

**SO/AC New gTLD Applicant Support Working Group (JAS)  
TRANSCRIPT**

**Friday 26 August 2011 at 1300 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 26 August 2011 at 13:00 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-20110826-en.mp3>

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Participants on the Call:

**GNSO**

Rafik Dammak - NCSG - Council liaison - WG co-chair

Avri Doria - NCSG

Andrew Mack - CBUC

**At-Large:**

Tijani Ben Jemaa - AFRALO - At Large

Carlton Samuels - LACRALO - At Large - WG co-chair

Alan Greenberg - GNSO Liaison - NARALO

Olivier Crépin-Leblond - ALAC chair

Evan Leibovitch - (NARALO) - At Large

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Daniel Halloran

Kurt Pritz

Karla Valente

Rob Hoggarth

Seth Greene

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Glen de Saint Gery

**Apologies:**

Carlos Aguirre - Nominating Committee Appointee to GNSO Council  
Cheryl Langdon-Or - ccNSO Liaison - APRALO  
Alex Gakuru - NCSG Baudoin Schombe - At-Large  
Dev Anand Teelucksingh – LACRALO  
Alain Berranger - Individual  
Michele Neylon - RrSG  
Krista Papac – RrSG  
Cintra Sooknanan - At-Large  
Dave Kissoondoyal - At-Large  
Elaine Pruis - Minds and Machines

Rafik Dammak: ...can take the lead for today if you want. Just I had problem to ask this also to other. I'm not sure if other people have the same problem.

Alan Greenberg: No, I got in. This is Alan.

Carlton Samuels: It works for me.

Glen de Saint Gery: Thanks. Yes, it's working as far as I can see Rafik.

Carlton Samuels: Yes.

Coordinator: The call is now recorded. Please go ahead.

Glen de Saint Gery: Thank you very much (Louise). Good morning, good afternoon, good evening everyone. This is the JAS call on the 26th of August. And on the line we have Rafik Dammak, Carlton Samuels, Tijani Ben Jemaa, Avri Doria, Olivier Crepin-LeBlond and Alan Greenberg.

And for Staff we have Kurt Pritz, Dan Halloran, Seth Green, Karla Valente, Rob Hoggarth, Wendy Profit and myself, Glen de Saint Gery. We have apologies today from Alex Gakuru, Cheryl Langdon-Orr,

Cintra Sooknanan, Baudouin Schombe, John Rahman Kahn and (Dave Anantelooksing).

Have I missed anybody on the call or any apologies? If not, thank you Carlton. And just before I hand it over to you, would you please remember to say your name before speaking for the transcription purposes?

Thank you very much Carlton. Over to you. Sorry, Evan Leibovitch has just joined the call right now.

Carlton Samuels: Yes. Wonderful. Thank you Glen. Thank you for setting up everybody. Welcome to this JAS call. We are churning away. We are almost in the end zone here and we are today going to review the portion of the Draft Report, Funds and Foundation, and that is on Pages 8 through 15 of the last version of the Draft Report.

The - that version is on the wiki landing page for the JAS Work Group. It is also reproduced here in the Notes section of the Adobe Connect room. You will see it under Notes 10, beginning of Notes 10 pod and then continuing on Notes 12 that is in the middle section, top middle portion of the Adobe Connect page and then on the far right section of the Adobe Connect page.

It's quite long and it's - we have a little ways to go. Avri - I want to record that Avri took the lead in this area, and Avri's on here with us today so that's a good thing.

It is a extensive piece of work and I want to publicly thank Avri for coming and chipping in on this one. She has done wonders with this getting it this far.

The one small piece of housekeeping - the call we use for the small group, the drafting call after this, we will continue on this service. We will not go off.

We will continue on this service, so when I call the regular schedule to an end, those of us who are concerned with the drafting will stay on this service and we continue through.

Okay, so here we are, Funds and Foundation. It starts at Paragraph 19. Any questions?

Robert Hoggarth: Carlton, this is Rob.

Carlton Samuels: Yes Rob. Go ahead sir.

Robert Hoggarth: What - if it might be helpful what I tried to do in this version of the draft, and I think it was preserved in the clean version of the document, was that there were some comments that a number of people contributed throughout the course of the draft.

And just by way of due diligence if we could perhaps just touch on those and resolve them, that would help us in any final drafting analysis that you all do next week.

Carlton Samuels: Okay.

Robert Hoggarth: And so if I look at Paragraph 19 and I refer back to the comments, Alain did have a comment about the term for managing any auction income. He noted and I'll read it out because I don't think it's in the pod, "This U.S.-based foundation beyond managing auction proceeds would also be able to receive outright donations or concessionary loans for development assistance to support approved candidates for purposes deemed charitable under 501(c)(3) IRS rules."

It wasn't clear to me whether Alain wanted to edit the document, but I did want to alert you all to that comment to see if you did want to make any changes.

Carlton Samuels: Okay I'll let Alan speak. Oh Avri, you're on the board. I have a sense of what Alain was - intended, but Avri go ahead please. You're a lead on this so...

Avri Doria: Well no, I'll certainly defer to Alain speaking of his question. I just don't - the question I have is why do we presume - I know ICANN is a U.S.-based 501(c), et cetera.

Carlton Samuels: That was the question, yes.

Avri Doria: Are we presuming that this foundation is, because I didn't know why we would presume that in the first place? That may be necessary. That may be what comes out in the end based on the investigations of what is the right thing, but what - I just don't understand if we're making that presumption.

I certainly wasn't making that presumption when I wrote the first draft of this thing, you know.

Carlton Samuels: It actually came up for discussion Avri if I might...

Avri Doria: Oh okay, I guess I wasn't in that meeting. Apologies.

Carlton Samuels: No, it actually came up for discussion and I remember that it was - that the presumption was not that it was a U.S. 501(c) foundation, which is a part of the Internal Revenue code that allows you to have not for profits and all kinds of tax agreements there.

Avri Doria: Right.

Carlton Samuels: So Avri's raised the question and the comment. I see Andrew is on the board. He has his hand up. Andrew, you have the floor sir.

Andrew Mack: All right thanks. Andrew Mack for the transcript. I hate to do it so early in the morning but I think I agree with Avri. The - that was a joke. Okay good. Good. Stay with me guys. Stay with me guys.

I don't think we need to presuppose the domicile. I am guessing that because of where - if we're going to connect this to ICANN, that we will want at least, A, 501(c)(3) or equivalent set up in - under United States law, but that would not necessarily preclude us from having a separate 501(c)(3) equivalent set up in some other jurisdiction that could be connected to this process.

In fact we may end up with two or three different versions of the same thing so as to be able to take the maximum advantage from donors in different places in the world. Now that's probably what will end up happening I guess.

Carlton Samuels: Thank you Andrew. Alan your hand is up. Sir you have the floor.

Alan Greenberg: Yes thank you. I don't have the words in front of me from Alain's comment that Rob read out, but isn't the solution - he's really proposing that we accept donations or that the foundation allow donations, and then giving the rationale for why they're allowed.

So all we need to say is, you know, that, you know, we recommend that donations be allowed if they're allowed under the appropriate laws of where the foundation is domiciled or something like that. We don't need to, you know, quote the tax law.

Carlton Samuels: Okay. So when we...

Alan Greenberg: We could put a footnote in saying it is allowed under U.S. law and give the reference, but I don't think we need to spend a lot of time talking about this. He's introducing the concept, not the rationale for why it's allowed. Thank you. I'm done.

Carlton Samuels: Thank you Alan. Any other comment on this? Okay, Rob can you call out the next one that is - that requires clarification sir? Oh Olivier, you have your hand up sir.

Olivier Crepin-LeBlond: Thanks very much Carlton. Olivier Crepin-LeBlond for the transcript records. I just have a question actually. Would there be any barrier to ICANN setting up a foundation outside of the U.S.? Is there any actual barrier to that happening?

Carlton Samuels: I personally doubt that because they have offices in different parts of the world. It might be - as Andrew said it might be useful to do things around the world that are advantageous to the persons who might want to contribute. I don't know for sure but I doubt it. But Avri you have your hand up.

Avri Doria: Yes thank you. So yes, two things. So first I just wanted to clarify what was going in there. I know that Rob probably already - so another just is adding the - for managing any auction income and for fund raising or accepting donations, et cetera.

So your adding a clause like that in there was the result of the previous one, which I think is fine. I just - my mind isn't quite working quickly this morning.

Carlton Samuels: No that's fine Avri. That's exactly right. At 19 you would had - you would add a clause or a phrase that says - that - about the business of auctioning and so on.

Avri Doria: Okay. Or the other thing, I think the answer to Olivier's question is one of the reasons why understanding the conditions under which such a foundation could be created by a California 501(c) et cetera, et cetera is listed as one of the first activities, because there's been so many questions and a bit of hand waving about what can and can't happen according to California law by an existing 501(c), that that - figure out what is legal.

And a couple of times I asked people - companies with lawyers to look into it. They first said yes and then they said, "Oh complicated," and, you know, never did it.

So that's why that's in there because I don't think any of us really know what is allowed and what isn't, so thanks.

Carlton Samuels: Thank you. I - Rafik, your hand is up. You have the floor sir. And I see Daniel had his hand up. We took it down. I hope you took it down for you. Go ahead Rafik.

Rafik Dammak: Hello. So just a question. Okay I understand that there was some - this idea about - well maybe I am mistaking for what Avri said that - so this - the end of the California 501(c) corporation or something.

So it just - it can be maybe a little bit politically sensitive to propose that it's U.S.-based foundation, but anyway it's not real big issue for me. So just maybe if we can propose that it can be in other places, so just to not because it sounds like we want to push the Board to choose for a specific place.

But anyway maybe my question is more ahead and I'm not sure if it's still related to what we are discussing. But okay, we are suggesting funds and foundation, but this foundation after assisting and supporting applicants from developing countries and those maybe applicants which will be its tasks and its scope later.

So because we are discussing now about the new gTLD program and supporting applicants, but after that supporting for a period of time I'm not sure how many round will be in this new gTLD program what this foundation will do.

So are we going to suggest something or just we say that we suggest - we recommend its foundation to be for a fixed period of time for this specific scope to support a new application with a several source of funding? Thanks.

Carlton Samuels: Thank you Rafik. It's a good question. Just to echo what Rafik has said, we quite understand that we will not make a reference I don't think, and Avri has pointed out to U.S.-based foundation except to say that we think there was a foundation and it could be set up, whatever Dan is writing there in the chat and we take note of what he's saying.

Rafik has asked the question and I don't think it's actually referenced here about what do we do with a foundation after it's done its work? Do we need to put somewhere in this report some mention of the fact that the winding down operation for the foundation? I see three hands on the board. Avri, Alan and Andrew. Avri, you first on the line.

Avri Doria: Okay, yes thanks. One of the reasons that this wasn't specified is because within the ICANN community there are lots of possible reasons for a foundation, for auction monies, for whatever other than just the JAS.

So I think we're recommending that such a group be created. I always thought it could be something that was ongoing, but that that is really up to this committee that the Board puts together to produce the foundation.

And what we're suggesting is that its first task is to help JAS applicants and such, but really what this proposal is saying is the Board's got to

get the community together to figure out how they want to handle this money and such.

But I think the notion is that it's ongoing and that with the great deals of money that'll be rolling into ICANN's coffers over the next decade, that it's an ongoing thing. Thanks.

Carlton Samuels: Thank you Avri. It's Alan next.

Alan Greenberg: Yes thank you. Avri captured it generally. There's no shortage of things that we could do if we had windfall profits from something or other that we don't believe to be simply rolled into ICANN operating funds.

And, you know, so this is the - we're recommending the creation of a foundation or something because we need it now for one application.

Carlton Samuels: One application, yes.

Alan Greenberg: I would certainly assume that it's not the only one and may not ultimately be the more and most important one. Thank you.

Carlton Samuels: Thank you Alan. So noted, yes. And Andrew you have the floor sir.

Andrew Mack: I guess to take the point I don't think we need to make that determination now. That should be based on what the needs are and also what the community feels that the long-term life of the foundation - of a foundation needs to be so I'm agreeing with the others.

Carlton Samuels: Okay, thank you. So can we move on? Rob is there anything else that you would like to have for - than the particulars?

Robert Hoggarth: Thank you Carlton. This is Rob. Alain B. had another question and it wasn't clear to me. It's in the next paragraph, Paragraph 20, which is really just a quote from the final Applicant Guidebook.

But he flagged the wording in the fifth line there, "An ICANN administered/community-based fund for specific projects," and maybe you all just addressed this.

But Alain B. asks, "Is that different or the same as the ICANN originated foundation referred to in the previous paragraph? I find this confusing. What does community-based fund mean? It may be confused with a community foundation?"

Carlton Samuels: There is Avri and there's Andrew and there's Avri. Andrew you have the floor.

Andrew Mack: Sorry, my hand should have been taken down.

Carlton Samuels: Oh all right. So it's Avri. Avri, you're on.

Avri Doria: Sorry, I was still mute. I think that what was trying to be said here was that we're doing this in response to 20 - in response to what's in the final Application Guidebook or the final but one Application Guidebook, and that this is a response to that.

So that's the language that the Staff/Board have in the final - in the Guidebook currently and what we're trying to do is respond to that. Part of the reason why we're looking at a foundation working with Staff,

having a Board Committee and having the whole community as part of putting this together is in response to that sentence and that line.

So I don't think we should change the quote to be less confusing since we're quoting. Thank you.

Carlton Samuels: Yes. Rob you have your hand up.

Robert Hoggarth: Yes sir. Given Avri's comment what I'd propose to do then, because others who may be reading this fresh could be confused, is I'd propose - I'll just put Paragraph 20 into a footnote...

Carlton Samuels: Footnote, right.

Robert Hoggarth: ...with the previous paragraph.

Carlton Samuels: Thank you. Reference it as a footnote. I think that's the best way to deal with it. Is there any objection to that? No objection? Okay good. I think that will take care of it because it's something that is coming over from some - elsewhere and we're just repeating it here. Might as well put the footnote and refer to it as a footnote. Rob is there next.

Robert Hoggarth: Yes, I don't want to skip too far ahead. The next comment doesn't come until Paragraph 23, so I don't know if you're going paragraph by paragraph or if you want me to just jump in.

Carlton Samuels: Well that was the intent but I'm asking for people to look at it, but most of this thing here - this - except for the recommendation on 23, that Number 22, 21 and 22 just essentially explain what we mean by the funding and the model that we are following.

Robert Hoggarth: Okay, I can move right to Paragraph 23, Subsection (a) then. It's another comment by Alain B. and his question actually refers to the previous discussion you all just had about the domicile of the foundation.

So I might - and essentially what we asked is, "Why limit to California?" and then continues to explain something there. So my thought would be I would make a change, you know, we'd make a slight modification to 23(a), required of a California 501(3)(c) - a 501(c) corporation or - and then maybe parenthetical some reference to "or other potential domicile for creating a foundation."

I just want to be careful about what we're asking ICANN Staff to do. You don't want them to check every possible domicile, so I don't know if anyone has some thoughts about 23(a).

Carlton Samuels: We have a lot of hands up but to me I am reading this to mean that that reference is actually to ICANN itself, but I'll leave it to - Avri, you then Danny's on and then Alan.

Avri Doria: Yes, that's exactly what I was going to say. You just have to blame a bad writer and it really should say, "Available to and required of ICANN, a California 501(c)," or whatever the correct way of writing it little with a little parentheses, et cetera, "corporation, for creating a foundation."

So that was the intent of it is what rules bind ICANN? That's what we need to understand yet.

Carlton Samuels: Yes. I thought that was it.

Robert Hoggarth: Got it. Thank you. This is Rob.

Carlton Samuels: Are we happy with all of the recommendations in this paragraph? Are we happy with Paragraph 24 or a recommendation there? Are we happy with Paragraph 25? Those are just recommendations from this group. Alan you have your hand up. Sir you have the floor.

Alan Greenberg: Yes, the way 24 reads it sounds as if the members of the AC/SOs are the exclusive members of it, and I think we really want to say this should not be drawn from but should include.

Carlton Samuels: So are you suggesting we have the word drawn from and include?

Alan Greenberg: No, I'm suggesting you replace drawn from to...

Carlton Samuels: Oh, to include. Okay.

Alan Greenberg: Clearly a Board Committee member's going to include Board members.

Carlton Samuels: Yes. Yes. That's what I thought. That - Olivier you have your hand up right after Alan, so you have the floor.

Olivier Crepin-LeBlond: Thank you Carlton, this is Olivier. There's a difference between include and drawn from. I think that drawn from would show a majority of those members being from those organizations, whilst include might just have one of an SO and one of an AC.

And so I was going to suggest be drawn from but not limited to from the Supporting Organizations and Advisory Committees.

Alan Greenberg: I can certainly live with that. The reality I think is this is probably going to be a largely Board and Staff group that will then go out for public comment from the various parts of the community, which include ACs and SOs, but okay.

Carlton Samuels: Avri, you have an immediate reaction.

Avri Doria: Sorry, muting just takes time or unmuting. Yes, I think at least what I was hoping was that there would be representative - the important word in there from me is from all of the ACs and Supporting, that this couldn't - obviously the Board can put anyone on their committees they want.

But one of the things that I was trying to put in this is that all of the ACs and SOs should have some degree of representation on this. And it doesn't matter whether it's their members or they pick the people.

So the drawn from, I understand issues with that word and - because the AC or SO may propose someone who is not one of their members but it's someone they trust. I don't - that wasn't my point.

My point is that in the management of these funds that could be raised, and especially since you want to be able to raise them from all sectors of the community, you want all sectors of the community to be part of that.

So the thing that I think is important in there is that it must include members drawn from all, and I'd almost underline all, ACs and SOs, at least that's what I would propose. Thanks.

Carlton Samuels: Thank you. Evan in the chat - that he said would prefer explicit mention and so I'm asking the question of Evan here. If it - with that clarification and Rob's response, would that satisfy your explicit requirement Evan?

Evan Leibovitch: Hi Carlton. Yes, this is Evan and my answer to that is yes.

Carlton Samuels: Thank you sir. So we're good on that. Okay, so can we turn to Number 26, Paragraph 26? This one was a - as Avri would recall it took quite a little bit of argument about this.

Do we have any objections to what is outlined here? No objection.  
Olivier you have your hand up sir.

Olivier Crepin-LeBlond: Thank you Carlton. Olivier for the records. I understand that in that - in 26 there is (g) which says, "Other sources yet to be determined." I guess other sources in - with a plural here.

But I just wondered whether one shouldn't also mention in the list government grounds, or is this something that the Working Group thinks is a no go?

Carlton Samuels: I actually - well Avri - I was going to ask Avri to respond because that came up. Avri go ahead please.

Avri Doria: It's just an example list so if people think that that's a good thing for people to look at, I don't see any reason why not. It's not one that occurred to me as a good - as a place where we'd likely find assistance, but certainly I don't see why it can't be something they look at. Thanks.

Olivier Crepin-LeBlond: It's just Avri - and Olivier again. It's just that I feel that the list that is given here - and I understand it is an example. The list feels very closed ICANN source type thing, ccTLDs, gTLDs, auction proceeds - it just seems to be that we're just playing in our own backyards, when really the funds for that foundation should also be coming from sources outside this backyard in my view.

Avri Doria: Well that is like...

Carlton Samuels: Yes. Well we have external funding sources here.

Avri Doria: Right. F says - it doesn't say possible. Possible's implicit but possible external funding sources, but as I say I, you know, and for example there you may want to add a list of examples of what are possible.

I - as I say with the example list I think we should add anything we want them to look at. It's no biggie.

Carlton Samuels: Okay, Andrew you have the floor sir.

Andrew Mack: I mean, generally I agree. I think that we have had some real disagreement within our Working Group about the role - the appropriate role of government in all of this.

And I think we have acknowledged that that's pretty tricky space because we don't really want this to be a substitute for governments doing things that they should do themselves.

So a special call out for government sources - I don't know if it's necessary but if it is - if - I agree with the idea of making sure that our list does not appear to be too - and really focused.

I just - government is the one system that we've had some real questions about, so I don't know if we want to make a call out for that or not.

Carlton Samuels: As I remember Andrew we did have a lot of argument about this, and that was one of the things that was said, which I noted in my head, that if you put it here then you might be opening that Pandora's box.

I remember that being said at one point. But I am not opposed to having as Avri says, and I'm following Avri's lead on this, a mention delineated as government grounds or intergovernmental organizations or so and as Rafik is pointing out in the chat. I really don't. Alan you have the floor sir.

Alan Greenberg: Yes, I think we're belaboring this far too much. If we want to give an example then give it or put it in a footnote. In general foundations don't go seeking government grants.

They end up sponsoring projects in conjunction with governments, you know, but the Rockefeller Foundation doesn't go asking governments for money explicitly.

But I don't think it matters a lot at this point. We're - this - the whole - the focus of this whole thing is to get it looked at and discussed by the community, by the people who are empowered to do something about it, and I don't think we need to fine tune it that much.

Carlton Samuels: All right, thank you very much Alan for that. So noted. Can we move quickly through 27, 28, 29? It's just verbiage. Go to 29. There's a issue there of the availability, you know, when funds are going to be available, and there's also some funds availability issues there. Would anyone want to comment on that? Avri you have the floor.

Avri Doria: Yes, we're talking about 27 at the moment where Alain had a note. And I think yes, it's something that is very - at least in the U.S. and some other countries it's, "Thank you very much for your generosity. Wink wink. We know there's a financial advantage for you."

But we don't say that because we accept, you know, contributions with good grace. But, I mean, so I don't think there's a real need to go with Alain, you know, saying, "Look, you know, maybe we should indicate that they get a tax advantage."

And also it really does depend who's donating. In, you know, many European countries as far as I know you get nothing back except a hardy thank you and an extra pillow when you're waiting for your seat to heaven because you gave donations and not a financial reward.

So I think, you know, changing that to say, "We know some of you are getting financial advantage from doing this," would just - sort of senseless but thank you.

Carlton Samuels: Thank you Avri. Any other comment around that? Okay, and actually 29 has a really important concept. Rafik you have your hand up. Rafik go ahead.

Rafik Dammak: Thank you Carlton.

Carlton Samuels: Yes.

Rafik Dammak: Yes thank you. Just maybe to this part of putting to us for such a generality to say also that it's also in regard to corporate social (stability) (unintelligible) maybe ICANN stakeholders – especially those in registrar and registry.

And so if they have any policy regarding the corporate social (stability), they can provide some funds to this foundation and (unintelligible) the applicant for the (unintelligible) program, and so.

Carlton Samuels: Yes, thank you Rafik. Let me see - you keep breaking up Rafik. Are you saying that we should make a explicit reference to corporate responsibility programs in 27? Is that what you're saying?

Rafik Dammak: I guess maybe in 27 or maybe in 20 in (428). So it's just a real example maybe of what those (like) - be explicit so it's contracted party to provide some (unintelligible).

Carlton Samuels: I see which mean, okay. What Rafik is saying, if you look at 27, we might give a explicit example, throw a line to our brethren -- the registrar, registry constituency by making specific reference to corporate social responsibility programs that they may have. I think Avri has an immediate response to that. Avri.

Avri Doria: Yes I think that, you know, you may just want to put a parenthetical, you know, organizational stakeholders comment. And then for example contracted parties and their, you know, whatever things if you want to put it in, or a footnote. I think there's no problem in adding an example.

Oh yes I support that.

Carlton Samuels: Okay. Thank you Avri. Andrew, you have the floor sir.

Andrew Mack: Yes I mean, I think if there's a wider group of people that stands to benefit from this new gTLD process. And I'm not sure if we want to limit our CSR callout to just contracted parties. I mean there are all kinds of people doing consulting and doing all kinds, you know, other things around this that are also doing pretty well with this process.

Do we really want to limit our CSR callout? Why not just take to all members of the ICANN community? Or to all, you know, to all people who are participating in this process or something like that?

Carlton Samuels: All right, that's noted. And I don't think Avri meant to limit it. It's just to say, it's a for example she was saying.

Andrew Mack: (Unintelligible) the lawyers that we're hearing who are clearly, you know, they have corporate responsibility capacity in this, based on what I've been hearing, so just for what it's worth.

Carlton Samuels: Okay thank you. Avri do you still have your hand up, or are you passed on this?

Avri Doria: Actually I didn't still have my hand up, but yes I think if we can find a proper way of saying and everybody who's got corporate responsibility and got rich off of names, you know, but yes.

Carlton Samuels: Okay, all right great. So we are moving along, I'm looking at 29 again. There are a couple of things there that I remember from the conversations that caused quite a lot of back and forth. That last sentence -- is there any reaction to it here? Did we capture the sense of the community here?

Man: Carlton, which - are we talking about options? Number 29?

Carlton Samuels: We're talking about 29, yes.

Man: Thank you.

Carlton Samuels: Alan, you have your hand up sir?

Alan Greenberg: Yes in the fifth - in the - towards the, a little past the middle of 29, it says the funding would be available to fill reserve and risk funds.

Carlton Samuels: Risk funds, right.

Alan Greenberg: And I would think might. We don't know the rules that may apply to whatever foundation or whatever are going to be set up. And clearly there are certainly some rules and some - under some laws that say the money can't go back to the parent corporation to pay it's own bills, or to build its investment reserve. So I would think there, the most we can say there is might.

Carlton Samuels: Okay, either they could be.

Alan Greenberg: No could - it says it's allowed. Would be available is the same as could be used. All I'm saying is it might be.

Man: It's again, not a big thing.

((Crosstalk))

Man: Remember, we're not writing the final rules, we're writing the recommendations.

Carlton Samuels: Yes, yes, yes, I follow you. And I see Avri has a thumbs up on that too.

Evan Leibovitch: Hey Carlton this is Evan, I stepped away from the Adobe for second.

Carlton Samuels: Yes Evan, go ahead.

Evan Leibovitch: I would like to just have a recommendation that we would like to make sure that it doesn't too quickly get (unintelligible) back into the Corporation. Donors conceivably - donors outside ICANN are going to be giving money into this for purpose. And I do think it would behoove us to be in any rush for that money to go back into general coffers, when it was solicited and collected for a specific purpose.

((Crosstalk))

Carlton Samuels: Oh you're not there, you're not looking at it. (Unintelligible) term goal of ensuring that the second and further on (unintelligible) funding

available board candidates. Would that meet your approval as a way of sending the message that we don't expect the funds to be absorbed back into the foundation for what they call a general purposes.

Evan Leibovitch: Yes I agree with that, I just wanted to resist any temptation to put in wording now that would deal with that, that would talk about assuming it too quickly.

Carlton Samuels: Okay, all right sir. Thank you. Are there any other comments here? Okay we'll move to 31 then. There was a lot of talk around this - in this area and I recall that we were - we ended up just saying definitively, look we are enumerating some things there, but we're not saying that it's an exhaustive list. And that is on the use of funds. Avri.

Avri Doria: Yes thanks, I think one thing that is missing from here, and I think it's a recommendation that we do want to make, and that's that we recommend that people that want to do things have the ability to put in an application. In other words a recommendation that these funds can be used for various purposes. And then maybe we need a sentence that recommends that this committee review applications for their use.

Because, you know, for example the fee overcoming technical requirements gaps that may be, you know, a build-out proposal in an area of some sort of resource. So, and the notion is not necessarily that this committee had these ideas grow out of their head, but that people could indeed put together a proposal and bring them. So, and that seems to be something that was forgotten in the first writings.

Carlton Samuels: So you're asking for - so let me see if I understand you here Avri.  
What you're saying is that in 31, you are asking for addition that says  
that there has to be a mechanism to evaluate all of these...

Avri Doria: Proposals.

Carlton Samuels: Proposals.

Avri Doria: Yes, yes. Right, and so there's a notion that there is a proposal coming  
in, because it seems very static that, you know, well where do these  
ideas come from? The group should figure out those kinds of  
mechanisms. But we may want to mention that such a mechanism is  
reasonable. And I think we had lots of conversations before when we  
were talking about possible RSPs, which some people are in favor and  
some aren't. Possible registrars in the future, some people are in favor  
some are not.

But the point is, that those would be things where proposals would  
come in, and they would judge them against appropriate criteria.

Carlton Samuels: Yes, I recall that was a part of the whole argumentation in this area  
too. I actually support this recommendation from Avri. As I recall,  
there's a lot of talk around this, and maybe this is a good place to  
augment it here.

Man: Oh so what - can you restate the proposal? I'm sorry, I just want to  
make sure I understand it.

((Crosstalk))

Avri Doria: Yes - actually good, Carlton you doing as opposed to me. Yes.

Carlton Samuels: In all of these things there would be - we have to say that there should be a mechanism that is in place that is able to analyze and assess proposals. It's not just anybody that put up the hand and say (unintelligible). There has to be some proposal that is presented. And then there is a mechanism by which that proposal is analyzed and accept that at some point. That's what it's saying here. Any other comment? Rob, you raised your hand sir?

Robert Hoggarth: Yes sir, what I'm hearing is one of two alternatives. Either a footnote to this Paragraph 31, which acknowledges that there needs to be a mechanism for receiving and evaluating these types of additional funding proposals. Or potentially an additional paragraph that says the same thing. Am I accurate in that regard?

Carlton Samuels: Yes sir, I would prefer to have it as a footnote.

Robert Hoggarth: Okay. And it's something that's not limited - again Rob here - that's not limited to just the technical requirement GAC's explained in C, but something that is applicable to A, B and C?

Carlton Samuels: Correct.

Robert Hoggarth: Okay thank you.

Carlton Samuels: Does anyone have any - this 32, we have the reference to RSP service, there was a lot of back-and-forth on this one. Do you think Paragraph 32 actually connects and represents what we said here? Andrew, you have your hand up sir.

Andrew Mack: Yes the short answer is, I'm not sure it tells us - gives us very much. We basically say that we think this is important, but at some future point that there may be the need for new funding services for this. And that those - that the eligibility for those - that funding will be determined at a later date by the SARP. Am I understanding the gist of it correctly?

Carlton Samuels: Yes you are understanding the gist of it correctly. What we recognize in this paragraph is that there were - there was a lot of discussion on the lists and on the teleconferences that says, you have to create an enabling environment for the support applications to prosper.

And one including among them, register service provides the provisioning that is a part of an enabling environment. And so I think what this paragraph tried to capture is the fact that yes there's some other things that are going to be required to sustain applicants if they're successful.

And we should make appropriate - well we should develop appropriate mechanisms and make appropriate commitments for this. That's what this is saying. And we have lots of hands on the board now. Tijani and Alan and Avri. Tijani you have the floor sir.

Tijani Ben Jemaa: Do you hear me?

Carlton Samuels: Yes I'm hearing you, Tijani go ahead.

Tijani Ben Jemaa: Okay, thank you. Paragraph 32 says that the RSP will define a special eligibility criteria for this kind of support. Which is not what we

decided before. We said that the criteria mentioned in the paragraph of the financial criteria are applicable to all kinds of support. Thank you

Carlton Samuels: Okay, just let me get one - if you look at the last sentence there Tijani, where it says eligibility report of the mechanism will be determined by the SARP. Is that sufficient to meet your concern sir?

Tijani Ben Jemaa: Exactly. It is this sentence that made my concern. Because normally the eligibility criteria defined before. Because the SARP are not defining criteria, they are using criteria we defined. So if you say it like this, that means that this kind of support would have special criteria, not those that we already defined.

Carlton Samuels: All right, let me see. Alan you have the floor sir.

Alan Greenberg: Thank you. Either I'm confused or whoever drafted this paragraph is confused, because I think it's missing two concepts completely. This whole section's talking about foundation and equivalent things. And I think the first part of this paragraph is saying, if someone were to come with a proposal, not the start a registry, but to start a nonprofit RSP, the foundation should be interested in that.

Carlton Samuels: But that is what this is saying

Alan Greenberg: Pardon me?

Carlton Samuels: I think that is what this is intended to be.

Alan Greenberg: That's what I'm saying, that's what the first part says. And I think that's completely reasonable. The second part is talking about the SARP,

which is the group that's evaluating gTLD applications for support, which is not connected all with the use of the foundation sometime in the future. You know it may end up being...

Carlton Samuels: What it's meant to say...

Alan Greenberg: ...connected as the foundation evolves. But right now the criteria the SARP is going use are the ones that we were talking about for support of new gTLD applicant, not

Carlton Samuels: Well I think this is reaching for Alan, if I may - what I think it's reaching for is to say, in the event that the SARP would find that a candidate that they would recommend supporting needed other stuff, then they would recommend that those things can be supported through this mechanism. I think that's what it's trying to say.

Alan Greenberg: Okay, but again we're talking about the SARP has a single task right now...

Carlton Samuels: Right.

Alan Greenberg: ...to evaluate applications and decide whether it is granting money of the money available to it, for the right - this is talking about someone who may not (run a) gTLD at all, but wants to run a nonprofit RSP. And they're not going to be seen by the SARP as we're currently imagining it. I think we're mixing two concepts here. Sometime in the distant future they may come - they may merge.

Carlton Samuels: Okay I - let me give Avri an opportunity. Avri you have the floor.

Avri Doria: Yes thank you. I think the paragraph is even more messed up than Alan thinks that it is. And I think that it needs to be cut into three sections. And I wrote this in the notes somewhere. The first sentence tells that is really a recommendation that almost belongs before 19, you know. But that's - may just not belong there at all. I think the second part, the RSP should be an example under 31. It's just yet another example type, so why not move it there?

Carlton Samuels: Uh-hum.

Avri Doria: And I think the third thing, the mention of the SARP should be a conditional statement. And what it's saying, and what I'd recommend it's saying - I think what the attempt was is that if someone comes for aid and has a proposal to this body that relates to their existence as a JAS qualified applicant, that the application needs to be deep in countersigned by the SARP as to their eligibility according to the rules that have been established for eligibility for being a JAS qualified applicant.

So in other words, it's not presenting a JAS qualified applicant from having a really cool idea as part of their deciding to roll their own registry. So they could build a proposal, and they're applying as a JAS qualified applicant that needs to be - it's the SARP that says, yes they are a JAS qualified applicant. So I think there's three things - I think that last sentence is a sentence that stands on its own somewhere. I think the RSP is an example, and I think the first part either goes before 19 or gets dropped completely.

Carlton Samuels: o can I ask a response to...

Avri Doria: Thank you.

Carlton Samuels: Thank you Avri. Andrew, Avri just outlined there - would that sufficiently clarify for you?

Andrew Mack: I appreciate the effort, but I'm not sure I followed it. I guess that there are multiple things that are going on in the paragraph, but I - especially the last, part I wasn't quite sure I could get my head around it. Can we try it again?

Carlton Samuels: Avri, would you just deal with the last part? Especially, because I think (unintelligible).

Avri Doria: Yes, yes. And I'll try it again, and then you can try to counter example. What it's saying is, when it is a JAS qualified applicant going with the proposal to the foundation, they need to come with a permission slip from SARP saying they are a JAS qualified applicant. Thanks.

Carlton Samuels: Does that make sense to you Andrew?

Andrew Mack: I think so - so help me with the process of it all. They come up with a - maybe this will clarify it. They come up with - they put together an application, right? And they say, "This is what we're going to do, and here's how it's going to benefit the community or the linguistic people whatever that we are trying to serve."

Carlton Samuels: Right.

Andrew Mack: Then they come to SARP. SARP gives them equivalent of a visa, a stamp of approval, saying we in fact believe that you are JAS qualified. Then they go to where?

Avri Doria: Then they submit a proposal to this foundation committee and say, "We won use the money to do this, you think it's a good idea?" We're not talking about the fee reduction or any of that - that's part of the other parcel. But they decide they're going to roll their own registry, they have a proposal and they ask for funding to buy the generator that will fund their RSP in this bad electricity place.

Andrew Mack: Well I guess two things, number one, you know, I completely get the idea why this is important. And I don't think anyone disagrees with it. It does seem a little bit outside of our focus on new gTLD applicants per se because...

Carlton Samuels: I think it's part of the enabling environment that I was talking about. That's how I read it.

Andrew Mack: Yes I think - nobody disagrees, I'm just saying in terms of a first order, second order, I'm wondering if this is not - we're not trying to answer a question that's further down the line then we need to (address).

Carlton Samuels: All right, I see what you mean.

Andrew Mack: And so, because here's my concern. If we send this forward - no one disagrees that this is part of the enabling environment and that this is important over the, you know, over the medium to long-term (for sure). The question is only, as we're trying to just passed through, and this is an added level of complexity number one, number two does this make

appear that we're going to needing that much more resources that are unaccounted for that we won't have?

I guess my hope would be that we would make this - have this feel a little bit different from the rest of the report. Because the rest of the report is actually fairly concrete in terms of what we're going to do, and where we're going to go for funds, and how we think it's going to play itself out. And this strikes me as a couple of stages down the road. So my only concern is that it will confuse our audience. That's it.

Carlton Samuels: Well one of the quick response to you in the chat and he said it's completely JAS relevant. But I'm going to give Alan a chance, he's had his hand out for a little bit. Alan, you have the floor sir.

Alan Greenberg: Yes I think this is an example of one of the things, and I think Avri suggested moving it there. Of the kind of things the foundation might be funding, because we believe this is one of the long-term ultimate goals of why we're here is to build out infrastructure. And to make sure it's available in all parts of the world. I think we're going into far more detail by talking about permission slips. If we wanted to say JAS qualified applicants, say JAS qualified applicants. What the form is they use to prove it is not something that we need to worry about. And so I think...

Andrew Mack: I was just speaking flippantly about permission slips, I wasn't thinking we had to create a permission slip...

Alan Greenberg: No, no, no, I understand. I don't think we need, you know, yes someone's going to have to prove the documentation that they are JAS qualified. But I don't think we should be going into at that level here. So

I think this is an example, and it's an important example because we did spend a lot of time talking about it. And as Evan said, it is central to the long-term goals of what we want. So I think it should be an example of the kind of things the foundation should be funding. I don't think it needs to be any more than that. And I'm not sure it needs to be a separate (unintelligible).

Carlton Samuels: Okay, it's a note. Can I just make a point here? It's the tope of the hour - we're now into this since we started. And if you notice, we still have a little ways to go in this, and we are really time compressed here. I'm going to ask your forbearance, and we can go on for a little while longer with the objective of completing this section. Do I have your support for that?

Alan Greenberg: As long as we do it quickly.

Carlton Samuels: Yes we have to do a quickly - we have to move a little bit faster through this. Tijani, have your hand up sir?

Tijani Ben Jemaa: Yes, and just to say that it's the formulation which is not good. But it is one of the more important parts of our mission; it's not outside of our scope. I think that we have only to say that only eligible or qualified applicants can benefit from this mechanism proposal.

Carlton Samuels: Thank you Tijani, I'm glad that you think so because (unintelligible) first. And I think we have a way of dealing with it. Alan, do you want to go back again or is it. Alan, you want to go back again or is it...

Alan Greenberg: Yes, no I just disagree with what Tijani just said. If I come up and say I'm a real do-gooder and I want to set up a registry in Rowanda to

serve all of Africa, but I don't have any interest in running my own gTLD. So I'm not a JAS qualified applicant, I don't believe we should restrict it.

Carlton Samuels: You will not have to follow program.

Alan Greenberg: No I'm not - but this whole section's talking about what the foundation might be.

((Crosstalk))

Carlton Samuels: Avri, you have your hand up, can we...

Avri Doria: Yes, yes. Alan, nothing meant this to be that you could only do this if you were JAS qualified applicant. What I was trying to say is that if you are applying for something under the condition of being a JAS qualified applicant, that needs to be backed up. And I think it's fine...

Alan Greenberg: Avri, I wasn't disagreeing with you. I was commenting on what Tijani had just said. I said the...

Carlton Samuels: I think we can - rewrite it in the way that I would suggest, that link all these criteria. I really do believe so. I totally understand that we are not trying to limit - I don't think Avri intended to. And I can't remember any conversation that says that if you want to have a support service that was outside, you couldn't have a recommendation to a foundation for this. This is outside of the JAS qualification process. I don't think it's anything that was said that it could not be.

Alan Greenberg: I said I withdrew.

Carlton Samuels: Avri. Avri you have - oh, you're taking it down. So for the record, we are going to rework this 32 in a way that satisfies. And we're going to use our framework as a basis for that.

So now, can I ask you to look at the - from 33 down to 35 as one. And it's based on two assumptions, cash flow for applications and final accounting (unintelligible), 34 and 35 actually explains what that is. Is there any burning disagreement with the flow or the way it is described here?

Man: I'm the source of that arithmetic, I thought we decided we're going to put that in a footnote or an appendix or something, and not in the - as a rationale, along with Avri's slightly different formulation of how it's to be funded.

Carlton Samuels: That's what I recall sir. Would anybody object to that? That was a suggestion and I think we thought it was demonstrated with. Rob, you raised your hand sir.

Robert Hoggarth: Yes sir, thank you. This is Rob, just confirming precisely what you want to move and where you all are recommending that we move it.

Carlton Samuels: Alan, could you repeat what it was actually said before.

Alan Greenberg: No I can't be precise because I haven't had time to review this document carefully. So I don't quite know what the surrounding stuff - there was a discussion in emails and Julie commented on a previous version of the report between Avri and me, on the way to demonstrate

to the ICANN Board that they really can do a reduction without impacting the cost recovery.

Man: Yes.

Alan Greenberg: And I think we ultimately decided that they were close to each other, they were twists on it, and that perhaps we want to present them both and present them as alternatives. But they don't need to be in the body. They can be referred to in the body as, you know, so they - you don't distract someone reading the recommendations with a detailed analysis.

Robert Hoggarth: This is Rob, I'm not sure which paragraphs we're talking about.

Carlton Samuels: Thirty-four and thirty-five.

Robert Hoggarth: I'd be delighted if Avri and Alan could perhaps look at 33, 34 and 35 and make a recommendation for how to structure that offline. I think that would be very, very helpful.

Alan Greenberg: Yes, I think 33, 34 and 35 are on my calculations. I'm not sure what happened to Avri's discussion.

Carlton Samuels: Well some of them is Avri verbiage in there.

Alan Greenberg: Sorry, say that again.

Carlton Samuels: Some of it is Avri's, Alan. You did make substantial changes.

Alan Greenberg: I haven't read it carefully. A quick glance looks like it's primarily mine.

Carlton Samuels: I think you're very close, but Avri you have your hand up.

Alan Greenberg: Let Avri speak for herself.

Avri Doria: Yes, let me - first of all, I'd actually like to go back on the notion of moving it out of the body. I think since one of the requirements from the Board was, give us a plausible reason for why we can do this. One of our requirements in our recommendation says that.

What I think may be reasonable is to take these three paragraphs or multi-paragraphs and turn it into, in a sense, one single paragraph. That has a (shep-ho) sentence that says there are two different ways to look at how the monies will be, you know, how this can be funded with two different explanations. And then I think 34 is still very much my explanation, or largely that. And then 35 through whenever - through 38 is largely Alan's explanation of it. But I think leaving it in the body, but making them a one, with an A and a B type of paragraph to explanation, may be the clearest way. To try and put it in footnotes and then be able to back-reference some, first of all, you'd have a footnote that was more than half a page long, which starts to break other, you know, rules of things you don't do to readers. So that would be my recommendation. Thanks.

Alan Greenberg: Okay.

Carlton Samuels: Thank you Avri. I'm thinking, especially about the length of the footnote. I think you have something there, purely from readability. I think you are onto something there. But Tijani has his hand up. Tijani you have the floor sir.

Tijani Ben Jemaa: Yes, I think (it is not only three paragraphs) 33, 34 and 35, it's the whole fee reduction and set funding requirements – 33, 34 until 59.

Carlton Samuels: Well, yes, it's 36, 37, 38 -- they're actually referencing the first three paragraphs. You're quite right, Tijani. As Avri suggested, if you look at reworking those then you have to take all of those into consideration because the last three really as I read them, they are intended to be enlighteners for the ones before.

Tijani Ben Jemaa: That's right.

Carlton Samuels: So Rob?

Robert Hoggarth: This is Rob. That's helpful guidance. If I can rely on Avri and Alan sort of offline to or online with the rest of the group when you see the next version to closely look at this and contribute some heavy additional suggestions, that would be helpful. But the additional comments were great.

Alan Greenberg: I'm willing to do that. It won't be done until the weekend but yes.

Robert Hoggarth: Thank you very much.

Carlton Samuels: Thank you Alan. Avri, can you commit?

Avri Doria: Yes. I already had. I think I just got swallowed. Yes, sure.

Carlton Samuels: Lovely. So the framework is that we are going to frame it as an explanation to the board to look at two different ways to make what we

are proposing work. And we would rewrite from 33 all the way down to 39 and ensure that they follow the flow.

Thank you very much Avri and Alan for volunteering to work with Rob to get this sorted out. That said, can we go to number 40, Paragraph 40? I doubt if there is any disagreement with this. I think it captures pretty much the sense of the working group. Andrew, you have your hand up, sir.

Andrew Mack: Yes. Maybe this is (a small point) but is this paragraph even necessary? Of course external funding sources are going to use their own criteria.

Carlton Samuels: Well, yes there were lots of conversations around this that the external funding sources, they would have to come in and meet the criteria of our organization and there was a lot of argument about it. Why would you want them to be in your straight jacket?

Andrew Mack: Here's the only question I have and maybe it wasn't fully addressed when we had this earlier conversation or maybe. But I can see there being a situation in which there is a trust fund set up for specific spending on a particular geography say.

Okay. And so for example, a group decides that they're going to just sponsor things in a country or in a sub region - yes, west Africa or Tunisia say, which is fine. But that limits the number of participants obviously to groups from that specific geography.

Carlton Samuels: Yes. But we wouldn't want to prejudice people from Tunisia, Africa getting help because we tell them that you have to...

Andrew Mack: Absolutely. The only question that has come up for me in the past when dealing with these kinds of trust funds like when I was at the World Bank is when you have comingled funds.

So that on the one hand you're not keeping people for whom there is a special set aside from getting their resources. On the other hand you're not subsidizing somebody else's one specific priority. So for example, if there were a fund from call it there's a fund from the Africa Development Bank that goes specifically to hire Nigerian consultants, okay?

And in a case like this if there were to be something that were geographically specific like that, if it also required some resources from our funds then I think that that's (a very sticky) question. Do you see what I'm saying?

Carlton Samuels: Yes, I see what you're saying and I see the concern. Let me go to Tijani and then Avri and then Alan.

Andrew Mack: I'm not trying to (work my way around it). I just wanted to flag it. That struck me as the more important question that we need to address.

Carlton Samuels: Yes. I have a notion about that but let me go to Tijani then Avri and Alan. Tijani, you have the floor, sir.

Tijani Ben Jemaa: Okay. Thank you. My concern is different. There is a confusion because we've seen it before here also they say that the criteria are established by the SARP. The SARP will apply the criteria or will decide or will select the (digital).

Carlton Samuels: Yes.

Tijani Ben Jemaa: According to the criteria that the working group sets. So we don't - people who we're inviting have to know that the SARP doesn't establish criteria.

Carlton Samuels: Okay. Thank you Tijani, that's absolutely true. We have this sorted out. Avri, you have the floor.

Avri Doria: Yes. First of all, am I mute?

((Crosstalk))

Avri Doria: Okay, fine. Thank you. I think Tijani's point is right and I think that's just a problem of the way it's written and such. I think that it's basically the established criteria as determined was really meant to be saying that our established criteria and the SARP is doing the determining.

And yes, the phrasing is awkward but I agree completely with Tijani's point in that there are established criteria and the SARP is doing the determination and somebody can better to say that, that would be good. I think my other point had to do with what is actually the useful content of 40 that I think needs to be retained is one, is that we are encouraging.

Just because we're encouraging and recommending this foundation, we are also A, encouraging other funds to be established according to their own principles and requirements and goals that are totally separate from this funding effort and that do things. The one thing we

do want to also recommend is that ICANN would be ready to provide those funds or those agencies or whomever that says we want to fund some of your - you know, and we'd like more information.

That they provide them the information of the qualified applicants that basically just like they're doing a matchmaking on non-financial resources if a bunch of these national funds and other agencies set up saying yes, we want to help according to our criteria. However, we want to basically address our help to your qualified applicants and/or a subset thereof.

Can you help and let us know who they are and how to contact them, that that's a service, a matchmaking service ICANN would provide. And that's I think the two contents of that paragraph that I'd like to be saved and think are actually worth having there. Thanks.

Carlton Samuels: Thank you Avri. That's how I think it was intended to read, just like you point out. But I'll go to Alan. Alan, you have the floor and then Andrew.

Alan Greenberg: Yes. I'll just reinforce what Avri just said. I think there are two important things here and I think they're both important messages. Number one, we are recommending that other groups be encouraged to do good things in the same domain space.

Carlton Samuels: The same objectives, yes.

Alan Greenberg: And we of course are not limiting them to follow our rules.

Carlton Samuels: Right.

Alan Greenberg: But the second sentence says two things and Tijani is right, the sentence sounds like the SARP is determining the criteria whereas they actually should be determining whether the criteria are being met. So that clause needs to be rephrased.

Carlton Samuels: Yes.

Alan Greenberg: But the second one is saying number one, we will release information to them about what the SARP has determined. And number two, we will not help them decide whether a candidate meets their own criteria, which are not ours. And I think (both of those are important).

Man. Yes. I think that's pretty much...

Alan Greenberg: So if anything, I think this paragraph is a bit sparse and needs to be fleshed out a little bit to make it clear what we're seeing. But other than that I support that it be kept there. Thank you.

Carlton Samuels: Thank you Alan. I was just about to mention that's probably what you need. And I want you to pay attention to what Rob said in the chat. It's not just about that Rob.

I think it needs augmentation here to ensure that the two principles that are being enunciated here are captured effectively, especially the point that Tijani has pointed out. It's not that the SARP is going to make/determine the criteria. The SARP only makes recommendations against criteria that is set.

And if they need help and external funding agency or other fund need help in helping some of the people with the same objective, we'll be willing to share information with them. Andrew, you have the line, sir.

Andrew Mack: Yes. Just to clarify, we've got two separate things that I'm hearing going on, okay? And I think we've addressed one of them but not the other and that was just my concern and it's a little bit of past experience in this and where it can go wrong.

On the one hand if we have (an account) that has a certain amount of money in it, right? And it's going to go according to the rules that we have set up and the foundation guidelines that will be developed, right? Then there is a second potential pot of funding. Now what I'm hearing everyone say is that we want to encourage that second potential pot of funding and we want to do everything that we can to make sure that appropriate candidates get support for that.

That makes good sense if that's a separate set of funding it can go according to their rules, absolutely. But we have also got as an interest I think getting people to contribute into the foundation that's going to be set up with our group. And if that's the case, that foundation from what I remember from our conversations is not going to be geographically bound in the way that a specific foundation from a specific region might be.

And my concern is only that if there is comingling of funds we're effectively subsidizing an advantage for one region over another say, which we can do if we want to but that's not something we've talked about in the past. Does that make sense to everyone?

Carlton Samuels: Can I be honest (Drew)? I'm not seeing that at all. I'm just seeing that whosoever will may come. And if they're into the same objective and they have something to offer and it's in our interest to share information with them then we'll do it.

I mean that's what I think the effect of this is, Andrew. I'm not sure it is intended to be discriminatory at all. It is intended to embrace every notion of help that might be available.

Andrew Mack: Okay. I'm sorry if I'm not explaining myself very well. And perhaps if this is just about information sharing I have no difficulty with it. I withdraw my comments.

If there is a possibility that we might be - that these are people who might be contributing in or that we might be jointly supporting candidates then I think it becomes more complicated. That's all. And this wouldn't address all of those issues.

Carlton Samuels: Okay. We need to think a little bit about this but Alan, you have the floor. Perhaps you have something that you can.

Alan Greenberg: Thank you. I don't disagree with what Andrew is saying as (a principle). But I don't see how this paragraph as we have discussed it implies what he was worried about.

Yes, the SARP may end up supporting a group that someone else supports. But we're not doing it jointly as a cooperative effort. And maybe we need some caveat somewhere. But I don't think we need to specify them. I think that's standard practice to make sure that people don't double dip for the same expense.

So yes, we need to worry about some of those things but I don't think it's our job to do that at this level. We're not writing that level of detail.

Andrew Mack: So Alan, perhaps it would be something as simple as just specifying that these are separate funds outside of and not connected to the foundation.

Alan Greenberg: I read that as given but if it's not then yes.

Carlton Samuels: (It's) external funding agencies.

Andrew Mack: Yes. And I didn't read them as being completely separate. So that's fine. That could be my misreading too.

Carlton Samuels: Okay. So maybe Andrew, what we need to do is to - Rob, I know you have the capability to do this as you augment this paragraph. You'll take into account to make the - give more than the impression that this is we're talking about not our own fund that is set up (to invite) but external funds.

Robert Hoggarth: Yes, sir. Will do and I'm honored by your optimism. That was said with a smile.

Carlton Samuels: And I see Avri is saying it's a good idea to add a sentence of clarification. So thank you for that Avri. As I said, Avri held a pen on this section and as you can see, it was a lot of work and a lot of involved commentary.

And this meeting here today just reinforced why this area was kept to this point because we thought it was so important to get it right. I want to close. It's half past the hour. We've gone long, a half an hour longer than we had intended.

I think we got through it here. Thanks to everyone for showing up and keeping faith and getting this done. If you still have suggestions for rewrite and so on it would be good for you to make the comments directly on the latest version. Rob and Seth are there, they are on standby. We are going to talk to them right after this to ensure that they have a sense of what the expectation is.

I'm going to call this part of our conference call closed. Thank you all for the work this morning and we will see you on Tuesday. For those of you who are part of the drafting team, would you please stay on and we'll get into this after a three-minute break. Thank you all. Good-bye.

Avri Doria: Bye-bye. Good luck to everyone on the east coast of the US and even to my house where I am not. Good-bye.

Carlton Samuels: Yes, yes, yes, Avri, yes of course.

Avri Doria: No. I'm going to be stuck in lovely San Francisco because I won't be able to get home this weekend.

Carlton Samuels: Let's hope you don't have a (shaker) out there.

Avri Doria: Exactly. So bye-bye.

Man: We had one of those too. Carlton, could we get a couple more minutes of break? I'd like to join this follow on call but I need kind of a little bit more.

Carlton Samuels: I can give five minutes. I am actually due to go to - I am presenting at the scientific research code of Jamaica's board retreat this morning and I'm actually an hour behind schedule. So I can give five minutes.

Man: Thank you. Okay.

Carlton Samuels: Okay. So Rob, five minutes, yes?

Robert Hoggarth: So we just stay on the line? You want five minutes to start right now or you want a five-minute break?

Carlton Samuels: Five minute break and we're staying on this line. We're not hanging up. Okay. Definitely. Okay.

Glen DeSaintgery: And can we stop the recording?

Carlton Samuels: Yes. You can stop the recording now. We will start again. Thank you Glen.

Glen DeSaintgery: That won't be possible to start again if we stop it.

Carlton Samuels: Oh, no, no, no.

Glen DeSaintgery: We'll just continue. Okay. There will be a silence in the recording.

((Crosstalk))

Carlton Samuels: ...notice where we start again. The silence will tell us.

Man: Carlton.

Carlton Samuels: Yes, sir.

Andrew Mack: Okay.

Carlton Samuels: I'm ready to go.

Andrew Mack: I mean I have a hard stop at 11:00 no matter what.

Carlton Samuels: No. We're not going to be until 11:00 Andrew, I can tell you now because I have to leave a little before that. I'm going to give Rob some time to be back to us and the sense of what things - I think it's going beautifully. Rob understands this thing and Seth is working very effectively together. So I don't think we don't have a lot of arguments.

Seth Green: Carlton, if I may. It's Seth here.

Carlton Samuels: Yes Seth.

Seth Green: Rob and I were actually just Skyping back and forth and yes, I think between the two of us we have captured everything that was said on the call today. So hopefully the post call drafting session as you're saying, will be able to be rather short.

Carlton Samuels: Yes. Thank you Seth. Rob, you with us?

Robert Hoggarth: I am, sir.

Seth Green: Rob is here, yes.

Carlton Samuels: Great. Rob wanted clarification in terminology about the foundation section.

Robert Hoggarth: Well, not just - I mean actually a broader question Carlton about the entire document. It will be very helpful to get the input from the folks on this call and that is the use or interchangeable use of the term candidate.

When I first came onto the group just about a week ago I must confess that when I was reading through the document I was a little confused. In one of the latest iterations of the document I made a proposal that we make at least one adjustment to the terminology throughout the document that we use. And the one term that I'm obsessed about is this term support approved candidate.

Carlton Samuels: Yes.

Robert Hoggarth: That's sometimes also mixed in with support approved participants and please tell me that I'm touching a third rail here but my thought was that when someone submits their request for funding, their request for support, they are at that point a support candidate.

Carlton Samuels: Candidate, right.

Robert Hoggarth: Because they aren't one yet. Nothing has been approved.

Carlton Samuels: Right.

Robert Hoggarth: But once the SARP then acts and says you know, we've evaluated this request, you are now approved, go ahead and file your application with ICANN now with our blessing and our support, you then are no longer a candidate but you're now an applicant.

Carlton Samuels: Right.

Robert Hoggarth: So now you are a support approved applicant.

Carlton Samuels: Applicant, right.

Robert Hoggarth: And so I suggest a change in terminology from support approved candidate to a support approved applicant. I do that with some trepidation though again, not knowing what the politics of the terminology were to begin with.

Carlton Samuels: Rob, quite frankly at the time I thought we had just said yes because it didn't make sense.

((Crosstalk))

Robert Hoggarth: Carlton, yes - afterward may I also tell you the basis of that Carlton?

Carlton Samuels: Yes, go ahead.

Robert Hoggarth: I thought someone else.

Alan Greenberg: (Unintelligible)

Carlton Samuels: It's Alan.

Alan Greenberg: No, Seth, go ahead.

Man: (Unintelligible)

Robert Hoggarth: Okay. Very briefly then, I think my understanding and memory was that in the list of I actually could find this list for you - the list of terminology that was put up on the AC room and actually I believe it was the very first meeting that I joined.

If I remember, the group had already previously been debating this and I believe the terms that had the largest consensus, please correct me if I'm wrong, were I guess to separate the gTLD applicants from the support applicants, the new gTLD applicants from the support applicants that applicant was going to be used consistently with new gTLDs.

Is that correct? But candidate was then chosen as a default position to be used consistently for support in the with the terms being candidate, support approved candidate and I believe for the last one, which I think in my review of the report ended up not occurring at all but support recipient - yes, I think support recipient. I think that was the background of it. Am I correct about that, Carlton?

Carlton Samuels: It was the background. It was the background but when we had this conversation - well, can I tell you? Alan, would you go ahead and let me not try to (pressure)?

Alan Greenberg: Yes. I don't recall that conversation so it must have been a meeting that I wasn't at. I think Rob and now Seth have defined what the intent was. The report has been loose in use of terms.

So if you are unsure in any given case whether you understand it then ask. But I believe you are describing exactly what we have been talking about and it needs to be tightened up so we're using terms consistently. And if there are defined terms to be capitalized so the definition applies and things like that.

I know I raised an issue in my first review that we were using and in terms of setting the criteria, we're using the terms saying the candidate must and then we were talking about the gTLD string or you know, other things other than the candidate. There are things associated with the candidate so again, we need to be (good) to tighten up the language.

But I don't think there was any intent in changing the meanings here. We just have been pretty loose in how this has been written.

Tijani Ben Jemaa: Carlton?

Carlton Samuels: Thank you. Yes Tijani, go ahead.

Tijani Ben Jemaa: Okay. I think for the term support approved applicant we had (in this case the meaning is it was some proposal from I think) (unintelligible) there was some agreement on that, so I'm not sure if we want to suggest something else or we need to get the feedback from the members of the working group.

But anyway, maybe to fix this (confusion), maybe we need to use more plain English and even to go with redundancy and repetition so to make it clear and so to clarify in which case. I understand the last comment from Alan that sometimes we are mixing between the process of the new gTLD and also the process for this applicant to get support.

So if we need to put more clarification but more repetition, we should do that. I'm not sure that just change the terminology, it can be helpful because still there is some confusion. But maybe we need to add some - how to say it, some repetition because maybe it's not the best style but it can be helpful just for people to get the context.

Olivier: Carlton.

Carlton Samuels: Yes Olivier. Go ahead.

Olivier Crepin-LeBlond: Thanks Carlton. I think if we wanted different shades between the two, between someone in the JAS process and someone in the new gTLD application process then of course one would need to use different terms for each, one being candidate, one being applicant.

If on the other hand we consider that it doesn't matter two different shades between them then applicant is really the thing, one term that defines them both. But I mean that's something which I thought was already decided. Thanks.

Robert Hoggarth: This is Rob. I'll withdraw my recommendation and we'll just make sure that it all says support approved candidate consistently as you guys pointed out. It just seems strange to me.

Carlton Samuels: Can I be honest with you, Rob? I am telling you that I am going ahead with the majority recommendation here. But I was always concerned about the use of the term candidate.

Robert Hoggarth: Okay. So we'll go to SAC, S-A-C throughout. And just make sure that it's consistent throughout the entire document. Thank you all. I appreciate that (unintelligible).

Olivier Crepin-LeBlond: Is the consensus to separate them, because I'm not hearing that?

Carlton Samuels: I'm not hearing that at all. I think you and I are on the same page on this, Olivier.

Olivier Crepin-LeBlond: Yes.

Carlton Samuels: But I'm not hearing that from the others. Rafik was of the mind that we should be mindful of the process here and we should preserve the process of consultation. So that's what I'm adhering to.

Seth Green: Carlton, may I just ask a question?

Carlton Samuels: Yes Seth.

Seth Green: Would people prefer it if we - thank you Carlton. Would people prefer do you think if we separated them in a different way rather than using a term that some feel is problematic if I'm hearing correctly - candidate?

Then we could always consistently use along the lines that Rob was suggesting consistently, however use for example support always had the word support before applicant, distinguishing it from the new gTLD applicant but not using the word candidate if you both prefer - support applicant consistently used from the very beginning. Would that (be appropriate)?

Alan Greenberg: Well, that was - it's Alan if I could get in.

Carlton Samuels: Yes Alan. Go ahead.

Alan Greenberg: Yes. If we're having this much of a substantive discussion on this it is clear that there is the potential for confusion.

Carlton Samuels: Right.

Alan Greenberg: Therefore we need to be clear. We need to use words or phrases consistently. We should capitalize and define the ones especially if there is some possibility of confusion over them.

And lastly, we should try to pick things that would make sense to people. We could call a supported applicant, one that the SARP has approved, a donkey. But defining a term that doesn't make sense to people doesn't help.

Carlton Samuels: It doesn't help. Well, that's my posture, Alan.

Alan Greenberg: So we need to be consistent, we need to define the terms. And to the extent possible, we should pick terms that make some sense, that aren't subject to great misinterpretation.

((Crosstalk))

Alan Greenberg: ...a noun with an adjective to make it clear, which I think is what Seth suggested, may be the best way to go.

Carlton Samuels: Well, yes, you can use descriptors - qualifying descriptor support in front of it or you could change the noun to something. That I would prefer but again, I am mindful of Rafik's comment that we have had substantial discussions and this has been passed around, people have approved it.

So I would defer my own discomfort and Olivier, I think I'm asking you to do the same.

Olivier Crepin-LeBlond: I absolutely agree with you. I think we're on the same page, Carlton. Thank you.

Carlton Samuels: Yes. So we will just go with the adjectival clause. Make sure it's defined Seth. Do you follow me, Seth?

Seth Green: Yes, I understand.

Carlton Samuels: What you're proposing is a good middle ground, is what we will do.

Seth Green: Thank you Carlton. But let me just clarify what you're saying. So do you think people will not mind then if yes, using the adjective support I understand you're saying that.

But are you saying that it would be all right for us to go back to remove candidate and go back to applicant so that the phrase becomes support applicant rather than support candidate? Or am I misunderstanding?

Carlton Samuels: I'm saying we just make sure it says support and we don't go back on the term. Just use it as the way the working group has actually put it through.

Seth Green: Hence support candidate.

Carlton Samuels: Right. Just leave it at that.

Seth Green: Okay.

Carlton Samuels: We won't get into another argument with them.

Seth Green: Right.

Carlton Samuels: Olivier and I and Alan (unintelligible).

Alan Greenberg: There is no time left for them to argue over semantics if we are using terms defined and consistent. So I would say you folks do what you feel is necessary to make sure this is not going to be misunderstood.

Andrew Mack: Yes and this is Andrew. All I care - I don't care what terms we use. They're more or less interchangeable. As long as we (do it) in a consistent way, that's all that matters.

Olivier Crepin-LeBlond: If I may just say actually - Olivier here - we could have candidate defined. In other words, there could be candidate in quotes and that could then mean whatever we actually mean it to be, candidate just being a word.

Robert Hoggarth: I'm assuming that they will define terms and capitalize them, which is the form typically used in contracts and formal documents.

Olivier Crepin-LeBlond: Yes, they will.

Robert Hoggarth: And capitalized it is a defined term. But the definition should not be something obscure. It should be something (intuitive) also.

Carlton Samuels: Yes. I was going for the intuitive also but Seth has defined it and we're going to run with that Seth. So let's just run with that.

Seth Green: Okay. Understood Carlton. Thanks very much.

Carlton Samuels: Thank you Seth, thank you Rob. Is there anything else you wanted to talk about? I have to run, folks.

Seth Green: Carlton, very briefly - I'm sorry, if I could just say that I will get on the topic of the translation today that was discussed in the ALAC call, I know this is a little off topic.

Before doing so I'll of course run it all by Rob for Rob's direction and input. I'm sure it'll have points that we should consider.

Carlton Samuels: Yes, sir.

Seth Green: And hen you'll see an email after that to Kristina, okay after Rob weighs in on it?

Carlton Samuels: Very good. Thank you.

Seth Green: Okay. Thanks.

Carlton Samuels: Thank you. Rob, are we comfortable here, Rob?

Robert Hoggarth: Yes, sir. Thank you very much.

Carlton Samuels: All right. Thank you Rob. Is there anything else from my colleagues that they want to put forward? Nothing else? All right folks. Thank you very much. Thank you Rob, thank you Seth.

We have some work ahead of us. Thank you all for showing up on this. I have to run. Bye-bye.

((Crosstalk))

Seth Green: Thanks Rob. Bye-bye.

Robert Hoggarth: Yes. I'll call you Seth.

Seth Green: Okay. Thanks a lot Rob. Appreciate it.

Robert Hoggarth: Operator, you can stop the recording.

Coordinator: Thank you and I'll stop the recording.

Robert Hoggarth: Thank you very much. Bye.

Man: Bye.

END