

**ICANN  
Transcription  
IGO-INGO Protections Policy Development Process (PDP) Working Group  
Wednesday 14 August 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 14 August 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-20130814-en.mp3>

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

**Attendees:**

Jim Bikoff – IPC/IOC  
Elizabeth Finberg - RySG  
Chuck Gomes – RySG  
Zoe Marler for Catherine Gribbin – Red Cross Red Crescent  
Stephane Hankins – Red Cross Red Crescent  
David Heasley – IPC/IOC  
David Maher – RySG  
Judd Lauter – IOC/IOC  
Christopher Rassi - Red Cross Red Crescent  
Thomas Rickert – NCA –Working group chair  
Greg Shatan – IPC  
Claudia MacMaster Tamarit - ISO  
Griffin Barnett – IPC/IOC

**Apologies:**

Avri Doria – NCSG  
Osvaldo Novoa –ISPCP  
Kiran Malancharuvil – IPC  
Alan Greenberg – ALAC  
Wolfgang Kleinwächter – NCSG  
Guilaine Fournet – IEC  
Chuck Gomes (1st hour) - RySG

**ICANN Staff:**

Berry Cobb  
Mary Wong  
Julia Charvolen

Coordinator: Excuse me, everyone, this is the Operator and I just need to inform you that today's conference call is being recorded. If you have any objections you may disconnect your line at this time. And you may begin.

Julia Charvolen: Thank you, (Lori). Good morning, good afternoon, good evening, everyone. Welcome to the IGO/INGO Working Group call on Wednesday, 14th of August, 2013.

On the call today we have Jim Bikoff, Elizabeth Finberg, Stéphane Hankins, David Heasley, David Maher, Judd Lauter, Griffin Barnett, Christopher Rassi, Thomas Rickert and Zoe Marler, who is here for Catherine Gribbin.

We have apologies from Osvaldo Novoa, Kirin Malancharuvil, Alan Greenberg, Guilaine Fournet, Wolfgang Kleinwachter and Chuck Gomes, who will probably come here for the second hour; he is on another meeting.

And from staff we have Berry Cobb, Mary Wong, sorry, and myself, Julia Charvolen. 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. My name is Thomas Rickert and I'm chairing this group. For today's meeting you see the agenda in front of you in the Adobe so our plan is to review the work plan, which we haven't done for a while but now there's actually something to report on that. Then we will discuss public comments, review the protection matrix that you received well in advance of the meeting and we will also talk about the confirmation of the next meeting.

As for the second half of the first agenda item I'd like to ask whether there are any updates to statements of interest? Hearing and reading none in the Chat from you, actually I have an update to announce which will enter into force on the 2nd of September when CentralNic is going to have its IPO.

And I've been asked to serve as the non-executive director for that company, which I have accepted. I should say, though, that I will not represent that company in the ICANN arena. I've been asked to advise them strategically as I do for other clients as well. But you already find that information in my SOI in the Confluence system on the ICANN Website.

And with this I guess we can move to the second agenda item which is the review of the work plan. And I was wondering, Berry, whether you could show us through the timing that we've now inserted there.

Berry Cobb: Yes, Thomas. This is Berry with ICANN staff. Essentially what we have here is a timeline that takes us up to the Buenos Aires meeting based out of what, you know, our activities in Durban and our activities during our last two working calls we've recognized that it's time to try to develop a set of recommendations or a proposal for identifier protections across the four groups.

We're hopeful that we can try to accomplish that over the next two meetings to come up with a core set of actual recommendations for the final report. At which time we hope to submit for a formal consensus call which essentially will be on the list outlining the recommendations and receive written feedback from the stakeholders of the working group as to their views about the recommendations.

If all goes according to plan we'll complete the final report with the final recommendations loaded within the report as to which we're mandated to put out for public comment. That'll be 21 days for the comment, 21 days for the reply period.

And parallel so that would take us through 5 September when we would initiate the public comment forum. We have a number of meetings that are on the plan and we'll determine whether we need to use those as a working group or not. And that'll essentially take us into the end of September when

the comment period closes after which then we can start to compile those comments and as a working group come back together, review those final comments, prepare the final draft or the final report.

The intent here, though, is we have an opportunity to try to conclude our efforts and present the final report to the GNSO Council by the 21st of October.

And I think what's important about achieving - or achieving this through the timeline is that if we can make this is to allow enough of an opportunity for not only the Council to deliberate and vote on any recommendations from this working group but it should also give the rest of the community an opportunity to deliberate about the final recommendation in preparation for the meeting in Buenos Aires.

Again this is kind of a very tight timeline especially given the 42 days with regards to the public comment. And the only last thing I'll say is looking through this timeline there is a Council meeting that is planned for the 10th of October.

And if we've met the previous milestones in terms of preparing the recommendations and final report and public comments we'll be briefing the GNSO Council about those recommendations even though we haven't concluded our public comment period but the hope is to attempt to bring everybody up to speed about the recommendations, answer any questions or concerns so that if this does become a motion for the 31st of October Council meeting we try to mitigate any chance for the vote to be pushed out into November into Buenos Aires.

So somewhat of an aggressive timeline. We do have a little bit of slack in terms of other activities that the working group may need to do between - especially through the month of September. But if we miss the 5-September

timeframe to initiate a public comment then that would jeopardize the 31st of October and thus move us into the November Buenos Aires meeting.

So that's all I have for now. If you have any questions please let me know.

Thomas Rickert: Thanks very much, Berry. Are there any questions from your side? While you think of questions let me add to what Berry said that certainly the timeline as outlined is quite ambitious but we think it's feasible.

We think that, you know, we've looked at the issues put in front of us from all angles and we think that we are - shortly before being ready to do a consensus call.

For those of you who are not too familiar with the GNSO Council's activity it is not unusual for the Council to be presented with a motion and then one or multiple groups represented in the Council not having had enough time to deliberate the motion so that the councilors representing the respective group or groups would ask for a deferral so that the motion is tabled on the subsequent meeting of the GNSO Council.

Usually it is a best practice or it is common practice in the GNSO Council that such requests for deferral are approved. And I would very much like to lower the chances for that to happen and give all groups in the GNSO sufficient time to look at where we're at and discuss internally how they view the set of recommendations that the working group has come up with. You know, should we have any certainly I should add.

And for that to happen, and I want to make this utmost clear, it is not my plan to put the recommendations before the Council because the planned meeting or the envisaged meeting is held while the public comment period is still open. So in no way shall this be mistaken as establishing facts before public comment has been fully incorporated into the working group's thinking.

But you will remember that I have briefed the Council on our progress and our activities and the current state of thinking inside the working group multiple times. And I would like to use the opportunity of that meeting to give the council such update.

So this shall not be mistaken as a premature submission of a motion to the Council, which it is not but it's just an updating of the Council to reduce the risk of a referral - sorry, being asked for.

I should also add that the date and my intervention at the council meeting is still tentative. I have not yet reached out to the Council leadership. I've not yet asked for them to provide me with speaking time on the Council's agenda. But I will certainly do so immediately after our call should you agree with our work plan as just presented in general.

I should also add that we have chosen to use such a tight timeline for multiple reasons. I guess, number one, it would be good for the working group to get things moved forward. I guess it might otherwise be quite frustrating if our discussions linger on and you don't really see results to them.

The second aspect is that it was our aim to make possible so-called expedited PDP. You will have heard me saying that earlier on, it's been tagged and expedited PDP by both the Board as well as the GAC.

You know, formally in the PDP rules we don't have such thing as an expedited PDP but basically what we were saying is that we were trying to do things as quickly as we can while taking to account full community consultation in the process so that's also one reason of us moving forward quickly or trying to move forward quickly with your help.

And the third reason is that we certainly want to make sure or at least not jeopardize the possibility of only, you know, very few, if any TLDs being delegated to the root before we have completed our work.

And I think that with the work plan that we've presented to you chances would be good not only for our working group to complete its task but also to give the Council an opportunity to deliberate and vote on it and then for the Council to pass it on to the ICANN Board for its approval.

As you know, you know, our recommendations will only then turn into consensus policy should they ultimately be adopted by the ICANN Board. If that takes place then these consensus policies would need to be followed by all registries that have their accreditations with ICANN without the need of their contracts to be changed. And that would cover all new gTLDs as well as contractual relationships between ICANN and existing TLDs.

With this, I would like to hear from you whether you have any objections, observations or reservations with respect to this work plan. I hope to be able to take your silence as consent, which would be great because certainly with this ambitious time plan I think everybody is asked to look at documents and our proposed wording in a timely manner so that we can get things done.

But this is very encouraging so I guess I wouldn't even have needed to be that wordy with my remarks on this. Nonetheless I wanted to ensure that we're all on the same page with respect to timing and the steps towards the completion of our work.

So thank you very much for this and particularly thanks to Berry for showing us through the plan and actually having updated it. Let's then move to the third agenda item which is the discussion of public comments.

As you know, the public comment period - or I should better say the reply period within the public comment phase has ended on August the 7th. And we've started discussing this during last week's call already but the usual practice for dealing with public comment is that public comments are

analyzed, sliced into bits and pieces and put into the public comment review tool which you see in front of you.

So what happened here is basically that ICANN staff and then, you know, Berry in particular, has analyzed the public comment and put it into this document to see whether there are new arguments that have been brought forward so that the working group can go through them individually and see whether there is any action required in response to the public comment.

Now at the risk of repeating partially or even in total what has already been said during last week's call we would like to offer to the working group the opportunity of taking a slightly different approach for this public comment period.

You will have noted that both for the public comment period as well as during the onsite meeting in Durban we have the hope that people outside the working group or representatives of organizations or entities that are not yet represented inside the working group would bring forward new aspects, new arguments, new approaches, that would enlighten the working group to an extent that we could actually come up with different or additional recommendations than we have at the table - than we have on the table now.

It has shown though, that both during the meeting as well as during the public comment period those that have already brought forward their views and perspectives in the course of the work of the working group have publicly stated those in the public comment period.

Now - and I've said this last week already - I thank all of those who've taken the trouble and the energy to make public comments for having done so because I think this is a vital aspect of ICANN's multistakeholder approach and community work that people see who says what because otherwise they might not fully see it. So I guess it was great of - great to see all the public comments that have been made.

Having analyzed those public comments carefully we have spotted, though, and you will have to confirm with us whether you share that view or not, that, number one, the contributors in the public comment period equal or are a subset of the contributors of this working group, and that the positions that they have taken are at least more or less the positions that have already been brought forward in the course of our work and that have already been part of our deliberations and that have influenced, at least, the set of provisional recommendations that we've come up with.

So having said that, we would suggest to you that we do not move or work through the public comment tool or review tool line by line. We think that we can take a different approach or suggest to you a different approach also because we have not included a set of recommendations that has been the result of a consensus call already.

You will remember that we have made the, you know, that we've taken a different road in order to get new perspectives, as I said earlier. Usually the initial report would have in it the results of a consensus call. And we don't have that yet which is why we think that we can also deviate from usual practice a little bit.

I would very much like to hear your view on that. Again, we would suggest not to go through the public comments line by line. We've analyzed those. We didn't spot any additional information apart from potentially the request by the RCRC, which we've started to discuss during last week's call.

And that also has been highlighted so we think we've extracted those parts of the public comment that would need special attention of the working group. And now with this I would like to hear from you whether you agree to not moving through the document line by line which otherwise we certainly would.

Jim Bikoff:

Thomas?

Thomas Rickert: Jim.

Jim Bikoff: Yes. First I wanted to thank you and Berry and Berry for all the hard work on this effort over the course of the working group conferences, which have, as we know, have been going on for a long, long time.

I think your plan is a good one. And we support moving forward as fast as possible because of the - as we all know, the rumors of delegation - the beginning of delegation as early as September. I think it's in everybody's interest to move to a call - a consensus call as soon as possible and move to complete the work of the group.

Thomas Rickert: Thanks so much, Jim. I see David's hand up. David, please.

David Maher: I agree with that. Thanks.

Thomas Rickert: Thanks, David. Are there any objections to the approach that I've suggested to you? Hearing and reading none I thank you all for your collaboration with this. Should you identify any issues that would require the working group's special attention after the call please let me know and we'll make sure to address that.

You know, this is, you know, it is not our intention to suppress any points that have been raised. Our intention is to do things as diligently as we can yet being conscious of time and move forward quickly. Thank you so much.

And that allows us to move to the fourth agenda item which is the review of the protection recommendation and also the preparation of a consensus call. I'm sure that Berry, who is the person, again, who has come up with the spreadsheet, is in a much better position to show you through it and explain to you how it works.

However, I would like to make two or three little remarks before I hand over to Berry. The idea is that we actually test whether my assessment of the consensus level inside the working group is accurate.

For those who are not too familiar with the processes and the procedures for policy development working groups it is the chair's task to determine whether and what level of consensus there is inside the working group.

You will have seen this already. You know, we have different levels of consensus. We do not vote. And I have, you know, the burden is on me to see what the level of consensus inside the working group is. And I have tried to test the waters for consensus earlier, as you will remember. And these findings have gone into my thinking for this tool as well as the deliberations we had thereafter.

So the plan is that we double check whether my assessment was accurate but not only whether my assessment is accurate but also for each and every one inside the working group to see whether we've missed something and whether we've actually taken a look at the issue before us from all perspectives.

And should this assessment that we're going to test in a moment be accurate than those fields that did not find support by the working group and those are at least the fields that you now see in front of you with the word, "No" in it, those will then disappear because they would not make it to the set of recommendations for a consensus call.

And we would then transform the table format of the recommendations matrix into text format so that it would actually read like a draft motion that can be put in front of the GNSO Council.

So the motions would then be the - or sorry, the recommendations in Word format would be the result of transforming the matrix into a motion. I hope

that I have almost accurately phrased that. And I guess it's now good time for me to pass on to Berry again who can also make some introductory remarks on what we're doing now.

Berry Cobb: Great. Thank you, Thomas. This is Berry. So carrying on with what Thomas mentioned. Essentially the matrix that you see before you there's definitely a couple of points that I'd like to bring up.

First and foremost those on the working group, you know, this attachment was sent out to you. As we work through each cell of each recommendation option at the top and second level I'd probably advise that it may be easier for you to follow on your own machine.

What you see before you is the PDF printed version although it's - the zoom is very large, it may not be very effective to follow along in terms of when we traverse each cell.

So first and foremost the Column A which is basically the recommendation options that were essentially extracted from our initial report. You'll notice that not all of them are there but a majority of them are. The ones that aren't basically there wasn't - there was hardly any support for - I should back that up.

The ones that aren't there are basically the opposites of the recommendations that were there. So as an example for top level protections we distinguished between exact match full names and acronyms of the identifiers that would be added to and eligible for delegation in the Applicant Guidebook.

We also had two recommendations from our initial report that said no top level protections of full name or acronyms. Because there did seem to be a little bit more support for some sort of protections at the top level I removed those two that said no protections.

And then as you'll also see but we did include things like fee waiver where it was - there seemed to be no support for fee waivers at the top level but just to ensure that we captured that there was no support that one was included.

And as Thomas noted earlier, once we've reviewed through the entire matrix and we see a complete row response of no support for it, like you said, those will eventually be removed from this matrix because there's really no need to create a recommendation that there was no support for to begin with.

The other thing - the other takeaway from this chart is that very similar to when the working group deliberated on eligibility criteria our attempt was to come up with a single unification eligibility criteria.

After deliberations the working group realized that that wasn't necessarily possible. But in light of the recommendation - or so what we wound up doing is that essentially eligibility criteria would be defined by the four groups themselves or the two organizations that are non-INGOs - that are INGOs but not necessarily included with INGOs so essentially I called them four groups and that's Columns B, C, D and E.

And so we tried to take the same approach here that in terms of reviewing each recommendation option it made sense to break it out by the four group types as well which is kind of the structure of the matrix.

The other thing that I'll point out is - so you'll see that it's divided between top level recommendation options as well as second level recommendation options. And then there's a third area of the chart that is based on what I've titled as Scope 1 and Scope 2, which is basically the scope of identifiers that are being considered across the four organizations.

So when we review through the matrix we'll probably start here with the scope delineation of the identifiers across the four groups and then we'll be

able to move up and start to review each of the top and second level recommendation options.

And then lastly, what I'd like to point out, and we discussed briefly over at - in our last call - there's also a fifth column here as a placeholder for any discussions that we have about any recommendations that the working group may support and what their impacts may be on the existing gTLDs.

This particular column is most likely not necessary in terms of a consensus call because any recommendations that we come up with are applicable to all gTLDs. However, there may be some implementation considerations and/or the working group may determine that there are some subtle policy recommendations that may need to accompany these.

So this will certainly be the last part of our exercise as we review through this matrix. But for the most part this is a topic that hasn't been deliberated much and that needs to be in terms of meeting the requirements of our charter.

So with that that's kind of a high level review of what the matrix is and how it's mentioned. And I think - I see Claudia had mentioned a few items in the Chat.

So in terms of - basically Claudia has mentioned in terms of minority positions about certain recommendations. The reason why those - the fee waivers here are stating that there is a - as an example, we'll look at Row 4 for the fee waivers at a top level.

The reason why it's a blanket statement of no is, again, this is the chair's perception that we wouldn't even receive strong support and significant opposition in terms of our ladder of consensus levels.

It would maybe be a different designation if we - if he did detect that there was closer to a consensus on that particular recommendation. And just note that these are his initial impressions.

We're going to review each cell by cell and there's nothing that says that these can't or won't change through our deliberations. As we move through each one they most certainly can. The scope may change, etcetera. So this is a dynamic document; it's not static and written in stone.

And then lastly in terms of trying to formulate these recommendations as we move to a consensus call and update the final report one important component to the final report is if there are minority positions about a set of recommendations minority report can be attached into the final report itself or I should say minority positions.

So if, for example, as we traverse through this chart and it still seems that there's not strong support - if there's not a level of strong support and significant opposition for a particular recommendation but a particular stakeholder has still a firm position about that said recommendation that can be a part of that minority position statement within the final report that will obviously be delivered not only to the GNSO Council for their consideration but it will move its way up in terms of the Board reviewing through the recommendations and the minority positions as well.

So I don't think that there will be any suppression of minority statements here. But the main goal here is to work - whittle the possible recommendations down to a set framework of that these recommendations (will) that gain the most support that will then in turn be deliberated and voted on by the GNSO Council.

Thomas Rickert: Berry, if I can add we will get to the cell that deals with fee waivers. So what do members, in addition to Claudia, can then speak up and we will then see whether the perspective of the group has changed.

You will have seen - or you will note, as we move on, that my assessment of the level of consensus or the lack thereof for protections for INGOs has

changed since those organizations have received more support during the last couple of calls.

David, please.

David Maher: Yeah, I'm concerned about the indication in Box F6 of the yes for Scope 1 and also F16, yes for Scope 1. Scope 1, as I understand it, includes a list of INGO names and it's still the position of the Registry Stakeholder Group that there should be no special protections for INGO names with the exception of the Red Cross and the Olympic Committee, which we treat separately.

Thomas Rickert: Thanks, David. I understand that this was - or still is the position of the Registries. But in our recent discussions there was a change of some groups that have formally spoken out against protections for INGOs which have then stated that looking at the - at the protection of public interest they would not see a difference between protections for IGOs versus INGOs.

And this is the reason why I have included this as you see it on the screen in front of you. But please let's bear your comment in mind. And in order to structure our discussion I would suggest that we actually move through the sheet cell by cell to see whether we identify more areas where there are diverging views on what I've put in there.

Berry, I'm not sure in terms of procedure, would you like to go through the cells and we then do the test and I would take back over when there's a discussion?

Berry Cobb: Absolutely. So, again, I recommend that we kind of start with the review through the scope of the identifiers themselves by the organization type. And I think that this really carries on forward with David's question; as we get over to the INGOs that's where we'll start having that discussion.

So essentially what you're seeing here there's two rows that depict Scope 1 and Scope 2 identifiers. And the reasoning for these distinctions is, of course, I think partially recognizing what work has already been performed by the Board based on the GAC advice and then of course in terms of deliberations within the working group about an additional set of identifiers that may or may not be applicable by organization type.

So we'll start off with the Red Cross. And here we have listed for Scope 1 as being the identifiers that were originally submitted from the GAC advice that is now inclusion in the draft Registry Agreement, which are the designations of Red Cross, Red Crescent, Red Lion and Red Sun and Red Crystal per the UN six language.

Now there's a delineation of what are Scope 2 names which have been recent discussions but have been posted to the working group for some time that the Red Cross is also asking for the 189 recognized national Red Cross Red Crescent Societies as well as six acronyms, etcetera. And then there's also the language scope.

So I think that there's been some deliberation about whether these Scope 2 names should be given the possible protections that we have identified up top or should they be considered separately or is there no support for providing protections for these additional designations and, thus, the reasoning for Scope 1 and Scope 2.

And before I turn this back to Thomas about this particular topic the idea here was in terms of the types of recommendation options that are available to us it may include Scope 1 or may not include Scope 2 and that's why that they're specifically called out in particular cells of the recommendation option type.

So, Thomas, I think I'll kind of open up the floor about the discussion of just the Red Cross designations that we have here. And first I guess if working group members agree that there should be consideration between the two

and then deliberate about whether the scope of identifiers needs to be grouped together more as Scope 1.

And the reason, again, and I think which is probably a little bit more an example is that, you know, and with respect to the IGOs. There has been much more support for providing full protection for full names of IGOs whereas the protections for acronyms maybe somewhat of a different nature than full name reservations that have been discussed thus far.

And, hence, why there's the delineation between Scope 1 and Scope 2 names because each one of the recommendation options may apply a little bit differently based on the scope of those names.

I hope that that's clear in my babble and hopefully we can move forward with defining or at least at this point acknowledging that there is a difference between the scope of these designations as we move through the matrix.

Thomas Rickert: Thanks very much, Berry. Any comments? And I'd like you to speak up in particular if you think that the scope should be different or that there shouldn't be a yes but a no, for example, which would surprise me because there has been quite some support for exact match full name identifiers. But I guess the question what the level or what scope should be comprised is maybe a little bit more controversial.

Okay so please do speak up should you, at a later stage during our discussions, find that we need to get back to the cell. But so far I would understand that the level of consensus that we've grasped here would be accurate, at least, perceived to be accurate by the participants of this call.

Which then allows us to move to the next cell. Berry.

Berry Cobb: All right. Thank you, Thomas. So Row Charlie, which, I believe, or Row C, is the International Olympic Committee designations. Again, there's a breakout

of Scope 1 and Scope 2. However, the IOC is only asking for protections of two identifiers in the UN six plus German, Greek and Korean, which is already outlined in the current approved - I shouldn't - I misspoke earlier, I said it was a draft but I believe it's an approved Registry Agreement now.

These particular identifiers are outlined in Specification 5 as the scope of those that are being requested for protection. And as you'll see here Scope 2 is not applicable primarily because there's no ask for any acronyms or other designations unlike for the Red Cross. So I think that that one's pretty easily understood.

If there are no questions I'll move over to the IGO column. And as I mentioned earlier, again, the reason why that there is a separation of Scope 1 and Scope 2 names is that particular protection options apply differently between the full name of the organization versus their more recognizable acronym of the said organization.

And these differences will probably become more clear as we review through the recommendation options themselves as we move through the list. And if there are no questions for the IGO names then I'll move over to the INGO names.

And as we picked up off of David's question and Thomas's response so in general I think up to this point, and correct me if I'm misspeaking, but up until the last few meetings there wasn't a recognition that there was enough support in terms of the INGO identifier protections.

But what we found out in the last couple of meetings that there does seem to be a lot more traction in this part and, Thomas, please correct me if I'm wrong here, I think the reason that we're including content within the scope of identifiers for the INGOs is not so much that - at least for these two cells is it's not so much an initial impression of where consensus may lie but that these are really two cells that we need to deliberate in the working group.

So more specifically the Scope 1 for identifiers we really still have two options on the table. The working group has mentioned in the past about the use of the ECOSOC list. And certainly there is the distinctions within that list between general consultative status and special consultative status.

The general consultative status is a list of about approximately 200 names - I can't remember the last count - whereas the special consultative status is 2000 plus names.

And then the other option to consider, which is something that the working group has deliberated on is a different framework which is the eligibility criteria that was submitted by the ISO and the IEC. And I think there has been attention paid to that eligibility criteria but I think one of the unknowns about that list of eligibility criteria is what is the output from that list or from that set of criteria?

Does it mean that it's a list of 10 INGOs, 200 INGOs? 2000? So I think there needs to be some use cases applied to what the output of that criteria may actually result. But as I mentioned, here within the Scope 1 realm is the list of - or the option of the ECOSOC list and/or the eligibility criteria.

And it's going to be up to the working group to figure out how we nail this down in terms of trying to move forward with a set of identifiers that would be protected.

Whereas then on the Scope 2 row also mentions the ECOSOC list but those - that only has special consultative status versus the ones that have general consultative status. And so as we move forward in terms of trying to truly gauge the consensus level these will flush out as we review through the recommendation options.

So that's kind of - wraps up our review of the scope of identifiers. Hopefully these distinctions are a little bit clearer. And I think, again, as we move through the option themselves we'll refer back to what the difference is between Scope 1 and Scope 2 to help provide clarity for that recommendation option.

Thomas Rickert: Thanks very much, Berry. I guess this was most useful. And just to fill you in on a little bit of my thinking with this there's been a history to our discussions. As you will remember the working group in its very early phase tried to come up with a set of criteria that need to be fulfilled by organizations that would benefit from protections that the working group would grant or recommend to grant.

And we have not been able to determine such lists of - or such a set of criteria for the four categories of organizations that we're looking at. There have been arguments that we would need to look at the public interest of the organizations.

There was the question of who is needy or worthy of protections. And most of the criteria that have been brought forward by working group members have been perceived to be arbitrary by other parts of the working group. So the working group has not been able to come up with a set of eligibility criteria for the organizations. And this context we also struggled with the criteria that have been proposed for INGOs by ISO and IEC.

The work that - or the approach that we took then I guess it was by the Beijing meeting - took a little bit of a different route when there were developments at the Board and the GAC level because there was a list that was produced.

The working group learned that the list that was on the table is not as frighteningly long as some may have thought which is why the group then sort of moved to the idea of not using criteria that we make up or that we

invent and that some third party, if not ICANN, needs to test against the reality with the organizations that are asking for protections.

So taking a list that is produced by the GAC or having a conclusive list as we see here in the - in Scope 1, for example, was something that the group pretty much liked. And what you see here in cell F39 is basically an amalgamation of the thinking of the working group over the last couple of months.

We've been talking about the ECOSOC list early on but that was in the phase where we tried to come up with our own criteria and also the ECOSOC list was perceived by some as being too long to be taken into account for protections.

Now that we've taken the list for IGOs in particular the working group has developed a new dynamic because some then said, okay, if we protect or if we grant protections for the IGOs we do think that INGOs, if they have a certain degree of international governments' support also deserve the same level of protections because they also serve the global public interest.

And this is sort of what you find here. We have the shorter ECOSOC list, which as Claudia now says is - if memory doesn't fail here - only 140 entries long. That would be a list that can be taken on an as-is basis.

ICANN would not have the burden of checking criteria against reality with the applying organizations. So we wouldn't have a too excessive list to take into consideration. And at the same time the global public interest might be adequately taken care of by respecting those designations.

So this has been a long introduction to a simple question and that is do you agree with this approach? And I'm sure that at least David, who already said that he has an issue with this, would answer no. But I'd like to hear more views on that.

Greg, please.

Greg Shatan: I'll break the ice. It's Greg Shatan for the record. The IPC, in debating this, I think was looking more at the, you know, prior criteria than, you know, at the ECOSOC list. Looking at the, you know, issue of qualified INGOs and what that might mean seemed to be kind of a rabbit hole.

And that while there were, you know, basically as you can see from the public comment submitted kind of a divergence of views on that I'd be somewhat more optimistic that ECOSOC list would gain traction if we, you know, focused solely on that as the criteria since it's kind of - in terms of scope and scale similar to the IGO list.

And, you know, I think, you know, focuses on organizations that are serving the global public interest and other, you know, core participants in international civil society.

So I can't, you know, speak for the IPC but for myself I think, you know, the ECOSOC list is - if there's going to be any, you know, protections for INGOs as this level in this manner it would be - that would be the basis for it. Thanks.

Thomas Rickert: Thanks very much, Greg. One follow up question. Talking about the ECOSOC list you are agreeing with our distinction between Scope 1 and Scope 2 or are you focusing on the general consultative status list as mentioned in F39?

Greg Shatan: You know, focusing on the general consultative list, the 140 names.

Thomas Rickert: Okay. Thank you very much. And Claudia, you're next.

Claudia MacMaster Tamarit: Hi, Thomas. Thank you. You know, you know I'm going to say what we've said before which is that, you know, there is a beauty in using the

list in the sense that there are a discrete number of organizations on the general consultative status at any particular time.

It is a list that changes from year to year. I know that in 2010 I think there only (39). I think there's some - maybe less than a dozen more in 2011. But it is a rather discrete list.

That being said - and here I would speak more on behalf of the IEC than ISO. We have been on the general consultative status for quite some time. IEC, for example, is on the special - has a special status - special consultative status.

And one of the reasons why we had added in the criteria that we had currently proposed is the idea of having the ability for a large INGO like IEC is, which might not for whatever historical reason, have been on the general consultative status, to show that it is still an international, a global organization that has member countries that expand the majority of the world, an ability to still get some kind of special protection.

And in that situation that's why we had added the criteria of showing that you had at least, you know, 50 plus member countries that were formally representing the activities of that country in its entirety to this INGO which is the case of IEC; they have far more than 50 member countries.

So that's just a little comment I want to say because I know that my IEC counterpart is not here so I just wanted to speak up for them. But that being said we reiterate that there is a beauty in using the discrete list but there is something that's lost there as well. I just wanted to highlight that for you.

Thomas Rickert: Thanks very much, Claudia. I guess that, as I said, the - I guess the working group was leaning towards an approach that would not require the assessment of eligibility on a case to case basis. But that could actually take a list that is created by trustworthy third party on an as-is basis.

But still your point is very well heard. It was my assessment that we would get more traction for using the ECOSOC list and not add any additional parameters to it. But certainly the question is out for discussion.

So I would very much like to hear from other working group members whether they disagree with the ECOSOC list approach in its entirety, whether they think the ECOSOC list approach needs to be tweaked by adding additional parameter and one of these parameters could be the one that Claudia just suggested, having the 50 plus formula in it, for example.

So I'd very much like to hear views, perspectives, from working group members. And I would also like to encourage David from the Registry Stakeholder Group maybe to speak up again. I do remember that we were talking about the beauty of taking lists that - or approaches that can easily be implemented.

And I guess that the ECOSOC general consultative status list would be such. And, you know, since this is a relatively new idea that has been discussed my question to the Registries would be whether they would be willing to reconsider and maybe deliberate inside their stakeholder group whether this is something they could also support.

David, you thankfully raised your hand so fire away.

David Maher: Well I don't see any likelihood that the stakeholder group will change its position. It's been discussed now quite a number of times and my understanding within the stakeholder group is that there's complete agreement that INGO names simply do not deserve special protection with the limited exception of the Red Cross and Olympic names. Thanks.

Thomas Rickert: Thanks, David. Anybody else? Okay I would suggest that we leave this for a minute or two and move to the next cell, Berry, because we will surely get to cell - what is it - F22 where we - F20 where we then get back to the Scope 2

protections for INGOs which will give us another opportunity to discuss this matter.

So, Berry, can I ask you to walk us through the next cells? And we'll get back to the discussion just to be very clear on that. We'll get back to the discussion on F6 in a moment again.

Berry Cobb: Thank you, Thomas. So now basically we'll start reviewing through the top level and second level protection options per organization. And I guess, Thomas, I have a question for you. Should we continue on with the INGOs or move back over to the Red Cross and go through those or just continue on the INGO as we basically will be reviewing the options by column while - versus when we're reviewing through the Scope 1, Scope 2 protections that was a review by row. Now we're going to be moving to a column-based format.

Thomas Rickert: No I guess we should move on by going through the columns because it will be easier for us to concentrate on one group of organizations or on one organization after the other. And I guess that will certainly give the working group the opportunity to further think about INGO or potential INGO protections while we discuss the same subject or the same questions for the other three types of organizations.

Berry Cobb: Okay so you do want to continue on with the INGOs?

Thomas Rickert: No, I would like to move on with columns from left to right.

Berry Cobb: Okay. All right so basically we'll start off with the Red Cross Red Crescent and we'll start off with top level protections. So the first recommendation option is to provide protections of exact match full names and that these identifiers are placed into the Applicant Guidebook, the section titled Strings Ineligible for Delegation.

And so the current consensus level is that, yes, for Scope 1 identifiers that those identifiers would be placed in the Applicant Guidebook. And just to remind the working group the Scope 1 identifiers for the Red Cross Red Crescent are the four designations that they have listed here that are in the UN six. And, again, just as a reminder, these are the protections that are currently placed in the Registry Agreement. I'm sorry, never mind. Scratch that.

The scope of these designations is what is placed in Specification 5 of the Registry Agreement but, again, that would apply to second level protection. The Applicant Guidebook is what has these listed in the ineligible for delegation although I think that there hasn't been a revision to the guidebook for some time so these really apply to future versions of the Applicant Guidebook. But, again, yes for Scope 1 identifiers for exact match full name.

Moving down is basically the same recommendation but it's talking about acronyms. Originally I think for the Scope 1 names there was no listing of acronyms. But regardless there didn't seem to be support across the working group for top level protection of acronyms and that's why you see "No" listed in this cell.

And I'll continue - and if anybody has a question about the particular cell we're reviewing please raise your hand or shout out if you can't raise your hand fast enough and we'll stop and discuss that particular cell.

Moving on to the third recommendation option is that identifier is reserved from any registration requires an exception procedure in cases where protected organization wishes to apply for the protected string. We said yes for Scope 1 names because we are protecting these Scope 1 names in the Applicant Guidebook and that an exception procedure would need to be developed.

And I think that the Registries position statement or public comment said it best that an exception procedure would need to be developed because we wouldn't see any reason why we wouldn't allow a protected organization to use their name in the future. That wasn't a direct quote but I think I captured the essence of their statement.

So the recommendation itself is one thing, yes an exception procedure should be created. I think the implementation of it is a different aspect and we can understand later from the Board and the ICANN staff itself whether an existing procedure may already exist or whether one would truly need to be developed. But either way it would satisfy the recommendation itself.

And lastly, moving on, the last recommendation option for top level protections is that IGO/INGO organizations be granted a fee waiver for filing objections for applied-for gTLD at the top level. And the chair's read on this is that there was no consensus with respect to this recommendation.

So that's kind of a preview of how we'll review each of these recommendations options by organization. I'll continue on now to the second level protection recommendations for the Red Cross.

And what we have identified here the first recommendation option, very much like the top level, is protection of exact match full name identifiers are placed in Specification 5 of the Registry Agreement. And the cell says "Yes" for Scope 1 names. And, again, that's what we see currently deployed in the Registry Agreement now under Specification 5.

You'll notice that presently this doesn't include the Scope 2 names because that's something that still should be deliberated by the working group. But for now - and primarily it doesn't include Scope 2 names because it didn't seem that there was enough support for Scope 2 names to receive the same kind of protection as the Scope 1 names.

Moving down the next recommendation option, second level protections for exact match acronym identifiers are placed in Specification 5 of the RA. And there didn't seem to be support for that so the list says "No" for now.

The third recommendation option is that the second level protections of exact match full name identifiers are applied for by the organization requesting protection and placed in a clearinghouse model and modified to accommodate use by IGOs.

I'll just remind the working group that we toned down our use of the clearinghouse model to a more generic phrase because we weren't sure whether the trademark clearinghouse could be used or not based on an agenda item from our last call and from discussions with experts on the TMC.

The trademark clearinghouse does seem like that could be a viable option if there is overwhelming support for this recommendation. But at the end of the day the exact match full name identifiers are applied for by the organization requesting protection. So the response here is "Yes" for Scope 2 names.

Now the reason why Scope 1 names are not listed here is because they're already reserved in Specification 5 of the Registry Agreement therefore they wouldn't need to be placed into the trademark clearinghouse to seek protection that wouldn't be necessary.

However, the response here is "Yes" for Scope 2 names. And, again, as a reminder the Scope 2 names are the 189 designation of the Red Cross Red Crescent Societies as well as their acronyms and other UN languages. So that's where the delineation between Scope 1 and Scope 2 comes in to play.

So at this point the response that, yeah, it's possible - or I'm sorry, that it is - that there does seem - that there could be support for at least allowing Scope 2 names to enter in to the trademark clearinghouse.

And I'll continue on down to the acronym protections. So again there were no acronyms requested for Scope 1 names that would have been listed in Specification 5 of the Registry Agreement.

The question is, is should acronyms be allowed into the clearinghouse model? And since there was no support for reservation of acronyms the trademark clearinghouse is the next viable option. And we listed here "Yes" for Scope 2 because those Scope 2 names include the six acronyms that the Red Cross Red Crescent has requested for.

Okay, moving down which talks about the sunrise phase of the trademark clearinghouse. Essentially this is "No" across the board. But specifically for Red Cross this is listed as "No" that there does not seem to be even strong support with significant opposition level of consensus about offering sunrise.

Conversely there does seem to be support for the 90-day claims notification during that launch period. And the reason that it has "Yes" for Scope 2 names is, first, the Scope 1 names don't need the claims notification because, again, they're protected by Specification 5.

However, we have listed "Yes" for Scope 2 names which are the additional designations requested by the Red Cross that they could get the claims notification for those identifiers.

Moving down mentions the fee waivers in terms of registering into the clearinghouse model. And at this point there doesn't seem to be strong or near consensus about any fee waivers for the clearinghouse.

I will remind the working group though if there is support for use of the trademark clearinghouse there needs to be a determination by the working group as to how these organizations and their identifiers enter the clearinghouse.

If the scope of identifiers is short defined list that can be entered in from a batch perspective into the clearinghouse the - you could almost, in a way, maybe perceive that as a fee waiver because that entry into the clearinghouse would be less of a challenge.

Whereas if the recommendation for any participation in the trademark clearinghouse or claims, etcetera, is left up to the organization itself requesting protection, i.e. it's - like it's on their responsibility to complete the form into the clearinghouse there will have to be a backend review process that ensures that, yes, this organization is on this list so it could mean a little bit different in terms of a cost perspective.

All right, moving down the list which talks about the curative rights protections and access to URS and UDRP. This one is across the board "Yes." It seems that there is strong support by all these organizations to have access to URS and UDRP. But moving down there didn't seem to be strong support for fee waivers for any URS or UDRP action.

And then lastly to create a registration exception procedure or wishing to register a second level name by the organization seeking protection. And this is "Yes" for Scope 1 names because, again, they're placed on Specification 5. We need some mechanism by which that would be removed so that that name could be registered by the organization seeking protection.

It doesn't list Scope 2 names here because literally Scope 2 names are only in the clearinghouse and if an organization that was protected wanted to register it they would be able to work through that method and/or apply for that name when general availability came out.

So that's kind of the column capture of the scope for protections that seemed to have the most support with respect to Red Cross Red Crescent. Any questions or discussion about any of these?

Thomas Rickert: Thanks, Berry. I guess this has been an excellent run through the various items that we've been discussing. And while the other working group members think of questions or remarks they want to make I would like to briefly get back to the question of a fee waiver and also the question of exception procedures.

Where I think we can take a route that we haven't discussed so much but which may make our lives considerably easier. As regard to fee waivers I have seen a couple of remarks by Claudia in the Chat who speaks out for support of fee waivers. And I know that a few inside the working group would also support the idea of fee waivers.

In fact, even if we don't get consensus on fee waivers, which is my current assessment, that would not necessarily mean that there wouldn't be any fee waivers because I guess we wouldn't go as far as making a recommendation that would be explicitly against fee waivers.

So if our set of recommendations does not say anything about fee waivers then it would still be open to the implementation of the recommendation should they be adopted to attach fee waivers to them.

Also - and I will move to David who has raised his hand in a moment - with respect to the exemption procedure we could phrase the recommendation to say that there should be an exemption procedure for legitimate users of the designations that have been reserved or that have been put on the list.

And then leave it to the implementation of ICANN staff or maybe the Board even wishes to say something about that how these exemption procedures can actually be operationalized.

So I guess, you know, a statement from our group or a recommendation that would request an exemption procedure for legitimate users might do the trick and save us the work of developing a fully fleshed out exemption procedure.

David.

David Maher: I just wanted to say that as a matter of policy I think fee waivers are a mistake. It just introduces more complexity in the entire new gTLD process that we don't need at this time.

Thomas Rickert: Thanks very much. That sort of supports the idea that I was just voicing that the question of fee waivers does not necessarily need to be addressed in our set of recommendations. Thank you very much, David. And let's move to Claudia.

Claudia MacMaster Tamarit: Hi, Thomas. I disagree. I think we do need to include - even if it is a minority position - a recommendation, for example, if there would be some who vote for fee waivers. Just to highlight something that I feel that we continually forget that whatever protection mechanisms that we recommend or that ultimately get accepted don't have to fly the gamut on just blocking or necessarily a heavily restricted protections. There are other options.

And I just think that as long as we highlight that we are on - we're on, I think, safer ground because I think that there's a lot more support in the group for - especially when it comes to things like acronyms - to have a balanced protection for these kind of designations.

I'm not going to say anything else on fee waivers. But I am a little bit concerned about the exception procedures. I would be very concerned if, for example, we were to recommend something like, yes, acronyms should be blocked for IGOs and for the other two INGOs that have been included and others including that.

And then some sort of exception procedure should be adopted. That could mean many different things. And I don't necessarily agree that that would just

be an implementation issue. We don't really know then what we recommended then.

It could either be an exception procedure that would entail lots of procedure, lots of money, lots of applications to ICANN and, quite frankly, a lot of organizations who are going to be scratching their heads afterwards and curious as to why, you know, three-letter, four-letter acronyms have suddenly been blocked when they've been using that for so long for their business name and for their trademark.

So I think that if we - particularly in the case of acronyms if we go for something like recommending a block and exception procedure on top of that we need to be very, very clear what kind of exception procedure we would need.

Maybe not the specifics, maybe we would say we don't say that it would a - necessarily a clearinghouse exception. For example, if the trademark is registered in the trademark clearinghouse, for example, then that would be a, you know, per se legitimate and you would automatically be able to register it.

Maybe we don't go to that level of detail but we definitely need to say what kind of level of a procedure it would be, what kind of burdens we would be expecting, you know, knowing trademark owners out in the world to have to deal with because of the recommendations that we've made.

Thomas Rickert: Thanks very much, Claudia. A couple of remarks. Number one, we do not vote so our work is consensus-driven so we're aiming at consensus positions. And you are certainly right that there is a huge variety of other options which you don't find in the table in front of you that could be deployed.

But ultimately we would need to get those options on the table that would find broad support within the working group and we haven't seen that. So we

have to live with what we have on the table. And we have amalgamated the recommendations that got most traction into this one document.

And should we not come up with other mechanisms that find broad support I guess they can't go into the set of recommendations. Your remarks regarding the acronyms, if you look at the proposals that Berry has outlined, we would have a TMCH equivalent approach for them with the trademark claims notice so for most of the acronyms there would not be any block.

And with respect to the exception procedures let me just say that we have been discussing exception procedures for quite a while and we've seen an outline of an exception procedure and this has been discussed. But there has been quite a controversy on what an exception procedure might look like.

I guess that there is almost unanimity inside the group that if there is protection for certain designations that this shall not prevent legitimate use from actually taking place.

So the one fact that we - where we have, I guess, even full consensus on is that legitimate use must be possible even if we recommend protections. What we did not have consensus on - and I would even go as far as saying that there is divergence - is whether the exception needs to be authorized by the organization in question, whether an independent third party needs to be involved with that and all those niceties.

So I guess that the - that we should try to condense the common ground. And if we can't agree on the specific implementation of an exception procedure in terms of, you know, crafting the policy surrounding it I guess it would be good enough for a policy to recommend that legitimate use must still be possible.

But I don't want to dwell on that for too long because I'm sure that Chuck, who has raised his hand, wants to add to that.

Chuck Gomes: Thanks, Thomas. And sorry for joining late but my other call interfered with this. I have a - first of all, fees are designed to cover the cost of the process. If we waive fees we still have to pay for the cost of the process. Who pays for that cost if we waive fees?

Thomas Rickert: Which is an additional argument for not including the fee question in our set of recommendations.

Chuck Gomes: Well - and it can be but I think we have to face that question. I don't know if Claudia has a response to that or if somebody else does. But that's the reality; there are costs to the process. Those costs need to be covered. If we waive fees who would cover them?

Thomas Rickert: Well that's a good question. And actually, Chuck, I - what you see in the chart in front of you is my current assessment of the level of consensus. And the outcome of that, at least for the moment, is that there is no support in the working group for fee waivers.

And if the IEC and the IOC are of the opinion that this should be included that could actually go into a minority statement and maybe the Board picks up on it. But I do not see even strong support for fee waivers.

So unless we find a different view of other working group members that would change my assessment of the consensus level as chair I think as chair I do not have any alternative than sticking to my assessment which you find in the table.

Chuck, does that at least answer your question or the discussion surrounding it?

Chuck Gomes: Thanks, Thomas. Yeah, that's fine.

Thomas Rickert: Thanks, Chuck. Claudia, I'm not sure whether your hand was raised again or whether it's still up?

Claudia MacMaster Tamarit: It's raised again, Thomas.

Thomas Rickert: Okay. It's your turn.

Claudia MacMaster Tamarit: Thank you. I won't pretend to be able to get into the complexities of ICANN calculus when it comes to the fees and the amount of money they've received for applications or whatnot and whatever surplus they may have.

But I will say that, you know, we can put it in perspective what a fee waiver might look like. If there's only, let's say 150 and if we use the ISO IEC criteria I think that there'll be far less than 150 organizations that could qualify.

But if there are only say 150 and out of those only some of them will want to ever have or even know about this program and want to protect their name or their acronym or their designation we're not talking about that much in terms of, for example, if the cost is \$150 for an entry into the trademark clearinghouse or as, I think it was Berry who mentioned, if it's on a list and it's just going to be placed in, you know, in a batch list then it's not necessarily that cost prohibitive.

When it comes to, you know, objections, for example, if ICANN could give some sort of applicant support whether it be, you know, footing the bill for, let's say, a \$10,000, you know, objection or perhaps providing some other type of technical assistance whether it be helping the organization understand, you know, the situation, understanding its possibilities to file an application or whatever ICANN could come up with in terms of helping a possible, you know, nonprofit INGO to make sure that there's not going to be confusion with its name.

I don't think it's going to be that cost prohibitive if we word it correctly and if we think about - if we think about the scope hearing very much what you're saying, Chuck.

And the other thing - the other thing I wanted just to say very quickly was, Thomas, I wanted to ask you actually something. So if we're going to be excluding any possible recommendations on this chart that say "No" or that you feel say "No" does that mean that we're not going to be seeing, for example, a possible recommendation to block acronyms? That would be something that would not be even available for the consensus call?

Would that also mean that - how far does this go? I'm just trying to understand.

Thomas Rickert: Our aim is to come up with a set of recommendations that - that huge parts of the community could consent to. So we can't possibly include things there that would make the whole consensus call fail.

So you are right in assuming that something that does not get sufficient traction will not be included in the set of recommendations. Nonetheless your point is well heard, it's well documented it's been covered in the initial report already. And each of the groups that is not able to support the consensus can have a minority statement to give their diverging views special visibility. So that option is always there.

And as we - as we identified earlier it's very well possible that the ICANN Board chooses to deal with the fee question differently - in a different way than the working group sees it.

Claudia MacMaster Tamarit: So then does that mean, Thomas, just to clarify. So does that mean, for example, we won't see the possible recommendation for an exact match acronym? That won't be part of the consensus call because I can see here that we have a "No" under that.

For example under top level protections of exact match acronyms it says, "No" so then when we have the consensus call then that won't be something that we could say "Yes" or "No" to on an individual basis?

Thomas Rickert: That is my plan, in fact.

Claudia MacMaster Tamarit: Okay. Thank you, Thomas. Thank you.

Thomas Rickert: You're most welcome. Judd, I read you raised your hand for Jim so Jim, please.

Jim Bikoff: Yeah, Thomas, I just wanted to say that we - the IOC is not seeking any fee waiver. That's it.

Thomas Rickert: Thank you. That's helpful. Any more comments or remarks on the column dealing with the Red Cross and Red Crescent movement? In which case I would suggest, Berry, that you proceed with showing us through the next column.

Berry Cobb: I think - Stéphane, are you trying to raise your hand?

Stéphane Hankins: Yes I am. I'm sorry I...

((Crosstalk))

Thomas Rickert: Stéphane, please go ahead.

Stéphane Hankins: Okay thank you very much. I'm not going to reiterate, you know, the points we've been making on the call for so many weeks now so I - but I do want to comment that, you know, we obviously, you know, for the record, we maintain the positions that we have put forward throughout this process.

And, you know, we cannot join what is called the consensus in this particular case. And I - and, you know, some of the answers in this table. So, you know, we do need to know, you know, you do need to understand that, you know, our positions do stand and that we will, you know, we will obviously continue to advocate for, you know, the extension of the protections notably to the identifiers of the respective Red Cross Red Crescent organizations.

We, you know, I personally, you know, continue to fail to understand, you know, how this working group, which, you know, was established to look at identifiers of organizations, which of course is a different approach to the previous IOC Red Cross Red Crescent working group, you know, that proper consideration is not given.

And I'll just, you know, I'd just make one remark which is in the past weeks the whole debate has been as to whether, you know, our request that the names and, you know, the acronyms of the international bodies within the Red Cross Red Crescent organizations the whole discussion has been as to whether this was new or not new and so on and so forth.

That's not where the issue lies. And I hope that we all agree that that's not the question. The question is whether there is a global public interest, you know, resulting from international and domestic law for the protections of these names.

You know, to us it's absurd to protect, you know, redcross.donate and not to protect indonesianredcross.donate considering that, you know, if there is a tsunami in Southeast Asia quite obviously, you know, the name of the organization is just as much at risk of misuse so - of abuse.

So I'm - I, you know, because, you know, we're moving on I did want to take the floor to put on record that, you know, we - our positions are not changing and that, you know, we cannot agree to the so-called consensus points that are in the table right now. Thank you very, very much.

Thomas Rickert: Thank you very much, Stéphane. And before I move to Greg I would like to emphasize that certainly it is up to the working group to raise their voices to make themselves heard that they do want to have Scope 1 plus Scope 2 identifiers protected.

You know, what you see in the chart is my assessment of the current views in the working group. That's what you see here. And, Stéphane, let me respond to your intervention that at least my view of the process of developing policy in the community is such that requires individual stakeholders to take compromised positions.

Certainly that has a vital part of it that not everybody gets or possibly not everybody gets 100% of what they wish for. But I can't change those dynamics.

As chair I have to take what has - what the positions inside the working group are and should that ultimately lead to a point where you can't even agree with the consensus position that has been developed in the community consultative process and if other stakeholders do the same and vote - now I'm using - mistakenly the word voting - but if they say they don't support the set of recommendations that have been put into the consensus call then there will be no protection supported by the GNSO.

It's as easy as that. If nobody is in a position to support what the working group has come up with as a consensus position then we're sort of stuck. But, again, I'd like to encourage all of you to let me know if you think that I have inaccurately reflected the level of consensus or the lack thereof in the table that you see in front of you.

And with this I'd like to move to Greg.

Greg Shatan: Thank you, Thomas. First I'd like to applaud - which I'm doing virtually in the Chat room - your statement regarding compromise. Second, to respond to Stéphane, I would note that I sent a response that did not dwell on the issue of whether these were new asks or not but, you know, went to, you know, the heart of what I felt were the issues that were being raised.

So, you know, at least speaking for myself, you know, didn't, you know, dwell on the point of whether it's old or older or new requests but just that these, you know, requests are, you know, in my point of view, a, you know, some of them are a bridge, you know, too far or several bridges too far or are, you know, reflective of divergence from compromises that have been made for, you know, other equally, you know, worthy and appropriate organizations or stakeholders.

And furthermore that, you know, when we speak of protection we're speaking - there are a variety of different alternatives for ways that things can be protected. Reserve names is the zenith of protection that's available but it is not the only type of protection that's available. And I think, you know, we have, you know, shown a willingness to discuss various levels of protection for various types of identifiers.

I think that, you know, we're all trying to work toward consensus. It may not be full consensus. I think it insults the concept of consensus to call it so-called consensus.

You know, we have to understand that, you know, the concept of consensus as ICANN defines it, which is the level below full consensus, involves, you know, some divergence but it is still what ICANN as an ecosystem calls consensus and the one under which we move forward and which, you know, I, for one, you know, support, you know, as a workable concept.

So, you know, I just wanted to kind of point out that at least my comments were not, you know, fairly characterized by Stéphane. Thank you.

Thomas Rickert: Thanks, Greg. And, you know, we can go back to Column C if need be. And please do consider both Stéphane's and Greg's interventions and, you know, certainly it's up to the group to broaden the scope of protections and include the Scope 2 identifiers in what's now being tagged Scope 1.

So please let me know. And if the level of support for a different position justifies so I will certainly change the assessment of the consensus level.

Berry, I guess we should move to Column D now. And I'd like to ask you to talk us through the - to the current state regarding the IOC.

Berry Cobb: Okay. Thank you, Thomas. As we continue moving from Column - oh Chuck raised his hand.

Chuck Gomes: A procedural thing here. Do we really need to go by - go through column by column? I thought what Berry did covered the whole row not pretty much - is there really value in going through column by column?

Thomas Rickert: Well in preparing for the call I've extensively consulted with ICANN staff and we thought that it might be a worthwhile exercise in order to make sure that everybody is heard and that we can grasp changes of the atmosphere in terms of consensus. But I would certainly be open to the suggestion of expediting this exercise.

Chuck Gomes: Well, let me make a suggestion then. Why don't we just talk about each column but see if there are any exceptions that want to - that anyone wants to communicate with regard to that column rather than going through each of the columns item by item?

Thomas Rickert: Well unless there are any objections from working group members I would be happy to follow that advice. And please, working group members, do let us know if you want to go through the items one by one.

But for the time being I'd like to pick up Chuck's suggestion. And, Berry, maybe you could give us just a very high level indication of where we're at to stimulate a discussion.

Berry Cobb: Absolutely. And for those that, you know, I think as we move from column to column it's going to be easier and easier to grasp so we did spend probably more time on Red Cross because it was the first one but as we move from one group to the next it'll be easier to quickly grasp what the recommendation options are being presented.

So just to briefly move through the IOC from a top level perspective they're identical to the Red Cross Red Crescent that the full name identifiers are protected in the Guidebook and that some sort of exception procedure would be created. And then of course acronyms they didn't - the IOC didn't ask for any acronym protection. And then again there's no support for fee waivers.

For the second level protections is almost identical to the Red Cross however, so their Scope 1 identifiers are the two identifiers that they've asked for full match protection in Spec 5. It's not applicable in regards to acronyms.

Their trademark clearinghouse is not applicable because both of those identifiers are reserved within Spec 5 of the list. Now I think one aspect to notice here is even though we're not recommending that these identifiers have access in to sunrise there's nothing to say that the IOC would be prevented from entering other identifiers outside of the scope of our working group into the clearinghouse.

It's only for the purposes of the identifiers being requested for protection here that are kind of within our scope. So hence that's why it's not applicable across all of these options.

Then of course again the blanket there seems to be strong support or almost near - full consensus about access to URS, UDRP and then it gets of course an exception procedure for their Scope 1 name should they choose to register those two designations in any particular gTLD.

And then, again, lastly the scope of identifiers is only those two names, Olympic, Olympiad in the UN6 plus German, Greek and Korean. And, again, which is currently outlined in Specification 5 of the Registry Agreement.

Thomas Rickert: Any comments on this? Objections? Concerns? Okay, in which case, Berry, let's move on to Column E.

Berry Cobb: Right, this is in regards to the IGOs. Again, at the top level - we'll go ahead and talk IGOs and INGOs at the top level because these are the same essentially for everybody that their Scope 1 full name designations would be reserved in the Applicant Guidebook and that some sort of exception procedure would need to be developed.

And, again, just restating that there did not seem to be support for reservation at the top level of acronyms nor for any fee waivers from the objection processes at the top level.

Moving on to the second - Greg, you have your hand raised?

Greg Shatan: Yes, I just want to point out and while, you know, if nobody else is joining it it's obviously, you know, not a lot of support. But at least in the IPC there was, you know, some support for the idea that acronyms that served as the primary identifier of an IGO, and for that matter an INGO, you know, should be considered differently from acronyms in general, you know.

The classic example being UNICEF; it doesn't even stand for what it used to stand for. But everyone knows that it's a UNICEF - a UNESCO may be another example.

I don't know if there's an easy way that those are, you know, parsed out from those that are not kind of primary identifiers of those organizations. But to protect United Nations Children's Fund, which I think now what UNICEF is called, it used to be United National International Children's Educational or maybe it was Emergency Fund, but not anymore.

To protect, you know, that, you know, multi-word string but not UNICEF in that fashion seems upside down. But again, you know, if that's not something that others are, you know, might sign on to and if there's not some way to have a mechanism whereby those exceptions could be made it may go another way. But I did want to note that variance from - on the acronym point. Thank you.

Thomas Rickert: Greg, if I may I'd like to point out that looking at the ECOSOC list there are acronyms on it so in certain cases the acronyms are actually listed. And I'm not sure whether, k we can easily fix that different treatment for certain acronyms because the - it was my perception that the beauty of this approach would be to take a list on an as-is basis.

But certainly if we can find ways to cope with this I would certainly reflect that in my consensus assessment. Chuck, please.

Chuck Gomes: Thanks, Thomas. And thanks, Greg. Just a point that if we were to go that direction - and I don't know whether we should or not - but the key would - as both of you have noted - is to find a way that's simple and objective to identify which acronyms would fit that category. That's the crux of it I think, to me, if we were to go that route. I certainly (see) Greg's point. Thanks.

Thomas Rickert: I'd like to hear more views on that. Is that something that we need to open up? I guess there was at least some support from At Large for acronym protections? We just heard Greg's suggestion. I would assume that Claudia is likeminded. Anybody else in favor of such protections and revisiting that?

Greg, is that an old hand or a new hand?

Greg Shatan: It's a new hand. Just to point out - and I know this is a different data source than we've discussed. But the WIPO 6ter database, which covers IGOs that are protected under 6ter of the Paris Convention, includes both full names and acronyms that, you know, have been registered in 6ter.

So I would assume, not - haven't done the scientific study - but would assume that the only acronyms are those that are kind of generally used by companies and not just those that are formed by happenstance and not actually used. But that is another potential resource not to, you know, open another can of worms but just want to mention that. Thank you.

Thomas Rickert: Thanks, Greg. And you're certainly right that the 6ter of the Paris Convention mentions both names as well as acronyms. For INGOs if we choose to use the ECOSOC list unfortunately at least I'm not aware of any mentioning of full names plus acronyms.

So I would very much like to hear whether there is more support for the protection of acronyms for INGOs. Stéphane. Stéphane, we can't hear you, maybe your microphone is on mute.

Stéphane Hankins: Excuse me, yes. As you will recall we have also made the case that the acronyms of the international components of the Red Cross Red Crescent be also considered. And we had also formulated those agreed to the notion that, you know, some form of criteria be developed which would identify the level of identification of the respective organization by its acronym.

If you take, for example, the case of the ICRC, the International Committee of the Red Cross, the acronym is even a part of our official logo. So that, for example, you know, I think is the signal of the level of association and

identification of a given organization also by its acronym. Thank you. Or initial.

Thomas Rickert: Thank you very much, Stéphane. I guess it would be good for everyone to think about this and we should get back to this next week. We're six minutes before the hour so I guess we can't resolve that in its entirety today.

I guess that the set of recommendations for the individual organizations, as a (seen) in front of you also stems from the fact that even if there is no acronym protection at the top level the risk of abuse might be relatively low, you know, again we're talking about the top level here, because there is the opportunity to use objection mechanisms, there's the opportunity to discuss whether - with the GAC whether GAC advice should be articulated on the - for a specific string.

So the question is is there big risk of any third party investing a substantial sum to infringe upon the acronyms of the organizations that would get the protection? So I guess, you know, we should take a look at this from all angles, think about the consequences.

And for those who are supportive of acronym protections please do share those with us prior to next week's meetings and also identify a workable approach to achieve that as objectively as possible to determine which acronyms should be protected and which should not.

I guess it doesn't make too much sense for us to dive into the second level recommendations for IGOs and INGOs in this call. I hope that we will be able to conclude our conversation of the spreadsheet during next week's call which will take place at the usual time next Wednesday.

And, Berry, you need to correct me if I'm wrong or Mary, I guess pretty much the only topic on the agenda will be the completion of our discussion of the recommendations matrix, right?

Berry Cobb: Correct.

Thomas Rickert: Okay. So Chuck, I guess that's a new hand. Please.

Chuck Gomes: Thanks, Thomas. I'll be brief. But I'm thinking ahead the next steps and knowing that David and I are going to have to go back to the - before we can actually participate in a consensus call we're going to have to go back with the final list of things it looks like there's reasonable support for to the Registry Stakeholder Group. And I assume everybody else will have to do that too when they're part of other groups.

How - are we going to use this spreadsheet in a - maybe a little more simplified form and eliminating the Nos and maybe narrowing the columns with checkmarks, something like that that we can use to easily go back to our stakeholder groups to get their input? Is that the intent?

I know we don't need to finalize that now but I am thinking ahead assuming next week we can get through this and then what's your thinking in terms of what we would present back to our stakeholder groups to get their input before we voice a position on the consensus call?

Thomas Rickert: Well the idea is that we work through this spreadsheet, as you said, eliminate the Nos but then formulate the tables into recommendations. So I guess it would be very welcome if you use the idea of what's in the table for consulting with your stakeholder group.

But for the consensus call I think we would not use the table format but we would actually have written recommendations in a Word format. And if the group permits us to do so we could start with this exercise before next week's call and take at least what we have so far and maybe also give you an idea of what the recommendations might look like for the other subjects that we

haven't yet discussed at the risk of - or, you know, certainly revisiting them if the outcome should be different than we have it on the table at the moment.

Chuck Gomes: Thank you.

Thomas Rickert: That make sense for you?

Chuck Gomes: Yes.

Thomas Rickert: Would you favor a different approach to this, something that might facilitate your interaction with the stakeholder group more than...

((Crosstalk))

Chuck Gomes: No, I think that's okay. When we get to that point I'll probably have some suggestions with regard to the table to make it simpler but clearer but that can come later.

Thomas Rickert: Okay. Perfect. So as I said we will work on sort of provisional draft written recommendations formulated out of what's in the table now so that everybody in the group gets a better understanding of what the recommendations might look like should the discussions actually remain at the status that we have at the moment.

And with this I would like to thank everybody for their participation, for their comments, for their - for the thought that they put into this. I think we're on an excellent path now. And I hope that we can keep up the momentum and complete our discussions on the recommendations next week.

Thank you very much and bye bye.

Chuck Gomes: Thanks.

Jim Bikoff:       Bye-bye.

END