

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 29 May 2013 at 16:00 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 29 May 2013 at 16:00 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.

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

Attendees:

Jim Bikoff – IPC/IOC
Chuck Gomes – RySG
Alan Greenberg – ALAC
Catherine Gribbin – Red Cross
Stephane Hankins – NCSG
David Heasley – IOC
Debra Hughes – NCSG
Kiran Malancharuvil – Personal capacity
Judd Lauter – IOC
Christopher Rassi - Red Cross
Mike Rodenbaugh - CBUC
Greg Shatan – IPC
Claudia MacMaster Tamarit – ISO
David Roache-Turner - WIPO
Mason Cole - GNSO Council vice chair – RrSG

Apologies:

Mary Wong - NCUC
Thomas Rickert – NCA –Working group chair
Wolfgang Kleinwächter – NCSG
Avri Doria – NCSG
David Maher – RySG
Elizabeth Finberg - RySG

ICANN Staff:

Berry Cobb
Brian Peck
Marika Konings
Julia Charvolen

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

Brian Peck: Thank you very much. And let's go ahead and start with the roll call first if we could please?

Julia Charvolen: Okay sure. Good morning, good afternoon, good evening everyone. Welcome to the IGO/INGO Working Group meeting on Wednesday 29 of May. On the call today we have Jim Bikoff, Chuck Gomes, Alan Greenberg, Stéphane Hankins, Kiran Malancharuvil, Judd Laufer, Christopher Rassi, Mike Rodenbaugh, Greg Shatan, Claudia MacMaster-Tamarit and Mason Cole.

We have apologies from Avri Doria, Mary Wong, David Maher, Wolfgang Kleinwachter and Thomas Rickert. And from staff we have Berry Cobb, Brian Peck, Marika Konings and myself, Julia Charvolen.

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

Brian Peck: Okay, thank you very much. Good morning, good afternoon, good evening everyone. My name is Brian Peck from ICANN staff and in view of the absence of Thomas not being able to be on today's call I will go ahead and try to lead today's discussions.

I think, as everyone knows, the primary objective of today's meeting is to go over the draft initial report. I'd like to, first of all, thank everyone for their time and effort and providing their contributions and comments. I realize there were quite a few activities and other events taking place over the past week so appreciate your efforts in getting it in by the deadline requested.

As you can see we have received quite a few comments which I'd like to take some time to go over today. Our plan originally, as you may have recalled from our last meeting, week before last, was to try to get an initial report published by the end of this week in the hopes of finishing reading both the

public comment period and the reply period in time to meet the submission deadlines for Durban.

As you may also the initial report, lacking a consensus, will need to have a final - or excuse me, a public comment period prior to the publication of the final report indeed although the initial reports are submitted to the GNSO Council they are used more as kind of an update and review and discussion purposes rather than for any decision making.

So given that as a background and given the number of comments we received what we'd like to propose is that - and given the number of comments that have come in, you know, over the past few hours - I believe it's probably safe to assume that not all of us have had a chance to carefully review all the comments. And so we think it's probably appropriate to give people enough time to review the various comments.

Berry has been kind enough to provide a compilation of all the comments received today with the exception I believe of a couple that he'll add after today's meeting.

And so we'd like to propose that later today we try to get out a compiled version containing all the various comments that have been received to date without any editorial comment or revision by staff and give people basically a week to express any concerns or further comment on the compiled version then use next week's meeting to try to come up with a revised version which would have the support of the working group in terms of publishing it for public comment and open up the public comment period.

We can then provide an update of comments received from the public in Durban both during the weekend GNSO Council meeting and of course during the face to face meeting, the other group that will probably have in Durban itself as well.

So that is kind of our plan of action at this point. Again, using today's session to raise any concerns and comments that have been received. I know, Chuck, you had mentioned about certain points that have been raised by some of the members that we'd like to discuss.

Any other initial thoughts or comments going to the report and then, as I say, then to take note of those to provide a final compiled version of all the comments received and give people - members of the group to go back to (unintelligible) if necessary and, you know, raise any other possible concerns or comments they may have with regards to what we have received to date.

Any further thoughts or alternative approaches people would like to raise or suggest?

Alan Greenberg: You have some hands up.

Brian Peck: Okay. Okay, Chuck please.

Chuck Gomes: Thanks, Brian. Well I don't think there's anything we can do but give people a little more time to review everybody else's comments. I did my best to review them at least at a high level up until the last one that came in just a few minutes ago. So, you know, I thought the deadline was yesterday.

But regardless of that I think you're right. But what I'd like - a couple thoughts in that regard. I think it would be helpful if, by Monday of next week, that each of us commit to identifying the comments, the edits, that we have concerns with.

And if there are no concerns on certain edits that then we don't have to go through those one by one. Now maybe it's all comments, I don't know. But I'd like to think it's probably not. And then we can focus on the one where there are differences of opinion.

Secondly, in the call today I think there are some things we can go over like, for example, I think some of Alan's points that he raised are points that it would be good for us to discuss if we can today just in case there's an action item in some of those to check the accuracy of some of the wording so we would have - we would be able to do that between now and the meeting next week.

Now - and then we can do some others too that have been flagged if people are okay with that. But some people probably haven't had a chance to look at them all.

Last of all I just want to let you know that next week the Registry Stakeholder Group meeting would conflict with this time for at least an hour of it. So our regularly biweekly meeting is between 10:00-12:00 Eastern Time so just to let you know that. We don't have a meeting today so it's not a conflict. Not that we have to be on the call but we'd like to be so just wanted to let you know that. Thanks.

Brian Peck: Okay. Thank you, Chuck. Just a quick question, so if we were, I mean, certainly put it to the group, but if we were to push this meeting back by one hour would that mitigate the conflict with the Registry Stakeholder Group meeting?

Chuck Gomes: Yes, it would. If it was pushed back one hour, in other words, an hour later, our meeting would end just before this meeting starts.

Brian Peck: Okay. All right thanks, we'll take note of that when we confirm the scheduling of our next meeting. Okay Alan.

Alan Greenberg: Yeah, Chuck, first, before I make my original comment, for clarity you just said between 10:00 and 12:00 Eastern Time, it's 12:00 Eastern Time right now so if we're going to meet at the same time next week there is no conflict.

Chuck Gomes: You know, you're right, Alan; I'm wrong. So I guess there is no conflict.
Thanks for keeping me straight.

Alan Greenberg: Well either that or I have the wrong time, it wouldn't be the first time. The comment I was going to make is if we're going to discuss anything today could we - could you please send out the consolidated draft PDF? My eyesight is such that even on my large screen I cannot read the comments.

Chuck Gomes: I think he has already, has he not...

Alan Greenberg: Yes...

Chuck Gomes: ...except for the - maybe the most recent comments.

Alan Greenberg: I haven't seen anything.

Chuck Gomes: I got one.

Alan Greenberg: When did it come?

Chuck Gomes: Just a second, let me look there.

Kiran Malancharuvil: It came at 11:53 am Eastern, Alan.

Chuck Gomes: Eastern, yeah. Yeah.

Alan Greenberg: It hasn't come to me yet or at least as of a moment ago.

Chuck Gomes: He didn't want you to get it, Alan.

Alan Greenberg: I know, there's conspiracies all over the place, first Mason, then me. Ah, it's just shown up. Thank you.

Brian Peck: Okay great.

Alan Greenberg: It takes a long time to get to Canada, what can I say?

Chuck Gomes: Yeah.

Brian Peck: Okay. All right thank you, both, Chuck and Alan. Chuck, I think that's a good suggestion in order that we can (unintelligible) today's time and then especially next Wednesday's call is that maybe we have Monday as a deadline for members of the group to flag any particular comments or points that they have concerns with or believe should be - merit further discussion by the group next Wednesday.

That will hopefully kind of, you know, whittle down the number of comments that we need to discuss, you know, on next week's call. So, again, I'm not saying if anyone has any objections we can - what we'll do is, you know, put together - we'll send out a notice afterwards along with the latest version of all the compilation of comments with a Monday deadline for anyone providing any particular issues or concerns that we would use for discussion on Wednesday.

In the meantime we'll also utilize that time to address some of Alan's comments or questions with regards to interpretation or accuracy of certain statements. So any objections to that process in moving forward?

Okay that being said why don't we go ahead and, again, utilize the time today that we have for members to, you know, raise any possible concerns or issues that have been raised on the comments that people have had a chance to review so far or raise any questions they might have for those who have submitted comments.

We can then, again, take note of these and utilize them in updating the version for review by the working group. So there's a couple ways we can do

this, one would be just to go through the report that's on the screen and as you see comments included people can raise questions or comments or concerns.

The other is that we could, you know, if there are any volunteers in terms of wanting to raise any concerns about comments that have been submitted and reviewed so far. I'm open to either approach or methodology.

Alan Greenberg: Brian, it's Alan. Chuck may well be the only...

Brian Peck: Yes.

Alan Greenberg: ...one who's reviewed the other people's comments. So...

Brian Peck: Okay.

Alan Greenberg: I know I certainly haven't other than Chuck's which came in very early.

Brian Peck: Sure. All right, Chuck, I don't mean to put you on the spot but I know you had written on the list a couple emails suggesting that perhaps some of the comments that you had a chance to review, particularly Alan's and Ricardo's and I think Claudia's as well, so if perhaps you either had a question or issue that you wanted to raise with regard to those comments?

((Crosstalk))

Chuck Gomes: Sure. This is Chuck. I can do that. The - first of all let me start with Claudia's because with Claudia's I just identified two statements that I had concerns with and I suggested alternatives. And I think Claudia said that she was okay with those alternatives. So one of them I think was on - of course the page numbers will have changed now; I shouldn't have used page numbers because of the additional edits.

But the - they had - it was originally on 17, Page 17, let's see if it's moved down some now. Let me scroll down on my copy that I have here. Whoops, way too far. Okay. I'm trying to get to 17. Okay so just a second and I'll give you - I was trying to find my comments in your draft.

Maybe down further. Well okay here we go. I'm having trouble finding where they are in the draft so maybe my - the best way for me to do it is just go down in order with Alan's and Claudia's...

Brian Peck: Okay.

Chuck Gomes: ...and also maybe with Ricardo's because that one also may take some work between now and next week. So is that okay if I do that?

((Crosstalk))

Brian Peck: Sure, that'd be fine. Appreciate it, Chuck. Thank you.

Chuck Gomes: Okay. You know, Alan's first comment, which is in the status of this document paragraph, I assume everybody can see it. Not sure why we need this phrase is the alternative to write this final report after submission to the GNSO. And he has a second comment on the same thing.

Alan, what would be your suggestion for changing the wording on this?

Alan Greenberg: I'd just leave out the phrase, I think it's rather redundant, with regard to my first comment. The second comment I do have something else to say.

Chuck Gomes: Yeah...

((Crosstalk))

Alan Greenberg: On the second comment I think, Brian, in his intro, confirmed what I was saying there that we will have to have at least one more draft report which will go out to public comment before we can submit anything to Council because since we are not coming up with definitive recommendations we're not giving the public an opportunity to comment on them yet so there will have to be at least one more draft and public comment phase.

Brian, did I hear you correctly say that?

Brian Peck: Yeah, that's correct, Alan.

Alan Greenberg: Okay.

Brian Peck: Because, as you point out, because our initial report will not have a consensus position for policy recommendations, you know, hopefully we will, you know, be able to accomplish that. But in putting that together as a draft final report that draft final report would then be subject to a public comment period prior to being finalized and submitted to the GNSO Council.

Alan Greenberg: Okay. Okay, thank you.

Brian Peck: Okay. Chuck.

Chuck Gomes: This is Chuck again. And that makes sense to me. And I personally am okay with Alan's suggestion in this regard. So, Alan, there's really only the one edit, just delete the end of that last sentence in the status paragraph, is that right?

Alan Greenberg: Well - or it could incorporate the intention that's specified in the second comment and that Brian just said that we will be going out - we will issue an other draft report and there'll be a public comment period before it's finalized. And it says that later on in, you know, next steps because this is reproduced.

My comment about the first phase was not all that serious but this is sort of boilerplate text. And I was just wondering why it was there.

Chuck Gomes: This is Chuck again. I'm okay with what Alan is suggesting, including making it clear right up front that there will need to be another version of the report that would be put out for public comment. I guess the question then, Brian, for - is there anybody that objects to those two changes?

Brian Peck: I'm not hearing anyone so...

((Crosstalk))

Alan Greenberg: To be honest, I don't think anyone can object because what we're - the alternative is that the working group will come out with a final report with brand new recommendations no one's ever seen before and give them to the Council for approval and forwarding to the Board and that's counter to the - essentially to the PDP bylaw process.

Chuck Gomes: This is Chuck again. I would disagree. I would say they can object; it probably wouldn't work but they could object. So, okay. Brian, do you want me to go through Alan's comments that I wanted to talk about or do you want to take the lead back? This is Chuck.

Brian Peck: Thank you, Chuck. No I think, you know, since you've had a chance to review them and you have some of the questions or comments I think it'd be helpful and would appreciate your going through them.

Chuck Gomes: Okay. I'm now going to the Executive - no that's not Alan's sorry; I don't want to jump. Alan's next comment - I guess it is in the Executive Summary.

Alan Greenberg: Yes, by the way, who is J3? I have some comments showing up as from J3. Ah...

Kiran Malancharuvil: I think that's Jim Bikoff, Alan.

Jim Bikoff: That's our comments, Alan.

Alan Greenberg: Okay thank you.

Chuck Gomes: I remember that as Jim's, yeah. Okay Chuck again. So going down - and I'm only going to focus on Alan's or if I come to the couple I made with regard to Claudia's suggestions I'll stop on those too.

So in the Executive Summary, 1.1, the background, Alan, rather than me reading your comments you're got a comment there in the second bullet. Why don't you explain that and then...

Alan Greenberg: Sure.

Chuck Gomes: ...we could talk about it.

Alan Greenberg: Sure. As far as I can find - and it's backed up by - later on there's a summary of actions that have been taken. The only action that I can find on - related to protections of IGOs or following the GAC advice - is that in November the gTLD committee said - asked the GNSO, "Is there any reason for public interest or stability security that we should not do this?"

And they also asked the IGOs if they were interested by a certain deadline to say they wanted to be included in the list. I've never heard, by the way, if anyone ever submitted anything or not to that.

But so the Board essentially gave notice that they - unless they hear something else they will protect those names, and those were the ones who were eligible for INTs and applied, they have never taken action to actually do that and they've never taken any action on the GAC list of 190 names.

So I believe the current status is they have served notice that they will but I haven't seen any Board motion that they have protected these names in the second round yet.

Chuck Gomes: So this is Chuck again. And if nobody objects I will not raise my hand every time I speak since I'm kind of coordinating through this. If I see hands up I'll certainly respect others that have their hands up.

But I didn't go back and check the latest Board motions on this. But I thought that what the Board approved that their latest motions approved the protections initially. Has that changed and it is now a permanent thing until - obviously that still could be changed by a consensus policy. But is it still worded initially for both IGOs and the Red Cross and the IGOs?

Alan Greenberg: Yeah, I'll answer but I think we need to go to staff on this. For Red Cross and IOC there was a protection granted and that one still stands, I believe. For IGOs I do not believe the Board has ever passed a motion offering them protection other than the motion I cited in my comments on the 26 of November serving notice that they will if there's no objections and only for those who actually made an application by some date.

So I've never heard if anyone applied; if no one applied then the whole issue is moot. And I have not heard of any action of the Board - at least I couldn't find - of the Board gTLD committee that did anything after that. We're - there's no point in debating facts, we just need to make sure that the report here state the fact, not stating something which is incorrect. So either I've missed something or that statement is false.

Chuck Gomes: This is - I agree with you on that. This is Chuck again. Brian, do you want me to just call on the people that raise hands myself?

Brian Peck: Yeah, it's easier - yeah, I mean...

((Crosstalk))

Brian Peck: ...I know Kiran has her hand up and...

Chuck Gomes: Kiran, please.

Brian Peck: ...and Berry.

Kiran Malancharuvil: Hi. So this is Kiran. I think that what you're missing, to be honest with you, in this - in the background is post discussion of the Board resolutions. You have to look at the progression of the protections in the Registry Agreement and what the Board said about Specification 5.7, I think it is, in the Registry Agreement in Beijing.

Because there was a lot of discussion about whether the IGO names were permanently protected and whether the IOC RCs were protected initially or now they're - the word 'initially' has been removed and it's reserved to the registry operator. And I think that that provides a lot of context to help us understand what has happened at the Board level post the November resolution. Thanks.

Alan Greenberg: Yeah, my knowledge is that that's a proposed Registry Agreement, which has not yet been approved by the Board.

Kiran Malancharuvil: Right, agreed but - this is Kiran again. It certainly demonstrates the progression of the Board's activity on it.

Alan Greenberg: Then we should say the Board has proposed in the Registry Agreement such and such. If the Board hasn't taken action the Board hasn't taken action.

Kiran Malancharuvil: Sure. But I do think that it belongs in the background section as an important piece of the puzzle and the progression.

Alan Greenberg: I don't but I don't think the statement, "The Board has adopted motions to provide protections," is accurate and therefore it should not be there if it is not accurate.

Chuck Gomes: So this is Chuck again. Brian, do you have what you need to go back and do any checking and make this accurate? I personally don't have any problem with what Kiran is suggesting to give full background. If somebody does they should speak up. And, Alan, did you think - disagree with her suggestion that it should be part of the background?

Brian Peck: No I think - I certainly - this discussion is helpful and I can see, you know, we need to kind of refine the language so as Alan points out that, you know, it accurately portrays the actions taken after the 26-November motion adopted by the new gTLD committee.

I noticed that Berry has his hand up.

Berry Cobb: Thank you, Brian. Yes, this is Berry. Basically what Kiran had mentioned is the way that I had understood that as well. According to what Alan said there is no Board motion; it's only reflected in the proposed Registry Agreement. And then the only thing that I'll add on to that is with respect to the last motion of a list of IGO names being submitted or applied to through the GAC.

If my - if I understand correctly that list is the list of 195 names that the GAC had submitted in the letter to the ICANN Board just prior to Beijing. To answer Chuck's question I think we've got the premise of this comment and we'll deep dive to make sure that we accurately reflect what is going on.

Jim Bikoff: Can I say something? It's Jim Bikoff.

Brian Peck: Sure, Jim, go ahead.

Chuck Gomes: Yes.

Jim Bikoff: I just wanted to say I agree this should be in the background section. I think the Board has put out for comment the Registry Agreement which contains these provisions. And I think while it's still out for comment the Board has proposed that these be the provisions. So I think it's important to put it in there even though it's not completed yet.

Chuck Gomes: Now this is Chuck. I just want to clarify something I kind of said indirectly before. If there's a consensus policy that's approved out of this body and ultimately by the Board it's different than what is in the Registry Agreement it would change. And I just want to make sure everybody understands that regardless of whether they said this is just initially or not. I think everybody understands that.

Alan Greenberg: Yeah, assuming it's within scope of consensus policy - and I'm presuming it is - then of course.

Chuck Gomes: Yeah, okay. All right if no one objects I'll scroll down to the next comment which is on the top of Page 5, I think, for Alan. So, Alan, you want to talk to that?

Alan Greenberg: Yeah, Chuck, I think you made a very similar comment on it.

Chuck Gomes: Yeah, looks like.

Alan Greenberg: That this presumes that we will be able to take the public comments and go directly to a set of recommendations which the working group has consensus on. I'm questioning whether that is, indeed, going to happen. It would be delightful if it does.

And do we want to - I mean, what we put here is - as predicting the next steps is rather moot. The future will unfold as it will and our words here can't change that. I'm just wondering if we should be a bit more candid.

Chuck Gomes: Now why, Alan, this is Chuck again. Why did you delete that - that the comments received from the public comment forum will be analyzed and taken into account for redrafting...

Alan Greenberg: I don't think I deleted that, not intentionally.

Chuck Gomes: Oh okay, I was just looking at - let's see, Alan. It's got - anyway it's showing up as you deleted it but that's beside the point. You didn't - did somebody want that deleted? Isn't that going to happen?

Alan Greenberg: I didn't delete it intentionally. If I hit a delete key by mistake it might have but I...

Chuck Gomes: Because I think - isn't that accurate, Brian and Berry, that the comments received from the current public comment period will be analyzed and taken into account in future redrafts.

Brian Peck: That's going to happen, I mean, we have to...

Chuck Gomes: Yeah.

Brian Peck: ...and the bylaws have to take into account at least review them and take into consideration so, I mean, that will happen as long as we receive public comments.

Chuck Gomes: Yeah. So I don't see any other hands up there so I think we can just...

Alan Greenberg: Yeah, I'm...

((Crosstalk))

Chuck Gomes: ...that delete should be removed.

Alan Greenberg: Yeah, Chuck, on my version I didn't delete them I just added the comment.

Chuck Gomes: Okay.

Alan Greenberg: I don't know what happened in the merging.

Chuck Gomes: Okay. All right, let me switch back over to my document that I can read. Scrolling down then to the bottom of Page 6 in the consolidated version it's the same issue, right?

Alan Greenberg: Yeah.

Chuck Gomes: Alan? You okay on that, Brian and Berry?

Berry Cobb: Yes.

Chuck Gomes: So we don't need - again, I'm scrolling back and forth between Adobe so I can read the comments so if a hand goes up and somebody else sees it and I don't feel free to speak up. I think Alan's next comment is on Page 10, is it top of Page 10?

Alan Greenberg: Yeah...

Chuck Gomes: Yeah.

Alan Greenberg: ...Section 3.1.

Chuck Gomes: Go ahead.

Alan Greenberg: Let me read what I said. Yeah, this is, again, that saying that there was Board action and I don't believe there was.

Chuck Gomes: Okay so it's the same issue.

Alan Greenberg: Yeah.

Chuck Gomes: Again, let me glance over at the Adobe, make sure there's no hands and then I'll scroll down further.

Alan Greenberg: The next one I have is just before Section 4.1.3.

Chuck Gomes: Looks like at the top part of Page 15...

Alan Greenberg: Page 15, yeah.

Chuck Gomes: Go ahead.

Alan Greenberg: I've made the same comment several times throughout the document. I think this is the first one. We use words saying the IOC and the RCRC are differentiated from other groups and such.

And that implies to the reader, who hasn't participated in these calls, that we are presuming the IOC and RCRC have similar arguments and should get similar protections. That has not - I don't think that's a conscious decision of this group.

In the most recent tables we've been using we have two separate columns for them. Each of the groups have said, in their own way, that they are different. The IOC has said repeatedly they're not trying to protect the acronyms. The RCRC has said in a number of ways they're looking for other protections including the country names and things like that incorporated in it.

So I think we need to make clear to the reader who's reading this for the first time and hasn't participated in these calls that, yes, the IGOs and INGOs are

different from the IOC and RCRC but they themselves are not exactly the same. And I just think we need to make that position clear. And...

Chuck Gomes: This is Chuck...

((Crosstalk))

Alan Greenberg: ...by grouping them - by wording it as we have here that's something that's going to be inferred.

Chuck Gomes: Yeah, this is Chuck again.

((Crosstalk))

Chuck Gomes: Alan, I don't see it as saying they're the same but at the same time I don't have any problems with making that more clear. It just says they may be differentiated from each other based on some criteria.

Alan Greenberg: Yeah, and I don't...

((Crosstalk))

Chuck Gomes: I don't see that as inaccurate but I - but at the same time if it can be made more clear...

((Crosstalk))

Alan Greenberg: I don't think from each other was there in the original comment. Berry or Brian, has that changed?

Brian Peck: No, I think - well, first of all Kiran has her hand up so, Kiran, why don't you speak and then I'll respond, Alan, to that.

Kiran Malancharuvil: Hi. Yeah, Alan, I just wanted to call - this is Kiran. I just wanted to call attention to Claudia's comment on the draft that says they're differentiated from each other and other INGOs and just wanted to ask if that was adequate for you to address it because I think it is, I think...

((Crosstalk))

Alan Greenberg: Yeah, I think it is also. It wasn't in the version I was commenting on.

Chuck Gomes: This is Chuck. That was Claudia's suggestion.

Alan Greenberg: Okay.

Chuck Gomes: So she was covering you.

Alan Greenberg: Thank you very much. Appreciate it.

Brian Peck: All right I mean, I think that's - I mean, I was going to point that out as well. And just, you know, one other thing, Alan, just, I mean, when we wrote this - and I agree with you - and your (unintelligible) I think there's some differentiation between the two organizations is, as you said, in the types of protections that they're seeking in terms of acronyms, for example.

When we wrote this it was more from the perspective that in terms of, you know, for example the basis for protections, both organizations that have protection and are built in the national treaties and, you know, multiple jurisdictions and national laws. And so that was the basis of writing it from that perspective. But I agree with Claudia...

((Crosstalk))

Alan Greenberg: They have been treated the same by the GAC and the Board until now. I'm just trying to prevent myself from being beat up by the At Large again if it goes in without words like that.

Brian Peck: Sure.

((Crosstalk))

Kiran Malancharuvil: ...protect you, Alan.

Alan Greenberg: I'm just trying to minimize scarring.

Brian Peck: Sure. No and Claudia's suggestion I think is fine so I just wanted...

((Crosstalk))

Brian Peck: ...that was the background from which we wrote that. But, you know, point taken and I think Claudia's solution is a workable one.

Alan Greenberg: Thank you. Over to you, Chuck.

Chuck Gomes: Okay, going then I think - I just looked at it and I forgot already - I think it's Page 16 Alan has three comments there. The first ones may just be an editorial one, the other two we probably should discuss a little bit. They're Alan's comments 15, 16 and 17. Alan?

Alan Greenberg: Yeah, thank you. There are several things. Number 1 is we're inconsistent in how we spell clearinghouse and it looks like that's been fixed now. The second related thing is later on the expression 'clearinghouse model' is used.

And I presume, although it's not defined or at least wasn't defined when I commented on this last night. I presume that means something like the

clearinghouse but not necessarily the clearinghouse; it's an implementation issue. And I'm fine with that as long as we define it that way.

I just think it is not within our mandate to do the implementation thing. And, Chuck, I think you made a similar comment somewhere to say it is the clearinghouse. By saying that we immediately have people raising their hands saying but they're not trademarks and pointing out that the contract with Price Waterhouse or whoever it is doesn't cover non trademarks.

So I think we just need to cover ourselves and use the right words. And that was really the only issue that I was raising in the first bullet. And, again, it gets raised a number of times later.

So if we're using the term 'clearinghouse model' I think it's fine; we just need to define it the first time and tell people what we're talking about so that we don't have people raising red herring issues continually.

My second two comments are we have two options here as possible protections, do not sell lists and limited protective registrations. Number one, I don't know what either of those are. And forgive me if I missed some conference call when they were discussed. And we don't use them again later. So if we don't define them and we don't use them again later I'm not sure why they're there.

Brian Peck: Okay.

((Crosstalk))

Brian Peck: Okay. Thanks, Alan. First of all Berry just noted in the Chat that we'll provide definitions for these two...

Alan Greenberg: Okay.

Brian Peck: ...concepts. And then I've got Greg's hand.

Alan Greenberg: Yeah, and I was going to - if we define them and don't use them any later we should at least have a sentence somewhere saying we didn't go further on those or something like that.

Brian Peck: Okay.

Alan Greenberg: Just to dispense with them.

Brian Peck: Sure. Greg.

Greg Shatan: This is Greg Shatan. I think the last thing noted should be limited preventative registration, not limited protective registration. And that came from a - that was a solution that kind of was riding alongside the Strawman solutions between Toronto and Beijing more or less but that did not get into the Strawman solution. So that's the - so-called LPR or Limited Preventative Registration was and it was part of what Fadi put out...

Alan Greenberg: Ah.

Greg Shatan: ...kind of for comment kind of. And then the do not sell list was kind of an earlier iterative - earlier proposal that came from - outside from CRIDO - C-R-I-D-O - as an organization. But - that (was never) proposed kind of within ICANN so to speak really. Thanks.

Alan Greenberg: Thank you, Greg.

Brian Peck: Thanks, Greg.

Berry Cobb: And this is Berry. Just to be clear these summary sections are really trying to condense down each one of the tabs from our very first massive spreadsheet. So all of this information was only pooled from that spreadsheet

and makes no reference to anything that went in - went on with the Strawman.

Working group members may have suggested that these items be reviewed in their subteam and that's how they showed up here. And to Alan's point, he's correct, that certainly these last two were not discussed further by the working group and hence not necessarily showed up in any of the recommendations that we have listed later on in Section 4.

Alan Greenberg: Thank you, Berry. Chuck, before you scroll farther I have to say I love 4.1.6 as it shows up in this version - the title.

Chuck Gomes:4.1.16.

Alan Greenberg: Just underneath the list.

Chuck Gomes: Yeah, I see it, okay.

Alan Greenberg: It's just aesthetically very pleasing to me; it's a frivolous comment.

Chuck Gomes: Yeah, yeah, got you. Okay. All right if - let me - if there are no more hands up I'll go to a comment I made, you know, a week or so ago or shortly after this thing was put out. It's on Page 20. Basically - and I ask a question there - maybe somebody can help me out.

I know that Item 1b there in that table is consistent with GAC advice but is it also with Board action? I'm not sure that it is.

((Crosstalk))

Brian Peck: Chuck, this is Brian. I mean, I see your point on that. I mean, as we saw from the Beijing meeting the Board has asked the GAC to clarify, you know,

certain ambiguities that the Board saw in terms of the GAC recommendation, you know, especially in relation to the IGO acronyms.

And so take your point that, indeed, it's no - even though that's the focus for the comments in 1a we need to refine that for 1b.

Chuck Gomes: Okay. Anybody else want to comment on that? Is that okay? So, oh yeah, Mike's got his hand up it looks like.

Brian Peck: Yeah, Mike. Mike.

Chuck Gomes: Are you on mute, Mike? Mike Rodenbaugh? Shall we let Alan talk since Mike...

((Crosstalk))

Brian Peck: Yeah, Alan, why don't you go ahead and then Mike...

((Crosstalk))

Alan Greenberg: Yeah, I was just going to comment that, again, in the provisional decision on the IGOs that the Board made in November they did approve acronyms at that point. Again, that was not Board action to formally approve them but, you know, it gave a wave of the royal hand that they would although now they apparently rethought that. I don't know whether we need to include those subtleties in this comment.

Chuck Gomes: Okay.

Brian Peck: I think Mike was - Mike's back on...

((Crosstalk))

Brian Peck: Mike.

Mike Rodenbaugh: Yeah, sorry about that. Are you hearing me now?

Alan Greenberg: Yeah.

Brian Peck: Yes.

Mike Rodenbaugh: Okay good. So I think this is a little confusing with respect to 1b because as I understood it with the matrix going around and the comments on the last working group call a couple weeks ago talking with the chair that there was basically consensus in this group that acronyms, at the top level, were not deserving of protection. Is that an accurate characterization or not?

Brian Peck: Mike, this is Brian from ICANN staff. I think, you know, the discussions, I think there was certainly lack of consensus or agreement on whether to, you know, make a policy recommendation for protecting acronyms at the top level.

But I think the reason why it's included in this matrix is the purpose going back to the main purpose or the primary objective of this report and that is given the current situation in terms of the policy recommendations and not being able to reach consensus at this point is to try to solicit feedback from the community and given the community a chance for an opportunity to see what proposals have been tabled that the working group has at least discussed or considered.

So the, you know, the matrix that is being presented in this report is not a reflection of any agreement or disagreement, per se, among the working group members, it's more of presenting to the community what has been discussed and considered and to try to solicit feedback and comments from the community on the proposals that have been tabled to date.

Mike Rodenbaugh: So I think what you're saying is that we're not trying to indicate whether or not there is consensus around these recommendations, correct?

Brian Peck: That's correct. That is correct.

Mike Rodenbaugh: Okay. But the way that it reads is it - the only option stated here with respect to acronyms at the top level is top level protections - identifiers are placed as ineligible. So where is the other recommendation option that they are not placed as ineligible or in other words if there will be no protection for them?

Brian Peck: Well in the first - if you look at - at the top level you're talking about?

Mike Rodenbaugh: Yes.

Berry Cobb: Two A reflects that.

Brian Peck: Yeah.

((Crosstalk))

Alan Greenberg: And 1a reflects it. It's Alan speaking.

Brian Peck: Yeah, I was going to say 1a...

((Crosstalk))

Alan Greenberg: ...only exact matchable names.

((Crosstalk))

Mike Rodenbaugh: Right, 1a is just full names and then 2a is all, I guess, full names and acronyms?

Berry Cobb: Yes.

Mike Rodenbaugh: Okay. So, I mean, I think we should parse out full names and acronyms because I understood that there was consensus in the group to protect full names but there is consensus for the full group not to protect acronyms at this point.

Brian Peck: You're correct in that there's been no consensus reached on the second option you mentioned. But, again, the purpose of this report - this matrix in this report is to summarize the proposals that have been tabled and discussed and considered by the group and to try to, as I say, to solicit feedback from the community.

It's not representing, you know, I think we've been trying to be clear in the report itself, you know, that the matrix, the proposals being presented in this report do not represent a consensus position by the working group. They're simply a summary of proposals that have been considered...

Mike Rodenbaugh: Right.

Brian Peck: ...and tabled and again hopefully some feedback from the community.

Mike Rodenbaugh: Yeah, I understand what you're saying. I think that it's just not very clear. For the casual reader of the report, which most people will be, they're not going to read the whole thing. But they're going to be interested in the recommendation matrix. And right now the matrix basically says the option is, you know, for 1a and 1b we're parsing out differences between full names and acronyms and we're basically saying that they're going to be made, you know, eligible for delegation. That's one recommendation.

Then you go down to 2 and you lump them together. And I think that's wrong. You need to (unintelligible) and you need to say there's other

recommendations that full names not be protected at all and that acronyms not be protected at all so that we get the full range of potential comments (unintelligible) stated. Is that clear?

Brian Peck: You know, we can certainly parse it out to try to make it more clear for the - I agree with you, I mean, most people probably just look straight at the options and so we can try to parse it out some more.

Mike Rodenbaugh: All right. And, I don't know, I'll say again, but I felt like that there was - it seemed to me there was pretty strong consensus around the top level recommendations, you know, and (unintelligible) basically very few if anybody is taking a contrary view to the consensus position as stated in the matrix XLS document that Berry and Thomas have been sending around for a while now.

So I personally don't get why we don't have to say that because we've got consensus in the working group, why don't we say that?

Alan Greenberg: Mike, when it comes to me, it's Alan, I'll tell you why.

Mike Rodenbaugh: All right.

Brian Peck: Okay, all right well, Alan, you're next in line.

Alan Greenberg: Okay.

((Crosstalk))

Alan Greenberg: On that point 2a is the reason why. There are proponents who say we don't need any protections at the top level; use objection mechanisms. So that's why there is no consensus at this point. However...

((Crosstalk))

Mike Rodenbaugh: Well wait a minute, wait a minute, hold on, Alan. If you don't mind, hold on a second. That's - I agree with you that there's - most people think - or - I don't know. Again, like we need to talk about the two separately, right? You're saying full names, there's some minority that doesn't think there should be any protection, correct?

But with acronyms I thought virtually everybody agreed there should be no protection.

Alan Greenberg: Except those who want the acronyms there.

Mike Rodenbaugh: Who are they any more?

Alan Greenberg: The IGOs and INGOs I believe - at least some of them want acronyms.

Mike Rodenbaugh: Okay, so I don't know, I haven't seen any of that since the matrix was sent around, where Thomas very clearly said in the matrix that there is consensus around no protection for acronyms. I've only seen actually I think - Greg Shatan is the only person who has said yes there should be protection for acronyms.

Alan Greenberg: And he and David are in the speaker list. Okay, my - I believe - it's Alan speaking. I believe Mike is right in that if you wanted to grant protection to - at the top level to full names and acronyms that is not an option available in our - in this table.

So I think the second, 1b, perhaps - either the only has to be removed from 1a or 1b has to include full names and acronyms because as it stands right now you cannot mix and match and get both. So that's Point Number 1.

Brian Peck: Okay.

Alan Greenberg: And it's a semantic point. Number 2 - but an overriding one - a comment I made at the second level in retrospect applies at the first level too. We need, in the introduction to this section, the statement that says here are a bunch of options; some of them are mutually exclusive, some could be used in combination with each other.

Because again that's not clear - the numbering is rather obscure, you know, 1a, 1b - 1a, 1b, 2a, 2b, 3, 4a, 4b - the source of the numbering is somewhat confusing. And there's no introduction that says how these various options could be mixed and matched or not. So I think we need something explaining the, you know, how you can use these options.

((Crosstalk))

Brian Peck: Okay. Point taken, we appreciate it. All right, we'll work on that. Okay. Greg, you're next and then I have David Roache-Turner.

Greg Shatan: Thanks. This is Greg Shatan. My first comment would, you know, kind of follows on Alan's that the numbering kind of needs to be maybe rethought and that it needs to be said that these are not, you know, mutually exclusive so that, you know, one could choose both 1a and 1b or choose 1a and not choose 1b. So I think that 2a could be split or rather 2a and 2b should kind of match up with 1a and 1b so the fee waiver shouldn't be 2b.

And 2a should be split into two pieces which is, you know, no protection for full names and no protection for acronyms should be, I think, 2a and 2b, just to set out kind of the - so that's kind of a top level matrix of four choices of, you know, which you could pick not any two but you could pick either the binary of - you could pick do nothing; you could pick do everything or you could pick do one and not do the other.

So that would, I think, be the way to lay it out. You know, as far as acronyms go I think, you know, the sense of the IPC that I am getting in putting my -

and while I don't have a consensus from the IPC, the sense from the IPC is not to protect acronyms and in the interest of finding consensus I will kind of put my sword back in its sheath with regard to acronym protection.

But with a footnote - and I don't know how this would work and this was, you know, reflected in the sense of some comments in the IPC is what to do about IGOs particularly which are much better known by their acronyms than they are by their full names.

And I don't know whether there's statutes protect - give their acronyms in essence, the same quantum as full name protection or rather their treaties, you know, or, you know, constitutive documents.

So, for instance, I don't know what UNESCO stands for but I'm familiar with UNESCO and the same thing with UNICEF, you know, as two examples. Does it make sense to not protect DotUnicef but to protect United Nations and International Children's Education Fund or whatever it stands for?

I just don't know if there's a methodology by which, you know, particular acronyms could be considered to be tantamount to the full or common names of the organization or if that's just opening a can of worms. Thanks.

Brian Peck: Thanks, Greg. David.

David Roache-Turner: Thank you very much. This is David Roache-Turner. I just wanted to briefly respond to some of the observations that were made earlier by Mike Rodenbaugh just with respect to those organizations in this working group that are seeking protection in particular form the IGO perspective.

There are three IGOs which have been actively involved in this working group including WIPO, the UPU and the OECD and there's a coalition of about 50 IGOs behind us as well.

And our position, as I think we've been fairly clear about explaining in the course of deliberations is consistent with the GAC advice on the issue of protection; that is to say we are seeking protection of IGO names and acronyms both at the top and at the second level.

And certainly we would be not proposing to add our voice to any consensus against protection either of IGO names or acronyms at the top or at the second level so just to clarify that for the record.

I also had some comments which I submitted a bit late so apologies for that just on the report which I see have not yet made their way into the matrix that we're discussing here.

But one of the points that I did note in those comments was just to be aware that the recommendation, which is described in 1a as being consistent with GAC advice, I'm not sure that that's entirely correct to the extent that the GAC advice is - that the - that IGO names and acronyms be protected against inappropriate third party registration.

And the recommendation that's described here is, of course, that the full name be ineligible for delegation. So I'm not confident that it's correct to describe, in the comments, in the way that it appears at the moment as being consistent with GAC advice.

Perhaps to some extent consistent with GAC advice may be a slightly more accurate way to characterize it. But in any event there's some suggested text there in the version that I've sent in that may be some consideration can be given to in due course. So thanks.

Brian Peck: All right, thank you, David. Okay any other comments on this particular section of the matrix? Otherwise we can move on through - as Chuck was doing with Alan's comments.

Alan Greenberg: Brian, it's Alan.

Brian Peck: Alan, yeah, I saw you have your hand up, yes.

Alan Greenberg: I just wanted to say out loud what I said in the Chat. And this does not reflect - this is not reflecting on David, who was speaking while I was talking, but the position we should be here is trying to make sure that the report reflects what the working group participants have said and advocated not to advocate for positions.

Brian Peck: Okay. Thank you.

Chuck Gomes: Okay. This is Chuck again. Going down them to I think Page 21. We have some comments - two different comments by Alan and I. The - let me cover mine first.

It seems to me - and I didn't go back and check it in the Guidebook that there was a limit on a number of free objections that were allowed. But am I wrong on that? Were the ALAC and GAC allowed unlimited?

Alan Greenberg: The - I don't know about the GAC; the ALAC certainly was given a limit.

Chuck Gomes: Okay so - and I think the GAC was too. But anyway let me just say let's check the accuracy of that one. And if there are limits on either or both we probably should be clear here because this makes it sound like there are no limits.

Alan Greenberg: Yeah, certainly the Board has been reluctant to grant free passes without limits on it.

Chuck Gomes: Yeah. So unless somebody else wants to talk on 2b there that's my only suggestion. Let's go back to 2a and Alan's comment there. I don't know if we've already - I don't know that we've already covered that or not but, Alan, would you take...

((Crosstalk))

Alan Greenberg: No, we haven't. And the point I was making here is the text, at least at the time I was commenting saying the working group - people who are proposing no top level protections say that the existing objection processes are sufficient. I do not believe we have carefully attempted to analyze that and certainly, I know, I, who am one of the proponents of this, have said the existing protections or others that we specifically craft to meet this end.

In other words that we use objection processes whether we have to invent a new one or not, I'm not sure. But that we use objection processes. So I just believe that the comment should reflect that. It may already now because I see there are some changes but I haven't tried to read it.

Chuck Gomes: This is Chuck again. I don't see any hands up on that. Certainly the - with regard to trademarks they could be used. And I believe that the objection procedures do allow for some governmental organizations, is that correct?

((Crosstalk))

Alan Greenberg: They may well. Really what we need is the people who would have to use those procedures need to look at the situation that if they are not granted protection but must use objection procedures are the procedures sufficient given the way their names are formulated and the rights are granted.

I mean, we may need a fifth objection process saying IGOs can object to their name being used at the top level, you know, something as simple as that. I just don't know and I haven't done the analysis and I don't think anyone else has so I don't believe we should be stating here that they are sufficient.

Mike Rodenbaugh: Well, I got a comment on that, Alan. There is a specific legal rights objection specifically for IGO names. It's the same as the legal rights

objection - it's not the same but it's in the rules in the Guidebook for the legal rights objection for any other trademark. There's a special section for IGO names. And it has been used in at least one case that I'm intimately familiar with by an IGO claiming that their acronym should be protected.

Alan Greenberg: Okay. Mike, you may well be right. I just know I haven't done that analysis. If someone has and can document it then the report can say that. I just didn't feel comfortable based on what I had heard to date whether the legal rights objection was sufficient in all cases or not. And, again, I don't think this call...

((Crosstalk))

Alan Greenberg: I don't think this call should be the investigative part of it.

Mike Rodenbaugh: I agree with you. I'm just saying we say it up in the - above in the report, we mention the LRO process for IGO names and we specify that it's based upon qualifications for a DotInt domain name. And, you know, no IGOs have taken a public position that it's insufficient. And some are using it.

Brian Peck: All right, Kiran, your hand is up.

Kiran Malancharuvil: Hi. So I have a comment just on this part. I think this is another part that needs to be parsed out more because, for example, I recall some discussions on the list and in calls that some people would support a fee waiver for IGO organizations to object but not necessarily for INGO organizations to object.

I think there have been some views expressed that - and this is going way back - but that INGOs are really no different than, you know, trademark owners in this respect. And, you know, some of us didn't - and I just - because this is my personal belief - that didn't support the qualification criteria put forth by the ISO that attempted to create a special category for INGOs.

So I think that lumping them together as IGO/INGO here under fee waivers is...

Alan Greenberg: Kiran, for clarity you're talking about 2b now, is that correct?

Kiran Malancharuvil: Yeah, were we not talking about 2b?

Alan Greenberg: Okay.

Kiran Malancharuvil: I was on 2b. If that's no what we were - the group was on I apologize.

Alan Greenberg: We had been on 2a but I think we were finished so.

Kiran Malancharuvil: My bad. Jumped ahead. Pushing the group - moving the group forward.

Brian Peck: Okay. All right.

Alan Greenberg: Chuck, do you want me to do 27 or you have something else?

Chuck Gomes: I'm fine if there are no hands up. So I would go ahead and do 27, Alan.

Alan Greenberg: Yeah, I'm trying to remember what it is, sorry.

Chuck Gomes: I understand.

Alan Greenberg: Yeah, I, again, maybe I missed the call where this was discussed, I don't recall it. But even if it was discussed and decided on by some - or recommended by some people that sentence is not clear. It's not obvious at what point someone would petition the Board or the staff to remove a requirement. That has to be done before the round was opened, I'm assuming.

And it's not clear exactly - that sounds like a change to the Applicant Guidebook, not a specific petition. So I'm not quite clear when this would happen. And it's not clear if by removing it from the list you mean it's now open for everyone or just the one who did the petition?

So I think, other than I'm not sure this was - I don't recall this being discussed. But on the assumption that it was there's not enough clarity here to know exactly what you're talking about. And since I wasn't part of the discussion I can't add that clarity, I can just identify the lack of clarity.

Chuck Gomes: So this is Chuck again. Can anybody - does anybody recall that discussion?

Berry Cobb: This is Berry. You know, I'll take blame for being the author of this part of the section. And I do agree with Alan that it needs to be more clear and it's definitely nothing that the ICANN Board has specifically acted on.

I believe what is the root for this is a specific line item within Spec 5 of the proposed Registry Agreement. And it only goes as far as saying that in writing by ICANN or something along those lines. But I agree, we'll investigate the details of this and...

Alan Greenberg: Yeah, but, Brian - not Brian, Berry, we're talking about top level protections here. The Registry Agreement is way after the application for top level.

Berry Cobb: Thank you, Alan. I retract my statement. But we'll look into this.

Alan Greenberg: Okay.

Chuck Gomes: Okay. Chuck again. Shall we move on?

Brian Peck: Chuck, hold on for one second. We've got - Greg has his hand up. Greg.

Chuck Gomes: Oh I didn't see it. Thanks.

Greg Shatan: I just put my hand up. Thanks, Chuck. Greg Shatan. One general comment on this table. I notice that at some point in the drafting process the right hand column name changed from Rationale to Comments.

And when it was Rationale it seemed that what was in that column was the support for the proposal in the left hand column whether that support, you know, was from a majority or a minority of those in the group but just whatever was kind of generally supportive of taking that position.

And now it's changed to Comments. And what we have is kind of a mish-mash which is not an omelet made with salami but in this case is a - some cases the references are kind of supportive of the proposal on the left hand column, on other cases they're kind of a combination of pros and cons; in other cases it's kind of a con.

So I don't know whether, you know, kind of how this evolved and whether we want to have a column, you know, two columns; one for support and one for lack of support or negative or, you know, just kind of leave it as it is or try to be more balanced in putting forth whatever has been the positive or the negative reasons for adopting or not adopting, you know, a particular proposal.

But kind of right now it seems to be kind of mid-stream between what it was as Rationale and what it might be as kind of a pros and cons summary. I'm not quite sure where to go with it but I think it's kind of not where it should be. Thanks.

Chuck Gomes: Greg, this is Chuck. I think I'm the one that suggested changing it from Rationale to Comments because I observed what you just said. Sometimes it was rationale, sometimes it wasn't. It wasn't consistent. So I think I'm guilty of suggesting we change the column header because we didn't give rationale on every case which is what you're observing. So...

((Crosstalk))

Greg Shatan: Right. And I think that was a step in the right direction...

Chuck Gomes: ...should go further and separate it we can talk about that. But that's why I suggested that the heading title change.

This is Chuck. Shall I move on?

Greg Shatan: Chuck, this is Greg again. Do you think - I would suggest moving to the next level if we could. And at least in the comments section try to have comments that were both, you know, reflect what was - why these were, you know, favored by some and then why they were disfavored by others.

If, you know, if in fact, you know, that's the balance or not even a balance but, you know, there's been something to be said for and something to be said against each of them it should probably be in the summary. And whether it needs to be two columns or not I leave that to the drafter. Thanks.

Alan Greenberg: This is Alan. May I suggest an easy solution? Make the title Comments/Rationale then we're justified in having it random.

Greg Shatan: I think that's an easy solution but I don't think that gets us to the point where we're presenting a, you know, something, you know, that reflects kind of our deliberations or, you know, the underpinning underneath of those.

Alan Greenberg: That was the only reason it was suggested.

Greg Shatan: Understood. Thank you.

Chuck Gomes: So this is Chuck again. I guess my concern is a very practical one. It seems to me that it would be - take us several weeks more to do what you're suggesting, Greg. And we'd need input from a bunch of people again.

And I guess my own leaning is is at this stage we need to get this out for public comment. And those kind of comments could be submitted in the comment period. But again I'm just being very pragmatic about this. I think it would delay us several weeks to do what you're suggesting.

Not that it's a bad idea just from a very practical point of view I think this - we really need some feedback from the community on this. It certainly is far from perfect. But I think there's enough there that people could comment on it.

I see Alan's hand up.

Alan Greenberg: No I didn't put my hand up; I was agreeing with you that - that's why I suggested the Comment/Rationale. I think it's expedient and I don't think we have any other option on the short term short of putting an awful lot of work into this.

Greg Shatan: This is Greg. I guess another option would just be to have supportive rationale for each of them and not have the negative commentary because I think it kind of tends to prejudice the reader perhaps. Maybe their prejudice is that reflects some form of rough consensus or not.

But, you know, in some cases it kind of, you know, plays the hand of, you know, to the reader that, you know, some of these are kind of good things and some of these are kind of (unintelligible), you know, if - maybe you take the advice just say something, you know, that would support the rationale of adopting each of the proposals and take out the other stuff.

((Crosstalk))

Chuck Gomes: And this is...

Greg Shatan: I'm not sure if that's helpful.

Chuck Gomes: This is Chuck again. Yeah, this is Chuck again. There's another way we could approach this. In our request for public comments we could actually ask people who comment to provide their rationale for supporting or opposing particular options.

Greg Shatan: I think regardless of what we have in here that's an excellent suggestion. Thanks.

Brian Peck: Okay. Does anyone have any other comment on Greg's suggestion of calling it Supportive Rationale?

((Crosstalk))

David Roache-Turner: Yeah, it's David Roache-Turner. We would support Greg's suggestion. I think it makes very good sense to ask people specifically if they have a rationale to support a particular position, I mean, also to inform (error) in deliberations but it's helpful, I think, to know why people think protection should or should not be granted if they're going to comment on it.

Brian Peck: We have a couple proposals here. We have (unintelligible) comments, comment rationale or supportive rationale. And, I'm sorry, there should be, you know, a fourth option, as Greg suggested, would be to include both the positive and negative.

But I - as Chuck has pointed out I think there's some concern about expediency and that would, you know, from, you know, realistically it would delay the publication of the report, you know, at least by a couple weeks because of reviewing that and sending it around for another round of comments and input and so forth.

So do I hear if any - any of those suggestions that seem most appropriate for moving forward?

Alan Greenberg: It's Alan. I've already said do what's expedient and get this report out. And I support the concept of asking people if they indicate support for something to explain why.

Brian Peck: Okay. All right, I've got Claudia in the chat also agreeing with Alan. Do I hear any objections? Okay we'll go ahead and do that. Why don't we move on to the next comment?

Chuck Gomes: Okay. Chuck again. So at the top of Page 22, Alan, you want to take that one, your Comment 28?

Alan Greenberg: Oh let's see what that - yeah, that was the same one I added earlier on the top level ones that the combination of the obscure numbering combined with some cases things being mutually exclusive, some things are not - some things, you know, mix and match, pick and choose. I think we need an introductory statement explaining that.

And perhaps, as someone else mentioned, a revamp of the numbering which is somewhat confusing that we have a brand new table here but it picks up the numbering from the previous one. And coincidentally it is also similar to the numbering of the section. It just adds too much confusion. The numbering should not - should help it not confuse it.

Brian Peck: Okay.

Chuck Gomes: Brian and Berry, this is Chuck. Are you guys - can you - do you think you can come up with a way to deal with that concern?

Brian Peck: Yeah, we'll work on this so it's easier...

((Crosstalk))

Alan Greenberg: I mean, I'm assuming that things that were A and D have the same number had a reason for being it but I couldn't quite divine what it was so.

Brian Peck: No, I mean, take note of the comments here. I mean, we'll try to provide a little more explanation at the outset and also try to make the matrix table a little more clear, easier to understand or follow.

Chuck Gomes: Okay.

((Crosstalk))

Brian Peck: Greg, you have your hand up; is that an old hand or you have something new to raise? No, okay. Thanks. Okay, Chuck, sorry.

Chuck Gomes: Okay that's all right, I wasn't looking at the Adobe. So all right then my next comment I think has been addressed by the suggested edits that other people put in there. It was similar to a comment I made before with regard to the Board action, consistency there.

But with I think the changes that were made I think that's okay unless somebody thinks differently. And I'm not seeing any hands so let me switch back over to the document. Keep this thing moving.

So I'm to Alan's Comment 30. Alan?

Alan Greenberg: Yeah, that's the first time clearinghouse model was used which is a term I support based on my earlier comments saying don't presume the trademark clearinghouse is the vehicle and don't imply to some people that these are trademarks, which they aren't, or aren't necessarily. So I like the term; I think we should be using it earlier and I think we need to define it.

Chuck Gomes: Okay. Not seeing any hands, getting back over to my - okay, Alan, your...

Alan Greenberg: Yeah...

Chuck Gomes: ...31...

Alan Greenberg: ...31 on Section 6e. There's a reference to permanent claims notification. I don't think we can glibly just toss that in. That is something that doesn't exist right now and there have been various claims over the months that that is either impractical or impossible for various reasons both business model and technical. And so I think we just need to comment on it that this is a new concept that has not been fully explored.

Chuck Gomes: You okay with that, Brian and Berry? Greg, is your hand up again?

Greg Shatan: My hand is up again.

Chuck Gomes: Yeah.

Greg Shatan: This kind of - a reminder of that point brings me to a point that I brought up just before the call in an email which may have taken a few minutes to get out which is that I noted that our, you know, title of our working group and our charter says that this is regarding protection mechanisms in all gTLDs, which would include the existing gTLDs as well as the new ones.

I think we've, by and large, not spent, you know, much explicit time, if any, on the existing gTLDs. And this is kind of one of those points regarding kind of length of rights protection mechanisms where, you know, this point kind of becomes more obvious which is that if there were to be a clearinghouse model for IGOs and perhaps INGOs and whoever else might fall into this non-trademark clearinghouse clearinghouse it may well end up applying to all

gTLDs and not just new gTLDs unless we specifically state that we're not going there.

And I think it's, you know, maybe been a collective blind spot in our deliberations to which I'm as guilty as anybody else. But that if we were to have a non-clearinghouse clearinghouse both could have different rights protection mechanisms or variations on them and so also apply to the - to all gTLDs and not just to new ones.

Kind of - I'm sorry for throwing that in at kind of a random point here but I think as we get to the discussion on the second level, you know, the first level is really irrelevant because there's, you know, all new gTLDs will be new gTLDs but not all new domain name registrations will be in the new gTLDs.

And we need to consider whether, you know, to the extent our mandate was to discuss not just the new gTLDs the second level references are going to apply only to the new gTLDs or if they're going to apply to other ones as well.

And that kind of goes to the issues of existing rights protection mechanisms which are different for the existing gTLDs and therefore may not be as robust or as sufficient to support kind of a - some of the positions or rationales that are set forth. Thanks.

Chuck Gomes: Looks like Alan's up.

Brian Peck: Alan, I see you have your hand up?

Alan Greenberg: Yeah, I did. I think Greg raises a really good point that we have ignored up until now. And I think we need a statement somewhere near the top of this report saying the working group has, to a large extent, focused on mechanisms for the new gTLDs; our mandate is all gTLDs. Should we decide to recommend that any of these things apply to existing gTLDs there will have

to be an investigation of grandfather clauses and various other things to allow for that transition.

So I think that's a disclaimer we need way near the top to point out we haven't looked at it. You know, we could choose to say they don't apply. As Greg was talking I was trying to think, you know, for instance the URS, does the URS apply only for new gTLDs? Chuck, you might know. Or is it going to apply to all TLDs?

Chuck Gomes: This is Chuck. I don't think it's been passed as a consensus policy so it would not apply to existing TLDs. Now existing TLDs could voluntarily decide to implement it but to my knowledge there's been no URS consensus policy.

Alan Greenberg: And it hasn't been wrapped into new contracts as they've been signed.

Chuck Gomes: And keep in mind that the URS is an implementation detail of the policy that was approved on new gTLDs.

Alan Greenberg: Yeah. Okay. So I think Greg addresses a really good point that we need to cover. It's a bunch of work we may need to do at some point but certainly it's something we need to say that we haven't done at this point in this draft report.

Greg Shatan: I wish we could take the simplest solution and just change all gTLDs to new gTLDs and the title of the working group but I think the charter won't allow it.

Alan Greenberg: Well we can end up making that recommendation. But we can't ignore it altogether.

Chuck Gomes: This is Chuck again. And I think your point is well taken, Alan, that a comment early on to that effect would be important because there would be grandfathering issues and things like that. I think those can be considered

implementation issues. But I think your suggestion of adding a comment to that effect would be useful.

Brian Peck: Okay.

Chuck Gomes: Okay? Should I - I will move on if I don't hear any objections. This is Chuck again. Scrolling down to it looks like the bottom of Page 24. Comments by Alan and I there. Alan, you want to take off?

Alan Greenberg: If you know what it's about you can do yours first because I've got to read it again.

Chuck Gomes: Well my comment I think was is that this didn't cover all the options that were considered. You know, I had proposed a simpler, very objective option that an exception could be - anyone that had a mark in the trademark clearinghouse would be eligible for an exception provided that they, you know, agreed to avoid any confusion. And that wasn't mentioned here so that was my point. I need to go back and look at yours again, Alan.

Alan Greenberg: Okay no I now know what I mine is. I wrote this whole comment and then I realized in reviewing it that at the top of this section or near the top there's a parenthetical, See 4.6 for details, for the proposed procedure. I think just moving the parenthetical to the end of that section means you don't have to put all the details in it like I was suggesting but simply pointing to it. And I think that's sufficient.

I do have comment on the details when we get to it. But in this case I think we - we address my concern by moving the parenthetical to the end of the section instead of being buried at the top.

Chuck Gomes: Okay.

Brian Peck: All right.

Chuck Gomes: Back over, there are no hands up so I'm assuming we can move on.

((Crosstalk))

Berry Cobb: Actually, Chuck, this is Berry. Just to kind of carry on to what you were commenting on, I mean, you are correct that there are multiple options here and this is really a dependency onto the type of protection that's ultimately granted.

So, for example, if the working group were to come up with second level names are actually on a reserve list whether they be full names or acronyms if they're reserved in Spec 5 versus not being reserved in Spec 5 and only loaded into the clearinghouse model then that exception procedure is going to be vary greatly.

So, for instance, if was in the clearinghouse model the exception procedure would more likely try to leverage existing clearinghouse types of objection procedures whereas if it's truly a name or an acronym on a reserve list we would have to find some other mechanism by which to do that.

So I'm not sure how the working group would like to present the possibilities and hence why I tried to keep the recommendation option itself as generic as possible.

Chuck Gomes: Well, yeah, so this is Chuck. If that sentence is deleted it's - I'm probably - I don't know that any more needs to be said. But I was concerned that - about the suggestion to create some entity to make this decision and that's another expensive process in the whole thing. And probably would be difficult to make totally objective and so forth.

So my personal feeling is that if that sentence is deleted I think I'm okay with it.

Alan Greenberg: Yeah.

Chuck Gomes: We say somebody - I don't know if I added or somebody else added - I guess I did add, "A procedure would need to be developed to support this." So if people are okay with the deletion and the addition that was my suggestion to solve this problem.

Brian Peck: Alan?

Alan Greenberg: Yeah, I think what's lost by taking that sentence is the implication that it shouldn't be the IGO/INGO that is releasing its name but a third - assuming a party is - needs to take action, which in Chuck's case it doesn't, we lose the fact that some people think it should be a body, you know, it shouldn't be the IGO itself that's giving permission or the INGO. And that sort of is lost so we may need to cover that.

With respect to Chuck's specific recommendation I have no problem with including that as one of the options that is being suggested. But I think it needs to be made clear that that would only apply if someone has a legal trademark right to the string that they're trying to use which is not necessarily the case.

Chuck Gomes: And this is Chuck again. I'm okay as long as we don't show that as the, you know, having a third party organization doing it, as long as that's presented as one idea and other ideas - another idea is mentioned and none of them are necessarily the only ideas available I would be okay with that.

Alan Greenberg: Yeah, I think that's a detail which goes better under 4.6 in any case so I would suggest leaving it out here. It may need to be included in some form in 4.6.

Chuck Gomes: Okay. Shall we move on?

Brian Peck: Yes.

Chuck Gomes: Okay. So on the next - in 4.5 there under 10 - I guess it's under 9, sorry about that - did the General Counsel's office identify criteria? I don't think they did and if not we shouldn't...

((Crosstalk))

Brian Peck: No. Yeah, Chuck, I'm sorry (unintelligible) I can see your interpretation of that. What was meant or intended the way it was phrased is that, you know, the General Counsel has identified, for example, the international treaties and domestic law jurisdictions.

So those, you know, it's not - the General Counsel has identified criteria, you're correct in pointing out. What was identified by the General Counsel's office in its report was the national - I'm sorry, the international and national legal protections.

Chuck Gomes: So all I would suggest is that we make that a little more clear.

Brian Peck: Sure.

((Crosstalk))

Brian Peck: No, and like I said, with your comment I can understand that reading of it and that's, you know, like I said we'll clarify that.

Chuck Gomes: Now going on then to my - to Comment 35, which was one by me. And this is really - there is a question - and maybe Claudia can help us out here or some of the others in INGOs.

Didn't I understand you say that there are some legal protections for INGOs because the Red Cross and the IOC? And if so, we - that's not what this says here. So and there's some other suggested edits that may cover my concerns there so let me throw that open.

Claudia MacMaster Tamarit: Chuck, it's Claudia, can I respond?

Chuck Gomes: Please do.

Claudia MacMaster Tamarit: I think I agree with you, Chuck, that's why we added some of the comments here in the rationale just to kind of clarify. The legal protections that we were talking about when we included our Criteria Number 1, they're not the same kind of legal protections as the Olympic Committee as the Olympic Committee's legal protections are not the same as the Red Cross.

The idea was just to emphasize that there may be indeed, and at least in the case of ISO and IOC, there are other legal protections beyond our trademark, protection that might be an indication of our quasigovernmental international status and might be a basis to give protections for the public interest.

So that's why I think - but I think that the comments that I've included here in red on the side give a bit of light to that just to leave that open.

Chuck Gomes: And this is Chuck.

Claudia MacMaster Tamarit: Does that answer?

Chuck Gomes: Yeah, I'm much more comfortable with that wording, the changes you made then just saying lack of legal protection based on the information that's provided.

Claudia MacMaster Tamarit: Right, I agree.

Chuck Gomes: Okay.

Brian Peck: Okay.

Chuck Gomes: I don't see any other hands I will move on. And we come to looks like Page 26. Alan's comment - it's probably an editorial comment there on your 36. You think those are pretty mutually exclusive.

Alan Greenberg: Well, it's Alan speaking. In the context of second level domain registrations, which currently typically cost in the order of \$10-\$20 and can be completed in a matter of minutes going to an external dispute resolution provider - and we have one on this call - the timeframes that we're talking about and the costs we're talking about are orders of magnitude greater. And I wasn't commenting on the impartial just to be clear.

You know, so saying using existing dispute resolution procedures, well, I don't think we could use the existing procedures; we don't have a procedure that addresses this particular use, this particular application. But if we're talking about procedures modeled after the existing ones I just don't think you can do it and claim that you're doing it cheap and fast, you know, in the context of the cost and speed of acquiring second level domain names.

Chuck Gomes: So what do others think on that? This is Chuck.

((Crosstalk))

Alan Greenberg: The detailed procedures outlined later on talk about periods of 10 days, you know, and there's three of them, I think.

Brian Peck: We have - Claudia's hand is up. Claudia.

Claudia MacMaster Tamarit: Hi. I just want to comment on this exemption procedure and the idea of even 10 days. Even 24 hours can be an undue burden on a legitimate

user and a rightful owner to be able to apply for - and let's use the acronyms - the case of acronyms because I think that they're intuitively more the situation that we're talking about.

But if we need to have an extra day to apply for the use of, you know, IDEA, which might be Idea, without any - it poses a rather onerous burden or can be in terms of freely being able to register. And maybe Idea is not the best example in the sense that it could be used generically. But definitely in the case of a trademark it's a burden that doesn't exist in the real world.

If we need to register a domain name because there is a new effort to help developing countries then we can do that and we're only limited by the amount of time it takes to look up a registrar and register our trademark.

I think what - we've already gone on record in terms of position about exemption procedures. But I'd just like to sort of support, Alan and Chuck, your conversation here in terms of expeditious, inexpensive, we need to just kind of keep in mind, you know, the real world in terms of how trademarks and identifiers work together and even how dictionary terms and registration needs and realities just work together in the real world so that we're not creating a situation where we're granting greater rights.

At the same time we're being, I think, considerate and sensitive to the need of international organizations to be able to deal with the cyber squatting as the DNS expands so just to give my 2 cents on that last point.

Brian Peck: All right. Alan.

Alan Greenberg: Yeah, thank you. Yeah, I, you know, Claudia, I'm afraid you were still being into advocating positions which I was trying to avoid but simply pointing out the conclusion of my position is exactly what you just said.

But by pretending that the second two - the last two bullets can coexist we are assuming that we can come up with an objection process which will work in the real world that Claudia is describing. And until someone comes up with a semi-practical example of how one could do that I don't think we're allowed to fantasize in this report. And I think that's what it's doing.

Chuck Gomes: So, Alan, I have a suggestion. Would you - what if we, on the last bullet, just changed it to, "Use existing dispute resolution procedures if possible."

Alan Greenberg: Well I noted - and I didn't catch it last night when I was doing my review - but I noted that the wording is incorrect anyway. It's "Using dispute procedures modeled on existing ones if possible." Yeah, I can accept that.

Chuck Gomes: Okay. And I'm okay with the changes you just made too.

Alan Greenberg: I still think it's a bit of a fantasy world because...

Chuck Gomes: Well, it is. It is but it was part of what we...

Alan Greenberg: Indeed.

Chuck Gomes: ...did.

Alan Greenberg: Yeah.

Chuck Gomes: And people were just trying to be helpful. It wasn't as if they were trying to create fantasy. But it is a challenge.

Brian Peck: Okay.

Chuck Gomes: Okay. Should I move on?

((Crosstalk))

Alan Greenberg: I already commented on my 37.

Chuck Gomes: Okay. Now I had a comment there on the same page, Comment 38. And I suggested an alternative there because we may or may not use the clearinghouse for some things that it wasn't intended for. And so one way of approaching that, that I suggested, was use the term coordinating body.

I don't know if that works for people or not. I was trying to provide an alternative. I don't know if there's any comments on that? Should we make that change? Should we not?

Alan Greenberg: Well, Chuck, it's Alan. If they introduce the term whether it's clearinghouse model or whatever it is, define it and then use it consistently I think it covers this case too.

Chuck Gomes: Yeah, I think you're right on that. This is Chuck.

Brian Peck: Okay so if we - as you said we use the clearinghouse model terminology you're okay then?

Chuck Gomes: Yeah.

Alan Greenberg: Yeah.

Brian Peck: Okay. All right, why don't we move on?

Alan Greenberg: Back to you.

Chuck Gomes: Okay, all right, let me get back over to my document here. And then on the last bullet, again, I'm just saying that that should be mentioned as one option and then, you know, that's not the only option we talked about. So I don't know if we need to talk about that any further. We've kind of hit that already.

Brian Peck: Okay.

Chuck Gomes: And then...

Alan Greenberg: Yeah, Chuck, it's Alan. As I said before, I have no problem using the option you suggested as another example except I think it does need to note that if you look at the case study that was done on existing second level domains where other organizations had registered acronyms or names of some of the IGOs in a number of those cases the letters were the way this organization is known in their local environment but didn't imply it was a registered trademark of them therefore the clearinghouse model may not be applicable.

Chuck Gomes: Understand.

Alan Greenberg: Yeah, I mean, in the clearinghouse model we had long discussions many years ago on whether we should use common law trademarks and the decision was no. And therefore that excludes a whole bunch of...

Chuck Gomes: Yeah.

Alan Greenberg: ...of practical uses but ones where trademarks are not held.

Chuck Gomes: Well, this is Chuck again. As everyone knows my bias - and I think the bias of the Registry Stakeholder Group is really toward being as objective and specific as possible so trying to avoid having new bodies created and subjective decisions made and so forth. So we may take that to the extreme but that's kind of the bias that I'm coming from so as long as everybody understands that.

Alan Greenberg: A refreshing remark, Chuck, thank you.

Chuck Gomes: Okay going on then to - yeah, I think my Comment 40 is just along the same line. You know, we don't even have to deal with those kind of things if in fact we use this. But, you're right, Alan, it would exclude some people so.

Scrolling down, going faster now, it looks like while I'm scrolling because I'm going all the way down looks like to Page 33, the conclusions and next steps. And it is what happens if the consensus call does not result in firm recommendations?

And I think we have to - we should address that. I'm assuming we would continue work. I don't know what others think. But I do think we - that should be addressed. Now I'm hopeful that we can at least get a strong support for some recommendations, which I think we could then forward them on to the Council. But time will tell on that.

Alan Greenberg: Yeah. That's, I think the same basic comment as both of us made at the very beginning...

Chuck Gomes: Yeah.

Alan Greenberg: ...that we need to be candid. This is not a - what we sometimes call a slam dunk.

((Crosstalk))

Chuck Gomes: Yeah.

Alan Greenberg: ...it's going to be made.

Chuck Gomes: Yeah. Yeah. And I'm scrolling down. I don't think I - there are any more comments from Alan or I. Correct me if I'm wrong, Alan.

Alan Greenberg: I don't think there are either. I was getting awful tired by here.

Chuck Gomes: I did - well this is Chuck again. While, I've still got the mic here the - I realize that the reason why this document does not include the exchange that Claudia and I had regarding two wording changes is because I didn't - I didn't submit those in an edited version of the document but rather made suggestions in my comments that I submitted on the list so it was just an email - some email suggestions there.

And Claudia responded to my request via email too. So I would just like to request that Brian, you and Berry, take a look at that email exchange that happened earlier today with regard to the two concerns I had with regards to some edits that Claudia had suggested. And I'll leave that at that.

I basically just didn't want us to say that - to give the gist of it that most of us didn't prefer a single model for qualification criteria. I think we would have been happy with that if we could find one. But instead we didn't find one that most of us could support and that was the gist of, I think, the exchange that Claudia and I had after she submitted her edits.

Claudia, if I mischaracterized anything there please correct me.

Claudia MacMaster Tamarit: No, Chuck, not at all. You're - I completely - I think we're on the same page here.

Brian Peck: And, Chuck, we'll certainly take a look at those emails and, you know, take those into account and the revisions.

Chuck Gomes: Thank you very much. And I think I'm done with my task. Sorry to take up so much of the time but hopefully that will make our job a little bit easier next week.

The only other thing maybe we should talk about, if people are willing, is Ricardo - there were - Ricardo, again, raised the issue with regard to the IOC

legal protections, the point about it being - that the protections are for the symbols, not the names. You know, I don't think right now we need to go into that. But I think at some point we need to, as a group, decide how we're going to handle that.

I mean, either to rationalize it and say yes but, you know, we believe the principles there or something else. Or - I don't think it's fair for us to just ignore that point being raised again. And I realize there have been discussions on that. So in preparation for next - for our meeting next week I would hope that we come up with some response to him whatever that may be.

And I'm not advocating his position or the IOC's position, I'm just saying that I think it's something we need to deal with.

Jim Bikoff: Chuck, Jim Bikoff.

Brian Peck: Go ahead, Jim.

Jim Bikoff: Yeah, I was just going to say I - since it's coming up on the hour I don't think we have enough time now. But we will certainly be able to respond to that on his points. I think we have done that now for about at least three or four years starting with the IOC RC group and going on through the PDP.

But we have responses, obviously, and we'll make those and be able to talk about this next week. And we may submit something in advance of that meeting on these points.

Chuck Gomes: Thanks, Jim.

Brian Peck: Thanks, Jim. And just to - Chuck, point too, I mean, that issue was addressed or discussed in the final issue report as will in - on that issue. But we will

welcome Jim's comments on behalf of the IOC to address and respond to Ricardo's points, which I agree, should be responded to.

So we have about nine minutes left. I wanted to cover quick next steps and then, Alan, you've got your hand up so let me take care of you and then we'll get on to the next steps and conclude the meeting.

Alan Greenberg: Yeah, thank you. I was just going to comment on that. I think Chuck is right that this is an issue that we have discussed more than once. There is a presumption on some people that the international accords and national laws are linked somehow. And since it's an issue that's come up time and time again I think we need to address it in the report. So that was my comment.

My hand was originally up for another reason and I'll take the opportunity of having the microphone to do it. Brian, I think that was marvelous finesse offering to chair the meeting and then arranging to have Chuck do most of the work so good work.

Brian Peck: Thank you. And thank you, Chuck, I appreciate your carrying us through Alan's comments so thank you very much for your contributions to that. Greatly appreciated.

Okay so next steps. As I mentioned at the outset and as I think is evident in our discussion today, I mean, again I think we've received some very useful and instructive comments. But given the timing and so forth I believe - and I can speak certainly for myself I have not had a chance to get through all the comments that have come in especially in the last few hours.

And so I think we need, you know, in fairness and in thoroughness we need to give time for everyone to go through those comments. My suggestion would be - and I'm certainly open to alternative suggestions - you know, of wanting to be thorough and fair but also to try to be as expeditious as

possible and to get this out, you know, over an amenable period of time without too much more delay is that we put out a consolidated version.

We still, as you have seen, we still need to incorporate some comments and a couple of email strings as well. We'll try to get that out as soon as possible. A version that we'll just have the consolidated comments received only so that you have the chance to look at them or if necessary to go back to your constituencies and stakeholder groups and then, you know, have a Monday deadline of raising any concerns that you have about particular comments that merit discussion on our next call on Wednesday.

In the meantime Berry and I will be working on the revisions and clarifications that have been pointed out today in the comments that we've gone through.

But I think, you know, rather than waiting - that will take some time for us on our side - rather than trying to get that all together in a consolidated version my preference would be is we get the consolidated version out simply with, again, all the comments that have been received to this point in time so that you can take a look at those, raise again any issues or concerns that merit discussion next Wednesday.

In the meantime we'll work on the revisions that have been noted today and, you know, what we could do is then after the Monday deadline is try to provide a version that incorporates the changes in revisions reflecting today's discussion as well as accepting those comments to which no objections were raised.

So that then what we have on the next call on Wednesday would be a version with comments remaining that people have raised concerns or questions about. Does that sound like a reasonable approach?

Chuck Gomes: This is Chuck.

((Crosstalk))

Brian Peck: You have your hand up, go ahead.

Chuck Gomes: Brian, I think so. That's what I was going to get at, what are we going to do with the changes that we've, I think, come to some agreement on today? And I think you've covered that. So what we would look for after the Monday deadline or if you can get it sooner, that's fine, is a document that would show the changes that nobody objected to and any changes that we agreed to today, is that correct?

Brian Peck: Yes, so that would be, you know, we would - again Monday is the deadline, we hopefully will see which comments have not had any objections or questions raised. We'll go ahead and incorporate those comments, you know, as appropriate along with the revisions that we - as you say we've discussed today or the clarifications necessary that went out today.

And that would be a version that would come out, you know, hopefully some time on Tuesday which would serve the basis of the discussions, you know, it would also include or highlight those comments to which those, you know, questions have been raised so that we can use that as the working document on next Wednesday's call.

Chuck Gomes: That sounds good. Thanks.

Brian Peck: Okay. So the version that you'll get next hopefully, you know, as soon as possible, would be just a consolidated version of all the comments that have been received up to the time of this meeting without any editorial comment or changes, you know, that were decided upon today.

It'd simply be a compilation of all comments received so again you have a chance to go through them along with us as well and use that as a basis to raise any questions or concerns by next Monday.

We'll explain this in an email when it goes too. But just to give you, you know, we're looking at two versions coming out between now and next Wednesday; the first one just being the consolidated comments themselves for your comments and questions, the next one will be incorporated agreed upon comments and our revisions discussed today that will come out before Wednesday's call and be the working document basis for the discussions.

Okay is anyone - any objections to that - moving ahead on that process? Okay. And then, you know, understanding, Chuck, that indeed there will not be a conflict with the other call next week we can go ahead and proceed in scheduling our next meeting at the same time.

Chuck Gomes: That is correct.

Brian Peck: Okay, at 1600 UTC. All right. Okay with that if anyone else has any other business or last remaining questions or points, other than that we can leave the floor open for about one more minute. Okay again we really appreciate your time and efforts in providing the contributions and your comments and look forward to continued discussions on the list and we'll talk to you next week. Thank you very much, everyone.

Berry Cobb: Thank you, Brian.

Brian Peck: Thank you.

END