

Working Group to Protect the Rights of Others (PRO) teleconference 17 April 2007

Note: The following is the output of transcribing from an audio recording of the Working Group to Protect the Rights of Others (PRO) teleconference on 17 April 2007. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. The transcription has not been corrected for language accuracy, nor for correctness of spelling, etc. and in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. This decision was made by the Chair, in the interest of efficiency. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio recording is available at:

<http://gns0-audio.icann.org/pro-wg-20070417.mp3>

<http://gns0.icann.org/calendar/#apr>

Attendance:

Kristina Rosette - IPC Chair of the working group
Mike Rodenbaugh - CBUC co-chair
Alistair Dixon - CBUC
Peter Olson - IPC
Lance Griffin - IPC
Kelly Smith - IPC
Tim Ruiz - Registrar c.
Jon Nevett - Registrar c.
Margie Milam - Registrar c.
David Maher - gTLD Registries c.
Edmon Chung - gTLD Registries c.
Jon Bing - Nominating Committee appointee to the GNSO Council
Avri Doria - Nominating Committee appointee to the GNSO Council
Eun-Joo Min - WIPO

ICANN Staff:

Liz Williams - Senior Policy Counsellor
Glen de Saint Géry - GNSO Secretariat

Absent - apologies:

Jeff Neuman - gTLD Registries c.

Coordinator: Thank you all for standing by.

At this time, I would like to inform you that today's call is being recorded. You may disconnect if you have any objections.

You may now begin.

Kristina: Excellent, thank you.

Glen, would you be so kind just to take roll.

Glen de Saint Géry: Certainly Kristina.

We have on the phone, yourself, the chair, (Mark Rondenbaugh), who's the vice chair, (David Maher) Ry c, Nominating Committee, (Lance Griffin), (IPC), (Edmond Chung), Registry Constituency, and Avri Doria, Nominating Committee, and (staff), we have got Liz Williams and myself.

Kristina: Excellent. Welcome everyone.

One of the things that I thought it would be a good idea to do is in that I have just (what's in) the calendar in the past few days and realize where we are in our timeframe was to talk about what it is we still need to do and what we need to do (unintelligible) that our final report is due on the seventh.

And to that end, I have identified four key areas.

The first would be to document the protection that have been (afforded thus far). The second is to identify, and I'm pulling this directly from (statement of work).

I just - I found that these mechanisms (were intended to solve) and although it's not specifically identified in the statement of work, I think it only makes sense that we offer or identify those that they (made).

Finally - third, decide whether or not to recommend a best practices approach. And fourth, if so, what that is.

I realized that's kind of a very broad brush but within the confines of what it is that the statement of work has outlined for us, is there anything that anyone believes is significant stuff?

(The silence)...

(Kelly Smith): Kristina, it's (Kelly Smith) joining. Sorry I'm late.

Kristina: Okay. Hi (Kelly).

And we've had - sorry - we've announced them already.

Liz Willaims: And Kristina, it's Liz When the rest of the group (starts) then I'll write something in here.

Kristina: All right.

Woman: That was as if no - well, it sounds as if no one is going to speak with.

Woman: It looks too.

Woman: A couple of things. One is I - timeframe too and I'm very concerned about it. It must be because I have to put all the pieces together for the new TLD report.

And I wondered if it wasn't sensible to go straight to the best practices approach and I'm happy to have the group (help) me down on this one.

But I thought that the most sensible thing to do was to have a series of tables on the left - imagining on the left, the existing - the context of this - within the context of the new TLD recommendations.

On the left hand side has the 20 recommendations which are going to spend. And to the file - the principle to that, whatever - principles middle, the existing recommendations and right-hand side, the implementation guidelines.

And I would suggest, if the group likes, that we would establish (if such) what's going to be practical. We have a best practices guideline draft table and I have no idea whether it's going to work for you.

There was an adjunct to existing methods already being done; because it's very, very important to have the context right. And I'm concerned that the group is not going to be able to - even the - just the conversations about the surveys alone - decision about what might be a best practices guideline, a policy recommendation but you may well be able to come up with some best practices guideline.

So for example, high level principles about protection to the rights of others, about existing rights, about - descriptions about existing rights,

and then propose some solutions about that. Because that's perhaps the best way I can see as the group moving forward quite quickly.

And that's the two-page summary.

Woman: Well, here's - I think that's a great idea. I guess what I'm - just been trying to draw this out is that there are a number of principles and existing recommendations - guidelines that frankly aren't relevant to us.

Woman: Absolutely.

Woman: Okay, all right.

Woman: Absolutely.

Woman: I just want to make sure...

((Crosstalk))

Woman: There is no doubt about that.

Woman: Okay.

Woman: So for example, if you had three charts, imagine three column - principle recommendations, implementation guidelines, you could say Principle 7, Recommendation 6 and Implementation Guideline 21 to 23. They are the ones that this group will address with respect to best practice guideline; nothing further than that.

Remembering also that we just had to get (call) and there were some quite interesting pieces - principles that might be of assistance to this group too.

Woman: Right.

I think that's a good idea. Structurally, I think, part of the problem is that I would imagine that there's a number of people on this call who have never seen, you know, those guidelines at all.

Woman: I got the roll here.

(Lance) is the only one - unless I've got the roll call wrong (that wouldn't have) - and (Lance) is there anything I can do to help you with that?

Woman: And (Kelly) I believe.

Woman: Sorry, I didn't hear (Kelly's) voice, is that.

(Peter Olsen): (Peter Olsen) is here now as well. I'm sorry I'm late.

Woman: And (Peter Olsen). Okay.

Woman: (Great).

Woman: So there's a group then that - without being rude Kristina, there's a group that ought to know about the context of the work because that's why they're volunteering for the group - for the work.

But it would be helpful if I just send the executive summary of the - report which included the principles, the recommendations and the guidelines, as I sent.

Kristina: That would be fine.

Woman: Okay, cool.

Kristina: And I would be - I would love to move on to that.

I guess I just want to raise two points before we move away from the document - each section's point.

First, there are several summaries that are still (out) - and as much as I would hate to have a report that excludes them, we're going to get to the point where we have no choice.

Second, I would just make a - of those on the call. I know that we have talked about making this reaching out to registry personnel to - answer any questions, make some clarification, is there anybody on the call now who has had success in doing that - in terms of dates (gotten) and context (back), they've gotten a response, they've at least started some kind of dialogue.

All right, so that's still outstanding - touch base I guess, (unintelligible) about, whether we can consolidate that at all.

The third thing would be that in terms of identifying the problems intended to solve and those created, those of you who are an issues

project team would - I'm going to give (Margie) - she's having that - I'm going to give her...

(Margie): (I'm on the call).

Kristina: Oh, hi...

(Margie): Hi, sorry.

Kristina: I'm going to - (Margie), I'll give you offline the email addresses of the people on your project team and I think what would be a really good idea, at least how I see it would be to kind of start off by giving (up the work) in terms of one person who's responsible for the document patient, the ICANN-related document patient really up to the introduction (list), in other words, what problems were these intended to solve and then - the remaining group on a - concept report which I think has been posted as well as to kind of strategies report because I think it would be inappropriate to, you know, to report, to identify these issues in terms of those solved and those created without referring back to those.

But that would be something that I would suggest that you coordinate with folks off line and to get involved, that I'm happy to do so.

In the meantime, does everybody - has everybody received the summary (that we're sending)? Or have their most recent gTLD report up?

Liz, this is also available on a - I'm just trying to think the easiest way to get to it on the ICANN site, (the topics).

Liz Williams: Sorry Kristina, I heard you speaking to me. Could you just repeat what you said? I have to be on silent mode because it's currently dinner time and...

Kristina: Sure.

Liz Williams: ...time so I'm muting the phone so you don't have to have the interruption - telling me that she's going to - my book.

Kristina: All right.

For those of you who don't - who have not - the current draft, final report (for new gTLD), I think the easiest way to get to it, if it hasn't (hopped up) from Liz yet is to go to the ICANN site -- icann.org.

Once you're there...

Woman: Now, I'll do it...

Kristina: Okay.

Woman: ...I can just do it in about three seconds.

Kristina: Okay.

Woman: And I'll just send it to - and I've got the (list) - (TJ, Kelly, Lance) and - (Margie), do you have access to the (gTLD) report, have you seen it?

(Margie): I don't know if I have.

Woman: Okay, fine.

In that case, those four people, and I'll just do that right now.

Woman: All right.

Woman: Otherwise, (Jeff) probably, he's doing that. If you go to the GNSO site and on the menu side on the left, you go down to current draft document and you'll find all the reports and the current draft document.

The URL is <http://gnso.icann.org/draft/>

Woman: ...whole group.

Woman: Right.

Kristina: And I know that based on some of the comments that there's been - sorry - completely overtaking my headache.

I think we need to think a little bit more - about best practices in the sense that - for example, I know that some people - if not on to list that, you know, there's no way we can have one - apply to every TLD.

I personally couldn't agree more, but it doesn't mean that you can't kind of drill down and say for example that if you are going to have the business - these are three models that you should view and in implementing them, these are the three things too that will make your life easier as well as the lives of everyone involved and we'll keep -

and I think certainly we can do that, I think going along with this recommendation, the recommendations and the principle, I think...

(Kim): Hi Kristina, (unintelligible).

Kristina: Oh hi (Kim).

And (Kim), just to kind of bring you up to speed, we are looking at the new gTLD report in terms of trying to identify the principles and recommendations and implementation guidelines that we need - dealing with in our best practices recommendation.

Have you previously have that report?

(Kim): I haven't looked at it (weekly) - so if there's a new one this week, I haven't seen it.

Kristina: Okay. No, there is not.

((Crosstalk))

Kristina: All right.

(Kim): I just had a comment on that is just...

Kristina: Sure, go ahead.

(Kim): Okay.

I'm wondering -I mean, I'm not sure I agree with you Kristina, that we can get down to - here are the three that you should (need if you do it).

I can't imagine that you can foresee what (TLD) will be applied for, what their intended uses might be and another thing that - about claiming something best practices is that it implies that not complying - there's a negative connotation.

I mean maybe explicitly we'll give them a reason why - at least in my opinion, why - not to do - a new summarized process. And so I guess based from my perspective, you know, I think it should be up to the individual registry and what I would prefer to see is that - that we recommend suggested guidelines registry that's used (importantly) for nice processes.

But again, leaving a more flexible (agreement) is - and hardly determine going forward what kind of TLD, what those registries (unintelligible).

Woman: I mean, we could certainly frame it that way.

And I think one of the things that may come out as, you know, once we've got all the summaries, we may be able to draw, you know, season patterns there, not only in terms of what people has done in terms of across the board but also are the consistent, you know, problems that these have created, you know, for - and kind of do it in that context.

So it's part of the reasons and I've been really - on getting a summary done so really because if we don't have the whole puzzle, and

particularly we're missing the - piece, you know, I think it's hard to go ahead and do that.

But I think looking at this principle, does everybody have this in front of them at the moment.

Woman: Yes, I do.

Woman: All right.

It would seem to me, so I'm not really quite sure how you would even - so Principle 1, I mean, Principle 2 I think has been pretty clearly A, beyond the scope of this group.

So, Principle 3, and again, I mean, these are just my comments, looking at them, putting them in context - work so anyone who disagrees...

You know, and maybe the better way to go is to just say, you know, "These are the principles that are kind of - that are the general guidelines, (that the forum agency) recommendation guideline."

So Liz, the way you were envisioning this - were you envisioning kind of starting from the guidelines or starting from the recommendation?

Liz Williams: I concur with (Kim's) view about possibility of best practice guidelines in the assumptions and if you don't do it a particular way, then there are some judgment about the registry.

So I had sort of representing quite graphically something that the group could come up with. That was - and I'm sorry - I wish I had white board in front and we're all in one room and I could represent it on a white board.

But if you imagined a big lot of principles, a middle lot of recommendations, and a middle - and a next lot of implementation guidelines, I would be just highlighting in blue and in red - in blue, and in blue, and in blue across the chain and then - so look, we've got this principle, we've got this recommendation, we have this implementation guideline, these are what we would recommend our reasonable ways to approach - work.

Kristina: Right.

And I apologize - and maybe I should (refer) - I completely agree with you. And I'm using best practices simply - within the statement of work.

And perhaps, one thing that we should set out early on in the report is that, you know, as a working group, if this is - we came - there was consensus that best practices with terminology that did not believe with (constructive) and instead we proposed blank, whatever it is that we propose.

And I agree, I mean, you know, suggestions, recommendations that, you know, we can decide later what - frankly, if anybody has a strong feelings one way or another they can start a dialogue on the list.

But I do agree, because I think - I mean, I'm just being realistic as to what will happen if we know, but anyway. Sorry Liz, go ahead.

Woman: Kristina, may I - if no one else has a comment, may I just add something else too, please.

Kristina: Sure.

Yeah, go ahead.

Woman: Yes.

One of the things that I was concerned about is we made the - I'll call (Kim's) statement a caveat statement. And we - just - I want to just go back instead about the implementation plan and what kind of applications for new TLD strings we'd expect?

We have no idea, except beyond the most general terms of what we think people are coming up with. I have some ideas - potentially applicants - people have come to me and said, what are you liking about - it should get out of the line - the line because I don't know.

But what I do say is that no single one application that I'm - a potential application, a potential (stream) that I know about, (fit) in the same basket as any other one.

So I would be very reluctant to propose a one-size (support) solution. Now, I think that's - maybe addresses (Kim's) concern.

Not only that, the practicality (solve) the committee, I doubt that the committee, and I'm - because some of the people on the call here are not members of the committee, I doubt that the committee will accept

blanket recommendations that have contractual conditions, obligations upon new applicants for an imposition of a system which requires any kind of guideline to be implemented as a matter of course.

I just don't think that practically that is going to happen.

(Peter Olsen): This is (Peter) - I've been silent for a while. What I really think that - if we have to nail on the head with this one, it would be adopted by most if not all registries that come if we do this right...

Woman: Exactly (Peter).

(Peter Olsen): ...because it will be such a great - it will be a great thing. And then hopefully, it would be either contractually or de facto part of the way we do things in the future. Because I think - what I've been become aware of is that the - real bare for a lot of people, everybody, no one likes it.

Woman: (Peter), can I just ask a clarifying question (there)?

You said something about, if I heard you correctly - if we hit the nail on the head (with you), all the registry operators would adopt it as a de facto stand, is that - did I hear that correctly?

(Peter Olsen): Yeah.

Woman: Okay.

So going from there, (that shows) to me that this is not mandatory requirement for applicants, if I just extrapolate what you just said. It's a

way of a service offering for a new TLD operator to say, "This is how we'll handle a legitimate right to existing right holders, for example."

Now, that could well be a competitive advantage in an application process, if you describe it that way. But it - I would struggle with thinking that it would become a mandatory part of an RFP because I just can't see that happening.

But I'm thinking what you're...

((Crosstalk))

Man: ...the ICANN mechanisms. What I'm talking about is that - that if we get a good (summarized) or a - mechanism that works, I think people will use it. I think that's what our goal has to be.

I think that the last one - or the last two (.mobi) and (.eu) certainly (.eu) was - I consider a failure, (.mobi) did it better but it wasn't perfect, you know, if we get this right, I think that going forward, it will be a document.

Woman: Great.

And that's the whole idea. In other words, if you are going to do something, these are our suggestion as to possible mechanisms might want to consider. And for example, one aspect of that mechanism requires or anticipates the validation or verification of a claimed (prior right), here are ways that you might want to think about going through it. So it's not - I've never envisioned this as mandatory...

It's just more - if you are going to do this, these are some ways you might want to think about doing it.

And it may well be that (phrased that way) we can all agree on something, which I think would be fabulous.

(Kim): Yes, this is (Kim). And I agree, I think, if we can frame it that way that...

Kristina: Yeah, and I apologize - to make clear from the beginning. That's what I meant. I don't think there's any way that - I mean, frankly, I don't think even among the (IPC) members on this call that you would get a consensus which we've done.

So I certainly don't expect the working group let alone the council to come up with something that would be a one-side that all or - even, you know, a mandatory because I don't think that's a practical matter that will fly.

But I think what we need to do is say, if you were going to do this, I mean, exactly what, you know, we've all been saying, if you're going to do it and you're going to do A, B, and C, here are some ways to think about it, and I think kind of going from the recommendations and the guidelines is a good way to put that into context.

Woman: Can I have a question, if you wouldn't mind Kristina?

Kristina: Sure.

Woman: Who's writing this?

Kristina: Well, which part of it?

Woman: Well, what - I just think that this group has just made a spectacular leap into practical, sensible ways of providing advice to potential applicants, a really, really positive leap.

If - this comes to me like a little exercise in real value add to the - from the work of the group into the actual process - policy development process.

And I would suggest following the theme that (Peter) has described, I think, to use (Peter's) words, he said - was complete failure - did it better, but (Peter), frankly, I really want to know what - was a failure. And so that becomes a - that says, this is a bloody disaster, we'll never do this again. We suggest we do it this way and - approach is to do it this way and this way and this way.

Now, that's excellent, that's great stuff. But it needs to be written by those who are experts on it. And I'm not speaking to - any responsibility, but it is not to my area of expertise to write these best practice guidelines.

((Crosstalk))

Woman: So I'll be looking to the group to knuckle down and say, "Right, well, if this was to get - to go ahead from the committee, on the basis of the principles, on the basis of the work that you've done, on the basis of the summaries about all of the introduction of new TLDs in the

previous round, then that's a fine piece of work, but it really requires some significant (tracking) to be done.

Woman: Well, I think probably the best way to do it is to go about, I mean, once we can kind of talk - go across the recommendations and guidelines that people need start putting ideas for it.

I know I have ideas, I know - has ideas and I think we need to kind of, you know, float them and say, you know - and lay it out in the framework that we've been talking about in terms of trying to identify - our preferences.

You know, for example, one of the things that - well (Peter), I don't want to - but in terms of the, you know, the validation verification, I mean, one thing that (Peter) has come up with is - go ahead (Peter).

(Peter Olsen): Are we talking about this mainstream...

Woman: The centralized.

(Peter Olsen): (Unintelligible) with the - sorry Kristina.

Kristina: No, one of the things that (Peter) came up with...

(Peter Olsen): Go ahead, you go ahead...

Kristina: ...was that, you know, if we're going to have various mechanisms, all of which are going to rely on (prior right) then why not just make it once and for all, let's have a centralized database. Let's outsource this to somebody who can run it for ICANN, it could be - like even a revenue-

generating effort, the registrars don't have to bother with it, the registries don't have to bother with it.

And it's incumbent on each potential, you know, (prior rights) owner to, you know, submit the documentation that's required to substantiate each right to claim that.

And you would have ongoing obligation to maintain that as current and you would never get in to the whole situation of having to - again, you know, and I don't want us to get - to talk about that right now. But, you know, that is one thing that frankly could apply no matter what mechanism you decide to go with.

Man: Uh-huh.

Kristina: But anyway.

Man: Very good idea.

Man: Yes, we got - we have a - quite a few of them where we take into consideration the registry interest in keeping cost down and not selling the trademark owners that they don't want.

Man: Hello.

Woman: So does everyone think it would be a good idea to start kind of on the list, you know, (floating) these ideas around rather than, and you know, so that we can comment on them constructively, you know, in between meetings?

You know, I really think we have to personally because I just don't see how it's going to get done unless everybody wants to be on the (phone) - I don't want to be on the (phone) - for that.

(Margie): Yeah, this is (Margie). I agree. I think it would be good to start flashing out some of these proposals and seeing what, you know, what the - on the list. I think that'll be really useful.

(Kim): This is (Kim). I agree with you.

Kristina: All right.

Let's go to it. I mean...

But Liz, do you think it would be a good idea to go through these recommendations for the guidelines? I don't know which you think will be the best way to go forward.

Liz Williams: I think it would be really helpful to just (do it).

And actually, if you like Kristina, I can do it quite quickly because I'm so familiar with it. If everybody is on line then that's great; is there any one not on line at the same time?

(Peter Olsen): Yes, I'm having trouble here for some reason. I don't know what it is but I'm not online.

Liz Williams: Okay.

So (Peter), I'll just step through quite slowly for you then. If everyone else is looking at the document on the PDF version of the draft final report which I just sent around.

This document was developed prior to (Lucent) so an excruciating set of meetings took place during the (Lucent) week of meetings.

And so I'm now currently updating report and as we speak to include the finalized - principles which would fit in to the principle section.

That's - the ones that I - in other words it is being taken - that has taken place over the (Lucent) meeting.

If you refer to the principle section which is on Page - let me see - let me - can I find (Jose's) - no darling, I cannot find (Jose's) - okay.

Principles - in conference call - principle side is really, really important. Principle 4 and 5 is about technical criteria are really important.

Just wait one second.

Principle 5 is - Principle 4 and 5 are really important and Principle 6 about operational criteria, what's going to happen with those kinds of things. We - if you were to think about these in terms of stability and security issues which are the primary goal for ICANN to introduce the top-level demand, and then these four - these three things are going to be the ones that would be sensible to say, look, what kind of instability exist when there's - when there's fourth registrations, when there is this, when there is that. So that's the first thing.

The second thing, of course, is Recommendation 2, and Recommendation 2 is the anchor around which I think you should discuss - any guideline and Recommendation 3 about very, very clear (unintelligible) of others.

Woman: These are not supposed to be - this is, you know - this is beyond our scope.

Man: Right - talking about...

Woman: No, this isn't beyond your scope. This is the context for the work.

So for example, the work - within a framework of existing principles, recommendations, and implementation guidelines, if you look - if you apply a filter to what you want to do, then for example, you are writing perspective guideline, and let's use that general term for the sake of brevity.

Then you would have to say, considering Principle 1, considering Recommendation 2, 3, and 4 and 5, then our recommendation would be to do X, Y, and Z.

Man: And I just think we're confusing things. We're - what we've been talking about mostly is...

Woman: Second level...

Man: ...second level registration and these recommendations are top level and - resolution processes...

Woman: Sorry (Mike), I understand what you're saying, but I'm providing an example for existing principle, existing recommendation...

Woman: (Oh, that's what you're saying, okay, got it).

Woman: ...existing implementation guideline.

Man: So we need - what you're saying is we need new - another principle or at least another recommendation anyway that covers our work?

Woman: I would - yes...

Man: Yes...

Woman: ...that would be helpful because - that would be helpful. But if you can't get agreement either between in this group or you don't think you're going to get agreement at committee level, then I suggest that you stick with respective guidelines and say, recognizing the principle and also recognizing the (GAC) principle which are really, really important, that I sent those around to the group last week, recognizing the existing recommendation that the committee have come up with, recognizing, you know, whereas, whereas, whereas, we would suggest that in the context of protecting the rights of others, this is what we should do. So it's a logic tree.

Man: (Okay).

Woman: (Yeah)?

Now, you might not come up with a new Recommendation 7 or a new Recommendation 21 or a new Recommendation whatever in the context of a new TLD report, but you can absolutely say that in the context of the final report for this group we look at this, we review this, we review that, we do (unintelligible) and the end of that coming up with a guideline that says, "This is how we ought to approach this particular problem to solve this particular issue, and this is the appropriate tool."

(John): Hi Kristina, it's (John) - I just want to let you know I joined.

Kristina: Hi (John), how are you?

(John): (Good).

Woman: Is that generally clear? And of course, Recommendation 12 on dispute resolution and challenge processes is really important, that need to be established prior to the start of the process.

There is no doubt that if I applied for .Microsoft, the (prior right) might have a problem with that. And there would be an existing process that would deal with that problem that it wouldn't deal with issues of (.ADC), allowing Microsoft to be (ready) for the second level.

Man: I mean, I think we have a recommendation, at least there's a (GAC) principle. I think there's also an overall principle somewhere I thought there was about requiring registries to somehow limit "need" for defensive registration.

Woman: That's (GAC), I think.

Woman: Well, there's not only that, but there's also Recommendation 17 and there's also the existing - then there's also the existing registrar accreditation agreement.

So, you know, it's not for want of existing principles and existing - conditions but you could actually argue that you would expect - the operators to follow the same rule.

Man: (Or specifically)...

Woman: Yes, yes.

And so for example, (Mike), and I can hear you agreeing with me violently for a change, fabulous.

(Mike): Hey.

Woman: It's terrific.

So for example, and I'm not leaving the witness, and I'm not suggesting that you should anything, I'm just presenting a hypothetical example. But you might wish to say, under the existing terms of the registrar accreditation agreement, the problems are X, Y, Z, we would propose a tightened solution that looks like X, Y, and Z.

Now, there is no doubt that the registrar accreditation agreement is under reconsideration, that might well be a separate piece of work outside of a new TLD process that takes place for registrar compliance.

(John): Yeah, I would...

Woman: ...for example.

(John): ...this is (John), I absolutely echo that, that it should be outside of that.

Woman: Are you agreeing with me too, (John)?

(John): I'm absolutely agreeing with you, that we're not touching the RAA in this form.

Woman: No, absolutely, but what I'm saying is that with the final report, we could identify work that is outside - this group and we could identify possible solution and then ship it to (Tim Cohen) and say, "(Tim) and (Mike Zuki) - guys, well, this has come up out of our work; how could you consider this going forward, how would it look, what would you do, how - what would you suggest in a reasonable timeframe?"

(I don't have anyone) writing it yet.

Woman: Sorry, who wants to be on that project team with me?

I think everybody - they are people on the - I mean, I think what I might do is just go through the email that's set out with the various - it's one of your people, and might take some of your people.

The more I think about - I think more kind of the TLD identification, kind of the similarities and variances might be shorter than we anticipated, so - and I can certainly...

Woman: (Cristina, I'm having clear) - there's such a problem, just thinking about how to do it. I'm actually just having something up now as I'm speaking. And it's along the lines of everyone I suggest that we focus on the - (Kim), what do you want to call this, not perspective guideline, what do you want to call it? The tool kit or the - protecting the rights of other toolkit or something; I mean, I need a proper sort of frame for it. It doesn't give unrealistic expectations.

(Kim): Yeah, I had said this - suggested guideline but...

Woman: Okay.

(Kim): I mean, I'll be quite informal title you're looking for.

Woman: No, I don't need a formal title. What I want to do is to say, I want to start structuring some text around helping the group put the suggested guidelines in the right form.

So what I might do Kristina when we finish this and when I listen a little bit more to conversation, I'll tight up something and I'll say this would be the logic tree, this would how it look, this would explain and justify why.

Now, I really want to be able to use the registry summaries that everybody has put together. There's a few significant ones that are still missing which I think it would be helpful to have it - set if we possibly can, with some references to other larger TLD - any beyond (EU) and to the - and - I can't think of any others.

((Crosstalk))

Woman: Did you say TLD or gTLD?

Woman: It doesn't matter.

Woman: (Of that info)?

Woman: Yeah.

((Crosstalk))

Woman: ...beyond the usual suspect is what I'm...

Woman: They might be out there but we just summarize it.

Woman: Yup, okay. That's fine.

Woman: So I will put that together for the group. And whoever then steps up to the plate and wants to write the suggested guidelines as an output from this group, then - better.

(Edmond Chan): We're talking about the guideline, the process, and we're talking slightly earlier about, you know - sort of mechanism - exact mechanism and I think problem guidelines or best practices - very detailed or - I guess, what I would - sort of a concept that that is more high level, you know, it's more like an approach or really like a framework, if you will, more than anything that would - and probably have sort of agreement around that this is sort of framework, approach for this type of thing rather than guideline or best practice.

Woman: (Edmond), did you say framework?

(Edmond Chan): Yeah. That word came to mind.

Woman: Okay. That's a nice one for me.

Woman: I think - I mean, I think we definitely - I mean, I think that's a good idea.

But I think with these mechanisms in particular, it's really the devil that's in the detail in the sense that, you know, in theory, you might say, you know, (sunrise) is good, I like (sunrise) - just the principle of it.

You know, but once you get in to the mechanics of how it works, that's where I think people have issues with it - in other words, the registries and the registrars from the implementation side of the specific, you know, to speak details of it.

But I think by all means, you know, people should definitely, you know, start circulating at a general principles of, you know, other - and what I'll do is I'll send around a list of things that I think we need to really start thinking about, I think they are definitions that we need to - with and just kind of have the high level (list) that we're working from.

But I mean, you know, for example, I don't know if (Jeff) is on the call, but I hope you won't take it personally. If I personally, on a kind of theoretical level, prefer an (IT claim) process, the (sunrise) process, because I think the (sunrise) process does give broader ways to - that they might happen...

Having said that, the implementation of that is - created a lot of issues that made it virtually impossible for people, you know, very, very difficult for people to...

But if you could satisfy these issues or solve (this power), then you know, I for one would be a fan to find that. You know, and I think for example, you know, (Peter) and (Margie) and, you know, (Kelly), kind of the trademark owner side and, you know, (Kim) and (Dave) I'm sure from the registry and registrar side. They are - I definitely I would imagine and as issues that you all had seen that frankly during the...

Liz Williams: Kristina, this is Liz again, I just want to add another (wrinkle) if you don't mind.

Kristina: Sure, go ahead.

Liz Williams: I'm just writing notes of people are speaking and I got the following lines. And I've also - I've hit a wall with.

Given the complexity of IDN application, now, I'll just - I'll go back a step and tell you what I've written. I'd said, given the principles, given the recommendations, given the implementation guidelines as they stand, recognize the evidence of the summary, the questionnaire report and the prior experience of former, you know, other introduction of new TLDs, recognizing the cost and complexity of (sunrise period), recognizing the opportunity for gaming, recognizing that registry models are different, registry business models are different, even the made for registrant simplicity just - ongoing.

And then all of a sudden I come up with the - what do we do about IDN application?

Woman: In what sense?

Man: Are you talking about...

Woman: Well the whole point of dividing this designing principles and practices and recommendations for the introduction of new TLD is that they apply equally to ASCII and IDN registries.

Woman: Well, but I think the IDN folks frankly have made (Dave) himself have taken that off the table by limiting the extent to which confusing similarity...

Woman: Oh, I don't think that's the case at all.

Woman: Yeah, I don't...

Man: No.

Woman: ...that either.

Woman: No, that's the case at all.

And I think that - and Avri can confirm this because she was - and a couple of others who are on the call yesterday with the GNSO GAC pound to a penny that the GAC is going to read this that their principles is to stick to IDN.

Ken Stubbs: Well, this is Ken.

And it's not really a difficult area because - excuse me - you know, it all depends on what the registry's intent is with regards to IDN.

I think, (Catherine), to give you an example, I wasn't aware of before I was doing the TLD summary. But there - you know, it's very language-specific, so the only - I think they're really concerned about is Catalan

And when you register a domain name in ASCII, you just be, you know, the Catalan version of that comes along with it so they kind of resolve the IDN issue there that they can't - (relay the) conflict with something or Catalan version of the ASCII names.

So that's one solution but, you know, there might be others, you know, when you're talking about (.Com) who's about, you know, supporting on 100 different languages given all the scripts that they've got that they're supporting.

But you can go from something as simple as .GAC to something as complicated as generally TLD.com.

Man: Yeah.

Ken Stubbs: But again, it might be, you know, this might be one area where we do need to (stay) kind of high-level and I need - get into the details and it has to be filled in later.

(Peter): This is (Peter and company).

In Denmark, we had an IDN rollout with a very good (sunrise) period or rather IT-trained period might report of this in the materials.

And so I would agree with (Tim) that just because it's an IDN, it doesn't mean it's a bad thing and I don't know if we have to get bugged down by this but I mean you could do it a different way and I'm sure .eu will also have an IDN rollout at some point.

You know, right now, it's only the 26 letters that we have in the US and England that you can use, but there's a lot of other European letters they'll have to be rolled to at some point.

So, it's - we can't get saved by the fact that there's IDNs out there that we just have to roll with the punches.

Woman: I think that we have to make sure that whatever solution we propose - to the IDN case whether we're talking about (books of all mark) or anything else that we look at it not just in terms of doing to one character set -- ASCII -- but still into the menu that are IDN.

And the other thing is dealing with the variants and some marking laws of all the nations that separately or in combination claim - or make claims towards a particular IDN character set.

So it's a complexity and a - that I think IDN makes.

Woman: So, maybe I completely misunderstood. Are we talking about kind of the broader - You know, there's no reason you couldn't have for example, you know, an IT-claimed process apply also to an IDN but the particular application or the ground on which an IT claim could

base would depend on the particular character set. You're not talking about how do you resolve this piece of this allocation.

Because if it's the former, then I completely agree. I mean, if it's the latter then that - I just think that - that's going to be really hard to figure out.

Woman: Well, I really think - if we're coming up with solutions for allocation or principles or guidelines to allocation, do we have to deal with IDN now?

Whatever we're dealing with, you know, solutions and recommendations, we have to deal with both. I think that's where the scalability and variability, you know - comes in.

And I think that, you know, Liz is right. I mean we are going to be getting a separate document.

And the IDN working group basically just had - oh yeah, these are post problems when it came to those and, you know - and basically, said that those - but of course IDN will have - I mean, pro - will have to deal with the IDN asset.

Woman: I still think I'm thinking about a different problem but...

Man: Yup. That might be it.

Woman: Well, I think what I'm getting stuck on is I mean, for example, if - and maybe this is the level of detail that you can't get through - and that's why I keep getting hang up on it - in terms of, again, using IT claim parts, as an example, are we expected to say, "Okay, if you're going to

have, for example, an IP-claim base model and your are an IDN, he do
- you know, it is we suggest that you equate the English and vocal
language characters are right automatically?"

And if that's not what we're supposed to be doing, then I'm fine, I'm
100% with you. If we have to get to that level...

((Crosstalk))

Man: Kristina, I hope that - that's not what we're supposed to be doing.

Kristina: Okay, good. All right, fine.

Man: Because I don't think we can do - I mean - but you're now - you are
intending as a recommendation that, you know, if you take that idea,
you try to apply it to Chinese, for example, and it's - simply falls part.

Kristina: Okay. Good.

Then what I need - what I said at the beginning in conflict of what I was
thinking about but not the conflict of...

Woman: Yeah, yeah.

Kristina: ...we're all talking about.

Okay. I'm good.

((Crosstalk))

Kristina: Never mind.

Woman: I guess the thing I'm trying to say if you can't do it in Chinese and you really can't do it anywhere else.

Woman: And who you're expecting to make the decision? Sorry, I mean, coming back from an institutional perspective, if this group or a group similar to it doesn't provide ICANN's recommendations about the policy around this with respect to the introduction of IDN to enable us to run a robust IDN application process, then who is going to it? The GAC don't do it. So I suggest that it might be easy to say, "Well, you know, it's sort of too hard into details." Where else are we supposed to get the guidance from?

Well...

(Tim): This is (Tim).

Can I just comment on that?

I guess it seems to me that what we're - and if we're looking at this to suggest a guideline, I guess I don't see where these guidelines couldn't apply in principle to - in any language how they're actually implemented is going to put - to get more complicated, it might be different based on the language or the culture or, you know, the intended use of the TLD.

And one of the - actually, I don't know we can get - how we can drill down to that level and provide recommendation based on that. But I agree with Avri, I don't see any reason why we can't add at a little bit of

a higher level to come up with suggested guidelines that could apply across any language or culture at least to some extent.

(Mike): (Mike) - I agree with that, (Tim), and Avri, we think need to look at IDN principles, I mean, obviously, the ADRP for example applies also to IDN.

You know, the reason why we should - when we're looking at ASCII Sunrise periods, we're also trying to adopt principles for IDN Sunrise period. We've seen a lot of it happen already and more (uptime.).

Woman: But it sounds as if that their agreement that is once to be kept at on a pretty high level that there is no reason that we can't. But that if we - and this is the thing I was getting really bugged down.

But if there is the expectation that we will be providing implementation, you know, guides on a kind of by TLD basis, a lot of which will vary depending on the country and the language. I don't think we can do that and that's what I'm - do we have consensus on that?

Man: I agree.

Man: Yup, yup.

Woman: All right. Yay, we agreed on something. All right.

Woman: Yeah, I was on mute.

Woman: Okay.

Woman: I'm sort of agreeing as long as we do it on an equal basis so that we don't say that in some places we can go this deep but we don't know that it applies to others so it really only applies to this that we understand well.

So as long as we're keeping everything sort of on a particularly at that same high-level and then just basically for proof of thought and a thought (experiment), basically (dipping) down a little I say, "Okay, does this work in the complexity of X, Y, and Z?"

"Yeah, it seems to work, we don't have to design the implementation." So we do this sort of experiment to make sure that at least somewhat reasonable but that we keep everything at this time at the sane high-level, then yeah, I do agree but I'm not sure if that's what you said.

Woman: Yeah, I don't know about that only because I - my concern is, for example, you know, in many cases what constitutes a prior right. And what we defined as a prior right might be - prior right in mainland China, for example...

Woman: Yeah. But we - I think that's issue is that we are an international body and that we is this world community, and therefore, the rules have to. And the policy principles have to make sense at some level on a global basis.

But we're not an American or British or whatever organization and therefore, we have to - whatever we come up within policy have to be reasonable and that the GAC and each of the individual countries can look at it and sort of, you know, comment reasonably in a while to deal

with that, but I just don't see we can do a US-centric because we understand that better.

Woman: No. And I don't need to suggest that. I just would imagine that there are going to be things that's very well maybe contrary to local law and I just don't know how to identify those, and that's my concern.

Woman: Yes.

Woman: And then maybe what we should do is just start at the high level and see what we can do in terms of (scale) and then once we get that point, identify an implementation concerns that we may have with regard to IDN. We just don't have the knowledge.

I mean is there anybody on this call that...

Woman: No.

Woman: Or, you know, - I mean, you know, those are - there are just huge gaps in what...

Man: Yeah.

Woman: ...we can even all sign on.

Woman: This will help, but no, I mean, this is beyond your reach, what, you know. But, you know, I understand what I'm worrying about and being concerned about is putting in a policy that then need to be quickly abbreviated or accepted or something so that we have basically a

patch work of - "Well, here is the policy except for these folks and here's the policy for those."

And so, I'm not saying we can't do it. I'm not saying this probably are not, but we have to keep our policy recommendations, I think, as much as possible at a high-enough level so that they are generally applicable.

Woman: All right.

(Tim): And this is (Tim).

And I think that's the issue that I would try to get to is that you can't really set a policy in this regard. I think we can suggest guidelines and we may not cover everything and I think that the whole point is that we know that they can't unless we have the whole lot more time to evaluate, you know, all the different things we're just talking about that could apply based on different languages and cultural differences and local laws.

So you have to be reasonable unless, you know, the committee is going to extend its working group by, you know, a year and a half or something. This is - that, you know, it's going to be pretty tough to get to...

Woman: Right.

Man: ...in that level of detail.

Woman: Yeah, I guess I could accept that we don't do policy. We just do guidelines and that guidelines are nationally - probably - and that it's something that sort of a living body of work that grows as we gain more experience.

(Tim): Exactly.

Woman: All right.

Is there any other outstanding request from another working group that we need to focus on? Is there anything from the reserve names? I thought there wasn't any at one point but then I've really heard from...

Man: I think so.

Woman: All right.

Man: And I think it might get resolved in the extension of the working group and what they really assigned to do.

Woman: All right.

Man: Yes. There may still be a request coming out of that group and not aware of anything.

Woman: All right. I'm just trying to think about the way to structure this.

Man: What happened to our survey?

Woman: Questionnaire.

Man: Questionnaire, sorry.

Woman: The questionnaire - when we're done I'm going to send everybody...

Woman: (Mike), it's Liz here - I have nearly completed the questionnaire. I've had significant computer and technical problems over the last couple of days which anyone who is on the (PDP) - will know full well about.

I've seemed to have resolved those issues. It's incredibly frustrating and I'm behind the - on finishing the questionnaire but it should be done within the next little bit. And then I'm just going to send it out.

I did speak to (Carren McCartney) who runs out public participation and asked him if I sent him the document, would he - to the full participation so I can do it and he's agreed to do that.

So, I'll be pretty ready. I would have thought first thing in the morning to actually send it to the group and then distribute it.

Woman: Right.

Woman: And (Tim), thank you very much for your comment but frankly, I had a lot of stuff to weight through to make sure that I was actually reflecting in the final version on what the group actually intended to do because last week's conference did yield a whole bunch more of input that I was not expecting but I'm really glad that I've got.

What I've done also is - and I've just got to open it in front of me just so - thinking. I have extended the date onto the 27th of April so receiving responses.

Woman: All right.

Woman: I have a question and I hate to put you all in the (spy). But (Tim), (David), (John) and (Edmond) and I think that covers all of our registrar and registry people right now.

I know that (Jeff) knew and had raised the concerns about the questionnaire didn't, couldn't and wouldn't go to the full scope of the registry and registrar issues.

I mean above and beyond - the proven concept reports - I mean, what do you see as the best way to make sure that those inputs are incorporated in the sense of, you know, those two constituents they need to put forth, you know, informal statement, do I need to kind of send something to them, do we want to talk?

And I think if we got to do it talk through email about, you know, what type of outreach do I (unintelligible) should be done. And I don't need to say by focusing on these (unintelligible) that there doesn't need to be additional ones. It's just do I know a particular have felt strongly that the questionnaire is not something that they would have targeted the way they did.

Woman: Gentlemen?

(John): This is (John).

I don't have specific comments in response other than say that the registrar constituencies has not taken any position on the survey or the questionnaire or whatever you want to call it.

And it's any comments from registrar (unintelligible) working group or - I thought these working groups were all at this point individual comments.

Woman: But I guess where I'm getting at is how we going to get your input, your constituencies as to, you know, what you all have seen above and beyond. You know, and obviously that the proven concept reports are only at the registry level as far as I know.

You know, I have no idea whether the issues or problems or what have you expected that raised the registry level aren't necessarily near at the registrar level. I would doubt it but I don't know.

So I guess that's what I'm trying to find out from you all is, you know, do you anticipate there will be any input? Do you - if there's something that we need to do as a working group to, you know, invite that input?

(David): This is (David).

The first (unintelligible) was really most involved in this (unintelligible) but he has not come at all. Dotorg never had a (sunrise) provision and I - you know, it seems to me that this is my own personal viewpoint which is not that of the registry constituencies that the questionnaire to the extent that it is able to develop some information, I guess, I see no objection to it.

(Edmond) - is (Edmond) on?

(Edmond): I'm here.

(David): All right.

Did you have something more specific about the questionnaire?

(Edmond): Well again, I guess, you (unintelligible). I have some (unintelligible) as well and I (unintelligible) some (unintelligible) my thoughts. We - I don't think we've - as a constituency (unintelligible) instead of positions (unintelligible), I don't think we have a particular position at this particular point.

However, as I mentioned on this time, I agree with good amount of what (Jeff)...

Woman: (Jeff).

(Jeff): Yeah. You know, my feeling is then actually that for one that the (unintelligible) certainly gather facts and I think there's some good questions on the survey that will actually view that and (unintelligible) useful.

I'm not - this time, I completely convinced the other group of questions. It's going to be a useful but I do appreciate the fact that the (unintelligible) organized (unintelligible).

And I think - but what I would prefer to see and (unintelligible) have a different - is that the group does asked the registry and the registrars for some sort of statement that might be a combination of, you know, here's the majority of (unintelligible) so I think the (unintelligible) registrar.

And at least that you can - if we move forward to the survey (unintelligible) ask something like that separately, you know, that can be provided within the (unintelligible).

Woman: I guess - I think that's a great idea.

I'm just wondering kind of technically how to go about it because it's my understanding that many constituencies has formal procedural guidelines regarding formal statements and that - those guidelines require, you know, 45 days circulation or 60 days in circulation. Or, you know, as a practical manner, anything that requires less than 30 days to comment, that window has closed for us.

And this is something somebody raised, you know, very early on which is why we are kind of going informally.

Would you suggest that maybe there would be kind of an, you know, I can make an email to, you know, to the chairs of the constituencies and I would be happy to have you all input on how to draft it.

But just an inform, you know, they could clear that it's an informal request for your input on to the issues - into the issues that the working group were looking at.

Would that work? Or do you think we were better off waiting until we have a report and then -- I don't know when that will be actually -- and then circulating that for comments.

(John): This is (John). I think a request - a formal request for informal input would be helpful.

Woman: Okay.

(John): I mean, (Margie) have - is (Margie) on?

(Margie): Yeah, I'm on.

Woman: Oh, (Margie), I'm sorry.

(Margie): That's all right.

(John): How do we leave it? Do you recall in the - our last meeting?

(Margie): Yes, sure.

I told the group that we were going to (unintelligible) a questionnaire and that we'd be posting it to the list. So, we could, you know, I think that was kind of the intent. When something gets finalized to post it to our email list to see how many people would respond. And then, it would be more of an informal thing as opposed to a formal (unintelligible).

Would that work (John)?

(John): Yeah I do. (Tim), do you agree?

(Tim): Yeah, that would be fine. I think we just need to encourage (unintelligible) responding to be sure and, you know, comment, not just take boxes because I think that, you know, that the experiences that they've had are valuable to - especially, you know, given what we're talking about here.

And for just taking boxes, hopefully, we'll get some good set of comments along with it about the experiences that they've had.

Woman: All right.

(Liz), I've a question actually to that end. The provide any comments section at the end.

Does that have a space limitation or a word character limitation?

(Liz): (Unintelligible) coming off mute, just say that again, please.

Woman: All right. I think it is really important that everybody who completes the questionnaire have the ability to answer comments. And I would just raise, as to whether the questionnaire in it's current form had any structural limitations on the link to these comments.

(Liz): Nope.

Woman: Okay.

Woman: If somebody could, you know, put in five pages of - if that's what they...

((Crosstalk))

Woman: All right.

Woman: I'm not limiting it to a characterization or set of - a string of characters.

Woman: Excellent.

Woman: Excellent.

Woman: Does anybody have anything else that they want to raise now as opposed to (unintelligible) on the...

All right.

What I would really encourage everyone to do is to start posting to the list ideas or suggestions that they may have as to, you know, guidelines whether it's at - kind of the 3000 foot level or the 100,000 foot level or what not.

And I guess the one thing that I would really encourage people to do is, to the extent that you are criticizing a process that members of this working group may have designed and may feel, and I think, you know, this applies to more than one person.

I think, you know, we need to be constructive.

If we're going to say, you know, this aspect of Sunrise didn't work and this is why. I think we also - whoever is posting the comment like that

needs to also say and this is why I think would perhaps minimize the impact of that problem. Because I think, you know, coming back to the council and say, you now, nobody like any of this and it comes to all of that but without being able to say what's yours - the potential solution or at least the alternatives that needs further determination.

I don't think that sits as well if we can't.

And I guess, that's really it.

Oh, (unintelligible) the people - I know that (Margie), and (Peter), and (Kelly) are - and (Mike) is. Is there anybody else on the call that's going to be in Chicago for the (INTA) annual meeting?

Man: Oh, I leave here and I'm Registry.

Woman: Oh, excellent. Excellent.

Because I was thinking depending upon, you know, how my schedule goes and this obviously (unintelligible) anyone that, you know, maybe we - actually all this have a social (unintelligible) - were just taking work off because I knew that we don't really have - get much (unintelligible). But anyway, I could certainly (comment) about that.

(David): Could I - whoever is going to be at the (unintelligible) convention is formally invited to the (unintelligible) cocktail party, Tuesday, 4:30 at the Hyatt Regency.

And I think I've sent one or two of you an invite already.

Who is going to be there?

(Kristina): I am. This is (Kristina).

Actually I think I've already RSVP.

(David): Yeah.

(Kristina): Thank you.

(Mike): I think - (David), thanks for the invite, but I think I can't make it because (unintelligible) is doing a party at that time as well.

(David): Oh. Is that (Mike)?

(Mike): Yeah.

(David): Okay.

Anyone else?

(Marjorie): Oh yeah. This is (Marjorie). I'll be there.

((Crosstalk))

(Marjorie): ...I'm - yeah, I already - the (unintelligible) at that time.

Man: Yeah. Actually you should be coming to our...

(Marjorie): Yeah, I think I (unintelligible)...

((Crosstalk))

Woman: All right.

Well, thank you very - everyone. I really appreciate it.

And I would just encourage everyone to make active use of the email list over the next several weeks because I think that's the only way we're going to get this done on time.

Well, have a good day and...

Man: Thank you.

Woman: ...until next week.

Woman: Thanks.

Man: All right.

Woman: Okay. Bye-bye.

Woman: Bye everybody.

END