

Transcript
GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference
19 September 2012 at 18:00 UTC

Note: The following is the output of transcribing from an audio recording of the GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference held on Wednesday 19 September 2012 at 1800 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/gns0/gns0-gac-ioc-20120919-en.mp3>

Attendees

Lanre Ajayi - Nominating Committee Appointee
Alan Greenberg – ALAC
Osvaldo Novao -ISPC
Chuck Gomes - RySG
Kiran Malancharuvil – IPC
David Heasley - IPC
Jim Bikoff – IPC
Stéphane Hankins – International Committee of the Red Cross
Debra Hughes – NCSG
J.Scott Evans – IPC
Mary Wong - NCSG
Gregory Shatan – IPC

Apology :

Jeff Neuman - Registry SG group leader
Wolfgang Kleinwachter – NCUC
Avri Doria – NCSG
Thomas Rickert - Nominating Committee Appointee
Brian Peck
Margie Milam

ICANN Staff
Berry Cobb
Nathalie Peregrine

Chuck Gomes: Thank you very much.

Nathalie Peregrine: Thanks very much Tonya.

Chuck Gomes: Okay, this is Chuck Gomes, hopefully everyone saw Jeff's notice that he was going to be in a meeting that he couldn't get out of during this call and Thomas was unable to be on the call, so he couldn't share. So you get me today as chair.

And hopefully this will go efficiently and I welcome everyone to the call. Let's do a quick roll call please.

Nathalie Peregrine: Of course. Good morning, good afternoon, good evening, this is the IOC call on the 19 of September 2012. On the call today we have Osvaldo Novoa, Lanre Ajayi, Stéphane Hankins, Chuck Gomes, Debra Hughes, Alan Greenberg, Jim Bikoff, Kiran Malancharuvil, David Heasley, J. Scott Evans and Mary Wong.

We have apologies from Jeff Neuman, Thomas Rickert, Avri Doria and Wolfgang Kleinwachter and from staff we have Berry Cobb and myself Nathalie Peregrine. I'd like to remind all parties again to please state their names before speaking for transcription purposes.

Thank you very much and over to you Chuck.

Chuck Gomes: Okay, thank you. I still haven't gotten into Adobe Connect but let's go ahead and proceed. I am - and people have to help me when people raise hands until I'm able to get in, terrible time to have technical problems when you're chairing a call.

So first of all hopefully everyone saw the agenda in advance, at least a little bit in advance of the meeting. Are there any suggestions for changes to the agenda or any questions on the agenda?

Okay hearing none, we'll go ahead and proceed then with the agenda as there. The first action item really on the agenda is clarification of the consensus call.

Does anyone have any questions about the consensus call that Jeff sent out or any suggested edits with regard to that consensus call?

And of course our objective here it to make sure that each of us that represent groups bigger than ourselves can get feedback from those groups before our call next week.

Any questions or suggested edits in that and again if somebody raises their hand somebody help me out please because I'm still not in Adobe connect.

Alan Greenberg: Chuck it's Alan, I have my hand up.

Chuck Gomes: Thanks Alan, go ahead.

Alan Greenberg: Okay, no other hands up at the moment by the way. My understanding of what we discussed for the first part is not what Jeff has. Jeff leads off with saying the first question is whether we all truly believe that a full PDP is necessary on the IOC Red Cross marks.

I for one believe that if the overall - if the larger IGO issue had not come up and the PDP process started on that, that this work group would have continued and made recommendations on IOC, Red Cross at the second level for the first round, which is all we were asked to do.

And you know whether we would have said don't do anything or reserve the names is moot, I think we would have made recommendations. So I agree that a PDP is necessary to address the longer term issue, that is for round two and past for the Red Cross.

But for the first round I don't believe a PDP would have been necessary. I know some people disagree with that. But - so I think what he has there is somewhat misrepresenting the situation.

You know I haven't tried to figure out how to craft a replacement sentence but I think what he has there does not represent my position anyway. And I'm not sure it represents the positions of everyone else on this group.

Chuck Gomes: Alan this is Chuck for the sake of clarity, for the group why don't you explain why you think a PDP would not have been necessary there?

Alan Greenberg: Well this group made a recommendation on the first level for round one for IOC and Red Cross and the GNSO council passed it on to the board.

The board chose not to act but that's moot. And I believe we were along the path to doing a second level recommendation and you know I think that would have gone through if the - I don't think we would have issued the PDP because there's a belief among some of us anyway that a PDP will not be done in time for the deployment for the first round.

And we were trying to get something that was going to be in place for that time. We already did issue a policy recommendation or at least a recommendation, be it implementation or policy at the first level.

And I think we were on the way to doing it at the second level without a PDP. Now a PDP on the larger issue of which IOC and Red Cross is a subset is likely to be initiated and we are conditioning our recommendation to our statement to here on that PDP being initiated.

But the first sentence implies that there is no way one could ever make a recommendation on the second level for the first round without a PDP and I for one don't believe that was the belief when this drafting team was chartered or tasked with making a recommendation.

We have (Kieran) and Jim joint hand up, I don't know which it is.

Chuck Gomes: I'm actually now in so I can see that, thank you though, I appreciate that.
(Kieran)?

Jim Bikoff: This is Jim actually, I just wanted to agree with what Alan's saying because I think two things, I think where we are at this point in the first round and since this is only for the first round, I would think a PDP would not be necessary.

Also I think folding this into an IGO PDP is really - could be an issue because there's been really no studies on the IGO yet and while that is a good subject for a PDP, I think with the RC IOC issues there have been at least three studies done.

And you know the board's unredacted paper says that basically have not discovered any other entities that satisfy the criteria that was given and that was given to outside counsel.

So I think there's really a difference between the IGO issue and the IOC RC issue.

Chuck Gomes: Thank you Jim. Now I know that there are people not on the call who would disagree that a PDP is not needed, but I'm not sure other than for the sake of clarifying that the consensus call wording that we need to debate whether one is needed or not.

Does anybody think it's valuable for us today to debate that?

Alan Greenberg: Only to the extent that I think a minor tweak in that sentence can be something we can all agree on.

Chuck Gomes: Right, and that's why I said except for the language, I understand that Alan. We're going to look - I'm going to go there next.

Alan Greenberg: But the point I wanted...

Chuck Gomes: Before we want to debate it, is there any need to debate it further before we look at the language?

Alan Greenberg: Okay, understood, thank you. No I don't think so.

Chuck Gomes: Okay. So then what Alan and I'll give you first shot, Jim you're welcome to jump in. How would you change the language in the consensus call questions?

Alan Greenberg: Well they - the wording there sort of is a mixture of what we plan to say plus Jeff asking us questions. So certainly the position I took at the last meeting which I thought the number one was reflecting was we believe a PDP is required to address the long term issue of IOC Red Cross protection.

Chuck Gomes: So that everybody follows, point out exactly where you're at in the consensus call.

Alan Greenberg: I'm talking about the paragraph that's numbered one.

Chuck Gomes: Okay, very good.

Alan Greenberg: That I believe and I think there is a general consensus if not unanimity that a PDP is required to address the IOC Red Cross issue in the longer term, that is post first round.

And that the number two that we're proposing is conditional on such a PDP being initiated by the GNSO. In other words we're not proposing what the outcome is going to be, we're not trying to debate whether Red Cross and IOC how they will - what they will be dealt with as another RGO or as a special case within that PDP.

But we're saying we are making a recommendation on the first round only and it is on the assumption that somebody is going to be looking at the second round.

That's not wording but that was the intent that I thought we were trying to put into the paragraph form.

Chuck Gomes: I understand that, can you suggest some wording changes?

Alan Greenberg: Well as I said I don't think it is currently worded as something we could send on to the GNSO, it's currently a question of the working group.

Chuck Gomes: And I think we can fix that.

Alan Greenberg: Chuck I think it can be fixed by adding in the long term before the period.

Chuck Gomes: Okay and that's what I was looking for, something specific there. I don't think we have to reword the whole thing on the call because I'm pretty sure and (Brian) are you going to - or Berry - who's going to take the - who on staff can take the pin on this for us?

Berry Cobb: Hi Chuck this is Berry, I'm backing (Brian) up for the next couple weeks so I'll be taking over and I can produce a first draft of this first paragraph here.

Chuck Gomes: Thanks a lot Berry, that's great, I very much appreciate that. And did you get the suggested change that - and I'll give everybody else a chance to comment but did you get the suggest change that Alan just mentioned?

Berry Cobb: Yes I did and just to make sure I get it correctly I'll go back and listen to the MP3 and make the edits appropriately and then send it out to the list.

Chuck Gomes: Thanks Berry, that's great. Let's go to Lanre.

Lanre Ajayi: Yes, I have a question about introducing the word on the long run into the statement. Because it has the potential of moving the needs to command the PDP and in an expedited manner.

The (unintelligible) to work on the PDP and to get it done quickly. But it's kind of seen as something that has to be done on the long run, then it will remove the needs to expedite action quick. So I don't really think the PDP should be done on the long run.

I think we can already agree that there should be a PDP but in the meantime we need to conserve - to reserve the (unintelligible) of - so with that PDP gets done and on the short or the long run, the name means (unintelligible) who are the period of the PDP.

So I'm just worried about the fashion of the word of long run in the description.

Chuck Gomes: Thank you Lanre, so if I understand you correctly is you're suggesting that we just recommend that a PDP be done in the manner that we're describing, not talking about long run or short run or not implying anything else other than that. Is that correct?

Lanre Ajayi: That's my thinking.

Chuck Gomes: No, that's good, I appreciate that so thank you. Let's go to Mary.

Mary Wong: Thanks Chuck. So this takes up a little bit on Lanre's comment in that I think Alan's suggested language while I understand the intent does then get into a little bit of the debate that you mentioned.

And as Lanre points out there are some that would want a pretty immediate near term PDP, others that would want a long term PDP. So two things, one is I put a comment in the Adobe Chat that asks Alan and I know I was going to hand up next whether is it clarified, the second sentence where it says most of the group believes that the PDP is (unintelligible).

So we added his name and anybody else who wanted to say that they didn't agree, wouldn't that answer his concern? And therefore instead of adding the long term phrase to the first sentence we clarify the second.

And the other thing that I wanted to bring up then is maybe at some point in our report that we consider distinguishing between those that favor a PDP in terms of total scope versus those that favor a PDP of narrower scope, as well as those that favor a PDP only for long run, second round issues and those that favor a full PDP commencing now.

That might give the GNSO council more insight into what exactly you're recommending. Thanks.

Chuck Gomes: Thank you Mary. Alan.

Alan Greenberg: Yes, to clarify minor wording I said long term not long run which I think has a slightly different connotation to me anyway. But what I was trying to get with that wording and I'm not tied to that wording is that number two is conditional on the GNSO initiating a PDP now.

So in other words if the GNSO votes no on this - on the current issue report or if they defer it for another two years then you know to use US political terms number two is not operational. I think - I'm saying that number two is conditional on a PDP being initiated now and I have no problem using words expedited or whatever.

But the PDP must be initiated and it must be you know such that there cannot be a second round until the PDP has completed. So that's the tone I was trying to get.

I'm certainly not tied to the words.

Chuck Gomes: Thank you Alan. Let's go to Jim.

Jim Bikoff: I was just going to say for - on Alan's wording maybe you could substitute something like for second and subsequent rounds.

Chuck Gomes: Well keep in mind though if I'm understanding correctly that it could still apply to the first round. It may or may not be in place at the beginning of the first round but the intent as I understand it is as soon as a policy recommendation has been approved by the board it would go into effect even in the first round.

Alan Greenberg: That was my intent, Alan speaking.

Chuck Gomes: Thank you Alan. Now (Greg).

(Greg): I want to take a step back because I think one of the problems here is that we're not actually talking about a PDP only on the IOC and Red Cross. Marks we're talking about a PDP, what we're actually recommending or acknowledging would happen is a PDP on IOC Red Cross names and any other IGOs and perhaps NGOs.

So that's - in a sense we're kind of debating something that isn't actually being proposed. And the question of whether a PDP would be necessary to create an IOC Red Cross right only in the first round only isn't even in front of us.

Or even the question of an IOC Red Cross PDP only for you know permanently isn't in front of us, it's what has now gotten conflated with the larger question.

And the question of whether a PDP might be necessary for all of those for that entire class of organization as opposed to just the two organizations we've been tasked to respond about.

You know is a different question, maybe have a different answer.

Chuck Gomes: Yeah and in fact I think we have to be careful about introducing new questions because we'll never get anything done and we're already under a time crunch. Now one comment (Greg), you mentioned NGOs. I don't think we've talked about NGOs at all in this group and again if we start expanding what the PDP covers I think we're going to get into a no win situation where we may get nothing done.

My understanding...

(Greg): I'm not necessarily suggesting expanding into those but I'm not even - to my mind I'm not sure if the Red Cross and Olympics organizations are properly classified as IGOs.

Chuck Gomes: Yeah and I'm not assuming that they are, okay, because I don't know the answer to that either, okay? It's a question I've had on my mind but it probably doesn't affect what we're doing right now directly anyway.

So my understanding is that the number one is to recommend a PDP be initiated as soon as possible, expedite it if possible to cover whether or not IOC Red Cross and IGO names should be given special treatment.

And that's kind of the extent of it, but does anybody disagree with me, am I off base there? Please let me know if I am.

Alan Greenberg: Chuck I don't think you need to include IGO to make our case there.

Chuck Gomes: Well isn't the intent though Alan that we would include Red Cross and IOC in the pending PDP for IGOs?

Alan Greenberg: The issue report certainly has so far, yes.

Chuck Gomes: Okay. Thank you. That's why I mentioned.

Alan Greenberg: Yeah I just don't think we need to mention that that is going to be the implication. But I don't think we need to make the case for it.

Chuck Gomes: But aren't we recommending that the IOC and Red Cross names be included in the possible PDP for IGOs?

Alan Greenberg: I think we are requiring that a PDP be done which includes IOC and Red Cross, whether it's a separate PDP or the same one, I don't think matters in our question.

Chuck Gomes: Okay, anybody in disagreement with that? I'm okay with that. Do you think it's useful to suggest that it could be included in the IGO PDP if that happens?

Man: Are you asking my assumption?

Chuck Gomes: I'm sorry, I missed that. Alan?

Alan Greenberg: Sorry, someone said it's been their assumption, I was asking whether you were asking me. My opinion is there's nothing we can do to stop that freight train at this point.

So I'm not sure it's worth discussing.

Chuck Gomes: Okay, all right. I'm just mainly trying to get down so that we have the wording. Now in my opinion, not seeing any hands up right now and it is just my opinion that the simpler and more straight forward we can keep this consensus call the better.

So some of in my opinions some of the wording there that talks about most of the groups say (Greg) and so forth, some of that could be provided as backup information but we should keep statement number one as simple as possible.

Which is to recommend that a PDP be done, be initiated as soon as possible and expeditiously if possible regarding the IOC Red Cross marks at the second level.

Do we need more than that in number one? No, okay so it sounds like there's nobody disagrees with that. Now that doesn't mean we can include some of the other information if we think it's useful or certainly all of us when we go back to our groups can include that kind of information as background material for that.

So go ahead I hear someone.

Alan Greenberg: Yeah it's Alan. I think the only part that's missing in what you just said and we can capture it somewhere in two instead of in one is that our recommendation two is built on the assumption that such a PDP will be initiated.

Chuck Gomes: Right.

Alan Greenberg: So they're not independent recommendations that we're making, the second is tied to the first one being accepted.

Chuck Gomes: And I think you made that point earlier by saying it should be conditional. So is anybody opposed to moving to item number two? Okay. Not hearing or seeing any hands up, let's go to number two and I think Alan already made the point that number two is obviously conditional upon number one happening.

We could very simply just say if recommendation one is approved.

Alan Greenberg: I would say on the condition that.

Chuck Gomes: That's fine, I'm perfectly comfortable with that, just trying to get it going. So on the condition that - go ahead and finish it Alan.

Alan Greenberg: Sorry, I assumed you had the rest of the sentence. I was just putting that instead of if.

Chuck Gomes: So on the condition that item one is approved.

Alan Greenberg: Yep.

Chuck Gomes: And then it goes on. Now is there any problem with the rest of wording in that paragraph understanding that I think we should keep it as simple as possible so that it's less confusing.

Lanre?

Lanre Ajayi: Yes, I'm just wondering is there a way of coupling the item number one from item number two. In other words not making item number two conditional to item number one.

Is it possible that the IOC (unintelligible) permission at least for the first run, is only the PDP comes negative. So in that case the item number two is not conditional to item number one.

Chuck Gomes: I understand you, it's Chuck again. If my understanding is correct of what this group has you know been talking about in the last few weeks in this regard is that it is conditional but I don't know if I'm right on that.

Let me go to some other comments and we'll come back to that because you raise a good question. By the way I think it is possible that we can separate the two and not make it conditional.

What I want to make sure is that's the direction we've been going so that we don't change directions now and we'll talk about that a little bit more Lanre so bear with us here.

Alan?

Alan Greenberg: Yeah I'm not sure if J. Scott is on the audio bridge but let me say this and perhaps we want to hear from him. My understanding of J. Scott's original proposal was we do not know what the PDP is going to do.

If the PDP ultimately protects these names then we have disadvantaged the IOC and the Red Cross by in the interim allowing all the names to be used or forcing them to do defensive registrations.

And therefore pending the output of the PDP recommendation or pending the recommendation of the PDP we want to temporarily protect the names so that no one is harmed by our lack of action at this point.

And therefore that - you can't do that unless you have some certainty that there is going to be a PDP ultimately making the longer term recommendation.

Chuck Gomes: I think you're correct on that Alan because some who have supported this compromised solution might not if it wasn't just a temporary solution and a PDP wasn't going to happen.

But again I don't know that we need to debate that now, let's go to (Greg) and then we'll get to J. Scott and let him weigh in because he's the originator of the compromise.

(Greg): It's (Greg) and I think that in terms of what - looking at 2A, here again we have a reference to the PDP covering IGOs, IOC, RC names and other international organizations so I think we need to decide what it is that we're actually - that we this group is recommending.

Is it - and what are we getting behind in terms of what's required if it's a PDP only on the IOC and Red Cross names versus a PDP on the larger group, whatever it may be.

You know I'm looking at the comments here, it seems that if it's - if we're saying and maybe this is going back to number one a bit, if we're saying that what we're recommending is a PDP that a PDP is necessary on the IOC and Red Cross names alone that Debra, myself, Alan and Jim would all disagree with that.

And I don't know if that's been the statement that most of the group agrees with it is so true anymore, and that affects what we're seeing here in 2A which is you know trying to decide what kind of PDP we're talking about.

Chuck Gomes: (Greg) let me ask a clarifying question on that if I can. What would you agree to in terms of this? You said you wouldn't agree to a PDP just on the IOC and Red Cross names.

But I had the impression that there was some level of support for the - for a PDP involving IGOs and Red Cross IOC names.

(Greg): No, that's correct so what I'm saying is that there is a difference, you know in terms of our focus and scope whether we have a consensus or are nearer to a consensus depends on what PDP is being recommended and whether it's implicitly stating that even that a PDP would be required even to put in place, protections even for the first round.

Or if by stating that we'll agree to the moratorium reservation block, whatever you want to call it, we're kind of implicitly stating it wouldn't be necessary for the first round, at least in terms of you know implementation and protecting the - making the outcome of the PDP relevant.

Chuck Gomes: Thanks, so that goes back to Alan's suggestion that we just say a PDP for IOC Red Cross names, sounds like that would - we would lose some support if we did that. Did I translate that correctly?

(Greg): I think that's right, especially if we're saying that it's required even for action on the first round.

Chuck Gomes: Thank you. Okay. J. Scott?

J. Scott Evans: You know my - Alan captured most of everything that was the impetus for my bringing this forward. The one thing I want to say is the harm Chuck I see that could occur is not just to the entities the IOC and the RC, but to registrars, registries and everybody who would have to deal with the fall out of reclaiming those names if the PDP determined they ought to be protected.

That's just an administrative nightmare so it seems to me it's much more efficient to hold those names back for a time until - because I don't think anyone's harmed if they're - I don't think that it would be as administratively

difficult to release names back into a pool than it is to try to contractually reclaim names after they've already been sold.

Chuck Gomes: Thanks J. Scott, I'm going to ask another question of you there, going back to both what Lanre said and what - and Alan's suggestion with regard to number two being conditional on number one.

Do you think that number two should be conditional on number one or was your intent a little bit different than that?

J. Scott Evans: So my intent was for it to be conditional. In other words there wouldn't be a PDP unless we did two.

Chuck Gomes: Okay, so the conditional part of it is critical in terms of what you suggest, that's important to clarify, thank you for that. Alan?

Alan Greenberg: Yeah, I put myself back in the loop to answer the original question I thought you asked, is about is there anything else in the wording of two that we have a problem with?

Chuck Gomes: Let's hold that just for a minute, let's make sure we answer the question on conditional. But I'll come right back to you once I get that resolved.

Because I think the answer is yes there are, I'm seeing things myself, so - but we'll come to that, okay? So Lanre back to your comment, I think that the intent of the original compromise as J. Scott just shared with us was to make it conditional.

And if we don't make it conditional support for even number one may go away. So are you comfortable with proceeding with it being conditional Lanre?

Lanre Ajayi: Yeah, if we record that the primary original mandate of the plan was called IOC RC/RC. The issue of the IGO came in midway and it would be easier on the IGO that is promoting the concept of the PDP.

So I thought we quoted up the issue to address the issue of IOC RC/RC, point one, another part addressed the issue of the IGO dot (king) letter and that is almost wondering if that's a smart way of separating the two.

Would that limit one condition after the other, so my thought is that we could recommend that the IOC RC/RC may be at least during the first two months, where the PDP commences for the IGO and the other entities.

So in that case the PDP is not conditional. The (unintelligible) of the names of IOC and it's not conditional to the PDP. The PDP we go on, if it turns out that it's not (unintelligible) that condition and if the IOC RC/RC will be able to enter it with the condition for the first trends.

And the PDP we address possibly subsequent rounds. That's my thinking, I don't know if it fits.

Alan Greenberg: It's Alan, I have a comment on that.

Chuck Gomes: Okay go ahead, I'll let you go first Alan then I'll respond.

Alan Greenberg: Okay, I disagree completely and I'll just tell you why. Number one if you look at the middle of the first paragraph of number two, the Paragraph A it says - they're talking about pending the results of the PDP.

If there isn't a PDP that sentence doesn't parse, it makes no sense. Second of all, on the question of whether a PDP was required to definitively and forever address the issue of the Red Cross and IOC in the first round, I do not believe it was.

I believe this drafting group was chartered to come up with that question, to answer that question. And I believe we have the rights to and the GNSO seemed to think we have the rights to do it.

On the other hand I don't believe we ever would have come to closure. The compromise that J. Scott proposed allowed us to take some of the people who said I don't want to reserve those names and say yeah, I can reserve them on the interim pending a full scale real investigation by a PDP.

Certainly at large probably would have come down on the other side, I mean we don't have a decision on the consensus call yet but I think we're going to. So I don't believe a PDP was legally required for the first round to completely finish and cast it in concrete.

But I don't think this group would have ever come to closure on that and satisfied everyone or almost everyone with any answer which is what we're close to with the proposal that J. Scott made which presumed the PDP and therefore we're only looking at a short term solution.

Chuck Gomes: Thank you Alan and by the way, what my response was going to be very similar to what you said in the last part. Lanre I believe that if - what you suggested is a possibility.

But I believe it takes us backwards and that we would lose support for the compromise from several different sources and probably for even different reasons if we separate those two and don't make it conditional.

So my recommendation was - is that we do make it conditional so that we don't reduce our support for a position that we may be able to make - recommend to the council.

Does that make sense Lanre?

Lanre Ajayi: No, it does, it does. Because the key word here is compromise. If people are not going to support that thinking of separate names, then there's no point.

We need to reach a compromise to more follow up so if we're making it conditional, that's a compromise, why not? But I just thought Chuck is especially focused on the IOC RC/RC and not on the IGO came in much later.

So I thought pressure should be more focused on what we are (unintelligible) we should not make the PDP which came as a result of the IGO introduction, the condition to the RC/RC.

But it's not going - they are separate but budget going forward - sorry.

Chuck Gomes: No need to apologize it was a good point to bring up so I thank you for that. Alan is your hand still up?

Alan Greenberg: Yeah it's up for partially on this and partially on the original question. On this one I will argue that in the second paragraph as in the first we don't need to mention the IGO.

Our concern is that in the longer term a PDP tells us whether the IOC and the Red Cross deserve protection. If that PDP happens to be addressing 50,000 other IGOs also, it's fine.

Our concern is if the GNSO were to approve a PDP for all IGOs but explicitly exclude the Red Cross and the IOC from the discussion it would not satisfy our needs in this case.

So our concern is not that a PDP on the IOC Red Cross be initiated but that a PDP be initiated which includes the IOC and Red Cross.

Chuck Gomes: Thank you Alan, now (Greg) before I turn it over to you, would Alan's approach work for you and Jim if you want to respond or if Debra if you want to respond you can.

If we don't mention the IGOs in that and maybe it will depend on the exact wording but if you could respond to that in addition to whatever you had your hand raised for.

(Greg): Sure if I understand it correctly the question in terms of agreeing to a compromise, I think if the compromise is that we agree to a combination of a temporary or if I would agree to a temporary reservation at the first level while a PDP takes place.

Whatever that PDP may be I think you know that's something we can live with, I could also live with a temporary reservation without a PDP.

And I don't necessarily as you know agree that a PDP would be required just for the IOC and Red Cross at least at the first - for the first round.

I'm not sure if that answers the question.

Chuck Gomes: No, I think it does, now did you have something else you wanted to say?

(Greg): Yeah, I guess you know and maybe it's obviously too early to count noses, but you know one of the points of this compromise is to try to get as many people on board or as close to consensus as possible.

But I think there - if I'm reading the record right there is at least - there are at least some who would not agree to this consensus, in other words that they would not agree that there would be - they would not agree to a block under any circumstances.

Chuck Gomes: Right, and we know that because one stakeholder group has already communicated that. And so you are correct in that. But thanks for answering that, the question.

Jim or Debra, do you want - would you be okay with what Alan suggested of just mentioning the Red Cross IOC in one and two and not mentioning IGOs?

Jim Bikoff: Yeah, I agree with what (Greg) said, I think we don't think a PDP is necessary for the first round, at least and if there's going to be a PDP I think we can live with you know as (Greg) had said with the - either approach.

Chuck Gomes: Thank you Jim, I appreciate that. Debra anything to add?

Debra Hughes: No, I would concur and thanks for (Greg)'s comments.

Chuck Gomes: Thank you, okay. So now is there - so what I'm understanding right now unless somebody else speaks up is that we would follow - number two would be conditional on the condition that I think was the wording.

And that we would not mention IGOs in this, it could very well happen and I would predict that it would because it would be the most efficient way to do it, that if a PDP is initiated, it would be initiated on both IGOs and Red Cross international Olympic committee names.

So if no one speaks up I'm going to assume that we'll go with Alan's suggestion there. Here's your opportunity, either speak up or raise your hand. (Greg)?

(Greg): I guess maybe I'm thinking further through what I said before, but if the consensus - if we're not going to get agreement on A, or on the moratorium and you know thinking further what Lanre was suggesting, aside from Alan who do we lose if it's not conditional?

Chuck Gomes: Well I think there's a possibility of the - even - and I'm taking my chair hat off for a moment, the registry stakeholder group definitely felt that a PDP was the ideal way to go.

And if a PDP is not going to happen I will have to go back to the registries and see whether they're willing to do a moratorium without the understanding that a PDP would happen.

So I can only speak for the registry stakeholder group right now. I see another hand up so let's go to Mary.

Mary Wong: Thanks Chuck, actually this is really, really minor and it's a personal comment, not an NCSG or NCUC comment, it's just that maybe it's because I'm a law professor.

But what conditions, makes me nervous so I just want to suggest an alternative to say something like on the assumption that. It's not critical, I don't have a strong feeling either way but I wanted to suggest it.

Chuck Gomes: Alan would you be okay with that?

Alan Greenberg: Meets my criteria.

Chuck Gomes: Does anybody else want to comment in terms of (Greg)'s question about what support might be lost if it's not conditional?

Alan Greenberg: Chuck it's Alan, I'm not sure what the term moratorium means if there's nothing that is ever going to be scheduled to say when the moratorium ends.

Chuck Gomes: Well I think the - and correct me if I'm wrong, anyone, but I think it would be a moratorium for the first round period.

Alan Greenberg: Then if you're now saying it's for the first round period, I think that breaks the compromise.

Chuck Gomes: Yes and that is what I kind of thought.

Man: And we are going to have to go back to scratch and we now get back into a mode and I am not sure this group will come to a closure on a recommendation. If it was first round forever and ever amen.

Chuck Gomes: And speaking for the registries not as chair right now I think it is - that is similar to what I was thinking. Greg does that help in terms of your questions.

Greg: Yes

Chuck Gomes: Okay, thanks by the way I really compliment everyone for really trying to look for a compromise that we can all support. Not that we - not the perfect compromise that we would love to have so thanks for a lot for the good cooperation here.

If there are no objections here what I would like to do is go to other elements of number two that might need to be fixed. And just to get it rolling I think we need to eliminate another international organizations. Because that opens the door to making the PDP go a lot longer. But that is my personal okay. Accept that as a personal opinion not as a chair opinion if that is realistic.

Anybody disagree with that, that we should delete other international organizations.

Man: Chuck I support that and my preference would be to say - the PDP covering IOC Red Cross names and parenthetically we can add which the GNSO can decide as a subset what the PDP covers, you know. Our need is for the compromise is that someone will come down the road in the longer term that is past this week past January and say if they really deserve protection in the

first round. If they also pass judgment on other organizations at the same time that is nice, it tidies it up so be it.

Chuck Gomes: But, thank you.

Man: Our concern I think is with - is just IOC and Red Cross even if it is a subset of what it is you have ultimately considered.

Chuck Gomes: Okay and Greg is your hand still up?

Greg: No it is a (residual) hand.

Chuck Gomes: Okay that is not a problem we all do it. Mary?

Mary Wong: Thanks Chuck I am thinking it through and I think I go what Alan said and maybe something along the line of what he suggested. Basically, it is throwing it to the GNSO or the GNSO council would be acceptable. The reason I am speaking that is because you all know that the NCSG has stakeholder groups has a number of members from a new constituency that was very concerned about the (IGO) issue and they a broadly, you know, an international organization. So I am hesitant to say that we will go with the suggested change made by Chuck but I think that with some since that okay it is up to the GNSO put in there that would be more acceptable to our membership.

Chuck Gomes: Can you just repeat that last part, Mary please?

Mary Wong: If I heard Alan correct I mean I agree others need of group set up to discuss the IOC (ROC) issue but given development and also given the role of the GNSO council I think rather than go with your suggestion to delete. That we add a phrase along the line that the GNSO council made determine or something like that.

Chuck Gomes: Yes I would be okay with that. I just didn't want to see other international organizations in there because that opens the door really wide.

Man: What Chuck is telling - what we don't want to do is try to require that the GNSO do that. GNSO is going to have to make their own decisions.

Chuck Gomes: Right.

Mary Wong: And this is Mary again and I think, you know, NCSG would accept that it. If it was a full on delete I think it would be more problematic explaining it to our membership.

Chuck Gomes: I appreciate that suggestion. Berry are you with us still? Of course you got the MP3 but are you okay so far.

Berry Cobb: Yes I am.

Chuck Gomes: Good thanks. Lanre?

Lanre Ajayi: (Yes in the proposed on the for the kikat It is - indicate that it is in priority. Does that mean it is made for IOC ROC for this call or maybe moratorium might indicate from the for the catch?)

Chuck Gomes: I am not sure. Can you make that point again because I am not sure - I don't think I got it fully?

Lanre Ajayi: Okay what I am saying is that we could start to a moratorium for IOC (Ashley Ashley) and that is not been indicated in (2P) that is proposed communication for the GAC. (Unintelligible) Do you understand what I am saying now?

Chuck Gomes: I do

Lanre Ajayi: So I sense on what we want to communicate to the GAC. And none of that of the four items includes the simple establishment of the IOC (Ashley Ashley) names that would propose.

Chuck Gomes: So what you are suggesting is that we should also communicate to the GAC assuming that we decide to recommend this as a discussion group. That the moratorium part. Another words two A.

Man: The substance of A should be in B.

Lanre Ajayi: Yes of course

Chuck Gomes: Yes think that makes sense. Does anybody agree with that?

Man: It is a good catch.

Chuck Gomes: Good, very good catch Lanre, thank you. Alan did you have your - still have your hand up?

Alan Greenberg: I still have my hand for the original question you asked an hour ago.

Chuck Gomes: And that's what? Which one? I forgot I have asked a bunch.

Alan Greenberg: That is do we want to bring up any other issues other than the linkage with the PDP in part number 2? Let me put it on the table and you can defer discussion if...

Chuck Gomes: And I thought I already raised that when I started talking about other international originations...

Alan Greenberg: You do.

Chuck Gomes: ...but absolutely now is the time.

Alan Greenberg: Okay I just want to make the case I made it email. It is not a show stopper for me but I would really prefer to say treat them temporarily as reserve names as opposed to inventing a new term. Which I find ICANN has enough new terms we already have words in the English language that will allow us to say it is not forever and ever and simply call them reserve names. Because that is the way they are going to have to be treated by the registries and registrars.

Chuck Gomes: I will open it up to discussion on that.

Alan Greenberg: Okay.

Chuck Gomes: There has been discussion on the list by those...

Alan Greenberg: It is not a show stopper but I really think we can make it clear to everyone that this is not permanent without inventing a new name. Thank you.

Chuck Gomes: Thank you Alan and I did see your post on the list; I also saw a post by Thomas?

Alan Greenberg: Thomas, yes.

Chuck Gomes: That really took the opposite position. So myself personally I could probably live with either one. Jim?

James Prendergast: Yes I just wanted to refer back to the board resolution of September Thirteenth which does say that in their resolution that their names would be included on a reserve names list applicable to all GTLE registries approved in the first round. So I think rather than using a word that is a new one - that is not defined. I would think you would want to stick to a list of reserve names ineligible for registration at the second level.

Chuck Gomes: So Alan what your suggesting then is recommend a temporary reservation be placed. Is that correct?

Alan Greenberg: Well yes we have to word it such that, I mean Jeff's concern to what my suggestion was to take them out of the reserve list would require our step or new policy procedures. I think we can put them into the reserve list with a time out, you know, that this reservation is only until we have a permanent recommendation for the PDP and we don't need to go through our step procedures or the PDP's to take them out. So I think we can come up with words that satisfy that...

Chuck Gomes: Okay and then again...

Alan Greenberg: ...and therefore not invent a new word.

Chuck Gomes: ...for the sake of time, you know, we already know that there is some disagreement in our group on that but rather than trying to spend to much time trying to resolve it here with people absent anyway. I will come back and ask if anybody would object to that change in language right now. And - but first lets go to Greg.

Greg: I was just saying I think it echoes my earlier comment emails. That we should take the reserve, use the reserve names and put a definition on it as to what that time frame would be. Rather it is for the first round or until the resolution of the PDP or whatever it may be. Rather than, you know, thinking that we need to go through all of the rig or more that otherwise would be needed to take a name like ICANN out of the reserve names.

Chuck Gomes: Does anyone object to that approach? Basically the approach Greg just talked about and that Alan suggested and that Jim supported. Okay not hearing any objections and as temporary chair let's use that language. Berry you are with us still in terms of what was just suggested and agreed to?

Berry Cob: I am just curious and you will have to forgive my ignorance with how EPP works. If the IOC RC names were not included on the official reserves name list but they are temporarily in the moratorium or whatever language we want to use. How exactly will the registries reserve those names? Are they registered by the registry? You know, what is the mechanism that prevents them from being registered to begin with? And maybe we can find language around that.

Chuck Gomes: Sure, the - I am not an operational or technical person for VeriSign but I am quite confident that we would reserve them until such time they were, you know, we would have the reserve list so they would be reserved whether it is called moratorium or reserve. And if they were ever removed we would just change the list. Jim? Jim you have your hand raised?

Jim Prendergast: Yes I am sorry I was off on mute. I wanted to just suggest some language for that. A list of reserve names temporarily ineligible for registration at the second level during the first round pending resolution of a PDP.

Chuck Gomes: Any objections to that? Sounded pretty good to me.

Man: Remember by the time the board approves this kind of recommendation, the PDP will have been initiated and it will have a name and things like that.

Chuck Gomes: Yes okay. All right let's... Oh Lanre?

Lanre Ajayi: Yes I just think we shouldn't put out so quickly names, I think calling it temporary reserve names of corporate it needs to be or that would cause confusion. If you start introducing new names it would miss some opportunity by new people. Everybody already accept the word reserve names and in this particular case it has been qualified as a temporary one. I want to believe that is appropriate.

Chuck Gomes: So you support using the reservation term or reserve term like other subset?
Is that what I just heard?

Lanre Ajayi: Yes

Chuck Gomes: Okay thank you and you were okay with Jim's language because it basically said that?

Lanre Ajayi: Yes

Chuck Gomes: Okay thank you very good. Any other changes in two A that you think we should make? I have one but I will give other people a chance first.

Okay I think that we don't - again for the purpose of keeping it simple and straight forward - I don't think we need the note at the end regarding the board motion. That is okay for us to all communicate in terms of rationale with our groups and so forth but I don't think that. Does anybody disagree with that?

Alan Greenberg: Chuck it is Alan, I don't disagree but I think there is other language that surrounds it, you know, again that is does not need to be in what we are recommending to the GNSO.

Chuck Gomes: Go ahead let's have it.

Alan Greenberg: You know the fact that J. Scott put the proposal for instance and it was endorsed by the registrant constituency was information to us in trying to get results, you know, in trying to get satisfied the consensus call and pass information on to our groups. I don't think it necessarily needs to be in what we are recommending to the....

Chuck Gomes: Okay I am trying to find where that is

((Crosstalk))

Alan Greenberg: dialog

Chuck Gomes: Where is that Alan?

Alan Greenberg: Sentence number one as it reads on the screen says the second consensus call is a proposal put forth by J. Scott and endorsed by the registrant.

Chuck Gomes: Oh, I didn't even look at that. Okay good.

Alan Greenberg: So there is a bunch of verbiage in the whole thing including paragraph one that is Jeff's dialog to us in putting forward the consensus call.

Chuck Gomes: So we can just say two A and go right to A.

Alan Greenberg: Yes much of that would have to be cleaned up.

Chuck Gomes: Okay yes good suggestion any objections on that? Okay anything else on two A? Going to two B. Now two B is really the process that we want to follow with the GAC and we would want to do this right away. So the - and of course the council has to bless it. Any suggestions on two B?

Man: There is line raise that we add a zero which communicates two A.

Chuck Gomes: Right in other words B one there needs to include the temporary reservation. Agreed, anything else?

Alan Greenberg: Chuck in two A, the sentence that reads this would provide a back stop if the PDP does not finish on time would eliminate the argument that GNSO is not choosing its approach as avoiding the issue does not belong in our formal communication.

Chuck Gomes: Right, yes okay. Well okay do you think we should eliminate that sentence in terms of the consensus call statement?

Alan Greenberg: Well it doesn't need to be eliminated in the call for consensus but it does not have a place in assuming we end up having consensus. That is the majority not necessarily in unanimity agree with it. That part should not be in what we pass on to the GNSO in the formal statement. It could be in the dialog around it.

Chuck Gomes: Okay

Alan Greenberg: Ultimately our recommendation is going to be approved by the GNSO and then go onto the board. As long as we understand we are not crafting the recommendation to the board here but are trying to get consensus on the direction we are going I think what we have is fine.

Chuck Gomes: Okay thank you. Anything else on two B, anyone of those elements? Okay.

Greg: This is Greg I have go my hand up.

Chuck Gomes: Notices that to okay Greg?

Greg: Sorry, I guess in B one or are we putting aside what B zero might be that is now A. Communicating that the GNSO recommends a PDP on IGO names, IOC RC names, is that part of what our consensus is? That we are actually recommending that the GNSO recommend the PDP, is that what (unintelligible) we are saying.

Chuck Gomes: Yes that is a discussion group is recommending a PDP and we need to delete IGO consistent with what we decided earlier. On IOC RC names and of course any other international organizations, that all needs to be cleaned up like we discussed. But we need to add to that the fact that we are also

recommending a temporary reservation of the names of the IOC Red Cross names.

Greg: I guess the question then is are we going to acknowledge in this that you know if it occurs can and should be linked to a PDP on IDGO names?

Chuck Gomes: Well that is what we previously discussed and I was trying to get a handle on and I thought we had agreed with Alan's suggestion that for this sake here that it just mentioned IOC Red Cross names. Understanding of course that the GNSO council could decide to incorporate that PDP with the one for IGO names. So now are you having second thoughts on that or did you maybe not understand before?

Greg: Well no perhaps what I think we should say that we would recommend that if a PDP is commenced on IGO names that this should be part of that PDP or do we just leave it to them to decide that it would be incredibly inefficient to do otherwise.

Chuck Gomes: I think that is - I won't put words into Alan's mouth - well I guess I will but he can correct me. I thought that is what he is suggestion is that we don't need to tell them that. That they will you know make that decision and of course he is on the council and kind of course suggest that they submit them. Yes Alan do you want to respond?

Alan Greenberg: Yes I will respond quickly. Number one we have an issue report on the wider thing that includes the Red Cross and IOC. I find it hard to believe the GNSO would charter a PDP and say look at all IGO's but don't look at Red Cross and IOC. Should they be foolish enough to try and do that our job is to make sure can't do that and I cannot believe they are going to charter a separate one to look at IOC and Red Cross in parallel with one.

Chuck Gomes: I understand that so is there any harm in doing what Greg is suggesting?

Alan Greenberg: I don't think so.

Chuck Gomes: Okay.

Alan Greenberg: If I got it correctly.

Chuck Gomes: So in other words Greg why don't you suggest - make your suggestion again please.

Greg: Just suggest that we add something along the lines that you know we recommend if a PDP is commenced or approved for IGO names that this be combined with the PDP on the IOC Red Cross names.

Chuck Gomes: Is there any objection to that? And I don't think that goes in B in section B. It goes up in number one right?

Man: Yes

Chuck Gomes: Yes okay. I am sorry for going over but we - I will try and press forward really fast. Obviously we are under time crunch because we all need to come back with our group's position on this before our meeting next week or at the latest in that meeting. So and hopefully...

Stephane Van Gelder: Excuse me. I just want - this is (Stephane Van Gelder). I just want to - I think this notion of how we reflect what is being referred to as being the combination. I think this is an important question. You know that if there is you know a PDP initiated on the Red Cross IOC names you know would be combined with - I think we have to be a little bit careful with that. I think as we made clear before at least with regards to the Red Cross Red Crescent names the protection does not result and I am not going to repeat again, but it does not result primarily from the affiliation with an organization so I think we need to find a wording which you know would maintain you know these

are not issues that necessarily are identical or anything like that. I think that's important I think.

I have another comment which I have not made in this discussion but of course in the way we the GNSO will represent and make its recommendation I mean there was a previous recommendation I know it was a first level domain names but there was a previous recommendation that was made so I am wondering what the reaction will be. In the first one we considered that the names were you know deserved reservation at the first level and now you know we are going towards the PDP. I just want to raise to my mind that is a bit of an issue especially when the recommendation was made for first level back in the spring. And then there was other elements involved, it wasn't just a recommendation. It was also you know touching upon the ability notably for the components of the you know Red Cross Red Crescent movement themselves to have an exemption from the prohibition on registration and so on and so forth. So I just wanted to make that point,

And I have a third point which is I would appreciate if could clarify where what I understand what is final issues to report prepared by the SOF is and what is the relationship between that work and you know the future PDP development.

Chuck Gomes: Thanks Stephane, let me go backwards here regarding the last point of clarification. The issue is really to report this thing repaired is regarding PDP regarding IGO's. If we make a recommendation that Red Cross IOC names need to be included in that it would need to be a modification of the issues report to include that if that is the direction the council decided to go.

Stephane Van Gelder: Yes

Chuck Gomes: Now with regard to the first level. Keep in mind that the board already took action on the first level. We were trying to - I didn't see what we did so much

what we as recommending policy as recommending improvement for what the board already put in place for the first round.

Stephane Van Gelder: Yes

Chuck Gomes: And I admit I forgot your second point, your question.

Alan Greenberg: Its Alan I have that one and I have an answer.

Chuck Gomes: Go ahead Alan and I will put you ahead of Jim.

Alan Greenberg: Yes first of all to agree with you. We did not make a recommendation that Red Cross or IOC deserve protection at the first level we said since the board has already said they deserve it, let's refine it and make it consistent with other types of protection.

Stephane Van Gelder: Yes

Alan Greenberg: With regard to the other thing however that was mentioned. I do think we have a gap here that we have to fix. All though these are reserve names we probably want an escape hatch that let the organizations themselves register them.

Chuck Gomes: Well we talked about that in a previous call...

Alan Greenberg: Oh okay.

Chuck Gomes: ...and my recollection is that we were going to try at this time to keep it as simple as possible. Correct me if my memory is wrong so I thought that we elected not to go down that path.

Alan Greenberg: I must have missed that call and if the two organizations are happy you know for instance not being able to register for instance not being able to register

(olympiadd.sport) or redcross.charity. I am not going to make the case for them. I presume that it was something that was just forgot, if that was already discussed I am going to back out.

Chuck Gomes: Well let's go right to Jim.

Jim: I think there should be an exception I thought we had discussed but I can't remember whether there was a consensus on it or not. I will have to check back on it. I certainly think there ought to be that kind of exception. The other thing is on - the other point raised by Stephane. I was trying to say before there are differences between the IGO issues and the IOC Red Cross issues and I think that maybe the wording should be that if the PDP is approved that the IOC RC issue should be a subset or a separate part of the PDP so that the two are not intertwine because there certainly has not been any research on the issues of IGO's.

Chuck Gomes: Thank you

Stephane Van Gelder: I would agree with that.

Chuck Gomes: My assessment there that, that should be dealt with in the PDP and that is an appropriate issue to be dealt with in the PDP and in fact it could be added to the ultimate charter that once the issues report comes out and the GNSO Council approves a PDP the next step is to develop a charter and that would be great input for the charter.

Jim: But wouldn't it make sense Chuck to have the GNSO recommend that they be treated separately because of difference in the issues and what has been done today. Since the IOC RC issues has been pending for several years while the IGO issues are new and have not been looked at by anybody. And to mix them in I think would be confusing and not really helpful to either side.

Chuck Gomes: Well I think the more appropriate place to handle that is in the charter and in the PDP itself. But if everybody things that should happen we can add it here. Let me tell you my concern. Purely practical we are within a week of needing everybody to get back to us on the consensus statement and the more we add the more we are reducing our chances of the short time frame. Because that can be handled later I would suggest that we do that and increase our chances of finishing our task that you know this consensus statement needs to go out today or tomorrow at the latest. Hopefully some of us are already getting feedback from our groups so that it won't be a new issue once they see the final wording but that is my recommendation but I am listening. Alan?

Alan Greenberg: Yes just a comment on Red Cross and IOC were here before IGO's for those who don't have as long as history as some of us. The IGO issue all though not this exact one was raised in 2007, the GNSO and staff did a huge amount of work on it and decided to put it aside because it wasn't important right now and the new GTLD process would address it. It didn't so a lot of these things have history to come back and bite us. The point being had - to be taken is these are different than normal IGO's but I think we have to presume that all these people are going to be involved in that charter discussion and that PDP and no one will be able to ignore that. So I don't think we can give advice to the GNSO on that level of detail at this time.

Chuck Gomes: And by the way Stephane and Jim another avenue is to work through the groups and the stakeholder groups and constituency as the Council considers this to get the point in about the separation of the two. So there is several avenues about which you can approach that and I think it is a really valid point. I am just trying to keep this one issue as simple as possible to maximize our chances or wrapping this up and getting this to the Council or getting it out for public comment. And by the way we are going to have a public comment period after - if we get a reasonable level of support for these recommendations there will be a public comment period and that is another avenue to make the points you are addressing. Good points by the way. Okay Greg?

Greg: I was just going to say though that if we are going to get bogged down on this point we may be better just to take out the reference to the IGO PDP entirely.

Chuck Gomes: Well I think - we can. I think the reference to it is pretty safe as long as the rest of you are comfortable that we can deal with the issue of separating the two in several forums going forward. In GNSO Council, Public Comment period, and ultimately the charter and the working group itself. And now very quickly and thanks for your patience and all.

This is really time sensitive as to why I am pressing ahead. Looking at the agenda very quickly the next step, we can continue to talk about this on the list. The process for going forward we have to finalize our recommendations for the GNSO Council. I think we have made some progress on that today. That will still have to happen and I think staff will work with Jeff and the rest of us in terms of finalizing that communications. Question for Berry, how quickly can you refine the consensus the call for consensus language based on what we said today? And by the way I suggest that we don't wait for input for those who are not on the call because if we do we just lost our week. They can comment on that the final language that we communicate to the Council if we do can be changed at that point. So don't think that the language is done but - Berry is it possible to turn around the language by tomorrow?

Berry Cobb: This is Berry, I will get the next version by tonight so that it is in everybody's inbox in the morning and I would just like to ask one quick clarification questions. So the way - my take away from this is that within the recommendations we are removing any acknowledgement or recognition that a pending PDP on IGO's are going to occur but I would maybe suggest what we may be do with a foot note for recommendation one is that this drafting team recognizes that there may be a PDP initiated on IGO's and that the GNSO Council should consider that when considering a PDP on IGO RC RC.

Chuck Gomes: In fact I thought we had agreed to that. You added some nice language but my understanding based on I think it was Greg's suggestion that we were going to put that in there that we think it is smart to combine the two if the other one should happen.

Berry Cobb: Right well I think Jims last statement had said maybe it would be better if we just remove reference to it all together. So I...

Man: No I think Greg actually.

Chuck Gomes: I think

Berry Cobb: No I am sorry Greg my bad. So and I think that is workable but like what I am suggesting is that it just be a foot note outside the recommendation that this drafting team acknowledges that, that is going on. And then that would be good enough.

Chuck Gomes: That sounds fine to me, any objections to that. Okay good. Thanks a lot and thanks for turning it around so quickly. And please send this out to your groups immediately as soon as you see it so that we can have our - our meeting next week really needs to have consensus - to see enough consensus to put this forward to our Council. Like what is pointed out on our list, minority statements are always welcome and should be included whether it be from an individual or a group. So that is definitely possible. The - I think everyone knows the deadline so it's got to be by our meeting next week. We need to make the call.

The next steps on action items, I talked about finalizing the recommendation, then they will be posted for public comment before they Council actually acts on it. I don't know how long for public comments. I think it has to be a minimum of 21 days we can talk about that on the list in terms of what our opinion is. And then I assume Berry someone from staff will post them when we get to that point.

Please be responsive on the list in the next couple weeks because quicker turn around we get and edits or anything that needs to be made the quicker we can get it posted for public comments if and when we get to that point. There will be a session as Jeff noted I think in an email that staff is working on in Toronto and so that is already underway. We are not going to have time to discuss the board motion we can do that on the list further if people want to do that. Because I don't want to take anymore of your time and please remember in the minute, do we have minutes for this group? I don't think we do, do we?

((Crosstalk))

Berry Cobb: No we just MP3 and transcript.

Chuck Gomes: Okay how Berry, do you think we can incorporate, well can we add to the transcript the email statement? There are two email statements from Avri that she asked to be incorporated. Can we add those to the transcript? Does anyone object to that? And note that they are from email because she couldn't attend the meeting.

Berry Cobb: This is the Berry. I can quickly read off these three paragraphs and close out the meeting without anybody else attending or staying online if you wish.

Chuck Gomes: Oh there are actually two different emails. There is an original email that she had asked to be included that one is real clear. And then she responded with some questions I asked and what I understood her to say is that it would be good if her clarification to my questions were included as well. And I can stay on if you want me Berry, in regard. Anyone else is welcome to stay on if they want to. Is there anything else any other business that we need to take care of today?

Okay everybody thanks a lot sorry for such a long call but it was very productive in my opinion so I really appreciate all the great contributions.

Group: Okay thanks bye

Chuck Gomes: Okay Berry.

Berry Cobb: Chuck I think I am responding to the email that was sent at nine o' six, which was the response by Avri. Where she...

Chuck Gomes: Yes bare with me a second let's see where do I have that one. I think I have that up. Let's see I am looking at the later one Let me go down a bit. Nine O' Six eastern time, is that what it was?

Berry Cobb: Correct

Chuck Gomes: Or are you on. Okay.

Berry Cobb: I am on west coast so it is six o six my time.

Chuck Gomes: I have a quicker way to get to all this so let me just sort them by Avri. Okay come on. Here we go nine o six oh yeah I had nine o nine and we are only three minutes off.

Berry Cobb: Okay so I will just read that off then?

Chuck Gomes: Okay that would be fine and you don't need to do that while I am on do you?

Berry Cobb: No and then the second one is where she BCC'd the NCSG and then I will read that one into the record?

Chuck Gomes: Yes and that is the one where she was responding to my questions. Is that good?

Berry Cobb: Yes.

Chuck Gomes: Thanks a lot you were a great help today I really appreciate it.

Berry Cobb: Well we will see when I give you the next draft...

Chuck Gomes: I am confident it will be good and if we have some little mistakes we have still have to correct those but we really need to get this out so don't be too uptight about that. If there are some little mistakes we will fix them. So again don't be too uptight about that we will be able to deal with it. Okay thanks Berry. Bye

Berry Cobb: Your Welcome Chuck.

Okay for the transcript record I am reading a record from Avri Doria in response to an email thread earlier this morning about the IOC RC protections her response to the first email is, "In my view anything put on the reserves names list must also apply to incumbents as well as new GTLD's and that this is a problem that a PDP must discuss and plan for. One thing we need to be careful of is creating more and more differential requirements for new versus old GTLD's. Rather the trend needs to be bringing requirements between the new and the old into inline with each other. I and the NCSG remain in favor of the PDP against any addition to the reserve names list until such time as a PDP has made its recommendations. I am also against the creation of the term moratorium and a new list. If the board in response to GAC advice wishes to take this action that is their business. The idea I had read because the board is going to do it anyway we should do it first is to my mind silly. Rather since they are going to do it anyway and we can't stop them we might as well let them do it and not try to out board the board. Assuming the (strapping) votes and approval I request the right to include an opposing statement." And that concludes Avri's first statement.

There is a second email they wish to be read into record that was also from this morning at eleven twenty two eastern. The NCSG is in favor of the PDP as a plan. Meaning that once the PDP is framed in the G Council they will take a decision on the PDP itself as I expect other SGDC's will. So if the consistent call separates the two questions we are in favor of the PDP and against the reserve moratorium list. If the recommendations to the G Council are bound together than we are against the overall recommendations. As for the notion to whether policies apply to new GTLD's should also apply to incumbent GTLD's I have not gauged the NCSG's response on this specific question yet as it is not currently in question. In fact I have always assumed that this was existing GNSO position. And especially in regard to reserve names when the G Council discussed these issues during the new GTLD PDP I never heard anyone propose the notion that we have separate reserve name list for new GTLD's and incumbent GTLD's. Yes that is the effect of granting the IOC and IFRC the exceptions they demand but I do not ever remember us discussing the policy implications on the incumbents. I have always found the incumbents readiness to impose these requirements on the new GTLDs without seeming to consider the larger policy effects a bit confounding. As for insulting the team with the phrase out boarding the board yes it is true that this group came into the idea special reserves list first in attempt to please the GAC. In my mind this ordering difference does not change the fact that we are bending over backwards to comply with GAC demands without a proper policy process and to me this is a prime example of out boarding the board we just beat it to them this time. And that concludes Avri's second response from the NCSG.

And that now concludes this IOC RC call operator you may stop the recording.

END