

**Vertical Integration PDP Working Group
TRANSCRIPTION
Monday 11 October 2010 at 17:00 UTC**

Note: The following is the output of transcribing from an audio recording of Vertical Integration PDP Working Group meeting on Monday 11 October 1700 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-vi-pdp-20101011-en.mp3>

On page: <http://gnso.icann.org/calendar/#oct>
(transcripts and recordings are found on the calendar page)

Participants on the Call:

Contracted Parties House Registrars Stakeholder Group

Volker Greimann

Paul Diaz*

Jeff Eckhaus

gTLD Registries Stakeholder Group

Jeff Neuman

Kathy Kleiman

Commercial Stakeholders Group

Mikey O'Connor – CBUC- Co-Chair

Berry Cobb – CBUC

Kristina Rosette – IPC

Non Commercial Stakeholders Group

Avri Doria

Individuals

Roberto Gaetano – Individual - Co-Chair

Eric Brunner-Williams

Jothan Frakes

Richard Tindal

Phil Buckingham

ALAC/At Large

Alan Greenberg

Sivasubramanian Muthusamy

Staff:

Mike Zupke

Margie Milam

Marika Konings

Liz Gasster

Glen de Saint Géry

Apologies:

Statton Hammock – Registrar SG

Jon Nevett – Individual

Ron Andruff - CBUC

Cheryl Langdon-Orr – ALAC

Baudoin Schombe –At large

Katrin Ohlmer – Individual

Brian Cute – Registries SG

Coordinator: This call is now being recorded. You may begin.

Mikey O'Connor: Thanks, Glen do you want to do a role call for us?

Glen Desaintgery: Certainly Mikey. Good morning, good afternoon, good evening everyone.

This is the Vertical Integration call, the 11th of October.

And on the call we have Siva Muthusamy, Mikey O'Connor, Berry Cobb, Alan Greenberg, Eric Brunner-Williams, Avri Doria, Kristina Rosette, Jothan Frakes, Paul Diaz, Richard Tindal.

And for staff we have Mike Zupke, Margie Milam, Glen Desaintgery and I think that's all. Then we have apologies from Katrin Ohlmer, Statton Hammock, Ron Andruff, Cheryl Langdon-Orr and Baudoin Schombe.

May I ask you all please to say your name for the transcription purposes? Thank you Mike, oh yes, Phil Buckingham has just joined us Mikey. Thank you Mikey, over to you.

Mikey O'Connor: Thanks Glen and I've got my - I think we may be able to add a few more folks as people join. The first agenda item is if anybody has got an update to either their statement of interest or their declaration of interest. This would be a good time to chime in with that.

Okay, the two agenda items that I've got so far anyway I circulated last Friday on the list. One is just sort of work through a thought that I had about the public comments.

And then the second is to have a conversation about sort of the next steps of the working group. And they're kind of intertwined. So if they blend into a single conversation that's fine.

I'm sort of stalling because I just saw Roberto join the Adobe room. So I'm expecting him to join the call in just a second too. Anyway, the idea that I ran into sort of started as I promised.

And I went through the public comments. Oh, Roberto's on call. Hi Roberto.

Robert Gaetano: Hi.

Mikey O'Connor: Welcome to the gang. As I was going through the public comments I found myself almost precisely, almost exactly replicating the categorization that Mike Zupke did when he built the matrix that's on the Adobe screen in front of you.

And I also found myself putting the same three recommended actions into every single comment, which was thank the person for their comment. Pass the comment along to the board since they now have the decision in front of them as to what to do. And comments would be useful for them.

And also pass the comment along to the next phase of the vertical integration working group. And I decided rather than just circulate what turned out to be a really stupid looking document with the exact same thing in every single box.

That I would just ask the group whether the way to handle the comments might best be simply to assemble the comments without those columns. Do those three actions and use Mike's categorization as the way to clump them into parts, because there are a lot.

There's 119 I think or (100) total. And sort of given where the state of play is, I wanted to try that idea out on you before I labored, I made it a third of the way through the list. And then looked back at what I'd done.

Saw this pattern and well, gee, maybe this is silly. So I'd like to throw that out to the floor for thoughts, comments, ideas, reactions. Anybody feel strongly that that's the wrong approach? I'm not seeing an overwhelming tide of hands. Alan go ahead.

Alan Greenberg: Oh yes, well I think we've got the questions in the wrong order. If indeed our decision on what to do next is publish a final report and sign off, then I think what you're proposing is reasonable.

If it's to continue and do something to look at later phases, then I think the answer is different.

Mikey O'Connor: Okay well we could reverse the questions. The thought that I had actually was the other way around, which was that if the working group did proceed with another phase, that that would be the time to really look at those comments in some detail.

Alan Greenberg: I think that's what I - I think I, that's basically what I just said, although I didn't say that clearly.

Mikey O'Connor: Okay well maybe we should reverse the sequence? Eric go ahead.

Eric Brunner-Williams: Thank you Mikey, this is Eric Brunner-Williams. I submitted public comments, and I suspect others did as well, with the intention that they would be informative to the board in the round whatever it is. But let us assume 2011, in that particular context, not necessarily in leader context.

So to defer the evaluation, the consideration of the public comments is not I think consistent with the intent of (tack) - of seeking public comments in the

first place that the working group embarked upon relative to it's work intending to influence or inform 2011 rounds.

And it isn't informative of the subsequent rounds if the comments made by the (BIM) tendered in the - with the intent to comment on the work of the working group, thus far in its second phase or in its later phase. So I'll stop there. Thank you.

Mikey O'Connor: Yes well that's why I kept saying in each one of my little recommended action boxes that the comments should be passed along to the board immediately since they have the decision on VI in front of them right now.

So, you know, my thought there was to get the comments to the board as quickly as we could. And then save them also for subsequent work by the working group. So if I wasn't clear, then that's at least what I was trying to say.

Eric Brunner-Williams: Thank you Mikey.

Mikey O'Connor: Would that work? Is that consistent with what you would like to see?

Eric Brunner-Williams: Yes it is.

Mikey O'Connor: Okay well thanks. Thanks for that. Maybe we should, you know, I'm fine with the idea of reversing the questions and talking about, you know, the Phase 1, Phase 2 thing if people feel that's important. Eric is your hand up again?

Eric Brunner-Williams: Yes it is Mikey.

Mikey O'Connor: Oh okay, go ahead.

Eric Brunner-Williams: Thank you, Eric Brunner-Williams again. Mikey I'd like to stress that there is more to the working group than just the Phase 1 report.

Independent of what is done with the comments which were, as previously stated, were intended to inform or influence the board in its consideration of the Phase 1 activity of the working group.

So the, even though we have no consensus, it's not clear that consensus is not possible, (unintelligible) possible in the timeframe that we have. So I do encourage the continuation of the working group with the intent to explore the possibility of arriving at consensus amongst the conflicting stakeholders who are in serious conflict.

At some point, subsequent to the 2011 round, assuming that ever happens. Thank you.

Mikey O'Connor: Okay. I think that puts us firmly into Question Number 2. So let's go ahead and talk a bit about that. And maybe that will help us with Question Number 1.

Let me just sort of lay the framework for that question. And that is when we laid out the work of the working group, we always envisioned this as a two-phase affair.

Phase 1 being very fast to try and come to agreement, if possible, for this current round, the one that's being decided at the moment. We originally set the target date for that consensus as the Brussels meeting.

And as we - as you probably remember, we kept sliding that date closer and closer and closer to Brussels. Finally we said well, let's try it at Brussels face to face.

And then we went to Brussels face to face and we didn't quite get there. So we decided to write an interim report, which we did. And somewhere in the shuffle, the name of that report which should be the Phase 1 final report got shortened to just the final report.

And I will claim full responsibility for that. And so we wrote an interim report and we took it out to public comment and we got it back. And now we have the job of transmogrifying it into a final report for Phase 1.

That's what we're working on right now. And I think that a couple weeks ago on the call, I think right after we got the news of how short the timeline was for us to attempt to come up with anything for this round, I got discouraged.

And I kind of let Phase 2 slide away. And I think that was an error. And so what I would like to do is just state loud and clear that that was a mistake on my part.

And propose the following, which is that we - when we submit this report to the council, hopefully pretty soon, that we call it the Phase 1 final report. And then immediately start gearing up for the real Phase 2, which is where we put all of the quote "real" unquote PDP activity that is driven by our charter.

Remember, we sort of scrambled the charter because the charter was written sort of before the time pressure decisions by the board were made. And so we essentially inserted Phase 1 in front of the work that we've been chartered to do, which is Phase 2 now.

And so I think that what we need to do is clarify that with the council, with ourselves. And unless I meet strenuous objection, as soon as we wrap up the Phase 1 final report, get going on Phase 2. And make that clear to the council.

So I don't know which order to take these questions in, but I'd like to put that one out on the floor as well. And maybe we just sort of leave them all out on the floor for conversation right now.

Now I can see sort of where we wind up. Is there anybody who really strenuously objects to that approach? I mean that's basically the approach that we've talked about all long.

And I think that the reason we sort of appeared to diverge from that is my fault. And so if we could just sort of forget that, unwind that and go back to our plan, I think then we're fine.

But this is I think a good time to have that conversation, sort of nail it down. Make sure that that's really where we're headed.

Berry Cobb: Mikey (unintelligible).

Mikey O'Connor: Yes Berry isn't on Adobe. So we'll let him barge in anytime he wants. Berry you're in the queue and then Alan after you.

Berry Cobb: Great thanks Mikey. This is Berry Cobb. I agree with everything you said. And I guess really it's just kind of the question of semantics. It was only within the working group that we decided to slice this up into phases, anybody external to the working group?

I feel that the phase terminology may be somewhat confusing. So I'd just maybe put to the working group here that I agree, we need to go through these comments, make sure they get over to the board.

Perhaps it'd just be better that we just call this a revised initial report. And that for external purposes, so people aren't confused by the word final. And then obviously internally within the working group once we get past these initial comments and publish the revised initial report then, you know, we go into our Phase 2. And the deep dive work that we need to do. Thank you.

Mike O'Connor: Sure, thanks Berry. Alan go ahead.

Alan Greenberg: Yes I support what Berry just said. Using the term final I think obfuscates things, regardless of the Phase 1 notation. The note that was sent to council a few weeks ago saying we would be incorporated the comments and submitting a final report has clearly, how do you put this gently, increased - put a taste for blood in some people's mouths.

That this is the opportunity to shut this down and get over - get it over with. It may be hard to reverse that now that that idea rai - concept has been raised. But nevertheless, I think that what you're talking about makes sense with one proviso.

I think that it makes absolutely no sense to go on to what we're calling Phase 2 until after the board has said what the Phase 1 results will be. It may well be that everyone says given that the Phase 1 is gone, this is a perfect steady state solution. And we don't need to do anything more.

Or it may be that we see exactly what we want to do at that point. But doing it pre - prior to the board actually deciding what the Phase 1 solution is I think makes no sense at all.

I would add that the board resolution did clearly say that any solution we come up with will be incorporated into succeeding phases. So their expectation is we are going to keep on working.

And, you know, given that whether we analyze the comments now or analyze the comments in depth later, I don't think matters a lot. If we can analyze them now and summarize them to the board so they don't individually have to read every comment one by one, that's my.

Mikey O'Connor: I think Alan just dropped off.

Alan Greenberg: No I'm here. I just finished talking.

Mikey O'Connor: Okay. It just ended in a funny place in the sentence.

Alan Greenberg: Oh sorry.

Mikey O'Connor: Margie, yes, Margie and then Roberto.

Margie Milam: Yes what I wanted to say Mikey is, you know, I think you guys have been mentioning it should go to the board, it should go to the board. Well as you recall, the last report actually had the public comment summary attached to it.

So unless there's substantive information that we want to give the board beyond what was already there I'm not sure, you know, what they would get because it was included in the report was the summary of the comment.

And so and typically what you would is decide to do something substantive with the public comments. And that's, and it doesn't sound like we're doing anything substantive to it. So I'm not sure what the benefit is of sending something to the board of this.

Mikey O'Connor: Oh okay. Thanks Margie. Roberto go ahead.

Roberto Gaetano: Yes, I think that Margie has just half answered my question. I was under the impression that this was an activity, the incorporation of the public comments was an activity that we still needed to do.

In the sense that what's - one thing is to say to the board okay, this is our interim report. And by the way, this is the summary of the results of the public comments.

And one other thing is (unintelligible) hello?

Mikey O'Connor: We can now.

Man: We can still hear you.

Roberto Gaetano: Yes and one other thing is to say okay we, the working group, have gone through the public comments. And maybe there are some points in - that we want to take from the public comments that may change some of the things that we have put in the interim report.

In other words, the question that I see is do we need to go over the report and change things because of the public comments? Because of our elaboration I was thinking adding the public comments to the picture.

And if this is the case, then this is orthogonal in my opinion to whether the working group will have a Phase 2 or not. But it's just, the second part of the Phase 1.

If, on the other hand, the working group feels that even reading the public comments, there's nothing that we need to change or there's nothing that we want to add to what we have already said.

Well in that case, the page is already turned over and we can immediately start to plan for the Phase 2.

Mikey O'Connor: My, and thanks Roberto. As I went - I started going through them one at a time because, you know, I wanted to try and write a draft of the matrix to give people something to review.

And what I found was that the public comments for the most part, as Mike put them in clumps, he put them in categories depending on which part of our report they referred to. Because we are, we have such diverse points of view, I found myself saying that these, this part - you know, Comment X either referred to something or supported something or was opposed to something.

But I couldn't imagine that we would change the substance of our report much based on the comments. Because for the most part, the comments retraced many of the steps that we had already gone through.

So I would tend to fall in your ladder analysis Roberto which would be to say there isn't going to be a real substantive change to the report. And that instead we should probably think in terms of immediately moving on to planning Phase 2 and getting started.

Margie your hand went up again right? Is that a new hand or an old hand?

Margie Milam: It is a new hand. I wanted to follow up with what Roberto was saying and to kind of give some examples of when the public comment might be useful.

If you may recall, the revised report talked about principles where, and we, I think we used the language we were moving towards consensus. So you got the compliance language for example. You've got, you know, there's a number of things that (unintelligible) that we were moving towards consensus on.

So if you're looking at the public comments, really the question is do these public comments and, you know, in order to give them justice, do they sway the working group into changing that from moving to consensus to actual consensus on at least some of the principles.

I'm not saying that you'll get support for any one proposal. But I think there was a, you know, a handful of principles that seemed to be getting consensus in the working group.

And that might be an area where you would update the report and send it to the board. Because then you've got at least something that the group, you know, had consensus on.

I'll give you an example of one thing that seemed to be strong consensus from the public comments. That there was this, you know, rejection of the proposal in (dag verse V4) for example.

You know, that could be something that the group achieves consensus on. So that's the exercise that we haven't done yet that would be appropriate to do for this, you know, finalizing the report.

But if after looking at the public comment it doesn't change anyone's perspective on the working group. And we don't have consensus, then the report, you know, doesn't change very much.

Mikey O'Connor: Okay as I'm running down the comments matrix, maybe what we need to do then is focus on those parts, well one thing we could do is focus on those parts of the comments that addressed the principles and see if we can move closer to consensus, Eric.

Eric Brunner-Williams: Thank you Mikey.

Mikey O'Connor: Oh, you're really faint Eric.

Eric Brunner-Williams: Well I'll try and speak louder.

Mikey O'Connor: Okay.

Eric Brunner-Williams: Am I any better now?

Mikey O'Connor: Oh that's getting better.

Eric Brunner-Williams: Okay thank you. I'm responding to Margie's original point that there is nothing in the comments - that the comments attached to the report are sufficient and speak for themselves.

The comments may do that. But that's not indicating that we are informed by them. And I want to point out that I believe it was (Brett) that made the comment that AOL and others who are registrars currently are adversely affected by vertical separation that we have been considering. Because they, effectively they're given either or choice to engage in brand protection as they have done historically as registrars or to be engaged in brand protection as registries.

So early in our discussions there was the brief proposal by myself to Jeff Neuman that we distinguish between registrars and shell registrars, that is the registrars that are available to become participants in vertically integrated registry registrar combines.

We didn't really do anything with that. So where we haven't actually been informed by ourselves very much, but where (Brett) has informed us is that not all registrars are alike.

That there are registrars such as AOL and BTE, which are very unlike any of the registrars that we have been imagining might be participating in a vertically integrated enterprise.

So we should not ignore the input that informs us of areas that we have not actually considered, yet we thought we did consider. Thank you.

Mikey O'Connor: Thanks Eric. I'm going to just go through the queue for a while and sort of digest. I'm liking this conversation a lot. Alan go ahead.

Alan Greenberg: Yes my comments are partially related to what Margie was saying. I, if you remember just after the board resolution, there was either a despair or euphoria. I'm not sure which at which we decided to try to find any common threads that we did agree with and tell the board about them prior, you know, prior to the deadline three days later.

I think that intent was valid. And the art - we may have not met that artificial constraint of the board. But the board is still going to, at this point, some time in the next two months, make a decision on how to handle VI f or the first round.

If indeed we can come up with any common threads and get it to them in enough time for them to consider, I think that would be incredibly useful. And if there are indeed any common threads in things that we generally agree on or have wide consensus, if not complete consensus, I think it's very important that we tell them those in concise terms.

There have been other examples recently where the board has miss subtleties that are imbedded in the reports. And I think that this is a case where we don't want that to happen.

So I think we should go back to that exercise we tried for about a day and half for a meeting and a half. And see if indeed we can come up with any concise statements of things.

And give them a measure of how uniform the consensus is, or how widespread the consensus is to advise them as it were for making the decision for the first round. I think that would be incredibly useful. And I believe should be part of Phase 1. Thank you.

Mikey O'Connor: So Roberto, is what Alan said consistent with your first option of the two that you proposed?

Roberto Gaetano: Yes. I think it's consistent. I mean I'm also, what I was saying was also kind of an input to solicit discussion on this point. I don't have a, you know, a strict position. I'm just, you know.

So I think that Alan is going along the line of specifying better, giving an opinion that is in line with my first hypothesis.

Mikey O'Connor: So maybe it's safe to say that when we wrote - when I wrote that very terse note to Chuck, to the council, saying in response to the board and then in response to Chuck's question to us. That was a two-sentence note.

The first sentence was no, we have not reached consensus by the deadline. The second sentence where I said we will be submitting a final report to you by whatever the date was, I forgot, November something.

It sounds like that sentence was a catastrophe. And should be unwound because it boxed us in to something that doesn't feel like it's the right place for us to be.

Irrespective of which of the paths we ultimately take, you know, Alan's point is pretty persuasive to me as well. That maybe what we ought to do is kind of take Margie's thought, which is take a look at these comments, especially the ones that they're on the places that we might be finding some consensus.

And Alan's point that if we were to find such a thing and get it to the board within, you know, a reasonably short period of time, it would be very helpful for them.

Maybe me in my despair cut way - a very broad swath of options for the group that I shouldn't have. And if that's the case, I'd be perfectly willing to shoulder up to that and to use the Nixon Administration's term, write a note to Chuck saying that second sentence is no longer operative, if that would be useful. Margie go ahead.

Margie Milam: Yes and I have a suggestion and it's just a suggestion. If we were to do that and try to go back to look at some of these comments, perhaps we might want to break out into groups that we broke out before.

So for example the folks that wrote the compliance section might want to look at the comments that related to compliance to see whether, you know, it changes the language in the report.

Or whether they think we can - they can recommend to the group that we likely have consensus on this particular principle. But since those folks, you know, focused on the different issues like, you know, like compliance, like, you know, exceptions.

There was a, you know, I forgot the various sub-groups that we broke out into. But that might be an easy to tackle some of these issues.

Mikey O'Connor: It might be a way to get to a draft. I think that one of the tricky bits is that because we put that report together under such a tight deadline, we never really had a chance to do our usual beat it up on the list, beat it up in the group as a whole process.

And so I think we'd have to at least do that in two phases. First maybe get to a draft through that. And then come out to the broader group because we never really tested for consensus on a lot of that stuff.

We have intuitive feelings, but that's about it. And the language that we did get to consensus on, the language that got up into the body of the report is pretty broad.

And would need to be probably brought up to the specificity of the possible language that was eventually, you know, dropped back into the appendices because we just didn't feel like we had consensus on that.

But I think that would be a pretty reasonable approach. So let me summarize the state of play as I see it at the moment. That we unwind that second sentence in our two-sentence letter to Chuck, I will do that if that's what we decide to do.

I'm inclined to run with Alan's approach that, and Margie's approach that we take the opportunity to dive back into the, especially the principles. I'm not sure that we can move the group much in terms of proposals.

But if we focused on the principles and saw if we could come to some sort of consensus on that, that we would leave that in Phase 1. And we would leave Phase 1 running.

Then we would make it clear to the council that there - to Berry's point that we are perhaps confusing or surprising people with the phase terminology. We have been pretty clear on that. We presented it in the status report in Brussels. And it's been going up through Stefan in the more detailed status reports that we've been filing sort of all along.

So I think we're at least covered on that. Is that sort of, I'm going to kind of throw this back to you all, especially Roberto and give you a chance to think about it a bit.

But, you know, what I get is no appetite at all for the notion that we just stop. That there's support for the idea of continuing on with Phase 2 as originally envisioned.

And a fair amount of support also for trying to find one last run that's consensus points within Phase 1 around the principles. Is that a pretty good summary of where we're at?

Avri is in the let it go mode. Do you want to jump on the call, you know, on the voice side and, I mean I don't think we can let Phase 2 go. I mean we've said out loud in public, in written documents that we have to do Phase 2.

But are you talking about Phase 2 or are you talking about trying to find consensus inside of Phase 1 Avri? Go ahead.

Avri Doria: I think, this is Avri. I think I'm talking about the whole thing. I'm not sure I agree that we should unwind. I am not sure that it's up to us to unwind. I mean we send a report and the council could look at it and say listen, we want them to go on or no we don't.

So I don't know the (sitters). I mean I suppose yes. If this group sends back a we're wrong, we're wrong, we really do want to go on, we should. I think Alan was absolutely correct in saying, you know, there is no point two, there is no second part of the PDP until such time as the program actually starts because we don't know what the final disposition is on VI.

So I just, I guess spending week after week, meeting after meeting talking about process. And whenever we get out of process, we go around and around with the same disagreements. I think yes, finishing the comment, whether in the old committees or new sub-groups or whatever, is something that should be done if it can be done.

But I think yes, I mean I'll continue participating and I'll contribute when I see a chance to contribute. But I just don't, you know, the definition of work is that apply a lot of pressure. And there's some movement, you know, something gets accomplished.

And we're pushing hard against the wall, especially you guys. But nothing's changing, nothing's moving. And I really think tying one up with a bow, saying we don't know where we should go next.

And we recommend that the council reconsider restarting this group with an updated charter after such time as everything is said and done is a good way to go.

So maybe it's not, it's an intermediate where the group isn't formally closed down, whatever that means. But the group is formally put to sleep. And if somebody wants to come along and un-box it later, great.

But otherwise, you know, the group is boxed and it's put in storage. And it's done unless consciously restarted. Thanks.

Mikey O'Connor: Thanks Avri. Alan go ahead.

Alan Greenberg: Yes I don't quite agree on the process that Avri is talking about. I think we were chartered with a need to do something. And that need is still there.

And we can obviously be killed by council at any time they choose. But I don't think we should go back to council at this point. I think the natural course at this point is, you know, as I said to come up with any guidance we can provide the board for their interim solution.

And then reconvene and go to back to our original task. The point I made in an email just after the board decision, you know, when you had sent that note was it's fair game for this group to decide we are shutting down.

We have done as much as we can. We're at a sail mate. But I think that needs to be the conscious decision of the group, not a subset of the group who happened to be on one poorly attended conference call.

You know, or to use your words, the chair in his despair. I, you know, if we're going to shut down after all this work and not meet our original charter, then I think it needs to be a very conscious decision of the group as a whole, or at least the majority of the group. Which I don't think we could - process we don't think we've gone through.

And if we're not going to go through that process, then I believe we must continue using one or the other of the mechanisms that we've been talking about. Thank you.

Mikey O'Connor: Thanks Alan. I don't think that we're all that far apart. To Avri's point about, and you're too Alan, about Phase - when Phase 2 starts, I think everybody would agree that it's really difficult to start Phase 2 until we know what the final position of Phase 1 is so that we've got that groundwork.

And that's an undetermined date. In a way I would kind of like to have a break on the content side to work only and on the process side. So the people who can't stand process discussion can take a breather from all that. Because I'd really like to put a really detailed charter work plan together for Phase 2, a luxury we didn't really have for Phase 1.

And so taking a while to do that actually appeals to me quite a bit. And maybe that's the breather that we take is we do two things. We work on what the process for Phase 2 would look like. And we wait for the final disposition of the board. And I think that is some months away, optimistically.

I also agree that, I think that there's sort of two approaches to the decision to proceed. One is to say that this is a decision that working group gets to make. Another is to say it's not a decision at all. That we said all along that we were going to do Phase 1 and 2. And that we're just going to start Phase 2 now.

We can ponder that for a while. Eric go ahead.

Eric Brunner-Williams: Thank you Mikey. It's Eric Brunner-Williams.

Mikey O'Connor: You're really faint again.

Eric Brunner-Williams: Thank you Mikey. This is Eric Brunner-Williams.

Mikey O'Connor: There we go.

Eric Brunner-Williams: Is that better?

Mikey O'Connor: That's better.

Eric Brunner-Williams: I take exception to the idea that we can't start until, or that we can't restart or that we can't start with Phase 2 until whatever the predicate condition is.

Yes the board may take an arbitrarily long time to decide what the rules of the game are for the round that may or may not happen in 2011. It could be 2012 or 2013.

Nevertheless, the conflict between the contracted parties who are registries and the contracted parties who are registrars is something that can - that these two sets of contracted parties can attempt to determine what their real sticking points are without the pressure of Cartagena.

Though I don't think that it is necessary, actually I don't think it's prudent to wait until the next shoe drops, you know, before continuing. I think the serious discussion between the registrars who have a keen interest in a changed their contracted parties' datas and the registries which have a keen interest in the same subject is something that can go forward.

And these two sets of parties can find what they don't disagree about. And they may be able to eliminate some areas of non-disagreement that are substantial. Thank you.

Mikey O'Connor: Thanks Eric. I don't know, this has given me a lot to think about. I may need to take a breather and cogitate rather than just carry on. Roberto, any thoughts from your perspective on this?

You have the advantage of sort of watching me twist and turn, but not being quite in the middle of it all. Just curious sort of what you think. You're muted at the moment.

Robert Gaetano: Hello?

Mikey O'Connor: There we go. Now you're on.

Robert Gaetano: I was un-muted and thinking of un-muting then muted. Anyway, so I think that we - it's a simple situation, but a complicated question in the sense that we need to, the suggestion is simple.

Do we need to decide whether there is some more work that is related to the closure of Phase 1? And yes, I don't think that is a matted off being willing to keep the working group alive and to survive to our death. As it could be hinted by Avri's comment.

I - the genuine question is do we really need to have - to do something to close Phase 1? If there is something that we need to do by taking into account the comments.

And I believe it's a simple question but is a complicated to give an answer to this. I mean how to get - how to take into account those comments? For sure we are not going to certainly change our mind on basic things because of the comments.

But is there anything in terms of the principles that we can and should add to our report based on the analysis of the comments? And that is - the answer might be no, we believe that reading the comments doesn't bring anything new.

And we stay with what we have. And that closes Phase 1. And the reports that we send to by the middle of November will just say barely this. And that

the working group, after the interim report, has evaluated the public comment. Has met again by teleconference and blah, blah, blah.

And confirmed what was said indeed during the report. That then becomes the final report of Phase 1. And then we'll see what is going to happen in terms of transferring Phase 2 or not which is a decision that is not incumbent on us.

It is the council that has to decide whether we are going to have a Phase 2. And how does Phase 2 has to be managed. And I think that this, and if you allow me, just say a sentence on the Phase 2.

I think that in the beginning, this working group was put up quite in a hurry. We have spent the first teleconferences in figuring out exactly what was exactly the draft that was the meeting - meaning of certain points because everything was done in a hurry.

Now we are not going to have the excuse of the hurry. If we are going to have a Phase 2 that has to be properly drafted with a clear objectives that everybody will understand and agree.

And will be done in a different way. But again, the question is on what happens on Phase 2 is orthogonal to the question are we really through with Phase 1? Or are we stopping just because we went through the momentum that brought us to Brussels and immediately after Brussels, during and immediately after.

And then we went sort of on summer vacation. And so is the summer vacation the end of it? And so that be it? Or are we going to produce something as closure of the Phase 1 now that summer is over and we are in fall? That's all.

Mikey O'Connor: Thanks Roberto. I think that clearly one thing we need to figure out is back to Margie's question which is do these comments change our views in the areas where there is still some flexibility? And that's primarily the principles.

And it seems like we need to find that out as a group. So somebody, either some groups or something needs to happen with that. So that we can get back together and say no, we just, it's a non-starter. Or we can't find any places to agree. Or indeed there are some small corners of agreement that we might be able to build into something.

I think no matter what we need to try to do that. As soon as we do something like that, I think the deadline for the report, the dreaded second sentence of mine goes out the window because (unintelligible) and get through it. Eric go ahead.

Eric Brunner-Williams: Thank you. This is a question to Roberto. Roberto can you identify where in the charter it states that the working group shall terminate its activity prior to the Cartagena meeting or at any other point and time?

Robert Gaetano: I, can you hear me?

Eric Brunner-Williams: Yes I can.

Roberto Gaetano: Yes, I'm making a little confusion with this mute, un-mute. No, it's not written anywhere. But it seemed logical to me the fact that if the purpose of the working group was to give indication by the community, by the working group, that are going to be useful for the board to take a decision.

Then something has to be done before the board takes a decision. And there were two points. One was the retreat that - where the board has expressed an opinion.

But then at one point there is going to be the lion share of the new GTSDs. And we think it's going to be before the end of the year. So maybe Cartagena is not the magic meeting in itself. But is the fact that I suppose that the board will take a decision.

And at that point, if we were to provide all the elements to the board in order to make an informed decision, we need to act before that. That's the only reason.

Mikey O'Connor: Thanks Roberto. Does that answer your question Eric?

Eric Brunner-Williams: No it doesn't. It speaks to the necessity for providing input to the board prior to a certain date. It doesn't speak to the necessity of ending function at that point.

I don't recall myself having the slightest idea that this was only to provide input by the decision point for the, whenever it happens, 2009, 10, 11 round of new GTLDs.

That, I recall having a longer - thinking that there was a longer purpose for this group and arriving at a vertical integration policy that would last in the future and was also applicable to the 2003 and the 2001 contracts. Thank you.

Mikey O'Connor: Thanks Eric. I think that the, you know, again the phase notion was certainly something that I introduce. It's not in our charter for sure. And our charter is quite broad. It's much broader than the work we've done so far.

We sort of crammed Phase 1 into our charter because we were given that challenge sort of after the charter was actually written I think. And so I think you're right Eric. There's nothing in our charter that says we end by any given date.

There is quite a bit in our charter as - that talks about what we need to do. And we have not done quite a bit of it. So, you know, there's outstanding work there to do for sure. Alan go ahead.

Alan Greenberg: Yes our charter called for us to decide on what is, or recommend what is right for vertical integration on the long-term. It explicitly said we should not do anything which will delay Round 1.

Well with the most recent board decision, there's nothing we can do at this point to delay Round 1. So we're meeting implicitly by the board decision meeting that target. And therefore the rest of our charter I believe still stands.

As you point out, the Phase 1 versus Phase 2 was our own artifice. And I'm not sure we should toss it back to council at this point to ask them should we continue with Phase 2.

And lastly I'll point out that council these days is very process driven. And if we terminate something, I suspect the decision of council will be to restart it. We're going to have to start the whole PDP process over again with an issues report.

And I don't think there's going to be any taste in council to restart it. As I mentioned in an email, I think that's going to be a kin to restarting the who is one immediately after it failed.

And if the council shuts us down, fine. That's a decision they can take. But I don't think we should voluntarily give up because I do not believe it will be restarted. And I believe I - the GTLD world would be worse for not having anyone try to come to closure on the right way to go forward in the longer-term. Thank you.

Mikey O'Connor: Thanks Alan. Okay I'm probably going to have to read, or listen to the MP3 and think about this again. But here's where I'm feeling we're at.

At a minimum we need to take a look at those comments and see if they swing anything in terms of the principles. And we need to do that soon because that might be something we could get done before the board makes its decision in this round. And it would be very helpful for them.

So I think people should start thinking about how we want to do that. Maybe break into those same groups and clump comments and spend a week trying to get a sense of that.

I am pretty swung over to the view that we have work left to do in our charter. I'm also pretty open to the view that we probably want to ease off just a little bit on Phase 2 until we know what the real decision is on - by the board on this particular round.

But I'm also pretty sure that I, Mr. Process, could fill up a pretty fair amount of time building a work plan for that. So, you know, maybe what we do, somewhere packed in the chat it said hibernate.

And, you know, maybe it's hibernate and process for a few months while those decisions get made. But I think our urgent work is to hit those comments by the chunks of the principles that they apply to.

And I'm wondering if we could emerge from this call with a notion to go ahead and start that? And we don't have enough people on the call to really form the groups.

But is there anybody that thinks that's a really terrible idea? I heard a squawk that sounded like...

((Crosstalk))

Alan Greenberg: Mikey it's Alan. My only thought is I'm not sure we really want to write the detailed game plan for Phase 2, whatever, because this group may make it a different class of decision once that board decision is out.

Mikey O'Connor: Yes, you know, I understand.

Alan Greenberg: The other point I just said on the chat is although I don't know if we want to think of it from this perspective. The board may make different - a different decision for Round 1 if they believe it is for Round 1 only. Or if they think this is a decision for all eternity.

As I said, that's trying to second-guess the board, and I'm not sure we want to do that. But it's...

Mikey O'Connor: Yes, I'm reluctant to go down that path.

Alan Greenberg: Yes but it's something to recognize.

Mikey O'Connor: Yes. I think, well and I'm fine with the process point you made Alan. I agree. You know, we may wind - find ourselves in a situation that dramatically changes not only the circumstances, but also the best approach.

Alan Greenberg: Remember there have been a lot of people on this call - on these calls who have said the whole situation rests on Round 1. And it's a different world if we're not talking - if Round 1 isn't available to us. So it will change the world. We're not sure how.

Mikey O'Connor: Okay so I think what I will do, I think we sort of hammered down on this enough. Clearly in terms of the two questions on the agenda, the initial treatment of the public comments that I propose is not the right approach. Because what I was proposing is - doesn't take into account any of this conversation about trying to swing the principles.

So let me summarize that decision to the list this afternoon. And in terms of the work group's plans for moving forward, let's continue this conversation on the list. I need to sort of stop improvising and start thinking before I can go too much further on this.

It seems to me that we're pretty close to the same page on that as well. But I'm not sure that we can get much further on today's call.

Anything else that people want to talk about? We're about ten minutes after the hour. Or should we just wrap up early and I'll jump on the email and summarize all of this?

Okay let's do that. We've had a pretty processing call, and I apologize for that. But there you go. Thanks gang. Have a great day, Happy Thanksgiving Alan and anybody else who is in Canada.

Alan Greenberg: Thank you and Happy Columbus Day to all those in the US.

Mikey O'Connor: Okay

Alan Greenberg: Bye bye.

Mikey O'Connor: Well we'll see you next week. And I'll jump on the email here. That's it for me. Bye bye. (Sharon) if you're there.

Glen Desaintgery: Hi (Sharon). Thank you very much. The call is over, many thanks for your help.

Coordinator: You're welcome. Thank you and have a great day.

Glen Desaintgery: Thank you, you too.

Coordinator: Thank you, good bye.

Glen Desaintgery: Good bye.

Mikey O'Connor: Bye bye.

END