

**Cross Community WG discussing Recommendation 6 of the new gTLD process
(Rec6 CDG-WG)
TRANSCRIPTION
Friday 17 September 2010 at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Cross Community Working Group discussing Recommendation 6 of the new gTLD process (Rec6 CDG-WG) meeting on Friday 17 September at 1900 UTC UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-cwg-20100917.mp3>

ALAC

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Alan Greenberg – ALAC
Evan Leibovitch – ALAC
Dave Kissoondoyal - ALAC

Commercial Stakeholder Group

Jon Nevett – CBUC*

Non Commercial Stakeholder group

Mary Wong
Milton Mueller
Robin Gross - NCSG

Registrars Stakeholder Group

Registries Stakeholder Group

Chuck Gomes – GNSO Council chair*

Individuals

Richard Tindal

GAC

Bertrand de la Chapelle – GAC - French representative
Liang Wang – GAC - China

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Apologies:

Avri Doria - NCSG

Konstantinos Komaitis - NCSG
Olivier Crépin-Leblond – ALAC
Caroline Greer – RySG
Sivasubramanian Muthusamy – At Large
Coordinator: Your recordings have started.

Chuck Gomes: Thank you very much and welcome to the recommendation 6 Community Working Group call on September 17. Appreciate you joining. And I will ask you Gisella if she will do a roll call telling us who's on the call.

Gisella Gruber-White: With pleasure. Good morning, good afternoon, good evening to everyone. On today's call we have Chuck Gomes, Cheryl Langdon-Orr, Evan Leibovitch, Dave Kissoondoyal, Alan Greenberg, Mary Wong, Jon Nevelt, Richard Tindal, Milton Mueller, Robin Gross. I believe Bertrand de la Chappelle will maybe - may be joining, Chuck.

From staff we have Margie Milam, Marika Konings, David Olive and myself, Gisella Gruber-White. We have apologies from Olivier Crepin-Leblond, Siva Muthusamy, Caroline Greer, Konstantinos Komaitis and Avri Doria. And I can please remind everyone to state their names when speaking for transcript purposes.

Thank you, over to you Chuck and Cheryl.

Chuck Gomes: Thanks Gisella and with that have a good evening. Okay and I - it looks like everybody that's on the call has connected to Adobe Connect, appreciate that. And let's go ahead and get started.

What we're going to do first of all as I think all of you know is we're going to look at the poll that we just did. So Marika if you can put up the results of the poll. In fact with - I see you've got two - the two things we probably should have up right now are the results of the recent poll and the statements of recommendation in the - that went with that.

I just resent that out just in case anybody needed it. So the - I'll give you a chance to get those up there. And we'll start out with 2. - I think it's 2.2 with the first one we re-looked at. Is that correct? I - so you can see the content is loading there.

And what we will do - how many total working group members do we have on the call today excluding Cheryl and I? Anybody - actually was that one...

Evan Leibovitch: It looks to be eight Chuck.

Richard Tindal: Eight on Adobe Connect.

Cheryl Langdon-Orr: Hey I'm counting 11 in meeting view. Oh no I counted Marika, sorry, yeah, sorry, yeah, eight.

Chuck Gomes: Well I think - I thought I came up with 11 in Adobe Connect but I may have counted wrong so we've got 10 or 11 I think, that's good. Now I'm willing to - for people to dicker with me on this but I'm thinking that that's probably not a - enough out of our total group to define a level of support. I would think we'd want at least 50% of the people but that's my own opinion.

But at the same time I think based on the results of the poll that we should get a pretty good idea of where the level of support is trending. And what I'd like us to do on these ones that we've been working on the last few days is to try and get this group here to do any final tweaking and see if we can come to a pretty good agreement on what's there - if there is agreement and there's some - there won't be as we can tell by the poll.

And then we can go to - and then we can put the data to an additional poll to let everybody else chime in over the weekend. The - so now I'm still seeing the old tally of support in the top window and not the one that goes to the (unintelligible) in the latest poll. I see it's changing now so that's good.

So (unintelligible) Recommendation which that's a repeat of what we did before only because there was a lot of discussion on that and we wanted to evaluate.

Alan Greenberg: Chuck, there's a lot of noise on the line when you're talking.

Cheryl Langdon-Orr: I don't think it's Chuck's line I think it's someone typing.

Alan Greenberg: No, no I'm just telling...

((Crosstalk))

Alan Greenberg: Just telling him.

Chuck Gomes: So if you're not talking if you would mute that would probably help. And I don't think it's coming from me because I'm not aware of any noise around me. So let me know if that continues and becomes a problem.

So Recommendation 2.2 as it was worded and still is on the screen in front of you is, "If individual governments have objections based on contradiction with specific national laws such objections should be submitted through the community objections procedure."

You can see the results in the top window there. And there were 10 people that supported it and 4 did not. I know for a fact that, I mean, Avri explained to us why she was opposed to it and I won't conclude from there that she would support the new version but we'll let her do that later.

And then Caroline Greer had trouble with the same thing since it was worded the old way. She told me on that on a phone call. And Jon you have suggested changes for that, is that correct?

Jon Nevett: Yes. Yeah, we - I had circulated that a couple days ago. I'm trying to find the date. It's 12:21 my time on the 16th that would be Eastern Time. But essentially it added the word may instead of should, so changed may for should, and then added the words at the end outlined in DAG v4.

Chuck Gomes: So would you read the whole recommendation with those changes for everyone please?

Jon Nevett: Sure. "If individual governments have objections based on contradiction with specific national laws such objections may be submitted through the community objections procedure outlined in DAG v4."

Chuck Gomes: Okay. Now just one minor edit to that - I don't remember whether I put this on the list or not - we probably ought to call it AG v4 just because...

Cheryl Langdon-Orr: Yes.

((Crosstalk))

Chuck Gomes: ...in one country represented on this call that is a...

Cheryl Langdon-Orr: Two actually - two on the group; both Frank and I cannot help ourselves when it comes to DAGs.

Chuck Gomes: So that would be the only change. Now let's - does anybody have any objections with those changes? And Jon I'm sorry I missed that when we sent out the wording for this poll; that was my mistake.

Jon Nevett: No worries.

Chuck Gomes: But we're not going to take a tally right now. But does that fix the problem for you on Recommendation 2.2?

Jon Nevett: Absolutely.

Chuck Gomes: Okay thanks. So does anybody else want to comment on that?

Robin Gross: Yeah, this is Robin...

Chuck Gomes: So the next poll we'll fix 2.2 with those changes so that everybody can re-vote. And I suspect that one will get pretty strong support. Any other discussion on that one?

Okay then let's go to - and I've got to watch for hands here, I'm sorry, Evan, I wasn't watching - I was watching the other two windows and not the hands. Evan, please.

Evan Leibovitch: I know the feeling. And I'll keep it brief. But in the email conversations I'd noticed a number of times that Bertrand and maybe others had suggested that there might be some small fine tuning to the community procedure to make it more accept - to basically accommodate some of the wording that the community procedure as it's worded right now is generally okay but might need a few minor tweaks in order to be able to handle some of these things.

So, I mean, changing the wording to saying as mentioned in the Applicant Guidebook is fine but I think Bertrand may still - and some others may still have a couple of tweaks in mind to the community procedure.

Chuck Gomes: Okay. And we might want to check those between now and our meeting on Monday just in case we want to add those to the thing - to our recommendations or we might - if we have time we could make a general recommendation that kind of what you just said that that be re-visited based on the suggestions that were made here. Mary.

Mary Wong: Thanks Chuck. This is more a question for clarification purposes. And I apologize if I missed a couple of emails that may have answered this

question. If we change the wording as Jon and Avri have suggested from should to may the assumption I take it is that there could be some national law objections that goes through something other than the community procedure.

For example this international law procedure provided that they're based on international law. Is that the thinking behind it? Because I'm concerned that if we don't have that firmly cleared up then - and all those ends tied up that the may could read to be more open than it was originally intended to be. So I don't know if Jon or Chuck or anyone wants to speak to that.

Chuck Gomes: I'll let Jon take a first crack it. That wasn't my understanding.

Jon Nevett: Sure. This would go hand in hand with the other recommendation that says, you know, national laws based on international principals would go through Recommendation 6 objections. And then this one says, you know, national laws, you know, objections in contradiction with national laws would go - could essentially or may - go through the community objection procedure.

What I would say to Evan is that essentially that's the reason why we made the change we made. And it got additional support essentially because I don't want to open up the community procedure again; we spent a lot of time on that. This group is not chartered to do that.

You know, so that's been locked and loaded. So, you know, if there's an objection that a sovereign could make under - as a community that's great but let's not tinker with the community that's already in the AG.

Evan Leibovitch: Okay I'm - it wasn't a complaint so much as something I'd noted on the email list and if that's an appropriate answer then so be it.

Chuck Gomes: Okay thanks and thanks Jon. And my understanding from Avri's post on this one - on the should issue is should makes it sounds like we're telling

governments that, hey, if you've got an issue here you should file a complaint and that wasn't the intent.

If they have one they may do it and that's their choice. And may, you know, leaves it more up to them whether they want to submit an objection. We're not telling them they should or should not but they may. Did that make sense Mary?

Mary Wong: Yeah it does. And I guess I'll probably need to read the whole report and all the recs together because I think everybody understands the concern. And I think we don't intend to open it up to the ambiguity that I mentioned. But I think we just need to be careful that overall on the report that that comes across clearly. Thank you.

Chuck Gomes: And are you okay with the language as it is now in 2.2 understanding that it's been the context of the whole report?

Mary Wong: With that rider, yes.

Chuck Gomes: All right, thanks. So if there's some language in the report that you think needs to accompany the report - not necessarily part of the recommendation unless you think it should be - please submit that to the list so that we can - the goal is going to be to wrap up the report after our meeting on Monday as best we can. So is that okay? Anything else - well I've got several hands. I'm sorry, Robin.

Robin Gross: Thanks. Yeah, I just - I want to support Jon's recommended change but then I would be concerned if we sort of want to, you know, start tinkering with it further and particularly trying to sort of open up the community objections.

And, I mean, I'm just sort of concerned that we're opening this up here and what we should be doing is being clear and providing clear guidelines but not really opening up for new challenges to be brought that don't meet the

existing criteria for community or don't meet the existing criteria that we've talked about for - if you've got a national law objection and it meets the international test that's fine but if it doesn't meet that international test I'm concerned that, you know, we're trying to open up objections in a way that's going to bring a lot, you know, that will lose a lot of support in the group.

Chuck Gomes: Yeah, thanks. And I didn't understand anybody to be suggesting that but your point is well taken. Right now Recommendation 2 that will be in our next poll will be the one that Jon read with the two changes.

Robin Gross: Thank you.

Chuck Gomes: Okay? Any - and then we've got next is Milton.

Milton Mueller: Can you hear me okay?

Chuck Gomes: Yes.

Milton Mueller: Okay good. So I'm kind of echoing Robin's comments so this won't be long. But I just want to make it clear that when we say that they may use the community objection procedure what we're saying is that the community objection procedures as they are currently defined in the Applicant Guidebook. Is that what everybody else understands or are they saying that there's a new part of the community objection that is specifically made for international governments objecting on the basis of national law?

Chuck Gomes: Okay does the first thing that Milton said - what everybody - does anybody understand it differently than that? That's certainly the way I understood it.

Margie Milam: I was talking - this is Margie - if I can get into the queue?

Chuck Gomes: Who was that?

Margie Milam: It's Margie.

Chuck Gomes: Oh go ahead Margie. You're breaking up just a little bit that's why I couldn't tell.

Margie Milam: Oh okay, can you hear me okay now?

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Yes.

Margie Milam: Yeah, when I read that Recommendation 2.2 I was unclear as to whether we meant it the way that Jon has been talking and Milton has been talking about it or the way that Evan thought that Bertrand was perhaps concerned. So I - since I had that ambiguity I would recommend we make some clarifications in the language itself to make it abundantly clear that we're not talking about changing the standard in any way for national (unintelligible) interests.

Chuck Gomes: Would it make sense to put a parenthetical with the recommendation?

Jon Nevett: This is Jon...

Chuck Gomes: Let me go ahead and...

Jon Nevett: Did we saw AG v4 so isn't that clear that we're not talking about changing the language? I mean, that language is said, anyone could read it.

Chuck Gomes: Margie?

Margie Milam: If I could respond? I was unclear on that. I didn't know if we just meant the procedure or you actually meant the standards that are involved with the procedure. So I had that when I read the language (unintelligible).

Chuck Gomes: Whatever is in AG v4 covers it whether it's a standard or procedure or whatever as related to community objections right? Okay Richard?

Jon Nevett: If you want to make it abundantly clear it says through the community objection procedure we could say the community objection standards and procedures in AG v4.

Chuck Gomes: Anybody opposed to that clarification and change? Speak up if you are because it's going to get confusing with hands and nobody is speaking up. So did you get that additional change then Margie and does that help your concern?

Margie Milam: Yes it does. I think that makes it abundantly clear.

Chuck Gomes: Okay thank you. Okay Richard.

Richard Tindal: No I agree with...

((Crosstalk))

Chuck Gomes: Your hand went down, okay. Okay thanks. Now back to - do we need - so we don't need a parenthetical clarification there is what I'm concluding; am I - if I'm wrong let me know. Okay. All right then let's go to Issue Number 4. And we'll take a look at the different options here.

We have four different (sets) that Evan suggested and one change was made to those with his agreement. And the current one is in there. And then we have one that was suggested - one that covered the whole area of Issue 4 I think from Mary.

Now if you looked at the poll you'll see that 4 with - 4.1(e), 4.2(e), etcetera and up to 4.4(e) all repeats...

Cheryl Langdon-Orr: Absolute, yeah.

Chuck Gomes: Okay. And then Mary, no offense, but yours only received five.

((Crosstalk))

Mary Wong: ...whatsoever so that's...

((Crosstalk))

Chuck Gomes: Mary I do believe that your various iterations helped the whole team come to terms with the issue so I think it was very helpful in that regard.

((Crosstalk))

Mary Wong: ...going to say that, you know, in the interest of speeding that discussion along unless the others who voted on my proposed language have anything to the contrary to say that we just move right on because I noticed that those of us who voted for my language voted for Evan's as well.

Chuck Gomes: Right, a very good suggestion. Are there any objections to moving forward on this? So now tell me if I'm wrong, we have a little more in the fold now than we had earlier when I was thinking about this. I'm still not sure that 14 out of 14 is enough to say we have full consensus but that certainly seems to be where we're trending on this.

I'm guessing that we should put those four in the next poll just give more people a chance to participate, that'll make it real easy on this group. You'll know what - how to do it. And that we eliminate 4(m).

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Any objections to that? Okay. Let's go onto Issue 5. By the way, again, my compliments on the nice work on the list on Issue 4 as well as Issue 2 - 2.2. So very good job.

So we're going now to Issue 5...

Margie Milam: Hold on Chuck, it's Margie, if I could ask can you just repeat the instructions so I get it right? I was taking notes and didn't get it clearly.

Chuck Gomes: For the next poll, which hopefully will go out - if we can do it, I know it's weekend - but if we can do it early tomorrow to give a couple days for people to respond that would probably help.

We will include - and you don't have to have the (e) on there anymore, it can just be 4.1, 4.2, 4.3 and 4.4.

((Crosstalk))

Chuck Gomes: ...with the latest - with the wording as you have right now. And then we're dropping 4(m), the one that Mary submitted; that will not be in the poll.

Margie Milam: Okay thank you.

Chuck Gomes: Okay, you've got it? Okay very good.

Evan Leibovitch: Chuck, I got one...

((Crosstalk))

Chuck Gomes: What was that?

Cheryl Langdon-Orr: Evan.

Evan Leibovitch: Sorry, Chuck, I had one quick question and that was also about when this goes forward that even the name of the issue probably needs to change going forward because in the last summary that went to the board Issue 4 was still called DRSP. So I was just suggesting given the significant change going on here I proposed even a change to the name of the issue.

Chuck Gomes: What was your proposal because I think you're right. But what was your proposal?

Evan Leibovitch: I think it was External - I have to go back to it but I think it was sort of like External Expert Consultation or something like - Contracted Expert Consultation or something like that as the name of the Issue 4.

Chuck Gomes: Okay. Yeah, no I think that's right so that there's no misleading. Anybody disagree with that? So - and would it be okay to just call it Expert Panel or something like that?

Evan Leibovitch: Whatever you want to do. There's no specific mention - I don't even think the word panel is even mentioned in the points in Number 4. But however you want to call it just as long as we change it, I mean, we're pretty well trying to eliminate all references to the term DRSP here.

Chuck Gomes: Right. Margie, could you see - or anybody actually if you can take a look at those four items - not on this call but afterwards and just - if a few people will mention a change from what it is now to some new version that's consistent with our total recommendations on the list and then we can comment on that on the list. And I don't think that's going to be hard to do. I just don't want to take the time on it right now.

Margie Milam: Okay.

Chuck Gomes: Okay thanks. And then we go to Issue 5 which has five parts to it. And the trend is pretty clear, it's not unanimous in every case. In fact we only have

one that's unanimous, 5.5. But 5.1, 5.3 and 5.4 are pretty strong. So let's first of all look at 5.1. And Philip is not on the call but let's look at 5.1 just for the people on this - in this group.

A higher threshold of (unintelligible) prior to uphold an objection. I don't - I don't recall Philip commenting as to why he opposed that one. Maybe he opposed higher thresholds than general. And I do remember that he did comment on the fact that he thought that, you know, a majority threshold should be okay on these. So I do remember that now so I think we know why he did that.

The question is that Recommendation 5.1 be submitted in the next poll as-is and then we'll allow a few more people to participate. And again keep in mind all of you that did participate we need you to participate again so we get a final figure and determine consensus okay?

Going on to 5.2 which is a higher threshold of board - the board should be required to approve a string. We only have one in support of that so my recommendation if there's no objections on this call - sir, I'll get to you, Milton, I'm sorry - is to eliminate that one.

But before we do that Milton, you're up. I guess - Milton's hand went down so I guess we're okay. So we will eliminate - Margie, we will eliminate 5.2. Going to 5.3...

Margie Milam: Hey Chuck it's Margie.

Chuck Gomes: ...we have the same...

((Crosstalk))

Margie Milam: Hold on a second. On 5.1 where we had just one person (second) to it do you want me to go ahead and call it a consensus or you want to wait to produce the poll...

Chuck Gomes: Wait...

((Crosstalk))

Chuck Gomes: ...wait until the next poll for all of these.

Margie Milam: Okay, got it.

Chuck Gomes: Because I think we, you know, we've got a, you know, 14 excellent members of the group that responded but we - it'd be nice if we could get it up a little bit higher. So don't worry about defining in, we'll define it as we did the ones already after we do the second poll. Does that make sense?

And again if people want to disagree with me on that I'm open to that. So...

Margie Milam: That's fine with me.

((Crosstalk))

Chuck Gomes: ...5.1 - any of these that we're doing in the next poll we won't - we won't define the level of support yet. Although it's looking pretty clear where it's going. Okay? Because there was a variety of people that - from different groups that responded is why I'm guessing that way.

So we will eliminate 5.2, 5.3 we will keep as-is. Now let's talk about 5.4 which says approval of a string should only require a simple majority of the board regardless of the input from the experts. There were - there was 11 people supported that and three people opposed to it.

Either - whatever side you're on, on that let's have some discussion. Richard, you're first.

Richard Tindal: Mine was a mis-type Chuck so I'm in the okay category.

Chuck Gomes: Okay. Oh okay I'm sorry I may be - oh so yours was miscategorized?

Cheryl Langdon-Orr: Yes he should be green.

Richard Tindal: Yeah, this is Richard. I hit the wrong button; I should be green.

Chuck Gomes: All right so - good, okay so we really have 12 out of 14. Philip is not on the call. And did Frank join?

Cheryl Langdon-Orr: Not that I can see which is why I put my hand up.

Chuck Gomes: Okay. Well go ahead, hand speak.

Cheryl Langdon-Orr: Thanks. I'm not wishing to speak for Frank at all. What I was pointing out is the fact that Frank did make that comment or did make that choice. And I think we need to find out from him the rationale on that. So I'd be wanting that one in on the next poll as-is but if we can ask him for a clarification or something to the list that's going to help a lot too because if a GAC (unintelligible) - then that's something we need to know about.

Chuck Gomes: Okay. So good idea. Cheryl, as one of the chairs of this group would you send Frank an email...

Cheryl Langdon-Orr: Shall do.

Chuck Gomes: ...and...

Cheryl Langdon-Orr: ...I'll do that right now.

((Crosstalk))

Chuck Gomes: Just ask for that clarification, okay?

Cheryl Langdon-Orr: Yeah, I'll do that now.

Chuck Gomes: And you're absolutely right we need to include 5.4 in the next poll just like it is.

Cheryl Langdon-Orr: Yeah. Okay.

Chuck Gomes: Any questions or comments? Alan?

Alan Greenberg: Yeah, just a quick comment that - as we're coming to closure on all of these someone who's well rested better look at it and make sure that we don't have any deadlock situations where an application is in limbo because it isn't approved and it isn't rejected. I'm not...

Chuck Gomes: I'm sorry - say that again, please Alan, I didn't get it.

Alan Greenberg: Yeah, we've talked about a number of percentages where you could end up where a threshold is not meant to accept it or to reject it. And, you know, you know, I'm guessing, you know, if an application is between 1/2 and 2/3 or something like that of the board voting one direction we should just make sure that when we come up with the final set of recommendations they're wholly consistent with each other and we don't end up in a deadlock situation.

Chuck Gomes: Right. And we will be using the categories full consensus, consensus, strong support but significant opposition and divergence.

Alan Greenberg: No, no, I'm saying that we don't end up recommending - have a set of recommendations on board voting levels which end up with the board in the

potential for not being able to make a decision because it doesn't meet a criteria for accepting or rejecting. It's just a sanity check to make sure...

Chuck Gomes: I guess I'm...

Alan Greenberg: I'll say it on the list.

Chuck Gomes: Go ahead.

Alan Greenberg: No don't worry, I'll say it on the list afterwards.

Chuck Gomes: Okay all right, yeah. Forgive my slowness. I don't know if it's because it's late for me or what but anyway thanks, okay, for doing that. Milton.

Milton Mueller: Yeah, I wish Philip were here but I think this is (unintelligible) what I was going to say earlier. I mean, I really think the...

Chuck Gomes: You're...

Milton Mueller: ...the business (unintelligible)...

Chuck Gomes: Milton, you're cutting out badly.

Milton Mueller: Unless there's...

Chuck Gomes: You're breaking up a lot.

((Crosstalk))

Milton Mueller: But objections (unintelligible) working for something (unintelligible) objections. Okay sorry.

Chuck Gomes: Did anybody get that because we're losing about every third word or so.

((Crosstalk))

Cheryl Langdon-Orr: I think he needs to...

((Crosstalk))

Milton Mueller: Can you hear me?

Cheryl Langdon-Orr: Yes that's better. Try again Milton.

Chuck Gomes: Okay, do you want to go ahead and repeat it Milton? Okay we're not hearing you, Milton, so I don't know what's going on now. So not hearing Milton we'll come back to him as we can...

Milton Mueller: Is this any better?

Chuck Gomes: ...while we're waiting for that - go ahead, let's find out.

Milton Mueller: And now?

Chuck Gomes: Yeah but it sounds like it's still breaking up.

((Crosstalk))

Milton Mueller: Any better now?

Chuck Gomes: That sounded better.

Milton Mueller: Okay so all I wanted to say is that I think - I know Philip is not a big fan of new TLD. He talks about wanting (unintelligible) policy...

Richard Tindal: This is Richard. I can't hear Milton.

Cheryl Langdon-Orr: No.

((Crosstalk))

Milton Mueller: ...(unintelligible) outside of our scope.

Chuck Gomes: Yeah. Milton, the same thing is happening now. Can you - it's probably easier - if you think you can put it in the chat that's okay or if you want to send an email that somebody can pick up and read for the group that might be better. I don't know what's going on but we're missing a word every three or four and it's making it very hard to understand.

So now - and by the way I did pick up part of what you were saying and that Philip may not be for new gTLDs except in limited circumstances. And even if that's the case I would think that he would be opposed maybe to, I mean, would be supportive of 5.2 because that would make it harder to get a new string, right?

So, but anyway we can't really speak for Milton. He did support - he was the only one to support 5.5 which was approval of a string should only require a simple majority of the board except when expert input indicates otherwise in which case the higher threshold should be required so that's the only one he supported.

But it's clear that there's strong opposition to 5.5 so I - it's my conclusion that 5.5 should be dropped. Now Margie, let me ask a question and get the group's opinion but should we just leave the numbers the same so that there's no (unintelligible) and then when we get to the final report we'll make them sequential?

In other words we'll still call the ones in the - in the next Doodle poll 5.1, 5.3 and 5.4. When we get to the final report if those three (unintelligible) we'll just

do 5.1, 5.2 and 5.3. Is that - does anybody object to that? So let's leave the numbers the same even though there will be missing numbers and we'll fix that in the final report. Are you with me Margie?

Margie Milam: Right but so I'll change - I'll leave the numbers the same here but in the final report we'll have it updated. My question is...

Chuck Gomes: Yes.

Margie Milam: ...am I eliminating 5.5?

Chuck Gomes: Yes and 5.2.

Margie Milam: And 5.2. Okay got it.

Chuck Gomes: Good, okay? Recommendation 17 we added - that was a suggestion - what? Is somebody saying something? Okay Recommendation 17 is the one we added at a good point that Avri made that it shouldn't really just be international law experts but other needed criteria like for example linguists in the case of IDN TLDs.

So I think that was good. There's unanimous support. But we will need to include it in the next poll. Does anybody have any comments on that one?

Okay good work since our last call on those. Let's pick up then where we left off - we actually finished 4 and - or this at least this group has finished 4 and 5; we need to incorporate thoughts from the whole group later. But let's move on to 6 which means we need the old table of poll results on the top and the old (unintelligible) of the recommendations or statements in the bottom. So let's give Marika a chance to update those.

While we're waiting for that my compliments to those that have been working on this and participating in the IGF. For some of you your participation in the

IGF was really significant and yet you continued to participate so my thanks to you in that regard.

And okay let's see, okay just waiting for the - it looks like we're going to be reversed this time. It doesn't matter, we'll have...

Margie Milam: Sorry I'm...

((Crosstalk))

Margie Milam: It's taking me a while to find it, hold on. I'm trying to find it.

Marika Konings: Chuck in the meantime can I maybe try to get the attention of the Operator? (Cori), are you there?

Chuck Gomes: Who are you talking to?

Coordinator: Yes, ma'am.

Marika Konings: Yeah, to the Operator. And I put a message in meeting view to get a dial-out if you can please take care of that in the meantime?

Coordinator: Thank you.

Marika Konings: Okay thanks, thank you Chuck.

Chuck Gomes: Okay good. All right Marika was that what you wanted?

Marika Konings: Yes...

Chuck Gomes: Your hand.

Marika Konings: I'll put my hand down.

Chuck Gomes: Okay thanks. And Evan.

Evan Leibovitch: Well I was going to speak in general to Number 6 when you get started.

Chuck Gomes: Okay hold on a second. And you'll be first up, just a second here. I know I need to scroll down now that we've got it up there. In the top window you want to go to 6. And I'm sure all of you know this without me telling you but I'm doing it right now. So...

Cheryl Langdon-Orr: I'm impressed.

Chuck Gomes: So all right so let me scroll down to the bottom and get to 6. And up there. So on - we had a 6.1 and a 6.2, 6.3, 6.4. But why do we only have...

Margie Milam: Hey Chuck, let me - I'm sorry, I'm going to put something else up. I don't - this not what I wanted to share. Give me a minute.

Chuck Gomes: Okay.

((Crosstalk))

Evan Leibovitch: Well, Chuck, I may be - let me - I may be jumping ahead of myself because I may be arguing the wrong Issue 6. I wanted to deal with the issue that was talking about the ICC. And I don't know if that - that doesn't look like that's the current Number 6 but it has been Number 6 on previous drafts.

Chuck Gomes: Yeah, okay well let's hang on a second and see if we can get it up. I've got some old hard copies of things here. Let me get - pull those up and see if it helps me get this straight. I'm showing what she had up for 6 was just a one-paragraph - oh that's the issue.

Oh there was no - oh I see, it was because there was no recommendation so I need to look somewhere else for the recommendation and I don't know where those are. Oh.

Evan Leibovitch: The recommendation...

((Crosstalk))

Margie Milam: It's better to go through the status report. It should be up now. Did you guys see - that's the very latest. So if you go to 6 it's on Page...

Evan Leibovitch: 12...

((Crosstalk))

Evan Leibovitch: Okay.

Chuck Gomes: Which page?

Margie Milam: Seventeen of the status reports. I think that's probably the best place to work off of.

Chuck Gomes: Good, thank you. That's a very good idea.

Margie Milam: Apologies for that.

Chuck Gomes: And I probably gave the wrong instructions in terms of what I should have up there; that was my fault. So all right, Page 17, yeah, that looks more like it. So we do have a - a 6.1 - there we go. Okay so 6.1, objection to the ICC. And we had I guess what we would call a strong support with significant opposition for that one.

And it says at the center of expertise of the ICC is not the appropriate body to act as a dispute resolution provider for the resolution of disputes related to morality and public order due to its historical, commercial connotation and associations.

And now Evan would you like to comment on that?

Evan Leibovitch: Actually I want to make a broader comment. Given that there seems to be broad consensus for the .4.4 that I put through before if there's general agreement that on 4.4 that I put in that so far doesn't have anyone against it on the poll I'm recommending - and I'm going to ask you to put on the poll to strike out Issue 6 in total. And I'll give my rationale.

Chuck Gomes: For what - because a lot of us don't have 4.4 in front of us read us that one please?

Evan Leibovitch: I was afraid you were going to do that.

((Crosstalk))

Chuck Gomes: ...when we do. Okay sorry.

Evan Leibovitch: Okay the recommendation previously known as 4.4(e) essential - oh I got a paraphrase myself here because I don't have it right in front of me. I'm going nuts with how many different documents are on the go.

Anyway it essentially made reference to the fact that the process of how many experts would be picked, how they would be contracted and the nature of the engagement was to be left to the board's discretion. I'm paraphrasing but that's what I seem to recall was in 4.4.

Chuck Gomes: But we don't have that anymore.

Evan Leibovitch: Yes, that was the 4.4(e).

Chuck Gomes: Oh okay.

Evan Leibovitch: Can somebody read back the 4.4(e) that was just recommended?

Alan Greenberg: I could have except it just disappeared from the screen.

Margie Milam: Okay put it back up, sorry.

Evan Leibovitch: Okay this is what was just agreed to on the poll was 4.4(e) and...

Alan Greenberg: ...the number of experts to be consulted, the method of their selection and terms of their engagement are to be determined by the board subject to these policies.

Evan Leibovitch: If this group believes in that then Number - then Issue 6 on the whole is moot and beyond the scope of this discussion. Essentially we are talking about individual service providers, individual judges, individual experts and we've just said in 4.4 that that's to the discretion of the board. And Issue 6 now goes into the micromanagement of specific ones to pick.

Chuck Gomes: Now I'm not - I'm not really arguing one way or the other on this but I am going to question some of the logic here, okay?

Evan Leibovitch: Okay.

Chuck Gomes: That is this 4.4(e) is talking about the number of experts, the method...

Evan Leibovitch: Yes.

Chuck Gomes: ...of their selection.

Evan Leibovitch: Yes.

Chuck Gomes: And so I'm not sure it necessarily goes counter to the statement of this (unintelligible) 6.1. Now I throw that out, I'm not going to, you know, I'm not making a ruling on that I'm just throwing that out because that strikes me that way.

Evan Leibovitch: Okay.

Chuck Gomes: I don't necessarily (unintelligible).

Evan Leibovitch: And if it's not clear basically what I'm saying is that we - is that 4.4 is essentially trying to give guidance to the board on what to do but we are not going to make their decisions of who to pick and then immediately in Number 6 we're saying who to pick and who not to pick. And I'm saying we should be out of that; we have enough on our plate without doing that which I'm calling micromanagement.

Chuck Gomes: Yeah and that's a - okay. So you're saying we shouldn't be micromanaging who they pick.

Evan Leibovitch: Exactly.

Chuck Gomes: Yeah, okay I got that. Now I seem to have - I don't know what I've done on my - I'm not seeing anybody's names or anything in...

Cheryl Langdon-Orr: We've got hands up from Mary and Jon - oh sorry, after Evan, Mary and Jon.

Chuck Gomes: Oh there we go, I'm back up. So let's go with Mary, okay?

Mary Wong: Thanks Chuck. And I agree that we don't want to micromanage. But I also wanted to follow up on your point and I think that we made the same

comment in the chat that 6 and 4 maybe related but they don't cover exactly the same thing.

So I'm wondering if some statement somewhere, maybe in Section 6, that there is a distinction - I know I've said this before - that there's a distinction between the experts who are - the ones who are going to be going through the objection and looking at the grounds and validity and the procedural parts of things which may be provided by some kind of service provider.

It may be the ITC, it may be someone else. Could we make at least a statement somewhere that - as to what we're actually addressing so that Rec 4 we're addressing the expert and in Rec 6 we may say something about us not wanting to get into the method of collection and so forth. But making that distinction seems to me to go some way towards maybe clearing up some of the possible confusion.

Chuck Gomes: Okay, come back to that Mary. Jon.

Jon Nevett: Yeah, thanks Chuck. I was looking at the poll results from the last poll on Section 6. And I agree with Evan. And there were a bunch of comments - I just heard a lot of background noise, sorry.

There were a bunch of comments that said the ICC - whether it was suitable or not or issues of who to select as the vendor or anything like that we should be dealing with and it's not our charge to do that. And the poll results seemed to show that.

There is - there was one however in 6.4 that got a lot of support and that was related to the expertise in interpreting the law instruments of public international - I think there might be a - in the parenthetical might have a little typo in there but there was a lot of support for 6.4 and that was similar and could be combined with Number 17 that we just went through which talks

about the international legal expertise should be complemented with other needed expertise such as linguists.

So maybe we could pull out something from 6.4 that got a lot of support, combine it with 17 and be done with it and then support Evan's recommendation that we get rid of 6.

Evan Leibovitch: Actually Jon - I would - sorry.

Chuck Gomes: Let's go to Alan. I'll come back to you, Evan.

Evan Leibovitch: Okay.

Alan Greenberg: Yeah I think 6.4 is not really a recommendation but a - it's an overriding consideration. And one could, you know, we could include that the ICC is perceived by some as not being the appropriate organization.

Again it's not a recommendation but it's a factor that the board and/or whoever is identifying the people to be - to do this work or the group that contracts with them to factor in. It's a perception issue; they should be aware of it. I don't think we're going to have enough unanimity either way to recommend it or perhaps even to strike it completely so.

Chuck Gomes: Okay. Back to you Evan.

Evan Leibovitch: Okay. I was actually thinking of what Jon was saying in a slightly different direction. I'm more than happy to take 6.4 and reconstruct it as a 4.5 that would actually talk about the level of expertise. We could actually combine, as Jon said, 6.4, the Number 17 that had unanimous consent and essentially add it into Issue 4 that talks about the level of expertise expected of the people that the board hires.

Jon, are you okay with that?

Jon Nevett: Yeah, yeah, that sounds good to me.

Evan Leibovitch: So if there's interest basically what I'd like to take - do is take out, you know, fine tune 6.4 because right now it's mentioning (Mapo) and it's mentioning dispute resolution so that obviously needs to be massaged for the new way we're looking at this. Having done that then I would be happy to suggest some wording that would make that a 4.5 and combining in some of the points from Avri.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Let's see that to the list, Evan and if it can be done have that as a new poll point under the 4s. Chuck, does that work for you?

Chuck Gomes: Yeah, I think so. My reason for pausing I'm having trouble with my windows and getting the...

Cheryl Langdon-Orr: Okay.

((Crosstalk))

Cheryl Langdon-Orr: While you're having trouble with your window, go ahead Margie.

Margie Milam: Sure. Evan if you're going to send that out if you could send it out today because we want to get the poll out as soon as possible and I'm not sure I understand the issue well enough to re-craft that.

Evan Leibovitch: Okay. Well I'll take direction from the rest of the group. Number 1 is there at least agreement here that I should massage 6.4 for inclusion in Item 4?

Chuck Gomes: Margie, do you have a comment? Oh you were commenting, okay, yeah, we're seeing a couple people supporting that so I would say go ahead and do it third person.

Evan Leibovitch: Okay.

Chuck Gomes: And do we want also want (unintelligible) 17 in that same one? Is that what your suggestion is Evan?

Evan Leibovitch: Yeah. So I'm going to propose a 4.5 that merges the aspects of 6.4 and 17 into a 4.5.

Chuck Gomes: Okay. And excellent, okay. Now - and that one, Margie, may need a little bit of - so that people aren't totally confused when they see these things overlapping. That one might need a little prefatory statement that to just consider is as a replacement - as an addition to 4 but if they're supportive of it it would replace 17 and 6.4.

Evan Leibovitch: And all of 6.

Cheryl Langdon-Orr: All of 6, yeah.

Chuck Gomes: Well, yeah, we'll get there, okay/

Evan Leibovitch: Oh okay.

Chuck Gomes: I don't know that, you know, there were some people that were - I thought were pretty strong for - and I'm not saying I support one way or another I'm just trying to make sure I represent - give everybody a fair shot there.

So in the bottom window then could we put the recent poll - or excuse me the original poll results back in there?

Margie Milam: Chuck if you look at the actual boxes on the - say Page 18 you've got the poll numbers right there so in the (unintelligible) you've got 20...

Chuck Gomes: Thanks Margie.

((Crosstalk))

Margie Milam: Okay?

Chuck Gomes: That's easier, thanks very much. Appreciate you setting me straight. All right so so now let me ask people on this call here are there - are there those - and I know some people have said we shouldn't be micromanaging to this level but are there - is there anybody on this call that thinks we should make a statement that the center of expertise of the ICC is not an appropriate body for this process? Is there anybody on the call that feels that?

Okay, Alan, go ahead.

Alan Greenberg: Yeah, I do not think - I don't think we should be making that choice whether ICC is the right one or the wrong one today; that could change a year from now where it might be where the time where we actually have to do this or whatever the timeframe is.

I think putting a caveat in that perception matters and that whoever is selected by ICANN should be perceived as being a reasonable body to give this advice is something we could say.

Chuck Gomes: And so you're...

((Crosstalk))

Alan Greenberg: Whether that applies to ICC I don't believe we should be making that judgment in this group at this time.

Chuck Gomes: So you're in agreement with Evan and Jon and it seems like there was someone else too. Okay thank you. Milton.

Milton Mueller: Yes, can you hear me okay now?

Alan Greenberg: Yes.

Chuck Gomes: Yes.

Milton Mueller: Good. Yeah, I - the reason you single out ICC is that the - that was selected in the DAG previously. In other words the point is to get the board to do a better job of selecting or at least to encourage them to choose somebody with more human rights expertise.

So I think 6.4 sort of makes the point we want to make; it would be more pointed if we specifically singled out ICC. But it's not a live or die issue for me, I just think because the board made the mistake the first time around of picking ICC as an arbitrator of, you know, human rights, freedom of expression issues, a role for which it is completely inappropriate I would hope that that point is not lost.

Chuck Gomes: Should we in our next poll have one item that basically says remove 6.1 and then describe 6.1? And maybe note that we think it's adequately covered by what is now 6.4 and 17 and maybe combined? Or do you think - I guess a more straight forward way to deal with it except I don't want to blind side people that are on the call is should we, I mean, is there support on this call to just eliminate 6.1 as it is right now?

Evan Leibovitch: Chuck, what I was suggesting was - what I was suggesting was eliminate Issue 6. Move 6.4 into Issue 4 and eliminate the rest of Issue 6.

Milton Mueller: And I could live with that.

Chuck Gomes: Okay Alan...

((Crosstalk))

Chuck Gomes: What was that comment? I missed it.

Milton Mueller: That was Milton and I said I could live with what Evan just proposed.

Chuck Gomes: Thank you. I got it, I was talking when you were, I apologize for that. Alan did you have your - still have your hand up?

Alan Greenberg: Yeah, no this is - it's a new one. I support what's being proposed also. I also worry that if we say X is bad they may well choose someone worse next time around if we don't give them the guidelines of what we want as opposed to a particular objection to a path selection.

Chuck Gomes: So is there anybody on the call that thinks we should leave anything with regard to 6.1, 6.2, 6.3 in our next iteration? Okay, Margie, we will eliminate 6.1, 6.2, 6.3. For right now - I'm not sure what to do until we get Evan's language.

Why don't we for 6.4 so we don't lose the track, you know, the continuity just put a note in front of it that says this is being moved - a version of this is being moved to Issue 4 and will be proposed on the list.

And we don't necessarily have to have a poll - we won't have to have a poll on this, we'll have a poll on 4. I'm trying to take care of those that aren't (unintelligible) wonder what happened here. If you think I'm being over-concerned let me know. But I'm trying to be careful.

Margie Milam: No I think that's fine.

Chuck Gomes: Yes. Okay. All right. So we don't necessarily have to have that in the poll but probably accompanying the poll or the email message or something we probably should communicate that. All right...

Evan Leibovitch: And remind people the MP3 is available.

Chuck Gomes: Yeah, that's true. The - let's go to Issue 7. Incitement to discrimination criteria, it was modified with the suggestion I think that came from Avri. There was full support for that. Is there any discussion on that?

The only comment - and I think I made this on the list and I'm just sharing this in case people didn't see my comment previously. As long as the additional things follow our principal of being - as long as they are principals of international law I think that's fine. I have no idea whether they are. In fact I don't have any idea whether the others are. We'll let the experts determine that. Okay?

All right so (unintelligible) then I think we have a - on this one we should be able to say full consensus.

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: Yeah.

Margie Milam: Let's - Chuck, you'd indicated you didn't want me to put consensus levels right now so you're just saying that we'll likely get there on Monday?

Cheryl Langdon-Orr: Yeah, as a comment for Monday. Yeh.

Chuck Gomes: That may...

Margie Milam: Okay.

Chuck Gomes: ...still be the case, Margie. What I'm thinking now is keep in mind that if we were doing this in our last meeting we would have called this full consensus and we'd have been done with it. Okay.

Cheryl Langdon-Orr: Yeah.

Margie Milam: Right, right. May I ask a question, Chuck?

Cheryl Langdon-Orr: Pencil it in perhaps; pencil it in.

Margie Milam: May I...

Chuck Gomes: In the poll - well let's see, let's leave this out of the poll. Let's call it full consensus and maybe we need a separate little communiqué to the list, okay? Why don't we do that? So the previous item was 6.4, that message would be the first message on there. And this is just a message on the list so that people know what we decided.

And the second message would be to 7.1 is - was determined to be full consensus. And we're asking people to comment on any of these so that at least we're being transparent I hope, okay? But this will not be in the poll.

Margie Milam: May I ask a question Chuck?

Chuck Gomes: Go ahead.

Margie Milam: I would recommend that we poll all numbers because a lot of the recommendations have changed and we may end up with inconsistencies within the different, you know, when you read it as a whole. So my recommendation would be to just have the, you know, a sheet with all the numbers and that's what goes out tomorrow.

Chuck Gomes: Does anybody have any objections to that?

Cheryl Langdon-Orr: No that's fine.

Milton Mueller: I'm sorry, I missed that, can you repeat it?

Margie Milam: Yes...

Chuck Gomes: Yeah I think...

((Crosstalk))

Margie Milam: ...just polling on the select numbers or all of them...

Cheryl Langdon-Orr: Poll on everything.

Margie Milam: ...so you can see all the recommendations, you know, as they are in order and relate to the other recommendations.

Cheryl Langdon-Orr: Poll on everything.

Chuck Gomes: Excluding the ones - excluding the ones we've eliminated. But we would include, for example, recommendations for Issue 1, recommendations for Issue 3; things that we had already kind of decided. So we're giving a complete picture of the recommendations excluding the ones we've eliminated. Did that make sense Milton?

Milton Mueller: Yeah, it means that you - the board doesn't have to see the ones they've eliminated.

Chuck Gomes: That's right. Well and in fact...

Milton Mueller: Yeah.

Chuck Gomes: ...they may not see some of them we're leaving in the poll. We're going to do one more poll and what Margie is suggesting is that we show every one of the remaining possible recommendations for our next poll. So it'll be a bigger poll but it'll be complete - complete to the point we're at right now. Okay?

Milton Mueller: You mean we show recommendations that we've already eliminated?

Chuck Gomes: No, no, no, no. The ones we've eliminated will not be in it. But for example if we go back to - let me go back up - oh probably went too far in my report here; let me get back down to the table. Okay here we go. So Recommendation 1.1 we already determined - we determined last Monday that that was full consensus.

The approach I was going is that we wouldn't include 1.1 in the next poll; that we would just keep it at full consensus. What Margie is suggesting is that we include all of them even if we already made a determination and then let the whole group see the whole package and express their vote again.

Milton Mueller: Oh no I don't like that idea at all. If we've got consensus already and it's really overwhelming we shouldn't revote on it.

Chuck Gomes: Now just one qualification there, we have two different categories, we have those that we fought through in the last meeting and we have those that we didn't get to. So those - they're a little bit different situation. So one thing we could - I think we pretty much have to include the ones that we're getting to in this meeting in some respect...

Milton Mueller: Yeah, yes, of course, of course, yeah.

((Crosstalk))

Milton Mueller: No but I mean something like Rec 1.1 where everybody agreed on it months ago or it seems like months ago don't put that in.

((Crosstalk))

Chuck Gomes: So Alan.

Alan Greenberg: I would suggest in the text include the consensus level that we've already determined if we have determined one.

Cheryl Langdon-Orr: Yeah.

Alan Greenberg: And don't revote on ones that either have full consensus or a strong consensus.

Chuck Gomes: Okay, Margie.

Cheryl Langdon-Orr: Put the numbers in and list them as that.

Chuck Gomes: What was that Cheryl?

Cheryl Langdon-Orr: Why put the numbers in and list them, full consensus reached or consensus reached or strong support reached?

Alan Greenberg: And I'm saying not - don't revote on the ones which we've already hashed out and we feel are complete.

((Crosstalk))

Cheryl Langdon-Orr: ...line context, yeah.

Margie Milam: Yeah that addresses my concern, you get the context, you see everything...

Cheryl Langdon-Orr: Okay.

Margie Milam: ...and we don't have to poll on the stuff we've already closed out.

Cheryl Langdon-Orr: Exactly, yeah.

Margie Milam: That works for me.

Chuck Gomes: And in the poll how do you, you know, so you don't want people voting on the ones that we've already concluded. How do you distinguish those in the poll?

Evan Leibovitch: Don't include them in the poll.

Chuck Gomes: Oh that's what - that's where I was going with a separate document that kind of summarizes either items like that or - like 6.4 or 7 like that in a separate document but you don't get the full picture we're talking about here in the same place. So thoughts on that regard? We can't, you know, there's pros and cons both ways. Margie, did you want to say something further?

Margie Milam: Yeah the Doodle would just have the items that are being polled on. The attachment, the Word document...

Cheryl Langdon-Orr: Yes.

Margie Milam: ...would just simply have the number of the recommendation and it'll say, you know, poll closed, consensus reached...

Cheryl Langdon-Orr: Yeah.

Margie Milam: ...so it's clear on the document.

((Crosstalk))

Margie Milam: ...won't refer to it.

Chuck Gomes: That sounds good to me. Alan, did you still want to comment?

Alan Greenberg: No, that's fine.

Chuck Gomes: Okay anybody opposed to that? Very good. Okay good. That's great. Let me scroll down here back to I guess we're - let's make sure we're finished with 7. And I think we are. Now one question on 7.1 this is a new one; we hadn't covered this before so should we - because we have a little smaller group I'm assuming we should vote on that one again?

Or am I wrong? I'm not pushing that I'm just throwing it out. So should we include 7.1 as a finished one or should it be in the poll for voting again?

Alan Greenberg: I'm sorry, I'm not at my computer, I can't raise my hand.

Chuck Gomes: Okay.

Alan Greenberg: The intent of what I suggested was only - we only don't vote on ones that we have decided on the level of consensus which means in the last meeting since we've decided this meeting is not large enough.

Chuck Gomes: Okay. So 7.1 would be in the poll correct?

Cheryl Langdon-Orr: Yes.

Alan Greenberg: Yes.

Chuck Gomes: Thank you, I just want to confirm. Anybody object to that? All right so then we'll use that going forward. So all the rest of them we haven't decided anything on except for 17 which we really only decided in this meeting so it needs to be in there anyway.

Okay and it may be combined. Okay going to 8, the use of incitement as a term for the determination of morality and public order. The first one is incitement is acceptable. And there were only 7 out of 21 that supported that. Let me go through - let's go through the whole issue together and then we'll come back individually as needed.

Eight-two was incitement is not acceptable and it's a little bit different wording. It should be supplemented with instigation as you can see. And - there's several alternatives as you can see here. The - is there - I'm trying to see how best to approach this.

There are seven people that think that the term is acceptable. So that seems to be that it's a - is that a divergence or is it a, you know, there's a, you know, a not insignificant minority that are in agreement with it. I'm not being part of that working group that has recommended these terms. Marika, can you help us - you're on that working group aren't you? You support them? Or I don't think you are, are you Margie, the...

Margie Milam: Yeah, no I'm not on it.

Chuck Gomes: Yeah, is Marika still on?

Marika Konings: Yes I'm still on, sorry. Which working group?

Chuck Gomes: Well we're talking about the four levels of support, consensus, full consensus, consensus, strong support but significant opposition and divergence. That's the current state of the report - the recommendations, correct - for the working group model?

Margie Milam: Correct.

Marika Konings: Yes it is but Chuck the problem is not jus with the 7 of 21, it's the fact that 17 of 21 versus 7 of 21 because you've got incitement is not acceptable with 17 disagreeing that and 7 saying it is. Well, you know, some people are having it both ways.

Chuck Gomes: Well they're not exact opposites as I read...

Marika Konings: No but it's - it's a continual - 7 out of 21 is divergence, it's...

Chuck Gomes: Okay that's what I was trying to get the feel for. So 7 out of 21 is divergence. So...

((Crosstalk))

Marika Konings: ...you know, 14 say yes.

Chuck Gomes: It's looking like we should poll that one again because again it wasn't determined previously what level of support.

Alan Greenberg: Maybe we need to make sure that the questions...

Marika Konings: Yeah.

Alan Greenberg: ...don't allow people to have mutually exclusive answers.

Marika Konings: Because the question...

Chuck Gomes: And that was supposed to be next. So as we're looking at these, there are some suggestions for improvement of the recommendations. Let's look at 8.1, is it clear enough?

Marika Konings: Milton's just pointed out and because he's got drop-out issues hourly I just think we should, you know, read to the record he's just proposing an elimination of 8.1 and polling 8.2.

Mary Wong: Chuck, this is Mary. Can I get in the queue?

Chuck Gomes: Yeah, sure, yeah, I'm sorry, your hand was up there. I'm in thought here. Go ahead Mary.

Mary Wong: Oh no, no, not at all. I know you're probably dealing with multiple windows like the rest of us. I mean, going along with Milton's suggestion I suspect and I don't have the chart in front of me but that some of us - and I think I was one of the seven that voted for 8.1 it's one of those things where there's something that you prefer that maybe you could live with.

I think what we didn't want - I take the risk of speaking for the other six - is to have incitement and promotion together. And we can live with just incitement. Then there are those among that small group that could prefer incitement and instigation which is 8.2.

So really the choices are Number 1, incitement and instigation or Number 2 just incitement or Number 3, what's now in the AGB which is incitement and promotion. I don't have anyone else on the call in the minority of 7 that feel the same way.

Chuck Gomes: Those three choices seem to be a lot clearer and differentiated than what we have in front of us. Anybody disagree with that? Alan did you want to comment further?

Alan Greenberg: No I'm not commenting on this one at all. If my hand is up it's because it was a long time ago.

Chuck Gomes: Okay.

Cheryl Langdon-Orr: What we need to also remember following on from what Mary was just saying is 8.3 replaces incitement with the three options of proposed language, incitement and instigation to violent lawless actions, incitement and instigation to discriminate based upon dot, dot, dot and incitement and instigation to child pornography or other sexual abuse of children. And that is a majority, that's a 20 out of 21.

Milton's there.

Chuck Gomes: Okay so - but we've got 20 out of 21 but we have two - or no it's the same isn't it?

Cheryl Langdon-Orr: It's the same - Milton.

Chuck Gomes: Okay Milton, go ahead.

Milton Mueller: Yeah, I really think that we've really pretty much solved this one. If 8.3 has 20 of 21 then by implication 8.1 which only had 7 is kind of knocked out and 8.2 which is simply saying that incitement by itself is not acceptable is also not so relevant. What we want to know at this point is whether people accept what's in 8.3.

Cheryl Langdon-Orr: Which encompasses, you know, the word incitement by itself not being acceptable.

Milton Mueller: Good so...

Cheryl Langdon-Orr: Because...

((Crosstalk))

Milton Mueller: ...that it be - they don't want the word incitement in there at all then they would vote against 8.3.

Mary Wong: Milton, this is Mary again. And I agree with you. I think the problem is that with some of us who were voting we just don't know what the level of support will be for each of them. So now maybe looking at the numbers some of us who voted for 8.1 would agree with what you just said.

So if this group has strong consensus or however you define it around 8.3 then you're right, the promotion language is dropped and we can say that this working group strongly supports incitement and instigation on those specific grounds.

Cheryl Langdon-Orr: Yeah. So polling 8.3 makes sense to get the widest possible work group input.

Milton Mueller: Right and that's - I think we're basically saying we've done a lot of work to get to 8.3 and now you have to take it or leave it. And it looks like most people are ready to take it.

Cheryl Langdon-Orr: It looks like Jon's coming in supporting that approach. I'm happy with that Chuck if you want to go ahead in that direction.

Milton Mueller: Chuck?

Marika Konings: This is Marika. It looks like Chuck just got disconnected.

Cheryl Langdon-Orr: Okay. Well let's - Marika let's just poll 8.3 not in terms of asking for alternatives or anything but just say what is the level of support work group-wide for 8.3 using that language.

Marika Konings: I got it. I think that's right.

Cheryl Langdon-Orr: Okay, terrific.

Marika Konings: I got it.

Cheryl Langdon-Orr: Okay which brings us now to string only, 18 out of 21 on the polling, analysis based only on the string. Now here we have DRSP language so let's open that up for word-smithing and possible re-polling without DRSP language as such in it. Richard, go ahead.

Chuck Gomes: I'm sorry, I can't hear.

Cheryl Langdon-Orr: Hi Chuck, are you back?

Chuck Gomes: No I've got to - I'm sorry a phone call came in and need to reactive the speakerphone.

Cheryl Langdon-Orr: That's all right, Chuck, we've just moved to 9 and - oh I had Richard there for a minute.

Chuck Gomes: Okay I'm back. I got a phone call and apparently that kicked me out of the speakerphone. So I'm back. Okay.

Cheryl Langdon-Orr: You're back now. Take over control. We're up to 9, string only.

Chuck Gomes: Okay. And just want to confirm with Margie are you okay on 8, Margie, in terms of what we're doing for the poll?

Cheryl Langdon-Orr: She's fine and she's just dropped off the call. She's re-dialing but I can assure you she knew exactly what was going on.

Chuck Gomes: Thank you very much.

Cheryl Langdon-Orr: With string only the only rider...

((Crosstalk))

Cheryl Langdon-Orr: ...I just put in is that I noted it had DRSP language in it. So that's where you're up to Chuck.

Chuck Gomes: Yes, thanks a lot. Okay so did you start 9 Cheryl?

Cheryl Langdon-Orr: Literally just beginning as you came back on the call. And Richard did have his hand up. Richard, did you take your hand down for a reason?

Richard Tindal: Yes.

Cheryl Langdon-Orr: Okay.

Chuck Gomes: Okay so 18 out of 21 supported 9.1 which is the DRSP should conduct its analysis on the basis of the string itself only. It could if needed use an additional context - use as additional context the intended purpose of the TLD as stated in the application.

So is any suggested changing to that? This would go in the next poll. And it looks, you know, pretty strong support. But before we - we can modify the language if somebody thinks there's some value there. Is there anybody on the call who opposed that one?

Cheryl Langdon-Orr: I don't know if it's opposition but, Jon, what did you want to say?

Chuck Gomes: Thanks Cheryl.

Jon Nevett: Yeah, thanks Cheryl. The only question I wanted clarification from is just an interpretation of this and that when we say, you know, you could use the context of the intended purpose as stated in the application does that mean

that the applicant itself controls that context and that they have to state what their intended use is?

In other words if they've used the, you know, I don't know, .nazi (unintelligible) in the past and if the American Nazi Party applies for .nazi and they say they want to use it to help, you know, find - something like the (Kelly Wizell) or (Simon Wizenhull) Center would use a .nazi for - so in that context is it what they state in the application for its use? (Unintelligible) the intended purpose of the TLD as reflected in the application or something like that. So is there a way in other words this can be gained by an applicant?

Chuck Gomes: Yeah it could. It's a good question, but you're right it could incent gaining. We'll come back to that - the questions, Jon. Richard, go ahead.

Richard Tindal: Thanks, this is Richard. Yeah, I think my question is really quite similar to Jon's and that is what - and perhaps let me phrase it a little different way. What's your intent if any for omitting the identity of the applicant from this whole equation?

Chuck Gomes: Well...

Milton Mueller: What's our intent for...

((Crosstalk))

Richard Tindal: Yeah, let me just restate that.

Chuck Gomes: I think - I think...

Richard Tindal: The way this reads now says - just to restate that?

Chuck Gomes: Cheryl is the one that brought up the use of context without venturing into content. Now I think for a lot of us that wasn't, you know, clear and black and

white anyway. But what that means - and that's of course why we're discussing it right now.

Go ahead Richard, you want to say more?

Richard Tindal: No I didn't - thanks Chuck, this is Richard again. No I'm just curious to hear a response. I think Milton is perhaps going to speak to this in a sec. But just to restate my question I'm curious as to what the intent is.

In fact for anything on the application, I mean, it seems to me that you've got an application there, you've got a string, you've got an application and you find that in the application there's a whole bunch of information (unintelligible) including the identity of the applicant.

I'm just curious (unintelligible) for those who would exclude any data that's in the application and why that would be excluded from the (unintelligible) analysis.

Chuck Gomes: I don't think I have an answer there. Let's - Jon and Richard we can come back to you. So let's - go ahead Alan and then we'll go to Milton after that.

Alan Greenberg: Yeah I'm one of the people who - I suspect I objected - I'm one of the dissenters in this particular one. And I believe context does matter. The statement saying we can't look at the content of the Website or words like that has no meaning, there is no Website. All we have is the application and whatever knowledge we have about the applicant.

And in other aspects we take knowledge about the applicant as relevant. We will not give someone a domain to someone who has a criminal record - we don't ask them do you have a criminal record and they have to say yes I'm a criminal before we look at it; we independently go out and verify that.

And I believe the history of the applicant, the context of the applicant is relevant in these decisions and it's not just the string itself. And I think we're doing a disservice by not - by not allowing the board to consider those kind of issues.

Chuck Gomes: Thank you Alan. Milton.

Milton Mueller: Yeah, this is why you have to look at this from the angle of human rights and free expression law. What you're saying when you say consider the applicant, okay, you'd have a string and you're saying well is there anything really objectionable about the string by itself but we want to find out who you are and what we think you're going to do with it.

And so not only are you - not only are you censoring, not only are you sort of muzzling speech in a way, you are doing it on the basis of expected or predicted behavior not even on the basis of actual behavior which is just unacceptable from a free expression standpoint.

It's called prior restraint and every, you know, every sort of form of progress in free expression since the British used to require licensing of the press has come from the removal of prior restraint.

But if you say the person has a criminal record and we're not giving TLDs to criminal records that's fine. If the person uses the TLD to distribute child pornography that's illegal so you stop them from doing that, you arrest them.

But if you're saying we think you're going to distribute child pornography but you didn't say so in your application and it doesn't say so in your TLD string then what are you doing exactly? You're setting yourself as a judge of who's going - who's a good person or what? What exactly is the basis?

How can you contravene international law...

Chuck Gomes: Yeah.

Milton Mueller: ...if, you know, based on what's in your application?

Chuck Gomes: Now Milton, I understood all of that and I'm not going to argue with any of that. But I want to turn it around the other way; isn't it possible there might be a string that on the surface the string itself might look objectionable but when you actually look at the context of the application it might be okay?

Milton Mueller: Yeah I think the people who are supporting the string-only standard are prepared to deal with that because the applicant can choose a string, you know, they have a lot of control of what string they're using and they know sort of what strings might really be offensive and which ones might not be offensive.

But they can't change who they are. So again it comes down to are you regulating the TLD space or are you regulating content? If you're saying the North American Man Boy Love Association, you know who they are right? They propose a TLD that is .nam or something, right? The string is unobjectionable.

What you're saying is we should censor it because we don't like these people or we know who they are and they believe in certain things that we don't like. And I'm saying if the content of this Website is actually doing or promoting, inciting child pornography then yeah you shut them down but you don't need to do that at the string level.

If on the other hand the string says something that advocates or instigates child pornography then, yeah, you want to - you have an objection based on that. Do you understand the...

Chuck Gomes: Okay.

Milton Mueller: ...distinction? Am I making sense?

Chuck Gomes: Yeah, no, no you are. The - I don't know that we, you know, the reverse avenue to if where it's a string that does look like it might - maybe should be objected but maybe it's okay when you look at the context. I still don't know that I got an answer for that. But let's go on...

Milton Mueller: Okay well let's say the string is a four-letter word that we all know and love that starts with an F but it's actually an acronym for some association of dry cleaners, I don't know, I suspect that under the string only standard those people are going to get censored.

Chuck Gomes: Yeah...

((Crosstalk))

Milton Mueller: That's okay. To me that's better because that's more objective; you're not trying to say hey we think you're bad people. You haven't done anything bad but we think you're bad people and we think you're going to do bad things and we think you're going to do bad content with that. I just don't see how you can do that.

Chuck Gomes: Yeah, I got it. No, no you answered my question, thanks.

Milton Mueller: Okay.

Chuck Gomes: Mary.

Mary Wong: Thanks Chuck. And I'm also somewhat concerned about the slippery slope of speculative pre-judgment. But at the same time I think I'm thinking back to the conversation we had with Carol and some of the discussions we had on the list.

And there was some sense that some kind of context could be relevant in certain circumstances. And I suspect part of the disagreement that we're having here is really exactly what do we mean by context and how much and when.

So on the chat in Adobe I've just tried to rephrase 9.1 a little bit to in some ways leave it up to the experts. We are talking about experts that know international law and language and so forth.

And in this I'm also conscious of the explanatory memorandum where a lot of the jurors that were consulted seemed to think that some kind of discretion - the judgment of the panel as to what is or what does not fall into international law would be desirable.

So I was just wondering if people could take a look at the reformulated attempt and say whether that goes some way towards relieving some of these concerns.

Chuck Gomes: Yeah, I just read it myself so hopefully everybody else will. I appreciate the effort there. Before we go to - back to others, in particular Milton who had a concern here, let's go to - I guess Alan is - oh Alan you can't take your hand down, is that right?

Alan Greenberg: No, no, I'm wandering back to my computer occasionally. This is a new hand for this topic.

Chuck Gomes: Go ahead, Alan.

Alan Greenberg: Okay. Mary's comment - Mary's version in the chat helps but I don't think that relying on the applicant to self-admit what the issue is is sufficient. Carol did make it reasonably clear that context does matter. And the context which is solely controlled and uniquely controlled by the applicant I don't believe is sufficient in this case.

We're - after - we're not talking about some, you know, dictator in a country using - where they don't like a certain term using this term. We're talking about the ICANN Board who is not going to frivolously turn down a gTLD knowing what the implications are and knowing what's likely to happen at - when a gTLD is turned down that I think we have to give them some discretion.

Chuck Gomes: Okay thank you. Richard.

Richard Tindal: Yeah, thanks Chuck. This is Richard. And I think Alan said it quite well there so I won't try and hover again except to say I support what Alan just said. Whatever we do on this, I mean, I think the string is paramount but I think what I believe is that the other factors have some context, maybe we can have some compromised language that shows that the string is the primary (unintelligible) other things can have some context.

Whatever we do though the first sentence, I mean, it's just not good English at the moment, it says string only and then we go onto describe things that are other than the string. So I think we, you know, we need to use primary or paramount or something there but we can't say it's the string only and then talk about other things.

Chuck Gomes: So we could say that the DRSP or whatever we want to say there should - that maybe we should say the evaluation should be based on the analysis - on - primarily on the analysis of the string itself. Is that cleaner language? So the evaluation should be made primarily on the analysis of the string itself.

Now some people might object to the word primarily if we really want to exclusively make it the string. So...

Cheryl Langdon-Orr: Mary's language - Mary's language, Chuck, didn't use primarily of course if that wants to be considered.

Chuck Gomes: Well I think Mary just left the first part alone didn't she? Yeah. I was trying to address Richard's point of...

((Crosstalk))

Chuck Gomes: ...I was trying to tie it into the second sentence if we leave it. Now let me let Mary and Jon talk and then I want us to try and break this down a little bit and I'll say what I mean in a minute. Go ahead Mary.

Mary Wong: All right, thanks Chuck. I guess this is sort of an attempt to respond to Alan's point. And what I was really trying to get at was we're talking about discretion of two types. And some of it might go some way towards solving but addressing the problem.

First is the discretion at the hands of the experts themselves who are going to giving the advice on the objection. And, you know, I (unintelligible) heard Carol say that in that sense context could be or might be relevant in a large number of cases so I think we want to preserve that.

Secondly there is the other form and level of discretion which is when the outcome goes to the board. And here is where our recommendation on the super majority or simple majority comes into play. The board can take into account presumably whatever else they think is relevant besides the expert determination. And that may include some of the examples that Milton and others have (unintelligible). So that's the second level of discretion.

The last point I wanted to make was - and I totally lost track of where we are in the post-dispute delegation - the post-delegation dispute (unintelligible). But isn't it true that if the use - the actual use of the TLD turns out to be pretty different from what it was supposed to be that there's some action that can be taken? So it's after the fact...

Chuck Gomes: That is...

((Crosstalk))

Mary Wong: ...you know, relevant there.

Chuck Gomes: Yeah that's true. And that was a big thing in the new gTLD process that came out of that. So the GNSO actually recommended that. We spent quite a bit of time on that so that is - and it is in Applicant Guidebook 4 so that's correct.
Jon

Alan Greenberg: I thought that was only for community ones?

Jon Nevett: No, no it's broader. It's - this is Jon. So Mary, you're absolutely right that the post-delegation dispute would after the fact - could sweep in if an applicant essentially lied on the application or misled us in the process in the application.

And, you know, for example if someone applied for .childporn and asked for - and said the intended use was to, you know, fight child pornography but they were - the contacts there actually a known child pornographer if you look at the draft or the Applicant Guidebook or the Draft Applicant Guidebook child pornography is not one of the exclusions for eligibility.

So you have to be convicted of a financial crime or certain other qualifications in Page 1.18 in the DAG but child pornography isn't one of them. So if you have a known - or a convicted child pornographer that applies for .childporn and all they have to do in their application is say - says - so all they have to do is say that they're not - their intended use is to fight child porn then under that language we would have a problem.

So my only suggestion is that we give a little more leeway and not say as stated in the application because that is 100% controlled by the applicant itself.

Cheryl Langdon-Orr: Good point.

Chuck Gomes: Okay. Yeah, thanks Jon. Now I'm going to move us along a little bit because - and let me tell you what my goal is and see whether you're okay with it. I'd like to kind of - at least finish off what's going to go in the next poll, in other words go through the rest of them fairly quickly and not go over our two-hour limit.

And we may have to do a little more refining on Monday if we do that. But so my suggestion on this one is as follows, that we first of all have a 9.1 that is just the first sentence. And then - and by the way we can tweak this but we need to do it quickly. And then we have a second one that uses Mary's approach. I think Richard's right we might want to tweak the first sentence a little bit because they are inconsistent, you know, use.

Let's say on the one hand string itself only and then we modify that. So that's why I was trying to, you know, tweak that a little bit. So in other words there would be two items in the poll, one of them opens up the door of context.

One question I have for you Mary is would it be just the purpose - is it only the purpose or could it be other issues in the application that provides the context?

Mary Wong: Speaking personally I don't have a problem with something outside of purpose. I would just be conscious of the question of an identity of the applicant and so forth. So there may be some hesitancy over using the word context.

But I'm happy to try and work with Margie or someone else to try and come up with something that's reasonably specific without going all the way. I'm about to send...

Chuck Gomes: Yeah.

((Crosstalk))

Mary Wong: ...the reformulation to the chat by the way so.

Chuck Gomes: To separate...

Jon Nevett: This is Jon could we...

Chuck Gomes: Go ahead Jon.

Jon Nevett: Thanks. Could we...

Chuck Gomes: Yeah.

Jon Nevett: ...say something like, you know, if you're looking at - Mary, your last formulation instead of saying as stated in the application can we just say additional context from the application?

Mary Wong: Jon, so the way I under - what you're saying is that removing the word purpose and inserting context but limiting context in the sense that it would be what is revealed by the application is that right?

Jon Nevett: Yeah, I mean, that's fine with me it's just I'm really nervous about, you know, the intended use as stated in the application. But if it's the context from the application then it's a tiny bit broader than that.

Mary Wong: Okay.

Chuck Gomes: Yeah it's a little harder to gain I think.

Jon Nevett: Yeah.

Mary Wong: Yeah, that works for me. So it sounds like if we insert Richard's suggestion of primarily somewhere in the first sentence and reword the second sentence to take out the word purpose, insert the word context but relate that context to the application that's what you're suggesting, right Jon?

Jon Nevett: Yeah, context is already in there so it's not a replacement of that but, yeah, that's absolutely right. Thanks Mary.

Mary Wong: Okay. Will do.

Chuck Gomes: And Mary if you could send that to Margie so she has a - I'm going to ask them if they can at all do it. I feel really guilty doing this because it is a weekend already - or at least for some of us - already. But they...

((Crosstalk))

Chuck Gomes: ...as soon as possible on the weekend so people have as close to two days as possible to respond. Richard.

Richard Tindal: Thanks Chuck, this is Richard. So I like the direction it's headed with Mary and Jon there; that sounds promising to me. I just wanted to point out for everyone as well that the way that the Applicant Guidebook reads now the - also the public comments are considered contextual in - also in all four types of objection.

So I think we should be mindful of the language that we provide here. It may or may not preclude the experts from also considering public comment.

Chuck Gomes: Well, yeah, but it - Jon didn't your formulation still have the word application in there didn't it?

Jon Nevett: Yeah I think it would be the board would look at public comments not the experts.

Chuck Gomes: Well I think the Guidebook allows the experts to do that as well. But I'm more concerned about the language of what we recommend of tightening it a little bit so that - that's why it's probably good to, you know, refer to the application.

((Crosstalk))

Richard Tindal: Right. My point simply was that we may come up with language that actively prohibits any experts from looking at comments. And I - if that's our intention great but I didn't want to have an unintended consequence.

Chuck Gomes: Yeah, got it. Alan, very briefly please.

Alan Greenberg: Yeah, no very brief. I strongly believe that if we're asking the board to make a decision and they consider something then the experts they are asking to help them should be able to consider the same things. Otherwise we're taking away from them the ability of having expert advice.

Chuck Gomes: Okay. Now Margie.

Margie Milam: Yeah, I just wanted a clarification on the inspection. So am I including only one question for Section 9 or am I - two, one that's just the first sentence and one that's got the change that Mary is sending me?

Chuck Gomes: Yeah, I was going to clarify that next so. So does anybody object to separate this into two? One of them is 9.1, just the first sentence; the other one is 9.2 with a slight tweak to the first sentence so it's consistent with the second

sentence using Mary's modified language that we've been talking about?
Anybody object to that?

Jon Nevett: I do.

Chuck Gomes: Jon is your hand up? Go ahead.

Jon Nevett: Yeah, I think we should keep it as one; I think you're much more likely to get a consensus if you have it together. And it's an important point and they work hand in hand together.

So I would suggest that we do what Evan did with 4.5 is, you know, Mary and I and whoever else wants to, you know, consult real quickly right after this call or during this call on language and come up with a, you know, a little tweak to 9.1 that gives us some comfort and then do a poll just on 9.1 because you're not going to get anyone if you separate.

Chuck Gomes: Okay. I'd accept that. Who - Jon and Mary you willing to work on it?

Mary Wong: I just...

((Crosstalk))

Mary Wong: ...something to the chat so Jon if you want to take a quick look at that - and Margie too if you have time.

Chuck Gomes: ...participate with them, you okay with them doing it? Jon?

Margie Milam: Yeah.

Chuck Gomes: Okay and that should be done very quickly after the call okay? It's not quite as late for you as it is for some of us. The - so okay so it'll just be one then on 9.1? I'm okay with - let's quickly go to 10.

Now there was very strong support for that. It's a rather wordy one but is everybody okay with pulling this out of the poll?

Cheryl Langdon-Orr: Yeah. Have we lost you, Chuck? Are you there?

Coordinator: We did lose him. I'll dial back out to him.

Cheryl Langdon-Orr: Okay, I was just trying to move to the meeting view. Okay Jon is your hand up from before or is this for the 10 you wanted to speak to? Oh, okay. Evan, go ahead.

Evan Leibovitch: I just - I guess I wanted to take the opportunity while Chuck was dialing back in to call everyone's attention to the fact I have tried to do a 4.5. It long ago scrolled off the chat room but it is there.

And I've also sent it out in an email. So please have a look at it quickly. If anyone has some ideas on how to fine tune it this is my first shot at it so please, if you've got some input to it do it quick and then we can get the result into the next poll.

Chuck Gomes: And Evan what - I got - they reconnected me. What was - what were you - what are you referring to please?

Evan Leibovitch: I was just calling everyone's attention to the fact that I had tried to do a draft of a 4.5. It was put into the chat window, has scrolled off most people's areas but it should be there if you scroll up.

I've also sent it in email to the list. What I'm asking for is a little bit of immediate feedback if there's some tuning or a couple of words missing here and there to - but I hope the intent captures what I said I was going to try and do.

If there is some intent to try and, you know, if there's some changes or whatever that need to be done I'm inviting some quick response to that first draft before we put it into the poll.

Chuck Gomes: Okay. And here's what it says very quickly. The contracted advisors will be expected to have specific expertise in interpreting law instruments of public international law and relating to human rights and/or civil liberties. The (WD) recommends that the board augment this with complementary expertise in other relevant fields such as linguistics.

Any concerns with that language for going into the poll? All right let's put it in that way. If somebody has a non-material-type change just email it to Margie so she has it otherwise we'll go with that.

Evan Leibovitch: Okay you can...

Chuck Gomes: Thanks Evan.

Evan Leibovitch: ...clearly see where the 6.4 and the 17 are in there. The wording in that case is lifted right from them.

Chuck Gomes: Yeah, no, no that's the way it looks to me too. I agree with you. All right on 10.1 are we okay with submitting that as is to the next poll? Not hearing any - Evan, you still hand up or is that previous? Okay thank you. So 10.1 will stay as is.

Going to 11 and we have pretty good support on that. The independent objector modifications to the roll of the (IO). This is a pretty long one. Because of the time shall we just resubmit that one in the poll as-is? Or should we make any changes to it? Anybody think we should change it?

Okay so we'll leave that one alone for now. Sorry I'm rushing but I want to respect your time.

((Crosstalk))

Evan Leibovitch: Chuck as the person that did the original wording I just wanted to ask whether or not you wanted to break it into component pieces or submit it all as one?

Chuck Gomes: Is the person who submitted that on the call?

Evan Leibovitch: That was me.

Chuck Gomes: I don't remember.

Cheryl Langdon-Orr: It is Evan that's why he's asking.

Chuck Gomes: Oh okay. Well what do you think? Tell us.

Evan Leibovitch: Well, no, I don't remember how it did on the poll. I mean, I don't know if everybody else thinks that it needs to be broken down or if it can be accepted or rejected as a block.

Cheryl Langdon-Orr: Seventeen out of 21 is fairly significant support.

Chuck Gomes: Yeah, 17 out of 21 thought it was okay as-is.

Evan Leibovitch: All right well then I won't muck with success.

Chuck Gomes: We're just agreeing that was that so we'll leave it alone?

Evan Leibovitch: Yeah.

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Okay all right. Going to 12. There was mixed support on 12.1; strong support on 12.2 and 12.3. I think those are all pretty clear. My recommendation would be we just submit those one more time because that's what we're doing on these that we didn't, you know, try to reach conclusion on last Monday.

There is enough support for 12.1 I think to leave it in for now. And then let's see what happens in the next iteration. Any disagreement with that? Richard, comments, go ahead.

Richard Tindal: It's Richard. This is - actually my comments are on 11, Chuck, sorry to take us back I just had my hand up for a little sec there. So back on 11, the independent objector, I'd put a note out a couple of days ago proposing the notion that we had discussed before that if either the GAC or the ALAC requested that the independent objector would be required to submit an objection and that objection would be subject to exactly the same rules and processes and standards as any other objection.

So not creating any special category or (time) objection but rather simply a requirement that if the GAC or ALAC requested it the IO would be obligated...

Cheryl Langdon-Orr: Yes.

Richard Tindal: ...to some support on the list. And I was just curious on this call no one pushed back on that. I'm curious on this call...

Chuck Gomes: No, no I...

((Crosstalk))

Chuck Gomes: I appreciate you bringing that up Richard - I'm sorry to jump in but I think I'm glad you caught that. Why don't we add that as a 11.2? Could you get with Margie to the language - whoever has - what the latest language was

because there was some pretty good language in the list as I require to make it easier on Margie because she's got plenty to do. Would you do that?

Richard Tindal: Yeah I'll...

Chuck Gomes: Anybody object to doing that?

Richard Tindal: Yeah, I'll send some proposed 11.2 language straight after the call.

Chuck Gomes: Okay. And, yeah, there seemed to be pretty good - I agree with you, at least for the people that commented on it there seemed to be pretty good support for that. Let's poll it, okay? Thank you, Richard, for catching that because I totally forgot about that one.

Now we're back on 12. Anybody object to just including 12.1, 12.2, 12.3 as-is? Okay let's go to then to 13, 13.1, the government should be granted the opportunity to file community objections to any type of application, community or otherwise (unintelligible) but that must go through the same process as any other community objection.

Are we getting out of our mission here - our charter on this one? It sounds like we're trying to change the community objection process. And maybe it's just because I'm tired. Richard?

Richard Tindal: Just wording of 13.1 doesn't really make sense to me; government should be granted the opportunity. I mean, anyone can submit an objection. We're not - this wording here doesn't talk about any change to the standard. So I think it's a bit nonsensical to say whether someone can or can't submit an objection.

Anyone can submit an objection any time and there's a process for seeing if it's frivolous and there's a process subsequently for (unintelligible) that would be sustained. So at the very minimum we should address what we're really

talking about here and that is are we looking to change the standard. The way that it reads now it's meaningless to me.

Chuck Gomes: Yeah and the GNSO was very clear that governments have standing and what this - both of these say at the beginning that they already are. Mary.

Mary Wong: Actually I should have taken my hand down. I was going to make exactly the same point. I think the spirit of the rec makes sense; maybe we just want to clarify it. But the way it's raised, as Richard says, does not make sense.

Chuck Gomes: Help me, what are we saying then in these that isn't already in the Applicant Guidebook?

Mary Wong: Yeah, I'm trying to remember and this seems - does this come out of the discussion as to where government objections go and the - and we ultimately decided that if it's an international law based one it goes through Rec 6, if it's a national law, some other objection, it goes to the committee objection process. So this might well be redundant unless I'm remember incorrectly.

Chuck Gomes: Yeah I'm thinking the same thing.

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: I'm wondering if 13.1 and 13.2 should be in that little message where we say what we eliminated and just to be transparent to those that aren't on the call.

Cheryl Langdon-Orr: Yes I think...

((Crosstalk))

Chuck Gomes: Is that good Cheryl?

Cheryl Langdon-Orr: Yeah, I agree. I think, as Mary said, this is historical. And as we moved forward and came to greater consensus in some new directions were explored this has become redundant.

Chuck Gomes: And Margie, like we did before we'll keep the numbering the same so that the new poll won't have a 13.1 and 13.2 but you'll refer to 13.1 and 13.2 in the...

((Crosstalk))

Margie Milam: I missed what we were talking about. Are you suggesting that they're the same because I didn't intend them to be the same. There was a disagreement on the list regarding whether government is the same standard or not so they're meant to be - they're meant to be two different options.

And as you can see from the poll results there's differences in - now in them yet they both have fairly substantial support. So I would be thinking that it wouldn't be appropriate to eliminate one of them.

Chuck Gomes: Well I agree they're not identical. But I still don't see what's...

((Crosstalk))

Chuck Gomes: What are they recommending?

Margie Milam: Okay.

Chuck Gomes: That's not already in the Applicant Guidebook?

Margie Milam: I think what some of the emails which went back and forth on the list were that there should be a different standard for governments. And then there were a lot of - certainly a lot of people that opposed it but it wasn't at least consensus on the list that it should be exactly the same standard. So that's

the reason I chose to put in two different options to try to capture those two themes.

Chuck Gomes: Well I - first of all the Applicant Guidebook right now doesn't have any different standards for any objector. So we would be making a significant change to the Applicant Guidebook if we started differentiating objectors and the standards for them.

Now we have already, you know, we're going to add language that would allow the ALAC or the GAC to file an objection but the standards are still the same. So I'm just not seeing that these things - unless we're suggesting that a drastic change be made in the Guidebook with regard to standards then these just don't seem to fit. I don't know why we didn't see that before.

Margie Milam: Right, Chuck, I mean, I'm - I understand your perspective I'm just pointing out that people on the list had a differing opinion and thought that they were making - and then there's the question of scope whether it's within our scope or not. But the discussion was on the list. And Richard has got his hand up. I think he had some email suggestions related to this topic. I can't remember who else chimed in on it but that's the reason I...

((Crosstalk))

Chuck Gomes: Go ahead Richard.

Richard Tindal: Okay so, yeah, 13.1 and 13.2 if we're going to have them there I agree. They should say what they really mean and that is whether or not there should be a different standard for government filed community objection, that's the issue on the table.

I think there's very little support in the group for that. Bertrand in particular I think has sort of raised it and alluded to it but no one has really come up with anything specific.

Several weeks ago when I first sort of raised this whole thing I put some specific possibilities but I think there's very little support in the group that I've seen for actually changing the standard. So from my point of view now we either delete these two or - completely - or we change them to ones that ask the question, should there be a different and implicitly lower standard for governments to sustain a successful community objection.

If we put that second question up I think we're going to get very little support in the group for it. I think we either delete what we've got or put that up. But what we have here at the moment I think is not useful.

Chuck Gomes: Thank you. Milton.

Milton Mueller: I just - why nobody's referencing the actual results. As far as I understand 13.2 only got 13 out of 22 votes in the poll. So I don't know whether you eliminate it on that basis but it was certainly less popular than 13.1. So my advice at this stage would be to put 13.1 which says governments go through the same process as any other community objection which clarifies what we meant by 2.2 which pretty much says the same thing.

You can put that up or we can consider it already covered by 2.2. And I'm not sure why...

Chuck Gomes: Okay let's - yeah, my - that's my feeling is that the elements of these that fit within our scope and don't make drastic changes to the Guidebook again are out of scope for us anyway - are really covered elsewhere. So my suggestion is that we include these two and note that they - that we decided to eliminate them because we think the key elements of them that are within the scope are covered elsewhere in our recommendations.

Milton Mueller: That's what I would do. I agree with you, yeah.

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Okay? Is that all right Margie?

Margie Milam: I have the same concern that Evan said on the list which is, you know, we really don't have government representation on this call. So that's the reason why I struggle with eliminating it because I think that was Bertrand and other government perspectives that isn't on this call. So I would hesitate to take it out.

Cheryl Langdon-Orr: But by the same token if you've got a opportunity for an AC specifically in this context, the GAC, to trigger an independent objector required response that shifts the landscape somewhat.

Chuck Gomes: Yeah, that's (unintelligible). And also the purpose of that message communicating that we drop these, we need to make clear that if people think that was inappropriately done and they want to provide some rationale we welcome that.

Cheryl Langdon-Orr: Chuck, I'm going to have to leave very shortly just so you know.

Chuck Gomes: Okay. Okay quickly 14.1 the free structure for governments to file community objections should be clarified for both the objector and the responder. We can put that one back in the poll can't we? Any problems there? Milton, did you have your hand up again or is that from before?

Thanks. Fourteen two this is the one with regard to fees right, for GAC and At Large?

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: Any problem with leaving that as-is? Richard?

Richard Tindal: I just dropped my hand.

Chuck Gomes: Oh okay thanks. My heads not looking back and forth quickly enough so. No objections there. Fourteen two, lower threshold for At Large and the GAC. There wasn't - and there was some support for that. We probably need to poll it again. Any changes to that?

Cheryl Langdon-Orr: Yes.

Chuck Gomes: Yeah, go ahead Richard.

Richard Tindal: Sorry, just to go back to 14.1 again, sorry. What does that mean - should be clarified? If you read 14.1 it says the fee structure should be clarified. I don't understand what that means.

Chuck Gomes: I can't answer that.

Margie Milam: Yeah, I can answer...

Chuck Gomes: Good question.

Margie Milam: ...Chuck. I believe there was discussion that if there was an objection by a government or At Large or GAC related to Rec 6...

Cheryl Langdon-Orr: We don't want to pay.

((Crosstalk))

Margie Milam: Well and also too the responder didn't want to pay either at least that's what I thought the discussion was.

Richard Tindal: Right, this is about 13. - 14.1 is about community objections not Recommendation 6.

Margie Milam: Yeah, I mean, a lot of our recommendations kind of crossed over although, you know, since then we've been having discussions about whether it's in scope or not. This does say...

((Crosstalk))

Richard Tindal: Just to try and clarify so I think at the moment we've got this sort of Recommendation 6 independent objection proposal that could be triggered by either GAC or ALAC and that sort of covers the issue of fees; you don't need to address fees for Recommendation 6 objections because if we get approval let's say to that then the GAC and the ALAC don't need...

((Crosstalk))

Richard Tindal: ...to pay at all. So this one is sort of now about community objections and saying - well presumably clarify means reduce so let's just sort of presume it means reduce. So is the better wording for this one that we believe that - the proposition is that we believe that for a GAC or ALAC initiated community objection the fee should be reduced for both the objector and the applicant; is that what we're trying to say here?

Chuck Gomes: Wow your question is really valid. I'm not sure. If I got this and I was on the staff implementation team I wouldn't know what to do. I guess I could try to make it clearer or something but...

((Crosstalk))

Richard Tindal: ...we just change it to the word...

((Crosstalk))

Richard Tindal: Yeah, I mean, why don't we change it to the word - I'm not necessarily advocating this position but this is the proposition on the table. Why don't we change the wording of 14.1 to that the fee should be reduced?

Chuck Gomes: For governments? Then it's just file a community objection?

Richard Tindal: Yeah, this is purely deal with community objection.

Chuck Gomes: Anybody object to that? Margie does that seem to be consistent? I don't - I can't remember. Appreciate your thoroughness Richard. So let's - so we're going to say the fee structure for governments to file...

((Crosstalk))

Chuck Gomes: ...community objections should be reduced for both the objector and the responder.

Margie Milam: Reduce or eliminated maybe. I mean...

((Crosstalk))

Cheryl Langdon-Orr: Yes I'm going to - I think they're going to choke on reduced.

Chuck Gomes: Well reduced could just be eliminated - mean eliminated.

Cheryl Langdon-Orr: Yeah but it could also not mean eliminated.

Chuck Gomes: I mean, what's the...

((Crosstalk))

Cheryl Langdon-Orr: And in the case of the ALAC which is an instrument of - as is the GAC we're instruments of ICANN, you know, what are we doing, asking ICANN to pay for instruments to, I mean, it's a loop.

Chuck Gomes: Haven't we already covered that? Didn't we...

((Crosstalk))

Cheryl Langdon-Orr: This is community - this is community objections not under Rec 6; this is community.

Chuck Gomes: Okay. I thank you.

Richard Tindal: Instead, I mean, we didn't get support for the notion of reducing it so in terms of this - just this vote perhaps we could say that the issue is whether or not the objection - the fee should be reduced or eliminated. We may find that the majority of people don't favor either of those and they want it to be full price. So that might be a place to start on this.

Chuck Gomes: Yes that might work. Mary.

Mary Wong: Yeah, I was just trying to follow all this. And based on Richard's comment and - I mean, 14.1 is about national governments not the GAC or ALAC right? So I agree that we'll get lots of choking if 14.1 recommends - what seems to me to be new to this discussion, that national governments don't pay at all or pay much less than other communities.

Chuck Gomes: One concern in that regard that the GNSO is trying to deal with the whole idea of fees - one of the ideas of fees was that there not be frivolous objections. If it's too easy to object and there's no costs...

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: ...it makes it too easy for people to just put a snag in the road. And that can apply to governments just like it does individuals or organizations.

Cheryl Langdon-Orr: Yeah.

Chuck Gomes: I have some concerns with regard to the GNSO recommendations in that regard. Hopefully that wouldn't be common with governments but we have all different kinds of governments just like we have all different kinds of people and organizations.

Cheryl Langdon-Orr: Indeed.

Chuck Gomes: So why don't we put it in there the fee structure for governments to file community objections should be reduced or eliminated for both the objector and the responder and let's see what we get back. Any objections to that? Jon?

Jon Nevett: Yeah I guess I've been thinking about why - just like in 13 why are we dealing with anything related to community objections with regard to fees or process or anything else.

You know, didn't we say national governments could use the community objection procedures and standards that are in the DAG or in the AG, whatever we want to call it, and then to the extent we're talking about fees or anything we should just stick to 14.3 which relates to, you know, Recommendation 6. I would treat 14.1, 2 and 3 like we treated 13 and just take it out of here.

Chuck Gomes: Well the reason it's in there is because somebody brought it up. So...

Jon Nevett: Well we do address it in 2.2. So we address - it says national governments could use community and the community objection process and standards, right? So then why we - why are we tinkering at all with the community

objection process or standard whether it be fees or anything else? Why don't we just take that out of here because I don't think we're chartered to deal with the community objection process as much.

And then 14.3 deals with Recommendation 6 fees which we are chartered to deal with and so we should keep that one in there. That's my suggestion.

Chuck Gomes: So the argument would be that 14.1 and 14.2 are out of scope; is that it?

Jon Nevett: Yeah. It's just like...

((Crosstalk))

Chuck Gomes: Because we're supposed to be working on Recommendation 6. Mary.

Mary Wong: This was similar to Jon's point. I certainly think that 14.1 given the changes that we've made, you know, between the time (unintelligible) and now is probably redundant and out of scope because it does talk about community objections.

And I think we've also since, you know, we toyed with the idea of changing the community objections but I think we decided that that's not for us to do which I think further supports the unnecessary existence of 14.1.

On 14.2 I think there might be a way to tweak it just to make it fair that while this group will not, you know, recommend anything about community objections or fees in relation thereof that it clarifies the possibility of using the community objection procedure and that that's where this group recommends that national governments go.

And so I would think that we can safely eliminate 14.1 at the very least and possibly tweak 14.2. Then to the extent that the ones who originally supported or proposed 14.1, you know, that we've missed some nuance then

on the list or on the next call they should be able to make that point. And I don't think we've left anything out. But they can if they wish.

Chuck Gomes: Okay. Richard.

Richard Tindal: Mary made the point I was going to make so I'm good.

Chuck Gomes: What was that Richard?

Richard Tindal: I said Mary made the point I was going to make so I'm good, thanks.

Chuck Gomes: Oh okay I got it, thanks. So, I mean, part of - isn't 14.2 covered elsewhere except the mention of the At Large and the GAC?

Richard Tindal: No this one's about community though right? This one is explicitly saying that GAC and the ALAC...

Chuck Gomes: Yeah.

((Crosstalk))

Richard Tindal: ...we should think about reducing the fees.

((Crosstalk))

Chuck Gomes: The very fact that they relate to community objections - when we start going down that path it was the idea of letting, you know, saying that community objections can be used if there's a community concern which is fine; that's not really changing the community objection process.

But when we start talking about thresholds and fees and everything else that begins to change things. Let's do this real quickly, I want to - we may - Jon, you want to comment? Go ahead.

Jon Nevett: Yeah, my only point was 14.2 got very minimal support, you know, about 1/3 so I'm not sure why we're trying to pigeon hole it into something or change it; why don't we just drop it?

Chuck Gomes: Well there's different levels of support for parts of 14.2. I'm confused; there's one that's 17 out of 21 and then there's one that is 9 out of 21.

((Crosstalk))

Chuck Gomes: Richard?

Richard Tindal: Yeah, I think the reason for the discrepancy in numbers is that people are a bit confused about this. I think when people - a lot of people probably voted yes because they saw the first part which said, yeah, if you've got a, you know, an avenue for you is a community objection. And I think probably most people agree with that.

But I agree with you, Chuck, that's what's in the Guidebook now, there's no difference in that; it's an avenue for objections. I think if we explicitly ask the single question should there be a reduction in fees for a community objection from ALAC and GAC we might get a different reaction to that.

I think that's really the issue on the table so I recommend that we just make that a very simple recommendation on its own and see what sort of polling results we get for that. Should a...

((Crosstalk))

Richard Tindal: ...from GAC or ALAC...

((Crosstalk))

Cheryl Langdon-Orr: Yeah, that's...

((Crosstalk))

Chuck Gomes: I didn't really follow that. So what's the recommendation, Richard?

Richard Tindal: I recommend that we turn 14.1 and 2 into one recommendation (unintelligible) and that is should the - should a community objection from the - from a national government, GAC or ALAC subject to a reduced or eliminated fee.

Chuck Gomes: Okay. Is anybody opposed to that?

Richard Tindal: We can get a lower - my opinion is we're going to get a lower affirmative response on that simple question but let's see.

Chuck Gomes: Okay. Nobody opposed to that so it'll be much - 14.1 and 14.2 will be combined into that recommendation.

Mary Wong: Actually...

((Crosstalk))

Mary Wong: This is Mary.

Chuck Gomes: Mary?

Mary Wong: Yeah. I'm looking at two 14.2s as you were and it seems to me there's really two questions there. One is about the fee and one is about the standard. And as I understood Richard's suggestion it addressed only the fees. So are we dropping the other part of our 14.2 which only had 9 votes about lower threshold in terms of the standards?

Richard Tindal: No I - Mary where is it saying that it's lowering the threshold because I don't see it...

Mary Wong: Maybe I'm looking at the wrong report, oops. Well if I am then ignore what I just said.

Jon Nevett: You're not looking at the wrong report. If you look at the second 14.2...

Cheryl Langdon-Orr: Yes.

Mary Wong: Right, that's what I'm looking at, the one that was - I don't know the date of this but I know - is it the one - version 3 I think it was?

Jon Nevett: It's the one on the Adobe chat right now in the top if you scroll down.

((Crosstalk))

Margie Milam: ...so there's several parts to 14.2.

((Crosstalk))

Mary Wong: Oh right, I'm looking at the right thing, thank goodness.

((Crosstalk))

Mary Wong: So I think we - if we're going to redo 14 at all to make it clearer than we need to be clear whether we're talking about fees, whether we're talking about standards and make those two separate points. And then the third point...

Cheryl Langdon-Orr: Take them out.

Mary Wong: ...the third point is that I think - I suspect some members of the group may be more comfortable with maybe certain fee thresholds for At Large or GAC as a

whole but maybe not for national governments. So that may be yet another distinction that we ought to be making.

I hate to put more work on everybody at this point but just reading it over and thinking about the comments maybe we'll actually get a clearer sense this way.

Cheryl Langdon-Orr: And that makes great sense - sorry, Cheryl here, Mary, when you look at what happened in 14.3 with the no fee for At Large and GAC; that counting is 19 out of 21 so you are likely to get greater deviation I guess if you don't split them out so.

Chuck Gomes: Well are we in agreement that 14.3 is okay? Anybody disagree with that? Richard is your hand still up?

Richard Tindal: No.

Chuck Gomes: Okay so there's no disagreeing that 14.3 is okay. Is there anybody that's willing to take a crack at 14.1 and the 14.2 and see if they can make it more sensible - make them more sensible? Richard?

Richard Tindal: Richard, I'll do that.

Chuck Gomes: Okay. And will you send that to Margie? Margie, I think you're just going to have to use best judgment and we'll get it in the poll if it works good. If it doesn't we'll have to deal with it on Monday or on the list or both. Is that okay with you Margie?

Margie Milam: Yeah that's fine. Richard...

((Crosstalk))

Chuck Gomes: Yeah, okay. Okay then on 15.1 and 15.2 is - are those needed - I think there's still a possibility but I don't understand how did we get 14 out of 21 in support of both 15.1 and 15.2? That doesn't make any sense to me at all. Now it could have been some different people but some of the people had to vote for both of them.

And one of them says Criterion 4 is needed and the other one says it's no longer needed so that one - the results don't make sense here. Is there something missing? Everybody is probably too tired to help me on this one. Richard, you still have your hand up. Thank you.

((Crosstalk))

Richard Tindal: I would like to say something.

Chuck Gomes: Oh go ahead and then we'll go to Mary.

Richard Tindal: Yeah, it doesn't make sense what's here now so we've - we're suffering from...

((Crosstalk))

Richard Tindal: It doesn't seem very logical.

Chuck Gomes: No it doesn't.

Mary Wong: Chuck, this is Mary. And like many people I can't remember exactly how it was formulated or what but it seems to me that some people probably voted as an alternative again because not necessarily knowing how the numbers are going to come out.

That happened in a few places that this is what I prefer but if not I'm okay with the other thing. So if that's true maybe what we can do with 15.1 is

instead of the first sentence which I agree totally contradicts 15.2 we could say something like to the extent Criterion 4 is retained - then go right into the second sentence and it says the current language should be revised to read whatever it does read and re-poll on that.

Chuck Gomes: That's - I think that's good. And on 15.2 in the second column we should remove the alternative in parentheses because I'm guessing that that adds more confusion than it is helpful because it's not so much of an alternative, it's the opposite.

Cheryl Langdon-Orr: Yeah.

Mary Wong: Right. So then after the whole exercise we'll have a sense of who doesn't want Criterion 4 at all and who thinks that okay we're keeping Criterion 4 then it should be revised. And maybe there'll be a few outliers out there that will argue for Criterion 4. But, you know, maybe not.

Chuck Gomes: I like that. Richard.

Richard Tindal: Yeah that makes sense to me too. I don't know how we get rid - I mean, half of what we've been talking about in this group is ways to make Criterion 4 more precise and meaningful and the standard. And...

Chuck Gomes: Yeah.

Richard Tindal: ...it seems to me a little strange that we're voting at 15.1 to do away with it completely. Let's be clear if we do away with Criterion 4 completely it means that the only standards are child pornography, incitement to violence and discrimination and nothing else...

Chuck Gomes: Yeah.

((Crosstalk))

Richard Tindal: ...international principals of law, nothing else would be allowed. So to me it seems a bit...

Chuck Gomes: There are other principals of law that are found we have closed those out.

Mary Wong: Yeah and this was against the advice of the experts as I recall that ICANN consulted so we are going to be changing the grounds of things quite considerably if we do that.

Chuck Gomes: So Margie have you got the changes for 15?

Margie Milam: No, can you repeat?

Chuck Gomes: Sure. Mary you probably expressed it as well as anybody on 15.1; would you give her the changes please if you will?

Mary Wong: I will. And actually I've just been thinking about it, we could just say in 15.1 - and Margie I'll send an email but it'll be something like the current language of Criterion 4 should be revised to read what it doe read, just one sentence.

Chuck Gomes: Yeah. That's very good. And in 15.2, Margie, all we're going to do is remove the parenthetical where it says alternatives. So we want to make these clearly opposites; one of them it's necessary and there's a language change; one of them is not necessary. Does that make sense Margie?

Margie Milam: Right and so I'm waiting for language from Mary right?

Chuck Gomes: Yeah.

((Crosstalk))

Chuck Gomes: She'll probably have it to you very shortly because what she just said was really simple I think so you got that Mary?

Mary Wong: I did. And Chuck you just said a lawyer said something simple.

Chuck Gomes: And I meant it too. Thanks Mary, that was good. All right 16 I think is clear enough we'll just resubmit that unless somebody has a comment or a concern. There's pretty strong support for it to cover. And we've made it through the list.

I think, Margie, do you have - are there any missing ingredients for our next poll?

Margie Milam: No I think I'm fine.

Chuck Gomes: Thanks a lot and thanks for everybody for - what is it - two and a half hours now. I know I'm feeling it; I'm sure all of you are too. We're going to meet again on Monday. We'll have the poll results so please participate in the poll and we'll send out lots of reminders for people to participate.

And then it'll be just a matter of determining the levels of support for each of them. We're not going to have time to do much if any more word tweaking - maybe in some of these like 14 where we really got hung up we might have to but it's going to be mostly reporting what levels of support.

And it's okay if there's divergence; it's okay if there's, I mean, that's information for the implementation team (to support). Any closing comments or thoughts? Cheryl, let me turn it to you first.

Cheryl Langdon-Orr: I've just come off mute as my day is getting noisy around here. I've just quickly off-muted. Just I think this is excellent progress. And I think with what we need to do pre-call on Monday, you know, it's a lot of work but it's well worthwhile.

And if we can really try and get more than just the 20, 21 that have been polling so if you know of someone who hasn't been polling, you know, poke them with a sharp pointy stick and get them to poll that would also be useful.

Chuck Gomes: Thank you. Anybody else have a comment? Okay thanks everybody, appreciate it. And try and have a good weekend.

Cheryl Langdon-Orr: And safe travels for those of you who are on the road.

Mary Wong: That's right, thanks everyone.

Alan Greenberg: Bye-bye.

Richard Tindal: Thank you very much.

Mary Wong: Bye.

Cheryl Langdon-Orr: Bye.

((Crosstalk))

Coordinator: Thank you for participating in today's conference, you may disconnect at this time.

END