

**ICANN  
Transcription  
IGO-INGO Protections Policy Development Process (PDP) Working Group  
Wednesday 6 March 2013 at 17:00 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 6 March 2013 at 17:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-igo-ingo-20130306-en.mp3>

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

Attendees:

Lanre Ajayi - NCA  
Jim Bikoff – IPC/IOC  
Avri Doria – NCSG  
Elizabeth Finberg - RySG  
Chuck Gomes - RySG  
Alan Greenberg - ALAC  
Catherine Gribbin - Red Cross  
Stephane Hankins - NCSG  
David Heasley - IPC/IOC  
Wolfgang Kleinwaechter – NCSG  
David Maher - RySG  
Kiran Malancharuvil - IPC/IOC  
Osvaldo Novoa - ISPCP  
Thomas Rickert – NCA –Working group chair  
Greg Shatan - IPC  
Claudia MacMaster Tamarit – ISO  
Jo Teng for David Roache Turner - WIPO  
Mary Wong - NCUC  
Guilaine Fournet - IEC

Apologies:

Mason Cole - GNSO Council vice chair - RrSG  
Evan Lebovitch – ALAC  
Christopher Rassi - Red Cross

ICANN Staff:

Brian Peck  
Berry Cobb  
Julia Charvolen

Coordinator: And this is the coordinator. I'd like to reminder all parties that today's conference is now being recorded. Thank you.

Julia Charvolen: Thank you.

Thank you. Good morning, good evening good - sorry, good morning, good afternoon, good evening. Welcome to the IGO, INGO PDP Working Group call on Wednesday, 6 March 2013.

On the call today we have Lanre Ajayi, Jim Bikoff, Chuck Gomes, Alan Greenberg, Stephane Hankins, David Heasley, Wolfgang Kleinwaechter, David Maher, Kiran Malencharuvil, Osvaldo Novoa, Thomas Rickert, Greg Shatan, Joe Tang for Davie Roache Turner and Guilaine Fournet.

We have apologies from Mason Cole, Evan Leibovitch and Christopher Rassi. And from staff we have Berry Cobb, Brian Peck and myself Julia Charvolen.

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

Thomas Rickert: Thank you very much Julia. My name is Thomas Rickert and I'm chairing this working group. As usually I ask for any updates to statements of interest at the very beginning.

Are there any updates to statements of interests? Hearing none and seeing none in the Chat we can move on to the next agenda item which is status of the General Counsel request. And as usually I would like to pass on to Brian.

Brian Peck: Thanks (Thomas). This is Brian Peck from ICANN staff. I checked with the joint council office and they do plan still to complete and provide the full response by the end of this week.

It will include a response as well as a summary of the research of the various jurisdictions that were looked at. And again they promise that by the end of this week.

Thomas Rickert: Thank you very much Brian. So within the next couple of days we're going to see the information that we've all been waiting for so eagerly over the last couple months.

And hopefully we'll be able to digest the information prior to the next week's call. And we will be able to incorporate the thinking of the General Counsel in into our strategy.

And at that point we will surely be able to come up with a more definitive timing for our - for the next steps that the Working Group will take.

Thank you very much Brian for this. And with this I'd like to move on to the third agenda item which is the review of the latest qualification criteria standard.

And before we dive into the depths of this proposal I would like to make some opening remarks.

And that they basically relate to some of the correspondence that has been exchanged on the mailing list and that may have been the misperception by some participants that were trying to come up with qualification criteria to establish reason for protection and that, you know, once you would fulfill those qualification criteria then you would automatically get access to certain protections.

And let me just refresh your memory that this was obviously not the intention. We should have been clear on that probably.

But you will remember that this group has been meandering around solutions for a common definition of a set of criteria for all categories, all four categories of organizations that were considering in the context of this PDP and that obviously this exercise did not come to any conclusion which is why we have then decided to move on on the basis of looking at criteria for each of the four categories of organization and put them out for comment.

And in the course of that we've tried to amalgamate what we've heard to, you know, to melt that down to as objective as possible criteria what you find in the table that we're going to discuss again later during this call. But then in the text version we find - we tried to find broader terms to find a potential definition of a qualification criteria.

And the idea was that we would have a definition and then various criteria and define that if at least two of these criteria are present but then you would qualify or be eligible party.

That - and this is important. That does not by itself mean that you would get access to protections.

During last call we have emphasized that this would more or less just be the first hurdle but that there might be additional hurdle or mission criteria so that you can get access to various protections.

You will remember that we're not only talking about top level protections but that we're also talking about second level protection, that we're talking about protections for names and acronyms that additional requests have been made to talk about similar strings.

And all these in combination might lead to different protection mechanisms -- and let me put this in bracket -- if at all. And we might discuss and attach additional qualification or admission criteria to each of those because the impact of those might be differing quite a bit.

Now this is just to set the scene. And Berry was kind enough to go through the history of what we've been discussing over the last couple of months so that we have all the criteria in one place.

And fortunately there has been some discussion on the mailing list surrounding these criteria and change - an exchange of thoughts have started where the level of subjectivity of some of the criteria has been discussed. And I'm sure that we will touch upon that during this call again.

But let me reemphasize what I wrote on the mailing list I think two weeks back and what I mentioned during last week's call.

I think we're now at a stage where more or less all the arguments have been exchanged. And I think it's not good enough for us to be able to move forward to say what we don't like.

I think we said what we don't like enough. So I think what we rather need at this stage is any improvements or potential improvements to the set of criteria that we're now seeing in front of us.

And with this I'd like to open the discussion up to working group participants.

I'm not sure Berry whether you want to give a brewery brief overview of that document that you have put together. Berry please.

Thank you (Thomas). This is Berry Cobb with ICANN staff. I don't really have too much more to add here other than the structure in this document.

The Page 1 is basically outlines with the goal that we're trying to accomplish. And based on the email chains that I've reviewed from the IOC mailing list what I've titled as model out the model Bravo. Forgive the naming criteria

there. These seem to be the two biggest proposals that have emerged to the top.

But I thought that it was most important that we try and draw on the history of how we've gotten to this point.

And so basically the Pages 2 plus to the end of the document are contributions from various documents or from other working group members about what the proposed model would look like.

And really the intent here for showing history is just to make sure that if there was some other element or criteria that was listed below that may wind its way up into a more formal model that the working group can try to achieve consensus on is generally the idea here.

So I'm just - I was hoping to try to corral everything into one document so that we can try to evolve this to the next level.

And if anybody has any questions about what I've listed in the history please send a notice out on the list and I can update accordingly.

Or more importantly if somebody feels that I may have missed a contribution that was more or less kind of a proposed framework please let me know and I'll be sure to add it under this document. Thank you.

Thomas Rickert: Thank you very much Berry. Any comments from the group?

Wolfgang Kleinwaechter: This is Wolfgang. I can only support (Thomas) supports when he says okay we have exchanged arguments now over weeks and weeks. We know all the arguments. We know all the different positions and we have to move now towards the step two.

That means we know what we do not want to have but we have to be more constructive in the weeks ahead.

And but it means although some, you know, and I would not introduce the terminology of the compromise at this stage but, you know, if we disagree fundamentally we have to look into the, let's say to the bandwidths where we can find an agreement even if we disagree on some other issues so that means the identification of the agreement point in the whole issue should be more in the focus in the weeks ahead than to continue with the exchange of argument where we disagree. Thank you.

Thomas Rickert: Thank you very much Wolfgang. Yes and I think that's a great comment also highlighting what we have to achieve here.

I mean from a chair perspective I'm not that much interested in what the outcome of this exercise is.

My hope as chair is to be able to guide the process in a meaningful and constructive way so that the community can give an answer to a question that has been put in front of it.

And to be quite honest I think we - there could be more traffic on the mailing list. There could be more views exchanged on the mailing list. And we could I think more efficiently show that the community and the multi-stakeholder approach works.

And ultimately what we need to do and this is sort of what - why I have proposed to proceed the way that we're now doing, we have to show that we're able to come up with proposals that are put out for comments and where a consensus call is being made.

Ultimately since, you know, this project is very, very controversial and very in every single detail that we're discussing the outcome might be positive or negative by some.

But nonetheless I think we have to, all of us have to show good faith approaches in trying to work together and come up with meaningful answers to the questions in front of us.

Now maybe you need a minute or two to warm up to the idea of these models that have been called Alpha and Bravo or better. There have been a few comments on the mailing list to these by Chuck. And maybe we can start the discussion by going through these.

And if you look at model Alpha that's basically what I have put to gather having heard to all of you for quite some time.

What you will see in there is that the list of bullet points basically reflects what the four categories of organizations have been put forward as criteria that would apply to them so that they could get access to protections.

And, you know, looking at the protection by treaty that would be a an objective criteria, protection in multiple natural jurisdictions either by virtue of a specific law or treaty protection that is enforceable in multiple jurisdictions without the requirement of a specific enactment that responded to the points that have been made by IGOs which basically, you know, the representatives which have basically said that in some jurisdictions you wouldn't have specific domestic loss but that the virtues that the treaties would be enforceable without such act needed.

The missions serving the public, the global public interest and the last point the inclusion in the eco.shop list would be something that has been proposed by the INGOs.



And you will remember that we are now splitting the four categories and allow the community to say yes or no to each of them so that, you know, you can more or less strike out those criteria that would not remain if any if the community chose to not come up with recommendations for protections.

And with this I'd like to hand over to of Avri who has a comment. Please Avri.

Avri Doria: Okay thank you yes. This is Avri Doria speaking. It's interesting in looking at what is it Alpha and - no, whatever, Bravo and whatever the first one's called I find myself sort of thinking that they both are applicable in some cases.

For example, if we are just talking about the rights protection mechanisms, the (apostriori), those that happened after something happened I think that in Bravo we've got something that's, you know, a good starting point.

If we're talking about a (prioray) I find that Alpha is probably too weak. And for example I would have difficulty with the two out of four because when I look at those four bullets I see two kinds of bullets.

I see one bullet that is a qualifying, you know, there is some mechanism, you are some kind of organization. And then I see the missions serving global public interest which is as difficult as it is to define I would think anyone that wanted a (priori), you know, protection if we were to decide on such things which personally I hope we don't but if we were any one of them would have to be in the global public interest and would have to have, you know, at least two of another three or four of another five, in other words of other criteria.

So when I look at these two they both look useful but they look useful for different parts of our problem. Thank you.

Thomas Rickert: And Avri, a follow-up question. Would you be able to, you know, to basically tell Berry how he should tweak this so that you would be able to allocate it to the various areas?

Avri Doria: I'm sure my tweaking would be unacceptable to many so I mean certainly what I just said was sort of model Bravo is for the (aposterary) - (apostoriori) or however. I can't - I'm tripping over my tongue -- things that happened after the fact, things that are the rights protection mechanisms when you want to challenge.

Because we have acknowledged that there is a gap, that there is a gap between trademark protection and no protection for Bravo type of names.

Whereas I think the place that we have much less agreement is on, you know, the creations of new reserve lists or expending reserve lists or coming up with, you know, new models of gaining permission from various others, et cetera.

And for that I look at this and sort of say one absolute condition for an Alpha would be that the missions serve the global public interest.

Now that's hard to define when, you know, everybody has a I know it when I see it kind of attitude about serving the global public interest, you know, and such. That's difficult.

But I think that that would be - and then, you know, we have the things that we came into this group with that you have a treaty, that you also have multiple natural jurisdictions. And I don't think we've ever settled the inclusive or exclusive or in that one.

And, you know, the inclusion on the (echo sop) list is also a very good criteria. And that may be a good criteria to opposed to a treaty.

You know, you have a treaty or on an (echo sop) list and have protection in multiple national jurisdictions for example.

So I, you know, but I'm sure that as soon as I said that, you know, there were people that sort of said well wait a second, that doesn't work for me so I don't know. But that's how I defined them. Thanks.

Thomas Rickert: Would you add additional criteria to that first set of criteria?

Avri Doria: I might add other options. I don't know.

Thomas Rickert: Because - and sorry for, you know, this shouldn't sound like an interrogation. But I'm just trying to...

Avri Doria: You're right, interrogate all you wish.

Thomas Rickert: But the idea was - and this is why I just derived this from the statements that have been made by the four types of organizations. And you can certainly discuss what global public interest might be. And maybe it's a catchall thing that would be present anyway.

But the idea was to have more or less objective criteria and for multiple national jurisdictions. And multiple would be more than one basically because I think everything beyond that would be or might be perceived as subjective.

But the, you know, this would more or less be the first hurdle to be taken in order to have narrowed down the number of illegible organizations in the first phase.

And maybe what you're looking for then to actually give access, complete operational access to protection mechanisms whatever they might look like would require additional admission criteria that would then be attached to each of those protection mechanisms depending on their impact. Would that be something that you could follow?

Avri Doria: If I follow it it certainly sounds like something I could follow.

And as I say, I think first of all on Alpha to either be treaty or multiple -- and by the way when I think of multiple now I don't think of two as sufficient -- I might be living in a society that goes one, two, three many.

If I can't count them on my fingers then there's many. If I can't count them on the fingers of one hand it's sufficient but, you know, rather objective criteria like that but certainly not more than one is not, you know, but anyway.

And so I find that and - or that allows either treaty or multiple national jurisdictions more than one, how it's fairly easy to get two countries to agree to anything or inclusion on the eco.shop list which is actually a fairly stringent set of criteria. You know, I don't think that perhaps just having one of those is enough.

So that two out of four there bothers me but I think it could be chunked otherwise.

Thomas Rickert: Okay thank you Avri. Alan?

Alan Greenberg: Thank you, a number of points. First of all in the list on model Alpha I think it would be exceedingly healthy - helpful if we said protection of what?

We're talking about protecting full names and acronyms and perhaps other variants in multiple languages.

And to simply say protection by treaty where it may be as in the case of Olympics the protection of a symbol, in other cases it may be protection of the full name but not their abbreviation I think we need to be more specific.

Just having some level of protection by a treaty is not - I don't believe should be the key to entry to what might end up being things like blocking names or even, you know, clearinghouse type blocking.

So I think we need to be specific what kind of protection are we talking about here. That's a global statement.

I'd generally support what Avri is saying. I think the rules are going to be different or may be different for different types of protections.

There are some protections in my mind such as first level blocking which no rules are sufficient because I personally and the ALAC does not believe that blocking as necessary. There are other mechanisms we should be using either existing or ones we need to invent.

But I think we're approaching this from the wrong end. We're trying to summarize things and then we'll go down to more level of detail.

I think we need to be breaking this problem up into small chunks where we can come to agreement or not. But it - it's a reflection of what I was calling the three-dimensional model.

I think the criteria for different kinds of protections may be, and for the different organizations may be very different.

If we can start looking at these details -- and I know there's a lot of different chunks to it -- there's a lot of different pieces. But if we can break it down into small pieces, start looking at what we might be able to agree on there we then may find commonality which we can move up and migrate to, you know, this is the first overall criteria, this is the second.

And then there's varying ones. But I think we're only going to get closure if we start looking at the details because the belief of some of the members of this working group of what criteria are necessary are going to be vastly different depending on which kind of protection are we talking about. Thank you.

Thomas Rickert: Thank you. This is sort of follow-up to our discussion last week. And I thought we had concluded by saying that we would attach additional criteria or look at the criteria when looking at the chart and the various levels and stages, top level, second level, exact match, similar strings, names, acronyms and stuff like that.

So now that you're asking for us to take a different approach I think we've tried to look at all the details over the last couple of months which is why I now came up with this overview and the table format.

And I thought that you were also inclined to look at the various options and discuss those individually. But that - none the less as a first order we would need to discuss what would be the door opener for organizations to get access to the second stage so to speak where we would add additional qualification criteria or admission criteria depending on the subject of the potential protection we're discussing.

Alan Greenberg: Well let me answer that. I know that was the conclusion that you and some people came to that we need to have the door opener first.

I believe that's not a productive way because I think in people's minds we're thinking that once you get in the door you might be eligible for a bunch of stuff.

And therefore as I think Avri alluded to, you know, for some of this stuff we want really heavy criteria. Others we want almost nothing.

I mean if you think about the criteria that a trademark issued that the level of protection you can get certainly during sunrise on the first days of a domain from simply registering a trademark in some jurisdiction around the world and you might get a claims notice issued, you know, that's a pretty light criteria.

And I think that we may not want anything much stronger than that even for permanent claims notices.

But as soon as we start talking about different protections the world changes, shifts radically.

So I...

((Crosstalk))

Alan Greenberg: ...(unintelligible) if we start asking the question about specific protections we may well come to closure, we may end up with some commonality we can move to as door openers afterwards. I'm giving an opinion of what I think would be a way to move forward.

Because what we're talking about here I see, you know, people are still going to be having very different views.

Thomas Rickert: Well Alan that's very helpful because I was under the impression that you would look at additional requirements when we discussed various protection mechanisms.

I would be more than happy to follow your suggestion shelf this discussion of overarching criteria for the time being if that would help part of the group to buy into the process and attach those and others to the various potential protection mechanisms and put them in front of the bracket if they're the same for all of these. Is my understanding correct?

Alan Greenberg: Yes. I think the ones that are going to be common to all of them are going to be very, very weak criteria.

Thomas Rickert: Okay. But my understanding was that the group was looking for narrowing down the number of potentially eligible parties in the first place in order to

ensure that we don't open the door to too many types of organizations and too many organizations and total figures.

But I'm more than happy to do it the other way around. Maybe we can hear more views on that. But before we do so (Mary) has been waiting for a while. (Mary) please.

Mary Wong: Thanks (Thomas), no problem. I don't - I think my comments might follow-on from what some of you guys have been talking about.

It seems to me that moving on in the way that Alan is suggesting may be a good way to do it providing that we are if not in full agreement in at least, you know, some kind of general agreement that what we have here, you know, whether it's model Alpha, Bravo or some additional mix between them is pretty much the baseline.

And by that for example that there is a public interest, a public segment component, that there is some form of legal protection being it by international treaty or (unintelligible) jurisdiction so that at this point we don't really as a group and even think about would this organization be included and what that one be excluded?

We keep it general and then we about the protections. And as we balance that there may be different types and that there may be some that are (lighter) than others.

And I think (Greg) said something similar this morning that then we - as long as we keep the option open to go back to the model and to change and tweak or criteria as they may be that may be a good way forward.

On the models and the criteria themselves I was struck by what Avri was suggesting. And it seemed to me that that may be one of the baseline things that we can agree on for now.



So for example that one possible route would be there is protection for the name and acronym, perhaps even a designation by international treaty or other intergovernmental agreements.

Another route would be multiple national jurisdictions and inclusion on the eco.shop list or something similar.

The reason why these two routes are useful is because they may cover different organizations INGOs and NGOs and other organizations but also because I think they still get to this fundamental point that there is some international scope and public interest component.

As I said before I don't actually think it wise for this working group for ICANN to define the public interest or the global public interests. I just think because there isn't one.

So I don't want us to put ourselves or ICANN in the position to say yes you're serving in the public interest, no you're not. So some kind of list or legal protection imperfect though they may be may be a good place for us to start that discussion and move on to the protections.

I did have a question for (Claudia). It is - I think she's on the call. On the eco.shop list I tried to look at the list and I think I had the wrong link.

And I seem to recall reading somewhere that in terms of the NGOs that have consultative status with eco.shop there's a couple of thousands of them. And I'm wondering if that's the list that she has in mind.

I'm not saying we have to know one way or the other. I'm just curious as to the numbers that we're perhaps configuring if we used the eco.shop list.  
Thanks (unintelligible).

Thomas Rickert: Thanks (Mary). Two quick comments first of which is whether you would be willing to maybe write a one paragraph summary to the list including your comment which I think is very helpful. And then you can claim co-authorship with Avri for, you know, taking this two-pronged approach. But I think that's very helpful.

As far as the eco.shop list is concerned I think (Claudia) mentioned to me that we're talking about like 140 organizations. But (Claudia) please do let me know if this was incorrect. And while you do so I'd like to move on to (Greg).

Greg Shatan: Thank you. I'm in general agreement with the comments before me. And I think one way to look at this is that, you know, in the first instance we're trying to define who is or what is or what is an IGO, what is an INGO for purposes of this exercise?

And then secondly among that group which ones might qualify for particular protection I think this is kind of the three-dimensional question.

And I think, you know, again that if we are talking about protections, you know, there at one end of the spectrum and making sure that, you know, for instance IGOs and INGOs aren't, you know, disfavored vis-à-vis what brand owners have that's one thing.

And if we were talking about prophylactic protections that are, you know, maybe unique to this class of - or classes of organizations that is just kind of a second filter and this is kind of goes back to the work package which I looked up the last one that Berry distributed and there kind of was of flow there from qualification criteria through eligibility process to just check the qualifications criteria admission.

And then up at question on protection or on the admissions tab was to all organizations passing the eligibility check get protections or should there be something more, you know, at least if there are particular protections?

So I think this is all entirely consistent with kind of our - a lot of our process and thinking up to this point.

So for the first filter, you know, what - kind of what is and INGO that qualifies for this for whatever protections we might be discussing to separate the wheat from the chafe so to speak I think it should be a relatively loose filter.

And for the higher protections, you know, we may need to consider ones that are more significant.

And I think that, you know, going back to the eco.shop list when I looked at it it looked - I believe there were two categories, general consultative status and specific consultative status. And the general consultative status was kind of a higher level up require of organization.

But maybe we we're talking only about the general consultative status subset previously though. I think we need to look into, you know, why would we exclude those specific consultative status especially if this is, you know, filter just to, you know, for say RPMs?

And I don't think that we necessarily have to be working to kind of artificially kick out sectors or classes of organizations based on restrictive criteria though again, you know, the greater the protection and the greater the change, the greater the need for eligibility to be restricted. Thanks.

Thomas Rickert: So (Greg) would you change or would you be able to warm up to the idea of using (more) Alpha or Bravo as a set of criteria for the first phase?

Greg Shatan: I think I mean I think they're good starts. I'd have to kind of pick them apart. I've already commented that they - or agreed with (Claudia)'s comments that the model Bravo, the third sub dot is one I would reject.

But, you know, I think we're in kind of the right area. You know again there are problems and I think there are problems specifically, the INGOs are I think creates the biggest challenge because they are by definition not protected by treaty or at least not created by treaty.

And they're, you know, larger number as an absolute group.

And I, you know, also generally have trouble with some of the global public interest. I have a problem with those being, you know, overly subjective and agree with those who think we shouldn't be trying to decide what public interest is and, you know if some organizations, one person's idea of public interest may be somebody else's poison.

And I don't think we should get into the content of what's public interest. You know, diversity of opinion and position is important for us to preserve and not limit.

But, you know, they're kind of - a lot of the triggers I think are here and a few of them I think are still troubled. And I think, you know, hearing others who kind of have generally agreed, you know, with same kind of concerns that I just expressed. Thanks.

Thomas Rickert: Thanks (Greg). Certainly we take good note that the third bullet and (more) bravo as well as the notion of extraordinary public services has been discussed controversially on the list.

But I'm trying to find out whether you in general think there was a little bit of tweaking that with a little bit of tweaking we could use model Alpha and Bravo or (better) and maybe redefine it as we move along.

But I, you know, I'd really like to hear whether there are people in the group that do think that as a starting point these are absolutely useless. Because I

think that even though we don't yet know the exact wording we get more of a - or we get a better idea of what we're trying to get to right?

And although I think no one in this virtual room has a 100% bulletproof definition of the global public interest I think we do understand or might have at least a rough common understanding of what we're trying - of whom we might potentially want to protect.

Alan?

Alan Greenberg: Thank you. Just one clarification, I was not trying to really say that we could not come to closure on the kind of questions you're asking.

I just feel that if we're looking at all levels of protections what we end up in this process is going to be so weak as to not being worth the effort of trying to do it as the first step.

You know, so it may well be that any one of the four bullets in model Alpha are sufficient for the weakest type of protection that we're talking about.

So, you know, so yes we could do this first, you know, first barrier. I just don't think it's the most productive way to proceed because the really difficult questions and the one where we differ are going to come later on.

And I think we need to tackle some of those because some of those questions are difficult. Some of them are going to be much easier. Thank you.

Thomas Rickert: Yes Alan and let me directly respond to that briefly if I may. And that is that certainly we need to define what types of organizations would be able to get access to the protections.

And certainly talking about the types of protections and the impact of the protections that we need to discuss, the impact on or potential impact on free

speech as has been put forward recently, all that needs to be carefully analyzed. And there might be severe conditions put on top of these.

But I think that it's nonetheless helpful to get a clear understanding of whether we can come up with a as objective as can be definition of for the first phase.

But I think that, you know, we were, shortly coming to a conclusion on this specific point and move on to the matrix and I - they - then I think we're more at the heart of things where we need to discuss the additional conditions or admission criteria.

I now see a hand up for IOC. And I'm sure that either (Jim) or (Karen) will speak up.

David Heasley: Well actually this is David Heasley with (Jim).

Thomas Rickert: Dave welcome, sorry.

David Heasley: Hello (Thomas). Actually I would like to echo the point that you were making. I think that we think that Alpha and Bravo are both useful and can in fact be unified.

The main point, the one that we should focus on is that the rationale flows into the criteria which we then apply it on a case by case basis to particular organizations are categories of organizations.

(Mary)'s rationale which is stated in the first paragraph of Alpha is fine. It says essentially what we're trying to accomplish.

But the point that we added in Bravo about multilateral or multinational protection could be used as either a part of the rationale or in part of the criteria, either way.

What it does is answer a lot of the objections and provide objective evidence of international recognition. It could provide objective evidence of international scope and operations. It could provide objective evidence of public importance or interest as some people put it. And it can provide objective evidence that protection is justified.

I think as (Thomas) had made clear an organization need not satisfy all of the criteria, just enough of them to justify special protection.

And the GAC and the drafting team which have worked on this for years found that the IOC and the Red Cross Red Crescent met this level of justification. And we're trying to essentially come up with a unified approach that covers all the relevant organizations.

Thomas Rickert: Thanks David. Would you be kind enough to maybe send a little paragraph with the explanations you just made to Berry so that he it can include that in the document with an asterisk may be to explain better what the third bullet point that has been discussed controversy really means?

Because I think that could be a good starting point to lower the barriers for those who don't like that point to warm up to it or make more - or it would alternatively allow for better understanding of your position than a proper discussion surrounding it?

David Heasley: I'd be glad to.

Thomas Rickert: Thank you so much. Moving on to Chuck now?

Chuck Gomes: Thanks (Thomas) and hello to everybody. I confess as you could probably tell from my comments that I'm not really comfortable with Alpha or Bravo. In fact I don't see a lot of differences.

They both have a lot of - they still require a lot of subjective decisions.

Now we can as a group as I said in one of my posts certainly decide on some subjective criteria and hopefully that could be measured, I don't know.

But with the exception of the criteria of international presence and possibly the eco.shop list it's based on an awful lot of subjective decisions as some have already commented.

And in the case of the eco.shop list, you know, if it's objective in the sense that it's criteria that can be measured you have to meet a list of criteria to belong, that's good. But I don't see any of those criteria that really tells me they need, people that meet that criteria need special protection any more than other organizations on the Internet.

So I guess I disagree with one thing that Alan said that if we go with a light level of protection either one of these might be okay, not in my mind and here's why say that.

If we're - if we have too light and too subjective of a set of criteria then everybody and his brother is going to want the same thing and we won't have a very good case for not granting it to him. And so it just opens up the door way too wide in my opinion. Thanks.

Thomas Rickert: Thanks Chuck. Please allow one or two follow-up questions.

So that would mean that none of the criteria posted there would stay apart from maybe the treaty?

Chuck Gomes: Well the treaty is and depending on what we get back from General Counsel's office later this week certainly it is one that is clear and hopefully objective in my mind okay?



I think both models include the concept of international presence. And that's something that can easily be measured and that makes sense because the Internet's global.

But as soon as you go beyond that there's not much there my opinion that doesn't require various subjective decisions and processes.

Now understand like I said before if we as a group decide that there's - and that we can defend establishing some criteria that does require quite a bit of subjectivity we can do that. But I'd rather avoid that if we can. Maybe we can't. I don't know.

Thomas Rickert: Yes, I'd like to understand better how we could avoid it. And, you know, I have made this intervention earlier saying that multiple matter of jurisdictions would be more than one. I think that the only objective way you can interpret multiple because every...

Chuck Gomes: So do we - so is it two or is it 20 or is at 50? And does it depend on the - on which jurisdiction we're talking about? Is a little jurisdiction count the same as one that has, you know, tens of millions of Internet participants? You know, again, there's where they subjectivity comes in on that as well.

Thomas Rickert: Well it wouldn't if you just accepted the fact -- not you personally -- but if one would accept the fact that the only way to construe in an objective manner the term multiple national jurisdictions would be two, as of two, two the minimum.

I've heard Avri saying that she doesn't think that this is enough. But the only non-arbitrary way of using the term multiple national jurisdiction would be at least two.

Chuck Gomes: Yes well it's not the only way but it certainly you're right, that's the minimum to be multiple. It has to be two. And we could make that decision that if it's at least two.

So if there are two little countries in a region of the world that do it than it would apply as multiple jurisdictions and then we could make that decision and that recommendation. That's pretty thin in my mind but that's still a decision we could make.

Thomas Rickert: Well standalone I wouldn't like the idea because it would be too weak as you said. But it could be a starting point in front of the bracket where you need these objective criteria and then attach additional potentially very harsh criteria when it comes to the specific protections.

Because Chuck I think what I'm struggling with is that -- and this is not directed at you personally and I've said this earlier -- that everybody doesn't, you know, has certain areas in these criteria that they don't like or that they feel uneasy with.

But I think we - what we need sooner or later is actually a set of words that we can use that everybody can live with or that some parts of the community will say no to. But I think we need to specify something.

And as you rightfully said the group would be well advised to use criteria as objective as possible in order not to make itself vulnerable. But if the group chooses to use subjective criteria there are certain, you know, difficulties with that that we should be aware of.

Chuck Gomes: Yes and (Thomas) to get - see in my mind I have asked quite a few questions on the list but I haven't seen too many answers to those, some of them. There's been a couple.

But if we're going to use these criteria I'd sure like to see more answers to the questions I ask, how are we going to measure levels of public importance and who's going to do it?

You know, I agree with several now that have said defining public interest is a raffle I think. It's tough. And yet that's part of the - that's one of the criteria. And in the A model in fact they both talk about public interest and so forth and yet, you know, several of us think that it would be pretty tough to define that in a way that we all agree.

And what some people think is in public interest others are thinking it's not. I can say that about my own government, you know?

So enough said I think for me. I'm willing to work with the group as we move forward but we really do need to answer some of those questions.

Thomas Rickert: Thanks Chuck. (Greg) please.

Greg Shatan: Right. I think I go back to what Alan was saying earlier which is that the more we - if we can concentrate on defining potential RPMs or other, you know, measures here it may become clearer which levels of criteria are worthwhile, which ones need to be beefed up.

Because I think that, you know, arguing about who would kind of get into the pool to just be able to file a UDRP action if they're not eligible to do so now to me at least seems like it wouldn't have a very high bar at all.

And anybody who qualifies as an international nongovernmental organization no matter how obscure their interest that they're serving, you know, probably should have that capability to kind of join that the - that mechanism.

But if we're talking about something like, you know, a reserve names list or a reserve names list with a safety valve attached to it I don't know that, you

know, at that point we're not going to, you know, throw 3000 names into the - on to the list and call it a day.

And I think (Lee) also going back to your question earlier in terms of Bravo the more I look at Bravo the less I like it.

The - of the four bullet points international in scope and operations is really covered under, you know, Alpha. And that's kind of as I said that's kind of our minimum and, you know, likely objective criteria.

Being of such public importance is - is so inherently subjective that I can't know how we would measure it or how we would use that is a razor.

The third one I've already said I don't like and the fourth one is actually not a criterion at all. It's a conclusion. So there's really nothing left of Bravo for me other than international scope and operation. Thanks.

Thomas Rickert: Thanks (Greg). Alan?

Alan Greenberg: Yes thank you. As I listen to this conversation a couple little things have dawned on me. First of all it is clearly going to be impossible to define -- and I don't think - and I think ICANN has decided very consciously didn't want to define public interest in something that would bind it in the future.

But nevertheless it is how we got into this discussion. So it - we may not be able to define it but we can't ignore the concept. That's number one.

Number two I'm hearing statements repeatedly that we don't want to be subjective, we want to be objective. But as soon as we talk about objective we start talking about yes but the objective criteria can't be arbitrary.

You know, so how multi-national are you in terms of how many countries is completely objective but then we say but we can't set the number, you know,

we don't know whether to set the number at ten or 20 or 30 so therefore we're going to set it at two or something like that.

We're not going to avoid, we're not likely to avoid subjectivity because I think it is going to come down to, you know, an organization applying and establishing that they meet the criteria subjective or objective.

And but when we have objective criteria we are going to - are going to have to set arbitrary limits. And it may not be that we can define exactly why 20 is the right number and not 21 or 19 but I think we'll probably end up with general agreement that, you know, two is not enough.

So let's accept the fact that we are going to likely have some object, some subjective criteria and some arbitrary objective ones and move on and try to decide where those lines go. Thank you.

Thomas Rickert: Thanks Alan. And with that I think we can move to the next agenda item because I think that we can't make more progress on this specific item today.

I read that Berry has sent a proposal to the list. Let's please continue our conversation on the list and now look at the qualification or at the protection matrix.

And again this is not carved in stone. Bear mind that you can choose which of the four categories of organizations you want to allow benefit from potential protections and also we will now go through these various points again.

Hopefully you have given this some thought over the week, over the last week and we will hopefully attach additional criteria to it.

And with this I'd like to give you the opportunity to comment on what you find in the spreadsheet and maybe we can start again with the top level.

You will remember that I have led the group through the spreadsheet during last week's call. And just to refresh your memory on that what you find in there is four lines with the four categories of organizations that we're discussing.

We then have the qualification criteria and in this case this is just the criteria that the organizations would fulfill model alpha.

So in case of the IGOs it would be a treaty protection plus serving the global public interest. But I think we should skip this for the time being since you will surely reconsider the first hurdle criteria if we want to call them that way.

String would say what strings the organizations are seeking to get protected. So in all cases - or I shouldn't say in all cases but in the case of IGOs and INGOs that would be direct match names of the organizations, first the acronyms in 6 UN languages.

For the IOC it's just designations Olympic and Olympiad in six UN languages and plus German Greek and Korean and no request for protection of the acronym.

And for the RCRC it's a couple of more names particularly if you take into account - oh no sorry it's Red Cross, Red Crescent, Red Lion, Red Crystal in six UN languages and others noted in the comments to the cell which you can't see now because this has been transformed into a PDF.

There are some more names for the second level protections but we'll get to that in a minute.

We have then made a distinction between preventive and curative mechanisms. And for the preventive ones that would be something like a modified preserve names list. And I think that there might be some confusion surrounding that.

So what's important to bear in mind here is that there is an asterisk with number one behind it and that gives some explanations.

And I think that if you look at this it's not too complex. We have preventive mechanisms and that might be there's a modified reserve names list for lack of a better term or the legal rights objection that organizations could use.

And while the legal rights objection would require the organization to actually file it that would still be preventive because it would happen before a certain TLD is delegated into the root or before a contract with the registry operator for a corresponding string is executed.

For similar strings the only thing we have in there or at least I have not heard the group asking for more protections would be the string similarity review and also the legal rights objection which could be - can be used against similar strings.

I think we should and I hope that we will get more conversation on that. Let's look at the explanation of the modified reserve names list.

And I will guide you through the, what I call basic parameters for that. And I think that we will then have a discussion on that.

First of all the designations will be included in the list upon application. That's the proposal. Again it's not carved in stone. But the idea is for this modified reserve names list that organizations would not per se be allowed access to be put on that list so that ICANN would not be required to seek certain designations to add to the list but that the organizations themselves would need to go to ICANN and file an application to be added to the list.

There would be eligibility checks and the organization once it has been verified by ICANN or an appropriate third party that is contracted by ICANN would be added to the list.

Now that just means that you are on the list. That doesn't say anything about the treatment of that list.

I'm talking about the application. I have a question for all of you in the group. And that is that we have now passed February 28 deadline until which ICANN has asked IGOs to apply for protection for, you know, for the temporary protections.

And do we have any idea as to how many organizations have used that option because I suspect that the members of this working group will find that useful information?

No? I'm now looking at staff. Will you be able to find out the figure or is that something that ICANN is not willing to disclose at the moment Berry, or Brian or Julia?

I don't mean to put you on the spot so if you just say that you don't have that information and that you can't get it for the time being that's okay.

Berry Cobb: This is Berry. We don't have access to any of the meeting minutes from the 28 February session. We'll try to find out internally. I'm not sure if we'll have access to that or not at this point in time but I'll take that action item to seek that out.

Thomas Rickert: That's great. Thank you very much. So I'd like to hear from you and again from you whether there's any objection to the idea of requiring organizations to apply for being put on the list?



Hearing and seeing none I think that's maybe one minor aspect that we should now include in our thinking.

Then the second point for the modified reserve names list idea is that the organizations that have been granted an entry on the list can apply for the string on the list but also third parties can apply for a string on the list but they are deemed but they have to in order to successfully apply for the TLD they have to evidence that they are an eligible party.

And eligible parties are those that have - that will make legitimate use which is either evidence to ICANN and then the idea was since the public interest commitments came out a couple of weeks that one might secure that by requiring an applicant to issue a public interest statement.

Now the idea behind that is that I think there is at least some common understanding in this group that certain designations should not be per se excluded from being applied for as TLDs.

But in certain cases you will only find out whether it's legitimate use or not once the organization that is then the registry operator has started to use the name space.

And that could be backed up by requesting the applicant to make something like this recently invented public interest statement whereby they have to say for example that they will not be making commercial use of certain designations or that they will just allow for speech on these in this name space.

And should they then decide to make other use of that that would be a violation of the public interest commitment.

And I think it was Chuck who has rightfully pointed out that the RRDRP that I've been alluding to was not designed for that purpose but I was...

Chuck Gomes: Thomas let me correct you on that. It's the PDP DRP that is restricted to the community based TLDs, not the RRDRP.

Thomas Rickert: No I think in fact it's the RRDRP which is dealing with registry restrictions. But there's even a new animal on the scene now.

Chuck Gomes: Yes you're right, you're right. Thanks.

Thomas Rickert: And that is a special abuse type policy for violations of the PICs. But we would certainly be free to ask for something tailor made to this.

But the general idea is that I wanted to make a suggestion after having heard what you said that free speech and diversity of speech needs to be protected that in certain cases we will only know where the legitimate users executed after we receive the combination of strings and content.

And for that to happen one could require the registry operator to make certain statements as to how the name space shall be used and ask that applicant or registry operator to make statements in terms of what sanction mechanisms would we be imposing in case no acceptable use is not given in the name space. So that is the idea.

I see Avri writing in the Chat that nobody knows now what the PICDRP looks like at the moment and that is certainly true.

But this is just to give you the general idea of my thinking. You know, because I've seen this uproar by some on the list who said well we can't afford any protections at the top level.

But there might be solutions to that that should provide space. Whether you deem that sufficient or not that's a different question. But that would provide space for legitimate third party use and not only allow or reserve these names

to the organizations and question or block them per se from every applicant in the world to use.

And the fourth pillar of this proposal that I jotted down is that in case there's a contention set between a protected organization, i.e., the organization that has applied for inclusion on the list and an eligible third party one might simply use ICANN string contention procedures and determine by using them who should prevail.

But that will actually provide for level a playing field for all types of applicants. And the organizations that have applied for being put on the list would not per se prevail. Alan please.

Alan Greenberg: Yes I just want to go on record as reminding people that there are some people in this group who believe that we do not need any protections at the top level other than objection processes that is there is no, you know, there is no need to be on a list because every word in the every possible string that could be apply for could be objected to.

And if we don't have a valid ejection process in the first round then maybe we need a new objection process.

But the objection processes at the top level given the extended process that first level TLD - TLDs go through for applications and approval I believe should be the only process we're looking at.

And I think it's important that we at least keep that one on the table till the group consciously says no it's not sufficient. Thank you.

Thomas Rickert: Thank you Alan. Chuck?

Chuck Gomes: Yes just to follow-up with Alan I think he's got a good point there. Because keep in mind that we have assumed that in future rounds too that and I'm sure it will be the case that there will still be the concept of GAC advice.

And because we're talking about organizations that the GAC seems to be concerned with at the top level they would be able to exercise their right to give advice not to delegate a string...

Alan Greenberg: Right.

Chuck Gomes: ...at the top level. So I think Alan's on to something there.

Thomas Rickert: Thanks Chuck. And certainly from a chair's perspective everything that makes our job easier is most welcome.

So let me ask the organizations that are seeking protection is that something that you would be able to warm up to?

Do you think that the legal rights objection is good enough to protect you? Do you think of that you having at least some sort of government support will be sufficiently protected by GAC advice?

And as you all know GAC advice is something that the ICANN Board of Directors can only overcome providing a very robust rationale.

So I'd like to hear your view. I'm more than happy to delete this from the scheme if nobody wants it. I'm not - I don't stick to it because I necessarily want to have that discussed. Alan you're saying that I didn't pose the question right?

Alan Greenberg: Yes I don't think the question is is the legal rights objection sufficient? I think the question that I was posing is is there an existing objection criteria objection process or do we need to invent a new one which would convince

people that we don't need to have a blocking concept associated with - at the TLD level?

You know, I'm not saying the legal objection criteria is sufficient. I don't know. But if it isn't how do we come up with another objection process which would suffice.

And that's the question I think we need to be asking what is, you know, is there a way to avoid having to have the concept of a reserve name list or something equivalent to it at the front at the top level? Thank you.

Thomas Rickert: Thanks Alan. So let me open it up to the IGOs, the INGOs, the IOC, and the RCRC. Are you happy to drop this concept of modified reserve names list or let me put it differently. Feel free to answer my or Alan's question. And that may be a variation to that even as you well know objections issued by governments will be financially supported as a special program by ICANN.

So if financial matters were something that you were concerned with then a potential recommendation could be to set up a program for the beneficiaries of this of these protections as well.

I'm not quite sure whether your silence means that you're in agreement or that you're objecting to keeping up the idea of modified reserve names list in the chart.

Is that David from the IOC?

Jim Bikoff: No it's (Jim) actually.

Thomas Rickert: Okay, wrong guess. There you go (Jim).

Jim Bikoff: Yes, no I think we would favor keeping in the reserve name list on the top level and on the second level having a reserve name list with an exception procedure.

Thomas Rickert: Thanks (Jim). (Greg)?

Greg Shatan: I would generally agree with that. I think that there is the need to head things off at the pass or at least, you know, certainly that has to still be part of the mix of what we're discussing. Thanks.

Thomas Rickert: Thanks (Greg). Alan?

Alan Greenberg: Thank you. If you look at all the discussions that are going on right now on.health and .book and all these other things it's quite clear that ICANN is not going to come up with a definitive list of what you can and cannot apply for in the future.

I mean we don't know how the first round is going to turn out but ignoring that for the moment we're going to have to rely on a process to vet names and to, you know, disallow names under some criteria.

So I guess I'd like to hear from those who say yes we still need to block them at the first - on the TLD level why they believe that the kind of objection processes we're talking about and as I noted in the chat to (Claudia) that doesn't mean there's a price associated with it.

ALAC and GAC have the ability to object and not be charged for it. That doesn't, you know, that's not necessarily ruled out. So I'd like to understand why we need to do blocking at the top level. Thank you.

Thomas Rickert: Does anybody want to answer Alan's question?

(Greg)? No, that was an old hand from (Greg).

Now certainly as you well know if we come up with a special protection mechanism for the top level and not only focus on the objection that will certainly complicate the process.

But Chuck rightfully pointed out in the Chat that you might need a little bit more time to think about that. So please do bear in mind (Alan)'s comment and also the fact that it will be very hard or even more - or let me say it's more cumbersome to get your own TLD rather than to get an SLD, a second level domain name.

So the risk of being harmed at the top level is significantly lower than being harmed at the second level.

So that might be something for you to think about and maybe streamline the process and let go of the modified reserve names list.

Certainly I would be more than happy if you would get back with your respective statements on the mailing list so that we can discuss this.

And if I could encourage the four categories of organizations to actually spell out their thinking about this that would be much appreciated because we should not be doing that if you don't want it.

Now your instant feedback was that you do want it but please do get back to the list on this specific point.

Okay having looked at preventive or still looking at preventive mechanisms I'd like to pick up Alan's earlier point. I know Alan that you think that no such protections are required or should be implemented.

But if we think about the modified reserve names list you were saying earlier that you would, you know, depending on the severity of the protection

mechanism you would like to establish additional admission or qualification criteria.

So are there any thoughts as to what those could be to actually be an eligible candidate for the modified reserve names list?

Alan Greenberg: Sorry you're asking me explicitly?

Thomas Rickert: Well now that you spoke up I do yes.

Alan Greenberg: Well at the top level I'm having a hard time understanding what any string is such that it - there cannot be caveats why or a rationale why someone else might want it.

And on the other hand if there's not in compelling reason why it is reasonable for someone else to get it then I can't imagine why it - we could not put in place protections and objection processes to stop them from getting it.

So again the objection process is a very subjective one where people have to present rationales and cases.

I would like to believe that that process is going to be at least as robust in protecting names as some arbitrary addition to the list is where a particular string is protected but not necessarily one very close to it and that could well confuse consumers.

So I think the objection process is about as strong as one could get. And I don't think I can come up with any additional criteria because I don't believe there should be any criteria at all, you know, for being there.

Thomas Rickert: Okay. Does anybody else have, you know, those that might like the concept of modified reserve names list would they ask for additional criteria?



And I see (Mary)'s hand up. I'm not sure that whether you want to answer that question though.

Mary Wong: (Thomas) I'm not going to answer the question because I just want to chime in on behalf of many of the NCC members that I'm representing in this group to say that what Alan has been saying is the viewpoint of many those members.

And I know that he had also mentioned and we had discussed briefly the fact that it may be possible for the existing objection processes to be made (unintelligible) while free should be INGOs and IGOs to the same extent that it is for the GAC and ALAC.

I think that's something that some of my members might be amenable to because it does utilize existing processes and it does alleviate if not eliminate the main problems that we've heard with objection processes by many groups which is the cost and the resources that are involved. So I'd like to keep that on the table.

And with respect to the modified reserve names list certainly again in terms of the identical match that's probably as far as anybody would go.

And whether that goes to some kind of stream contention or review (unintelligible) again that's something to be discussed.

But I just wanted to come in here and mention that Alan's and ALAC view is shared by many of the NCC members.

Thomas Rickert: Thanks so much (Mary). I think a useful point here might also be that in fact for the first round none of the applicants have stepped on the organizations toe as far as I can see.

And it will be interesting to see whether and how many of the IGOs have actually applied for the temporary protection.

So I propose that we move on to the next point. But before we do so I'd like to give you the opportunity, you know, should we be forced to stick to the notion of the modified reserve names list whether there are any objections to the rough model that I've outlined?

And while you think about this question I'd like to give the floor to Alan.

Alan Greenberg: Yes thank you. I just wanted to make sure that the group is aware of discussions that are going on elsewhere in ICANN right now on a particular issue and that's the tid.health and things very closely similar to .health in IDNs.

.health was a string that the World Health Organization applied for in an earlier round. And there's all sorts of discussions going on about, you know, was that application closed off properly or not. And I don't want to go into that here.

But .health is not an unreasonable string for the World Health Organization to capture. But it wouldn't be protected by any of the mechanisms we're looking at.

And I think that soon there are going to be similar cases like that. We need a robust process that the organizations we're talking about who are in this for the public good nominally can protect strings that they need to protect themselves and to perhaps protect the public.

But what we're talking about is not likely going to be sufficient and therefore let's come up with a single process that is sufficient. Thank you.

Thomas Rickert: Alan I'm not sure I'm - I understand because it's - if the way that I understood you now is correct that would add an enormous complexity to what we're doing.

Are you suggesting that organizations should get priority access to generic strings that describe their mission so that the World Health Organization should give priority access to .health?

Alan Greenberg: No I'm not suggesting that. And that isn't part of what we're discussing. That's something that maybe ICANN needs to discuss sometime in the future but it's not our mandate.

I'm saying any of the protections that we're talking about would not protect - would not stop someone else from getting .health just because one of the words in the World Health Organization's name. Because we're not talking about protecting subsets of things, we're saying exact matches.

So it wouldn't be but if there is a claim that it would be injurious to the populations of the world to have a commercial organization registry.health and the World Health Organization has effectively said that at this point that's not our problem but that is on the table at the moment then they're going to need a better process to make sure they are and other organizations make sure horrible things don't happen.

And simply focusing on the exact match of the names and blocking them I don't believe is sufficient to address the larger problem that may be occurring and we should be focusing on a protection mechanism that will give us what we want at the same time as, you know, thinking towards the more general case.

And I think blocking names blocks legitimate uses of it and doesn't necessarily fix the problems that we're trying to fix. Thank you.

Thomas Rickert: Thanks Alan. I'm sure that the organizations in question will get back to us with an answer to that area on the list, at least I do hope so.

And unless there are further comments to the top level protections I'd like to move to the second level protections. So Berry if you could bring that up please it would be great.

So that's what you see in front of you here. Again you have four lines representing the four categories of organizations.

And on this sheet we don't only have preventive and curative protections but also an additional area where we do with sunrise phases because as you know there are special rules for that.

And again you find asterisks with numbers attached to them in this table. And maybe we can start our discussion by looking at, you know, let's start from the top to the bottom let's talk about the IGO protections for direct match names in the sunrise phase.

And in that case actually the TMCH which according to the suggestions of this group or at least there is broad support for opening for a suggestion according to which the existing and future RPMs should be opened up to the beneficiaries of the outcome of the PDP.

And that would mean that they could - all of them could use the trademark claims, the trademark clearinghouses sunrise service.

But please note that we have the trademark clearinghouse as a central repository of information of designations and applicants and in this instance it's even goods and services but that wouldn't be that relevant for this case and then two services on top of that which would be the claim service and the sunrise service.

And, you know, if we did recommend that existing and future RPMs are opened up then the organizations could actually use the sunrise service and get priority access to their requested strings.

But with the caveat that certainly in the case of contentions happening and the sunrise phase, the dispute resolution policies of the respective registry operators would then be applicable.

Are there any questions to that or would you suggest adding additional criteria for the inclusion or for the use of the trademark clearinghouse?

And looking at Alan, Alan who suggested that we should use a different expression than a trademark clearinghouse in this specific instance it would actually be the trademark clearinghouse that has opened up because we said that we want to or that there was the wish of the group or at least no objection that existing and future RPMs should be opened up so everybody can use them. And then actually they could get access to the trademark clearinghouse including the sunrise service and the trademark claim service.

The other service that we're talking about that's something that we'll get to in a minute that's the that's what we call the ICH as a working title which would be the identifier clearinghouse. And that would be the new animal if you wish that is designed specifically for new services.

Any questions surrounding this? Just reading Alan's comments, Alan is suggesting that whether it's the TMCH or some expansion of it or new services is implementation and now we get back to the old question of policy versus implementation.

And I think we've discussed this question a couple of times but I think that the clearer, our vision is as to how things can be implemented the better and easier it actually is at a later stage to be implemented.

So I think there's nothing wrong about keeping an eye on the implementation side although you're certainly right that implementation is none of our business in this case but observing implementation would be one for the GNSO. Chuck?

Chuck Gomes: Thanks (Thomas). This isn't my main comment but I would disagree with the general statement that implementation is not our issue because to the extent that implementation issues can be considered by a working group it makes implementation a lot easier later on. It's not always possible but if we can we should consider those.

And in that regard boy and I said this on the list, if somehow the trademark clearinghouse can be modified to handle any IGO or INGO names and may be given another title, another name that would be much preferable from an implementation point of view and much more realistic than creating a new entity. And I'll leave it at that.

Thomas Rickert: Yes Chuck and certainly that's one of the reasons why the idea of the central repository of data is so intriguing because it - we might be able or ICANN might be able to build up and or build an additional service into an infrastructure that's currently being set up and therefore costs might be lower than if you do something completely new.

And also used by or having that deployed and used and accessed by registrars would be easier because they would - they are currently in the process of setting up their interfaces to this mechanism anyway. (Greg) please.

Greg Shatan: I generally agree with Chuck on this one. I think that, you know, sliding this into existing process and it really isn't a lot different. It really doesn't require much variation from the current trademark clearinghouse services.

I, you know, I understand and have been reading about it it's just, you know, crazy, you know, one more kind of qualification or, you know, a separate qualified type. Other than that it would function exactly the same.

And replicating the TMCH, you know, with, you know, from scratch wouldn't seem to make much sense.

And I do agree that we really need to operate in the real world of implementation or at least implement ability and with advice on implementation.

You know, otherwise we're, you know, we're a think tank of some sort, you know, and we're not really that rarefied. Thanks.

Thomas Rickert: Thanks (Greg). Now you will see that, you know, looking at the table that there is a different number beyond the asterisk when it comes to direct match matches of the names of the organizations in question or their designations or the acronyms.

And what's behind that is the idea -- and again I'm - I've taken this from the requests that have been made that for the exact match names the organizations would prevail while for acronyms they would not necessarily.

So if you have the World Health Organization that was applying for the registration of the domain name World Health Organization.web then, you know, the World Health Organization would get it.

But if we're talking about WHO as the acronym then it would be sort of an ordinary sunrise applicant. And then actually the dispute resolution mechanisms and cases of contentions would apply.

And in that respect I was a little bit unclear earlier on this call when describing it but I'd like to clarify this now. So I - if there are any views on that differentiation?

(Greg) is that a new hand?

Greg Shatan: Old hand.

Thomas Rickert: So nobody in the group has a view on that. At least I'd like to hear whether there's a position to that or whether you want to attach additional criteria to that.

One might for example say -- and again this is picking up a point that Alan made earlier -- that this direct match protection during sunrise phases for the names of the organizations could be combined with additional requirements because that would actually be something that has been called blocking by some in the group. Alan?

Alan Greenberg: Thank you. Just for clarity (Thomas) I think you're asking you're saying you're suggesting that in what is being proposed here that if there were a .help TLD allocated through whatever means that you would disallow and block World Health Organization .health but you would not include in what is what would be blocked WHO .health? I just want to make sure that is what you're suggesting.

((Crosstalk))

Alan Greenberg: That's what I thought I heard. Okay. I'm very surprised that there are not a multitude of objections.

Thomas Rickert: Well I have...



Alan Greenberg: I don't quite understand - I'm not 100% sure people have understood what you're asking?

Thomas Rickert: Well since it has been out to the list in writing for a week I thought I should ask again because we have a different set of participants on the group. And this point I think has not had any objections last week.

And I agree with you that one would expect more objection to that. But if you look at the, you know, we've tried to be quite detailed in determining what protections we're talking about and what the protections scope should be.

And I think that United Postal Union as a name is worth harsher protections than the UPU acronym which might be used by commercial or noncommercial users worldwide.

And therefore it might make sense to have a block type mechanism maybe combined with additional criteria as you suggested Alan or as you will potentially suggest for this opposed to the protections for acronyms where we can say okay these organizations can get access to the trademark clearinghouse.

And if they file the sunrise registration and somebody else does too then the dispute resolution policy of the respective registry operator would apply.

Alan Greenberg: Yes I'm happy with what you're proposing but I wouldn't of - given all of the discussion we had when we were looking at the table I and Berry worked on of quote abuses of names we were always looking at the acronyms there.

So I'm just surprised that everyone is agreeable with what you're proposing but I'm happy.

Thomas Rickert: At least you are. Let's hear whether (Greg) is too. (Greg) please?

Greg Shatan: All rain on the parade here a bit. But not surprisingly perhaps, you know, I think the issues and, you know, in some cases acronyms are more, you know, of a greater value and greater concern to the organizations.

I don't know if we need some kind of uniqueness test but, you know, WIPO or (MCIAD) maybe are more unique than WHO then, you know, World Health Organization WHO or even UPU.

But, you know, clearly there are times when an organization's primarily calling card is its acronym. And also, you know, given the general desirability of brevity in domain names, you know, more likely to be at the, you know, whatever level we're discussing the more desirable (unintelligible), you know, to see protection.

I don't even know what MCS stands for. It may potentially have some...

Woman: (Unintelligible) conference call.

Greg Shatan: That may even have too many letters to fit into the maximum for domains whatever, 126 characters or whatever it is. Thanks.

Thomas Rickert: Thanks (Greg). And for those who were not speaking can you please mute your microphones? That would be helpful.

While the difficulty is and I read (Joe)'s comment in the Chat is that at least one would need exemption procedures looking at the - at least what some have said.

I know that the IGOs, that protection would be universal. But others claim that it - that protection would only prohibit unauthorized third party use. And that's actually also the wording that was used by the GAC in the Toronto communique.

So can I hear more views on that because I think or maybe to do things sequentially is there any objection to considering, not granting, because that would be too strong of a word to including for consideration in the package the block type protection for organization's names during the sunrise period?

Don't see any. So what are we doing with the acronyms?

There are - those that think of that acronyms should be universally protected and there are those who say that a block of acronyms would be too far reaching because acronyms in many cases at least would not directly be understood as the identifier for a particular organization.

So I think we, you know, we can work on the basis of what I wrote down. I'm saying my proposal actually. It's not my proposal, it's just my amalgamation of the things that I've heard or we can add additional qualification criteria to grant a high level of protection.

(Greg) I'm not sure, is that a new hand?

Greg Shatan: It's a new hand. I think just quickly, you know, in terms of acronyms I mean I think it need - would need to be or should be limited to acronyms that are in fact used and just don't happen to be the first letter of a bunch of words but in the name that, you know, are never in fact used in any way shape or form as an identifier or a name for the organization.

I can't think of one offhand but yes I did see the example at RCR or RCRC, that's only an acronym our little group here. Anybody in the world is not going to be looking for RCRC or finding RCRC when they're the looking for a Red Cross or Red Crescent.

But I think, you know, as a general matter acronyms that function as identifiers should be universally protected. Thanks.

Thomas Rickert: Thanks (Greg). Alan?

Alan Greenberg: I'm not quite sure what the fuss is if all we're talking here is trademark is something equivalent to the trademark clearinghouse that is a claims notice or sunrise, you know, first refusal then I don't see a problem.

((Crosstalk))

Alan Greenberg: If we're talking...

Thomas Rickert: Well if you...

Alan Greenberg: ...blocking it becomes obviously a significantly different issue.

Thomas Rickert: Alan I think the issue is that if two registrars or want to be registrars apply for the second level domain who.web and one of them is the World Health Organization there are some who say that World Health Organization should per se prevail and others say that there should be a level playing field.

Alan Greenberg: Well okay then that's an option of how it - how conflicts gets resolved not necessarily that it shouldn't be mentioned. But by excluding it we're saying we can even ask the question.

Thomas Rickert: I'm not sure I get that point. Sorry.

Alan Greenberg: Sorry?

Thomas Rickert: I'm not sure I understand Alan.

Alan Greenberg: Well if we're not allowed to include acronyms at all then clearly the World Health Organization is not going to get priority on WHO they can't even put the name into the trademark clearinghouse. So I don't see how that fixes the problem you're identifying.

Thomas Rickert: Well I mean...

Alan Greenberg: I'm arguing on behalf of the IGOs a position that I don't normally take in this group. But I I'm not quite sure how excluding all the acronyms is going to address any of the needs. Sorry.

Thomas Rickert: Well I think that, you know, there are policy aspects to it regarding the scope of protections but also very practical issue.

If we did use the trademark clearinghouse and the ordinary sunrise service built on top of that then in case of contentions the contention set or dispute resolution mechanisms of the respective registry operator will apply.

So if you wanted to make designations of IGOs in this case to per se prevail we would need to define a new service.

Alan Greenberg: Right.

Thomas Rickert: (Stephane) please.

Stephane Hankins: Yes thank you. (Stefan Hankins), Red Cross Red Crescent. Yes I'm intervening a little bit in this debate about acronyms.

But I just wanted to make a couple of comments on this question. I mean obviously - and we've made this case before, you know, we have requested for example that a certain number of acronyms which are widely used and widely identified with through the components of the Red Cross Red Crescent be protected.

Not all the acronyms, not for example BRC British Red Cross saying it wouldn't make that much sense possibly. But certainly, you know, ICRC and

also IFRC are widely recognized acronyms and have a level of international recognition and use in international resolutions as I've indicated in the past.

I think that for acronyms is you would indeed have to reflect on criteria which has to be I assume the level of international recognition and usage with potentially additional criteria to define what that actually implies.

But if you take for example the ICRC acronym or (Sesif) in French it's very clearly associated with the organization itself.

And it's actually a formal part of our official logo which is a Red Cross surrounded by the words...

((Foreign Language Spoken))

Stepane Hankins: ...and underneath you have the acronym ICRC and RCCAR.

So it, you know, the - I think it would have, you know, there is more reflection to be put into this and to reflect on what criteria would be suitable.

But in for example in the case of the ICRC acronym we feel that, you know, that the international protection of the acronym is not the same as the name Red Cross or Red Crescent or Red Crystal.

It still would require the same level of protection as the actual name of the Organization International Committee of the Red Cross. Thank you.

Thomas Rickert: Thank you and the IOC is next.

Man: Oh (Thomas) I was just going to say that we've taken a look at some of the acronyms. And it's clear that on some of them there are going to be legitimate uses by other people of the same acronyms such as WHO.

And I think this may be in the area where if these acronyms are on a reserve list there ought to be maybe an exception procedure so that somebody who does assert legitimate rights on the second level would be able to get their registration.

And as you know we provided some general principles on the list and thought this might be a good place where an exception procedure would be applicable.

Thomas Rickert: Thanks. That's very helpful and I'd like to thank you for making that proposal for, you know, the basic pillars of potential exception procedures. Unfortunately we will not be able to discuss this during this week's call but we will get to that next week.

But I agree that if one thought of the - of harsher protection then I described then an exception procedure would need to be built into that.

(Greg) I think you will be the last one to make a statement during this call.

Greg Shatan: I probably don't have too much to say but in any case I think just going back to one of the earlier comments in terms of I think it was a comment that you made in terms of, you know, absolute priority for acronyms versus, you know, just a trademark clearinghouse type of claims notice I think, you know, we're kind of matching, we have to kind of keep picking apart the threads here between eligibility protection and the resolution of competing claims or competing concerns.

And I think we - with those sometimes I think there are questions that are going to need to be answered, you know, separately for, you know, as we go down each of these trees. Thank you.

Thomas Rickert: Thanks (Greg). And with this I'd like to end this part of the call. Hopefully before we reconvene next week we will all have had the chance to read and

digest the General Counsel response. And I'm sure that we will have a lot to talk about.

Nonetheless I think we really do need to make progress and need to identify common ground versus things that we can't resolve on the mailing list.

As you can see there's an awful lot of information out there. Berry has also put together in the wiki in the conference system information on the protections I think it was. But Berry correct me if I'm wrong, but he has put together, you know, all the sources of information to give you a comprehensive overview of what the organization has been asking for terms of protections.

And I think we really should continue our discussion and make progress and add to the spreadsheet in order then to be able to come up with potential recommendations that we can put out for comment.

Brian please.

Brian Peck: Yes sorry (Thomas) and last minute but I just wanted to quickly respond to a question that was raised earlier in the call.

I did hear back from the GC's office that ICANN has not analyzed any request from an IGO to be included in any sort of list for protection based on INT criteria so just to let you know that.

I mean we do know that from the Toronto communique that the GAC is working with the IGOs to come up with a list, a recommended list and that, you know, we defer to our colleagues from the IGO community if they can give us any details on that but ICANN itself has not received or has analyzed any requests.



Alan Greenberg: Brian it's Alan. Does - that means no one has availed themselves of the offer the board made to protect?

Brian Peck: My - yes the way the GAC put it is that they - ICANN is not analyzing the request and that if indeed any request that they receive which at least the GC I talked to is not aware of they would have been referred to the GAC.

So I mean, you know, and, you know, to answer your question Alan is that no one has - no IGO has specifically asked ICANN to avail themselves to the criteria that the new gTLD community has adopted in their resolution last November.

Alan Greenberg: Interesting...

Greg Shatan: So I don't think February 28th was the deadline for that to occur. The February 28 deadline was for the GNSO to get back to the board I believe on objections they might have had.

Alan Greenberg: Oh okay. Sorry I...

Thomas Rickert: We can double check on that. You might be right (Greg). And just so I apologize for misrepresenting that. We will dig that out and give you an update during next week's call.

Thanks to all of you. Let's show it to the rest of the world that PDP work is actually working. So let's continue our good discussion on the mailing list and I'll talk you next week. Thank you.

Alan Greenberg: Thanks (Thomas).

Man: Thank you.

Man: Bye.

Man:           Bye.

END