

**Internationalized Domain Names Group - IDNG
TRANSCRIPTION
Wednesday 28 April 2010 at 21:00 UTC**

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<http://audio.icann.org/gnso/gnso-idng-20100428.mp3>

On page:
<http://gnso.icann.org/calendar/#apr>
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Participants on the Call:

Chuck Gomes - Registries Stakeholder Group
Steve Delbianco - CBUC
Avri Doria - Non Commercial Stakeholder Group (NCSG)

ICANN Staff

Olof Nordling
Julie Hedlund
Glen de Saint Géry

Apologies:

Stéphane van Gelder - Registrar C.
Adrian Kinderis – Registrar C.

Coordinator: Excuse me, at this time the call is being recorded. If we have any objections you may disconnect. You may begin. Thank you.

Glen de Saint Géry: Thank you very much. Shall I do a quick roll call for you?

Chuck Gomes: Please.

Glen de Saint Géry: On the IDNG Working Group call we have Chuck Gomes, Avri Doria, Steve DelBianco.

And for staff we have Olof Nordling, Julie Hedlund and Glen de Saint G ry myself. Thank you very much.

Olof Nordling: There's silence.

Chuck Gomes: Did someone want to take the lead? I really didn't...

Olof Nordling: I think you're stuck with it Chuck.

Chuck Gomes: Well I'm going to...

Avri Doria: Yes. You have the most status of anyone here.

Chuck Gomes: I - status. I don't know if that's good or bad Avri.

The - I'm going to be driving. So it's a possibility I may need somebody to pick up for me at some point.

But let's just - let me just repeat what I said before we started the recording. It seems to me our main objective is probably just to decide how we're going to finalize a motion that we can send to the council that - one of the counselors in the group can make.

And then in light of that, finalize the wording of the - of that motion. And I guess the one element is the - whether we should include the part about a working group even if that working group doesn't start till later. What are people's thoughts on that?

Avri Doria: Hi it's Avri (unintelligible). I was relatively indifferent to that although I mean I though that given the council's new prioritization processes, you know, something that a working group that was pertinent only to Round 2 which it's so hard to imagine at the moment is high on the priority list would surprise me.

But I didn't really care whether we did one or didn't. But I think there were various people that did care.

Chuck Gomes: Well I noticed (Edmund) I think cared. Steve, did you have any opinions on that?

Steve DelBianco: I do Chuck and Avri. What I'm thinking is that if the Working Group were to be lucky enough to be prioritized, it would be making determinations at about the same time that these consultants would be evaluating the extended evaluation on string (unintelligible).

I mean isn't there an opportunity that at least conversation would be relevant even if it didn't affect the first round? We would have first round extended evaluations occurring while this Working Group was underway. I mean that's too good of a coincidence to pass up.

So I do think the Working Group should (begin) even if it's only intended to formally effect things that happen after the first round.

Chuck Gomes: No I mean that - I'm okay with that myself. Avri I'm not unlike you especially I was okay with the Working Group trying to work really fast. But there was clearly some strong opposition to that. And so it wasn't a big enough issue to me to fight over.

Avri, what's your feeling?

Avri Doria: Well as you saw, I mean I had originally written up which I thought was a compromised proposal on the work really fast that obviously brought some of our silent participants out of silence.

And as I say, I'm very middle of the road on this. The only thing I truly was insistent upon we all seem to agree on which is no messing with initial evaluation of Round 1.

But beyond that, I think we have some members that aren't here that really do care and don't want a working group.

So as I say, while I'm in the middle, I'm willing to go either way on it.

Chuck Gomes: Yes I am too.

Avri Doria: Yes, it's kind of funny, last week...

Steve DelBianco: Avri here's Steve, quick question for you.

Avri Doria: Sure.

Steve DelBianco: It's hard to speak or others. But would they be objecting to a Working Group because it interferes with other priorities? Or do they fear that it could be used to perhaps even slow down Round 1?

Avri Doria: It's really hard as you say to speak from - I think certainly the first point is true. People are busy. I think - and none of them have voice this to me in this environment.

Other people have voiced similar things to me in other environments that any time we take on a Working Group to do something, a lot of people go oh okay, well there's a good reason to hold off for a while.

And so even if we tried to be really, really specific that this was totally about Round 2 and had no relevance for Round 1, although as you already indicate, well maybe it's useful for Round 1, there would be a - and I'm not as I say, certainly not speaking for anyone other than my own ability to imagine

anybody saying anything is that some would sort of say this could be used as such an opportunity.

Chuck Gomes: Yes. And we know I think that Stephane, (Adrienne) and (Tim) are going to react negatively to anything that has the slightest possibility of causing delays. So I think that's pretty clear.

All right, Olof, do you have something to add on this discussion? You're welcome to.

Olof Nordling: No, not really on whether to have a Working Group or not. I mean I suppose you can scope it and set a sort of some kind of conditions for how that should be run or not and whether it's - make it clear whether it is sort of supposed to effect Round 1 or not. So I guess that's really in your hands.

What I think may be just a thought is really more on extending the valuation. And that is okay, if the line suggests is just to open for extend the valuation on (same) similarity, I think it - the corollary question to that is really okay, when would in what circumstances would confusing similarity not be detrimental?

That's - that may be a useful addition to whatever motion you make.

Chuck Gomes: Well the problem with that -- and correct me if you think I'm wrong on this Avri because I'm pretty sure you're fully aware of where I'm coming from here -- that's what she tried to do. And I just tried to follow the same line of thinking I think, you know, in terms of the modifications I suggested to the motion. But there was strong reaction to that.

Avri Doria: Yes that is what I was trying to say. I think though what people would argue is that basically people are going to have to - if we - if there is an extended evaluation without having set in priority some sort of policy on it, it's basically

the assumption -- and this has been said by people -- that these people that we have doing the evaluations are not a bunch of dummies.

And if you present the case for showing why something is not detrimental, they'll be able to make hay out of it. They'll be able to understand. And they would be able to decide.

I think in trying to priority set the conditions over what that might be is where too many possibilities get opened up, too many things have to be discussed.

I mean when we start discussing that and we start getting into the nitty-gritty of that, then we'll probably find Chuck and I throwing things at each other again at some point.

Olof Nordling: Oh I shut up from now on.

Avri Doria: And that was amusing at best. But, you know, because - and it's not just Chuck and I. But it's other people that have basically oppositional views on variances of these points.

We'll have to discuss those in-depth and it'll get hot and heavy over definitions or terms and what's this and what's that.

So it may be better to sort of say listen, this just, you know, these valuation committee people are smart people and you're going to pick them because of their breadth and depth and wealth of experience, et cetera.

If somebody does want to present a case, either an incumbent registry or an applicant registry who has been kicked out because of similarity, they'll present the case, you know, and the case will probably be open and commented upon. And then these intelligent wise people will be able to make a decision.

Steve DelBianco: Avri can I comment on that? This is Steve.

Avri Doria: Of course.

Steve DelBianco: I think that these smart people will try to be smart about limiting their risk, the risk of creating lawsuits over their decisions. And I think that being smart in that case means they will look to documents that were handed to them to guide their evaluation criteria and process.

And I don't know, does anybody know whether Draft Applicant Guidebook Version 4 is to include staff's guidance for the evaluation process on (same) similarity to any greater extent than V3 did?

Olof Nordling: Well I guess I should respond to that. And there are no plans for big changes as it runs right now.

Steve DelBianco: All right, so let's assume for a moment that DAG V3 contains the only written guidance for the evaluators.

Does that mean they have a lot of discretion - too much discretion, not enough discretion?

Because I do think that this experiment of new GTLDs will lead people in a litigious environment that we have to be risk adverse and they won't try to be too - they won't use their intelligence Avri in other words.

They'll be scared to be too creative knowing that legal challenges will be the result of the loser in any win-lose determination that they make.

And I think that argues for trying to give guidance as soon as we can without holding up the process so that the intelligent people can point to something in writing that they used to make their evaluations rather than, you know, cook them up out of (whole cloth).

Avri Doria: I - so I kind of again, I don't know that we'll be able to give them anything clearer very quickly than what already shows up in the GNSO recommendations and it's whole paper history.

I know there's a proper legal term for all the paper that feeds into an ultimate document but I don't know that name or I don't remember that word.

But anyhow, that's what they have. I doubt that at any quick point unless that's truly a focus that we would have anything that would be more definitive.

So for example, within the documentation that we have (quote), how can I feel totally justified in saying I'll fix the point of view as represented even though sometimes those things diverge?

And as you say yes in a litigious society, you know, the winner or loser's going to. But they're going to have to take their change because one way or another somebody's going to win or lose.

So I mean I just don't know that we can with any certainty (approach) that we'd be able to give them anything more especially if our goal isn't to achieve that.

Steve DelBianco: I understand. There's DAG V3. I know it isn't the goal, but I have this suspicion that this (moving), by the time extended evaluations would kick in, that timing could coincide. And they would not be in writing and it wouldn't cover (unintelligible).

Avri Doria: The other thing I think we have to realize is that until we sent a letter to the staff asking them to put in extended evaluations and they've responded to that request, we don't even know if there's going to be extended evaluations.

I mean we're sort of presuming that because we make the request it will happen. I'm not ready to make that assumption, not me. I think it's a reasonable request. Otherwise I wouldn't be part of (unintelligible).

But obviously we have no idea whether they'll - you know. And they certainly haven't said oh we've listened to everything you've said already. Don't bother with the requests. We see that it's reasonable and we're doing it. So obviously the inclination isn't to jump on doing it.

Chuck Gomes: Yes and I agree with...

Steve DelBianco: It's an interesting approach.

Chuck Gomes: ...Avri that it would be - I agree with Avri that it would be very unreasonable for staff to deny our request. Did you hear that Olof?

Olof Nordling: I'm listening. Come on.

Avri Doria: But you notice he didn't jump in and said yes, yes, yes, we decided it was reasonable and we're already working on it. Don't bother with the language.

Olof Nordling: Yes. Well...

Steve DelBianco: And the willingness of council to undertake a Working Group to define the terms for the extended evaluation, you know, helps to support the request.

It's not like you're just tossing the ball to staff and telling them to cook something up. We're volunteering to do the work. We're not saying when it would be done. And we're not trying to use it to hold up the first round.

But I think that, no, you're right that that should be a request that's honored.

Chuck Gomes: The problem though with us suggesting - I think it's right to say yes we're willing to help staff in doing that which we - I think we have been all the way along in terms of implementation.

But I don't think we can get away with having anything like that in a motion - in the motion itself just because of the reaction we saw we already got. Because I think that's all Avri and I were trying to do in that motion the way it was drafted.

But you saw the reaction that came from that right Steve?

Steve DelBianco: Indeed.

Chuck Gomes: Yes. So that's what I'm worried about. And I'd like to keep this as simple as possible. And that's why maybe just a very simple motion.

And I was - are those of use on the call comfortable with the way Avri suggested it in the latest language she sent? I don't - she wasn't formally proposing language, but I think it was pretty close right?

Avri Doria: I mean I was suggesting that we have a letter and a motion to send that letter.

Olof Nordling: I would be.

Chuck Gomes: I thought that was fine. That was consistent with what I saw in the first part of the motion that as proposed anyway that started with Avri.

So it seems to me can somebody take - I had suggested some edits. You can ignore my edits about the (second) part of the motion.

I think for now what - we're going to have to let (Edmund) make his own case to the rest of the group if he wants to pursue the Working Group thing further. It's unfortunate he's not on the call.

But there was enough violent reaction to that idea that I didn't think it was worth spending a lot of time on.

The council can always start another working group later. And I think that would be a very good idea for Round 2.

Another issue with regard to prioritization -- I'm jumping around a little bit -- is, you know, for something that's going to be effective after Round 1, I think it's going to get a really low (unintelligible) on the - in the council's prioritization exercise anyway.

So if we miss that exercise I don't see it really having a lot of impact. But that's my own personal opinion.

Avri Doria: There's one other thing. I mean if we put together a motion and a letter to send the letter, and then of course the council can have their own version of this conversation. And (Edmund) would be there, you know, him and Stephane and you Chuck would be there.

And if you - if the council at that point say hey, we think getting a Working Group Forum would be a good idea, IDNG cobble us together a charter we can vote on in the future. Then they can ask us to still do that.

But at least the letter that makes the request is on the way. And then (Edmund) can make his sort of his case to all the council members about why we really should start on the second level work. And, you know, Steve, you and I aren't there, but we can talk to our respective representatives and let them know our view of it one way or another.

And, you know, the council can come back and say, you know, write us a charter. Or the council can come back and say yes, we accept the letter. Good thing you didn't do a charter because we don't want it.

Chuck Gomes: That's a very good - that's well said.

So is there someone who can kind of take - unfortunately the rest of the week I'm very tied up actually trying to take some time off and it's succeeding little bit. The...

Avri Doria: I by the way told people that was not in your job description and they didn't understand that.

Chuck Gomes: I understand it Avri as you know. The - can somebody - I mean...

Avri Doria: I can - I mean I wrote the first one. I could take your comments and the letter that I had and, you know, float something tomorrow.

Chuck Gomes: And just to keep things a little light-hearted, could you say we unanimously agreed on the call but here's the language?

Avri Doria: You know me, I always put jokes in the middle of what I write. Not everybody ever - not everybody always recognizes the (unintelligible). But there's always (someone there).

Chuck Gomes: I know. So anyway.

Olof Nordling: It's written by the Roman Empire very - before it was an empire when you had to triumvir it. So...

Avri Doria: Yes, what a triumvir it we would...

Olof Nordling: Three governors.

Avri Doria: Right, what a triumvirate we would make.

Olof Nordling: Yes.

Avri Doria: Okay sure, so I'll float something based upon what I started and your comments and what people have said and see where it goes.

We have one more week now to get it on the table?

Chuck Gomes: Yes I think it's - well actually yes. We have a little more than a week actually. But it'd be nice if we have plenty of time to get agreement with the people on - in our little group or at least this maximum agreement from our - from the IDNG participants.

And I don't think that should be too hard. But (Tim) and Stephane came back positive when I, you know, clarified something that I think they didn't understand.

So I think we're - we should be in pretty good shape. We know that (Edmund) has a concern. But that could be dealt with at the council level too.

Avri Doria: That's right. Okay.

Chuck Gomes: Thanks Avri. I appreciate that.

Avri Doria: Oh you're quite welcome.

Steve DelBianco: Chuck and Avri, while I have you here, I wanted to observe that when the IDNG Working Group got started, there was an ambition, an aspiration to try to address the giant disparity between IDNs on the cc side in their fast track and the IDNs we would get on the G side.

And we've all given up on any notion of a faster track for IDNGs. And yet there's another working group spawned just last week on applicant support that holds out promise of incentivizing applicants to add more IDN versions of their GTLDs or subsidizing applicants who might want to serve a small linguistic community with a GTLD that's an IDN.

And that was -- correct me if I'm wrong -- but wasn't that part of our original aspiration when we came together? It wasn't just this string similarity, but try to get IDNs in the G space to compete with and offer alternatives and choices for users who would only get IDNs in the C space.

Avri Doria: I think that - so I'll say yes. I think that the equalization at that time that was looked on is to try and get a fast track so that we could come out at the same time as the IDN ccTLDs with IDN GTLDs.

And that will obviously not be happening. And I don't know if it ever really stood a chance.

To give a slight anecdote on it, I did have an exchange with Chris Disspain recently. You know, he knows how hard I fought to make sure that all IDN TLDs came out at the same time.

But having watched the discussions and the synchronicity issues that went on and...

((Crosstalk))

Avri Doria: ...over the last couple months, I'm all of a sudden thinking that perhaps we're gaining a little bit of sanity by actually following them through this in some - some of these issues.

Because some of the issues to do with (unintelligible) we haven't talked about here because (unintelligible) avoided it are really fascinating and (hard) topics.

Steve DelBianco: And Avri, the lessons learned will be for naught. Applications will even bother to propose IDN scripts (unintelligible).

In other words, and that's where this other working group comes in, provide the needed - well I don't know, incentive, subsidy -- whatever you want to call it -- but at least focus a light on the fact that - I was just on the phone with the people at PIR.

But if .org is going to do one or two scripts like Korean or Japanese, there ought to be ways to make it easier for them to propose scripts, IDN languages that don't necessarily double - that are not proportionally expensive.

Otherwise all these lessons learned will be for naught because there won't be IDNG small linguistic communities.

Avri Doria: Yes although I'm not sure that (unintelligible) worrying about whether the .orgs can afford it. (Unintelligible) be worried about the little Korean outfit that wants to do it or the little, you know, Kenyan outfit that wants to do it. But...

Steve DelBianco: As long as...

Avri Doria: That'll be...

Steve DelBianco: ...somebody wants to do it Avri. Isn't that the key right? As long as somebody wants to do a Korean .org. It matters probably less who does it as long as somebody does it.

And we've created such hurdles to get into this round that I'm just afraid we won't get enough IDNs in the G space for the application space.

Avri Doria: Yes that may be the case. It'll be interesting to see that meeting tomorrow.

Steve DelBianco: You joining that group?

Avri Doria: Yes I've joined it.

Steve DelBianco: Great.

Olof Nordling: So did I in a sense.

Avri Doria: You're advisor, no?

Olof Nordling: Oh well I'm...

Avri Doria: You're our staff...

Olof Nordling: I'm staff support.

Avri Doria: Yes.

Olof Nordling: Come on. Yes.

Avri Doria: That's what I meant. Yes.

Olof Nordling: Yes, yes, advisor, no.

Avri Doria: No, I - forgive me. Forgive me.

Okay so we're done.

Chuck Gomes: Yes I think so. Thanks everybody.

Avri Doria: (Way cool). I'll talk to you. Bye-bye.

Olof Nordling: Okay, good talking to you. Bye-bye now.

Glen de Saint Géry: Thank you. Bye. (Unintelligible)?

Coordinator: At this time that will conclude today's conference. You may disconnect and thank you for your attendance.

END