

**SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPTION
Friday 22 October 2010 at 1400 UTC**

Note: The following is the output of transcribing from an audio recording of the SO/AC new gTLD Applicant Support Working Group (JAS) Friday 22 October 2010 at 14:00 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-jas-20101022-en.mp3>

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Participants on the Call:

ALAC

Avri Doria – NCSG – Co-Chair

Evan Leibovitch – Co-Chair
Tijani Ben Jemaa - AFRALO - At large
Dave Kissoondoyal - ALAC
Carlos Aguirre - At Large
Alan Greenberg – ALAC
Sébastien Bachollet - ALAC

GNSO

Rafik Dammak - NCSG - Council liaison
Andrew Mack – CBUC
Eric Brunner-Williams - Individual

ICANN staff

Karla Valente
Glen de Saint Gery

Apologies:

Elaine Pruis - Mindsandmachine
Alex Gakuru – NCSG
Cheryl Langdon-Or - ALAC chair
Tony Harris – ISPCP
Baudoin Schombe - ALAC

Coordinator: Excuse me. This is the operator. I just need to inform all participants that today's conference call is being recorded. If you have any objections you may disconnect at this time, and you may begin.

Evan Leibovitch: Okay just now I've tried to come back into - okay I'm there. All right, go right ahead.

Glen de Saint Gery: Okay, thank you. Good morning, good afternoon, good evening everyone. This is the JAS call on the 22nd of October and on the call we have Dave Kissoondoyal, Alan Greenberg, Evan Leibovitch, Eric Brunner-Williams, Sebastien Bachollet, Avri Doria, Carlos Aguirre, Rafik Dammak, Tinjani Ben Jemaa.

And for Staff we have Karla Valente and myself, Glen de Saint Gery. We have apologies from Tony Harris, Baudouin Schombe and Cheryl Langdon-Orr, Alex Gakuru. There was one other person. I will just...

Evan Leibovitch: Is Elaine on the call or do you know?

Glen de Saint Gery: Pardon?

Evan Leibovitch: Is Elaine on the call?

Glen de Saint Gery: And Elaine Pruis. That was the other one. Thank you Evan.

Evan Leibovitch: Okay, so we're running with a smaller contingent, including missing some of the people that were great - deep into the participation so we'll do what we can with what we've got.

Now on the Adobe Connect screen right now is really tiny text for me, so is this the absolute latest version that was sent out?

Avri Doria: Yes it is. You could tell. The date is...

Evan Leibovitch: Okay, now does that...?

Avri Doria: Yes, the 21st which is the latest I sent out.

Evan Leibovitch: Does everybody have the ability to do their own scrolling?

Avri Doria: Yes.

Tinjani Ben Jemaa: No.

Evan Leibovitch: No? All right let me just...

Avri Doria: Okay, how about now?

Tinjani Ben Jemaa: No.

Evan Leibovitch: Okay, so everyone can do their own scrolling now?

Tinjani Ben Jemaa: Yes, now it's okay.

Evan Leibovitch: Okay, excellent.

Alan Greenberg: Evan, try to talk a little bit louder or closer.

Evan Leibovitch: Okay. I - so help me I have the microphone right at my mouth so I'll try and do my best.

Alan Greenberg: Thank you.

Evan Leibovitch: Okay, so what I was hoping to do is pick up where we left off last time because although this is a new draft document, we didn't get through the old one completely.

And so I was hoping to pick up where we left off there, so at least we wouldn't be spending a huge amount of time on the first half of the document while ignoring the latter part that we didn't totally get to last time. Tinjani, go ahead.

Tinjani Ben Jemaa: Yes please. I have a proposal. I want that the group now at the beginning of this call decides on whether we want to speak to the survey results, or the group wants to take leave of it or to - decides on - discuss the points where the results are not - are opposite to the discussion inside the calls.

Evan Leibovitch: Do we...?

Tinjani Ben Jemaa: Because I have not said that in the last draft and for some points, the results were we were sticking to the results of the survey. For others we are not so...

Avri Doria: This is Avri. I have stuck to the results I thought of the survey all the way through where they changed what had been the original. Now if you've got a place where - you might miss it. It's quite possible that I did.

But the intention was once people invoked a poll, poll trumps any of the previous believed consensus. That's part of the problem with doing a poll is you then have asked all those who were silent to weigh in.

They have weighed in and at that point the three or four people who are vocal can't say, "Oh, but we don't agree with the poll." So I understand that it makes those that have been most active and most vocal uncomfortable.

Now if I missed anywhere, and again please forgive my voice - if I missed anywhere the intention was to stick with the poll because the poll trumps previous conversations.

Evan Leibovitch: Okay, I'll add my own 2 cents in just saying I concur with that but, I mean, obviously what we have in the discussion has to count. On one hand my

thoughts was that the survey was going to be informational that would help guide us, and make it clear that there might be people who might not be vocal on the calls who still expressed an opinion, and that opinion came out in the survey.

Were the questions perfectly worded? Of course not. We had absolutely no time with which to do - the necessary prep to do that properly. But it was meant to guide based on wording that had been in previous versions. Eric, go ahead and somebody else had their hand up and then...

Avri Doria: Andrew had his hand up. I accidentally turned him into a microphone.

Andrew Mack: Okay, I'll put my hand back up.

Evan Leibovitch: Okay, we have wizard powers here. Poof, you're a microphone. Eric, go ahead. Eric, the floor is yours.

Eric Brunner-Williams: This is Eric Brunner Williams. The question on 7A, I don't understand how the question even arose on the poll, but more importantly I don't believe that we were informed that the poll would suspend all prior participations.

And had that been clearly stated I don't think I would have participated in a poll, as I believe it is a way of losing information rather than gaining. I pointed out in my mail that the Question 2.7 doesn't appear to correspond with our prior work, and doing so is not the assertion that the authors of the poll are concealing with that intent or lying to use the term that was recently used on the mailing list. Thank you for what little consideration you give to this.

Evan Leibovitch: Okay is - Eric I'm going to - though I'm going to keep you and ask you, you know, what is the positive thing to take out of this, okay? We can't, you know, the poll's been taken. Its data is out there. We have that, okay.

Rather than talk about should have, would have, could have what do we take forward from this going forward into this call?

Avri Doria: Can I - I have one other thing here. The fact that the poll trumps the previous conversation, I don't think that there was any, you know, once you take it you've got other opinion - that does not mean that you can't then continue the conversation.

And if the group really believes that the poll response is wrong then, I mean, what can happen and what has happened in other situations is that it gets reversed.

But then you basically have to give anyone the chance that was in the poll to sort of, you know, speak up and say, "Wait a second, you know. I don't accept that."

So I changed the text to correspond as closely as I could to my understanding of the poll. If this group wants to discuss it further, I'm not saying that the poll is the end of the conversation. It's just the existing point at which we are.

Evan Leibovitch: Okay, okay. All right, Andrew go ahead.

Andrew Mack: Yes, thank you. First of all I actually don't think that we're as far apart as it sometimes sounds, and Avri thank you for not turning me into a newt instead of a microphone. I - in keeping with our season here. I...

Avri Doria: You called me a witch. Thank you.

Andrew Mack: You turned me into a microphone before, right? So all things are possible.

Evan Leibovitch: And then you could run for the senate.

Andrew Mack: Yes, if you - so I'm going to do the non-U.S. mid-term thing and try and come up with a focus on where we are together. I think actually a lot of the things we're together.

A lot of the things in the poll reinforce things that we've got already. As we all agreed going into it, a poll is a bit of a blunt instrument because it is limited by the time that people had to take it, the fact that there were a number of things where we didn't have the ability to put in qualifiers, nor did we have the ability to opt out of questions where frankly in one or two instances I don't have a strong opinion.

In other instances I care very deeply, you know, and I think that there were other people who felt that way as well. So the - let's agree in advance that we knew that the poll was going to be a blunt instrument.

I think leaving it as the final arbiter makes no sense, but by the same token there are a small number of areas where the poll and the conversation don't track. My suggestion is let's dive into those.

There may be areas where the poll was - where the wording of the poll gave us a different response than we were looking for, or where there were qualifiers that we might have put in.

You know, let's walk through it. I mean, honestly we've spent a lot of time on this. We want this to go to the appropriate people and to be looked at and to be listened to.

And so, you know, getting focused on the poll or not the poll is - it seems to be beside the point to me. Let's see where the things don't match up and try and get them to match up.

And the piece about people who were silent before, I do think it's appropriate and I think it's important to value the time and the effort of the people, starting

with the two Chairs who have spent so much time on this. So, you know, that's my 2 cents. I don't think we're that far apart honestly.

Evan Leibovitch: And I agree with you and I thank you for the support, and I really hope everybody appreciates that we are all trying to move in the same direction. There's no agenda here. There's nothing trying to be manipulated.

We were moving on a very, very compressed time frame and a lot of things that should be done a lot better and a lot more deliberative have not been, but we can't undo that and we're still working on a compressed timeline.

Andrew Mack: But no need to apologize. Let's just move forward. That's all.

Avri Doria: Can I add one statement -- this is Avri -- in response to that, and that is that yes, we have to give credit and - to the people. You all have put a lot of time into discussing, but part of the notion of the Work Group is that any way in which people contribute has to be taken into account.

So it would have been better if people had discussed from the mailing list instead of just the poll. But once we've done a poll those opinions have to count. Thanks.

Evan Leibovitch: Okay, Tinjani go ahead and then Eric.

Tinjani Ben Jemaa: Yes, yes. If you are asked are you okay with the entrepreneur to be given support, you will respond immediately no. But if you ask if the needy entrepreneur from developing countries can have support, the answer will be opposite.

Evan Leibovitch: Okay and...

Tinjani Ben Jemaa: So it - this is the problem of the survey.

Evan Leibovitch: Okay, Tinjani let me stop you because in keeping with what was just said we are going to come back and we are going to attack that issue, and where there was an area of discrepancy we will come back to it and we will resolve it, if not definitively as close as we're able to do.

So let's not tackle that now. We'll come back to it but I totally agree. Let's take the stuff where there is discrepancy between what we believe happened in the - has happened in the calls and what came out in the surveys. Let's attack that and get a resolution of it, and I fully agree with that.

Tinjani Ben Jemaa: So okay, what is the decision now? We will discuss the points where there is a...?

Evan Leibovitch: Absolutely.

Tinjani Ben Jemaa: Okay. Okay, okay, no problem. Go ahead please.

Evan Leibovitch: Okay, Eric and then Sebastien.

Eric Brunner-Williams: Thank you Evan. I'd like to think that we're all working together, but unfortunately asking the question about the poll itself resulted in a response that was unbelievable.

We're not all working together if the assumption is manipulative or agenda driven by anyone. Thank you.

Avri Doria: And I don't understand what that means. Please?

Evan Leibovitch: Okay, I saw a hand up from Sebastien though it didn't register in Adobe. Sebastien, are you still wanting to speak?

Sebastien Bachollet: Yes, I have a problem with the - with my network. It's not enough to have the voice and the other which seems - is - can you listen me well or...?

Evan Leibovitch: Yes, I can hear you fine.

Sebastien Bachollet: Okay, thank you very much to give me the floor. I would like to make few comments. The first one it's - I think we are all volunteers here and the Co-Chair do a great amount of work and even if it's not exactly what we will have done, each of us to do the same type of think.

They done it and we have to give them credit for that, and I don't think that any of them have any black agenda or minded - idea-minded. In the - then I very appreciate all the work you done and I would like to suggest something, maybe it will come to the discussion, but as a general type of compromise it's maybe we can write in the report that we have two type of entry.

The one of the Working Group and the one of the poll and that's the reality, and we can't say that we don't have one or we don't have the other. And then GNSO, ILAC and then they both could take information on all that and make the right decision.

It's at least my suggestion for going forward today and that simply - thank you very much.

Evan Leibovitch: Okay thank you. I have Rafik and then Alan. Go ahead Rafik.

Rafik Dammak: So just first, I want to express my support to the - for the work done by the Co-Chairs. I think at the beginning I thought that the poll will help to foster the work but it sounds that we have the opposite.

Honestly I think that we will have followers, some people who are not happy with the results of the poll because we have more people participating in the - in that poll.

So if we have some specific issues maybe we can find compromise, but I am really opposed to have again a poll, because we are not going to resolve the problem with the problem here - with the problem it is. Thank you.

Evan Leibovitch: Okay, Alan I accidentally took your hand down but you've got the floor.

Alan Greenberg: Thank you. I'm going to propose that we try to go on to substance and stop talking about the process - either we can come to closure or not.

Evan Leibovitch: Okay.

Alan Greenberg: If the results of the discussion are radically different than the poll then we have no consensus, I mean, by definition. We can't get all the people on a call every time and if there are - if people on a call feel quite different from the poll then we have to accept that.

I don't want to in the report say we have polls and we have teleconferences and we can't make them work together. That's blaming our tools and that's simply a fact that even if we only have teleconferences, there's going to be different subsets of people on each time.

Let's go on to the substance and see if we can identify anything where we think we do have consensus or we don't have consensus. But this interminable talking about the process, as faulted as it may be and as, you know, ill advised as some of our decisions may have been in the past, is not going to - is not productive use of our time at this point.

Evan Leibovitch: Okay, and that is a perfect segue to cutting this part of the conversation off and actually moving on to subcell.

Alan Greenberg: That's what I'm suggesting.

Evan Leibovitch: Okay, we'll waste no time with that. So if I recall on Tuesday we ended - we were finished at 2.4. Was it - Karla do you remember? I'm pretty sure - I thought it was 2.4 where we ended up last meeting.

Karla Valente: So I need to take a look at the email that I sent.

Avri Doria: And that was the question that you sent out I thought that...

Karla Valente: Yes, 2.4B.

Evan Leibovitch: Okay. All right.

Avri Doria: Which is currently line...

Evan Leibovitch: We - so we are - so according to the new document up that is - we are at line 30 - hold on, 309.

Avri Doria: Two ninety-seven?

Evan Leibovitch: Three hundred nine. Andrew, go ahead.

Andrew Mack: Just a quick question about the way we were doing this. I'm - I have no problem with going through the document as it - as you're suggesting. But given there's three, you know, two, three, four small but significant areas that people wanted to revert back to, will we have a chance to do that?

Avri Doria: I think coincidentally by being at line 302 we are at one of those points.

Andrew Mack: Okay, I'm - I just am not sure...

((Crosstalk))

Andrew Mack: I just want to make sure we cover all the pieces that people have mentioned in their comments on the list, that's all.

Evan Leibovitch: Okay, so in keeping with that we will back up just a few lines from where we left off and tackle one of the issues where there was a distinction as Avri says, which is essentially going back to 2.4, so in 2.4A which is from line 302 to 308, okay.

So here's where we're talking about the whole thing about 3 years to 6 months or 12 months or whatever. Can we get consensus on this call about whether or not there is consensus that we recommend that the Financial Instrument timing be reduced to a specific amount?

If we can come to agreement on that then I will have no problem saying that this trumps the poll which was ambiguous in its wording.

Avri Doria: Right. If I can explain what's written there. So what I had understood from conversations in the poll was that there was certainly consensus on reducing it.

So that's why it says, "There was consensus for a recommendation that the period be reduced." And then the only thing that was not clear to me was whether it was reduced to one year or six months, and that those two options were what I was dealing with as not knowing which was the consensus point, and not thinking there actually was a consensus point between the six-month people and the one-year people. Thanks.

Evan Leibovitch: So okay, Andrew go ahead or is that still your hand up from last time? Okay, does anyone now want to...?

Avri Doria: Sebastien raised his - has raised his hand even though I don't see it.

Evan Leibovitch: Okay, sorry. Go ahead Sebastien.

Sebastien Bachollet: No, I guess it was the last time but sorry.

Avri Doria: Sorry. Okay.

Evan Leibovitch: Okay, Tinjani go ahead.

Tinjani Ben Jemaa: Yes, what was frustrating is that in the draft - the last draft there was no consensus so - and that is frustrating. But there was consensus on the reduction of the period and if it is - I saw that the six months was proposed.

That was only one - that was (Richard) who proposed one year. If the majority want one year I don't have a problem, but we have to put that there is consensus.

Avri Doria: Tinjani, I had the previous draft from the 15th on so the draft you talked about at the last meeting had the line, "There was consensus for a recommendation that the continuity period for the Financial Instrument be reduced." I did not put that in at the last version. That was in at the previous version.

Tinjani Ben Jemaa: Okay.

Avri Doria: And then there was no consensus on whether it be reduced from six months or from one - to one year. That was the only thing I had not - but I quite specifically had as of the 15th the line, "There was consensus for a recommendation."

Evan Leibovitch: Okay, so can we on this call come to some kind of a consensus whether or not it's 12 months or 6 months, and at least pick something and say that we were able to reach either a consensus or strong support on one of these choices and move on?

Or we could put 12 - 6 to 12 months that we had consensus and not be specific.

Tinjani Ben Jemaa: Very good.

Avri Doria: That works for me too, and then that - so then that would just eliminate A basically. I would fix the sentence, "There was consensus for a recommendation that the continuity period for the Financial Instrument be reduced to 6 to 12 months."

Tinjani Ben Jemaa: Very good.

Evan Leibovitch: Is anyone opposed to that wording? If anyone is opposed to that wording put an X in Adobe or speak up now. Okay I see no Xs, I see just check marks so having heard nobody speak up and having seen no X marks, we can assume that that particular wording is approved to go in here and we can move on. Congratulations. This was one of the big areas that...

Avri Doria: Okay, so that - deleted A.

Evan Leibovitch: Yes.

Avri Doria: Correct?

Evan Leibovitch: Yes.

Avri Doria: A is deleted.

Tinjani Ben Jemaa: Yes, there is only a bullet point, one bullet point, only one case and it's not a bullet point at all. It's a paragraph.

Evan Leibovitch: So that's - so you're absolutely correct. So Tinjani, what we're going to do is between A and B, essentially that's merged and that's no longer bullet points. So A becomes a single sentence.

Tinjani Ben Jemaa: Yes.

Avri Doria: I'm confused.

Evan Leibovitch: Okay, right now...

Avri Doria: What single - what?

Evan Leibovitch: Okay, right now on line 302 we have, "There's no consensus blah, blah, blah, blah," and it says A or B. What we're saying is we now do have consensus that it go from 6 to 12 months.

Avri Doria: Yes, but we don't need that at all because the previous sentence is the one that was changed so I can eliminate all of A from AA and AB, that whole thingy comes out, right.

Evan Leibovitch: Okay. Okay, we've simplified it and got something everybody likes. Good on both counts. Okay so - and that was one of the issues where we had the discrepancy between the phone calls and the survey so we've tackled that one, so good for us.

Okay now, all right. So moving down to the second part of that, lines 309 to 313. Is there anybody who is opposed to the wording? Right now where we're just going through areas where their doesn't appear to be discrepancy, I'm going to ask only for opposition.

So only speak up if you disagree with the wording that exists in the document. So does that - does any disagreement exist with lines 309 to 313?

Avri Doria: Okay, just to point out I had had a question from Sebastien, and I did make a change and inserted the word financial so there was no difference between the two instances that he mentioned.

Evan Leibovitch: Okay. All right, the point 314 to 315. Okay, we are now...

Sebastien Bachollet: Just - I have just one question. I see the answer of Avri about that she had financial in the other point, but why we need the 2.4B and the 2.6? Maybe we can discuss that when we are at the 2.6.

Evan Leibovitch: Okay.

Avri Doria: In other words you're commenting on why do we have a redundancy there? That's probably a really good question.

Sebastien Bachollet: It's my question, yes.

Avri Doria: Yes, okay. When we get to 2.6 we should...

Evan Leibovitch: But is - but what about the comment that the B part being, what 309 to 313, is redundant with what we've just agreed?

Avri Doria: No, no. It was...

Evan Leibovitch: No that's not - okay, Eric, go ahead.

Eric Brunner-Williams: Thank you Evan. I'm curious if the strong support with significant opposition language at line 309, do we not have consensus for Item B? And if we do not have strong consensus for Item B then is that the accurate statement of what we do have? Thank you.

Avri Doria: Okay, we should probably, you know, I took that from looking at the picture. I believe that was one with the question wasn't it?

Evan Leibovitch: There's a note that you've got in here that I can't read because my screen's too small.

Avri Doria: No, the comment - that had to do with the - what Sebastien and I were just talking about, whether this is redundant with the content that's in 3.6 - I mean 2.6.

Evan Leibovitch: Okay.

Sebastien Bachollet: Yes, but I guess Eric is right. I didn't read it again but I think the 2.4 it say strong support and in 2.6 it says something else. And we have twice the same idea from my point of view and not the same appreciation of the consensus.

Evan Leibovitch: Okay so - all right. So - but so you're - so okay, let's make a note of that and so when we get to 2.6 we'll deal with this and that at the same time. If we have similar points which we appear to have achieved different resolutions, then we can address that here.

In the meantime let's get over to Point 5. And so since these are issues of full consensus, does anyone have any problem with the existing wording of 2.5 and we can just move over that and get on to the next point. Anyone who has a problem with 2.5, speak now or put an X in the Adobe room.

Okay. Excellent. All right, we are now on to 2.6 with the remembering that there is a component of 2.4 that may be redundant with this. So does anyone want to speak with this issue and see how we can resolve this one way or the other?

Avri Doria: Alex, (unintelligible). There's a contradiction and I think that 2.6 is correct and that the 2.4 currently A but what was B is in error and is the redundant one.

Evan Leibovitch: Okay so...

Avri Doria: And that C should probably be moved there too since that's where we're talking about the shared risk clause. So the C from 2.4 should probably be move to 2.6 and the B - what was B from 2.4 should probably be eliminated.

Evan Leibovitch: Okay so just to confirm, that what we have right now as lines 309 to 313 in your Adobe window will be deleted and the reference to that particular point will be referred to in 2.6. The consensus point of 314 and 315 will be moved into 3.6 - 2.6. Does anybody have an objection to those two things?

Okay. See (Andrea), you were right. We're closer together than we thought on these things. All right. Now having said that, does anybody have any comments on the 2.6 as it is given that there're a couple of red line marks on it?

Okay so not seeing any hands or comments wishing to be made on 2.6, we will move to 2.7 which has significant amount of rewording in it so we really want to make sure that we're all okay with this.

So 2.7 starts at 350- line 357. Now the formatting's a little off so I just want to make sure everybody knows where it starts. So line 357 is where 2.7 starts. And so essentially there was a significant rewrite of that.\

Avri Doria: (Unintelligible).

Evan Leibovitch: And so I want to get any comments, objections or anything like that on the current proposed wording as it currently exists.

Avri Doria: I'd like to say a couple of words on it going into this.

Evan Leibovitch: Go ahead.

Avri Doria: This basically as I say was completely new wording based on the request from that previous meeting that I eliminate the language speaking about vertical integration, vertical separation and that I base what I had on the language that the GAK used. So that's essentially what I did. And while they did have some usage of vertical separation and integration in their report, I don't know if I eliminated it completely but I tried to.

Evan Leibovitch: Okay. Andrew, go ahead.

Andrew Mack: Yes, I - I'm just a little bit confused because I thought that earlier we had discussed this issue briefly and decided that this was more the province of the vertical integration group which is doing this exclusively. Did - am I misunderstanding where we are?

This seems to be more of a position than we've taken in earlier drafts and given that there's another group it probably makes sense to give them the ball on this, no?

Evan Leibovitch: I - it has. I just - I do recall that it - the issue has been raised in this group whether or not we wanted to tackle exceptions to VI rules within deserving applicants. So we have - we raised the issue here whether it's appropriate or we need to deal with it as something we can and should deal with. But we absolutely have previously dealt with it.

I have Alan and then Sebastien. Alan, go ahead.

Alan Greenberg: Yes, I think I'm the one who triggered putting it back in again. The wording - and I missed the last meeting, so I don't know exactly what happened with that one. I haven't had the chance to listen to the recording. The logic was we were going to emit it because this was the jurisdiction of the VI group. However, the VI group has punted, has said they're not saying anything about this or probably not. That means there's a very small chance something might still come up.

And so I propose that if we feel this is important for some of the applicants we're talking about, we must mention it. And we must mention it not to the extent - what I said, and that's not the wording, as I said I wasn't here. Not to the extent that we need an exemption but we need an ability to have integration because it's not otherwise allowed for applicants under certain conditions.

And that was the rationale. It was put back in because the VI group was not dealing with it and if we felt it was important then somebody needs to (unintelligible). Someone needs to get that advice to the board who will be making the decision. And that was the logic for putting - for reversing the previous status.

Evan Leibovitch: Okay Andrew, does that adequately answer your question?

Andrew Mack: I'm a little unclear as to how far we're going. I guess this is one of those areas where since there's been a lot of discussion in other groups I just don't want to see us, you know, go out farther on a limb than we would otherwise - if it do- if it's going to effect the rest of the report.

Alan Greenberg: Andrew, there's nothing we can do which will confuse things more than what the VI group is doing.

Andrew Mack: Okay. I'll get - I'll (take that back).

Alan Greenberg: Anything we do which is definitive and understandable and a clear statement of direction is out - is an advance.

Andrew Mack: Okay.

Alan Greenberg: And we're not constrained by the other financial - the financial needs of some of the other people in the VI group. We're looking at what's best for these

applicants. And we have a specific statement to make, and I think we do, then we should make it.

Evan Leibovitch: Okay, I have Sebastien and then Eric. Sebastien, go ahead.

Sebastien Bachollet: Yes, maybe I can come back later because it's about comments I already made by writing about reviews and when we are at line 375 or something like that I will come back. But I think this discussion (must go).

Evan Leibovitch: Okay. Eric.

Eric Brunner-Williams: Thank you Evan. (Alan's) characterization of the vertical integration working group's activities is something I would like to expand or, forgive me, correct. The vertical integration group ha- did not re- achieve consensus on any recommendation. The implication I think Alan may have conveyed is that they didn't have a recommendation specific to needy applicants or exempt - exemptions from the registrar requirements for some particular class of applicants.

The correct or the - the correct representation of that working group status is that they have not reach consensus on any proposals.

Man: I don't think that's really far different from what Alan is saying.

Eric Brunner-Williams: No...

Man: Basically - hold on. He's making a case that's saying that any clarity that we can offer in a specific position will probably something - be something that they're not able to do.

Eric Brunner-Williams: But I...

Man: There must be reason for us to tackle it.

Eric Brunner-Williams: By pausing I was about to complete. It's not the case that this particular instance of where the functional separation is a policy issue worth examining? It's not the case that this has been abandoned in isolation rather that the entire effort has not reached any consensus position.

Now in the last call that I was on which was not the previous call but the one before, I encourage the editor to use language about the functionality rather than vertical integration because of the baggage that has in the confusion and the policy advocacy in the vertical integration group itself. It would speak about the registrar functions. And if you now want to speak, go right ahead. Thank you.

Man: Okay.

Avri Doria: This is Avri. Can I ask a question? Did I not do what you asked?

Man: Okay.

Man: Was that in (direct) to me?

Avri Doria: Yes. I mean, are you saying I didn't do what you asked or is this the rewrite there what you asked for it to be?

Man: I think you did it adequately.

Avri Doria: Okay thank you.

Evan Leibovitch: Okay. All right, again, I - we want to get into the substance. I think we - the question was asked, you know, why we were delving into this one. There's a com- another committee doing it. Without delving too deep into the VI history, I think that there is a room for us to be able to offer a recommendation in a

case where there might be a vacuum of not having a similar recommendation coming out of the group charged to do that.

Man: Nor do we have the reverse coming out of that group.

Evan Leibovitch: Sorry.

Man: Nor do we have the reverse. We are not disagreeing with what they said. They have no- to date anyway, have not said. There is a small effort going on which probably we'll not see, to try to make a statement akin to what we have - we are making here. If they end up making it, it will reinforce it.

Evan Leibovitch: Okay so in other words...

((Crosstalk))

Man: There's no chance they're going to make the opposite one.

Evan Leibovitch: So what we do here, since there's no issue - we don't have anything to synchronize with and you're saying even if it does happen, they'll probably synchronize with us?

Man: That's correct. I...

Evan Leibovitch: Okay. All right. And having said that then can we move forward and actually to start to do - address it, the substance of what we're going to have in our report? Now, so we are now dealing with 2.7 - yes, so this is - so dealing with 2.7 we are now on lines 363 through 375.

This is rewritten text and so I would like any comments on it because this is fairly new text. So let's be clear everyone's happy with it.

Man: I can't figure out from the fine print which is the underlined and which is the stricken out text. If you'd be so kind as to read it please.

Avri Doria: Sure. Yes. I...

((Crosstalk))

Evan Leibovitch: Avri, because of your voice, let me do our best shot - let me do my best shot, okay?

Avri Doria: Okay.

Evan Leibovitch: There was consensus that in - there's - okay.

Avri Doria: See, the way I have it on my screen, I don't see the crossed out text.

Evan Leibovitch: Okay.

Avri Doria: Because I have it in a little delete box.

Evan Leibovitch: Okay.

Avri Doria: So I actually see green text so it's easy for me to read.

Evan Leibovitch: So go ahead.

Avri Doria: If you guys can put up with my voice. There was consensus that in cases where market power is not an issue, applicants who meet the requirements for support would be granted a special exemption from the requirements for registry registrar separation.

This special exemption would expire after five years, at which time the registry would be required to meet the existing conditions within ICANN relating to registry registrar separation.

During year four, the registry would be required to document a transition plan. During this period of - during the period of the exemption, the ICANN compliance group would, at its discretion, schedule reviews to ensure that the exception was not being abused - is the paragraph.

And then the next paragraph is if this recommendation takes into account the advice given by the GAK to the ICANN board on the 23rd of September, 2010, and then it quotes, "The ability of registrars would find a valuable technical commercial and relevant experience - expertise and experience to enter the domain names market could likely lead to benefits in terms of an (innocent) competition and promoting innovation. An important additional benefit which the GAK expects would flow from such an exemption, would be that community based TLD applications would be able to cast their net more widely in securing partners with the necessary expertise and experience in the local markets to undertake what would be relatively small scale registry function."

And so that's what I put in. I probably could've included some quotes from the GAK because it was the GAK in their letter that said that this had to be subject to not being abused. And that's why specifically I put in the compliance non-abuse language because the GAK, in their letter, did specifically mention non-abuse. Thank you.

Evan Leibovitch: Okay. Eric, you've got your hand up. Go ahead.

Eric Brunner-Williams: There are two things that stand out in this text to me. The first one is the focus of our work is to assist applicants who have a specific economic condition from the less developed economies or something. There are some specific economic situations or characterization that's associated with them.

We have no way of knowing that five years will cure that or that four years will cure that. So the five year (thumb) set on this particular exemption from recommendation 19 that competitive registrars be used, and only competitively accredited registrars be used, there's no way that we can correlate. The duration of the exemption will be underlying condition of the applicants. So that's the first point.

The second point is our applicants - the applicants whose - in cases we're attempting to consider are needy in some way, shape or form and we have elsewhere the idea that the markets are too narrow. How can we even make a - how can we conceptualize market power existing in this situation?

So I don't even see the utility of the reference to market power. It's like - those are the two things that really stand out immediately, is the time the (unintelligible) are not correlatable and I'm trying to (unintelligible) the market power (to) seem sensible in the case where the applicants that we are considering. Thank you.

Avri Doria: This is Avri. Just one answer. On the market power, that was also specifically mentioned in the GAK note. It was - that's almost a direct quote from their line - in cases where market power doesn't exist. You're right. It probably doesn't exist and it's a mute point but they mentioned it in their letter so, so did I.

Evan Leibovitch: Okay. Alan, go ahead.

Alan Greenberg: Yes, I'm not worried about the market power. If it really does exist, fine. This (clause) kicks in and if the situation is as we expect it, it's irrelevant. So it doesn't hurt anything. My inclination would be like Eric's to eliminate the whole section about the five years and four years and perhaps replace it if people feel it's necessary, was with there- something like there could be a review process after five years or after several years to see if the exemption needs to be extended or needs to be contained - sorry - continued.

Avri Doria: Okay Alan, so perhaps if I changed the sentence to be the special exemption would be reviewed after five years.

Man: (Say could be).

Alan Greenberg: I would say could be reviewed. It's a decision we're not necessarily recommending it. But it - for people who have qualms about doing it forever, we are given an esc- ICANN an escape clause if they choose to...

Avri Doria: And then that would eliminate the rest of it.

Evan Leibovitch: Yes. Does that sound - meet the requirements of other people? Okay, Andrew, go ahead.

Andrew Mack: Yes I'm - I - I guess I disagree a little bit partly for practical grounds. I think we should put in that is should be reviewed because when it comes down to it, there's no harm in reviewing it. If it's working, it shouldn't be taken away. And I think it'll give us much more credibility. The more open ended we leave it, the less likely it is to be accepted in my mind.

((Crosstalk))

Evan Leibovitch: Well, is there anyone here that doesn't believe that there should be - is there anyone on this call that doesn't believe that a review is in order? Okay, so I have no problem with putting in should.

Man: May I add one thought? If this recommendation were followed, then ICANN in deci- in designing it would have to say there is a review or there isn't a review. It would not be a conditional thing. So it's not - you know, maybe if we don't like you they'll be - there will be a review but if we like you there won't be.

We're just saying we're not adamant that there needs to be a review but ICANN could do it in the design, is what the implication of what could means to me.

Man: I just think should is more keeping with...

Man: I - if that's what it takes to go on, I'm - I can accept it.

Evan Leibovitch: Okay. I - personally I would be tempted to side with Andrew in being clear about what it is we want as opposed to leaving it open ended. Avri, what's your thought?

Avri Doria: I'm fine with it. We've got Eric with his hand up.

Evan Leibovitch: Go ahead Eric.

Eric Brunner-Williams: Thank you. On the distinction between could and should, having gone through ICANN reviews that I wish had been avoided because they were not necessary, I wouldn't mandate anything that isn't really necessary. So I prefer could here rather than a should. Thank you.

Evan Leibovitch: Okay. All right, I'll tell you what. To do this, everybody who says - everyone who agrees with could, put a checkmark. Everyone who thinks should, put an X. Okay. Haven't heard from...

Avri Doria: Now that's within the keeping of consensus.

Evan Leibovitch: Haven't heard from Rafik. What's your thought, Rafik - X or check?

Man: It doesn't matter. The checks win.

Evan Leibovitch: I'm just trying to see how (unintelligible). Now we just lost one. Okay. Okay, so Andrew, I hope you don't mind but the consensus seems to be here of could.

Andrew Mack: I don't think it'll matter in the end. I think they'll review it because that's good policy. But fair enough.

Evan Leibovitch: Okay. If that's the biggest change to this text, after what Alan and (Avri) have just agreed on, then is everybody okay with this? And can we move on to the next point?

Sebastien Bachollet: Just one point. That means that's a question about the abuse - the possible abuse of the system - it's also out or it stays?

Avri Doria: That's right. The last sentence there. That's right. Sebastien's basically saying do we cross out the rest or do we leave that one in? I would recommend leaving that in. I mean, if the virt- if the vertical integration group was able to agree on anything, is that there has to be compliance for non-abuse things and the GAK letter was quite specific to include that. So - but I leave it to you all.

Evan Leibovitch: Is anyone here against leaving in the issue about abuse? I think that's - personally I think that's a bit of a (non-contingent)...

Man: Not clear how they'd recognize abuse but I can live with it.

Man: What line number please?

Evan Leibovitch: Two-seventy four-five - 273 to 5.

Sebastien Bachollet: And if we leave it -- and I agree to leave it -- I would like very much that we put review and not reviews because during the next five years for this type of organization, for the one who didn't abuse, it will be somewhere to be done

internally not just by the compliance team. And if we - if it's taken to the compliance team to do two or three times or four times during these five years, it will become quite a mess. And I would like to suggest that we allow the compliance team to go once to see if it's not addressed.

Avri Doria: So you would like it to say during the period of exemption, the ICANN compliance group would, at its discretion, schedule a review to ensure that the exemption was not being abused?

Evan Leibovitch: At its discretion, comma, review.

Man: I'd prefer to leave it if demanded.

Avri Doria: Okay.

Man: If they find abuse and attempt to correct it, we don't know what the abuse is or what the correction is. The correction may not be to remove the exemption. It may be something else which may mean another review a year later to see if they fixed (as view).

Sebastien Bachollet: Yes, but that's will be the consequences of the decision of the first review. It's not an ongoing review that we are asking here. It's something different. And I agree with you.

Man: I can certainly live with it. I have to point out that what we write here is not going to be taken as unbendable law. And what it comes out...

((Crosstalk))

Man: ...different even if our advise is followed. So I don't think we need to worry about these details - that level of detail. But I can live with it. Go ahead.

Avri Doria: Okay, so at the moment I have during the period of exemption, the ICANN compliance group would, at its discretion, review to insure that the exemption was not being abused. Yes?

Evan Leibovitch: Okay.

Man: Okay.

Evan Leibovitch: So are we done now with 2.7? Okay. Now - all right. So we are now on to 2.8 which appears to be full consensus.

Avri Doria: That's another one of our big issues.

Evan Leibovitch: Yes, that was - okay. Now, on - okay. Now. Yes, so we - the - we got to our issues of full consensus until we get to 408, okay. So the issue between 408 and 413 I think is one of those areas where the survey was ambiguous or didn't convey the information properly or there may have been a conflict, so can we perhaps resolve our positions on these issues right now?

Okay, does anybody want to speak to the lines as they now exist? We're now talking 408 to 413. Tinjani, go ahead.

Tinjani Ben Jemaa: Yes, thank you. As you remember, we had only one voice against to support the possibility of support for under (pronounced) - (media) under (pronounce) coming from the markets where the business cannot be very good. So I was surprised that in the survey it was contrary - it was the opposite.

And when you read the question, as I said, it was normal that we have this response, this answer. So I think that the consensus we had before was not what is written here.

Evan Leibovitch: Okay. So can we come up with some wording that might be clearer for everybody to either clearly agree or clearly disagree on? Can we get a point on which we can get a consensus here? Rafik, go ahead.

Rafik Dammak: So for this case I don't think that the wording is misleading because it's clearly we are talking about needy. And so I'm not sure that the (certain things), entrepreneurs, et cetera, are not any cheaper to get assistance. It will mislead people in the (port) so while we should be surprised for that result?

Evan Leibovitch: Okay. Yes, all right. Andrew, go ahead.

Andrew Mack: I'm not sure I'm understanding or I'm not sure I was understanding what Rafik just said, but my - the way that I understood what was effectively our consensus last time was that because of the nature of some of these markets, entrepreneurs working in them will have a difficult time doing what entrepreneurs in other places might otherwise do, right?

And similar to community groups, they will find an unlevel playing field. And that's the idea of offering them some support if they need it is just to try to level that playing field and try and make it possible for them to play at all.

So the way that I read it I think there was some concern about one or two companies in the - in a country that might be so large as to not need the support. But there was general - at least from the earlier calls there was general agreement that in most of these markets the companies are in the same situation as organizations.

I think that we should leave it open. That fits with the reality as I understand it having worked in these countries a lot for what it's worth.

Evan Leibovitch: Okay, okay we need to...

Avri Doria: Yeah it sounds like we're at a point where we're either going to go back to before where it was - there was - what was it - there was consensus view that entrepreneurs could get it and there was a minority view that they couldn't. And then the poll did appear like it reversed it. And certainly I don't believe that the questions were all that ambiguous.

I believe my poll answers would be that while I hadn't and expressed on it before because I was in the chair roll since I was answering the poll I most definitely was on the side of not giving it to entrepreneurs when it was the point of expressing an opinion. Going back to the chair roll I couldn't care less, you know, I want to get the consensus of you all.

But as someone facing it in the poll I definitely, you know, so I understood - this is me making a personal statement - I understand what it was saying - I believe I understood what the question was saying; perhaps I didn't but I think I understood the question.

And I have sort of - and consistently with what this new interpretation says. I was surprised; I thought I would be part of a minority of two instead of a minority of one when the results came in. But the results came in as they did.

Evan Leibovitch: Okay Tinjani go ahead.

Tinjani Ben Jemaa: Yes, the question was why is it surprising? If you're surprising because the question said do you support any add to entrepreneurs; full stop. And I will answer if I didn't know - if I wasn't a very active member in this group I would answer no because I will not permit VeriSign to have any add.

Avri Doria: Is that actually (unintelligible) another question? Can somebody confirm that?

Tinjani Ben Jemaa: Yes I can read the question, I have it.

Avri Doria: Okay.

Tinjani Ben Jemaa: You want it? Moment, moment.

Avri Doria: Please, please because I don't remember the exact wording.

Tinjani Ben Jemaa: Moment.

Evan Leibovitch: Okay well there's part of me that's saying rather than dwelling on the past can we come up with something that will allow us to do a consensus right now because I don't want to spend a lot of time wasting on what's been done improperly in the past. Can we do something properly now and get a consensus?

So if we can come up with a couple of questions and get some responses from people on this call we can get somewhere. Is that

Alan Greenberg: Evan, since not everyone who took the survey is on this call being sure what the wording was in the survey does have some merit if Tinjani can read it to us.

Tinjani Ben Jemaa: I will find it, moment, please.

Evan Leibovitch: Because what I was hoping to do was ask a couple of yes or no questions on this call right now that at least we'll get the feeling of this call about these issues and may give us something we can put in.

While Tinjani is looking that up, Eric, go ahead.

Eric Brunner-Williams: I believe we're speaking about the Question 2.7, for profit enterprises will not be included in the categories receiving aid. Is that correct?

Evan Leibovitch: We are on 2.8.

Avri Doria: Yeah, I think that was in it, yeah.

Tinjani Ben Jemaa: May I give you the question on the survey? Reference 2.7(a) the question is, "For profit enterprises should not be included in the category receiving aid." Full stop.

Avri Doria: Yeah.

Tinjani Ben Jemaa: And the answer should be support or not support.

Avri Doria: Right, okay. And just as I say - and I probably will not voice an opinion during this meeting because I'm playing editor here. So you'll probably get your consensus back if I'm the only one.

But I read that, I knew what it meant and I was agreeing with the proposition that said if you're a for profit business in this case of the first round here that we're dealing with, yes, I agree that they should not get aid. I knew what I was saying.

And I wasn't saying that needy ones could; I was saying no I agreed with the proposition that it didn't go to for profit.

Tinjani Ben Jemaa: If it was needy for profit enterprises coming from developing countries should not be included in the category receiving aid; the response wouldn't be the same for everybody...

((Crosstalk))

Tinjani Ben Jemaa: It would be the same for...

((Crosstalk))

Tinjani Ben Jemaa: ...it will be the same for you perhaps because you know it. But not - because you are convinced but other people I am sure that they will not respond the same.

Evan Leibovitch: Okay so the issue really - because this has to be broken down into two separate questions. Okay? Do we support or reject entrepreneurs from within developing economies of applying for aid? And do we support or reject entrepreneurs from outside the developing areas applying for aid to serve the developing areas? Is that reasonable for breaking this down?

Tinjani Ben Jemaa: May I add something to the question?

Evan Leibovitch: Please.

Tinjani Ben Jemaa: Do needy entrepreneurs from developing countries...

Evan Leibovitch: Well isn't need a criteria that we've established as primary way, you know, elsewhere?

Tinjani Ben Jemaa: Right, yes.

Evan Leibovitch: I mean, needy is almost assumed because we've got other criteria. If you don't meet need then nothing else matters.

Tinjani Ben Jemaa: Right, okay.

Evan Leibovitch: So we've already...

Avri Doria: And I assume everybody taking this poll knew that need was (unintelligible) and that everybody had to have need.

Evan Leibovitch: Yes, needy has to be assumed because we've put it in the criteria elsewhere; if you don't have the need nothing else matters. Okay so...

Sebastien Bachollet: May I - it's Sebastien.

Evan Leibovitch: Please.

Sebastien Bachollet: My country with my...

((Crosstalk))

Avri Doria: I also heard Eric.

Sebastien Bachollet: I know that (isn't this) pushing a lot with that and I can understand but I really would like very much to push a TLD and I am a needy entrepreneur in my country even if it's a developed countries. And I have difficulty with that.

But mostly usually or more completely I think we will have a lot of candidates will be helped and I would like very much that we concentrate on the non for profit organization. And it's why I take the vote I'd like to (unintelligible) in the poll.

It's not to say that we - they will not need some help but here today I would stay with not taking the entrepreneur for the reason I would like to privilege the non for profit project. Thank you.

Evan Leibovitch: Okay. Eric go ahead and then I have something quick to say and then Tinjani. Eric go ahead.

Eric Brunner-Williams: Thank you. I'm going to re-say something which I've said on a previous call - it's been a while. I think one could restate the question or state the question equivalently by asking should economies and language communities and so on which are unable to apply through NGOs, governments, nonprofits and so on be denied assistance?

Because we're dealing with a condition where there is no other applicant except possibly an entrepreneur from that economy, language community, who meets the needs criteria. So we're really saying if a community can't get its act together then we're not going to do, you know, they fail.

Even if there is a business within the community which is ICANN-aware and can raise some or all of the application money we're going to fail them because the application didn't come from a nonprofit or a non governmental organization or governmental organization and that's what we're saying. Thanks.

Evan Leibovitch: My own two cents about this is while I'm totally understanding what you're saying, Eric, I personally would be in opposition to it and mainly for the reason that it's simply too easy to gain. If I'm VeriSign and the policy doesn't allow me to apply from the States then I simply create VeriSign Somalia Ltd and they immediately get starved funds; by definition they're needy and then apply.

This is such a recommendation begs to be gained. And that's my own concern about it.

Eric Brunner-Williams: Are you speaking as the chair or as a non-chair at this moment?

Evan Leibovitch: Sorry, at that moment I was stepping out as chair and speaking simply as a participant. Okay? All right I'll get back on my horse. I have Tinjani, Andrew and Alan. Tinjani go ahead.

Tinjani Ben Jemaa: Okay I want only to remind that the Recommendation 20 spoke about developing country especially. And I want also to say that some entrepreneurs in the developing countries will not have money to apply for a new gTLD unless they have aid, they have support.

No problem if the majority go for no for this category of applicants but it - I still - I am still frustrated for this (unintelligible).

Evan Leibovitch: Do you have a proposed wording or are you simply saying that we should allow entrepreneurs from developing countries to apply for aid?

Tinjani Ben Jemaa: That was the - the wording that was under Version 17 was - I think was (calibrated), it wasn't very - it is an exception. We said perhaps there is an exception for those entrepreneurs. It's not open for all entrepreneurs, that's all.

Evan Leibovitch: Okay. Andrew, go ahead.

Andrew Mack: Yeah, look, I understand, Alan, when you were speaking in your own personal - on your own personal account. I hear what you're saying but I think in honesty that the oppressions of Eric and of Tinjani are a little closer to what I have seen in the field as the reality.

And I'll give you an example. If you look at Ethiopia right now they have a very, very strict NGO law which would make it almost impossible for any community or nongovernmental organization, the way I understand it, to apply.

However there are companies who might be able to apply who would do conceivably the same or a good job to address these kinds of issues. I think that given that that's the case in a number of markets that I can think of and given the fact that what it is to be an NGO, what it is to be a for profit company or a semi-for profit company in different jurisdictions actually has different meanings that are important, that are meaningful.

I think leaving this door open is - it just fits the people that we're trying to serve. So it's not a black - it's not nearly as cut and dried or as black and white as it would appear if we were just talking from the United States. If your

concern is about a specific large entity that lets rights to that but I think what Tinjani is saying is - really does fit the reality on the ground.

The other real quick point is that we did - we do have up above this some discussion about the IDN stuff that's on the board. Are we going to get to that next call, is that your plan?

Evan Leibovitch: Well we have 15 minutes left here let's see if we can get through this one...

Andrew Mack: Okay.

Evan Leibovitch: ...and then we'll go back to that, yes. But...

Andrew Mack: Thank you.

Evan Leibovitch: ...let me ask to both Andrew and Tinjani given my possibly trivial concern about gaming is there something that we could add into this that says okay, we're okay with entrepreneurs but it has to be a locally owned entrepreneur or it can't just be somebody swooping in and creating a local subsidiary for the purpose of getting aid.

Tinjani Ben Jemaa: I am for local entrepreneurs coming from...

((Crosstalk))

Evan Leibovitch: Is there a way to have something - another word or two or phrase that we can add into our sentence that...

Alan Greenberg: Can I get in first please Evan?

Evan Leibovitch: Go ahead Alan.

Alan Greenberg: Because I think I have a relevant statement. As much as I don't want gaming I think the concept of VeriSign or of Vodacom forming a local subsidiary and saying we're poor is not subject to gaming. A wholly owned or a largely owned subsidiary of a rich company is rich. It's an internal decision whether it gets - has money or not.

And that one is so transparent. There may well be some subtle gaming options and a local - using the term local entrepreneur probably addresses many of the issues, maybe not all of them. I can certainly (unintelligible).

I agree with Andrew that the real situation in developing countries is such that an entrepreneur who believes in the country, who believes in furthering the Internet may well be in a position to want to do something good, would like to make some money a few years later. But it would be impossible without support to begin with.

And yes, maybe if the rules allow they can form an NGO or a not for profit and then convert it to a for profit afterwards. But I prefer people who are forthright and honest to begin with. So I support the concept. I understand that putting it in dilutes our proposal a little bit and that it gives someone else a reason to shoot it down.

I think all things weighed it should be there. And we're talking about the description here. It's clear there are some people who believe that needy entrepreneurs should be supported. It is clear that not everyone does. So the only question is is it a minority report or is it a strong support for but a minority against?

Evan Leibovitch: Okay.

Alan Greenberg: And to be honest I don't...

((Crosstalk))

Alan Greenberg: One more half sentence - and to be honest I don't think the people who are going to implement this or read this really care about the subtleties of which level of consensus it is.

Evan Leibovitch: Okay. Eric go ahead and then I'm going to propose something.

Eric Brunner-Williams: Thank you Evan. As someone who's been doing this for quite some time I have to say that the incentive to take advantage of this particular aspect of the proposal is pretty small. The risk capital to apply is much, much larger than any amount of benefit that is likely to be available through this program which at the moment looks like zero dollars and zero cents.

The ability to profit from that risk capital in a market that is by definition very small it's just - yes it could be gained in theory but the actual return on investment is greater for doing a .shoe in English than for doing anything in this.

I mean, you're going to make real money no matter what you do in Latin. So, I mean, even (crowned idiots) in the 2001 round and 2004 round are managing to make money now. It's not the case that this is likely to be true for people pursuing markets in the Third World so...

Evan Leibovitch: Okay. Okay, okay Eric your point is taken. So here's what I'm going to suggest based on what I'm hearing in the call. So we have Point E which right now reads, "Entrepreneurs who otherwise meet other criteria in this section in those markets where market constraints make normal business operations more difficult."

If we add the word local at the beginning as has been discussed on this phone call what I'd like to do is to get a consensus on this call or to get opinions on this call who supports that particular point E. So if we add the word local to phrase E whether there is support or rejection that this class

should be maintained on the list as a consensus point of groups - along with groups that should receive aid.

So if we add local, put a checkmark or an X if you agree or disagree with this phrase being kept in with the list of groups applicable for aid. Is there anyone on this call who is opposed to that phrase wording as is?

Avri Doria: It looks like I'm the only one so it doesn't matter.

Evan Leibovitch: Well you do count so we don't say full consensus but we can say consensus. Rafik, go ahead.

Rafik Dammak: Can you please read it again? I'm...

Evan Leibovitch: Okay. Local entrepreneurs who otherwise meet other criteria in this section in those markets where market constraints make normal business operations more difficult...

Rafik Dammak: Should be...

Evan Leibovitch: But so far I have checkmarks from everyone except for Avri. So based on that I'm prepared...

Sebastien Bachollet: I have no checkmarks. It's Sebastien. I abstain, sorry.

Evan Leibovitch: Well at this point in order to determine consensus I'm trying to get approvals. And so if you're abstaining then you're not approving.

Sebastien Bachollet: Yes.

Evan Leibovitch: Okay. So if that's the case, okay, then based on this call then I'm going - well then we have Avri and...

((Crosstalk))

Avri Doria: ...and minority.

Evan Leibovitch: Sorry? Yes.

Avri Doria: It sounds like we're back to consensus and minority.

Evan Leibovitch: Yes.

Avri Doria: Okay.

Evan Leibovitch: Well, well...

Avri Doria: ...I'd just like to make a last personal statement on this one. I understand where this is. I do believe and I think Alan indicated it or maybe I misunderstood that this does threaten the acceptability of our proposal. Thanks.

Evan Leibovitch: But they don't have to answer - accept everything we say.

Avri Doria: Right, no that's fine; we have consensus on it. I have changed it to consensus and minority view that for profit enterprises should not be included in the categories receiving aid as it was before the poll.

Although I would like to point out, for the record, that the interpretation that the people that answered the poll didn't understand the question was not the case. I think we've seen at least three cases where the people that answered the poll did indeed understand what they were answering.

Evan Leibovitch: Okay I'm just trying to deal with the present right now.

Alan Greenberg: Okay can someone read the current - we have two current points now.

Evan Leibovitch: Okay.

Avri Doria: There was a consensus view that entrepreneurs who otherwise...

Evan Leibovitch: Local entrepreneurs.

Avri Doria: ...local entrepreneurs, yes, sorry. There was a consensus view that local entrepreneurs who otherwise meet other criteria in this section in those markets where market constraints make normal business operations more difficult would qualify for aid.

Alan Greenberg: Okay that's - the there was consensus view should be deleted because all the other things are categories so it's local entrepreneurs with the word consensus at the end I think is the format...

Evan Leibovitch: Yeah.

Alan Greenberg: ...we're raising here.

Evan Leibovitch: Yes just to be consistent with the rest of the list. And then we can...

Avri Doria: Okay.

Evan Leibovitch: ...then we can strike out the other E on lines 4.11 to 4.13.

Avri Doria: Which one? No we should - there's still a minority view.

Alan Greenberg: Well but do we need to say it? It's the converse of...

Evan Leibovitch: Yeah.

Alan Greenberg: ...of consensus.

Avri Doria: I - as one - and - if all the other people with a minority view - I mean, we have listed the minority view before. Now that we have the consensus it's so strong that we don't even wish to list the minority review?

Evan Leibovitch: Okay then let's reword the phrase consensus but some opposition. Well then we have strong support but some opposition.

Alan Greenberg: Fine.

Evan Leibovitch: Because there's no need to put in the phrase and then put the opposite of the phrase. So we have...

((Crosstalk))

Alan Greenberg: So instead of consensus put strong support but some opposition.

Evan Leibovitch: Yes.

Alan Greenberg: I can live with that.

Evan Leibovitch: Avri is that okay?

Avri Doria: Fine with me.

Evan Leibovitch: Does that adequately reflect - I think that adequately reflects what we have on this call. Eric, go ahead.

Eric Brunner-Williams: Thank you Evan. I'm concerned about the commingling of personal views and chair views. Thank you.

Avri Doria: I think I've been very specific when I have said it was a personal view and when it wasn't. And that's why I've said when I'm writing whatever it is that this group wants it to say it will say but my personal view is.

We have quite carefully in designing the working groups not said that working group chairs, while they had to behave neutrally, could not express opinions.
Thank you.

Eric Brunner-Williams: Evan, the comment was directed to you. Could you please make sure that we spend time on the substantive issues and not on the personal issues? Thank you.

Evan Leibovitch: Okay. All right moving right along it looks like we have resolved that one which means we are going to 2.9. I'll just remind everybody we are within four minutes of the end of the 90-minute period so we can choose to either keep going or return to this on Tuesday.

We're not going to finish everything here so I want some guidance on how much people are prepared to go long on this call to deal with the next point.
Tinjani, go ahead.

Tinjani Ben Jemaa: Yes for this - for the 2.9 there is only one bullet point - one point to correct accordantly to what we correct now for the (unintelligible).

Evan Leibovitch: Well then hopefully that means that we go through this pretty quickly.

Tinjani Ben Jemaa: A, it's A, 2.9(a).

Evan Leibovitch: Okay. All right on the issue of 2.9(a) which right now reads - so 2.9 is applicants who are not entitled to support...

Tinjani Ben Jemaa: Yeah.

Evan Leibovitch: ...so we've explicitly mentioned who should be rejected. Into this list we have added a consensus. Brand-based gTLDs should not be included amongst those entitled to receive support as they should be self-supporting companies and thus should not be eligible for need-based support.

That is what we have for A as a consensus. So Tinjani is saying that we should be...

Tinjani Ben Jemaa: Yeah, continue, continue, it's the same point, continue...

((Crosstalk))

Evan Leibovitch: Okay well...

Tinjani Ben Jemaa: There was a minority.

Evan Leibovitch: ...there was a minority view that an exception could be made for applicants from countries where market constraints make normal business operations more difficult so this is similar to wording that we had in the last one.

Tinjani Ben Jemaa: Yes.

Evan Leibovitch: Okay so...

Tinjani Ben Jemaa: It was the same point.

Evan Leibovitch: Sorry?

Tinjani Ben Jemaa: It's almost the same point.

Evan Leibovitch: It's almost -the converse of what we've already agreed to.

Tinjani Ben Jemaa: Exactly.

Sebastien Bachollet: May I? It's Sebastien.

Evan Leibovitch: Go ahead - well I had Andrew's hand up first and then Sebastien. Go ahead Andrew.

Andrew Mack: Two things. You asked - I have another meeting coming up so I can't stay past 11:30. I do want to make sure that we get back to the IEN stuff because that was another issue of, you know, where there was back and forth on it.

And I have submitted some suggestions on the list so perhaps we could start with that next. That's it. But I want to make sure that we get to it.

Evan Leibovitch: Okay.

Andrew Mack: Thanks.

Evan Leibovitch: And we will either today or next meeting. Or - well - and actually, Andrew, if you'd like can we not deal with this on the email list? It's sort of been a little disappointing how little traffic there's been on the email list of things we could be doing on there as opposed to just on the calls.

Andrew Mack: Let me suggest - all I did is put forward some potential language and what my sense of our discussions had been. And if we could, you know, as a way to try to move us forward. I don't think we're that far apart as I've not thought we were that far apart on most of this stuff. So - but I don't think we can get it done in three minutes. I'm happy to go forward until the end of the half hour I'm just out of time and would like to be part of that discussion. Nothing more.

Evan Leibovitch: Well that means one more minute.

Andrew Mack: Well I think we're out of the time anyway. And we haven't done 2.9.

Evan Leibovitch: Okay so here's what I'm going to ask, please, please, please, everybody use the email. Let's see if we can get some of this done and come to some resolution of the outstanding issues between now and Tuesday so that when the Tuesday meeting can come up we have some wording on which we can say there was consensus or was there strong support and there was minority against.

We don't have to agree on everything but let's at least get a clear point on which we can say we have consensus or we have strong support and some disagreement or whatever. So...

Andrew Mack: Fair enough.

Evan Leibovitch: ...is that okay? I'm asking, I'm...

Andrew Mack: We can try.

Evan Leibovitch: Do your best, that's all I can ask for.

Alan Greenberg: Avri here's something we can agree on, TLDs should have a lower case S.

Evan Leibovitch: Wait, do we have strong consensus or do we have some agreement but some minority views against...

Alan Greenberg: Sorry, people have already dropped off; we can't determine that anymore.

Andrew Mack: Thanks for your efforts to get us past this point Evan and Avri. Talk to you later.

Evan Leibovitch: All right.

Avri Doria: Okay thank you.

Evan Leibovitch: Bye all.

Sebastien Bachollet: Cheers.

Avri Doria: Bye-bye.

Sebastien Bachollet: See you Tuesday.

END