

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 31 July 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 31 July 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. The audio is also available at:

<http://audio.icann.org/gnso/gnso-igo-ingo-20130731-en.mp3>

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

Attendees:

Jim Bikoff – IPC/IOC
Avri Doria – NCSG
Elizabeth Finberg - RySG
Chuck Gomes – RySG
Alan Greenberg – ALAC
Catherine Gribbin – Red Cross Red Crescent
Stephane Hankins – Red Cross Red Crescent
David Heasley – IPC/IOC
Poncelet Ileleji - NPOC
Wolfgang Kleinwächter – NCSG
David Maher – RySG
Kiran Malancharuvil - IPC
Judd Lauter – IOC/IOC
Christopher Rassi - Red Cross Red Crescent
Thomas Rickert – NCA –Working group chair
Greg Shatan – IPC
Claudia MacMaster Tamarit – ISO

Apologies:

None

ICANN Staff:

Berry Cobb
Brian Peck
Mary Wong
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.

Julia Charvolen: Thank you, (Kelly). Good morning, good afternoon, good evening everyone. Welcome to the IGO/INGO PDP Working Group call on Wednesday the 31st of July, 2013.

On the call today we have - sorry, Jim Bikoff, Avri Doria, Elizabeth Finberg, Chuck Gomes, Alan Greenberg, Stéphane Hankins, David Heasley, Poncelet llelegi, Wolfgang Kleinwachter, David Maher, Kirin Malancharuvil, Julie Lauter, Christopher Rassi, Thomas Rickert, Greg Shatan and Claudia McMaster-Tamarit.

And from staff we have Berry Cobb, Brian Peck and myself, Julia Charvolen. And we have no apologies so far. May I please remind all participants to please state their names before speaking for transcript purposes? Thank you very much and over to you, Thomas.

Thomas Rickert: Thank you very much, Julia. And before we start with the agenda I would like to go on the record by thanking Berry and Brian for excellently handling the sessions during the Durban meeting and in particular to Brian who's been in the hot seat presenting our achievements and answering questions from the community and other stakeholders. So you did an excellent job on that.

And it's very good to see that the project is in such capable hands even during my absence. Thank you so much for this. And I hope that I get some thumbs up in the Adobe as well because I'm sure that you - that the working group members also very much appreciate the way you did these things.

Now as to the first agenda item I hope that everybody is happy with the agenda as we propose it now. It is certainly difficult to continue a meaningful conversation and in particular work on results during the public comment period, which is still open, as you know, until next Wednesday or the end of next Wednesday, as you know.

But still we think we have put together some interesting items that we should discuss today and that would not be moot in case - or, you know, after having concluded the public comment period and analyzed the results.

Before we move to the second agenda item I would like to ask the group whether there are any changes to statements of interest? Hearing and reading none we can now move on to the second agenda item, which is the working group/Council interaction with the GAC for clarification of advice.

You may have seen or even read or actively participated in the exchange of thoughts after the Durban meeting because the GAC communiqué had mentioned our project and also the statements that have been made during the meeting between the GNSO Council and the GAC have led to some questions that some members of the working group, at least, were seeking clarification on.

Before we move to the draft letter that you see up in the Adobe now I would like to introduce this by, you know, shortly reflecting on the rationale for this letter.

You will remember that - I guess it was Chuck who encouraged us and in particular me to seek clarification with the GAC and in person - excuse me - Heather Dryden about the intentions or the goals of the GAC statement that was made.

And I was sort of hesitant to go to the GAC directly. And I felt it was more appropriate to involve the GNSO Council leadership and not bypass them in our discussions.

And subsequently Chuck, supported primarily by Greg Shatan, have responded that they still think we should be going to the GAC directly and that there is nothing procedurally that would keep us away from doing so.

In the meantime I have consulted with Jonathan Robinson, who, as you know, is the Chair of the GNSO Council. And we've discussed the subject and Jonathan has kindly provided us with a short draft communication to the GAC which you now see in front of you, with some changes that have been proposed by Chuck Gomes subsequently, you know, like an hour ago or soon the mailing list.

And Jonathan even responded to my question to him in the meantime whether he would be happy with those changes and he confirmed that. So if we wanted to we could use this communication on an as-is basis.

Now let me briefly explain to you why I think we should proceed on the basis of this communication. I was hesitant to go directly to Heather for two reasons. One of which is that I still do think that it is appropriate for the GNSO Council leadership to sort of at least be informed about external communications by working groups when it comes to such important projects.

You will remember that our working group has been flagged - a case study both by the Board as well as the GAC. So we should be in sync with the Council leadership.

I think there shouldn't be any fear of substantial delay by including the Council leadership because as you've seen we've been able to put together correspondence at very short notice. And therefore I think it's appropriate for us to include the Council leadership.

That does not mean that I'm shying away from directly liaising with the GAC and Heather. And I'm more than happy to do so. But I would prefer doing so with a prior green light by the Council leadership.

The second reason why I propose that we act as I suggest is that the GAC has, in previous meetings, questioned the legitimacy of our working group. You might remember that relatively strong statements have made questioning

how the GNSO and the working group in particular could actually dare, you know, these are words that I'm not using and I know that I'm paraphrasing, how the GNSO and its working group dares to try construe international agreements and protections that have been set by sovereign states.

And therefore, you know, us directly liaising with the GAC might include the risk of the GAC actually getting back to us again questioning our legitimacy or the legitimacy of our work or even refusing to directly liaise with us.

Now that might be a theoretical risk but we could at least - or we could, for sure, exclude that risk by going through Jonathan. And as you will see in the draft in front of you we have taken good care of highlighting the role of the working group so by doing so Jonathan would use the official channel and still our work and legitimacy thereof would be highlighted in the letter.

Now this has been a long introduction to a very short note drafted by Jonathan. And I would very much like to hear your feedback on that. Please do bear in mind that we have not - intentionally have not limited our requests for engagement with us to very specific questions because we do think that this might be a good example of the GAC liaising early, you know, the magical word there is early engagement, with us.

And I think this is a welcome opportunity for Jonathan to invite the GAC or individuals in the GAC to discuss with us. And during the drafting team phase, which has been the predecessor of the working group we already had GAC participation or GAC member participation on the call.

And maybe we can build on that, follow up on that and hear some informal feedback from GAC members that might help stimulate our discussion and also get the clarification that we're ultimately seeking.

Are there any comments on the letter of support, request for changes? Do you disagree with the approach that I've outlined? Now is a good opportunity for you to speak up. Make yourself heard.

Okay I see David supporting this approach. Now let me do the test - and I see Greg is also indicating support in the Adobe.

Is there anybody who is not happy with the suggested approach and the letter to be sent to Heather? Okay I see Kirin is also supporting the letter in the Chat.

Okay so having seen and heard no objection to this approach I would then ask Jonathan Robinson to dispatch the letter. And I would certainly keep you updated on any reaction there to that we might receive. And thanks to Wolfgang who has also supported the letter in the Chat in the meantime. Okay that's good so that was a relatively easy one, which is great.

Which allows us to move to the third agenda item which is the outcome of the Durban sessions. And since I have not been present in Durban, as you know, although I went through transcripts and MP3s I think it would be appropriate maybe for Brian to briefly summarize the main results or, you know, bring those who were not present up to full speed on the latest developments.

Brian, is that something that you could do for...

((Crosstalk))

Brian Peck: Sure. Sure, thank you Thomas. This is Brian Peck from ICANN staff. And Thomas, first of all thank you very much for your very kind words at the beginning. As I said we basically just followed your model and example in trying to move the working group forward but thank you very much.

Thomas Rickert: Thank you.

Brian Peck: The Durban - we had a couple sessions and I wanted to briefly also update or provide the group, especially those who weren't in attendance, of the discussion or discourse between the GAC and the Board specifically the New gTLD Program Committee in their session in terms of acronyms.

Regards to working group we had two sessions scheduled, one was our face-to-face meeting on Monday and then we have the public discussion session on Wednesday which was actually facilitated by the professional facilitators, Xplain.

The working group session on Monday we had, you know, kind of average attendance. And it ended up being mainly just kind of a discussion of how the public discussion facilitation would take place on Wednesday with the members present kind of going through an exercise of going through the four basic questions if you remember we had prepared for that public discussion and getting to kind of know how it would work and some of the issues and how they'd be raised.

There weren't any decisions made. It was more kind of administrative meeting, again, just with a chance for the working group members who were in attendance to see how the Wednesday discussion would work.

With regards to the public discussion session on Wednesday, again, it was rather lightly attended. There were quite a few conflicting other meetings and events that I think drew some of it away. We had quite a few working group members in attendance, which we appreciated the support, and a few community members.

You know, to be honest, and again, so in one sense I think any of the results - and we sent the pictures yesterday with the agenda showing the kind of high level notes or thoughts that were discussed on the various issues that

we had identified for discussion or we tried to solicit input from the community.

But, you know, not, you know, given the number I think it's, you know, it would not be indicative or we could certainly say we'd have a, you know, a consensus or a true view of the community.

But that being said I think there were indications of, you know, some sort of support along the lines that the working group has been working for - on so far in terms of, you know, top level and second level for the Red Cross Red Crescent IGOs and the IOC movement.

I think two areas maybe that, you know, some relatively new ideas or maybe some thought, you know, for the working group to carry forward in terms of INGOs other than the Red Cross Red Crescent and IOC, you know, as you know we were looking at, you know, certain type of criteria or come up with some objective set of criteria.

And a couple ideas that came up on that was to either require some sort of data showing, again, you know, potential harm or harm to the names if they were allowed to be registered, you know, from an authorized third party and/or some sort of protection by treaty as some sort of criteria.

The other suggestions came up, again, would be revising some of the existing RPMs to allow for non trademark holders, for example, to be utilized, for example, the UDRP and some of the others.

In terms of acronyms I think there was some more discussion about both the clearinghouse model, which we've considered now - which I'll raise in a minute, that the Board has also suggested to the GAC as a way to move forward in terms of implementing protection for acronyms of IGOs.

The other suggestion, which is kind of consistent with one of the Board proposals was to come up with some sort of list, although that obviously would involve developing a set of criteria, that would narrow down the list of IGO acronyms that would be eligible for any sort of special protections, you know, for example, you know, there may be some, you know, clearly obvious ones, for example, like UNICEF or UNESCO but would not allow special protections for more generic type of IGO acronyms.

So those were maybe the two kind of aspects in terms of acronyms that might be helpful for the group. Other than that I think most of the other ideas that were discussed were ones that either the group has already considered or ones that are well known established positions.

In terms of acronyms the discussion between the New gTLD Program Committee and the GAC I think was interesting in the sense that as we know out of Beijing the GAC advice was to provide protection for both IGO names and acronyms - special protections at the top and - or at the second level, excuse me.

The - in Durban the New gTLD Program Committee came back and said, you know, we're not rejecting the advice but we see some issues or concerns in terms of protecting acronyms at the top and second level. And they came back with some, you know, alternative proposals for the GAC to consider.

Specifically coming up with either a list, again, that would narrow down the number of acronyms that could receive special protections or developing a clearinghouse model with notification and/or requiring an IGO to identify a subset of currently applied for gTLD strings which, you know, could designate specific acronyms that should be protected due to the related nature of the IGO's work.

So those were kind of some examples or not examples but some proposed alternatives that the Board, you know, submitted to the GAC for consideration

to try to find some way to move forward in terms of implementing the GAC advice on protecting IGO acronyms. And, again, interesting that some of the proposals are in line with what this working group is considering.

So perhaps seeing some, you know, movement towards at least some sort of agreement between those two organizations with related to acronyms. So that's kind of a brief summary. If you have any questions or we'd be happy to answer them or - or if anybody else was in attendance and had any other - further thoughts or observations from either session.

Thomas Rickert: Well, Brian, I have heard the MP3 of the GNSO GAC meeting but maybe you can elaborate a little bit on the atmosphere of that meeting? Do you think it was a collaborative mood? You know, the feeling that I got is that the - that our work or the work of the working group has not been questioned as much as previously in that even (Susan) has acknowledged what we're doing and that she took a quick read of the report.

So what's your impression? Do you think that at least some GAC members do welcome this initiative?

Brian Peck: Sure, no I would agree with that, Thomas. And again I would welcome anyone who was also in attendance if they have a different view or added perspective. But I think overall there was a more general recognition of the work of the working group that it is a process that is working, you know, in parallel with what has already been established in terms of GAC advice and the Board measures that have been adopted to date with regard to IGOs and the Red Cross, Red Crescent and IOC.

As you mentioned (Susan), you know, noted that she had read the report. She asked whether perhaps, you know, the GAC should re- you know, not resubmit but submit their advice formally to participate in the process, which we welcomed, you know, them to participate directly and engage with us directly for the reasons that you had mentioned at the outset of this call.

We had an interesting question from the Italian representative, you know, asking how are we going about trying to protect, you know, INGOs other than the Red Cross and IOC given the numbers that could be potentially involved. You know, the difficulty in setting, you know, criteria.

So I thought, you know, again showing interest in what the working group is doing in covering kind of the broader issues that (unintelligible) mandate. So I think overall the atmosphere was more kind of, as you say, an acknowledgment that the working group is carrying out the policy development process.

It is something that is, you know, acknowledged as part of, you know, an ultimate hopefully approach or solution to the remaining issues involved in, you know, with these organizations and protections.

So in that sense I thought it was, you know, it was at least a - we made progress in that sense. You know, maybe not necessarily completely positive but at least progress. And, you know, for perhaps further engagement.

Thomas Rickert: Great. Before I move to Wolfgang I have a quick follow up question with respect to the intervention made by the Italian representative. Do you think that, you know, I couldn't really grasp that from the audio but do you think that he was asking the question about us dealing with the question of protecting - potentially protecting INGOs in a sense that he welcomes this or that he questions this?

Brian Peck: I think it was more of a question. I think - I don't think it was in the sense of the GAC also thinking of considering other INGOs although I think it was part of the - out of interest perhaps indeed if the working group was working on this is how we were going to go about it.

And, again, I think his concern was, you know, the potential, you know, hundreds if not thousands of possible organizations that, you know, that would kind of fall within the scope of an INGO of how the working group was going forward in trying to grapple with that and how to, you know, to narrow the list to a manageable amount.

And so I think it was more out of interest and a question rather than, you know, welcoming it I think.

Thomas Rickert: Okay. Thank you. Wolfgang.

Wolfgang Kleinwachter: Yeah. I was in the meeting and my impression was that the - at least for some members of the GAC, in particular for the representative of the US government there was no space for - or no need for additional policymaking for them - my impression was they just said we give you the advice and you have to implement the advice so that was a little bit frustrating while Heather really acknowledge and recognized the parallel process.

The statement by the (unintelligible) representative was very clear and saying, you know, we gave you advice and you have to follow the advice. So this has raised some questions about the relationship between the GNSO Council, the GAC and our working group.

I just want to share my personal impression (unintelligible) in the room I don't know whether they had a different impression. But in particular if we came to the point of the Red Cross and the IOC it was very clear there is no need for additional recommendations. The only thing is we have to implement it.

Thomas Rickert: Okay. Thank you, Wolfgang. I guess it's exactly that what I'm trying to find out. And I'm sure that other members of the working group feel the same because it's always difficult to grasp an atmosphere when you are not present. Any further comments or interventions on that?

Okay I guess that we're going to discuss the GAC advice and the Board proposals or options presented by the Board later on during our call when we get to Item Number 5.

In the meantime I guess we should briefly touch upon the status of the public comment on the initial report. I think, Berry, that actually the reply period ends on August 7 and not the 6. But I might be mistaken. It displays the 6th in the agenda. Oh, it's been fixed to the 7th now.

So we received a couple of public - a couple of comments in the public comment forum on the ICANN Website one of which is obviously spam as it wants to make us buy some domain names. And apart from that - or I guess that the spam posting is the only external statement that was made, if I'm not mistaken.

I went through them, read them. But I know that Berry has taken a much closer look at them than I did. And, Berry, maybe you could give us a brief indication of what's happening at the moment in the public comment forum?

Berry Cobb: Thank you, Thomas. This is Berry. Basically, yeah, just to recap we received seven total comments. The reply period does close next week. I am importing the comments into a standard tool that we have with staff so that the working group can review each comment that is relative to our efforts here.

I may reach out to a few of you to see about getting the Word document versus the PDF in terms of (unintelligible) cut and paste those comments back into the (unintelligible) the formatting is off and it's kind of a challenge to export it into the tool. But certainly for our next meeting when we review the comments themselves I should have the review tool out to the working group by tomorrow for you to start reviewing through the comments.

But I do encourage working group members to read through the actual comments themselves and that'll make it easier as we traverse the list of the comments for the working group to consider.

Thomas Rickert: Berry, maybe you can, you know, I'm not sure whether our working group members are actually familiar with the process of reviewing and adequately taking into consideration public comments that have been received. You mentioned this magical tool. And I guess that people should understand that it's a document, it's not - no magic behind it.

But maybe you can inform the group in a few sentences of the next steps when it comes to actually analyzing the public comments because that's something that we should - that we will, most probably, do in two weeks time, right?

Berry Cobb: Yes, that is correct. So essentially what I'll be doing is extracting specific statements that will be subdivided based on top level protection, second level protections. I'll extract each of those statements from the comments themselves that will be placed into a Word document that has the explicit comment that was provided, who provided the comment.

And there are basically two cells that we need to fill out as we review each comment. And essentially the first one is what is the working group response to the comment? So, for example, if it was a comment that the working group has already considered essentially we'll just state that that comment is noted by the working group and that there's no further action.

Whereas if there is a comment that was new or not necessarily considered up front by the working group certainly we'll document the dialogue based on the content of that comment. And if there's any other recommended action that the working group should take based on that comment.

Most likely is what those actions are is either further deliberation and/or to update the initial report as we traverse over to forming a final report that will eventually get submitted to the GNSO Council.

But, again, in terms of our requirements for reviewing the comments we'll basically step through each one that has been submitted and deliberate on those and then take any actions as appropriate.

Thomas Rickert: Great. Thanks, Berry. Any questions for Berry? Okay. So obviously your explanations have been all encompassing and there are no questions for you. Which allows us to move to the fifth agenda item and that is I guess the core of our call today or hopefully we're going to enter into a good discussion because there are some topics that are worthwhile discussing which might have an impact on a consensus call.

And we've brought up a few items which are acronyms and the INGOs and the eligibility criteria therefore the RCRC expanded list of identifiers that has been brought to our attention, exception procedures and protections, if any, for existing TLDs, i.e. how we deal with existing TLDs should new protections be (unintelligible).

This list is certainly non-exhaustive so should you have any other items that you would like to bring up during today's call please do so. I'm also conscious of the fact that we might not be able to discuss all of them but at least I would like to kick off a conversation on them.

I see Wolfgang's hand up in the meantime. I'm not sure, Wolfgang, whether you've unintentionally taken it down or whether...

((Crosstalk))

Wolfgang Kleinwachter: I wanted to lower my hand.

Thomas Rickert: Okay, thank you, Wolfgang. Now as far as the acronyms are concerned I think that the acronym question is one that might be very contentious because the acronyms appear not to have the same legal status as some of the organizations' names. You know, I'm trying to be very cautious using my words here.

So there is a request, as you will remember, by the GAC to protect IGO's acronyms and also the acronyms of the IOC and the RCRC. Yet what I think we can deduct from the Durban meeting both from the statements made by the Board as well as by the GAC is that they might be open to mechanisms other than blocking acronyms.

And I think it's worthwhile discussing this for a few minutes because it is my impression - and I might be entirely wrong - that both the GAC as well as the Board have carefully read our report. And that they sort of picked up on the idea of a TMCH-based or analogous system which could be - it could serve as this notification system which was mentioned by the Board - sorry, by the GAC.

So I was wondering, you know, although, as you know, we are not bound by statements made by the Board or by the GAC and while we should come to our independent decisions discussing potential policy clashes and parallel actions should lead us at least to acknowledge what is happening around us and what the impact of on our work and potential outcomes might be.

So are there any thoughts or maybe even changes to positions that you've previously taken with respect to acronyms? Okay since I don't see any feedback and don't see any hands in the Adobe at the moment let me ask you specific question.

And, you know, having looked at the public comments I saw, for example, the statement submitted by the Registry Stakeholder Group which I construed or

which I read in the fashion that would not be supportive of the protection of acronyms.

And so my question to the representatives of the Registry Stakeholder Group is whether acronyms or acronyms to be included in the TMCH analogous system for notification purposes is something that you might be able to support?

Elizabeth?

David Maher: It's David. I think we would have to go back to the stakeholder group to get guidance on that. Chuck, do you have a view?

Thomas Rickert: Before I move to Chuck I have - I see Elizabeth is raising her hand.

Elizabeth Finberg: Hi. I was - I'm echoing David's sentiment. I think we would have to go back. But I think, David, if I'm not mistaken, our initial position is no although perhaps we could consider a trademark clearinghouse-like mechanism.

But my question would be for this round of new gTLDs I don't think there's sufficient time to develop a TMCH-like mechanism. So unless I'm mistaken if we made a determination that acronyms could avail themselves of a TMCH-like mechanism there would be some period of blocking would there not, not allow that mechanism to be effective.

Because if we simply go forward with launch the - without a mechanism in place I'm not sure it would be effective. So I guess my question is are we talking about in this round or for future rounds?

Thomas Rickert: That's a very good point, Elizabeth. And I, you know, my personal take on it is that we're discussing these mechanisms regardless of what round we're talking about. So I think the first aspect of our work should be to discuss the potential protection mechanisms and the criteria for them.

And then the second step, you know, should we have recommended protection mechanisms we would then need to discuss how these could be implemented without holding up the train for the first round and so not spoiling protections for those that are eligible to them.

But thanks for your intervention. Before I move to Claudio I heard David asking Chuck whether he has anything to add to that. And I would like to give you the opportunity to do so, Chuck.

Okay, we'll get back to Chuck...

Chuck Gomes: Sorry about that, I was on mute. This is Chuck.

Thomas Rickert: Not to worry. Please go ahead, Chuck.

Chuck Gomes: Yeah, I don't really have anything to add. David and Elizabeth said it correctly; this is something that we would need to go back to the Registry Stakeholder Group on and that's certainly a reasonable possibility.

I think we, like every other participant in the working group, that we all need to work together to come to something that we can all support. And the three of us are certainly willing to take back different options back to the group when we get to that point.

Thomas Rickert: Thanks, Chuck. Claudia.

Claudia MacMaster Tamarit: Hi, Thomas. Our position on acronyms and names hasn't changed, to answer your question directly. We still think that international organizations, IGOs, and INGOs, Red Cross, IOC, should have protection for their names and acronyms.

That being said, something that we have continued - and I continue to worry about is making sure that there's a balance between that protection, whatever protection is granted, and obviously other legitimate interests. So I think we would definitely support something very similar to at trademark clearinghouse approach in terms of an IGO INGO acronym being notified to the potential registrant of their being rights in this acronym but not much more than that.

Something that I'm worried about from the GAC communiqué is this question - and I know we're going to address this with the GAC representatives, but is this question of what other mechanism is there behind that in terms of is it a claims notice and then a hold on the registration until the IGO has time to say yes or no?

Which I think is deeply concerning especially if anyone out there does have to actually register names for their company. They understand as I'm a little bit worried about waiting potentially days, weeks, months especially if there are several dozens, hundreds of strings suddenly available and you might have a commercial interest in registering your trademark.

The IGO might have quite a bit of an administrative burden, if you can imagine, during particular sunrise periods or whatever it is to check, you know, the registration of these acronyms. So I do worry about that. We're still worried about that.

But in terms of a sort of strict match to what at least I understand the trademark clearinghouse to intend I think we could very much support this kind of a protection.

One other thing that I just wanted to mention also in terms of acronyms is I'm perhaps concerned - I'm - that the GAC has not mentioned at all. And I say this strictly from my perspective as representative of my organization. But the letter from the International Sugar Organization, you know, that letter, I thought, was very pertinent to acronyms, at least to the ISO acronym.

And I'm interested that it seems to have ignored one of the IGOs of the 190 plus saying something about, okay, well, we understand that ISO can be a - to use somebody else's word, generic - for us it's not generic it's actually trademarked, but, you know, commonly used term so we would prefer to have something a little bit more specific for, you know, that picks up the aspect of International Sugar Organization, so ISO Sugar.

I'm surprised I haven't seen that in the GAC communiqué or picked up by any of the reactions from the GAC despite that they are seemingly talking to IGOs (unintelligible). So that was just my comment, Thomas. Thank you so much.

Thomas Rickert: Thanks, Claudia. And before I move to Alan let me add to stimulate discussion that certainly there are different variations or intensities in which the TMCH based approach can be deployed or could be deployed.

Please do remember that we discussed the question of whether these organizations could be - or their designations could be entered into the TMCH even though they might not have a right or a designation that is - that is currently entitled to be entered into the TMCH so the inclusion in the database is one aspect.

And then we have two other aspects, one of which is the possibility to participate in sunrise or to register names during the sunrise period and the second one is the possibility to benefit from the trademark claims service, which then probably would need to be renamed.

But you get the idea that a claims notice service is the equivalent to what we currently see as the trademark claims notice service. And there we are currently discussing a notification for the initial period of 90 days.

So, you know, there are a lot of variations of how the TMCH-based model can be applied. And I'm now curious to hear what Alan has to add to this from an ALAC perspective.

Alan Greenberg: Thank you, Thomas. Our position is very similar to Claudia's and it's detailed in our submission. The concept is implied by the GAC communiqué of a hold on the registration until or unless the organization okays it is so fraught with problems that we just don't see an implementation that would be viable.

It gets amazingly complex especially if you imagine a scenario where multiple people might be applying for that name and suddenly the IGO is not only in a position for accepting or refusing but potentially prioritizing; refusing one accepting another. You know, changing the order, giving it to someone who applied second.

It is just so complex and so - not disturbing but gets in the way of the normal process of registering names. And of course potentially increases the price by hundreds or thousand-fold it's just mind boggling. Thank you.

Thomas Rickert: So the alternative would be?

Alan Greenberg: Sorry, I didn't understand that.

Thomas Rickert: So how would you like to go about with this then? You know, I'm trying to...

((Crosstalk))

Alan Greenberg: We support the claims process. The concept of blocking with either the organization itself or an independent organization adjudicating seems to be exceedingly problematic.

Thomas Rickert: So claims notice for the initial 90 days, right?

Alan Greenberg: Well, 90 days we would - I believe our statement says we would accept longer although, you know, that may be problematic in terms of implementation but that's a different issue.

Thomas Rickert: Okay. You also mentioned in the - or ALAC mentioned in their report a proposal that we've discussed a couple months ago and that was with respect to public interest commitment or analogous tools for ensuring that certain designations can only be used by legitimate third parties.

And that is that if a third party registers a name - and I think you made reference to that for the top level protections. Then the question is how do we ensure that this doesn't change over time? And the idea would be to ask for the registrant or applicant to make a public interest commitment whereby they only make use of the designation as a domain name in such a fashion that would not violate the rights of the respective IGO or INGO.

And I guess this is something that is worthwhile considering here as well and that might be a variation to what we've been discussing for the second level and that is maybe to combine a claims notice service with - with the registrant being requested to subscribe to such a PIC, which would not - or which would give ICANN a tool on the enforcement side or the compliance side to take action in case the name is not legitimately used later on.

Alan Greenberg: Well the claims notice inherently is such a statement that you're not doing it - not going to be using the name in such a way that it would infringe, you know, or infringe may not be the right word but will not impact (unintelligible) on whose behalf the claims notice is issued.

That, I believe, in the current world is not enforceable by ICANN but is enforceable through URS, UDRP. Adding an ICANN enforcement on that - I'm not sure we envisioned that implementation could well be problematic. I don't think we would object to it.

Thomas Rickert: Well I guess, you know, I'm just thinking loudly but I guess that one would need a different type of notice for these designations then for trademarks because the scenario is entirely different.

Alan Greenberg: The wording would be different, I don't think the concept is all that different.

Thomas Rickert: No, but I guess the concept would be more a PIC type concept rather than one triggering URS or UDRP.

Alan Greenberg: Perhaps.

Thomas Rickert: Any more thoughts on this? You know, I'm trying to sound out whether we can further build on the idea and maybe tweaking it taking into account some of the comments and suggestions that we read and heard. So I see that Claudia is sympathetic of such approach but maybe others do have ideas as well or reservations?

Any more ideas on acronyms?

Stéphane Hankins: Thomas, this is Stéphane Hankins. I'm afraid I can't put my hand up on the machine. Can I say a word please?

Thomas Rickert: It's your turn. Please do.

Stéphane Hankins: Thank you very much. So, Stéphane Hankins, Red Cross Red Crescent, RCRC. Yes, I think we do need to take the floor because the - as you will have noticed the GAC's final communiqué does make a specific reference to the acronyms of the two international bodies within international movements of the Red Cross Red Crescent, the RCRC and the international federation, IRC making specific reference, as you will have noticed, to - as a need to address those acronyms in the same manner as the acronyms of IGOs through a cross-mutual mechanism.

I just wanted to just reiterate a little bit our position which we have stated before on the call which is, you know, that we - considering the complexities of, you know, acronyms versus, you know, the actual names of organizations, you know, we would support or, you know, feel appropriate to have some form of a mechanism whether it's the TMCH for which, you know, we would need to ensure that the RCRC and the IFRC have both standing and potential a waive of fees or some other mechanism you have discussed whether it's acclaims notice service as been mentioned.

We do think that, you know, it would be helpful indeed to reflect on, you know, what type of formula such an additional tool would have. So this is all. Thank you.

Thomas Rickert: Thanks, Stéphane. And I guess we will need to talk about the scope or the list of eligible designations in a moment anyway. But are there more comments on the concept of protecting acronyms by means of a TMCH-like mechanism?

Now I was wondering whether - or I think if my memory doesn't fail me that there have been reservations voiced by Avri and by Mary at the time when Mary was representing or when she was not with ICANN staff.

So my question is whether (unintelligible) able to support a claims notice type approach. (Unintelligible) to Avri - can I ask those who are not speaking to mute their microphone (unintelligible) on the line. Avri, please.

Avri Doria: Yeah, sorry, I think my putting up - turning on the microphone is what caused problems. I'll turn it off as soon as I finish. I think from the NCSG part we're still split on that issue between the ones that, you know, really don't approve of anything and those who see going ahead with limited special protections.

I personally remain very concerned with anything that contains getting permissions from the organizations because - and I know this is always seen

as a derogatory thing to say so I apologize up front - but I see anything that requires permissions as a backdoor to licensing and second hand licensing and such.

So I personally see a problem with it. I would be surprised if NCSG went along with that. I wouldn't be surprised if they did go along with, you know, the TMCH ideas and such. But we have not had a detailed conversation on how we're going to break our own, you know, differences of opinion on this yet. Thanks.

Thomas Rickert: Just for clarification purposes so you're saying that a notification service, you know, which might be an equivalent to the trademark claims notice might be supported of but that you see difficulties in sunrise registrations that might give preference to the organizations or allow for them to sort of license their designations?

Okay, you've - I guess that confirmation in the Chat is a yes. Thank you so much. Any further ideas on this? I take that we might have some traction on a TMCH-based model for the difficult question of acronyms. There is more traction for trademark claims notice type approach rather than for the possibility of sunrise registrations.

And my question to you is whether there are more views on how to design a sunrise registration process or maybe tweak the ideas that are on the table to increase chances for such idea to be included in a consensus package. Alan.

Alan Greenberg: Yeah, just a comment. Both based on what Avri said and what I've heard before there was far more concern with the concept of a block on the name until the organization approves as being the kind of thing that might be a kin to licensing rather than the sunrise of the organization using the sunrise process to register its own name.

I may have misunderstood Avri. But I thought that the real focus was - and perhaps for different reasons but similar to ALAC on the concern was if a name cannot be registered until the organization says yes you may rather than the sunrise issue.

Thomas Rickert: Avri, would you like to respond?

Avri Doria: Sure. Blocking in any sense is a problem. So any and all blocking would be a problem, I think, within the NCSG and certainly for me personally. In terms of being able to register and then there being a notification, you know, and the regular trademark clearinghouse that is probably less of a problem unless it turns out that that becomes something that can be used to a-ha, you want to register our name? Well - or you have registered our name, well, we won't file a protest against you unless.

So I don't now. At the moment we hadn't cut it that fine. But now that Alan brings it up that even a trademark clearinghouse type of remedy can be used as a - as a backdoor licensing I guess I need to think about it some more. But certainly anything that blocked would be a problem. Thanks.

Alan Greenberg: Avri, the question I was asking is are you objecting to the sunrise though which I didn't hear you say but I heard Thomas imply you had said.

Avri Doria: No I have a feeling that the sunrise - if we can achieve compromise within our own organization on it that the sunrise is something that would probably have no real objection.

Alan Greenberg: Thank you.

Thomas Rickert: So entering the designations in question into the TMCH and then like other trademark owners entitling them to participate in sunrise as well as entitling them to the trademark claims notice type service would be something that one could subscribe to, right?

So that, you know, just to refresh everybody's memories on the possibility to register during sunrise is dependant on other factors rather than the mere entry in the TMCH which is that you need to pass the eligibility requirements of the respective TLD or if you have a DotBrand TLD, which is a single registrant TLD then even a trademark clearinghouse entry would not entitle you to register a second level domain name under that TLD.

And also, the Applicant Guidebook requires every applicant to come up with a sunrise dispute resolution policy. And, you know, should we allow for IGOs and INGOs or whatever the eligible protected parties might be to participate in sunrise would just entitle them to start a registration request.

And should there be multiple registrations for the same string then the dispute resolution mechanisms for that contention set would apply as set out by the respective registry.

So that's just to give you a little bit of background from the Applicant Guidebook. And I think the, you know, the charm of that approach might be that actually we don't have to do the dispute resolution but it would be up to the registry to deal with that. Chuck. Chuck, you might be on mute, we can't hear you.

Chuck Gomes: Oh I didn't hear - sorry about that, I didn't hear my name for some reason. So, okay, I'd like to get some clarification. First of all let me personally agree with Avri and Alan that any sort of a process that would require permission of the organizations I don't think is going to go anywhere. I don't think that's - I think Alan's right and Avri's right that that's fraught with a lot of problems.

But looking at using trademark clearinghouse type approach I have some questions with regard to both sunrise and claims notice. For sunrise are we thinking that whatever list - finite list of names are agreed upon, a GAC list or

whatever, that - and even including acronyms, would be allowed on - into the clearinghouse just like trademarks?

And if so, would that require - I mean, what names would be allowed there? Would it be those that are protected by international law or multiple national laws? How would we determine that list? Now I think the Registry recommendations were that not specifically in this regard but that we actually use the finite lists that are managed by the GAC.

Is that what we're thinking about with regard to sunrise? So in other words there would be obviously trademarks in the clearinghouse that could register during sunrise. And I - if I'm understanding correctly we would also allow some set of IGO Red Cross IOC names in there as well whatever we agree to on that, that could also register during sunrise.

And the main question then is what would be the criteria for putting those names in there? Would it, you know, it would be consistent with the GNSO policy recommendations if there was some basis in international law for including them there.

Let me stop there and see if anybody can clarify what - where we're going in that and then I'll come back to the claims notice afterwards.

Thomas Rickert: Thanks, Chuck. And I guess that Alan is offering an answer to that.

Alan Greenberg: Yeah, I mean, I see one or two alternatives. Either all the ones in the GAC lists blindly get put into this new clearinghouse or clearinghouse capability under the status. Or we take a signal from one of the Board's interim implementations and say any one on this list is allowed to apply.

You know, I don't know which way we would end up going but I would think it's going to be one of the two. So either the GAC list is the list or it's the super set of the list and the agency, the organization, has to take explicit

action to actually get entered. I don't have a strong feeling which one - which way we'd go but I think it - there's not much choice. I think it's going to have to be one or the other.

Thomas Rickert: You know, if I may I would like to chime in and offer some ideas on that before going back to Chuck. I guess we can come up with more alternatives than the ones that you outlined. You will know that even currently for the trademark based system we have two different sets of requirements for those that are in the - that have entries in the trademark clearinghouse.

If you want to participate in the trademark claims service you need an entry in the trademark clearinghouse based on the - based on a (Web) mark, you know, a trademark confirmed by a court and international treaty and I guess these are the three alternatives.

But if you want to participate in sunrise you - in addition to that, need to provide an evidence of use. So we already see that there are different criteria for the two different services. And we might build on that.

So one might even imagine a system whereby all the names that are on the list provided by the GAC are eligible to trademark claims notice, which would not give them the sunrise service.

And if they want to have - or if they want to be eligible to participating in the sunrise service then one might set up additional requirements to be in conformity with the original GNSO recommendations.

Chuck, does that at least partially answer your concerns?

Chuck Gomes: Thanks, Thomas. Somewhat but let me first of all back up to something that Alan said. If we use the GAC lists I think I can guarantee that the Registry Stakeholder Group would not support the GAC lists to the extent that it includes all the acronyms.

So the GAC...

Thomas Rickert: For sunrise services you say?

Chuck Gomes: Yes. Right. So that would be my qualification on that. Since you brought up claims service again I don't understand - and I'm probably just missing it - what value there is to a claims service? What happens - okay so let's say we let, for example, some IGO's name be - so an IGO is notified that - or an INGO, whatever one you want, is notified that somebody is trying to register their name.

If the purpose of that is to let the registrant know that, hey, you might be subject to a UDRP or a URS proceeding, do you want to proceed? Are we assuming that the organizations involve the IGOs or INGOs would be able to file a UDRP or a URS claim?

If so then it makes sense to me. If not, then I don't see any value to a claims notice. So let me stop there and let others respond.

Thomas Rickert: Okay before I move to Alan I would like to briefly state that there was more or less common sense inside the working group that we did want to open up URS and UDRP to the organizations that would be eligible to protection. So actually they could then use UDRP or URS in case a domain name is used in a way infringing upon their rights despite the claims notice.

But also we could add additional aspects to the claims notice such as we discussed earlier for example something equivalent to the - to a public interest commitment whereby whenever a domain name is used other than in the fashion that would not violate the rights of the organization that then this name might be revoked, suspended or whatever the remedy might be.

Alan.

Alan Greenberg: Thank you. My comment was with respect to your previous discussion on the details of exactly what the rules are for getting into the clearinghouse and exactly what you can do from it. To be honest I think by the time we get to that discussion our job is done.

You know, those are details at I think will need to be addressed but I don't think they're the substantive ones that we need to be focusing on right now. I mean, and Chuck highlighted that in saying that, you know, if we're going to include acronyms in what goes in to the clearinghouse automatically then the Registries would not accept it.

You know, it's the gross level I think we need to be focusing on not the fine - not the fine tuning. Thank you.

Thomas Rickert: But, Alan, do you think it's fine tuning to discuss what designations should be entitled to what service? I thought that, you know, I might be wrong but I thought that this was the core of what we need to discuss. You know, we sort of had - start by saying that a list provided by the GAC might do the trick. But then the question if we take that list what services can you use based on that list?

Is this merely a notification which would inform you and entitle you to take rights subsequently in case of infringement? Or is it actually granting you extra rights by participating in sunrise and thereby registering domain names before others can?

Alan Greenberg: Those questions were asked in our interim report and people are answering them so I don't see our need to discuss them at this level. I mean, to the extent people care they've addressed them. You know, I know what the ALAC answer was. But, you know, personally - and I'll give you my personal opinion, it's not an ALAC position.

Since we're talking about claims notices at this point for 90 days and sunrise really just is the ability to quickly register something which otherwise you may be able to register at probably a lower price once it goes live I don't see that much of an issue with it but other people obviously see that differently.

Thomas Rickert: Okay that's helpful to know. Thank you, Alan. Let's move to Elizabeth.

Elizabeth Finberg: Hi, Thomas. Just to build on Chuck's point I think - and Chuck, jump in and tell me if I'm wrong. But I think the Registry Stakeholder Group position, again I don't think we're going to get support for protection of acronyms in the way that we are discussing here.

For the claims notice my understanding is that the original - the names on the GAC list, the - which were basically derived from, you know, DotInt, there is some basis on which to conclude that they're protected by international law or treaty.

That would not be true as far as I know with respect to the acronyms. And so that gets back to Chuck's question, what would the claims notice be based upon if there isn't - in other words would we be telling people hey you're trying to register something that has letters WHO in it and that's an acronym for World Health Organization. And if you proceed with this registration you may be subject to a UDRP or other legal claims.

Can we say that with a straight face - should we say it - if there is an underlying law to support such an action?

Thomas Rickert: I guess that's an appropriate and very good question. Does anybody in the group volunteer to respond to that? Chuck.

Chuck Gomes: Thanks. And, Elizabeth, first of all I just want to say yeah, I think Elizabeth said it very well. And a fundamental basis for the GNSO new gTLD recommendations with regard to rights protection mechanisms is that they be

based on international law because we're talking gTLDs our global so I'm just kind of reinforcing what she said there.

Thomas Rickert: Okay. How do we resolve this? Let me try to build on what has been said in this group earlier and that is the statement that has been made by multiple representatives of IGOs who claim that (unintelligible) of the Paris Convention is actually a legal basis also for the protection of acronyms.

And I know that this legal position is not undisputed. But let's just assume for a moment that there was agreement in this group that's it would serve as a legal basis. Then actually a trademark claims notice type notification that a registrant receives could make reference to exactly that legal basis which would be that only such use would be allowed that would be noncommercial and maybe two or three other criteria that I can't (prompt) now.

So only in case the registrant subsequently violates this legal basis then, you know, a PIC type or a PICDRP, I should say, type sanction mechanism might be deployed. So I guess there would be ways to resolve this technically and legally. Alan.

Alan Greenberg: I think Elizabeth raises an interesting question. I'm not sure it's our problem to answer. But you know what do you say to protect - to warn someone using the name CERN that they shouldn't do if the organization trying to register it is a local industry group in a northern Québec city, which there happens to be a CERN domain register today.

I think ICANN Legal and ICANN, you know, implementation would have an interesting challenge in what words do you put in there and I think it's a valid question for us to raise. I'm not really sure I want us to try to fix it but it certainly is something to put up. Thank you.

Thomas Rickert: Thanks, Alan. Well certainly it would be a challenge to resolve all that.

Alan Greenberg: If I may interject? That just put stronger words on our statement of be careful what you want, you may get it. But I'm not sure it's our problem. The warning doesn't have to say anything particularly strong it just has to be a warning that you're conflicting with someone else's name and be warned there may be repercussions if you're overlapping. So, you know, it may be something that can be addressed very simply.

Thomas Rickert: I'm not sure whether, you know, speaking personally whether I would like something that is not transparent in terms of legal basis and potential sanctions because I think the registrant deserves to know what risks they are taking when they are proceeding with their registration. But...

((Crosstalk))

Alan Greenberg: That would seem to be something in the public interest I would think, yes.

Thomas Rickert: Yes. Chuck.

Chuck Gomes: Thanks, Thomas. I would like to suggest a possible way forward. First of all I don't think in our total call it's realistic for us to expect to formulate this concept or these concepts that we're talking about right now.

So I wonder - and I'm not volunteering because I don't have the bandwidth - but I wonder if there are two or three people who would be willing to draft something up along the lines that we're talking with regard to, you know, the sunrise and claims and clearinghouse type models that the rest of us can then comment on and move us closer to some sort of position that may be at least -a strong support can be generated for.

Thomas Rickert: Okay thanks. Any further comments on this? Then otherwise I think we, you know, being conscious of time we might want to move on to the next item. And I'm trying to digest what we've been discussing and maybe come up with a little outline of the results of our conversation for everybody to look at.

Now INGO eligibility criteria, I think that that response that we got during the Durban meeting and as well in the public comment period were, you know, not too satisfactory both on this item as well as on the other. So the question remains how we best go about with the question of potential protections for INGOs. And I'd like to hear some views on that if any.

My hope was that we would get some new ideas, fresh ideas, on how we could resolve this. As you will recall the working group has not been able to come up with a set of eligibility criteria that would get much traction inside the group.

And so the question for all of us to answer is how do we take the INGOs on board? What could be a basis for that? Because my impression is looking at the comments that we received that areas not too much traction for granting INGOs, other than IOC and RCRC, protections.

Chuck.

Chuck Gomes: Thanks, Thomas. And I encourage Elizabeth and David to clarify anything that I don't communicate correctly. But if you've read the Registry statement, and we've been pretty consistent about this throughout the working group, the Registries do not support protection of INGOs except for the Red Cross and the IOC.

And the reasoning behind that is, I think, twofold. First of all international law, even for the Red Cross and the IOC and IGOs, is not totally definitive with regard to protection. And that's maybe even more so with regard to INGOs with the exception of the Red Cross and the IOC.

So what we - the reason we supported protection of the Red Cross and the IOC with the finite list of names - full names - and IGOs, again with a finite list of names, was not just based in international law because we didn't find - and

I think the general counsel's response that we requested confirms this - international law is not totally definitive even though some in the GAC, including our US representative, as was pointed out, thinks it is. Okay?

So what we did is we said okay there's some good indication that there's law that - international law that supports protection for IGOs and the Red Cross and IOC. And so what we did is we went okay it's not definitive but we have GAC advice and so out of respect for the GAC and their role in the process, combining those two things together we're willing to support protection of the full names in that regard.

In the case of INGOs, not only don't we have the definitive basis in international law and maybe even less so than the others, the IGOs and the Red Cross and IOC, but we don't have any GAC advice that we can kind of balance - fill the hole with if that makes sense.

And so at this point I don't see how we could support protecting INGOs with the exception - with the two exceptions because there's just nothing concrete in terms of international law and GAC advice that we can support our position on.

So my thinking is is that, I mean, unless somebody - and again the criteria - we talked about this in our comments. The criteria that have been proposed for INGOs get subjective and require panels or some way of evaluating it. And I won't repeat what we said in our comments.

But at this stage I haven't heard sufficient rationale to support protection of INGOs outside of the Red Cross and the IOC.

Thomas Rickert: Thanks, Chuck. Alan.

Alan Greenberg: Yeah, I guess the rationale in my mind is easy. You know, clearly ICANN has to obey the law. We can be debating what is the law and that's what this - a

lot of this debate is. But ICANN also has an interest - has the requirement to uphold the public interest.

And a lot of the INGOs we're talking about are organizations that have gotten abused badly by improper registration of names. And although we are not supporting - ALAC is not supporting blocking these names we believe some level of protection is warranted.

I think that's in the public interest. And I can't explain why the GAC hasn't taken that position either when they have defended, you know, blocking and prohibiting a lot of other top level domains. But that's the world we're living in. But in - certainly in our mind it's a public interest issue; it's not an issue of law. Thank you.

Thomas Rickert: Thanks, Alan. Wolfgang.

Wolfgang Kleinwachter: Yeah, I think this is a very good example that we are on a very slippery (unintelligible) and that's why, you know, I argued already in the very early beginning of this working group to - not just start with exceptions. Because we - (unintelligible) this is the opening of a Pandora's box and we have no clue where to stop.

I think Chuck was very clear and I can only support him that we do not have really criteria and there are not thousands, there are ten thousands of cases then. And, you know, we will end up with a list, you know, which nobody can really control or can achieve.

You know, we looked into the ECOSOC list but this is only a very small number. And as soon as we start to use this there will be other organizations who are asking for the same thing.

So I was, from the very early beginning, against any exceptions including IOC and Red Cross. You know, we have now the GAC advice; we have to live

with some of these exceptions. But I just, you know, wanted to support also what Avri said.

You know, they are - we have mechanisms in place in the Guidebook. The mechanisms has not yet tested rights and start, you know, discussing, you know, all these exceptions just, you know, before - for very hypothetic cases.

So let's wait and see what the existing mechanisms are working good enough to protect (unintelligible) of organizations including governmental and nongovernmental organizations and then let's move forward. So that's why, you know, I'm would see any reasons to go forward in looking or building lists for nongovernmental organizations. Thank you.

Thomas Rickert: Thanks, Wolfgang. Avri.

Avri Doria: Hi, remember I said the NCSG is split on this stuff? So this is an occasion where I believe that while I, too, recognize that, you know, we shouldn't ever block anyone, I believe that the ECOSOC list, small as it is, is a definitive list that offers people a way to get on the list. You go to ECOSOC. At which point a UN committee composed of countries basically decides that a particular INGO (unintelligible).

I personally have problems rationalizing the protection of IGOs which have some countries accepting them or may have some countries in a treaty and yet not recognizing an INGO that has - go through a grueling process and any organization who's ever tried to get and keep the ECOSOC accreditation or acknowledgment knows how tough that is.

That they shouldn't be given the exact same respect and courtesies as an IGO without getting into whether the two countries that happen to sign a treaty that make something an INGO.

Because it doesn't need, you know, all countries in the world to make you an IGO, it only needs a few and whereas in ECOSOC you actually need the full committee. So I would argue that the ECOSOC is a sufficient criteria to sort of say we don't have to build our own list because that's something that ICANN should always stay away from is building its own list.

But here we have the UN and one of its special committees basically doing that work. And I believe that they should be accorded the same respect and services that we accord any of the IGOs. So while I could agree with nothing for IGOs if we agree for something for IGOs I think we need to cover at least the ECOSOC INGOs. Thanks.

Thomas Rickert: Thanks, Avri. Chuck.

Chuck Gomes: Thanks, Thomas. And thanks, Avri. And I personally sympathize with her argument there. I think it makes sense. I just have a very brief question because I haven't looked at the ECOSOC list in a long time. Does it include any acronyms?

Wolfgang Kleinwachter: Yes, it is the name and the acronym.

Avri Doria: I don't know. I'd have to go check. And give me a couple minutes, I'll check.

Thomas Rickert: Well, Avri, Wolfgang has just volunteered to answer that question by stating that it includes the name and the acronym. Correct, Wolfgang?

Wolfgang Kleinwachter: Yes.

Chuck Gomes: Thank you.

Thomas Rickert: So, Chuck, would that - Chuck, David and Elizabeth, is that something that would make you reconsider your position on INGOs?

Chuck Gomes: Well, I think that Elizabeth and David and I will say the same thing on this. We are willing to take that back to our group, okay? We can't speak for the group are not right now okay?

Thomas Rickert: Good. Thank you. Any other working group member that wishes to comment on the INGO topic and maybe share with us some thoughts or changes of opinion? You know, I think it's high time for the group to actually make up its mind on this.

As you know we've been chartered with taking care of the four categories of organizations being IGOs, IOC, RCRC and the INGOs. And I do want to ensure that all of the arguments are being heard, that in no way the proposal made by INGO representatives is swept under the carpet.

I mean, unfortunately - and I guess I need to emphasize this it's unfortunate that not more INGO representatives are present in this group to make their points and share their views and share arguments for protections with us. But I guess that's still for us to do a good job as a working group we need to cover it from all angles.

Avri, please.

Avri Doria: Yeah, I'm certainly not representative of the an INGO but as soon as you said that it occurred to me that I am a volunteer and an affiliate of indeed the Association of Progressive Acute Communications which is an ECOSOC approved entity. They've never spoken to me nor I them have anything to do with IGO/INGOs or ICANN at all because mostly they ignore it.

But I should probably say that in retrospect even though it never occurred to me when I was speaking previously.

Thomas Rickert: Thanks for this, Avri. I guess this was an encouragement for us even though we are not INGO representatives or as we just heard, you might be, but the

vast majority of us in the group are not, that we still should try to take all the arguments on the table into account and consider protections for them because that's the job that we've been tasked with.

I see Poncelet's hand is up. Poncelet, please fire away. Maybe you're on mute. We can't hear you. Poncelet? There might be some technical difficulties. Poncelet, unfortunately we can't hear you. So should you be back on the line and be able to speak so we can hear you I'll make sure that you are the first one to speak.

Are there more statements to be made on...

Poncelet Ilelegi: I'm back on the line, can you hear me?

Thomas Rickert: Yes, Poncelet, please.

Poncelet Ilelegi: Poncelet speaking.

Thomas Rickert: It's your turn.

Poncelet Ilelegi: Yes, I just wanted to contribute that, I mean - yes, thank you very much. I just wanted to put out that I work for international INGO - the YMCA, so it's not that some INGOs are not represented so because YMCA is one of the (unintelligible) INGOs in the group so I just wanted to mention that. Thank you.

Berry Cobb: Thomas, this is Berry. Are you on? You may be on mute?

Thomas Rickert: Berry, thank you so much. I actually was. Sorry. I wanted to thank Poncelet for his reminder that he's representing an INGO. But at the same time just remind all of us of the task that we've been chartered with and that we need to make sure that we look at the topic from all angles in order to do a good job as a working group actually.

And unless there are further statements or comments on this subject I would like to move to the - to Item C which is the RCRC expanded list of identifiers. And I know that Stéphane has been asked to elaborate on this a little bit more during the Durban session and unfortunately I'm lacking the name of his colleague who then responded to that question.

So, for those that are - that had not been in Durban I don't want to bore you with details so you can go to the transcript or the MP3 and be filled in on that.

I guess that since the request for - has been made by the RCRC we should discuss, as a group, how we're going to deal with this request. And Stéphane, since you're on the call would it be possible for you to explain the content of the list that you asked to be protected in two or three sentences?

Stéphane Hankins: Yes. Thank you. This is Stéphane Hankins, Red Cross Red Crescent.

Yes, I indeed, in two or three sentences, then. Well first of all, you know, as you realize what is included at this point in time in the Applicant Guidebook and in the Registry Agreement Annex 5 is only 28 designations which are essentially the names of the Red Cross Red Crescent emblems, Red Cross, Red Crescent, Red Crystal, and Red Lion and Sun. And indeed, as some of you will recall, and certainly, Thomas, it's only a fairly recent realization from our side that the existing reservations protections do not in fact cover the strings which contain the actual names of the components of the Red Cross Red Crescent movement.

The words Red Cross are included in the list but because German Red Cross is a different string we understand or we are told that, you know, these are designations that require separate treatments.

So what we have done and, you know, we've done so now for quite a few months is, you will recall, those on these conference calls as well as in conversations that we have had with many of the members of the group

including Thomas, is to try and (unintelligible), you know, the way in which the actual denominations of the organizations, international committee of the Red Cross, International Federal Red Cross, Red Crescent Societies, (unintelligible), German Red Cross, (unintelligible) Red Crescent, should - would be protected.

By the way this is conformed to public international law and the treaties concerned which award to the organizations concerned the entitlement to use those names. It's also conformed with the actual logic and spirit of this working group, which is looking at IGO, INGO names.

And of course it also conforms certainly with the global public interest we've been examining when considering the pertinence and the need to protect these designations, the names, it's obvious that, you know, protecting the words Red Cross without protecting the words, you know, German Red Cross or British Red Cross or American Red Cross doesn't - does not guarantee or certainly doesn't address, for example, the global public interest concerns of, you know, fraud and the use of the names of the organizations and stemming from their registration.

So this is a little bit the logic of where, you know, we are coming from. Thomas will recall that at several stages in this process we had discussed the ways in which, you know, this concern, which is reflected here as an additional, you know, an expanded list of identifiers of how to address this whether it's in the form of adding names of the organizations to the reserve names list or some form of string similarity by keyword, which we have since then, you know, been explained is something that at least a second level would prove extremely difficult to implement.

So what we're - what you have seen in our most recent communication is indeed the request that the list of Red Cross Red Crescent identifiers be actually extended to cover the names of the organizations which I think, you know, makes all the sense.

And of course if, you know, reflections are now being given to protection of names and acronyms of IGOs, potentially INGOs, then, you know, obviously the names of the Red Cross Red Crescent organization, you know, need, you know, need to be considered and raised just equivalent issues and concerns.

So what we - what this would amount to - and then I'm finishing - would be to add to the - to a modified reserve list the names of the two international components of the Red Cross Red Crescent Movement, the ICRC and the IFRC, in the six UN languages.

You know, these are organizations which are frequently - which have an international mandate recognizing international treaties frequently mentioned in resolutions of the UN and so on and so forth. So it would make sense to protect these in the six UN languages which are also the six languages of the movements for that matter as well as the actual full names of the respective components of the movement. So that is the two international components as well as the names of the 189 national Red Cross Red Crescent societies, which are, today, recognized within the movement.

And, you know, to be logical also there we, you know, we're finalizing a list right now. These names should be protected potentially in English, you know, for ease of understanding as well as in the national languages, German Red Cross and well as (Deutsch) (unintelligible).

So this is, in summary, you know, how we, you know, where we stand and what we're now - we've brought forward. If there are any questions please? Thank you very much.

Berry Cobb: Thomas, you may be on mute again.

Thomas Rickert: Sorry, I was. Actually I wanted to save you some of the background noise because I had my window open. Alan is next.

Alan Greenberg: Thank you. I'll start off by saying I'm sympathetic to the request to protect the names - the official names of the 189 organizations. But I am completely mystified in exactly what they've - the request has been to protect the official names but not the common names. And I asked that question explicitly in Durban and was told, yes, that is correct.

So in other words, they're asking to protect the American National Red Cross but not the American Red Cross or the Canadian Red Cross Society but not the Canadian Red Cross, which is the common name.

And it seems to be you're protecting a legal name which no one uses but not the name which someone may actually prey upon. So the request just doesn't make any sense to me. Thank you.

Thomas Rickert: Stéphane, would you like to respond to that immediately?

Stéphane Hankins: I'll make a very quick response. Alan, in fact, I think - I think, you know, when the intervention was made in Durban this was made - it was unclear because we - we totally are aware of the issue that you're raising.

And in fact the list that we, you know, are finalizing obviously, you know, it would obviously require to include, you know, the official name, which is also generally integrated into the national legislation recognizing the national society as well as the usual name whether it's British Red Cross Society or British Red Cross, for example.

But, I mean, you know, we do understand that the issue is, you know, it's not to bring, you know, 5000 names. But I think - but your point is very correct. I mean, it is clearly the usual name that we need to catch as well. Thank you.

Alan Greenberg: Yeah I'll just add, if I may, Thomas? That, you know, when I asked the question in Durban I explicitly asked so the common name is listed in this

letter just for information sake; you're not trying to protect it and the answer was clearly, "That is correct." So I think this moving target is not serving anyone very well. Thank you.

Thomas Rickert: Thanks, Alan and, Stéphane. I have Chuck next.

Chuck Gomes: Thanks, everyone. So the - I think it's pretty clear the Registry Stakeholder Group is going to evaluate this request using the same criteria we did in our comments already.

So there are two main questions with regard to these additional names. Are they protected in the same way by international law and treaties as the names that have already been on the list? And, secondly, does GAC advice support these additional names as well?

So in that regard it would be very helpful for us before we go back to the Registry Stakeholder Group on this issue, to have answers to those questions. I think Stéphane indicated in the comments the just made that there is some basis with regard to the international law. I'd like more clarity on that. Are there differences? I mean, national law doesn't work very well in a global thing.

For us to reserve or protect in some other way laws based on specific national jurisdictions opens up Pandora's box with regard to a global median that we have with regard to gTLDs. So there needs to be comparable protection on international law not just individual national statutes in this regard.

And then, again, because even international law isn't totally definitive is there GAC support for that as well? And it may be that we need a clarification from the general counsel's office on the advice they gave because they gave it with a more restricted list whether or not their advice and their analysis applies equally to this additional request.

Hopefully that makes sense.

Thomas Rickert: I guess it does. And, Stéphane, maybe I can ask you and - well let me take Elizabeth first. Elizabeth, please.

Elizabeth Finberg: Hi. Just to follow up on Chuck's last comment. I'm questioning whether we have a procedural issue here in that this may exceed the scope of our charter.

Thomas Rickert: To be quite honest I would need to check on that. And I'm sure that Berry and Brian have also taken good note of your question so we will respond to that after the call. In the meantime I think it would be helpful, Stéphane, if you could maybe respond to the various questions that have been brought up on the mailing list in a brief statement clarifying your view and maybe helping us better understand on which basis the protections might be granted.

I think that looking at it from a working group history perspective we have discussed the question of prefixes, suffixes and infixes as well as we have discussed the question of string similarity reviews at the second level which Stéphane, we have bilaterally discussed but it has also been discussed in the group and it has been recently brought up by I guess it was Christopher in the public comment.

You will remember that we included those potential policy recommendations in the initial report that got some traction in the working group. And it is my recollection that both dealing with prefixes, suffixes and infixes as well as dealing with or offering string similarity reviews at the second level is something that did not find further support.

So unless we find urging legal evidence for broadening up the list I think that there is not sufficient ground for us to reopen that discussion. You know, I need to think about this more.

And I would certainly welcome if anybody in the group would chime in and give their views on this. But I think that unless we have very strong reasons to open up that list I think the question of expanding the list has more or less been discussed by the group at an earlier stage.

Now we have six minutes left and I guess that it's - that this is not sufficient time to discuss exemption procedures or the way how potential protections can be implemented in existing TLDs which is why I would like to end this call now unless you have some more statements to make but I don't see any hands up in the Adobe.

So we will continue our discussion next week. Stéphane, please. Stéphane, do you have your microphone on?

Stéphane Hankins: Excuse me. I can make a - this is Stéphane Hankins. I can make a few comments on what has been said. Should I do that or - very quickly?

Thomas Rickert: I think it would help me at least. And I'm - I would...

((Crosstalk))

Stéphane Hankins: One of them is we're not talking here prefixes or we're talking about the actual names of the organizations concerned which form a part of the International Red Cross Red Crescent movement. So it's not an issue of adding a word to a protected string it's a question of, you know, protecting in addition the actual names of the organization.

The second point that has been raised is, you know, whether the names of the organizations are actually protected under international law. Now, you know, in the spirit and the purpose of the protection of the Red Cross designation, for example, is very clear.

It is that, you know, the way it is being used whether it is on its own or attached, you know, grouped with other wording is that designation has to be protected and should not, in any way, in any event, be used in a manner which would undermine the reputation both of the name as well as the emblem which it designates. That's what it is for.

So the international law is very clear. It is the words Red Cross that are protected, however they are represented and however they are associated with other words, whatever they may be. So under international law it's very clear that the words Red Cross are protected whether or not they are associated with other words or not.

As regards to the protection under domestic law and in national languages it's clear that, you know, in the logic also of international law protection of the indicative use of the emblem as the names of the organizations as well as under domestic law the domestic laws that protect the names obviously their intention is to protect the names of - in the national language and to protect also the names of the - their national organizations.

And as regards to the GAC advice it's true that, you know, it was initially limited to the designations themselves but, you know, when - in our dialogue with GAC members when they realized, you know, that their actual national Red Cross or Red Cross organization is not going to be protected very often their action is very, you know, is of great surprise.

So it's very clear that, you know, for a GAC member, for example, you know, the British member or the American member there is a great concern that the words British Red Cross and American Red Cross respectively be protected.

As regards the scope of the PDP I mean, this is an issue that, you know, you need to consider. But I think in the logic of the PDP which focuses on names of organizations, you know, this is - this is a question which, you know,

requires similar attention to that of, you know, names of the organizations that have been considered over the past year.

Those are my quick comments. Thank you.

Thomas Rickert: Thank you, Stéphane. And I was, in no way, questioning the legitimacy of your request. Nonetheless I think that when we were discussing the prefix question we were explicitly using strings that were composed of country and Red Cross.

So I think that technically, you know, I would subsume that under the heading of prefixes. I understand that you want these to be protected as individual designations and we will certainly further look into this.

And we're now one minute before the hour which I think is good timing to end this call. Thank you, all for your active participation and for listening and being present. I think the turnout of this meeting was very encouraging. And hopefully we can keep up that momentum and make good progress in our discussions. Thank you so much and have a great day. Bye-bye.

Chuck Gomes: Thanks, Thomas.

Stéphane Hankins: Thank you.

Berry Cobb: Thank you, Thomas.

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