inclusion of the Scope 2 identifiers.

But in terms of consensus of the level of consensus it would be helpful if those who are in favor of including Scope 2 identifiers giving them the same treatment as the Scope 1 identifiers would actually share this with us.

I'm not entirely sure whether Berry or Alan was first but let me go to the working group member first so Alan, please.

Alan Greenberg: All I can do is recount what the ALAC has said before. And I believe the wording in our last document was we are sympathetic to the request but we find the timing really awkward. And I cannot really predict at this point which side we would come down on. Thank you.

Thomas Rickert: Thanks, Alan. Berry.

Berry Cobb: Thank you, Thomas. This is Berry. And hopefully I'm coming in better than I did when I spoke last time. Just to carry on with what Chuck was mentioning - and this of course - this is up to the working group to deliberate on.

But if there was stronger support for the 189 recognized national Red Cross names and their society names, you know, there is flexibility that in line with some of the other recommendations, especially almost in line with the IGOs, for example, you know, there is overwhelming support for full name protections whereas there isn't support for full protections of the acronym.

So if there - per Chuck's discussion if there was more information that could sway the working group to accept that these 189 full names could be protected then essentially they would migrate up into the Scope 1 identifiers whereas perhaps the acronyms may remain in Scope 2 which is the delineation that we have for the IGOs. So that's the - kind of how this is set up and the way it's presented now. Thank you.

Thomas Rickert: Thanks, Berry. Any more feedback from the working group? Greg.

Greg Shatan: Hi. This is Greg Shatan for the record. As - to the best of my knowledge the IPC position is the same level of protection should not be granted to the Scope 2 identifiers as the Scope 1 identifiers.

And that, you know, the intent, you know, for reserve names is - for them to be, you know, limited - used sparingly and for, you know, essentially one organization to have, you know, as many names on their list as all the IGOs put together, you know, just seems to kind of stretch that beyond the breaking point.

You know, their - you know, we can look at whether a, you know, clearinghouse or the clearinghouse is an appropriate place to protect the Scope 2 and I think we have that, you know, down the list but not, you know, certainly at the, you know, in the full blown protection. Thanks.

Thomas Rickert: Thanks, Greg. So my follow up question to both you as well as David and Chuck would then be just for the sake of being 100% sure that - about protections we are talking about inclusion in the TMCH.

And you would not lean towards granting any such treatment to Scope 2 identifiers, which leads me to asking one more time whether there is support for the inclusion of those designations because otherwise, you know, my assessment of strong support but significant opposition might not even accurately reflect the current situation inside the working group.

Greg Shatan: I think that there would be, I think, some sympathy for including them in the TMCH but I think we need to look at what the, you know, criteria are then for inclusion of their names in the TMCH and whether it's, you know, radically different than the current requirements for TMCH protection.

And I would also note that I, you know, sent an email to this list, you know, to Stéphane responding to Stéphane's email, you know, on the general question of these 189 and did not receive a response. I know that he's not on the call to respond to that point but I'm still waiting. Thanks.

Thomas Rickert: Thanks, Greg. But just to be clear for the time being we would envisage that sort of the TMCH approach would be applied in an analogous way than it is for trademarks.

So if you are asking for different approach to a notification system which would substantially - it should look substantially different than the current trademark claims service, that's something that we would need to know because otherwise, you know, you - we would not have this discussion before the consensus call is conducted.

Greg Shatan: I would just clarify I'm not looking for a different, you know, setup. I think we should not have a plurality of clearinghouse type mechanisms each with their own different bells and whistles and possible contradictions.

I think that, you know, in this regard, you know, one of the existing TMCH entry points is protection by statute or treaty. So I would ask, you know, as a

point of information whether these 189 would be considered protected by the Geneva Convention or not.

Thomas Rickert: Okay. Thanks. So let's see whether Stéphane is going to respond to that on the list for your information. But I will certainly have to reconsider the consensus level for items Number 5-7 for the RCRC dealing with Scope 2 identifiers because it seems like there is no support apart from the RCRC for that - for these potential recommendations.

So we would, you know, rather have divergence on these three items than strong support but significant opposition. Unless, you know, multiple people speak up and show their support for these recommendations. So thank you for this. I see Avri's hand up, please.

Avri Doria: Yeah, this is Avri speaking. I just want to check what we're having consensus for because I'm getting confused listening. This level of protection we're talking about here is just TMCH, is that correct? It's not...

((Crosstalk))

Avri Doria: ...any other protections? That is correct. Okay. And when we say consensus I would have to note that I don't - I tend to be personally somewhat comfortable with it. I'm not sure that I've got - what level I've got, you know, agreement in NCSG on a consensus level here. There's quite possibly still some strong views contrary. Thanks.

Thomas Rickert: Thanks, Avri. Greg.

Greg Shatan: I guess just to go back to the - kind of the definitional issue of consensus level, the way I read strong support but significant opposition is that it is at least kind of a majority, not necessarily a strong majority but a majority that supports the recommendation.

So if it's - I guess, you know, what is the census on 5, 6 and 7 or at least what was your understanding of kind of the census of consensus because if it's only the RCRC that's really in support of 5, 6 and 7; that doesn't even seem to rise to the level of divergence much less strong support but significant opposition.

Thomas Rickert: Well, according to what we've heard during this call I would rather lean toward divergence.

Greg Shatan: My question was just where, you know, kind of who was being counted as the strong support, you know, the majority of the working group to support that before this call came out - before today's call.

Thomas Rickert: I had - I have done the test just the other direction. So I have asked whether members of the working group would object to the recommendations on the table. And there were only a few people, and the Registries belong to them, which is why I was thankful that the Registries spoke to this today.

So that I sort of deducted from the no objections people, the Registries and maybe one or two others, and took the lack of objection against these recommendations as support but since we've - since I've done the test in the other direction now and ask for the supporters and there was deafening silence. There is now no reason to uphold the notion of strong support but significant opposition.

I mean, Greg, in fairness, this is an area where I have worked hard with staff to see what the position is because it's the burden on the chair to assess the level of consensus. And since we are consensus-driven and do not vote I did not want to call for a formal vote because that would sort of be misleading and it would not be our mission to work on a voting scheme.

And this is why I hope you do understand that, you know, my assessment might not only change on this particular item but also on other items as we

move along. And this is where we take such a lot of time working with the working group to determine who thinks what and what the general atmosphere in the working group is.

Greg Shatan: I understand and I, you know, didn't mean to open a can of worms and understand we're not looking at a vote but rather kind of a temperature of the room sort of thing.

So I would just kind of, you know, feeling all of a sudden that somehow the IPC is a swing vote here and that, you know, maybe I need to go back to the IPC on this very particular point to make sure that I've got the temperature of that room, you know, appropriate on the kind of TMCH style protection for the 189 because I feel like I somehow lowered the temperature in the room very rapidly.

Thomas Rickert: Thanks, Greg. Alan.

Alan Greenberg: Yeah, thank you. Just a comment on the words "vote" although I don't think what I'm going to say is actually in the rules. Voting is pretty well forbidden. That's not to say we can't take a poll and, you know, to assess things on a person by person basis. But because of the possible imbalance in representation between various constituent parties voting is very much not allowed in trying to assess work group consensus.

Thomas Rickert: Thanks for that additional information, Alan. And with this I think we can move to the third category of organizations, which is the question of IGO protections. And as I did last week I would like to place the burden of showing us through the recommendations very quickly to Berry.

Berry Cobb: Thomas, I think we skipped the IOC although I think that this one's probably perhaps a little bit easier to review.

Thomas Rickert: Okay, I was under the impression that we had already kicked off the IOC during last week's call. But certainly I would give the group the opportunity to speak to the recommendations that we put up on the screen for the IOC.

Berry Cobb: Okay.

((Crosstalk))

Thomas Rickert: So I take this - sure, sure. I take this as no objection to the level of consensus that has been determined in the spreadsheet. Which now allows us to move to the IGO recommendations. And now there's no way for you to escape, Berry. Go on.

Berry Cobb: All right. Thank you. This is Berry. So the - Page 4 is the IGO set of recommendations. Again there is a (distinguishment) between Scope 1 and Scope 2 identifiers. Scope 1 being the full name of the identifier to be protected as well as Scope 2 which is its associated acronym.

The other thing to point out is the language that is being asked for from information gathered during the GAC sessions with the IGO representatives. Part of their proposal was to have up to two languages.

And something that the working group may want to consider is languages. In general given that the list is approximately 190 names something up to two languages that would be chosen by a particular organization may be more difficult to manage versus a flat-out UN 6 because up to two languages could have a lot more variability across the different organizations so that's just something that the group should consider.

With respect to the recommendations or proposed recommendations, the - it's essentially set up almost like the Red Cross. The Scope 1 identifiers are protected at the top level, ineligible for delegation as well as an exception procedure to be created as well as the second level would include full name

Scope 1 protections that would be placed in Specification 5 with a corresponding exception procedure to be developed.

And then we move into the trademark clearinghouse for the Scope 2 names because Scope 1 names would be reserved from registration in Specification 5 in the Applicant Guidebook; they wouldn't need those clearinghouse type of protection options.

So Recommendations 5, 6 and 7 are clearinghouse-based, which is the (distinguishment) between - I made a mistake and just now found it. So please ignore Recommendation 5, that will be deleted.

The reason for that is it specifically calls out the full name Scope 2 identifiers and there are no full names within that Scope 2 bracket so they wouldn't - the full names are already reserved in Specification 5; the full names wouldn't need to enter into the clearinghouse. So Recommendation 5 will be deleted.

And it's only about the Scope 2 names for the acronyms themselves for the IGOs as well as the 90-day claims and then of course to launch a PDP for URS UDRP.

Thomas Rickert: Thanks so much, Berry. Any comments on this? Give you a moment...

((Crosstalk))

Joanne Teng: Hi, everyone. Hi, everyone, this is (Jo) and (Berly) for here from the World Intellectual Property Organization. Just like to say, as we did in the Chat, like we did notice that issue with Number 5 but thank you for clarifying that and picking up on it before we had to jump in and say so.

Sorry, just wait a bit.

Thomas Rickert: Is there anything that you wanted to add to this?

Joanne Teng: No that's okay.

Thomas Rickert: Okay. Thank you, (Jo). Any other comments? Okay. And, again, let me do the test whether you think that the level of consensus stated in the third column is actually also your assessment of the consensus level?

Joanne Teng: Hi. Yeah, just adding in on that in terms of consensus. We don't - like with regards to Number 6, I mean, in principle being added to a list we don't oppose in principle. But I just want to query the reference of the trademark clearinghouse when the report - the initial report makes reference to a clearinghouse model, which is a slight distinction that I just want to ask about.

Berry Cobb: Hi, this is Berry with staff. I don't think it was last meeting but maybe the meeting before last we met with some of the experts with regard to the trademark clearinghouse and apprised them of a possible recommendation that these organizations may - some of the recommendations may be adopted by the working group and looking towards a clearinghouse model.

So we collaborated with that team to see if there were any major hurdles about leveraging the existing trademark clearinghouse for this type of protection. While there were maybe a few implementation issues there didn't seem to be any overwhelming problems with these types of organizations leveraging that system for the protections that are being proposed now.

The two main issues that - in terms of implementation - would be regards to how the organization in question would enter the clearinghouse, i.e. would it be up to the organization itself to enter the clearinghouse manually or do we provide a bulk list of the protected organizations and/or identifiers in question and that they would be bulk-added into the clearinghouse?

And the difference would be is if it was left up to the organization in question to enter the clearinghouse the cost burden may be higher to determine the

eligibility criteria of that particular organization whereas a bulk entry - that list has basically already been vetted and then can be entered into the clearinghouse.

But at the end of the day, you are correct, there is the distinction now that it seems like the trademark clearinghouse is a viable option for these types of recommendations.

Thomas Rickert: Thanks, Berry.

Berly Lelievre -Acosta: Thank you. This is (Berly) (unintelligible) from WIPO. I'm (Jo)'s colleague. Thank you for that clarification. I just wanted to note that although we do not oppose Recommendation Number 6, we do not believe that such level of protection would be adequate for IGO acronyms at the second level.

We've made our position quite clear so far. And we believe that such level of protection wouldn't be in accordance with GAC advice both released at the Beijing and Durban meeting. But of course we do not oppose that level of protection. But this is not - the type and level of protection that we see as adequate in the circumstances.

Thomas Rickert: Thank you, (Berly). I should note, again, that all groups are certainly free to submit minority positions voicing their concerns with the recommendations that the group is discussing so that's certainly up to you to determine.

As far as GAC advice is concerned, I guess there might be different views on whether our recommendations or draft recommendations, I should say, are in conflict with or even contradict GAC advice. And I don't want to dwell on that too much but technically GAC advice is directed at the Board and not even at the GNSO Council or the working group level.

So I guess that we can't fully resolve this question that you brought up in this group because this group is not the appropriate forum, in my view, to determine whether GAC advice might be infringed upon.

But thank you for your clarification and also thank you for your willingness to support these recommendations although they are not exactly what you've been asking for. I guess that's part of the community work that different groups have their wishes and recommend protections that have a certain level. But ultimately when it comes to forming a community-wide position sacrifices in many cases have to be made.

Okay and with this I'd like to give you the last opportunity - or, Berry, is that a new hand?

Berry Cobb: Yes. And just to pick up on what Thomas had stated with respect to minority position statements, we'll talk a little bit more about that in the next agenda item in preparation for a consensus call and the timeline associated with that because we do expect that there will be a few that will need to be imported into the final report.

Thomas Rickert: Thanks for this, Berry. And just to, you know, before we move to the fourth category of organizations let me direct your attention to Item Number 8, which is the initiation of a PDP to alter URS and UDRP.

Just to explain what we had in mind with this: There was, I would say, almost common sense within the group that the groups receiving protections should also have the possibility to use the Uniform Rapid Suspension System as well as the Uniform Dispute Resolution Policy to enforce their rights, which at least some of them can't at the moment.

At the same time this working group is not in a position to change these policies. It is not in our charter so we're not tasked with that. And it would also be something that requires a separate policy development process, which is

why we've clarified that this group recommends or might recommend, I should say, the initiation of a PDP on altering those.

So, you know, at the end of the - this piece of work there will, under no circumstances, an opening up of URS or UDRP for more designations or scenarios that would actually require further community work.

And having said this I would like to seek clarification with Avri who has stated in the Chat that there's no support for the IOC in NCSG whether this lack of support is also extended to the opening up of URS and UDRP for the IOC.

Avri Doria: Hi, this is Avri speaking again. And I would say that's generally the case. I mean, within NCSG getting acceptance for the clearinghouse URS, UDRP, for any of these has been a struggle.

And I think that we've managed to convince ourselves that for IGOs, for INGOs, for the Red Cross and subsequently even for some of the national names of the Red Cross, there's an understanding of the position. I don't know that we've gotten to any credible extent when understanding of the IOC position in that - is it - for us it didn't seem to be in a category of its own like our, you know, like the Red Cross seems to be.

So it isn't an IGO, it isn't an INGO, and we just haven't gotten there on support of that. So I'm not quite sure that we'll end up a minority statement on any protections for the IOC.

And, you know, I'm speaking personally, I haven't really gauged this in a formal sense yet but certainly the discussions we've had there's always been a intention of dividing the issue and there's been very little comprehension of the whys for the IOC because we can't do symbolic, you know, we can't do five-ring TLDs so beyond that we (all know) nothing other than the trademarks that they've got.

One of the things I wanted to say while I am speaking, which I tried typing in but I had trouble. It's on the number of IGOs and INGOs and even Red Cross national names that we include when you consider - and this is a personal view - when you consider how many trademarks have gotten these kinds of protections I think that if we're going to take the step of allowing these names into the clearinghouse, etcetera, and for the, you know, the revised URS and UDRP, I think we need to - at least I would tend to personally be very liberal in, you know, the extent to which these names were included. Thank you.

Thomas Rickert: Thanks very much, Avri. And we should then change the consensus level for the IOC in Item Number 8 from full consensus to consensus because I guess there is no full consensus with NCSG potentially and ALAC not supporting that position.

Which now allows us to move to the fourth category of organizations, which are the INGOs. And I would very much like to hear from you whether - or what your views are. I know that this discussion only got new traction quite recently. And we've tried hard to amalgamate the findings of the group over the last couple of months into these recommendations.

You will remember that we discussed the ECOSOC list at a very early stage in our deliberations. Then we tried to come up with our own set of eligibility criteria but were not able to define eligibility criteria that would get traction or get support - substantial support within the working group and only recently when we discussed the IGO protections again, after Beijing, I think it was, when there had been further work between the Board and the GAC.

The notion that INGO identifiers are as worthy of protection as IGO identifiers given their work in the public - in the global public interest - we have then suggested to take a look at the ECOSOC list - and I'm speaking of the general consultative status list here rather than further trying to come up with our own set of eligibility criteria.

And that seemed to get support within the group. But nonetheless I guess this is the most difficult area in terms of determining the atmosphere inside the working group because, you know, only recently the atmosphere has changed a little bit.

I see Alan's hand up, please.

Alan Greenberg: Yeah, thank you Thomas. My hand was up in relation to what you said about the last section so just a clarification. At the end you said you're going to change full consensus to consensus because the NCSG and the ALAC do not agree. I think you were talking about Item 8 of the previous one which is a PDP on allowing these - these organizations to have something comparable to the URS and the UDRP; is that correct?

Thomas Rickert: That is correct. With the only addition that the initiation of a PDP on URS and UDRP is found on all pages, right? So I was talking about the opening up of URS and UDRP.

Alan Greenberg: Okay, I believe any time the ALAC has made a statement on that we have generally been supportive of allowing the non-trademarked names that we've been talking about to have similar processes. So I don't believe we are in disagreement on that.

Thomas Rickert: Okay. But still with the opposition voiced by Avri for NCSG we would not have full consensus anymore...

((Crosstalk))

Alan Greenberg: I wasn't debating that. I was just putting on the table that I don't believe ALAC has ever complained about that.

Thomas Rickert: And I thank you for that clarification.

Alan Greenberg: Thank you. Now back to our scheduled program.

Thomas Rickert: And is there something that you would like to add to that?

Alan Greenberg: No, I'm delighted to see that we finally have some level of support for INGOs and I encourage the discussion.

Thomas Rickert: So do I. And Claudia is next to speak.

Claudia MacMaster Tamarit: Hello, Thomas. First I'll - I think I'll offer possibly a solution and then I'll explain the issue. So the possible solution would be - on this page - on Item 6 and Item 7 to include Scope 1 as well as Scope 2 identifiers.

The reason is because if we don't include Scope 1 identifiers on these two - on 6 and 7 we are excluding those NGOs on the general consultative status list from protection at all for any other acronyms on the trademark clearinghouse, for example, or in the 90 days claims notification which I don't think is the intention.

Just to clarify, the general consultative status list is one that - of NGOs that basically are allowed to consult and work in a large area of the UN Economic Social Council's work.

Special consultative status - and this is why it's much larger - usually happens at special competence and is working only in a few fields of the ECOSOC list. So I think it would be rather skewed if we were to exclude those larger well established NGOs that consult on quite a few things with the Economic Social Council from protection for acronyms in the trademark clearinghouse as suggested here and also in the 90 days claims notification. So I think that might be more accurate.

That being said, I reiterate for the record, of course, that from our position, the ISO IEC we're not entirely certain how there was perceived more support

for the ECOSOC list or the general ECOSOC list, the special one, versus the other criteria. We did see some support, the criteria we had proposed we had seen some support when it was published from some of the other groups.

That being said, you know, finally we still are working in a schema where there are four categories when ultimately, as we said in our public comment, it would have been ideal to have had a situation where we could have developed objective criteria for all international organizations, which is something that we will definitely mention in, I assume, a minority report.

But so I've given the possible solution, if others agree, at the beginning and then just a little bit of an explanation if that helps. Thank you, Thomas.

Thomas Rickert: Maybe you could just rephrase your suggestion to include, for example, the IEC so that the group has it in front of it.

Claudia MacMaster Tamarit: Okay so my first solution, this is the minimum was to - on Number 6 and Number 7, which right now only includes Scope 2 and excludes Scope 1, I am assuming, to include both.

So in other words all of those NGOs at least, you know, including the general consultative status list, would be protected for their acronyms on the trademark clearinghouse and the 90 days claims notice. So in other words where says Scope 2 we could have Scope 1 and Scope 2 so that both are included.

Ideally, quite frankly, we would have the opportunity to also include Scope 2 under top level protections for the full name and that's for the group to decide if there is support for this. But at a very bare minimum I think we need to put in Scope 1 under 6 and 7. Does that make sense?

Thomas Rickert: Makes sense. Whether there is support has yet to be seen. I see Avri is giving green light. Berry.

Berry Cobb: Yes, thank you, Thomas. And just to respond to Claudia, you're right to make the distinction. And this is - I guess this is why this is the most complicated table because there's several moving levers here that haven't been exactly set.

And first and foremost is still distinguishing between the identifiers to be protected themselves and there, you know, there's no general traction as to what's going to be the definitive list, if any, so that's one of the levers that's still in motion.

And then the second is if we did have the identifiers set, you know, some definitive list, whatever that may be, then that dictates what kind of protections are going to be offered up. And the idea here is that if Scope 1 identifiers, whatever that list would be, were actually going to be reserved at the top and second level then they wouldn't need to enter into the clearinghouse.

If there is no support for any of those identifiers to be protected at the top and second level, be a reserved list, then yes, both Scope 1 and Scope 2 could be considered for Recommendations 5, 6 and 7.

And so that's kind of the crux of where we're at in terms of deliberation within the working group is what's the best and most supported package that we can try to put together for the INGOs.

Claudia MacMaster Tamarit: Berry on...

Berry Cobb: I hope that makes sense.

Claudia MacMaster Tamarit: ...just to say - I think that's why I didn't actually mention 5 because of course 5, if Scope 1 identifiers got protection for the full name on a reserve

list then we wouldn't need to put them in a trademark clearinghouse. So I think 5 is correct.

But then if we exclude Scope 1 from 6 and 7 we've suddenly given stronger protection to those NGOs that have shown on an international level that they are - that they work in an international scope but then the weaker protection that we're giving for, you know, those on a special consultative status we're not giving to the ones who are on the general, which doesn't seem to make sense for their acronym. You see?

That's why I don't understand why, for example, we would allow the acronyms of these 2000 organizations that have special competence, to be placed in the TMCH but not the 140 who have, you know, a higher level of competence that spans all of the work of the UN ECOSOC.

((Crosstalk))

Claudia MacMaster Tamarit: ...I'm not sure that - it's an odd thing. You know, for the weaker protection you would think that it would also apply for the - under the organizations that deserve the stronger protection.

Berry Cobb: Well, this is Berry. To respond the - you are correct, the - obviously the stronger protection is the reservation of the name and what complicates, I think, just the general consultative list is that there are a few acronyms included in there.

And so, you know, then the working group needs to decide if there was support for the general consultative list do the acronyms listed in there get picked apart similar from the IGO organizations or what?

So I guess, again, to restate, there's five different moving levers here about this framework of protections and somehow the working group needs to

figure out and nail down exactly what the scope of identifiers or organizations to be protected are, aka eligibility criteria.

And then once that is nailed down and we actually have a definitive list that can possibly be supported then we can start to place them into these protections.

And I think the reason why it's listed here is because - in past conversations in general it seemed like, well, there would seem to be enough traction that the INGO list, whatever that may be, could possibly have the same kind of protections as the IGOs. But now, you know, that may not necessarily be the case.

And, for instance, if - this is just a hypothetical example, if there was traction for the general consultative status list, that 140 names, there wasn't enough support for the reservation of the names at the top and second level via reserve list, then perhaps the entire bulk of those names could be entered into Recommendations 5, 6 and 7 for the clearinghouse, their acronyms if they existed, and the claims.

But, again, there's several moving parts so I'll stop rambling there. I hope that's clear.

Thomas Rickert: It's been clear but nonetheless the challenge for the group is to actually reflect that in the table which we can't really do. Rather than trying to sound out where the group stands in terms of thinking and whether we can proceed on the basis of what you see in the table in front of you.

And in order to get a better view of this I would very much like to encourage working group members to speak to this. You know, maybe you think that protections should be stronger or weaker so that you could support it please let us know. Also if you are completely against what's in there or if you are strong in favor of what's in there please do share this with us.

Alan.

Alan Greenberg: I think one - I think one of the problems here is - it's not intuitively obvious that all of these are going to be adopted as a package. You know, so if all we end up with is trademark clearinghouse-like protection, then in my mind giving it just to the Scope 2, the list of 2000, but not to the list of 147 or whatever the number is, makes no sense whatsoever.

If, however, you're going to give them stronger protection then, you know, maybe - and I'm not sure, we don't need the trademark clearinghouse after the fact protection. But it's not 100% clear to me that adoption of 6 implies we've adopted all the ones ahead of it in the list. And again maybe I'm missing something.

Berry Cobb: This is Berry. If I may respond? This is for the whole working group. I don't think that we can move forward with any of these recommendations until we nail down the scope of identifiers or organizations to be protected. If there's more support for only providing general consultative status and not so much for special consultative status then we can change the definitions of these Scope 1 and Scope 2 identifiers.

If there's equal support for both then we can have - we can try to move forward with this delineation and/or, you know, if there's no support for the ECOSOC list at all then we revert back to the eligibility criteria provided by ISO and IEC. But I think at the end of the day none of these recommendations make sense until we can put a fence around the eligible organizations and their identifiers that are seeking protection.

Thomas Rickert: Alan, is that a new hand?

Alan Greenberg: No, that's the same hand. I guess I'm not quite sure I understand the relevance of Berry's intervention. You know, I thought we were discussing it

in the terms of the scope that is there on the page we have. And we are using the ECOSOC list or lists. We started off with just the general consultative list, you know, which is the short one if I remember correctly. And maybe I'm getting...

Thomas Rickert: Yes.

Alan Greenberg: ...this whole thing confused. And more recently there has been some support for supporting the larger list, the special consultative status. And I don't necessarily object to that; it's nothing to be honest, that ALAC has discussed in any detail. And I'm sure there are selected organizations there that we would strongly support and perhaps others that we wouldn't, you know, not having looked at it in detail I can't say.

But if - the only reason I could see leaving the Scope 1s out of the trademark clearinghouse is if indeed they got stronger protection so it's moot. I think that says everything I want to say.

Thomas Rickert: But the question remains, I mean, certainly nothing you find on the screen is carved in stone so, you know, should the group now take the view that the general consultative status list is all we should use or that we should go back to the eligibility criteria? That's certainly possible.

Alan Greenberg: Yes, but I'm saying I'm not - I'm not disagreeing, I have no mandate to disagree that we include the Scope 2 names in some levels of protection. I'm just asking what is the rationale for excluding Scope 1 from the trademark clearinghouse type protection.

Berry Cobb: This is Berry. I can respond. The reason why Scope 1 is excluded from this current version is because it assumes that Recommendations 1-4 would be provided to Scope 1.

Alan Greenberg: Okay.

((Crosstalk))

Alan Greenberg: And that was the question I asked before and I didn't hear a definitive answer. That we're presuming the earlier ones are granted and therefore a stronger protection is granted. That's not clear from what's written on the - in these lists.

Berry Cobb: Correct. And per Claudia's response in the Chat room that is correct. Scope 1 is only with respect to full names and doesn't cover acronyms. And this is the secondary conundrum about the general consultative status list is there's two maybe four at most names listed on that list that are acronyms only and not full names.

And so that's where things start to break down is if we proceed with the general consultative status list and the working group needs to make a determination is it all 140 organizations listed there? Or because there seems to be a preference that acronyms shouldn't receive reservation protection would they be excluded and migrated to a Scope 2 identifier?

And, you know, for the moment let's just remove the special consultative status. And I think from in terms of understanding the different positions in the working group the special consultative status list is, you know, 2000 plus names and that becomes very difficult to manage; not that that's up to me or anybody, it's purely up to the working group but that has been what has been the fears of other protections in the past.

And so that's what the working group needs to nail down what is the scope of the organizations and their equivalent identifiers? And if we can put a fence around it like we've done for the most part with the IGOs, the IOC and the RCRC, then we'll be able to provide clarity between the different scopes as well as whether its full name and acronym. And, again, the crux of the problem is the current general consultative status contains both.

Thomas Rickert: Thanks, Berry. Claudia, I'm not sure whether that's a new hand?

Claudia MacMaster Tamarit: Well actually it's been several hands because it's changed so thank for the opportunity to speak. Just on this last point with Berry, if indeed there are four or so organizations that have only listed their abbreviations on that list I don't think that one that precludes their full name, if they have a legal full name, from still being applied for and if they don't have a legal full name then that abbreviation is their full name and it would be protected, first of all.

And second of all even if, let's say, that there was a full name that only had a couple letters that does exclude all the other, you know, 140 plus organizations that don't have a, you know, a three-letter or four-letter full name; they have a much longer full name.

So I think that it would be important still that we would still include, you know, those Scope 1 NGOs on this much harder to get on to, much more, you know, wider, list for protection.

If indeed they deserve a stronger protection they definitely deserve, you know, the weaker protection which coincidentally, if any of them have trademarks for their acronyms would be able to get into the trademark clearinghouse anyway but perhaps, you know, wouldn't mind the financial release of not having to do it for a fee, for example.

Berry Cobb: Correct. And I think the very first entry of the general consultative status is the conundrum, is the AARP established in 1995. They don't have their full name listed here.

And then I guess it's - then it would be up to the working group or maybe this is an implementation issue but we need to be very clear about the distinction between a full name and an acronym is that whoever implements - let's just

assume for the moment that there's support for the general consultative status list.

When this gets implemented then there needs to be interpretation that whatever AARP stands for is the full name that is protected and reserved in Specification 5 and then the acronym of AARP would receive access into the trademark clearinghouse and the claims notification.

And so, again, that's kind of the minute detail. The bigger concern - or not concern but the bigger things that the working group needs to decide on is do we just focus on the general consultative status list? Or do we also include the special consultative status list? And which two are going to be used?

And if nobody's happy with them then we go - fall back to the eligibility criteria that was supplied by ISO and IEC. But I think the unknown there that the working group needs is what would the output of that eligibility criteria be? Is it five names, 50 names, 100? And that's kind of the unknown. So I think that's probably a reason why that part hasn't gained enough traction.

But at the end of the day we define the eligibility criteria, define what the Scope 1, Scope 2 names are then it'll be easy to plug in the types of recommendation options that may align with IGOs or what have been presented with the other organizations.

And so outside of the working group working on this, this is about as far as we can take it at this point.

Thomas Rickert: Thanks, Berry. And before I move to Alan let me say that the rationale for getting back to the general consultative status list is that we have seen the development of a definitive list crafted by the GAC in the meantime.

And it - at least it was my impression that the contracted parties and some others thought that a list - a conclusive list of identifiers provided by a third

party would be the way to go because us developing criteria, you know, might be perceived as being arbitrary. We have not been able, in a couple of months of discussion, to come up with criteria that would be perceived neutral by the - by huge parts of the working group.

So that has been the reason why we sort of took the ECOSOC list on an as-is basis. And if there is an acronym on it so be it. If there's not then, you know, that's something that wouldn't be on the list.

Alan.

Alan Greenberg: Thank you. The ECOSOC list does have some problems in it in that there are a number of organizations that have their acronyms in brackets afterwards and that's problematic because, you know, I don't think brackets - you can have domain names with brackets in them. How we support those would have to be carefully defined, you know, perhaps omitting the acronyms or something like that.

The two examples that we're talking - seem to be focusing on - and there's only two of them that I see on the list, that have what look like acronyms as their name, I'm sorry, apparently, those are their names. IBM is no longer International Business Machines. A long time ago they changed their name to IBM.

AARP used to be the American Association of Retired Persons. That's not its name anymore; its name is AARP. That's what shows up on its tax forms; that's what shows up in various other documents. We may not like that as a name. It's not an acronym which is likely to have hundreds of conflicts and neither is the other one, CIDSE.

So, you know, if we're going to kill this whole list because two of them happen to have changed their names to what used to be an acronym and they're not particularly widespread acronyms that have meanings as a generic word I

think we're using a definition that was simply defined to say let's not look at the INGOs at all and finding a way to avoid looking at them.

You know, AARP is not particularly more offensive than the Asian Crime Prevention Foundation. It just only happens to only have four letters. Thank you.

Thomas Rickert: Thanks, Alan. So would you be in favor of using the general consultative status list only? Or would you also like to have the Scope 2 identifiers, i.e. the special consultative status list...

Alan Greenberg: As I said I have not looked at it nor has ALAC looked at it in any great depth. I'm sorry, I've had other concerns since that apparently was started in, you know, added into this working group's purview in consideration and I hadn't considered it to any great extent so I really can't speak on that. I can speak on the general consultative list, the short list, and say we do support that even though two of the names do look like they're acronyms.

And as I said, I did point out that the names which have full names and acronyms tagged on in brackets I think are problematic and we have to define how to handle those. And I'm happy to omit the acronym part. But the few names that have dropped their full name and only use their - what used to be an acronym I think so be it, that's their name.

Thomas Rickert: Thank you. Avri.

Avri Doria: Hi. Thank you. Avri speaking. I guess I just wanted to speak out. I regard it as doing both of the lists being the best option as I've been arguing. There are so many trademark names that we're dealing with that the difference here between, you know, 150 and a couple thousand is really noise when you look at the trademarks.

I'd also like to suggest that whatever treatment we give IGOs on their acronyms we would also have to give, you know, to the INGOs. For me the two are intricately linked in terms of support. And I believe that that's closed to a position that the NCSG would take. And that any treatment would have to be parallel and equal between these two groups; there's got to be parity there.

So that would be, you know, what I would add into this conversation. And I just wanted to reiterate before that in terms of the URS and UDRP I'm fine with that in any of the classes of names that we do support. As I said, I make an exception for one of the classes of names. Thank you.

Thomas Rickert: Thank you very much, Avri. And I saw your clarification in the Chat and it's well noted. I have one follow up question though, for you before moving to Chuck, in terms of how to conduct the consensus call. Would you actually make your support for one organization a condition to the support for another organization?

So, i.e., would you see difficulties in having the consensus call conducted in a fashion where we ask for the four organizations separately? You know, if you establish the conditions and links between the two then it might make the consensus call quite a challenging procedure.

Avri Doria: Yeah. This is Avri speaking again in response. I tend to see the consensus call on a package.

Thomas Rickert: Okay. Thank you. And I now see Chuck's hand up. Please.

Chuck Gomes: Thanks, Thomas. On the - and this comment, I think, relates to all four categories of identifiers. The last recommendation in each case is to initiate the PDP of the URS and UDRP. I think in all cases, and correct me if I'm wrong, that that recommendation assumes that there's some protection

provided for the particular identifiers. If there's no I'm not sure that there would be support for the recommendation.

So if we just - if I just focus on the one for INGOs, and I guess for INGOs the - there would be a qualifier that would say, "If there are protections for INGOs then initiate a PDP of the URS and UDRP so that those protected INGOs have access to the curative rights protection mechanisms." Is my thinking right on that? It's conditional, right?

Berry Cobb: This is Berry. I can respond. The reason why these are - I thought about putting together a fifth table that was just general recommendations that apply to all four organizations. But it kind of was an outlier because it would have been the only one.

The final recommendation that would be submitted to the GNSO Council if the working group agrees would be that the working group recommends that the GNSO Council initiate a PDP on the possible access to URS and UDRP by these four - or of these four organizations. And it would be much more general.

I guess it is kind of confusing to have it line item out across the four organizations. But in general that was the one recommendation that seemed to have the most traction with exception of hearing from Avri on the IOC part.

But so that's kind of why they're teased out separately. But again they would be - it would be consolidated into one general recommendation that all four of these organizations need to be reviewed and researched as to how, why or even if they could have access into these curative protection mechanisms.

Chuck Gomes: Okay. Thanks, Berry. But I don't think that - that's not my concern. I'm not concerned about how it's laid out here. My point is - and let me use the INGOs as an example; I could just well use one of the others.

If we don't end up with any protections for INGOs, except for the Red Cross and IOC set, then I don't think that we would want to initiate a PDP on those INGO names to give them UDRP and URS rights if we don't give them any protections on anything else.

Now I don't know how it's going to come out. But what I'm saying is it's - that recommendation I don't think - I would support that recommendation if we don't end up with some protections for INGOs.

Now if we do then it would be those protected names that would have rights to use the URS and UDRP assuming that a PDP came up with that recommendation. Did that make sense?

Thomas Rickert: I guess it makes a lot of sense, Chuck. And thank you for this. I guess actually we should have a separate section with this general recommendation and specify that the - that the UDRP and URS should be open to the designations that receive protection...

((Crosstalk))

Chuck Gomes: Or, Thomas - this is Chuck again - or you could just rephrase each one so that it applies to any protected - any names that the decision is to protect them. I didn't word it very well but. I don't care which way you do it but the point is it would only apply to names that are protected.

Thomas Rickert: Yes. Thank you for this. And we will need to get back to the procedural aspects of how we conduct the consensus call anyway under the next agenda item. But I guess that we need to get some clarity on how we move forward with the INGOs quickly.

So, Alan, and then Greg if I could ask you to make short interventions please?

Alan Greenberg: I'll make very short interventions. I don't think we need to agonize on the URS UDRP aspect. It's not within the scope - it's not within the ability of this PDP to initiate a PDP. The most we can do is recommend to Council that they request an issue report or we could recommend to the Board that the Board initiate an issue report and a PDP.

In any case someone is going to deliberate whether it's the Board and/or the GNSO at various steps on whether to initiate a PDP on any of these aspects. So if we should end up granting no other protections to someone it is still within the ability of those who will make the decision on the PDP that we do or do not include any one group. So we don't need to agonize over it at this level. It is going to be subject to further discussion somewhere. Thank you.

Thomas Rickert: Thank you. Greg.

Greg Shatan: This is Greg. I would just say that I don't think that the, you know, whether or not we grant any protections to any of these groups influences whether or not a, you know, a PDP on URS and UDRP protections for them, you know, should be recommended or not. I agree with what Alan says that we really can't, you know, go all the way to recommend a PDP.

And that - but I think that, you know, we could recommend that such a PDP, you know, that the steps toward it be initiated without, you know, coming to, you know, any particular conclusion here because the, you know, for instance whether or not something is included in the TMCH does not influence whether, you know, it can participate in a UDRP. Thanks.

Thomas Rickert: Thanks. And Chuck's next.

Chuck Gomes: I'll be brief, Thomas. So I would change that and not put full consensus because if we're going to recommend that we initiate a PDP I would only support that if it was for any protected names, not just for all INGOs or all IGOs, etcetera.

Thomas Rickert: Understood. So I guess that's a reasonable suggestion. I'm afraid that with the question of the INGOs we sort of need to get to closure on this rather sooner than later. I've seen Claudia suggesting her criteria in the Chat again the criteria which we've discussed extensively and which did not get sufficient traction.

So this attempt to use the ECOSOC list was sort of our last resort to put the INGO protection back (unintelligible) and there seemed to be some traction. But unless I get a very clear signal from the group that my assessment - strong support for significant opposition that seems to me to have formed during the last couple of weeks is correct then I think we don't have much more than divergence on the INGO subject.

You know, this is not the time to go to - go back to Square 1 on the question of INGOs, which, you know, I guess all the arguments are on the table; they've been exchanged extensively. And we would need to try to shape this into the set of recommendations.

I have said earlier that I - that my assessment was prior to the last but one meeting that we could not reach any comment or any position that receives strong support based on the information and the proposals we had on the table then.

I get the impression that we're sort of moving back to that divergent...

Berry Cobb: This is Berry. I think we may have lost Thomas. Hopefully he'll rejoin in a second. We'll give it another minute; I think Thomas is re-dialing in.

Thomas Rickert: Hello? Hello? This is Thomas. I'm back. I'm sorry, I was...

((Crosstalk))

Berry Cobb: Hey, Thomas, we can read you.

Thomas Rickert: Berry, I get that you've picked up the conversation so please do continue and I'll try to find my way back into the conversation.

Berry Cobb: I only stalled until you came back so you have the floor.

Thomas Rickert: Thanks. You know, between me dialing in and having spoken while I was obviously disconnected in the meantime I need to catch up a little bit with what happened in the Chat. But I guess that ultimately we will need to form a position on the - on this sort of last chance of reaching strong support based on the ECOSOC list.

So I would like to hear more views, support, or disagreement with what's on the table now.

Claudia.

Claudia MacMaster Tamarit: Hello, Thomas. Claudia here. Just for the record we can support what's on the table now just adding Scope 1 under Recommendation 6 and 7 just to have some logical parity there. Thank you.

Berry Cobb: And, Claudia, this is Berry. So if we were to make that change for Recommendations 5, 6 and 7 with regard...

Claudia MacMaster Tamarit: Not 5.

Berry Cobb: ...to this list then the - again, I'm going to have to reiterate right now in terms of how this is listed. Scope 1 is showing that they received the most protection by being reserved on Spec 5 in the Guidebook thus there's not the need to add them to 5, 6 and 7.

If you're wanting to remove support for the better protections for the Scope 1 identifiers then most certainly we would add them to the Scope 2 names being listed there.

((Crosstalk))

Claudia MacMaster Tamarit: Oh sorry.

Thomas Rickert: Berry, can't we find the wording whereby we say that, you know, plus Scope 1 unless otherwise protected?

Berry Cobb: Yes.

Thomas Rickert: And that's - that would be okay with you, Claudia?

Claudia MacMaster Tamarit: I think so. I think so. I just want to make sure that for Recommendation 6, Berry, under Recommendations 1 and 3, you're right, it's a stronger protection but it only goes for the full name.

So if we don't include Scope 1 in, for example, Recommendation 6, then, you know, using ISO as an example, there is no protection for ISO but there is protection in terms of being included on the trademark or a clearinghouse-like mechanism but there is a reservation of the full name.

((Crosstalk))

Claudia MacMaster Tamarit: So but then, you know, an organization on the 2000 would have protection for their exact match. So I just think we need at least - at the very least on Number 6 to add Scope 1 and Scope 2 because acronyms are not talked about at all otherwise there's no Scope 1 protection for acronyms at all.

Berry Cobb: Well and just to respond, this is even more the conundrum with the ECOSOC list is that especially for ISO, unless I'm mistaken, it doesn't even list the acronym, it just has your full name, correct?

Claudia MacMaster Tamarit: Right, right. ISO is actually - well, for the record, it's not our acronym in fact, ISO is our short name because obviously in English the International Organization for Standard our acronym would be IOS. So in fact ISO is our, you know, trademark protected short name in fact, which is the only thing we're asking for protection because otherwise there'd be a huge list of acronyms.

But I'm just saying that it's a bit incongruous to have, you know, the full name protected but then, you know, not something so weak as having the acronym in the trademark clearinghouse for those, you know, 140 organizations that have the broadest international scope.

Berry Cobb: So...

Thomas Rickert: Okay. Thank you, Claudia.

Berry Cobb: To make this clear though then there would be a Scope 3 because, again, the ISO short name is not on this list where adding ISO as Scope 3 being the short name that's not explicitly called out on this list trying to get access for the clearinghouse.

Claudia MacMaster Tamarit: I mean, you could. It's - this is why we had suggested the ISO IEC criteria and had talked about the designation that's protected. And it being protected, you know, under different schemas including trademark protection. You know, we have significant trademark protection for ISO as our short name.

So that was one of the criteria that we had suggested in our criteria to give that kind of a flexibility. So, you know...

((Crosstalk))

Berry Cobb: And...

((Crosstalk))

Thomas Rickert: I just urge we don't create a special scope for the - for ISO exclusively. I guess that the determination what is an acronym and what is a short name is not for us to make that (unintelligible) seen as an acronym.

Berry Cobb: And, Thomas, this is Berry. You're coming in faint.

Thomas Rickert: I was just saying that I guess it would be difficult for us to establish a Scope 3 category exclusively for ISO. I guess that the distinction that was made between acronyms and short names might be somewhat artificial and I guess that chances are not too bad for those that are implementing the potential recommendations to take ISO as the acronym of the International Standards Organization.

So with this, I guess, what we - the risk that I would take as chair is put this out for consensus call. I heard some support. I've seen some concerns. But I guess that with the tweaks that we've now applied to the recommendations this is, I guess, as far as we can get although there is certainly no certainty that, you know, the consensus call will actually produce a result where we do find consensus for this.

So I guess with this we need to end this third agenda - this second agenda item. And we need to talk about some practicalities of the consensus call. And I had proposed to you earlier or announced to you earlier that my plan was to have the consensus call split for the four organizations as the working group has decided a couple months back.

I now hear that Avri wants to have IGOs and INGOs linked together so that support for one category of organizations would only be granted on condition that support for the other organization is granted.

I see some implementation issues in the procedural arena with this. So I'm not sure how we can resolve this issue procedurally for the consensus call which is why I, you know, provisionally think that this would need to be reflected in a minority position rather than in the response to the consensus call as such.

I see Claudia's hand and Avri's hand up and I would really like to ask you just to reflect on the procedural aspects and not that much to go back to the substantive discussion that we had earlier.

Avri.

Avri Doria: Thank you. Takes me a second to turn on the microphone. Avri speaking. Yeah, okay so I see two things: One, I see a consensus being linked on the whole thing. And I think for each of us then we have two options. We have the option of saying yes I'm willing to go along with the general combination there even though I wish to file a minority report, let's say, on an IOC issue. But I wouldn't, you know, go against the whole consensus on that point.

And a difference between saying that there needs to be a central parity in the consensus and that a central parity can't be achieved unless you vote on a package so therefore while there may be specific issues that get minority reports the general notion, the general principle of parity is something that's either there or not. Thank you.

Thomas Rickert: Thanks, Avri. And this is very helpful advice. And it's interesting to see you as past GNSO Council Chair speaking before Chuck Gomes who is also past Council Chair so I'm looking forward to hearing from you, Chuck.

Chuck Gomes: Well, I have a - probably a surprising question. I see us all taking - those of us that represent groups of stakeholders - taking this recommendations document however it's changed today - back to our groups and asking them to weigh in on all these issues.

Why do we need the consensus level from the working group to do that? Or are we just asking them to confirm the assessment of consensus?

Thomas Rickert: That's a good question, Chuck. And I guess the simple answer is that those recommendations that do receive little or no support should not be included in the recommendations package, if you wish, that goes out for consensus call. So the areas where the group now has ended up having divergent views on that's just in there for information purposes. But we would usually have that removed from the consensus package.

Chuck Gomes: So - this is chuck again. Wouldn't - I mean, we could actually - I think you've been doing a good job of trying to assess the level of support on each of these. But a more authoritative way to do that would - just have that column blank, and just a support column.

And all of us come back with a detailed thing whether we support it or not. Wouldn't we then have a more accurate determination of the level of support?

Thomas Rickert: We certainly would. And if we conduct the consensus call that column will be blank. It's, you know, we're just doing this exercise to determine what should be included in the consensus call and what not. And what, in my view, be a pointless exercise to include recommendations that didn't receive any or did not receive substantial traction inside the group.

Because we're - over time we had numerous...

Chuck Gomes: Yeah, yeah.

Thomas Rickert: ...proposals on the table and we should get those off the table that don't receive sufficient support. And if, you know, I'm using this just for providing an example.

But if this group now chose to say we don't support INGO protections at all and maybe it would only be, again, this is merely illustrative, it would only be Claudia and Avri asking for it then that might not be sufficient ground for us to include it in the recommendations that we put out for the consensus call.

Chuck Gomes: Okay, I think I'm fine. I wanted to at least raise the question. I think what David and I need to do with this - these four tables is go back and find out what the Registry Stakeholder Group's position, make sure we have that correct and then that will give us the information we need to make a final statement of where our support is.

Thomas Rickert: Thank you very much, Chuck. And since we only have six minutes left I can tell you that I will reflect what's been discussed today and consult with staff how we will reshape the document in front of you. Certainly the third column will be blank when you get the document and then we will conduct the consensus call on that basis.

Because, again, you know, we've heard a couple of arguments but these arguments are not particularly new since we've been discussing these items numerous times. And I see that Berry's hand is up, please.

Berry Cobb: Thank you, Thomas. Just before we depart for today so as you may have saw on the list with some of Chuck's questions I'm going to turn around the next version of this document in the next couple of hours. It will include the changes that we discussed as well as like for instance Column 3 being blank for the members to essentially show their support or not support.

The intent behind that is when reviewing the four organizations and their protections and if there is no agreement within your particular stakeholder group this is where the minority position statements need to be formulated.

And the reason why I'm bringing this up now with also viewing the timeline it's getting to the point where it would be optimal to have closed off this entire effort in time by the 31st of October Council meeting so that the Council can consider the recommendations, if any, by the working group and pass this on forward to the ICANN Board to allow time for groups outside of the GNSO to deliberate on what the GNSO has come up with. And so it'd be important that we meet that date.

As mentioned previously whatever set of recommendations are included in this final report we do have to open up for a public comment period against that final report which would put us around the 5th or 7th of September to make sure that we meet the deadline.

But what will be helpful is then each member goes back to your respective group to determine support or not support for the proposed recommendation. If you don't support recommendations, whether they be specific recommendations or no support for an entire organization receiving recommendations, then please be prepared to have statements of a minority position statement about that disagreement.

And those will be loaded into the final report so that we can submit that as a package. So again we're really trying to run up against a very tight time table that we can have this packaged up, meet the deadlines for the public comment forum and still make the deadline by the 21st of October to submit the report to the GNSO for their consideration.

Otherwise none of this will be deliberated on until the Buenos Aires meeting. And while I don't think that's the end of the world it would be nice to have to have external groups understand what we've come up with so far.

So at any rate just to reiterate I'm hopeful that if there is no support for a particular recommendation please include language that can be formulated into that particular group's minority position statement about it so that they can be folded in right next to the proposed recommendation so that it's easy to digest by those outside of our working group. Thank you.

Thomas Rickert: Thanks, Berry. That's very helpful. And I'd like to ask the group whether there are any objections to this approach.

Berry Cobb: And this will be restated in the email we send out so that it's written.

Thomas Rickert: Yes. And we will...

Alan Greenberg: Thomas, it's Alan. I'm not near my computer. I'm not sure I fully grasp what Berry said. It sounds, however, as if it's too tight a timeline for both the comment period and the consensus call, you know, the input which requires a certain amount of time to get feedback from our own communities. That sounds like it's all a little bit too tight but I'll wait to see it in the email and then comment if necessary.

Thomas Rickert: Well certainly it's ambitious but I guess that we need to show that we can effectively work on these matters. And so I guess it would be very unfortunate if we, as a group, didn't pull up the date as proposed because, you know, if we get - if we are ready by the timeline that Berry indicated then our chances would be good that everything will be ready for the Council to discuss in Buenos Aires or prior to Buenos Aires and the Board even to deliberate on it in Buenos Aires. So that was our thinking.

And please do make sure that your groups prioritize this matter if they can. I guess we've all put so much time and energy into this so that it would be great to see this work actually being relevant maybe not for the first couple of

new gTLDs but that it actually can or has the chance to be relevant for the huge majority or the biggest chunk of TLDs to be launched.

And with that we've reached the top of the hour. I would like to thank all of you for what's been a very vivid and interesting discussion, again. We will send out the updated document as soon as we can. We need to work on it a little bit but we will certainly aim at giving you as much time as possible for you to consult with your individual groups.

And with that, Berry, I hope I haven't forgotten anything? I would like to thank everybody and adjourn this meeting.

One remaining question is, Berry, do we need next week's call?

Berry Cobb: Yes indeed not only to just help if there's any other clarifying questions about the latest document or questions being taken back to the respective groups. Something that's still on the table is - and it's probably still a hypothetical discussion about the proposed recommendations but what do we discuss in relation to the existing gTLDs and - which is a part of our charter.

And we need to make sure we have an extensive discussion about that to make sure that we can check that off at the very least. If not if it doesn't produce any additional recommendations but we need to have that discussion so please plan on meeting next week.

Thomas Rickert: And thanks for reminding me. And sorry for having stolen almost two additional minutes of your valuable time. Thank you so much. Have a great day and I'll talk to you next week. Bye-bye.

David Maher: Bye.

END