

**Transcription ICANN Helsinki  
GNSO Cross-Constituency Meeting between the IPC RySG  
Tuesday, 28 June 2016**

Note: 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

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://gns0.icann.org/en/group-activities/calendar>

Greg Shatan: Welcome to this meeting of - Meeting B or, as we're supposed to call it, the Policy Forum, is a new meeting. So we're trying new things. So the Intellectual Property Constituency decided to try having bilateral meetings between IPC and the Registry Stakeholders.

I'm Greg Shatan. I'm the chair or president -- I don't know why we call it a president, but we do -- of the Intellectual Property Constituency. To my right are our co-hosts or co-guests.

Paul Diaz: Hi, everyone. I'm Paul Diaz, Chair of the Registry Stakeholder Group. Thank you, Greg. Thank you, everybody, for attending. We're recording this as well, of course. As we get into it, usual rules. Everybody please remember, state your name. We know a lot of each other. Many of us know one another. But let's state your name for the record.

And sorry there's a little confusion about what was on our agenda today. Greg and I had previously discussed there was interest in talking about rights protection mechanisms, future rounds. That was the key.

Coming into the weekend or over the weekend, letters and questions about requirements around PICs was a key theme. So we thought we would add this to the agenda, actually start today, because many of you didn't have the advantage to be in the session yesterday that Bruce Tonkin led with community leaders.

Importantly, that session was recorded and will be transcribed. So, you know, there's an important issue for many of us. You'll all have the opportunity to review the record, and staff is working to get that posted quickly. It might even be up before we leave Helsinki. Do you want to set the stage what the discussions were yesterday?

Greg Shatan: Sure. Just, you know, briefly to set the stage - or actually I'm going to ask Vice Chair Steve Metalitz of the IPC, who sent the email, since he wrote the email that summarized yesterday's meeting, I assume his recall of it is superior even to my own. That's an unfair assumption. But in any case, I'll let Steve kind of, you know, brief us, you know, on kind of what went on overall.

Steve Metalitz: Thank you, Greg. Steve Metalitz. Let me just back up to say that as Paul indicated, the meeting that occurred was not a meeting we called. It was called by Bruce Tonkin - or we were informed of it by Bruce Tonkin with about 24 hours' notice. So we didn't have any input to the agenda or whatever.

One thing that led up to the meeting, I think, was that the IPC had raised a concern about some statements from the ICANN Board chair that seemed to say that some of these provisions in the Public Interest Commitment that's up on the screen were outside of ICANN's remit. And the implication seemed clear to us that ICANN might be backing away from any compliance activities with regard to this obligation or obligations in that area.

So one thing that was - and we could go into detail if you wish about what the statements were. It's in the correspondence that's on the ICANN page. One thing that did come out of the meeting was that there would be a written

response from the ICANN Board to our concern, and that it would make it clear that ICANN is - this is in the agreement, and ICANN is enforcing all aspects of the agreement, including the Public Interest Commitments.

I think that's important for a number of reasons. But again, let's remember. This is an obligation that applies only to the new gTLDs. And it's still, I think, fair to say early days on the new gTLDs about what kinds of problems or abuses may arise there, and what will be the most effective ways of dealing with them.

But if we can establish more clearly and unequivocally that this is part of the obligations that will apply to new gTLD registries, then we can move on from there to spell out exactly what's involved with this, and how it ought to be - what compliance activities ought to take place.

But we thought it was important to get that threshold question, if we could, clarified. And I'm hoping -- based again on what was said at the meeting -- that there will be a written clarification that will be helpful.

So I don't know that, you know, we want to focus solely on this during our limited time together. But that is kind of a little bit of the context in which this question arose. Thank you.

Paul Diaz: Thank you, Steve. That's a fair question for everybody. I mean you may have heard some buzz about it, or you may be comfortable waiting for written response to ICANN, which they promised is forthcoming. Do people want to spend time on this today? Now? Or do we prefer to move to broader issues about RPMs and future rounds? What's the preference?

Man: (Unintelligible)

Paul Diaz: Okay. I mean happy to move on. Just wanted to give everyone the opportunity in case they hadn't heard yesterday.

Jon Nevett: Well I think we should talk about it.

Man: Yeah.

Paul Diaz: Oh, that's what you meant, talk about it. Sorry. Okay.

Jon Nevett: This is Jon Nevett. I think we should talk about it actually, because it's an issue. There's an issue of a level of trust between our groups, and there are issues that permeate other issues based on this. I think we should have the discussion.

We have letters here from various members of the IPC and the IPC itself in April that, in my opinion, attack new TLD registries for not following their PICs, and attacking ICANN for not enforcing them.

And I think that's a problem, and we should talk about it because, you know, there's the PIC right up there on the wall. It doesn't say what I think some members of the IPC say it says. Maybe there should be advocacy on your behalf of what it should say, or what you want it to say.

But to say that we're in blatant violation of that PIC, and that ICANN's not enforcing that PIC, is problematic. And it's unfair. And, you know, we're getting caught in the middle of (Hill) letters back and forth. And, you know, if you see the letter that came out today, again it's the same thing. New TLD registries are in blatant violation of their PIC specs, and ICANN's not doing anything about it. That's not the case. And I think it's a problem. Thank you.

Paul Diaz: Thanks, Jon. It might help. Can we have somebody on the IPC side just kind of summarize what's in that letter, the letters that we're referring to now?

Steve Metalitz: Well the letter from the IPC is the one that I referred to, which raised this question of whether ICANN was going to enforce the PICs. It did not - correct me if I'm wrong, Jon, but it did not allege widespread violations of this.

It really got to the question of whether this was something that - we said the PICs are important, and we were concerned about what the Board had said about it and so forth. And we talked about how contract compliance in general was quite important. That's why I think that was the impetus for the - or one of the impetuses, if that's the plural, for the meeting yesterday.

You're probably referring to other letters that were sent on behalf of some IPC members. But I don't know if that was what you were referring to in terms of getting caught in the middle, or whatever your statement was about what we had said about registries.

Let me just say from the perspective of my clients and the organizations that I represent in the Coalition for Online Accountability, that we think there's been a good level of cooperation in general by new gTLD registries -- and yours prominently among them, Donuts prominently among them. We're trying to work together to deal with some of the types of abuses.

Obviously we're not covering the whole waterfront here, but on the kinds that we're most focused on, which was clear, pervasive copyright infringement, I think your company has taken some important steps forward, and other companies have as well, and there are other examples less well-publicized in which there has been cooperation. So if the impression is that we're saying something different, I do want to correct that.

Now that said, there are also some registries that we feel are not cooperating. And there have been complaints to ICANN Compliance. And once it's clearly established that ICANN has a compliance obligation to enforce this provision, then I think it becomes much - you know, then we need to talk about what

exactly it requires; how it lines up; how it came to be; how it lines up with the GAC advice, for example, that generated it.

But I don't want to give - if you think we've given the impression that there is widespread non-compliance with this among registries, I don't think that we've said that. There are some instances of lack of cooperation, lack of response, that we think are quite concerning. But they're also are certainly examples to the contrary. I hope that that helps.

Paul Diaz: Okay, I've got a queue building. Everybody in the room, you know, raise hand, come to the mics. Paul McGrady, you were first in the queue.

Paul McGrady: Thanks. Paul McGrady for the record. I think Steve's already done that, but just to say it more bluntly, there should be, in the minds of people in this room, a distinction between what the IPC says in its letters, versus what members who have - by organizations that happen to be members of the IPC say in their private letters.

There's no way for the IPC to govern what's in a private letter from an organization which happens to be a member. And so I hope that we are able to keep that distinction in mind while we talk through the issues. Thank you.

Paul Diaz: Okay, thank you, Paul. Greg?

Greg Shatan: Hi, this is Greg Shatan again. I kind of - you know, Paul said a lot of what I wanted to say. But I think that - you know, first I think my theme coming into this meeting was fruitful cooperation. And that's where I'd like us to go. Obviously there needs to be some airing of grievances as well, just as if this were - I can't remember the name of the holiday on Seinfeld, and apologies for the culturally specific reference and not remembering it. So apologies twice.

But in any case, I think it is important to point out that the letter that the IPC sent, which was back in April 11, so it's coming on its three-month birthday without a reply from IPC - from ICANN, was specifically, you know, a letter, you know, concerning Crocker's statements that seemed to, you know, take arguably all of the concerns of IPC's members out of ICANN's remit entirely.

And, you know, I don't think there are any statements in there that were, you know, attacking. But in any case, rather than, you know, reread what - you know, perceived differences, I think it's better to try to work toward common understanding.

And if, you know, one of those common understandings, you know, may be or that we can work toward is the view or views of what Spec 11 and - you know, or Section 3A of Spec 11 constitutes in terms of obligations.

And when we refer to compliance, I tend to think first of small "c" compliance, not the Compliance Department of ICANN, which is really kind of - at least implicitly is a non-compliance department -- or it should be. Whether it actually acts as such is a different discussion.

Rather, compliance should be, you know, willing compliance by a contract, by a party to a contract, without, you know, the other party having to stand up and say, you know, we think you're not complying.

So as somebody who's primarily a transactional lawyer during the day, I have, you know, most of my clients are, you know, in a variety of contracts, many of which I've negotiated. And as long as they're complying with the contracts, neither party is questioning the other party's compliance. You know, obviously we're not a party to the contract that each registry is party to. ICANN is.

But nonetheless, emphasis on things like, you know, the Compliance Department and enforcement issues, to my mind, gets things off somewhat

on the wrong foot as well, since if there is an understanding of what constitutes, you know, being in compliance with the agreement, worrying about it - you know, the less you need to worry about enforcement, at least for those who are, you know, actually, you know, seeking to comply in good faith with the agreement.

So the more we can think about, you know, having a common understanding on that, among those who are, you know, interested in compliance -- and that, you know, should be the vast majority of registries, you know -- the more we can kind of move off into fruitful cooperation as opposed to the ritual airing of grievances.

Paul Diaz: Okay, thanks, Greg. Got a queue going. I had Liz, Lori, Jay and Jordyn. Liz, go ahead.

Liz Finberg: Okay. Thanks. Liz Finberg, PIR. As most of you know, we operate both a legacy and some new TLDs.

And in the interest of common understanding, I will tell you that when I read Section 3A of Spec 11, and I do see the language that says we have to have a provision in our RRA that requires registrars to effectively provide notice to their registrants that they can't engage in technical abuse, and then also I do see piracy, trademark, copyright infringement, et cetera, and then the key phrase for me is, and providing consistent with applicable law and any related procedures.

Procedures related to applicable law clearly speaks to the notion of due process, clearly speaks, in my view, to a distinction between our remit as registry operators to mitigate - to, in effect, police and mitigate technical abuse of the DNS under the security stability obligations of every registry operator on the one hand, and content-related infringement on the other.

No, ICANN cannot, should not, and the contract cannot and should not imbue registry operators with the authority to substitute themselves for a court of competent jurisdiction, and make calls as to what is and what isn't infringement. That is incumbent upon plaintiffs, you know, rights holders, and courts. And so that's - in the interest of common understanding, that's where we're coming from.

Now that said, the next question is, well what does that mean? To me it means when you give me a court order for the PIR, it would be a US court order, or a foreign court order that's been domesticated in the US court, we have an obligation to comply swiftly and completely with that court order, and we do.

So again, in the interest of common understanding, that's at least one registry operator's viewpoint. Thanks.

Paul Diaz: Okay, thanks, Liz. Lori?

Lori Schulman: Lori Schulman, for the record. I'm an IPC officer, but I'm also the senior director for Internet policy for the International Trademark Association. And I think that's important to say before I go into what I'm going to talk about.

One of the letters to which you may be referring is a letter that INTA wrote to Allen Grogan a year ago, highlighting what we considered to be registry bad practices in terms of a whole host of behaviors -- name-spinning, holding off names in the sunrise period, charging premium prices.

I mean there was a long list of what we considered to be actions that were against the interest of the public in terms of having names out there that could be confusing, or holding names hostage for higher prices for brand owners, et cetera, et cetera, et cetera.

So while that may not specifically go to the Spec 11 issue, it does go to the idea of, you know, the interest of brand owners and content owners to the extent that we're here, hopefully, to protect the public interest, too, in terms of preventing infringement and piracy and all that bad stuff out there.

Now so when this meeting was called, we were asked to provide evidence of abuses. And that is what we provided in a letter, by evidence of this letter, to the meeting yesterday. I wasn't in the meeting, but our representatives were. So I don't know if this letter was part of what Paul Diaz is referring to or not, but this letter exists.

And where we're finding frustration on the registry side is, where are the common agreements about level playing fields? Where are the common agreements about what is fair and unfair in this brand new world of thousands of TLDs, in terms of when brand owners can get in to protect their brands?

And I hesitate sometimes to talk about rights, rights, rights, rights, rights. Because then what happens is it becomes very self-centered. And reality is particularly - and I will speak to trademark law because I'm a trademark attorney, and that these laws are here to protect the public from deception.

Now we do the ultimate that we can do to try to prevent that, by pre-registering names when we can; making sure our brands are protected as fully as they can be up front. But some of the practices that we see coming from registries and registrars prevent us from doing that.

So what I want to know is if Spec 11 applies or doesn't apply. To Liz's point, if you take Spec 11 literally, all it requires is a provision. It doesn't even require enforcement. I mean I find this language quite disturbing. I could put any provision I want in a contract. I mean presumably I'm obligated to enforce it, but maybe not. I don't know. Taken very literally.

But at the same time, my membership looks at Spec 11 as, this is where we have the level playing field. This is where there is an acknowledgment that there is a place for an intellectual property policy discussion and enforcement, and a consumer protection outlook -- again, the root of what I'm talking about through the trademark law.

And if it's not here, where is it? And where should it be? And to say it's not in ICANN's remit, I'm sorry but we don't accept that at all. Because it is in the public interest. Consumer protection is in the public interest.

Paul Diaz: Okay, thank you, Lori. The queue's getting bigger. I have Jay, Jordyn, Stacey, Marc, Jon and Rubens. And we're halfway through our time, folks. So I'd ask if we can keep the comments rolling.

Jay Westerdahl: Yeah, just - I mean as a registry myself, I mean, I read the language and I think it applies to due process of law. I know there is a lot of passionate things out in the world that we should be policing, but that's not our job. We're registries. And if the courts hand us an order that says this is what we've ordered, we'll do it.

I just don't see how it relates to us other than, you know, allowing for due process. And any step beyond that, you're asking for something beyond due process of the law. I think it's just - it's outside of numbering, and it's outside of names. And I don't think ICANN should be setting up, you know, some kind of court system outside of the courts.

Paul Diaz: Okay. Jordyn?

Jordyn Buchanan: Thanks, Paul. Jordyn Buchanan from Google for the record. I like the spirit that Greg tried to latch onto earlier which is like how do we focus on places where we can work together? I think that is really helpful.

And thanks for acknowledging that even though perhaps you are – the (unintelligible) letter was not an IPC vehicle that it is still relevant to the conversation.

You were a little frustrated earlier when people were saying, oh that is not an IPC letter. It doesn't really matter if the people sending it are in the room. Like we are all just talking to each other right now.

It doesn't have to be a formal registry stakeholder group versus IPC dialogue. It is a registry versus intellectual property sort of community discussion I think will be the most productive way to tackle it.

I do think where I also sort of really thought the initiative about not talking as much about rights as much trying to get to the sort of best interest of the public is probably a really useful way to frame these discussions.

I think part of the reasons why registries tend to try to look at the ICANN function really narrowly because it all does become right. And the sort of collaborative arrangements that like donuts that Steve referred to donuts doing with some copyright issues and so on.

Those are hard to do in the ICANN framework because everything gets sort of locked down into this contractual language and we (unintelligible) what it means like we have here and so on.

And so I find that when we are working collaboratively it works a lot better. And I think a good example of this just to reflect back on where we get frustrated. I have no self-interest here that I am going to talk about GLTDs.

We don't have any GLTDs. We are not associated with them at all. But we spent quite a bit of time talking with representatives from IPC early on about whether we can figure out a practice by which GLTDs could take names like subway.nyc or corona.nyc or whatever airport.berlin or something like that.

And have those be allocated to city authorities or municipal – probably what people would think if you saw subway.nyc. You probably think oh I am going to go on a train not necessarily sandwich shop even though.

And so we really got nowhere I think when we tried to talk with the IPC. Because this notion of rights kept coming up (unintelligible). We got this agreement into the guidebook and we are just not going to let it go.

Somehow we need to figure out how to be more collaborative on issues like that and give and take and just like registries want to step up and want to make sure that we are helping protect brands and avoid abuse within our ??

I think we have got to make sure that there is give and take on the other side as well when it is appropriate.

Paul Diaz: Thank you Jordyn. Stacey?

Stacey King: Stacey King, Amazon Registry Services. I think one of the things that is coming up and Liz got to this quite a bit. We clearly have potentially different interpretations for this clause.

And before we can talk about compliance with a big C or small C. And before we can say this entity has cooperated and therefore is complying and this entity isn't maybe cooperating and defining what cooperation means because that is a different discussion.

I think we really have to try and come to some understanding of what this clause means. Otherwise we are all going to have different interpretations and we are all going to point fingers at each other and it is really going to get us nowhere.

So maybe we figure out a mechanism and it will clearly take beyond the session to really come to a common understand of what this means and the interpretations when it was drafted.

Paul Diaz: Thank you Stacey. I see you want to get back in Laurie but we have got big queue. Going to move to Marc.

Mark Trachtenberg: Marc Trachtenberg for the IPC. First I believe the holiday Greg was referring to was Festivus for the record.

Second, you know when we talk about due process rights, you know, due process really involves people's interactions with the government. Here we are talking about private agreements. You know registrants enter into a private agreement with the registrar who is in a private agreement with the registry.

And so, you know, ideally we all talk about these idealistic due process rights. But you know I don't know really to what extent? Even at least from a legal perspective due process comes into play here. There is no government involvement.

Going beyond that, you know, I do agree that one of the big problems is we don't know what this cause means? Like every clause in the agreements that ICANN has it is very unclear. That is kind of the standard operating procedure. So I don't know what it means either but it has got to mean something.

It can't just mean you have to put this provision into a contract because that is pointless. To have to put a provision into a contract you are not going to enforce, you know, has no meaning. And to just have the clause mean that a registry operator or registrar, you know, has to comply with a court order that is meaningless also.

I mean clearly the registry operator has to comply with the court order. So why would you have this provision that just says that? So again I don't know what it means. But it has to mean something. And I agree with you (Stacy). We need to get to a point where we can figure out, you know, what everyone agrees that means. Whether that is right or not.

And that, you know, I think is aligned with what other people are saying. Is that there has to be some sort of, you know, common alignment and cooperation in working together.

Because ICANN is not going to help us so we all need to help each other and just try to figure out some sort of efficient, you know, workable process that everyone can somehow agree on.

Paul Diaz: Thank you (Mark). Back to Jon.

Jon Nevett: Thanks (Paul). Jon Nevett. I think we all know what it means right? We might not like what it says. We might not agree with what it says. We might want to advocate for a change. But I think we know what it means.

And what we want to do – some of us want to do is go beyond that. We want to work with you all to go beyond that and do certain things. A lot of us are working on the healthy domains initiative. A lot of us are working on other initiatives. The registrars are working various best practices as well.

We want to be aspirational. And I think the frustration is certainly from my perspective is when you are looking at our contracts and you are looking at Compliance with a capital C. And you are looking at enforcement and you are looking at oh we can take your registry away.

Registrars and registries are going to kind of retrench a little and they are not going to be aspirational. So for folks to argue that this says something that it

doesn't as a mandatory obligation on registry and registrars' behalf registries in this case is tough to swallow for some of us.

Whereas as we want to say, all right here is the baseline. Here is what we have to do. Now let's talk together about what we can do together to help solve a problem.

And when we have an argument over what something that is – again clear to me but some people may not like and they try to argue it says something that it doesn't. It is kind of a breach of trust to me.

And it makes harder for those of us who want to do more to get other people to follow us to do more. And that is the concern and the frustration I think you are hearing in the room.

Paul Diaz: Thank you Jon well put. Plus one. Rubens?

Rubens Kuhl: Rubens Kuhl... I would just like to remind everyone that while we are here discussing domain registrations at GTLDs most of the abuse or trademark abuse (unintelligible) is occurring at hosted Web sites which are outside of what this industry does.

And even these (unintelligible) doesn't include ccTLDs which operate in their own capacity. So everything we try here we have a very limited scope and won't address where the issues are recurring. The fact that we are discussing this here is like there is no global license to be a hosting provider.

So there is no way to attack that. So because there is a global license to have the generic domains that is why we are discussing this.

But even if we could magically make everything disappear from GTLD domains it would occur at other domains. It would (unintelligible) Web site with no domain names at all addressed by numeric IP addresses.

And all this would keep happening. So this discussion is somewhat (unintelligible) to the actual fight that is going on for the (unintelligible). So let's try not put appearances first. Let's try to do something that really achieves something.

Paul Diaz: Thank you Rubens. Back to Greg.

Greg Shatan: Thanks. Kind of respond to some of the things I have heard. First, Jon I agree with what you say and I think that if you somebody were to start a conversation with me that they are going to seek to have me disbarred that I would probably not be all warm and fuzzy like I usually am.

So that is why I try to emphasize common understandings on small C compliance as opposed to, you know, adjudicating (unintelligible) gaps through Big C compliance where possible. That itself is a form of I think due process.

And I think the emphasis on due process meaning only a court order I think is both narrow and misplaced. Again I think as a transactional attorney in my day job so I deal with issues where one part of the contract sometimes even my client is not complying.

And if I were tell the counterparty every time they said, we think you are not complying with the contract. If I told them to go sue me that also is not a very helpful way to have a dialogue about whether the contract is being complied with.

And there is no requirement in any contract that you sue somebody in order to have a conversation about whether the contract is not being complied with. So I think kind of this so sue me thing is not also a very good thing although potentially would enrich many of my colleagues who do go to court as well.

But I don't think anybody here wants every single thing here to be adjudicated here in court. You know costs will rise and all sorts of things will go down.

In terms of what Rubens said, you know this is not the only conversation. And I would certainly say as somebody who does deal not in court but otherwise in terms of abuse and infringement issues we approach every aspect of it.

We approach the registrant. We approach the Web host. We approach the registrar. We approach the registry. We may deal with law enforcement, you know, national or international depending upon what the abuse is.

And we deal with what goes on in the legacy TLDs. So the focus here is only – it is in part because we are all kind of in this new GTLD, you know, bubble to some extent. That is kind of what is right in front of us.

And of course you know one reason relatively little abuse is occurring the new GTLDs is because relatively little, you know, few domain names are registered there relative to those registered in dot com. I am sure everyone in this room hopes that changes. Indeed is betting on it.

So, you know, we are dealing now with the world as it is going to be not just the world as it is. So I think the last thing I would say in terms of kind of Step 4 because we are not going to solve all the problems of the world even our own in the next 10 minutes.

Is maybe a smaller group of us can get together and talk about common understandings. Because Jon I don't think we actually really have a common understanding of what this says and what its implications are.

And I think each party – there may be a number of understandings and maybe misunderstandings about what the other side's understandings are. So I think rather than any of us think that we have got the answer. If we were all thinking that we all have the same answer we would be eating lunch.

So I think we should get that group together and you know kind of try to hash this out in ways that we can kind of come to an understanding which I think will be helpful.

As I say, it may not be the answer everybody loves but at least it will be an answer that we can try to promulgate and see if more people can live with. And just like in any situation if you can get the center to hold the fringe gets more clearly defined as the fringe. Thanks.

Paul Diaz: Thank you Greg. Registries will definitely take you up on the offer for a small group to sort through. I have got two more in the queue and we have got about five minutes. Ellen you are first. Jordyn then and anybody else? And Paul. Okay and that will be it.

Ellen Shankman: Thank you. Ellen Shankman IPC. I am fascinated by this discussion because what I am hearing that is coming up to pick up from Jon's point but also Jordyn and Stacey and Lori and over here.

How do you think a conversation that goes really to a question of establishing trust with business models? And what is it that will take because part of it is consumer trust which is one piece of the thing.

But the other that you talked about Jon I think is true is how do you establish trust in these conversations? Because you really don't have – and I think the concept of trust and the concept of business models are by definition a little bit difficult to reconcile.

But I think the question and whether it is in a small group of best practices whatever is I think for people to be able to identify what would help establish that trust? And then within my business model how much of what you need from my trust can I give? And I think that that might be a helpful way forward.

Paul Diaz: Thanks Ellen. Jordyn.

Jordyn Buchanan: So speaking of trust I guess. I was just struck by in looking at this and hearing Greg say, well we don't see that much abuse in the new GTLDs. And I thought why are we talking about this?

Greg Shatan: That is not what I said. I said relative to, you know, in terms of sheer numbers.

Jordyn Buchanan: Sure that is fine.

Greg Shatan: Not in terms of – in terms of percentages it may actually be quite different but I know that is not (unintelligible).

Jordyn Buchanan: What I heard from Laurie was that of sort of it sounded like real problems that brand owners were having with the launch of new GTLDs like as they exist today.

And what you are talking about is we are a little worried in the future we might have problems related to this. And it just seems like why are we focusing on – like why are we, why are you focusing our energy on this part of the agreement?

When you have got I think in my mind maybe not all of the - I am – to be clear I am not speaking on behalf the registered stakeholder group.

Just my mind I think, you know, some legitimate grievances in terms of how some TLDs may have launched and how they have handled the allocation of brands and so on.

I think that is a rich area where you can have a lot of really productive and interesting conversations because it is grounded in actual facts and actual problems that we are seeing today.

Whereas, you know, I have been seeing any real evidence that the new GTLDs are particularly more problematic than any other TLDs in terms of other types of abuse.

And so why spend our time focusing on that when you have got I think a real nexus of conversation where we can spend our time.

Paul Diaz: Okay Paul .

Paul McGrady: It looked like Steve wanted to respond. No? Okay. So we are all in the backseat of the car and we are touching each other and it is hot and we don't know how long it is going to be until we get to Disney World.

I wonder if before we go here today so that, you know, our parents ICANN don't have to turn this car around any second now. If we could set a date certain where each of us will nominate a small group to have this conversation.

That we will hear from each other and that we will begin the conversation informally which might provide a bit of event so that we don't continue necessarily you know nasty letters and all this other stuff.

And so if we can maybe before we go can we commit to a number of people on each side to chat. Chat group and a date certainly we can do that so we don't lose the momentum here.

It has been good to air the grievances but I would like to get to the process about how to deal with it. Thanks.

Jeff Neuman: Just to respond briefly to Paul. I think maybe if we say July 15 which is a Friday in two weeks from this Friday it might be a reasonable amount of time to come up with a team.

And just to respond briefly to Jordyn I think that in any meeting that is short you are going to end up kind of over focusing on something and it is usually the thing that got put in front of you by circumstance.

So that is I think while I wouldn't say that there is no issue around this. I do agree that all the other things that Laurie brought up and that we didn't actually spend a lot of time talking about are a significant set of concerns.

If we had another 45 minutes we would probably stop talking about this and talk about those. And if we had another 45 minutes about that we would probably talk about those and not talk about this so anymore.

Jordyn Buchanan: Sure but I guess my point is we do have finite time right? And so we are about to convene a group to talk about this thing that I think is much less important and much less to the heart of your concerns than other things that we can be convening in groups to talk about.

And so I just wonder we don't have to – we are obviously not going to get to it here but we should figure out ways to continue this dialogue. And we should figure out ways to find the places where it is going to be most productive and helpful as opposed to just like oh this is the thing we are angry about because some letters flew by last week.

Jeff Neuman: I think broader dialogue is really ultimately is the point. I think if we just – taking one thing I think is not the end of finding groups or ways to communicate. And so I think we try this as kind of an aspect. Maybe not the most important aspect but I think we should see about using this approach for other things.

Not necessarily put this thing to the side because there are concerns there but you know this is not indicative of the biggest issue but just one that is kind of here.

So I don't think doing this excludes the kind of, you know, approaching larger issues and ultimately finding as I say fruitful coordination.

Paul Diaz: Okay we are at our time and some of the registrars are already here. I know the IPC just rolls into the next group.

To close out those we have put the 15th for the date given the number of heads that were nodding about expressed interest. I think we could have as large or as small as a group we want. Do we want to put a limit? And if so, what is the number from each side to continue the dialogue?

Or should we just have it open to those that are available and keep the discussions going?

Jeff Neuman: One suggestion. Do you think it would make sense to put together two groups? One to talk about this and then another to talk about new, you know, about registry rollout issues? That way maybe people assign themselves to one or the other and we are not going to have so big a group for the one.

And also answer Jordyn's questions about kind of over focusing on one of the list as opposed to more. Just a thought.

Jon Nevett: Two things. Why don't we start small and just do one group and if we need two groups or five we can do that.

Secondly, we need a really cool acronym or else it is not going to work.

Man: Goran said no acronyms anymore.

Jordyn Buchanan: If we are doing one group is the notion that it is just to tackle this? Because I have zero interest in talking about this issue. I am not going to spend any time on it.

I would love to have a dialogue about talking about some of the rollout issues and so on, you know, broader issues. But if it is just going to be targeted talking about this I am not going to join.

Jon Nevett: I was just going to say maybe the group's charter would be to identify a short list of issues for future dialogue. And I would suggest July 15th and let's say seven on each side roughly.

Paul Diaz: Fair enough. Sounds good. We were all going to agree with you. Let's identify the list of issues with a small group.

And obviously those who are participating the chairs will communicate regularly with everybody to keep everybody up to date.

All right everybody. Thank you for the time. And it is a good start. A good outcome of Policy B.

Greg Shatan: Thank you all.

END