

**ICANN  
Transcription  
IGO-INGO Protections Policy Development Process (PDP) Working Group  
Wednesday 19 December at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of the IGO-INGO Protections Policy Development Process (PDP) Working Group Teleconference on Wednesday 19 December 2012 at 19:00 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-igo-ingo-20121219-en.mp3>

on page <http://gnso.icann.org/en/calendar/#dec>

**Attendees:**

Thomas Rickert – NCA –Working group chair  
Lanre Ajayi - Nominating Committee Appointee  
Iliya Bazlyankov – RrSG  
Mason Cole – RrSG  
David Maher – RySG  
Chuck Gomes – RySG  
Jonathan Robinson RySG  
Alan Greenberg – ALAC  
Robin Gross – NCSG  
Stephane Hankins – IPC  
David Heasley – IPC  
Kiran Malancharuvil – IPC  
Jim Bikoff – IPC  
Greg Shatan – IPC  
Claudia MacMaster Tamarit – ISO  
Avri Doria – NCSG  
Wolfgang Kleinwächter – NCSG  
Avri Doria – NCSG  
Osvaddo Novoa - ISPCP

**Apology :**

Wilson Abigaba – NCSG  
Paul Diaz – RySG  
David Roache-Turner WIPO  
Mary Wong – NCSG  
Ken Stubbs – RySG  
Cintra Sooknanan – NPOC  
Donna Austin – AusRegistry  
Christopher Rassi – Red Cross  
Ricardo Guilherme - RySG

ICANN Staff:  
Margie Milam  
Brian Peck  
Berry Cobb  
Glen de Saint Géry

Coordinator: ...may begin.

Glen de Saint Géry: Thank you. Good morning, good afternoon, good evening everyone. This is the IOG/ING Protection Names call on the 19th of December. And on the call we have Greg Shatan, Stéphane Hankins, David Maher, Jon Nevett, Robin Gross, David Opderbeck, Kiran Malancharuvil, Chuck Gomes, Alan Greenberg, Thomas Rickert, Iliya Bazlyankov, Mason Cole, Claudia McMaster Timarit, Avri Doria, Wolfgang Kleinwachter and Lanre Ajayi.

For staff we have Berry Cobb, Brian Peck and myself, Glen de Saint Géry. Have I left off anybody?

Before you start, Thomas, may I just remind people please...

Jim Bikoff: Hello.

Glen de Saint Géry: Hello?

Jim Bikoff: Yes, Jim Bikoff and David Heasley are also on the call.

Glen de Saint Géry: Thank you very much, Jim. Thank you, David.

Thomas, before I start may I just - I'd just like to remind everybody please to say their names before speaking because that makes the transcript more accurate and worthwhile. Thank you very much, over to you, Thomas.

Thomas Rickert: Thank you very much, Glen and hello everybody. I'm Thomas Rickert, I'm chairing this working group. And let's move to the first agenda item or the

second half of the first agenda item, to be accurate, and that is my question to you whether there are any updates to statements of interest.

Hearing none I'd like to move to the next agenda item and that is the status of the general counsel request. And I would like to ask Brian to provide us with an update.

Brian Peck: Thank you, Thomas. This is Brian Peck from ICANN staff. Checked with General Counsel's office yesterday afternoon. They are now actually conducting more additional research. They want to be able to - be able to completely answer the question that has been posed to them and have found it necessary to indeed to conduct some additional research.

So they were hoping - well they - not hoping - they do plan to have a response if not at least an update at the next meeting of this working group. So that's the latest from the General Counsel's office.

Thomas Rickert: Good, Brian. Thank you. I'm sure that all of us would have hoped that we had substantial feedback by now but let's be patient then for - until the next meeting which allows us to move to the third agenda item and that is the review of the work package spreadsheet initial results.

And before we dive into that I would like to discuss a question with you that is more of a technical nature. You will have seen that the individual spreadsheets on this Excel sheet have grown quite a bit. And there was already a discussion on the mailing list that tracking changes with Excel is not a very comfortable thing to do.

So I've been discussing with Berry prior to this call and he suggested or, you know, at least offered that we could move this back into Word to make it easier for everybody to track changes to the documents by using the markup version or markup functionality.

And I'd like to open that discussion. Berry, I'd like to give you the opportunity to say a little bit more about the pros and cons of the two different software products if you wanted to or have I comprehensively laid out the issue?

Berry Cobb: Hi, Thomas. This is Berry with ICANN staff. Yes, I think you laid out the issue for the most part. I think as these spreadsheets start to evolve it will be important to somehow accurately track the changes amongst the various members as well as amongst the sub-teams.

The spreadsheet tool does have a Track Changes version. The down side to that is any changes are posted as a comment to a particular cell and not a true redline form which I think most are more familiar with in the Word document.

You know, the team is welcome to go either way. We can move this back into Word so that we can have access to that enhanced functionality. But as the content evolves here and we move to more - if the working group chooses to move to a more weighted versioning of the different attributes within each tab it may prompt us to go back to Excel as well but we'll let the working group decide.

Thomas Rickert: And before I open it to the floor and give Chuck the opportunity to speak let me add that I personally favored Excel quite a bit because I think that the markup functionality particularly if multiple people have been using it makes documents quite illegible. And, you know, maybe this sort of forces us a little bit to be (concise) and keep the document nice and easy for everybody to read.

Chuck, the floor is yours.

Chuck Gomes: Thanks, Thomas. Well spreadsheets are designed to crunch numbers and we're not dealing with numbers here. So I think Word is a better tool. I don't

minimize what Thomas just said because there's some value that the changes show up in comments; I understand that.

Secondly and advantage of putting text in a cell of a table in Word the table will automatically expand whereas that doesn't happen, I don't believe, in Excel although I'm not an expert at either one necessarily. So I think going to Word is not a bad idea.

Thomas Rickert: Thank you, Chuck. David.

David Maher: I just wanted to confirm my understanding, Thomas, is it correct that the function of this whether it's a spreadsheet or Word program is that we are rapporteurs; we are not attempting to reach consensus within each subgroup. We are putting in the contributions of each member of the group is that correct?

Thomas Rickert: That understanding is correct. The purpose of the exercise is just to split the burden of dealing with the individual topics. The different spreadsheets have been designed to make it easier for people to visually follow what the issue is that we're discussing and the people that have volunteered to lead on the various subjects are basically just taking care of making sure that all the input received is put into the document or put into the file for everybody to digest.

Certainly I hope to have stimulated a discussion amongst the volunteers that joined the various subgroups but certainly there is no need for consensus building in the subgroups, it's just fact finding and gathering all the facts that are needed to make an informed decision. But the decisions are made at the group level after the various group members had a chance to talk to their respective groups. Does that answer the question, David?

David Maher: Yes, thanks.

Thomas Rickert: You're welcome. I have Greg next.

Greg Shatan: I would also support the move back to Word. And I think that in terms of the issue of illegibility in Word 2010 and I think in other versions of Word it's easy enough to just go from final showing markup to final which shows - which takes away the redlining and then shows the document in a clean status and you can toggle back and forth between the two for readability purposes.

So - and you can also go back to original to see it before the marks were put in. So all of that is there in terms of trying to, you know, see what the document looks like when the markup gets a little bit too colorful.

Thomas Rickert: Thanks, Greg. Before I move to Chuck I had planned to report what Avri had written in the Chat regarding issues there might be but now that Avri has raised her hand I trust that she will make the point herself. Chuck, you're next.

Chuck Gomes: Thanks again, Thomas. With regard to David's suggestion I understand that each subgroup is not required to reach consensus. But it seems to me it would be beneficial if subgroups can reach some sort of agreement in terms of what they move forward into the full group otherwise we're going to all just be - we're not gaining too much other than a collection of comments.

So it seems to me - again understanding that it's not required for the subgroups to reach consensus because in some cases that may not be possible - to the extent that the groups can consolidate their comments in terms of a position for consideration for the whole group I think that would facilitate our work in the future when we bring it to the full group.

Thomas Rickert: Thank you, Chuck. And I think consolidation of the input is - describes it very well. Certainly it would be applaudable if the subteams could rule out certain parameters that everybody in the group felt were inappropriate to use or...

((Crosstalk))

Thomas Rickert: I hope that everybody can hear again now? Avri, it's your turn.

Avri Doria: Yeah, okay thank you. This is Avri speaking. Okay first of all I agree with Chuck and you that we should be trying to reach some sort of levels of agreement. I think, you know, we can quite easily say there is consensus, there is support etcetera, on any of these things. And as you say do a consolidation a new word we would have to define.

In terms of switching to Word I'm probably the only one again but I'm very against it. I don't think it'll be any better than Excel in the long run. I think that if anybody here does not use proprietary Microsoft Word products but uses the Open Office or Office Libre in terms of manipulating Word documents you'll see that it will truly mess up the file.

Historically we've seen that when tables get lots of edits the table mechanism for change recording really doesn't work as well as it works in regular text. And even saying show me, don't show is problematic.

I would like to suggest that we think about using wiki tools again. ICANN does have a standard one; it's really easy to use once somebody has set it up. It allows people to subordinate pages so if there's something more to be said than the two, three words or there's a document that backs up an argument or there's something else they can be loaded into the wiki as well and either as new pages off the table or as attachments.

And so as opposed to, you know, and the only difficulty with it is working offline but I don't know how much that is actually the condition that we'll have. And of course somebody can export offline and then add the changes in later or ask somebody on staff to add their changes in later if they're not capable of working with a wiki online either because of their own skill attributes or because they're off the Net.

So I'd really like to consider using a tool where everyone can use the same tool. Also when you get to Word you'll find out that we probably have three or four different versions of Word among all the users in the group. I'm just saying that's a projection. And that too leads to complications and something that gets massively manipulated. Thanks.

Thomas Rickert: Thanks, Avri. I have Greg and then Alan and after that I would like to close the queue on this question. Greg, please.

Greg Shatan: I'm picking up on the thread of the conversation about process not about software. I think that in terms of the process I'm more with David than with Chuck, which is I think at this point in the process we still need to be more at the reportorial stage and get the options out onto the spreadsheets whether they're good, bad, indifferent, favored by one end of the spectrum or the other end of the spectrum, novel.

And then I think that needs to be in front of the group for discussion maybe then going back to the subgroup to try to winnow down. But I don't think it's a good idea for the subgroups to eliminate options yet before they've even really been fully catalogued. I think we need to take things one step at a time.

Obviously in the end we will have winners and losers in terms of suggestions and that's the end result but I think we rush past an important part of the process if we don't get all of the possibilities out onto the spreadsheets for discussion and work from there. Thank you.

Thomas Rickert: Thank you, Greg. Alan.

Alan Greenberg: Thank you. This one is back on software unfortunately. I'm something of a pessimist with regard to this. I don't think there are any good tools. Excel is going to have some problems that we've already identified. You know, it puts a tiny little triangle in a corner to tell you there's a log; if you hover over it you can see what the changes were.

Word, as Avri said, has a whole set of problems not the least of which is multiple versions and, you know, things that get - have their formats completely scrambled because one person made a minor change.

And wikis have their own set of problems. I found wikis - if people actually change the text yes you can go back in the change log and compare them but it's an exceedingly cumbersome process and very, very difficult to identify who changed what and who agrees with what.

And you get into dueling changes, you know, if you're not careful. So I think we might as well realize that whichever tool we pick it's not going to be 100% satisfactory and not aim for that; it's not going to happen in something as complex as the kind of things we're looking at here. Thank you.

Thomas Rickert: Thank you, Alan. And thanks for all those who have contributed to this discussion. I would like to briefly summarize the interim results of what we are - what we have achieved. We've been touching upon two issues the first of which being process and the second of which being tools.

In terms of process I'd like to conclude that, yes, the role of those leading on the various subjects is more one of a rapporteur. And I would like to emphasize that because I think there is the fear of those that have volunteered to lead that they might be forced to give up their neutrality if they chair something or if they have to build consensus. And I don't think that this is required for those who are leading or those who are rapporteurs.

Having said that it is certainly welcome that if the group comes to some sort of consensus or whatever variation or subset of consensus or if they can rule out certain proposals and think that other proposals might be helpful they should say so so nothing keeps them away from coming up with compromise and consolidating the results of their discussion.

In terms of tools we will - I will - with the help of staff, analyze what we've been discussing, look at the pros and cons also the remarks that have been made in the Chat, for example, regarding Google Docs, have been noticed and we will try to accommodate that and come up with a proposal that hopefully suits the majority's needs and allows us for swift progress.

Now I think that this discussion has been helpful and important for us to serve as a foundation for our work. But nonetheless I'd like to move to the substance of what we're discussing. And before we go to the individual spreadsheets and see how far we get in discussing the points or allow for overall remarks regarding the input received so far I would like to pick up on one aspect that has been brought up by Avri.

And that is that Avri has voiced doubts that the slicing of work packages as we have chosen to use it might not be the most logical one. And I'm happy that Avri is on the call. I was afraid that she would be on travel right now and I wouldn't be able to accurately make her point which is why I would like Avri to explain to us why the group might wish to reconsider the slicing of the work packages.

Avri Doria: Okay this is Avri again. I was doing the mute to unmute so I guess you're asking me to explain why it is I'm making a suggestion. And my suggestion perhaps comes out of my confusion.

Because when I look at the notion of criteria, eligibility and admission I sort of see that there would be a set of criteria, what I have been identifying as both positive criteria, i.e. your name is on a certain list; you have a certain kind of treaty, you have a certain kind of charter from governments whatever these qualification criteria become.

And that there'll also be negative criteria that has to be balanced that basically say, you know, it's not a word found in every dictionary; it's not a common usage term. You know, you didn't apply for it or what have you. So I

think that there's probably at least two kinds of criteria and of course dirempting a set into just two subsets is usually false; there's probably a third one in there somewhere. So that was - so you've got a criteria.

Now admission at the other end says - has a mechanism by which one goes through the criteria. And we've seen ICANN of late pretty much always resort to a mechanism of a set of questions and a set of points and some kind of process like that.

And so I'm understanding criteria, I'm understanding admission. I get really confused - now I know it's not my responsibility so, you know, and I really don't want to mess with, you know, what becomes someone else's turf. But when I look at eligibility it looks to me like it's admission control still.

And one of the things that admission control searches is the criteria and do you meet the criteria. And so I just got completely confused going back and listening to things. I had a conversation with Thomas. I looked at it and I remained confused about how eligibility is not somehow partly criteria and partly admission.

And I don't know what is significant about that step separate from the other two. And so it's confusion on my part that's then bringing up a question of perhaps we have too many categories. But it's really coming out of confusion. Thanks.

Thomas Rickert: Thanks, Avri and thanks for sharing those concerns with us. I really want to kick off our discussion on the substance of the spreadsheet by bringing up that point because the suggestion to slice the work as you now find it in the spreadsheet is not made for the sake of slicing it that way.

It was designed and there was no objection by the group to facilitate our work. But I'm not saying that there are other or possibly better ways to look at things. And certainly, Avri, your feedback is very warmly welcome.

Now just to remind everybody I'd like to give you the reason, again, why I would - I have proposed to take a three-step approach instead of a two-step approach because this two-step approach is what I'm understanding from Avri's intervention right now.

Now in terms of criteria I think we would need to discuss those parameters that need to be fulfilled for an organization to qualify for protections as a general rule. So if you meet those criteria, certainly should the group wish to grant any protection, if you meet those criteria then you would be an eligible party to participate in the protection program; let's call it that way.

But there might be organizations knocking at ICANN or somebody else's door claiming that they are an eligible. So I think we need somebody to vet whether the organization that claims to be eligible is actually eligible.

But then since I think the group should discuss whether - and this I the admission phase - whether all eligible parties should be granted access to protections we need an additional process or at least an additional phase of thinking because if you do - if you grant protections on an application basis - so if the organization that wants protection needs to file an application in order to be added to the program then this organization was already eligible before but they didn't use - they didn't chose to make use of their eligibility and actually participate in the program.

So let's say the World Health Organization, and that has been an example that has been used earlier, might be an eligible party to participate in the program or be a beneficiary of the protections. But unless they have applied for being added to a list with the term WHO, meaning who, they wouldn't be admitted to the program. And maybe they never say that they want to have the term WHO reserved or otherwise protected because they think it's too general.

So that's just to remind the group of the thinking. But I'll open the floor to all of you. And I'm not sure, Greg, is your hand still up? Same applies to Alan. I never saw your hand going down so.

Greg Shatan: My hand is down now.

Thomas Rickert: Okay. I'm spotting it now. Thank you, Greg. I have Chuck, please.

Chuck Gomes: Thanks, Thomas. I think Avri raises a good point with regard to the similarity of criteria and admission. They are pretty close. Personally I can live with the give categories that we have right now but I think she raises a good point there.

With regard to eligibility I thought that was - and I'm not on that subgroup - but I thought that was, you know, who was going to do the eligibility check rather than eligibility itself. And I have felt all along - and I think someone else raised this point before - that it's really hard to decide who's going to do the eligibility check until we know the criteria and the admission issues. So that's just my input in terms of that.

Thomas Rickert: Okay I have Alan next.

Alan Greenberg: Yeah, I think Chuck has it right, at least my understanding of the right. The eligibility is who does the check and how do we accomplish the process not setting what the eligibility rules are.

So - and, yes, I'm the one who filled out the spreadsheet without any other comments so far and clearly until we know what the rules are it's hard to decide do we do it ourselves or do we farm it out? I mean, if you look, for instance, at the rules that the Board did in their interim resolution for IGOs it's a relatively straightforward process.

You have to demonstrate with a piece of paper that you're eligible for DotInt and you have to actually apply. So, you know, that's not something we need to farm out. The execution of, on the other hand, if we start looking at, you know, how important is what you do to mankind that starts becoming the subjective one and clearly will be farmed out.

So I think it's a different process than the other tables but I don't think it's one that we can close in on until we have more information. Thank you.

Thomas Rickert: Okay thank you. I have Greg next.

Greg Shatan: Okay. I agree with those before me. And I think maybe we need to just change the name of that table from eligibility, which is confusing, to maybe admissions process or eligibility processing or, you know, something that shows that it is a - it is who's going to administer the tool; it's not the tool itself, which is under criteria.

And I also agree that this is one that - Alan did a great job of taking it where it is - probably needs to kind of be parked more or less until we get to a discussion - until we flush out the criteria discussion and then we have to tie criteria to process on that second spreadsheet. Thanks.

Thomas Rickert: Thanks, Greg. I have Avri next.

Avri Doria: Yeah, hi this is Avri again. So then the question becomes in what way is eligibility as we're now defining it not an implementation detail as opposed to a policy detail.

Thomas Rickert: Well that's a good question bringing us back to the old policy versus implementation debate. Nonetheless I think that it, you know, we've seen other cases where policy advice was quite general leaving issues up to implementation that certain parties felt were not implementation but were policymaking.

So I think at least it doesn't do any harm for us to make recommendations as to how this can be implemented as well. But then certainly leaving the implementation itself and the carrying out of the process to identify a third party or a contractor or whoever that might be is fully up to ICANN staff to carry out.

I hope that answers the question which - I'm now confused, Greg, is your hand still up or up again?

Greg Shatan: It's up again.

Thomas Rickert: Okay.

Greg Shatan: Although Alan can speak before me because I think that's my old hand but I have a new hand. So, Alan, you can go.

Thomas Rickert: Okay, Alan.

Alan Greenberg: Thank you. I think Avri's right that it probably is implementation but we do have an obligation to make sure that whatever we recommend is reasonably implementable and from that perspective I think we have to go through the motions of figuring out a possible way of doing it even though I don't think we would make a firm recommendation that ICANN must do it in a specific way.

That may or may not be the case depending on what the details are. But I think we have an obligation to review it even if it doesn't end up as part of the recommendation because it is implementation. Thank you.

Thomas Rickert: Thanks. Greg please with your new hand now.

Greg Shatan: Yes, I think Alan pretty much said what I was going to say but I also think it would be a disservice, you know, if we were to suggest something that was

so abstract that we didn't leave at least a clue as to how we thought it would be implemented because those, you know, those gaps if they're too big change really the intent of what the policy recommendation is. So I think we need to, you know, strike a balance there. Thanks.

Thomas Rickert: Thanks, Greg. Lanre.

Lanre Ajayi: Yes I think we can consider the eligibility check as implementation and perhaps leave it for ICANN to handle. And (unintelligible) for ICANN to (unintelligible) that could be the (unintelligible). It is something they think requires elaborate work, that can not (unintelligible) and requires (unintelligible) I think ICANN should be left to (unintelligible).

So in my own opinion I think the eligibility check (unintelligible) and I think we should focus more on the policy at this moment.

Thomas Rickert: Thank you, Lanre. I see people typing in the Chat. Are there any further contributions that you'd like to make on this point? If so please do speak up. Otherwise I think that we should not throw away what has been done on the eligibility so far. I think we might wish to just leave it there until we have a clearer view on what is required there and get back to it at a later stage if needed.

We might also wish to consider using the wording that Greg had proposed. Greg, can you remind me that was admission evaluation or admission...

Greg Shatan: Admissions process.

Thomas Rickert: Admissions process is something that - is this something that the group could live with? Can I see some show of hands in the Adobe or speak up if you don't like it because otherwise - okay Chuck doesn't like it; Alan likes it so there doesn't seem to be any unanimity on that one.

Chuck, you had raised your hand; please. Chuck, it's your turn. Are you on mute?

Greg Shatan: I would say that Chuck - this is Greg.

Chuck Gomes: I was, I'm sorry. I got it now. I forgot I'd put myself on mute again. The reason I didn't like it is I think we need to avoid using similar terms in the titles of the subgroups and we already have an admissions group so using the term admission I think will create some confusion. I just suggest we get terms that are less similar.

Thomas Rickert: Okay. Understood. I have Avri next.

Avri Doria: Oh dear I didn't mean to have my hand up but I think Berry's eligibility process works.

Thomas Rickert: Okay so we take that back and consider it afterwards; also we evaluate what's been written in the Chat. And either you find the wording amended or we leave it for the moment but certainly with the option to reopen at any time we might want to do so.

Now we have sometime - or I'd like to spend the remainder - most of the remainder of the time on this call going through the various spreadsheets. And I would propose that we approach this by giving the leaders to the specific spreadsheets the opportunity to briefly introduce the group to their work and then I will call for general remarks on the approach.

((Crosstalk))

Thomas Rickert: Who's that? I thought there was somebody speaking. So I will call for general remarks afterwards and after that I will give the group the opportunity to, if needed at this stage, discuss details they spotted as worthwhile discussing during this call.

Now the first spreadsheet is the spreadsheet called Nature of the Problem.  
And I would like to invite Robin to say a little bit about that.

Berry Cobb: Hi, Thomas. This is Berry. Just looking at the meeting view and I show Robin has been disconnected and hopefully she'll try to rejoin here momentarily.

Thomas Rickert: Okay. Okay so I think that while we're waiting for that I would like to give the floor to Kiran, Jim and David to maybe briefly introduce their work so far on this.

Berry Cobb: And it's contagious. Now I see Kiran is disconnected.

Brian Peck: I thought I saw her just typing a moment ago.

Berry Cobb: This is from the phone view not the AC view.

Thomas Rickert: Okay then Claudia, you have proposed something which Berry has put into a separate spreadsheet. Claudia, would you be willing to explain a little bit about your work to the group?

Claudia McMaster Timarit: Hi, Thomas.

Thomas Rickert: Hi, Claudia.

Claudia McMaster Timarit: Hello? Okay good. Very happy to. I think that the - perhaps the first important point in terms of my contributions comes from adding some of the criteria that we've already discussed, some criteria that I have suggested and also I believe Evan as well just to make sure that we don't limit our discussions of the qualification criteria only to the five criteria that are identified in Excel sheet.

And further to the addition - and Berry - I think it was Berry - has kindly added those 15 points in the new Excel sheet. I took the liberty of kind of looking at these 20 criteria and trying to sort of summarize them. And I think that what I was able to do was to kind of see three areas where the criteria seemed to fall into.

One being the nature or the composition of the organization as being particularly international, special in some way whether that be because of its treaty protection or its composition of its members or its legal protections under different national schemes.

The second area that I was - I noticed criteria sort of fell into was the work of the organization itself. And some of these criteria dealt with how many countries, for example, the organization might operate in, what kind of relationship it had with other IGOs, INGOs, countries, individual citizens.

And then the third area that I felt these criteria fell into was of course the harm to the organization. And this was all of that discussion about existing domain name abuse, ad hoc registration of domain names for the organization's work, etcetera.

I don't know if that - if that kind of a summary is helpful? I was hoping to try to consolidate, I think, some of our criteria. I know that 20 is quite a bit to look at whether it's in Excel or in Word. I don't know if that was in any way agreed to or helpful in terms of this sort of three part summary of some of the criteria.

But in any case that was sort of my overarching commentary and then of course there's quite a bit of, I think, divergence on some of the specific cells whether a criteria is objective or not, etcetera.

Thomas Rickert: Thank you very much, Claudia. And rest assured that your input is most appreciated. We're working towards a very aggressive deadline and you've

been responding very timely and with substance so that's - I'm very thankful for that.

Before we dive into the discussion of your proposal I'm seeing in the Chat that Kiran is back on now so I would like to invite Kiran, Jim and David to introduce their work and their spreadsheet also thanking them for their contribution so far.

Jim Bikoff: Hello...

Berry Cobb: This is Berry. If I may before they get started?

Thomas Rickert: Sure.

Berry Cobb: Yes, this is Berry. I'd just like to advise the working group you're seeing two tabs for qualification criteria and I'd just like to point out that Kiran had submitted a version for qualification criteria and shortly after Claudia had also submitted changes.

I wanted to make sure that I didn't exclude anybody but there was substantial diversion between the two. And when the qualification criteria subteam meets again one of their tasks will be to merge the proposed changes to come back to one version.

And so I just only included Claudia's version and these white text boxes that you see just as reminders for elements that need to be considered within the qualification criteria. So when we reconvene in January we should be back down to one version so I just wanted to point that out. Thank you.

Thomas Rickert: Thanks, Berry. That's helpful. It's Jim now.

Jim Bikoff: Thomas?

Thomas Rickert: Yes, please, Jim, go ahead.

Jim Bikoff: Well let me just say a couple of things. First of all we were cut off from the call but I heard most of what Claudia said. And I thank her for contributing to the criteria - the qualification criteria. We just received this last evening and we have not really had a chance to go through it all.

And I would say that we will have comments on that but I can't - we can't do it today. We've not been able to go through all of it. So we presented - Kiran, David and I have presented the initial qualification criteria that we thought would be helpful. We will respond to Claudia's additions, which I think many of which are - don't cause any problems from our standpoint.

I think that we agree with many of them. There were some I think we have some questions on. And also on a couple of the connection of identified harm to national law there were some comments that I think we will raise as well as some of the cons where we have some issues also and maybe some clarifications or additional comments.

But having said that, you know, I think we welcome other comments on what we've presented and of course with Claudia's changes and our recent comments. But we'll have more for you before the next call in January.

Thomas Rickert: Would you like to go through some of the points that you've made in the spreadsheet or maybe just explain a little bit what you did, how you approached things?

Jim Bikoff: Well what we tried to was to take information that was submitted previously as to IGOs, ICO, RCRC, INGOs - INGOs is the column that we have the least information on and we used a lot of to be determined because we're not sure, you know, INGOs is such a broad group we're not really sure of how some of that would be filled in.

Plus we haven't heard anything from anybody representing that group whereas we have from the other three groups. So these - some of these are preliminary where we have TBD, to be determined. We'll need more input from those groups.

On the others we've given proposed comments and we have gotten, you know, some very helpful comments from Claudia which we just have not had a chance to comment on that. We have Claudia's and we have some from Evan. I welcome both of those and I think that in many cases those will be acceptable.

But we have to spend a little time on that and then come back to the group certainly well before the next telephone conference.

Thomas Rickert: Okay thank you, Jim. I have Claudia, please.

Claudia McMaster Timarit: Hi, Thomas. Just to make one small comment about representation from INGOs. I do work for the International Organization for Standardization in Geneva. And we would consider ourselves an INGO and in fact we're also on the general consultative status with the UN ECOSOC in fact which is a smaller group than the 3500 NGOs that are on the - either special or otherwise consultative status just to make that point clear.

Thomas Rickert: Thank you, Claudia. Alan.

Alan Greenberg: Thank you. With relation to INGOs I note the charter, although to be honest it's not the way I would have gone, but the charter explicitly limits us to INGOs that have treaty protection. And I wonder if someone, you know, as a side project, can come up with at least a short list of some examples because I don't know of any other than the Red Cross and IOC.

Now there may be many and I'm just ignorant. But it would be useful to have some examples of who - what kinds of groups we're talking about. Thank you.

Thomas Rickert: Does anybody volunteer to answer that question? Claudia, please go ahead.

Claudia McMaster Timarit: Hello. I will sort of answer that question more in a comment. This question about what INGOs need to qualify as an INGO for this particular purpose is a question I think that's gone back several weeks in terms of whether an INGO has to qualify for both - this is something I brought up -both protection under some sort of a treaty or national laws.

And I guess we're finding ourselves back in this discussion because the definition of the 'and' as being an and that requires both or being an and that requires organizations to be protected under a national legislation and organizations that need to be protected under a treaty organization I think that's the fundamental question that we're going to keep coming back to because as has been indicated it does change the number, the composition of the group substantially of INGOs.

Thomas Rickert: Claudia, would you be willing to send a couple of lines to the list on that because I think it will help everybody understand better what we're talking about.

Claudia McMaster Timarit: Sure, definitely. I can definitely just send a little sentence clarifying I think the issue of the and, yes.

Thomas Rickert: Thank you so much. Any more observations or questions regarding this spreadsheet? I see Alan's hand coming up again.

Alan Greenberg: Yeah, just a follow on to that comment. In a arm's length relationship I'd say we should go back to the chartering organization and ask what did they mean

by that wording except we are the ones who wrote - we're the ones who wrote the charter. So I'm just pointing out the interesting situation we're in.

Thomas Rickert: Point taken. We will certainly look at that again in the light of the comments that have been made. Any further comments on that - on this? In which case I would like to ask a question...

((Crosstalk))

Thomas Rickert: Yes.

Brian Peck: Thomas, hi, this is Brian Peck; I raised my hand. I'm sorry if I did that. Just to clarify the charter language actually I believe came from the final issue report. And, you know, the context of that particular language came from, as I think if you recall from the issue report, that, you know, leaving the INGO scope undefined could result in literally thousands of possible organizations eligible for that.

And so I think at least the issue report raised the possibility or the suggestion that, you know, if a PDP were to be launched that it would limit the scope of possible INGOs that could qualify for any type of policy development work or recommendations for special protection.

So that language, you know, came from the final issue report as a suggestion or recommendation on how to define the scope of the policy development work. And I believe the charter language itself came from the final issue report.

Thomas Rickert: Thanks for the clarification, Brian. And I apologize for not having seen your hand raised. I had scrolled down a little bit.

Brian Peck: Not a problem.

Thomas Rickert: So I didn't want to suppress what you were saying.

Brian Peck: Okay.

Thomas Rickert: I have one question for you, Kiran and Jim and David, and that is if you look at Column Number 16 I have spotted that - the criteria on it is globally applicable. You have answered the first lines with no. And my understanding would be that, you know, testing whether an organization receives protection by virtue of a treaty is a criteria on that is globally applicable.

Jim Bikoff: Where are you, Thomas?

((Crosstalk))

Kiran Malancharuvil: Thomas, if you look at my version I actually answered yes.

Thomas Rickert: Okay. So I'm currently looking at Berry's version so...

Jim Bikoff: Yeah.

Kiran Malancharuvil: Yeah, you're looking at, I think, Claudia's changes. And I think that that was changed to no. And I think you would have to ask Claudia what she meant by that.

Thomas Rickert: Okay. Thank you for that because you might remember that when we introduced those parameters the group felt that if a criteria and it's objective, globally applicable and easily and unambiguously verified that that would make it a good criteria to work with. And then we added later the otherwise suitability. Okay but that's great to hear.

I see Stéphane raising his hand. Please - oh sorry, Claudia was your hand still up or up again?

Claudia McMaster Timarit: No, no my hand was not still up, sorry.

Thomas Rickert: Okay, Stéphane, please go ahead.

Stéphane Hankins: Yes, good evening. Thank you very much. I just wanted to make one comment at this point regarding the criteria. And I'll come back to, you know, comments that we had made on the brief. Unfortunately I - the last two calls I was not able to speak because I was in South Sudan on a mission.

But in any case the first comment is what exactly are we - is protected? Is it the full name of the organizations concerned or it's parts of the names of the organizations concerned or is it - or should we also be - and should we also be looking at additional criteria?

So I had tried to make these points in my comments to the brief but then these were taken out unfortunately. But, I mean, for example if you take the Red Cross Red Crescent case I'm not going to go back to the explanations that I put forward so many times that everybody probably is fed up listening to this.

But the names are not protected as part of the designations of particular organizations; they are protected for another reason. So if we look at simply - if we look at the qualification criteria I believe that we need to have a section that looks at additional grounds for the protection because the names Red Cross Red Crescent are not primarily protected because they are names of organizations they're protected as designations of protected emblems of armed forces medical services and those who provide assistance to the victims in situations of war.

So there is an issue in this matter. We, of course, you know, we would welcome the names International Committee of the Red Cross or International Federation of Red Cross Red Crescent Societies or American Red Cross are protected as such for sure.

But the designations that are internationally protected under the treaties we're looking at are the words Red Cross; it's not the names of organizations. So I want to, you know, I want to make this point that is why I believe that, you know, in the qualification criteria question we need to have an additional line that will look at, you know, additional grounds or separate or distinct grounds for the protection of these names from registration.

So I'll leave it at that. I've got many other comments but on this particular package I just - I wanted to say. Thank you very much.

Thomas Rickert: Stéphane and before I pass on to Alan I would like to thank you for this contribution that you made. I'm certainly aware of the fact that you made comparable interventions at an earlier stage.

We should bear in mind that prior to having introduced this spreadsheet to the group my intention as chair was to bring the whole group up to speed in terms of information, which is why I asked you to provide supporting materials, statements, comments, the Q&As, the letters and stuff like that for everybody to read.

Now that we're working on the spreadsheet I would very much like to invite you to work with Kiran, Jim, David and the others that have joined this group to ensure that your point is made and actually put into the spreadsheet.

I would certainly support the notion that there are additional lines needed to cover that. But I also think that part of that is already in there. If you look at the section dealing with the scope of protections then certainly we could put it there and say that the scope of the protection is that it's not the names of the organizations but that it's the designations that - or certain designations that are protected by treaty.

But I leave it up to you to find an appropriate forum to put it into the spreadsheet. Definitely it needs to go there because that is a specialty for the protection of the Red Cross Red Crescent movement and that certainly needs to be considered by the group as we move forward.

I have Alan next. Please, Alan.

Alan Greenberg: Thank you. Stéphane covered a lot of what I was going to say but my primary comment was a column saying protection by treaty is not helpful unless we know what it is that's being protected. Ultimately we're looking at TLDs and second level, third level names. We're looking at character strings.

And we really need some connection between them and the treaty. If you look at - in Kiran's spreadsheet on protection of IGOs by treaty, you know, the - it's a long laundry list. Trademarks, elements of trademarks, armorial bearings - I don't even know what that is - flags, other emblems, abbreviations, names of international organizations, you know, it's a long laundry list that may be protected.

And somehow we need to connect it with our end point which are character strings which will go into domain names. Thank you.

Thomas Rickert: Thank you, Alan. Let me briefly respond to that before I move on to Kiran. You mentioned this laundry list and you may have noticed that Berry sent out two versions of the spreadsheet to the group one of which was completely blank and one of which contained the laundry list almost as you see it here.

And you will also remember that we made very clear that the spreadsheet that was filled with some information was meant to be illustrative or illustrative. And I put protection by treaty in there because people might say that that is, by itself, a criteria on the basis of which protections can be granted.

But you're certainly right that while working on it we need to dig deeper; we need to talk about organizations names, acronyms, combined strings, similar strings, whatever requests the group members might come up with and then you might introduce that as lines to the protection by treaty section or you might wish to completely abandon the protection by treaty section if you deem another formative display more appropriate.

Kiran.

Jim Bikoff: It's Jim actually, Thomas.

Thomas Rickert: Yeah.

Jim Bikoff: I was going to say I agree with Alan and with Stéphane. I think we ought to have Stéphane send us, you know, his - not comments but fill in these blanks, amend them, add the column, whatever as Claudia did because I think we need the input in the system so that we can then have another amendment of the spreadsheet ready for the next telephone conference.

And I would say that we, just like the Red Cross, the IOC also has special types of protection which are not marks or armorial bearings but are words. And I think that the extra column definitely is justified. And I think that if we get input from Stéphane and anybody else that is interested in providing comments on the latest draft then we can process that and have it ready before the next telephone conference.

Thomas Rickert: Thank you, Jim. Before we move to the next spreadsheet I have one further question for both you guys and Claudia. You have introduced a line called protection in jurisdiction required. And I think Claudia called it - let me just bring it up - number of member countries in the international organization, percentage and then number we see again.

During the discussions of the globally protected marks list different numbers were circulated in terms of in how many countries you need trademark protection to be included in the globally protected marks list.

And those who have opposed that approach felt that every figure that you might choose will be perceived or is arbitrary. So my question to you is coming up with the number - figure 30 or, Claudia, you asking for attaching numbers to the criteria that you propose how would you make this an objective criteria? And in so far as whatever number or percentage is chosen will not be perceived arbitrary.

Jim Bikoff: You want - who do you want to comment on that?

Thomas Rickert: Whoever wishes to comment.

Jim Bikoff: Well I was going to say having just received Claudia's changed we have not really come up with - I mean, we haven't had a chance to really review them in detail.

We will comment on them and that's one area we will comment on because I think that in some of these cases number of registrations, for instance, would apply more to, you know, it would apply to trademark owners but certainly to IGOs, Red Cross and IOC, I don't think those are objective criteria since they have separate protection either by national legislation or treaty.

Claudia McMaster Timarit: Hello, Claudia here.

Thomas Rickert: Claudia, please go ahead.

Claudia McMaster Timarit: May I just comment? One thing on the last - I believe Jim's comment - registrations was domain name registrations not trademark registrations. I didn't actually recommend any criteria dealing with trademark registrations as such.

Also, Thomas, to reply to your question about the number I confess that absolutely you're - I agree. In the same way 30 could be arbitrary, if 150 or 200 member states or member bodies or an international organization that also might be considered. It's hard to - it's sort of like drawing a line in the sand.

And that is sort of why I didn't suggest a particular number but I did want us to consider it because the fact that an organization does have either member states or member bodies that represent countries definitely speaks to the sort of - the character of the organization, the composition of the organization.

Some organizations might not rely on treaty protection; they rather rely on the contractual relationship that they have with their members that represent the organization in a large amount or a significant amount of countries.

And so that - the idea of a number of the member countries, how many members in an international organization would be, for example, aspects of a government or a public institution I think speaks to that composition of the organization as being particularly international, special in some way in the same way that treaty protection of some aspects of the organization might also speak to the organization being particularly international or special in some way.

Thomas Rickert: Thanks, Claudia. Stéphane.

Stéphane Hankins: Yes, thank you. First of all just to respond to the comment that you were making, I mean, we have submitted some written documents which are very detailed. So the matter is already described in those documents with regard to the Red Cross Red Crescent designations. But certainly, you know, we will work with Jim and Kiran and try to - to help fill in the lines.

I had just one comment, which is obviously the group will have to decide whether, you know, these are cumulative criteria or not. I mean, to my mind if one looks just at the first criteria, protection by treaty or international law, to me that would suffice personally.

And I, you know, if we look at the Geneva Conventions, for example, in regard to the Red Cross Red Crescent, (unintelligible) names these are - it's very, very clear. So to me, you know, we do need - we will need to look at that question very carefully.

I mean, if we look at the articles of incorporation of ICANN it's - the commitment or the duty to respect public international law is actually - it's stated. But of course I suppose this brings us also back to a question which has been raised in the past which is, you know, how do we define the global public interest and who does that?

But I personally would consider that the very first criteria wins - actually should win the day from - if it is indeed confirmed that ICANN as well as registrars and registries have a duty to be confirmed to respect those international protections.

((Crosstalk))

Stéphane Hankins: Yes.

Thomas Rickert: Stéphane, go ahead. I think the microphone of that person just was...

((Crosstalk))

Stéphane Hankins: Yeah, I think I finished. Thank you very much, sorry.

Thomas Rickert: Thank you for your intervention, Stéphane. I have Greg next. Greg, are you on mute maybe?

Greg Shatan: I'm going to take my hand off. I don't need to add to that.

Thomas Rickert: Thanks, Greg. Kiran.

Kiran Malancharuvil: Hi, Thomas. This is Kiran for the transcript. I just wanted to communicate with Stéphane briefly and say that when we filled out the qualification criteria you probably recognized the words in the fields because we actually took them directly from the Red Cross submissions.

So if there is something additional that you want them to add then we would invite Stéphane to actually communicate and put it in himself into the qualification spreadsheet. Thank you.

Thomas Rickert: Thank you, Kiran. So, Stéphane, I suggest that you subscribe to the subgroup that Kiran, Jim and David are leading and that you inject your input directly into that group to be included in the spreadsheet.

Now, Avri, on this point?

Avri Doria: Yeah on this point. And looking at the spreadsheet what I'm not quite sure of is the connection between there being a treaty document or etcetera and it's applicability to the case at hand. And in what way is that particular bit of qualification criteria being met? In other words, yes, it's quite clear that a convention may apply to something painted on the side of an ambulance or even a word in an official document.

But where are we studying whether that criteria has the scope, you know, or whether it's scope-creep on that criteria being applicable to a domain name? And I'm just not sure where we're doing that particular bit of investigation. Thank you.

Thomas Rickert: Thank you, Avri. And unless there are further comments on this section I'd like to make some closing remarks on the spreadsheet. Number one, picking up on what Avri just said is that I would like to encourage you to condense the language in the various fields on the spreadsheet to that language actually relevant to domain name registrations.

I think it will make it easier for all of us to work with the spreadsheet if we actually only have condensed information in there. And that certainly doesn't only apply to the qualification criteria spreadsheet but it's a general remark.

Whenever further reference shall be made you are certainly free to link to relevant documents that might be more comprehensive but I think that the statements in the field or in the various cells of these spreadsheets should be as brief as possible.

Likewise I'd like to, you know, remind you that the question of 30 countries or 30 jurisdiction or a certain number of member countries or something like that or percentages these are points that you will hear me make as we move along because I, you know, that's basically feedback or criticism, opposition that I have picked up in other contexts or earlier in the IOC RCRC discussions.

And bear with me but I think that it might be worthwhile or helpful for the group if I play the devil's advocate every now and then to make sure that our work and our approach to things are as robust as can be. And the question on why is the Number 30 or a certain percentage not arbitrary will certainly be asked by members of the community at a later stage.

I have heard that Robin has not joined the call again so we don't have the leader for the nature of the problem spreadsheet with us to introduce her work so far...

((Crosstalk))

Thomas Rickert: ...to us. Who's that? Somebody speak up? No? Nonetheless I would like to extend my comment that I just made to an observation that I made when going through the spreadsheet that Robin had submitted. It's now unfortunate that she can't respond to this.

But the terminology that has, at times, been used, you know, reasonable fees or not shown to be insufficient that - these are words that might not be perceived or at least, to me as a reader, that they would be objective. So what might be reasonable fee to me might not be reasonable fee to some third party.

So I would like to encourage those that hopefully will volunteer to join Robin and David with this work to look at the various items and try to make them as objective as possible so that they can be - that they can be tested.

Now lacking the introduction of the leader of this subteam I think that it's nonetheless important for us to receive preliminary feedback on the work. And I've seen that Kiran wanted to speak on that so, Kiran, although you haven't raised your hand already or it's Greg now so I'll let Greg go first and I'm sure that Kiran will chime in to provide some feedback on this spreadsheet. Greg, please go ahead.

Greg Shatan: I say when I reviewed the spreadsheet, you know, I thought it was a useful collection of opinion but not really of a very broad spectrum of opinion since it all seemed to come to the conclusion that there was really no problem.

So I think we wouldn't be here if some people didn't perceive a problem so I think we need to at least, you know, I understood their group was rather small so it put a lot of pressure on Robin to get started and she certainly got started, you know, admirably from - but I think, you know, we definitely need to get other voices.

And I think we need to go back to, painful though it may be from a process point, the paperwork that got us to this PDP in the first place because if none of them stated a problem that was worth all our time to try to solve then we wouldn't be here.

Even if we ultimately decide that it's a problem that doesn't need any other solution or that like it can't quite be this evanescent as this chart seems to make it. Thanks.

Thomas Rickert: Thanks, Greg. Kiran, would you like to speak on this?

Jim Bikoff: It's Jim. Yes, I would.

Thomas Rickert: Yes, Jim, please do.

Jim Bikoff: We received this yesterday evening so we had a chance to very quickly look at it. And I think we agree with Greg that these seem to be, in almost all the cases, opinions that we think are not - they're opinions but they're also some things that are stated as facts which we think are erroneous.

And we're going to comment on these - while we're not a member of the group we will comment on these because there were quite a few that we think need to be corrected or supplemented or amended. And we'll put the time in to also provide full comments on this.

Thomas Rickert: Thanks, Jim. And just to remind everybody nothing keeps you away from working with all groups so you are free and invited to join that group to and contribute to it.

Now it's a pity that Robin is not on the call. And certainly I can't speak on her behalf. But it was my understanding that, you know, we were talking of Robin's group's work. I think that she didn't yet have the time to work with others on this.

But as I said we - I think we, you know, it's perfectly okay for Robin to put in her own views; so should you working in other groups. But we might want to make certain points more objective or as objective as can be at least. I have Claudia next.

Claudia McMaster Timarit: Hi, Thomas. This is a question for you. How will we sort of show in the - in these worksheets the divergence of opinion? Because I think - and this has already been highlighted before - I think there will be members of groups who may not agree ultimately. And I think it's important that this does not - that any one leader, for example, does not condense or include so many replies as to muffle any one particular voice that might not agree or many voices that don't agree.

So I was wondering how that will be dealt with in this worksheet? Will we end up having a sort of Comment 1, Comment 2 or Comment 3 or...

Thomas Rickert: Very good question, Claudia.

((Crosstalk))

Thomas Rickert: And I think there are multiple stages in which that becomes relevant. Number one, what we now see on all spreadsheet is basically a first shot at it. So, you know, given the short period of time that was available to the volunteers to work on the spreadsheet as we move along and as others joining the groups will contribute I think that the groups themselves will amend the language in the spreadsheets and come up with alternative proposals.

They will delete certain lines or columns and add others they deem appropriate to help resolve the problem or answer the question. Now at a later stage I - and I'm discussing this with Berry from a technical point of view already - we might have some extra fields in a spreadsheet or somewhere else where we gather preliminary feedback from the various participants of

this working group so that we can see whether we're on the right track or where we're closest to consensus or we have very diverging views.

You know, but that certainly is not binding. The last stage during our work will be a consensus call where everybody takes the results of the group back to their respective groups and then we will ask for a consensus. And, you know, you can say whether you are in favor of it or not and you can even have your dissenting opinion, if any, noted in a report.

So there are various stages for you to make yourself heard. But I think the most immediate tool for you to use to make yourself heard is to work with the various teams and make sure that the points you are making are included in the spreadsheet.

And I could even imagine having two completely different sets of answers to the same point just from two different standpoints so people can see how much the views diverge. Does that answer the question, Claudia?

Claudia McMaster Timarit: Okay. I think it does. I think it does. I just had been a little bit worried since I thought - I had noticed that my comments had gone into a separate sheet and I thought okay well if there are a lot of different comments from the group if this will end up being a, you know, qualification criteria Sheet 1, Sheet 2, Sheet 3, Sheet 4. So thank you, Thomas, I think that that does elucidate.

Thomas Rickert: No certainly that's not the - that's not the intention. And as Berry mentioned earlier the reason why you see two spreadsheets on qualification now is just due to the short notice of this call or the limited time given. I'm sure that you, in this group, will amalgamate that into a single spreadsheet yet highlighting, where necessary, the diverging views.

Stéphane, please. Stéphane, are you on mute maybe?

Berry Cobb: This is Berry. It looks like yes he is on mute. Stéphane, are you there?

Stéphane Hankins: Yes.

((Crosstalk))

Stéphane Hankins: Hello, can you hear me now?

Thomas Rickert: Yes we can hear you now.

Stéphane Hankins: Yeah, okay, I'm sorry. I would like - in fact, you know, several - many of the points I wanted to make have been made so I - but I do want to concur with the fact that some of the propositions that are in that table are quite problematic. And I, you know, I think we have to be a little bit, you know, we have to be a little bit careful with what we write.

I mean, I see, you know, propositions like, you know, the benefits are private, the Red Cross Red Crescent organizations even if the costs are borne by the public, Red Cross Red Crescent is more commercial interest than the public good. You know, these types of comments, I mean, you know, we - I think we have to stay, you know, on the objective grounds that we have set for the working group.

So I think before, you know, this type of thing is circulated we need to - it needs to be thought out a little bit. That's my view. Otherwise, you know, we, you know, it puts the organization's concerned in an awkward position to have, you know, what people think just put on paper like this. So I think this has to be the result of an exchange before it's circulated in this manner. That's all. Thank you.

Thomas Rickert: Thank you, Stéphane. And rest assured I will reach out to the leaders, as I have done prior to this call, to check progress and offer assistance and provide feedback and I will certainly encourage Robin to listen to the MP3 or

read the transcript and I will encourage her to respond to the points that you made maybe to the broader since it's unfortunate that she can't be with us during this call.

Okay now unless there are any further comments on this I would like to move to the eligibility check spreadsheet. You will remember that we shelved the work until a later stage but nonetheless I would like to give Alan the opportunity to guide us through what he did and allow for general remarks on that. Alan, would you please?

Alan Greenberg: Thank you. I don't think I'm going to say an awful lot; the spreadsheet speaks for itself. And essentially what I'm saying is that there are a number of - will be a number of options available for handling the eligibility process.

But it's - and I've tried to lay out some general guidelines. For instance, I cannot conceive of ICANN doing it themselves unless it is both completely objective and simple.

If it is not one of those then - there's no question in my mind that it's going to have to be outsourced with ICANN setting what the rules are and someone else interpreting those rules and presumably selecting people who are, you know, have experience in interpreting whatever the kinds of rules are be they financial, humanitarian or whatever.

So, you know, essentially I've tried to put some guidelines for how things will be categorized when we have some more substantial identification of what the qualification criteria are. I'm not sure there's a lot more to be said than that.

Thomas Rickert: Okay, Stéphane - Alan, thank you so much. Stéphane, I'm not sure whether your hand is still up or up again.

Stéphane Hankins: It's not, I'm sorry. It's not.

Thomas Rickert: Not to worry. Do you have any further general remarks on this that go beyond what we've been discussing earlier regarding the general concept of the eligibility check?

Alan Greenberg: Are you asking me or the group?

Thomas Rickert: I'm asking the group but that includes you, Alan. Hearing none I'd like to move to the next spreadsheet which is the protection spreadsheet. And I'd like to ask David Maher to lead on this one, David, please.

David Maher: Well thanks, Thomas. This is David. I'm looking on the screen at the original first draft and it's not clear to me how or whether others have contributed. This says updated but I - I believe there have been other contributions and I don't see them.

Berry Cobb: Hi, David, this is Berry. The only thing that I've received so far was your original submission for the protections. I haven't seen any other updates to spreadsheets.

David Maher: Oh okay, thank you. Well in that case I think our group - at least some of whom are on the call today need to submit their contributions. David - the other David - has already said that he believes this should have been vetted with the group. And as Thomas pointed out it was submitted prior to the formation of the group. But that doesn't mean that there is any impediment to contributions by other groups members.

Thomas Rickert: Okay thanks, David. Are there any immediate remarks or is there any immediate feedback from the group? Okay in which case I will - I will make a remark that I have made to David's group earlier. And that is that looking at the spreadsheet and the results of the work so far, which I very much appreciate and thank you guys for.

I think what we need to look at more is possible amendments to existing mechanisms or the innovation of new mechanisms that could be a technical or procedural vehicle for implementing protections should the group wish to grant any.

As you will remember we're doing this little exercise because we need to work on various items in parallel to be as quickly - or to be as quick as possible with our work. But what I haven't seen here is - in this spreadsheet is actually a proposal of how we could tweak existing RPMs or invent a new RPM to meet the needs that will be potentially the outcome of the work.

And I think there have been two or three parameters that I think were relatively stable or robust in our conversations and that was the requirement of the organizations in question to have proactive protection mechanisms. And looking at the UDRP or the URS, for example, or the sunrise service and the trademark claims service, they would merely be reactive.

And another parameter that I have observed to be maybe even commonly adopted or at least perceived worthwhile considering is an exemption procedure that allows for legitimate users other than the eligible parties to a potential protection to register and use the name.

And just to - just as food for thought one might think of basing a new RPM or a new variation of an RPM on the database that is now being established in the framework of the trademark clearinghouse work.

So one could use maybe - and this is what I've heard others say so it's not my idea - one could use the trademark clearinghouse infrastructure to be a repository of designations and rights holders to these designations or identifiers and then during the registration process have the registrars ping that database and check whether there are conflicts or matches to what's in the database.

And then special treatment or alternative treatment rather than merely doing a create for a new domain name could be carried out. And I was wondering - and maybe I can ask you, David, now that you've raised your hand directly, whether you have given any thought to such new procedures?

David Maher: Thanks, Thomas. This is David. Yes, I've given thought to that. And the thought that occurs to me is that it has taken something like four years to develop the current RPMs and I fear that any proposal for inventing a new RPM is going to add years and years to this PDP.

But that's a personal view and I'm perfectly willing for others to suggest either additional RPMs or ways of modifying the existing ones. I do think, however, as I say, that there's an element of practicality. We are expected to complete this PDP within a relatively short time. Thanks.

Thomas Rickert: David, a follow up question. Finalizing the PDP in a short time is different from potential implementation. So a policy...

David Maher: You're right.

((Crosstalk))

Thomas Rickert: A policy recommendation could be that a new RPM would be required and that we - that a recommendation is made that this is based on the existing infrastructure of the - or hopefully then existing database structure of the trademark clearinghouse.

Because all the - you know, all those offering domain names need to have some sort of relationship with that technical service so one could base on a - on an existing infrastructure may be more easily incorporate that into the business processes of the companies affected.

David Maher: I don't disagree.

Thomas Rickert: Thanks, David. Greg, please.

Greg Shatan: I was going to suggest that one, you know, additional potential model for an RPM here is something that's akin to the limited preventative registration that is currently on the, you know, up for public comments as - along with the straw man proposal. You know, not - and I'm thinking at least from our point of view as reporters I think it's worth reporting that as a potential prophylactic proposal.

You know, I think that has the issue - that is, you know, intended to, you know, work with the trademark clearinghouse structure although the trademark clearinghouse I think doesn't, you know, have - you know, in terms of it's eligibility criteria would need to be adjusted to allow for IGO and INGO names that are not, you know, registered as trademarks per se. But that is at least another model.

And I don't think that it necessarily took us four years, or even more, to come up with these RPMs because it takes four years to come up with RPMs. I think it's, you know, a part of the - I think the interminable process is not necessarily one that needs to be replicated each time and especially, you know, if we can come to at least some policy decisions on it.

That's just a - at least some form of an LPR could be another way to skin this cat at least worthy of making the list. Thanks.

Thomas Rickert: Thanks, Greg. Any further contributions to this? So Berry has reminded us in the Chat that the limited protective registration can be found in Line 11 on the protection spreadsheet for those who want to take a look at that.

As a final remark I think that all of us need to look into the protection spreadsheet sooner or later - and rather sooner than later - because we need to make up our minds as to where we wish to go. And this is also something

that is closely linked to the point made earlier by Stéphane; what types of strings are talking about?

Are we talking about the names of the organizations? Are we talking about identifiers? Are we talking about other identifiers? Are we talking about acronyms, exact matches, combined strings, what have you. All this needs to be implemented.

And I think that therefore we would need to think about how these wishes or proposals that you might wish to introduce in terms of the scope of the protection can be addressed by a procedure - by a technical procedure backed up by policy.

Likewise let's all think about exemption mechanisms, how do we make sure that legitimate use is still possible or that - and I think that this is a criticism or a comment that will surely be made - that there is no general rule that in all circumstances the beneficiaries to this program will prevail other legitimate users.

I have heard the example earlier from a member of this group what about Olympic Paint or Olympic Airlines so in the DIY TLD. There might be a need to, you know, even give precedent or give priority to Olympic Paint in the DIY namespace. Just food for thought.

I'm not saying that this should be the way but these are questions that we need to ask ourselves and come up with answers. And so let's all think out of the box and contribute to this spreadsheet with all the pros and cons and approaches that we can come up with.

Unless you have further remarks regarding this I'd finally like to get back to the admission spreadsheet. We've discussed the admission part quite a bit. Nonetheless, Avri, I'd like to invite you to give us a brief overview of what you did.

Avri Doria: Okay thanks. This is Avri. Okay first of all you'll notice that there's two colors; basically Chuck put in his, I put in mine and even though I layered mine on top of Chuck's copy I didn't read his first before writing mine, I just went ahead and answered.

We have not had a chance to have a conversation yet. As I say I just got back from my month of travels late last night and I'm just catching up. Chuck has offered - though I haven't responded yet - to set up a conference call if we can find a time, you know, in the next thing to start talking.

So obviously we need to go through our respective answers on both pros and cons. I've read some of them and, you know, both Chuck's and mine, looking at them and seeing if some places we seem to be moving in a parallel or same direction; in other places we seem to be talking apples and pears; both fruit but different kinds.

You know, I think that there's one thing in listening to the rest of the discussion I think when we look at admissions control, which is what this is, it really depends in some case on what type of protection you're talking about, what kind of admission control work and so on. And I think some of it may also be criterion based.

So what I think is looking now at - and I didn't look at it until now - at what's listed in qualifications, what's listed in protection, what's listed in - what was the first one? Why are we here? Nature of the problem - you know, and looking at those that that may prompt some more questions for the admission.

And that's - I have a gut instinct on that but I don't know what yet. So that's about it. I don't know if Chuck has anything to add. As I say he and I worked separately; he worked first, I worked second and we haven't spoken yet.

Thomas Rickert: Thanks, Avri. Much appreciated, thank you for all your work. Chuck, would you like to comment on that or add anything?

Chuck Gomes: I don't have much to add. This is Chuck, Thomas. The - Avri said it very well. I'm sure in the next couple weeks we'll try to find a time when we can get together and hopefully Mary can join us too because I think she's volunteered for this group. And just kind of consolidate our thoughts.

I think Avri summed it up pretty well. There's quite a few places where our comments really aren't that far apart. And I think there's some common ground that we'll be able to find on our responses and hopefully we can involve Mary in that as well. Thanks.

Thomas Rickert: Thanks, Chuck. Any questions or overall remarks with respect to that spreadsheet?

Jim Bikoff: Thomas, Jim Bikoff.

Thomas Rickert: Jim, please go ahead.

Jim Bikoff: I was just going to say - and we'll probably comment on this later - but the headings under should organizations fulfilling the qualification criteria and how it passed the eligibility check get protections, there's, I guess, five columns of asterisks and questions about final court decisions, UDRP cases, URS cases, etcetera.

I'm wondering if that should be a - there should be more, you know, questions there. For instance what about, you know, like UDRPs, many of them are not answered and they go to decision where the registrant simply does not file anything. Well we also have cease and desist letters that you send out and people either comply or don't comply.

You also have referrals to government agencies like Interpol or the Immigration Customs Service in the United States where they take action against domain name registrations so it's done by the government or by a cease and desist process. Should those be added also to give a fuller picture of different measures that are taken by organizations?

Thomas Rickert: Well certainly if you propose those parameters we can put them into the spreadsheet and discuss them so that's very valuable. I have Greg next.

Greg Shatan: I think the idea of adding more questions is a good one. But I think it's also - and this goes back to kind of the blurring between the different sheets and the different subgroups - you know, these start almost sounding like, you know, they're going back to, you know, eligibility or qualification criteria as opposed to, you know, admission where, you know, not only do you have to be qualified you have to be, you know, already have been injured. Like this - you can only be admitted to the hospital if you're sick.

I'm not sure, you know, it's a - obviously it should be on the spreadsheet because it should be discussed but I really think that these smack of eligibility. And whether we discuss them here or there maybe makes no difference. But having to run kind of two gauntlets I'm not sure that that makes sense.

But, you know, obviously we're going to discuss them. And, you know, I think that, you know, whether - I think that this may also have the capacity to disadvantage IGOs and INGOs that are from - that are maybe smaller or from developing countries or that are not necessarily kind of in the, you know, playing the full Rock 'em Sock 'em robot game of offensive and defensive registrations so completely.

And those might be predominantly those that are not, you know, kind of US and Euro-centric. So I think we need to be sensitive to the idea that, you know, having a big robust protection program doesn't necessarily - isn't

necessarily an indication that you're more harmed than the guy next to you - or not really next to you - down the continent who is not necessarily being quite so activist but may be, you know, harmed as well. Thanks.

Thomas Rickert: Thanks...

Jim Bikoff: Can I respond to Greg?

Thomas Rickert: I have Avri first and then I'll get back to you, Jim.

Avri Doria: Yeah, hi. Thanks, this is Avri. I think that in general I do agree that there should be more questions. I think the questions are derived from the qualification criteria. And I think if the qualification criteria needs to be sensitive enough to make sure that it includes developmental, you know, associations and organizations and such from developing regions.

I think admission control is indeed the gauntlet. I think the qualification criteria indicates what the gauntlet needs to test for. But I think that it's not that there's duplication between qualification and admissions is that admissions in a sense needs to be the activity reflection of, you know, if qualification says need a treaty well then admission needs to say show a treaty.

If, you know, criteria says are on a particular list then admission needs to be show the list and show that this list meets the criteria of the kind of list that can be used, etcetera. So I think there really is a - there needs to be a pairing between admissions and criteria. You know, that's just - one is the theoretical and one is the practical. Thanks.

Thomas Rickert: Thanks, Avri. And I'm sure that you will talk with your colleagues from the criteria group to ensure that you have sufficient synchronization between the two of you. Jim.

Jim Bikoff: I was just going to say I - go back to Greg's comment - I agree with Greg totally. I wasn't saying that any of these asterisk items are actually necessary. But I was saying if we're going to have these for discussion for the sake of completeness I suggested the other two. And there may be even additional ones that would reflect harm on a rights owner.

Thomas Rickert: Thanks, Jim. And unless there are further remarks I'd like to close this section. And in terms of the general approach I think we need to put all the arguments that you can think of and that you want to bring up on the table. But then certainly the task will be to prioritize and to delete certain things.

I'm sure that I'm not accurately translating this but you are - I'm sure you've heard the saying that perfection is not reached when there is nothing else you can add; perfection is reached when there is nothing that you can take away. And I think that's something that we should ultimately work towards namely making the - making our answer to the question that we've been chartered with as easy and stringent and straightforward as possible.

Now looking at the - at our work plan we have discussed now - and this is something that you will not know - that we would like to cancel the January 2 phone call because many of you, I'm sure, are on holiday during that time. So - and if we're all honest I don' expect there to be too much progress on the 2nd.

Nonetheless I would like the subteams to work before we reconvene so that we have interim results to discuss during our call on the 9th. So the proposal that we would like to make is that the subteams work and continue working over the holidays and that their consolidated updated spreadsheets are sent to Berry by Friday the 4th, 19 hours UTC.

He will then amalgamate that into a new master and disseminate it to all the participants for them to review so that we're in a good position to discuss an updated version of the spreadsheet on the 9th.

Can I ask whether that sounds good to you or, you know, maybe that's a hard thing to do. Can I ask for any - for objections to that approach? Please speak up if you don't like that idea.

Jim Bikoff: Thomas, Jim Bikoff.

Thomas Rickert: Jim, please.

Jim Bikoff: I was going to suggest could we make it by Monday, January 7?

Thomas Rickert: I'll have to ask Berry because he's the staff member that will do the amalgamation of the spreadsheets.

Berry Cobb: This is Berry. That's fine. If the team can strive for the 4th that would be great. The main reason I wanted to give the working group enough time to digest all five tabs but Monday same time is acceptable. Thank you.

Thomas Rickert: Okay so we do that. And I'd like all of you to reserve let's say two hours on the 8th or on the 9th prior to our call so that you can adequately digest what has been put into the spreadsheet so that we can have a good discussion on that and make progress.

Having said that I would still like to offer to the leaders to have a call on the 2nd so I would be available for you to discuss whatever questions you might have. I leave that question with you for the moment; I'm not expecting an answer now. So we can either use that time slot or if you prefer I can have separate discussions with each of you to make sure that you get all the assistance and that you get proper input. And I would certainly help where I can.

Now it's six minutes to the hour. My question is whether there are any closing remarks from your side or whether you have anything to add? Okay hearing and seeing none we can even finish a little bit earlier than planned.

Thanks to all of you for a very constructive and vivid discussion and I'm looking forward to working with you on the list as well as during the next call. Have great holidays. Thanks and bye=bye.

Avri Doria: Great holidays, everyone.

Jim Bikoff: Happy holidays.

((Crosstalk))

Greg Shatan: Thank you. Thank you, Thomas.

Man: Thanks.

END