

**ICANN  
Transcription  
IGO-INGO Protections Policy Development Process (PDP) Working Group  
Wednesday 23 January 2013 at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of IGO-INGO Protections Policy Development Process (PDP) Working Group on Wednesday 23 January 2013 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-20130123-en.mp3>

On page: <http://gnso.icann.org/en/calendar/#jan>

Attendees:

Lanre Ajayi - Nominating Committee Appointee  
Iliya Bazlyankov – RrSG  
Alain Berranger - NPOC  
Jim Bikoff – IPC/IOC  
Avri Doria – NCSG  
Elizabeth Finberg - RySG  
Chuck Gomes - RySG  
Alan Greenberg - ALAC  
Catherine Gribbin - Red Cross  
Robin Gross - NCSG  
Stephane Hankins - NCSG  
David Heasley - IPC/IOC  
Wolfgang Kleinwaechter - NCSG  
Evan Lebovitch - ALAC  
David Maher - RySG  
Kiran Malancharuvil - IPC/IOC  
Osvaldo Novoa - ISPCP  
Christopher Rassi – Red Cross  
Thomas Rickert – NCA –Working group chair  
Greg Shatan - IPC  
Ken Stubbs - RySG  
Claudia MacMaster Tamarit - ISO  
Mary Wong - NCUC

Apology :

Paul Diaz – RySG

ICANN Staff:

Brian Peck  
Berry Cobb  
Julia Charvolen

Coordinator: ...to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Julia Charvolen: Thank you very much. Good morning, good afternoon, good evening.  
Welcome to the IGO/INGO Protections Policy Development Process Working Group call on Wednesday 23 January.

On the call today we have Lanre Ajayi, Iliya Bazlyankov, Jim Bikoff, Avri Doria, Chuck Gomes, Alan Greenberg, Robin Gross, Stéphane Hankins, Wolfgang Kleinwachter, Kirin Malancharuvil, Christopher Rassi, Thomas Rickert, Greg Shatan, Claudia MacMaster Tamarit. We have apologies from Paul Diaz and Ken Stubbs.

And from staff we have Berry Cobb, Brian Peck and myself, Julia Charvolen.

May I remind all participants to please state your name before speaking for transcription purposes? Thank you very much and over to you.

Thomas Rickert: Thank you, Julia. This is Thomas Rickert speaking and I'm the chair of this working group. And before we continue with our agenda I would like to ask whether there are any updates to the statements of interest.

Hearing none and reading none in the Chat we can then proceed to the next agenda item, which is the status of the General Counsel request. And I would like to...

((Crosstalk))

Thomas Rickert: ...who's that? I thought somebody was trying to make him or herself heard. But now we're coming to the status of the General Counsel request and I would like to ask Brian Peck to give us an update. Brian, over to you.

Brian Peck: Thank you, Thomas. Hello everyone. This is Brian Peck from ICANN staff. As I mentioned last week, you know, General Counsel has been working with outside counsels to try to provide us of a complete response as possible that is also addressing specifically the scope of the questions asked.

In light of some of the, you know, the comments and the questions from last week's meeting I've asked them to, you know, at least try to provide to determine with the work of the outside counsel a plan to completion date, which we hope to provide on that.

And so that's as much as I can - as I have at this point right now. But, you know, at the very least try to provide a completion - a plan completion date for the completion of the requested research and information.

Thomas Rickert: Thank you, Brian. So we will keep that on our agenda and monitor progress. And hopefully there will be some results in the very near future. Which allows us to go to the third agenda item, which is the status of the SG/SC/SO and AC input request.

And I can report to you that so far we have received three comments, the first of which was ALAC. And we have discussed the ALAC statement during last week's call. In the mean time we have received further comments from the ISPCP and the Registry Stakeholder Group.

And I would like to give an opportunity to the representatives of these groups to present their statements briefly. May I ask whether Osvaldo is on the call? I think Osvaldo is not there because he's the representative of the ISPCP.

Do we have David Maher on the call? No...

Berry Cobb: This is Berry.

Thomas Rickert: Berry.

Berry Cobb: David's not on the call. Chuck was but he got disconnected so I suspect he may dial back in shortly.

Thomas Rickert: Okay.

Chuck Gomes: This is Chuck. I'm not disconnected, I just was on mute.

Thomas Rickert: Okay welcome, Chuck. Chuck, would you be in a position to show the group briefly through the Registry Stakeholder Group's response?

Chuck Gomes: Well...

((Crosstalk))

Chuck Gomes: ...I wasn't prepared to do that but I can give it a shot. I don't have it in front of me right now. But I think I can talk through it. David's the better person to do it because he was the primary author. I did contribute to it though, as others did in the Registry Stakeholder Group.

First of all let me start off by saying that there was a minority statement by the UPU and it's important that you understand that. And in some of our - in our introductory session it was noted that not everybody agreed with the precise language that is in everything there but we thought it was good to get it in and that we will, of course, work with the group on this.

So our basic premise was I think consistent with the Reserve Names Working Group in that we think that any special protections that are given could be considered with caution and that the - any criteria for exceptions be done on an objective and measurable basis and fair to everybody that's involved.

Our statement says that, you know, generally we're opposed to special protections. Again that, I think, is consistent with the Reserve Names Working Group recommendations during the PDP process.

We do qualify and say that we do support, as was communicated in the drafting team process, we do support the recommendations of the IOC Red Cross drafting team.

But generally we're cautious about making special protections for names for reasons that people have all heard before not only from us but from others. So take our statement - you can read our statement yourself and don't interpret it to mean that we're not going to work constructively in this group to try and reach solutions that most if not all of us can support. We are willing to do that.

David and I sat down today - we both happen to be in Amsterdam for the Registry/Registrar meeting - and talked about this. And I can assure you that we were both on the same page that we're going to work with all of us and try to achieve the best possible solution in the efforts of this group.

Thomas Rickert: Thank you, Chuck. I see Alan's hand up. Alan, do you have a question for Chuck?

Alan Greenberg: Yes I do.

Thomas Rickert: Please go ahead.

Alan Greenberg: Yeah, Chuck, the statement says you support the drafting team's recommendations on the Red Cross IOC issues. The drafting team's recommendations were to provide interim protection pending the outcome of this PDP. Is what you're really trying to say that you support those continued on the long term?

Chuck Gomes: Not necessarily.

Alan Greenberg: Then I'm not sure - then I'm not sure why it's relevant to the discussion.

Chuck Gomes: Well maybe it's not Alan.

Alan Greenberg: Okay. I read that as implying you support continuing those protections as an outcome of this PDP. If...

Chuck Gomes: Yeah...

Alan Greenberg: ...that's not what you mean you may want to make it really clear.

Chuck Gomes: I just did I think.

Alan Greenberg: Okay.

Thomas Rickert: Are there any further questions for Chuck?

Alan Greenberg: Chuck, I meant in writing for future readers of the document. Thank you.

Chuck Gomes: I'll leave that to -this is Chuck, I'll leave that to David.

Alan Greenberg: Okay.

Thomas Rickert: Okay again my question goes out to you whether you have any further questions to Chuck regarding the statement or the submission made by the Registry Stakeholder Group. There don't seem to be any.

I have seen on the Chat and as well in the participants list that Osvaldo has recently joined us. Osvaldo, can you hear me?

Berry Cobb: This is Berry. I think he's still trying to connect to the operator.

Thomas Rickert: Okay. I guess we should then move on with our discussion. And I will get back to Osvaldo and ask him whether he's willing to show us through the ISP's input briefly and answer the questions that you may have regarding that comment.

Regarding the next agenda item, which is the review of the shortness prioritization work package I would like to make some introductory remarks. First of all I think it was very encouraging to see that there have been a lot of contributions on the mailing lists over the last 24 hours.

I have to admit that it was quite difficult to digest all of them and be properly prepared for this call. But nonetheless I would like to make some observations and I would like to go on record with those.

First of all we have worked collaboratively on the spreadsheet to ensure that all views that are out there and that are represented by the various groups that want to participate in this policymaking effort are actually documented.

There have been allegations that - or, you know, it has been - the issue, I should say, has been raised that comments made by the UPU have not been visible in the latest version of the spreadsheet. Berry has already responded to that on the mailing list.

But I would like to reassure all of you that this may have been a technical glitch but there was no intention whatsoever to suppress the views of certain participants or groups that are represented in this working group.

The opposite is the case and I'm - I will gladly reemphasize this; the opposite is the case because the spreadsheet was meant to be a place where all the arguments go. So nothing shall be suppressed or taken out. This shall be the document that we can revert to in order to make sure that none of the

arguments that are deemed relevant by certain participants of this group are actually forgotten.

So even if we - or even if I have encouraged the participants of the subgroups to come up with a short list and maybe eliminate some of the factors that is not meant to say that we entirely forget about the aspects that have been brought up.

And so they will be on file. They will all be included in the report. But nonetheless giving the huge number of arguments that have been made and the huge number of criteria and other factors that we have - we have now gathered in the spreadsheet I think it's now time for us to try to work on short listing those because I'm sure that at least some of you will find some aspects more relevant than others and I think we need to get some sense of a group view here.

The word consensus has already - also been mentioned in that aspect. And, in fact, we are on a mission to work on consensus positions. And therefore I think we should try to sound out and test the waters as to what aspects can reach consensus, near consensus or where consensus is absent and other results may be found out.

And in that regard I find it important to make absolutely clear that, in my email that I sent out the list yesterday, I merely spoke about chances that might be good to get at least near consensus on one item. So I did not in any way state consensus that is already given. The exercise or my intention was merely to try to condense what I have heard and read to a lower number of factors. And I think we will need to work on that as we move along.

I see Avri's hand up so, Avri, would you like to comment on that?

Avri Doria: Yes I would. Thank you. This is Avri speaking. What I'd like to comment is I'd actually like to thank you for having tried to test consensus. For anyone that's

read the working group guidelines one of your tasks is to whenever you think there may be a consensus in a place to test it to say I think there may be consensus here.

And it's your unfortunate task to get the slings and arrows of us shouting no, no, not yet, not yet. So I really wanted to thank you for actually taking that role seriously and actually testing stuff and being willing to have us throw things at you so thanks.

Thomas Rickert: Thanks, Avri. That's actually very encouraging. And certainly I'm willing to take the heat for certain participants thinking that testing the waters is premature. But I think giving the complexity of the issue that we're discussing it is necessary every now and then to see where we stand.

And should we end up finding out that all the groups keep their views and keep their diverging views and are not able to find some - at least some common ground as a basis to base a solution on then I think we shouldn't waste everybody's time and call for a consensus call earlier and then we have a result and the result may be that no consensus is reached and that our views are so divergent that we can't come up with a conclusion.

Now having said that I would like to actually take, if you permit, take my email of last evening to sort of introduce to the short listing exercise that we're then going to discuss for - in particular the qualification criteria.

Now it is certainly unfortunate that Ricardo's not present on the call now or let me ask whether he has joined in the meantime. Ricardo, are you there? He doesn't seem to be on the call.

But you may recall that in my email I tried to slice and dice the issue a little bit and come up with a few ideas. And the first idea was to talk about the existing or planned RPMs.

And I thought that we were at least near consensus; at least I didn't hear any strong opposition to this to recommend or at least to include a recommendation in our recommendations that the RPMs should be opened up so that the organizations asking for special protections are actually able to use them.

Now Ricardo has opposed to that saying that the UPU as well as others have been opposing to the idea of curative RPMs. I have to admit - and I would - I will take this offline with him to seek clarification on that. But I have not read the submissions made by him and by other IGOs as being against opening the RPMs.

I would just quote one sentence from the open letter from intergovernmental organizations. The letter is dated - I don't seem to be able to find the date right now but I think there just has been one joint letter. And that says the curative resource-intensive objection option currently foreseen for IGOs in ICANN's Applicant Guidebook fails to do justice to the above public policy and legal considerations.

And I have taken that as a statement saying that additional protections would be required. I have not seen that as an opposition to making RPMs available to these organizations. I wouldn't be surprised if at least some of the organizations concerned would be happy if they could choose RPMs if only they were allowed to.

And I think that Avri Doria has asked the question the same direction on the list. But I would like to ask the participants of this call now whether there is any comment on that, maybe other IGOs want to chime in and respond? So my question to make it very clear is there any opposition to the idea of opening up RPMs to the potential beneficiaries of this working group or this policy?

Jim Bikoff:

Thomas?

Thomas Rickert: Yes, that's Jim, isn't it?

Jim Bikoff: Yes.

Thomas Rickert: Jim, please go ahead.

Jim Bikoff: I had read Guilherme's letter where he says that they are completely opposed to curative mechanisms as a matter of principle. But in any event I think speaking on behalf of the IOC I think we're opposed to curative measures too for the two words that we're seeking special protection for but we have other words that we would be happy to have curative provisions for such as enhanced RPMs.

And in fact I think that's sort of, you know, we have sort of two thoughts on that; one for words other than Olympic and Olympiad and the other against RPMs in the same way that Guilherme expressed it as to the words that should be protected specially.

Thomas Rickert: Let me ask you a follow up question. And that is certainly my intention asking the question is not to only open up the RPMs and leave it at that. The question is whether there are any objections to having the opening up of RPMs as one part of our discussion.

So to put it bluntly I think you wouldn't have any disadvantage of the RPMs being opened. What you're - you're looking for extra protections, right? But I'm asking whether there is objection to the notion of opening up the RPMs as such.

Jim Bikoff: No. No objection.

Thomas Rickert: Okay. Alan.

Alan Greenberg: Yeah, I just wanted to - it's Alan Greenberg. I just wanted to mention something that Jim alluded to that the RPMs and certainly the UDRP or - and, you know, and if it were to be extended to IGO names whatever it would be called then is not just for exact matches.

The UDRP applies to all sorts of other names be they used in conjunction with typos, whatever, which is a far wider level of - I won't say protection but level of scope than we're talking about here. So I'd be very interested if indeed people are saying no they don't want that opened up. Thank you.

Thomas Rickert: Thanks, Alan. Any further remarks or comments on this? So can we - I would seek clarification off list as I mentioned earlier. But can we state that there is no opposition of the participants of this call? I'm not saying that this is the result of our work, right? So we will certainly put that out for, you know, there will be reports, public comment and stuff like that so that's not the final outcome.

But I just want to get a sense of whether opening up the RPMs could be part of our recommendations and whether there is any objection to that. And I would just state now that I don't see any objection from the participants of this group.

Now as regards to the second point we have been talking about special protections requiring a special problem for certain groups or the potential beneficiaries.

And I felt that the argument of additional costs may they be for using RPMs, may they be for defensive registrations or may they be administrative costs, has been perceived a weaker argument rather than others such as global public good or the violation or the harm to the reputation of organizations. And I would like to hear comment on that statement.

Let me put it the other way around. Is there anybody on the call who thinks that cost is - or should be a decisive factor of our discussions? Claudia, you're typing; why don't you - oh I'll take Alan first and then hopefully Claudia will jump in.

Alan Greenberg: Yeah, given that I'm...

Claudia MacMaster Tamarit: Hi, I'm here.

Alan Greenberg: Should I go first, Thomas?

Thomas Rickert: Yes, please do.

Alan Greenberg: Okay. It's Alan Greenberg. Given that I'm someone who's not particularly in favor of a lot of these protections I would say cost is a major factor if the protections we offer will significantly lower that cost.

You know, if the cost of protecting your names through, you know, reserving names or registrations or defending your UDRP is X and by us giving these protections we'll lower it by .01% it's not a relevant issue. If it has significant impact on a large cost it is relevant. So I think...

Thomas Rickert: That...

Alan Greenberg: ...I think it will depend on what the metrics are.

Thomas Rickert: Alan, let me ask you a follow up question. Cost as a standalone pillar I think might be a vulnerable aspect because costs occur to trademark owners as well. So what do you think, in terms of cost, would separate the trademark owner from the name holder of an IGO or an INGO?

Alan Greenberg: I think the difference is the public interest.

Thomas Rickert: But wouldn't then...

((Crosstalk))

Alan Greenberg: One is the cost of doing business - you know, one is the cost of doing business and, you know, a lot of business has been opened up because of the Internet and there are costs associated with it. So, you know, whether we should have done it better to begin with and avoided some of those costs is a good question. But we are where we are right now.

Things where the public interest is involved I think becomes something that ICANN has to consider.

Thomas Rickert: Which sort of supports the idea of putting the public interests first and not the cost but your point is well taken. Avri.

Avri Doria: Yeah, thank you. This is Avri. I think that costs are definitely (a) factor. I don't think they're a determining factor. I'm not quite sure I understand first factor, second factor, third factor. I'm not sure I understand an ordinality of factors but rather tend to see that there are multiple factors.

I think costs are also significant. I think, as Alan says, public interest. I could even see this group recommending tiered costs. So many things in the world have costs for one (unintelligible) of user and lower costs for the public interest charity, what have you, users.

So I think that there's a lot of ways in which costs can figure in. I just don't - I wouldn't call them the determinative factor but certainly I think they need to figure in. Thanks.

Thomas Rickert: Thank you, Avri. May I remind those who are not speaking to mute their microphones because we had considerable background noise. So, Avri, summing up - and this is basically what - going back to my original question,

cost as a standalone factor wouldn't help in your view but costs in combination with other factors. And if that were true that would also be a result or an answer.

Avri Doria: This is Avri again following up. I don't see any factor as a standalone factor so, yes, I think it is one of many.

Thomas Rickert: Thank you, that's helpful. Now I'm not sure whether Kirin or Jim will speak up but either of you - you're invited to speak now.

Jim Bikoff: Okay. I think cost is part of resource dedication and would be a factor because it diverts resources from the use of funds for public interest. I think that just taking the two words that we're seeking protection for if they are given the protection that we're seeking that would eliminate the registerability of over 17,000 domain names which would be a substantial assist and a reduction of cost based on the number of new gTLDs multiplied by two by nine languages.

So I think it would be a significant help not only to us but to others who are seeking the protection.

Thomas Rickert: Thanks, Jim. Greg, please.

Greg Shatan: This might be a little bit of a me too statement by the time the last few statements were made but I think, you know, cost is important and I think cost is - cost issues are different for IGOs and NGOs than they are for profit-seeking corporations.

You know, not to minimize the costs and potentially the debilitating costs to profit-seeking entities but I think for not for profits where the idea is to maximize the amount of money going to the public good and the stated purpose of the organization I think it's a different kind of issue and not just a

different degree of the issue but really a different kind of issue. And I think, you know, we need to recognize that. Thank you.

Thomas Rickert: So, Greg, you would also see cost as one amongst other factors or would you also accept it in isolation? The reason why I'm asking is that I have heard statements earlier - and I think I've even read those - where the request for special protection was based on a cost factor solidly. And I think if we could - if we could agree on eliminating that as a justification in itself then it would help us in our discussion to know that cost plus other factors might do the trick.

Greg Shatan: Well I guess I just - I see things kind of differently in the sense that I don't know if - where we said that cost in isolation should be something that allows us to grant special protection. I mean, it's - I think that the factors are all related but I think that eliminating - I don't know that we can really eliminate, you know, cost as a particularly important factor or concern.

And I think it really fits with, you know, in with a lot of other issues. But we'll see where this conversation goes. Thanks.

Thomas Rickert: Yeah, the idea is not to eliminate costs but to say that cost only consideration is not good enough. So that we - that basically part of the answer will be cost plus other factors.

Greg Shatan: I guess we need to see what those other factors are...

Thomas Rickert: Exactly, yeah. Okay thank you. Thank you, Greg. Any further contributions on this one? So we will get back to the qualification - we will get back to this talking about the qualification criteria just briefly because I think it would be helpful for the group to sort of maybe get a clearer vision of how our discussion could be moved.

And if you look at Roman III in my email we now need to discuss what the problems is we're trying to solve. I think there have been requests by several members of this group to evidence certain level of harm. This is not undisputed as you know or as you will have read.

There are participants of the group who say that protection by law itself is good enough reason to provide for protections. Others have seen that differently.

And we have recently received two statements or two emails regarding this; the first one having been sent by Alan who asked a couple of questions to fence in the problem or to provide a methodology how harm can be evidenced. And the second has been submitted by Avri who also said something about the quantitative elements.

And I would like to go through these points with you if you agree because I think that what we should bear in mind is that even though I do appreciate the fact that the group or parts of the group are asking for - asking to understand what the problem is that we're solving. So if nobody would benefit from a new protection then it would be moot to establish it in the first place.

I am a little bit afraid that by putting on the table a huge number of extra factors requiring additional information we might get lost in detail. So I would like to ask you to either come up with comments now or alternatively if I don't see any hands in the next couple of seconds I would then ask both Alan and Avri to explain a little bit about their thinking behind it.

I have - I see Greg's hand up. Greg, please.

Greg Shatan: Well I think that the central problem here is nobody here can predict the future so trying to predict, you know, with a high degree of accuracy what the harm will be in the new gTLDs is, you know, not something we can do. We

can rely on our experiences to date with regard to harms and, you know, what they might be.

And I think that asking, you know, leaving this up or narrowing this protection only to those who have already experienced domain name abuse I think is cutting the cloth too narrowly. And I think that it's entirely unpredictable as to which organizations, you know, have, you know, may experience it in the future versus those that have in the past.

And I think we'll favor - tend to favor organizations that perhaps have been more proactive in the past. You know, so - and I don't think that necessarily should be a criteria and especially concerned about or, you know, smaller organizations, organizations in developing countries that have not necessarily, you know, taken, you know, proactive - as many proactive steps to seek protections.

And I just, you know, there's something to me that seems fundamentally incorrect about - and part of this also depends on what protections we're talking about too - about kind of limiting all of this or large portions of this just to those who have already seen past harms and trying to use that to narrow those who receive future protections.

Thomas Rickert: Greg, Alan is next in the queue but I can't resist to make one comment. I think when it comes to harm, or at least that's my understanding of the conversation that we're having, Alan's more or less asking for good reason to do policy work on this and grant special protections at all.

So in the absence of any justification allowing us to grant special protections to these - to a certain group of organizations rather than to other groups or rather to anybody the different question is whether each and every organizations needs to prove that they have been harmed in order to be admitted to protections that might be put in place should the group recommend to do so.

So I think that's the difficulty that we're facing. But I'd like to pass on to Alan...

((Crosstalk))

Greg Shatan: If I could just respond very briefly to that Thomas?

Thomas Rickert: Greg, please, yes.

Greg Shatan: I just - I think - I would be open to - or find it more appropriate to look at harms - let's say we looked at 100 IGOs and INGOs and found that, you know, 67 of them had experienced some form of, you know, harms in the past.

The question is are we going to only - I would find it appropriate to say that the 100 that are similarly situated even if they haven't experienced past harms should all get the same protections because of their status as IGOs or INGOs and use kind of the fact that certain organizations, as Alan has shown, have experienced, you know, fraud and abuse issues and use that to extrapolate rather than - use it as a sieve use it as a proof that IGOs and INGOs as a class experience these harms and that their money is being, you know, it would be better directed toward their stated purposes than toward stopping domain name abuse.

Thomas Rickert: Thanks, Greg. Alan.

Alan Greenberg: Yeah, thank you. To go back to the original question do we need a test like this or should the laws be sufficient or laws, treaties, whatever. And that's the question we're asking general counsel. If general counsel comes back and says yes there is absolutely no doubt that we are not - registries are not allowed to delegate - that they'll delegate domains with, you know, IGO names at the second level then our work is done; it's simple.

But we haven't gotten that answer yet and therefore we're presuming there is no straight line between the treaties and what a registry or registrar can do. That's the only presumption we can take until we're told otherwise.

Now I don't know where the idea came from that we would use past harms as the sieve for protection. What I am suggesting is that we not work in the dark; that we have some idea of what's going on. You know, I can try to predict what the answers will be; I think we're going to find that for organizations that have a major Internet presence with individual users they can easily demonstrate past harms.

And for organizations for whom it's a Web page which, to be honest, you know, no one other than someone who's connected with it goes to visit or is pointed to by the Wikipedia because they're curious, are not likely to see a lot of harms. But without any information we're working completely in the dark and we can't construct that kind of classification that Greg is talking about.

So, you know, it just seems foreign to me in this kind of environment to say we're going to essentially - I'll use a strong word and forgive me - but we're going to hide the information; we're not going to disclose it and you have to make your decisions...

((Crosstalk))

Alan Greenberg: ...without it. I think we need to know what's going on and then we can try to make intelligent decisions based on what we find out. Thank you.

Thomas Rickert: Alan, a quick follow up question. You have been a participant of the original drafting team. And you will recollect that documents and information have been provided by both the IOC and the RCRC. In your views - you said that you haven't seen any type of evidence...

Alan Greenberg: I said I haven't seen any for IGOs and little for the two INGOs we're talking about. And I stand by that. I may have missed some document. I've seen long exhaustive lists of examples of domain name abuse but virtually all of them are names contained in or something like that.

Very few of the ones that I've seen and perhaps none, I'm not sure, are ones that would have been prevented if we give the kind of protections we're talking about.

Thomas Rickert: Alan, I would like to apologize for misrepresenting your...

Alan Greenberg: That's fine.

Thomas Rickert: ...statement. But nonetheless the information that you've seen from the IOC and the RC would you deem that sufficient information for you to answer the general question of harm being (administered) to the organizations?

Alan Greenberg: No I would not because harm - to say that there is domain name abuse to deny that would be rather foolish, it would be sticking your head in the ground and I don't believe in that kind of concept. We know there is significant abuse of both of those but it's not clear that exact match protection is going to alter that...

Thomas Rickert: Alan...

Alan Greenberg: ...in a substantive way.

Thomas Rickert: I will most likely get back to you with a question on whether the quite long list of criteria that you jotted down in your email shall be applied cumulatively or annotatively or what subset of these criteria you might deem sufficient because I think we would be well advised to narrow down the questions that are actually asked should we decide to ask them.

But first let me take Avri please.

Avri Doria: Thank you. This is Avri. I wanted to take a couple words on the side of using them as metrics for admission. I actually do believe that a history of no abuses, in particular names, sets, should definitely be a consideration on whether something is added to lists or not.

I don't think, as I've said before, I don't think anything is the only consideration. I tend to see the considerations come in subsets where you have to meet one of Set A, one of Set B, three of Set 4, I mean, three of Set C. But I don't - but I don't see saying oh that's irrelevant as an acceptable answer. I think history is somewhat part of the equation.

In terms of getting those numbers and figuring out as was presented in the admission questions where various numbers were listed as variables, unknowns.

You know, we need to see the same kinds of things that Alan's talking about though I got - we got, in our small group, a little bit more stretched out in terms of let's see this data, let's see the pictures that this data gives us so that we are actually making some fact-based determinations about what's reasonable to include, what's not reasonable to include and that at what levels, what thresholds and for what metrics things are used in a sort of admission package. Thanks.

Thomas Rickert: Avri, before I move to Claudia and then get back to Alan I'd like to ask a follow up question. Since you've been working on the admissions subject and given this considerable thought would you require, as Alan does, the evidence of harm to grant special protections in the first place or would you use none quantitative factors such as protections by treaties or other legal instruments to - as being good enough to establish a program and then just use the past harm or evidence of harm in the admission?

Avri Doria: I think I would use it in both admission and earlier in the determination. First of all I haven't seen, you know, any evidence of treaties that bars the use of words. And I know we're waiting for, you know, Legal to come back with something determinative on that. It's something I still haven't seen.

So I tend to think that from the very first it's a family of attributes, it's a set of attributes with subsets that have various boxes that have to be ticked off before you even get to the question of admission.

Thomas Rickert: Thank you, Avri. Claudia.

Claudia MacMaster Tamarit: Hi, Thomas. Claudia here. I would like to add a point of clarification I think on the discussion of the relevance of past experience or past existence or present existence of domain name abuse in this working group. One, there's the question of whether there should be special protection at all. And, two, there is the question of who should qualify.

For the question of whether there should be special protection at all I think it's very much our position that cost is not the focus - should not be the focus. Thereby showing numbers of expenditures, what percentage of your budget the number of domain name abuses being tackled on a yearly basis should not be the focus and in fact can be very dangerous and lead to an arbitrary name game, an arbitrary numbers game, excuse me, that may or may not satisfy any particular member of this group.

Versus focusing on the public interest and that is the reason why there should be, we feel, there should be protection - special protection of the domain name. Organizations that serve an international public interest need to be allowed to function according to their mandate which may or may not include expensive, extensive resource allocation to domain name abuse but rather allowing them to function towards working on an everyday basis to serve the global community.

That's different than when we talk about who should qualify. Once we get past the question of whether there should be special protections perhaps, yes, perhaps because we need to protect the public interest and organizations that serve that public interest fall under that protection then we can get to who should qualify.

And perhaps here it may or may not be appropriate to look at Internet presence or the existence of domain name abuses, for example, as a factor which can then be analyzed on a case by case basis.

I really don't want to emphasize the importance - and as I said in my email before the deep irony of requiring vulnerable organizations to put up some sort of a Excel sheet showing what percentage of their budget is spent on domain name abuse.

I reckon that organizations that can spend expensive and extensive resources on domain name abuse may not be as vulnerable as those who show very little or who don't have the expertise to address that domain name abuse. So just to clarify I would like to say we should be very clear about what we're talking about when we're talking about showing present or past domain name abuse and uses of names and acronyms in domain names.

One is really should there be a protection? And I would argue that there should be and it should be to protect the public interest. That's very different than adding it as a factor when we discuss who should qualify. Thank you.

Thomas Rickert: Thank you, Claudia. And, Alan, I had threatened you for a while that I would get back to you asking whether you would like to see all criteria answered or responded to or whether there is a subset. Is there anything that you would like to respond to that?

Alan Greenberg: I think all the criteria I listed plus the one I put in the chat that I don't quote know how to ask and that is a measure of how outward-facing and user-

oriented their Internet presence is. So I could consider maybe we want to ask a subset of institutions or organizations the questions but, no, I think those questions are relevant.

Thomas Rickert: So...

((Crosstalk))

Alan Greenberg: And again I'll reiterate, I'm not saying if you don't meet this specific threshold of past abuse you do not get protection. That is not what I'm saying. I'm simply saying we want to understand the environment we're working in a little bit better in trying to decide what protections are warranted and to whom.

Thomas Rickert: Let me just seek clarification. You - this public-facing argument that is one that can only be determined on a - on an organization by organization basis but I thought...

((Crosstalk))

Alan Greenberg: Well ultimately in the end, yes, that's correct.

Thomas Rickert: But my understanding of your request was to ask for evidence of harm to answer the question whether generally a policy should be crafted granting special protection to the specific target groups.

Alan Greenberg: Well if, for instance, we can find virtually no evidence of any harm on a - with exact matches, now, you know, there's plenty of, you know, based on the email I sent out there are plenty of domains registered with exact matches but they tend to be completely unrelated or they tend to be monetized.

Now I find monetization and parked pages, which simply have, you know, paper click advertising on them I find that to be something which I would prefer to see eradicated and erased from the face of the Internet.

I think it confuses users, I think it gets in the way of them doing what they're trying to do. But we have no policy against it right now and there are many, many people making many millions of dollars through that mechanism and I'm not sure ICANN wants to be in the business of unilaterally putting them out of business unless we have a good policy basis for doing so.

You know, if we'd thought of it earlier we might have prevented it but we didn't. So at this point I don't know of - that we can demonstrate a lot of past harm or predict future harm because of exact matches. I am not disputing the fact that there are nasty people out there who will take advantage of organizations; of course there are. I'm just - want to see some information about how much exact matches will impact.

Thomas Rickert: Thank you, Alan. Claudia. Claudia, are you on mute maybe?

Claudia MacMaster Tamarit: Hello, Thomas. Sorry, I realized - I think I was on mute. I just would like to answer very quickly. I do think that there is a policy against monetizing certain names. The UDRP is one of them. There are also national legislations that might protect trademarks.

However that is a separate - that can be a separate discussion from what we are talking about here in the sense of a lot of INGOs are not going to be able to divert their resources both because it's not mandated, it's not a part of their mandate and because quite frankly it's a daunting venture to try to tackle all the domain name issues in the Internet.

Thereby, as I said before, it really - the focus needs to be on protecting the public interest as you mentioned before. The issue of cost really shouldn't be the focus. It's a problem for all organizations and it's going to be very difficult to, if I can say, find what number would satisfy Alan, for example.

It shouldn't be about this arbitrary numbers game. It needs to be about looking at organizations that have a very special mandate, that have - that serves a international public interest and protecting those names and acronyms and not about showing how much money do they have to be able to fight domain name abuse. Thank you.

Thomas Rickert: Thanks, Claudia. And this sets the scene quite nicely for the question that I'm going to ask now and that is that I, as chair, am struggling with this very item because I - in terms of process I'm not sure what questions to ask in order to satisfy Alan or (Alec) or, you know, maybe other parts of the community.

So would it be one per group of organizations that chose it that would satisfy the criteria? Would it be N organizations that need to - that need to provide this evidence? So I'm a little bit lost and I would like to get more views on whether you find asking these questions relevant and if so what threshold you would like to see.

And, on top of that, if we use thresholds to ensure that these may not be perceived or are not perceived arbitrary. So I'm - I would very much like to get some more views on that. Claudia, is your hand still up or is it up again?

Claudia MacMaster Tamarit: Sorry, Thomas, I left it up. Thank you.

Thomas Rickert: Not to worry. Can I take the silence as agreement or opposition to asking the questions set out in Alan's email?

Wolfgang Kleinwachter: I see it as an agreement but there are other voices in the room.

Greg Shatan: Can you repeat it? I'm sorry, I lost the thread somewhere along the way and I'm trying to figure out whether I'm - what I'm trying to answer here. Sorry.

Thomas Rickert: Greg, sorry for this. My question is what the group's views is on the questions asked by Alan in his email of the 23rd. Because I'm puzzled as to what questions should be asked from how many organizations.

You know, maybe Mary can clarify a little bit? Mary, there you go.

Mary Wong: Thomas, that is very optimistic. I'm not sure I can. In fact, I hesitated to raise my hand because I'm not sure this is going to help. But I felt like I needed to ask this question because like you, I think I'm struggling to try to find a path through this.

First let me say that that I think a number of Alan's questions I think would be very useful. As you guys saw from the (Admissions Up Team), we thought some of those actually provide some useful information.

But I think the list of questions made me think about something that really goes back to what we're really trying to do. And it's also connected to what Claudia said, you know, that the basis should be something that is based on the global public interest. Now that's a slippery slope and that's a different discussion that I don't want to get into here.

It also ties into what Chuck just sent to the mailing list, I think on the emphasis being something that's objective. And again that leads us down a numbers path I don't want to go into.

But my question really was related to the harm discussion. And you know, sometimes I think we use the word harm and abuse like they (unintelligible) the same thing or proven the same way. I don't think they are in concept.

So my question for the group is see if we are looking at something in that universe, you know, there's harm, there's damage, there's abuse, there's some problem there. Are we looking at abuse through registration, abuse through the use of the name, abuse through use of the content of the Web

site, all of which are different? And are we assuming that that automatically means harm?

I say that because of two things; one, I don't think they mean the same thing even though they overlap significantly. And secondly, if we are talking about abuse, you know, a couple of years ago the Registration Abuse Policies Working Group - if I got that right, Chuck or somebody will correct me - discussed extensively and I think came up with some kind of working definition of abuse. Now we may or may not find that helpful, but that's my thought and question.

Are we talking about abuse, are we talking about harm, are we talking about both, are we talking about neither?

Thomas Rickert: Thanks Mary, that's certainly very helpful. Let me give first shot at the answer. And that is that looking at both registration abuse and user abuse; I think the only thing that we can tackle with this effort is registration abuse.

Mary Wong: And Thomas, if I can jump back in - this is Mary again.

Thomas Rickert: Sure.

Mary Wong: That's what I thought as well and I think that makes perfect sense from a principle as well as a practical point of view. So if that's what we're looking at, then I think we do need to look at the discussions of the RAA Working Group. And I do want to emphasize that that doesn't automatically mean harm in exactly the same fashion.

Thomas Rickert: Which is true. At the same time, my perception of this group's discussion was that - and this is why we have to, you know, we're talking about exact matches, we're not talking about similar strings or (unintelligible) sides under unrelated domain names which means that if we have identically matches to the organizations' designations.

And then on top of that there would be fraudulent activity that would even increase the harm - forgive me for using that word again because the designation that has been used is particularly vulnerable.

But I would be more than happy to get more views on that because I think that helps us shape our mission.

Since nobody wants to speak up, can I at least hear from you whether there's any objection to the way I summed up our mission?

I'm not sure what's going to be typed in the Chat, but so far I would take this as agreement that we're - Greg, you want take the first shot at that? Please.

Greg Shatan: I do generally agree with your statement. I agree with, you know, these sites that have underlying abuse on them but use non-abusive domain names of, you know, are clearly beyond the scope of what we can accomplish in this group. And you know, all that we can expect to deal with here are strings that are on their face, troublesome strings. And how we define that is, you know, part of our work.

But I don't think, you know, that getting into content analysis, certainly of sites that are not wearing the string on its face that is its domain name, is not troublesome is anywhere, you know, within our mandate.

However, you know, going back to what Mary said, I don't necessarily think that the converse is true, that a site needs to have abusive content on it for it to be harm - for it to constitute harm in this case. And I think, you know, looking at some of Alan's comments in the Chat here and some of the other comments obviously, there is vigorous - many vigorous positions being pegged.

But the - somebody, you know, grabs up Universal Postal Union in a thousand different new open domains, and puts links on them in hopes to monetize it because of the, you know, great popularity of the UPU, that, you know, is a harm in and of itself even if, frankly, regardless of what they put on the site or even if it doesn't resolve.

Thomas Rickert: Thanks Greg.

Now, as a next step, I think I don't see any alternative than getting back to Alan again, who is fortunately the author of the questions that now unfortunately exposed on my Q&A.

And that is would you, you know, what is the quantitative element in your question? Not in terms of the specific figures in response to the questions, but would you like to see that data from one per group, one IGO, one INGO or what would the special be? Because once we have clarity on that, I will ask the group whether they are willing to ask me as a Chair to ask that question of the potential beneficiaries.

Because I think it wouldn't be a good idea just to throw out the questions and then let the organizations and question respond, and then say, okay, well you thought it should be one or two more. So I think in terms of transparency, the criteria on that should be that need to be met for Alan's concerns to be satisfied should be clear upfront.

Alan Greenberg: Okay, couple of things. First of all, that was my message, not any ALAC message. You know, I may or may not have had support on ALAC if I had passed by them, but that was my message coming from me as an individual.

I wrote that late last night. If you look at the time stamp, you'll see that. I don't claim that the wording is exact, is that what you want to ask? I think we need to look at it carefully and make sure the wording is correct. So I would definitely not send out the request today.

I think if we could come up with some measure of how outward facing their Internet presence is, I think that would be another piece of the puzzle that would help us come to some conclusion. Again, my position.

I suggested that we ask the groups that are asking for protection right now. Not the ones that might be included, but the ones that are asking and the ones that asked originally a year plus ago, where the list of IGOs in the letter that was sent in the letter of December 2011. And I think that's a reasonable letter - a reasonable group to go back too. They cared enough to ask.

Do we want to include other groups? UNICEF is clearly a very outward facing organization that was not included in the list. Perhaps there are a few of those that we may find useful information from. But if I, you know, if I was king, I would ask that group at the very least and perhaps add a few more to it.

And you know, whether that gives us the definitive answers we want, I don't know. I think we're working so much in the dark about past history - and I understand some people don't think past history matters, but for those of us who believe that we should be - if we're making rather radical Internet policy here, we should have some real rationale for doing it.

As I said, if General Counsel comes back and tells us it's the law, fine; it's easy. In the absence of that, I think we need rationales.

So I don't think I would alter what I would say basically last night. I think the wording needs to be looked at carefully, we may want to add something to that. But basically, I put down what I thought was reasonable.

Thomas Rickert: Thanks Alan, and I apologize again for, you know, something that might appear picking on you. It's actually trying to get your expertise to the table which is always nice.

Alan Greenberg: I understand; no good deed goes unpunished.

Thomas Rickert: Thanks again. Greg, please.

Greg Shatan: I guess Alan, you're the tall poppy on this particular issue. So therefore...

Alan Greenberg: I knew what I was getting into when I sent it.

Greg Shatan: As a true Canadian, you don't like being the tall poppy. But in any case, I think there are a couple of things here.

First off, I'm in no way opposed to fact finding. I think the more facts, the better. And you know, getting information like this from IGOs and INGOs, you know, in no way would be harmful or, you know, irrelevant.

I think one of the issues, and I think Alan, you keep going back to - and I'm not picking on you, just making a statement.

Alan Greenberg: Sure you are Greg.

Greg Shatan: That exact matches, you know, may not protect much. I think there's - in the current Internet environment, and putting aside the ccTLDs for the moment although perhaps we shouldn't - you know, there aren't that many gTLDs and therefore there aren't that many exact matches that are available to be taken by others besides the IGO or INGO in question.

In the new Internet environment that we're entering, you know, putting aside dot brand and putting aside what might be heavily regulated or exclusionary TLDs like dot bank where presumably, you know, an arts organization would not be able to register but neither would an illegitimate pretender to being that art organization. We're still going to have hundreds and hundreds of potential venues for registration.

And I think it's the - even in that kind of new environment, even exact matches are going to be a significant problem. I doubt that an organization, an OECD is going to register in 900 open domains, you know, that's dot WTS and dot (socks) and dot app and dot whatever they might be eligible to apply. But it's entirely possible, likely perhaps, that third parties will do so if they think there's an advantage - a commercial advantage to be gained or some sort of advantage to be gained by doing so.

So I think the exact match problem is a problem and I think that finding - you know, if an organization has gone to the - and taken its exact match in 15 of the 22 gTLDs, the fact that they've done so isn't necessarily indicative that they would do it in 900 new gTLDs. And therefore it makes it a little harder to extrapolate as to whether in the absence of their having basically occupied their field currently that they - what would happen in that field in the future.

But, you know, we should all have access to more rather than less information. The disagreement I think is kind of on what to do with that information or whether it's what function it should serve. Thank you.

Thomas Rickert: Thanks Greg. Iliya?

Iliya Bazlyankov: I was muted - sorry. Iliya Bazlyankov. Can you hear me?

Thomas Rickert: Yes we can.

Iliya Bazlyankov: Thank you very much. I wanted to make a comment about the cost to INGOs and I'm sensitive to the argument made by Claudia that the ones most - that spend the most would be perhaps the less vulnerable.

I don't think we need numbers as in a numbers game for qualification. I was wondering if we, this working group, shouldn't have a sense of the facts and the data of these business costs, just their business costs.

So - and the reason why it may be important for us to have a sense of the importance or lack of relative importance of these costs, is that there may be some community based solutions - technical solutions that could provide these services with economies of scales that would be such that these costs of doing business would be reduced for IGOs and INGOs.

Of course this would link back to the public interest because the less the IGOs and INGOs spend on administrative overhead and indirect costs means that these monies would be going into their programs - that they're public good programs.

So that is one of the reasons I'm curious about the extent of the (Unintelligible) currency being felt. And it would also be great to understand how the organizations can argue on a reasonable business case that the kind of protection it would get would actually reduce those business costs.

Thomas Rickert: So you would like to add an additional question to the questions that Alan has put in his email?

Iliya Bazlyankov: So Alan is more qualified to me as an academic to understand - to judge what value of the samples that we would need in order to understand the total scope of the problem. I'm quite comfortable with, if he is, with Alan if he's willing to add that question to put it in the way he sees fit.

Thomas Rickert: I'm currently wondering whether the question you ask is implicitly asked in Alan's questions so that it could all ready be included in the answers. But I will take note of that and we might add a couple of words to that. Alan, please.

Alan Greenberg: Yes, two things. First of all, I used to work for a university but I'm not an academic. I still do maintain the email address though.

I don't claim that that is the definitive rate set of questions. You know, I think we are so much in the dark that this was the first stab of sets of questions. Maybe we can do better by thinking about it and talking about it a little bit among those who, you know, want to see these answers. Or maybe there will have to be a second task afterwards once we learn so much from the first one that we'll know what the right questions are to ask.

This was just a stab to get somewhere from where we are right now which I think is pretty much in the dark in terms of understanding the environment we're trying to change.

Thomas Rickert: Thanks Alan. In practical terms, my suggestion to the group is that we will - based on the transcript, we will use Alan's list of questions, we will add the facts that have been mentioned on the Chat and in your statements, and publish that on the list.

And I would like to particularly invite those seeking protection, to maybe come up with proposals to eliminate or to delete questions or to ask, to put other questions where they might have answers at hand to the list so that hopefully by next week, we will have a set of questions that we can get, you know, some opinions on and send it out.

Nonetheless, my understanding is that these questions are answered for the group to determine whether or not special protection should be granted at all or not. So I think this can go in parallel with the other discussions that we're going to be having because I think it would be too time consuming to sequentially work on these issues.

I see Stéphane's hand up; Stéphane, please.

Stéphane Hankins: Yes, thank you. Stéphane Hankins, ICOC.

Yes, I've been listening to the conversation. I had just a few comments.

I mean obviously we hear, we've heard along the need and, you know, the concern that the harm and the prejudice be fully documented, etcetera. You have now - you have discussed a range of criteria to that question.

Obviously then it also comes down to a question of threshold, you know, numbers of abuse and fraud, effective prejudice unto one, and then it gets extremely complicated. So I'm not - I fail to see a little bit how, you know, the group will then be able to manage, you know, or to digest that information in order to, you know, how this information can be digested in the future to clarify whether or not the protections are due to the particular organizations.

The second point is again, as mentioned, but of course this will depend potentially on some of the legal counsels' determination, but certainly for the organizations if the designations are dully protected under international law. And actually they are. I think (unintelligible) was making the comment that she had yet to see that.

But I mean if you open some of the treaties we actually referred too, it's really written in black and white; it doesn't take a doctor in public international law to see that. It's written in black and white.

And the last point is I note in Alan's various messages, this question of exact match prevention. How is that likely to significantly help and these types of questions.

I mean quite evidently, if we wanted to take a case, I mean it's evident that there's - if there is a site which is called ([www.Croix-RougeCamerounaise.org](http://www.Croix-RougeCamerounaise.org)), and when you open it, you know, you have - it includes, you know, in itself, the details of the bank account, the donations because there has been a particular emergency in the country of Cameroon. Then it's actually pretty clear that, you know, the use of the designation in the site itself

for, you know, someone who wants to donate to that particular emergency would, you know, cause an issue.

And then lastly...

((Crosstalk))

Stéphane Hankins: I just want to make one more comment.

Thomas Rickert: You will be allowed to make that, certainly, but just a quick intervention.

The (Croix-Rouge Camerounaise.org) would not be prevented because we're only looking at identical strings. I think that's...

Stéphane Hankins: That is my next point, that is my next point which is you know, if you are actually really looking at exact match prevention as Alan suggests, it's not going to work. All right, and it's not going to work for the reason you suggest which is - I mean actually, I think we could argue because the word Croix-Rouge is included in the name, I mean obviously, it would fall under - I believe it would fall under the reservation.

I would go further which is we need to find a mechanism that captures names that are liable to confusion because the question or the risk, the prejudice is just as great, whether you spell Cameroon one way or another, it will be exactly the same risk and prejudice to the Red Cross/Red Crescent organization in this instance.

Thomas Rickert: Stéphane, thank you for that.

Stéphane Hankins: I think that, you know, it comes back to the mechanisms, and that's another work for you. But I think the strings from a narrative review have as far as is technically possible is all requirement. Thank you very much.

Thomas Rickert: Thank you Stéphane, and I apologize for cutting across you. I just didn't know how long your statement would be and I wanted to make that point with the Croix-Rouge Camerounaise.

Just some immediate feedback before I move onto Claudia. And that is that we are tasked with looking at protections of organizations' names and acronyms. That means identical matches. So the Croix-Rouge Camerounaise.org scenario would not be covered by the outcome of our work.

And looking at identical matches verses similar strings is a different subject matter than the same similarity review which is carried out when new gTLDs are being applied for.

I would suggest Stéphane that we take this off list and have a separate discussion off line on this. But I'm afraid that two items that you're asking for are not covered by the piece of work that we're tasked with.

Claudia, please.

Claudia McMaster Tamari: Hi Thomas, this is Claudia here. I would just like to lend my support to Stéphane's last comment regarding the threshold issue.

If we go down this road of asking organizations to provide specific numbers and then immediately saying these numbers are not enough or having some sort of hitting an idea what numbers would be enough, I think we run into risk of an exercise of being arbitrary, and perhaps even biased, quite frankly.

Not to mention - I'm not sure that focus then really is different from the sort of trademark owner/corporation concerns. There must be something different, there must be some reason why we are in this working group. And for me, that is that we are trying to serve, trying to protect an international public

interest, not trying to protect - not necessarily the sort of a budget exposition project if that makes sense. Thank you.

Thomas Rickert: Thank you Claudia, that's very helpful. Greg, please.

Greg Shatan: I was just going to say that I - depending upon how we define an exact match is that Croix-Rouge Camerounaise, you know, could be an exact match. Presumably that's the name of the Cameroon Red Cross. So when you said that it wasn't, then I just wanted to correct that or potentially correct that if it was incorrect.

Thomas Rickert: Thanks, that's helpful and we will take a look at that. Alan?

Alan Greenberg: Yes, two comments on the issue Greg just referenced and what Stéphane was talking about earlier.

All of those are strings contained in and there's been an awful lot of work and investigation looking at that kind of thing. There's some real major problems associated with it, and that's perhaps one of the reasons why it's not something within our mandate right now.

In terms of what Greg just said, yes if indeed that's the name of the organization and it was in the list of names to be protected, it would satisfy. But at the moment, it was not in the list of things to be protected. A subset of that name is being protected and that's when strings contained an issue and that's not something that we're looking at at the moment.

It's something I support in many ways, but the implementation is really problematic.

In terms of Claudia's intervention, it's rather unfortunate that we are now looking at solutions, and I am now at this late proposing that we get some raw

information to feed the discussion. I believe this is something that should have been done before we started talking about solutions.

So the intent was not to get a metric that we apply immediately to a solution. The intent is to just to try to find the lay of the land so we understand what the environment is that we're trying to change. Thank you.

Thomas Rickert: Thanks Alan. And let me just add to what you said. You know, certainly this information should have been there in the first place, but I've asked you all for your patience and buy-in to an approach whereby we take various efforts in parallel.

And the questions that you ask are an evolution of the nature of the problem subgroups spreadsheet, and therefore, you know, we have to take into account that these things happen. But I think doesn't keep us away from making progress in other areas.

Kirin and/or Jim, please.

Jim Bikoff: Yes, I just wanted to say going back to something that was said before, and again, I think are mandate is on exact matches. But even on exact matches, if you multiply the number of domains by, you know, the number of new domains by the number of words that are subject to special protection by the languages that are listed in the guidebook under the Interim Protection which for us is nine languages, that's still a sizeable number of potential domains that would be cyber squatted that could be avoided.

So I think it's definitely a great assist, although we will not solve the problems of some more strings which would have to be dealt with separately.

Thomas Rickert: Thanks Jim. Greg?

Greg Shatan: I think Alan made reference to a list earlier in saying that (Croix-Rouge Camerounaise) was not on the list.

I think - referring to lists that were used for, you know, the IOCRC questions earlier I think misses the point of this working group, you know, which is to look at IGOs and INGOs generally in that there are, you know, many local Red Cross and IOC organizations among many others that potentially could be within the ambit of this exercise.

Thomas Rickert: Thanks Greg. Alan?

Alan Greenberg: Great point taken. But somebody better comb over that list soon because if we end up deciding on protections we're going to need it.

Greg Shatan: Well I think that...

Alan Greenberg: I was assuming for the Red Cross it was the same list. If that's not the case, someone should be saying so soon. Thank you.

Greg Shatan: Well I just assumed the exact opposite which is the part of this exercise will be to create a process by which organizations will submit names for protection and not that somehow we're offering on any historical lists because there are, you know, hundreds of, you know, IGOs and INGOs that we're considering. So I would say that any prior lists are basically out the window.

Alan Greenberg: Then we need another sheet in our spreadsheet about how to identify what the actual strings being protected are.

Greg Shatan: That requires another sheet.

I think that in this process somewhere in some of the stuff that's going on in this session on the email list right now is on, you know, kind of creating kind of a trademark clearing house like process by which organizations, you know,

would name names and get put into the system or that we would proactively, you know, reach and identify organizations. I think that's part of the nature - I hate to say the word implementation, but let's say making this work, is to provide the input process by which names are put in.

But I don't think that we can assume that anything that has taken place up to this point has been intended to put names in or exclude names from consideration of the end result of this working group. Thank you.

Thomas Rickert: Thank you Greg, and certainly the determination what names should go on the list i.e. what names and acronyms of organizations are, is something that we will need to answer in the course of our work.

And to sum this up, and I would like to end the discussion on this specific subject, as I said earlier, we're going to send the list of questions to the list unless I hear a lot of opposition from you now. We're going to refine that, add some points to it, extract it from the conversation we just add, and then ask the organizations seeking protection to provide information in response to those questions.

Now certainly there is the risk of the answers being evaluated or, you know, not knowing about the outcome. This is why I had asked earlier whether we can attach any threshold to that. But in the absence of any proposals regarding this, I think we should give it a try and try to get information on that and maybe that will satisfy the whole groups need for information and then we can then move on on that basis.

Before I ask Stéphane to take the microphone, I would like to add one point regarding the trademark-clearinghouse type approach that has been circulated on the list. I'm trying to carefully listen to you, monitor the Chat as well as monitoring incoming emails.

And I have to state that this idea of rough-catch of potential technical implementation was allocated to (Ricardo). And that is not true, it was actually a quote taken from an email, from my email yesterday. So just to be perfectly clear, that should not be attached to (Ricardo). It's not his idea, it's an idea that not even I had but that I have heard others saying and I just tried to put it into our discussion as a basis for our deliberations.

Stéphane, please.

Stéphane Hankins: Yes, thank you. Stéphane Hankins.

Yes, I just wanted to come back to this notion of exact matches because in some degree, you know, this somewhat of a novelty to us. Because as we have made the point on several past calls, the actual designations that are protected under international law with regard to the Red Cross/Red Crescent/Red Crystal, are the actual designations themselves, not as the designations of specific Red Cross/Red Crescent organizations.

So in addition, this notion of, you know, exact matches of names of organizations does not also fit the list of Red Cross/Red Crescent designations which are today protected under the temporary moratorium and in the guidebook. So I have to say I'm a little bit confused.

Of course, you know, the work of the previous working group had focused on the designations Red Cross/Red Crescent/Red Crystal, that's what we were working on. And when this was moved into the IGO/INGO territory, you know, we were - we dully raised this issue.

So you know, I think there is a problem there. And certainly if we look at only the names of organizations, we're not going to address the actual protections as they are very clearly outlined in the international law treaty.

So you know, there - I have to say, I'm - this is a bit of a new notion to me that it's exact matches. So I just wanted this to be on the record. Thank you.

Thomas Rickert: Does anybody in the group wish to comment on that? Otherwise Stéphane, as I said earlier, I would suggest we take this offline and go through the wording of the charter to get your question clarified. Is that acceptable to you?

Stéphane Hankins: That's fine, thank you.

Thomas Rickert: Now trying to move forward, we would now leave the harm or nature of the problem section and get through the qualification criteria section.

And I have to say that I am a little bit hesitant to believe that we will be able to resolve this matter on the call. You have seen an attempt from Jim and Kirin to come up with a short list and then we had sort of another statement from Claudia making a different suggestion.

I think what is needed there is some more close interaction between those that wish to make themselves heard on the list to determine what type of legal protection is required because that is very closely linked to the number or the set of eligible parties.

You know, we have the dot ING proposal on the table, we have the treaties, we have protection by law. So I think we can't really go into the niceties of all this unless you would really like to dive into this for the remaining 20 minutes.

But I would like to leave it with the encouragement to be active between this call and next week's call and not only be active in the remaining 24 hours. But I think this is most important that we talk about the qualification criteria.

There's one question though that is more fundamental. And that is whether you agree with the notion that the question of what level of legal protections is

in place is maybe the decisive factor that we need to consider. And that other factors that have been brought up are supplementary factors.

Any views on that? Stéphane, I'm not sure whether your hand is still up or whether it's up again?

Stéphane Hankins: No, I'm sorry; it's not. You can - thank you.

Thomas Rickert: Thanks Stéphane. Does anybody wish to speak up regarding potential solutions in terms of the qualification criteria?

Jim Bikoff: Thomas?

Thomas Rickert: Jim, please go ahead.

Jim Bikoff: No, I think your suggestions a good one. Maybe we can speak with Claudia offline and try to see if there's a way, you know, resolve the differences in the directions we're taking.

Thomas Rickert: Thanks Jim. Claudia?

Claudia McMaster Tamarit: Hi Thomas. Definitely I welcome the invitation from Jim to talk further. But I would like to just assert that I don't think that shorter lists are necessarily better, nor is one or two criteria better than having on the table seven.

I think we've said a couple times that there might be need for having flexible or multi-factored analysis in this kind of complex situation. So I would just like to say I really hesitate any effort to unnecessarily abbreviate lists just for the sake of abbreviation.

I've made an effort to summarize as much as I could the criteria into seven including the protection of national laws and treaty laws as well as others that

I think it's very, very important for us to keep on the table and to discuss and allow us the ability to include in any sort of recommendation that we will make a multi-factored analysis that will allow us to have the flexibility that we truly require when making this kind of a complex judgment. Thank you.

Thomas Rickert: Thanks Claudia; that's helpful. Please note that my question whether the list can be frank is not something that the group has to follow. I'm just trying to find out whether there is enough common ground to determine certain factors as decisive. And if we were able to use a subset of these criteria to answer the question, that would make our discussions easier.

But what I've seen so far is that we had diverging views that people that are participants of this group sent to the list or submit it, and these stand against each other basically, and these are not congruent. And what I think is needed at this stage is the willingness to come up with a group view, which doesn't mean a consensus. But that can be that we need different sets of criteria for the different groups.

But I haven't seen a concrete proposal that can be discussed by the group that makes such differentiation. And you know, I think we - if we need different sets of criteria that need to be applied, we should spell that out.

So I'm not trying to force in any way consensus or a common view on these things. But I think what we need is actually a constructive proposal that serves the various groups seeking protection, you know, in a substantiated manner.

Claudia, I haven't seen whether your hand was done in the meantime, so would you like to speak up?

Claudia McMaster Tamarit: Yes please, I actually raised it again.

I would just like to give a little explanation of how I came - how we came together on the criteria that we proposed.

The seven criteria that we've proposed summarize, in our belief, all of the criteria that has been discussed on the qualification criteria page. And we would pause it that they can apply to all of the organizations that we are talking about that is IGOs and INGOs including the Red Cross and the IOC.

And I think one thing, Thomas that I'm not sure that we have answered as a group which is how we intend to apply these criteria. Some of us speak as if we should find a silver bullet criteria that this will be the one criteria if somehow we can set aside there will be automatic protection, or whether we need to have a multi-factored analysis.

I would lend support to the latter. I think we've had discussions regarding having some sort of flexibility to make a case-by-case analysis because the evidence that will be provided to answer these criteria will be different and will require analysis.

Therefore I would say that we do need to sort of put on the table whether we're talking about having a requisite criteria or cumulative criteria, or if we're talking about some sort of significant amount of the criteria being set aside.  
Thank you.

Thomas Rickert: Claudia, I think that's the answer. As much as I would like to have the silver bullet, I'm not stupid enough to believe there is one.

So I think that we need to work on a more, you know, diverse approach. But I think that we need to put that in writing. And this is why I said last week, we're now moving from the spreadsheet format to text format and we need to spell that out and come up with proposals that can be discussed and implemented on.

Mary, please.

Mary Wong: Thanks Thomas. You know, with the price of silver the way it's going I'll take the silver bullet if there is one.

And so I'm going to grab that and offer what may be a really stupid suggestion. But you know, and I haven't had a chance to think this through so let me know if you guys think it's really silly.

I was trying to figure out under the qualification criteria discussion, if there is a way to marry the clearinghouse approach with the list approach. And I was thinking about possibly a two-tier type of approach.

So in the first instance, you would go with the clearinghouse approach, so you would look at the exact match, right, the attempt to register at the second level, an exact match that isn't coming from an organization that is connected to or authorized by, you know, that particular organization be it IOC, ICRC, any of the INGOs. And that should be fairly objective, fairly easy to do, easily understood, right. So that's the first instance.

If we are not talking about an exact match or talking about something outside of the clearinghouse universe, then you're looking at a second tier of the list.

((Crosstalk))

Thomas Rickert: Can you please - for those who do not speak, can you please mute your microphones?

Mary Wong: Well maybe they don't like my suggestion.

But for the second tier, right, for those that are not exact matches and are not clear-cut solutions, then we're looking at some kind of list approach, and you still have to look at what the criteria is. But because there's no silver bullet,

that is more complex, that is more involved and there needs to be some kind of expedited decision maker/decision making process to deal with that.

Is that a structure even something that we are prepared to conceptually discuss?

Thomas Rickert: I think we can discuss everything. Some immediate feedback while I give others time to raise their hands, as regards to the first tier, I think even if you had an exact match of an organizations name, we would still need to determine what an organization is that would be eligible to use this clearinghouse type RPM. So I think we're still stuck with the question what an IGO, what a, you know, type of legal protection we require to be eligible to use the service.

And then another question that has all ready been touched upon a couple of times, is what about legitimate use? So even if there were an exact match, one would need to look at potential exemptions.

Regarding the second tier, I would need to check that against our charter. But my instant feedback would be that looking at variations or similar strings, and that's ultimately what I understood you proposed, I think that wouldn't be covered by our charter.

Alan.

Alan Greenberg: Thank you. Two things; with regard to your last comment, I've just looked at the charter and although I'm shocked to find it because it may generate a lot more work for us, I can't find anything in there that limits it to exact match. It says we should consider protections and special protections. And so maybe it's buried there not using those words; I couldn't find it on a very quick perusal of it.

In terms of - both you and Mary have used the term “a clearinghouse approach.” I really would appreciate it if you would be more clear about what you’re talking about.

The current clearinghouse is used only for sunrise and for claims notice. It doesn’t prohibit anyone from doing anything. So it gives people first refusal prior to launch and it will get a notice issued saying you may be violating something, are you sure you’re doing something okay.

It sounds like we’re talking about it here using the trade clearinghouse repository but using it in a different way. So I prefer some clarity so I know what we’re talking about. Thank you.

Thomas Rickert: Thanks Alan. Before I move to Mary, let me say that in the Mission and Scope, it says, “Whether there’s a need for such protections at the top and second level in all existing and new gTLDs for the names and acronyms for the following types of international organizations.”

So that - I thought that the group had decided that would be our mandate narrowed down to names and acronyms i.e. exact matches.

Mary, please.

Mary Wong: Thanks Thomas. And let me take a couple of points. First Alan, I think you’re absolutely right; we do need to be careful.

And when I use the phrase clearinghouse approach, I meant clearinghouse with a small C. And really it was just kind of a descriptive phrase.

The idea is to have some kind of data check, right, at the initial stage, and it should be something like I said, easily done and clearly understood. And Thomas, after the (unintelligible) you’re right. There still needs to be some sense of what that universe of groups and organizations that might be.

But I think here's where you might want to have a short, clear, precise list of who. Then at the second tier, and I again I say this might be a stupid idea, I probably shouldn't have used the exact match example, not just because of the charter but because of all kinds of reasons, not just personally but from experience on the IRT and under the straw man and everything else. I think it would be exceedingly risky for us to go down anything other than exact match approach.

And so I was just thinking of if we go with a two-tier approach and the first one is some kind of data checking similar to clearinghouse with a small C, are there going to be cases of names or acronyms or groups that would fall outside of that? If not, we're done.

If yes, then maybe there needs to be a second tier. And this can be a discussion regardless of the match issue which I agree should be an exact match.

Thomas Rickert: Thanks Mary. Greg?

Greg Shatan: Two things. I think first I was also thinking of the trademark clearinghouse of being a frontend, but not considering that the trademark clearinghouse really or really the claims service as being what we were considering as the backend. Although of course, in our list of potential RPMs and the like, it's not off the table.

But you know, in terms of the analogy thinking of it being used, as Mary said, to kind of have a point of entry for names and a validation check once we have, you know, if we have criteria in play, at least being a potential model for how we assemble the list of lists of names.

And I would disagree with Mary though in terms of the - and yourself, you know, in interpreting the charter as meaning that we're limited to exact matches. Thank you.

Thomas Rickert: Thanks Greg. And with this I would like to close the queue. We have five minutes left and I would like to use those to make some closing remarks and talk about next steps.

First of all, if you look at the Protections Spreadsheet, you find a little bit more information in there about the idea of this trademark clearinghouse with a small C as Mary now called it. Just for you to bear in mind, the idea is not to use exactly what is the trademark clearinghouse now with the claim service for launch periods and stuff.

The idea is rather to have a central database where eligible parties can be registered and their strings can be registered so that from a central source, checks can be carried out whether a registration causes concerns or needs further checking or not. And certainly such service can be made permanent. And it would allow for the group to put policy on top of that that would even allow for proper exemption procedures.

I very, very briefly outlined that. Basically again, it's food for thought. But having discussed this quite extensively with you collectively and with individuals over the last couple of months. I think that we need something new basically and that the existing RPMs wouldn't be qualified to do exactly what has been requested for us to think about. And I would like to encourage you to comment on that on the list.

In terms of next steps, we will now start writing a report based on the spreadsheet. That is certainly a living document that we will add to. And my hope is that we will have a first rough version of that document ready for the next call so that we move from the spreadsheet to text format for people to

comment on and to make it easier to put in longer statements without the limitations of a cell in an Excel spreadsheet.

We will have our next call next week. The next call will still be at the same time, although in response to (Ricardo's) note on the mailing list, I have asked some time ago to look into rotating the starting time. So we might see changing starting times for future calls as well.

And unless you have any urgent issues to discuss, I would very much like to end this call. It's two minutes to the hour.

I would like to encourage you to respond and discuss on the mailing list, or you can even team up and have telephone calls in the meantime. Please use whatever channels you deem appropriate to help our discussion. And I'm looking forward to an equally (unintelligible) debate next week.

Thank you so much and have a great day, great evening, great morning, whatever time zone you might be in. Thank you, bye-bye.

Man: Thank you very much. Bye-bye.

END