

**ICANN  
Transcription  
IGO-INGO Protections Policy Development Process (PDP) Working Group  
Wednesday 23 October 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 23 October 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-20131023-en.mp3>

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

Attendees:

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

Apology:

Ricardo Guilherme – RySG / UPU  
Osvaldo Novoa - ISPCP  
Joanne Teng - WIPO

ICANN Staff:

Berry Cobb  
Mary Wong  
Julia Charvolen

Coordinator: Pardon me everyone, this is the Operator. 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 and welcome to the IGO/INGO Working Group call on Wednesday, 23rd of October, 2013 at 16 UTC.

On the call today we have (Jim) Bikoff, Alan Greenberg, Catherine Gribbon, Stephane Hankins, David Heasley, David Maher, Judd Lauter, Thomas Rickert, Greg Shatan and Claudia MacMaster-Tamarit. We have apologies from Ricardo Guilherme, Osvaldo Novoa and Joanne Teng. Christopher Rassi will be joining us a little later. We have from staff, Berry Cobb, Mary Wong, and myself Julia Charvolen.

May I please remind all participants to please state their names before speaking for transcript purposes? Thank you, and over to you Thomas.

Thomas Rickert: Thank you very much Julia. My name is Thomas Rickert and I'm chairing this working group.

Usually I would like to learn from the group whether there are any updates or statements of interest or whether you have suggestions to amend the agenda. I'm trying to make my way into the Adobe Connect, I'm hearing none and I'm hoping that Berry would let me know if there were any hands in the Adobe.

Berry Cobb: No hands.

Thomas Rickert: Thank you and so we can move to the next agenda item and that is a quick status update between last week and this week, pretty much the status remained the same.

As you know, we're currently in the reply period of the public comment period for the Draft Final Report of our working group and we've received public comments which are in the public comment forum. We started analyzing those during last week's call and we also discussed ways to expedite the

review of public comments, but there didn't seem to be a lot of traction to entirely let go of the group exercise to review the public comments that were received, and particularly the light of the fact that we have received multiple reports or comments from non-working group members.

We've now prepared this call - or I should better say Berry has prepared this call in a fashion where we have summaries or abstracts of the reports in the Public Comment Review Tool, and we will go through the individual items, discuss them and see whether there are any actions required by the working group to change what we have in our Draft Final Report.

I should also note that I have, as I did during last week's call and I guess as Berry did on the mailing list, reminded all working group members to actually go through all the public comments individually. We need to see whether there is any need for changing the Final Report that we've published, and I would very much like to encourage all of you that hopefully there will not be too many of you, because all of you had read them, but those of you who haven't please do so because we need to do justice to those that have taken the time to publicly comment on what we did to digest what they wrote and actually incorporate the findings into our thinking.

Now with this, I would like to hand over to Berry to guide us through the public comments that we haven't yet analyzed during last week's call.

Berry Cobb: Thank you Thomas, this is Berry with Staff.

Before we pick up on new comments, I just wanted to briefly review through what we had reviewed last week in terms of the comments. As Thomas mentioned, a new change is that we added a quick abstract or summary statement to the comment to avoid having to read line-by-line each one of the comments. And as Thomas also mentioned, that's why it's very important for all members to have thoroughly read through each of the comments so that

we can discuss any elements that may impact or change our final report and the recommendations contained within.

So with that, I'd just like to briefly run through the summary statements of the comments that we reviewed just to refresh your memory so that you can kind of get a feel for what's been changed from the last version.

So starting Row 1 was Registry Stakeholder Group's response. As you'll recall, we went through their spreadsheet last week which was one of the more detailed responses per our recommendations that we had loaded into our final report. And in terms of trying to summarize that, I think that was a little bit of a challenge. So you can see I kind of copped out here and we'll just make reference to the Registry spreadsheet for any details of the response which I'll be sure to include a link here.

But essentially there were two recommended actions as we reviewed through each of the tabs of their spreadsheet. And that was, one, that it definitely sounds like there's more work we need to do around the Exception Procedure that we had listed into the Final Report. I suspect what we may need to do is try to come to agreement on a single exception procedure that is detailed enough that it will guide implementation when any kind of exception procedure is being considered for any protections that may be granted.

And then as well as a secondary exercise which we'll try to - pardon me - that we'll try to start incorporating next week. And that is to try to reconfirm our level of consensus that we've assigned for each recommendation. And I think more or less, that's really more of a validation exercise as we review each of the comments, you know, we won't need to continually ask ourselves if any of the comments substantially changed our recommendation or the language of the recommendation or perhaps even add new recommendation, and then again, just to confirm the level of support across the working group numbers.

So with that, I'll go ahead and quickly move through each one of these.

Alan, I see your hand is raised.

Alan Greenberg: Yes, something I hadn't quite picked on, I should have when we were reviewing the draft report but the Registry comment brings it home.

Although we present what we believe is the level of consensus or divergence or whatever for each of the points, we do not have a table saying how the various working group members or constituencies supported or rejected that. So we can see it's divergent, we don't know who was on what side. We see there's consensus but we don't know who since it wasn't a full consensus, you can't tell by reading the report who it is that disagreed.

And I think that's a really important thing that we've left out. Now, you know, the registries and some other groups may well fill that gap by putting a comment in detailing their position on each of them, but I think that's something the report really needs to do itself.

Berry Cobb: Thank you Alan, you're exactly right. And not only is it an important point, but it is a requirement before we submit the final report. And more specifically, each recommendation will contain the levels of support that we refine through our consensus call as we migrate into the final version. And as you stated, that will help tease out exactly where the support lies with a particular recommendation or where it didn't - or where there wasn't support for a particular recommendation.

I'm working with Marika and others to determine exactly how we should present that.

Alan Greenberg: Sending that message to people is important because I know on behalf of At Large, I'm the basis of creating such a table since it isn't - you know, for our positions. And if we know definitively it is going to be in the report, then that's

work that we don't have to do and other people don't have to do. So I think it's important to come to closure on that soon.

Berry Cobb: Understood. I'll send a note out to our list just to remind members that that will be added. I started the next version of the final report that has comments or changes that have been started on since we submitted the draft final versions.

But what I was going to mention in terms of how we present the levels of support, what I'm hoping to do, and I'm still looking for guidance on this, is figuring out a way that I can try to consolidate the responses. And if you'll recall, and I'll just pop over to this real quickly just to remind working group members, and I happened to bring it up. I did send it out last night.

But as you'll remember, each recommendation had a series of statements per the individual or group representing, and some of them were lengthy or some of them were very short to support or don't support.

And I'm hoping that somehow we can distill that down as to support, no support or perhaps no answer, a (judiciary) response just so that it equals across all the members that are represented but yet still shows definitively as to where the support lied or where it didn't. So I'm still trying to get some clarification on that.

Alan, please.

Alan Greenberg: Given that some of us, as shown by your statement, that some people had more than a yes/no answer to them, that we were not happy with the wording and some further clarification is needed, I'm not sure you can distill it a lot.

I know certainly in the cases where ALAC put in something that wasn't just a yes/no or a yes/but, I think that has to be preserved in the consensus call.  
Thank you.

Berry Cobb: All right, I definitely - yes. I mean you are right. My concern here is that we're going to have, you know, this document that you see before you is 25 pages long for each one of the recommendations, and I want to try to avoid that for the main section of the final report, you know, to try to keep it to where it's at now at 6 or 7 pages. Perhaps we can create an annex that references each level of support and the main body we try to do a distilled summary.

Or in fact, to your point Alan, you know, your comments that were supplied that wanted better clarification on a particular recommendation, that is very important to include. Again, I'm just trying to figure out a way that we can try to make it more digestible by persons external to the working group, and again, that's why I'm trying to seek some advice from Marika and some of the more better ends on what a good approach might be.

Alan Greenberg: If I can offer a suggestion which I may or may not like once I think about it further, the full comment that like the kind you're showing on the screen could well be in an annex, if you want to include something in the main body and I think it does deserve that.

You know, for divergent, I'm not sure there's a lot of merit in trying to identify who's on who. Certainly for consensus, identifying who was against it, you know, is something you can't omit.

Berry Cobb: All right, great. Thank you for that. And I - without a doubt, I'll have more information for the working group for our next call and I'll definitely send that out to the list as well.

All right, so let me get back to the Public Comment Review Tool. And so again, to carry forward on a quick review of our previous (row to) which was from (Charles Christopher). And again, I tried to - I found this kind of difficult that it was - or that it was at least a challenge to try to summarize someone

else's comments in fear of overlooking a particular critical point that they may have tried to present in their comments.

And what you'll see as you scroll the tool is I did provide the abstract. And if there was something of particular interest that I didn't think that the working group had discussed before, I also highlighted that out so that we can discuss it here, and just to make sure that we covered the bases.

So here with the (row to) basically that the participant didn't support any recommendation to reserve strings. If any of the reservations were created, that it would disrupt the Internet marketplace. Again, this person was very concerned that the recovery of any names in the existing TLD space would not - would basically infringe on existing property rights and the like.

As we reviewed it last week, the working group noted the response and thank them for their comments but don't believe that it required any changes to any of our existing recommendations. And I think hopefully that this was a case where there may have been confusion in terms of what recommendations were being supported with respect to how policy would be deployed in the existing TLDs.

And anybody has any questions or comments based on what I'm outlining, please raise your hand or interrupt right away. I want to make sure we maintain dialogue on these.

Row 3, again basically is kind of a reiteration that the participant didn't support recommendation to reserve strings in TLDs, nor was the recovery of the domain within incumbent TLDs supported. Like the last one, we noted the response and that no actions were required.

Row 5 was touching upon the top-level protections that were proposed. And this was submitted from the ICA, the Internet Commerce Association. They can support reservation protection of exact match full names at the top-level,



but they did not support the recommendation to reserve acronyms at the top level. They also note - pardon me - they also note that the existing new gTLD objection procedures or processes are sufficient to prevent application of any protected identifiers or more or less stating that any reservation protections would likely be used.

And I think that's kind of similar to the ALAC's position, but if need be the ICA could support reservation that the top levels for the full names of the organizations being considered. For the most part, that does fall in line with the recommendations that the group has that on the table and we noted that there were no actions required at this point.

Moving on to Row 10, and again, forgive the blank rows. I'm leaving space for if we get any other comments that are submitted between now and next Thursday. The final version I'll remove any blank rows.

Row 10, again, was also from the ICA and this was regarding any second level protections. The ICA did support reservation and/or trademark claims protection of exact match full names at the second level, but they did not support any recommendation to reserve acronyms, nor did they support the use of claims notification. They did also mention that they would support access to the (Chair) of RPMs such as UDRP or URS.

Although it wasn't specifically called out, in a sense it seemed to suggest that they would support that a PDP would need to be - or that they would support a PDP to discuss access to the curative rights protection which is an action that I have listed over here to the right.

And one thing, if you'll recall, there's a general recommendation section within our final report. The first recommendation there is to initiate an issues report to initiate a PDP to review UDRP/URS access.

One thing that we'll also share for next week's meeting is a template form that has been created at any time an issue report is requested, and it has a series of questions. Not to minimize it but basically, what, why, how and where, just to help provide more detailed information when this recommendation is being deliberated by the Council so that they can better respond to that recommendation.

We'll have a draft available for you next week, and then of course we look forward to working group input to make sure that we've responded to each one of the questions appropriately. And we'll conclude that as an annex within the final report and draw attention to that when the Council reviews it.

Okay, I'm seeing no hands or comments so I'll move quickly on down to Row 16. Again, we reviewed this last week; this is from a (Sergio DeGregory). The participant does support protections of IGO acronyms basically restating that there is a legal basis for the reservation protection of acronym identifiers, and that is also consistent with ICANN's mission about protecting the public interests.

But essentially, this is - it was acknowledged by the working group, it is a recommendation that we deliberated extensively. And currently right now there doesn't seem to be support for the protection of acronyms in terms of reservation within Spec 5. However, there is support of the acronyms to be bulk added into the Trademark Clearinghouse. And so as such, no action is required thus far for changes to the Draft Final Report.

You'll have to excuse me today; my throat is a little raspy so I apologize if I'm not coming in very clear or scratchy sounding.

Okay, so this takes us then to our first new comment for today. This is on Row 26, and essentially I made a section that was specifically referencing the implementation - it's more or less the implementation of any policy that we

may create out of this working group and how they may be implemented or applied to incumbent gTLDs.

This is predominately, I think, a majority of the comments that we received thus far, and most of them are individuals in the community that have responded back. And for the most part, as the way I interpreted the comments were not supported of protections for acronyms either through reservations or through use into a clearinghouse, nor was there any support for recovering any strings within existing gTLDs.

I think for the most part, there wasn't a distinguishment between a full name versus an acronym. Most of these responses or these comments are of the - they mostly focused in on the acronyms, and I think it can be implied that for the most part they were applying to the full name as well.

So Row 26 was from George Kirikos. The abstract summary is that there was no support for policy changes that would affect the rights of existing domain names and the owners behind them. Even for new gTLDs, such protections are not warranted. The most famous marks of IGOs all ready have strong protection in law and can be asserted via existing policies like the UDRP.

Any changes at most should only affect freshly registered domains; example, give it a new gTLD so that registrants were aware of the policy before they registered such names. If there are to be any policy changes, they should be designed in such a way that subsidizes UDRP costs or qualified IGOs rather than maintaining (unintelligible). That can address real abuse in a cost effective manner where most significant abuse occurs. ICANN should not be considering policy changes.

So with that, I'll open it for comments to see if anybody would care to respond. As I take it though, essentially he doesn't support reservations of any acronyms at the second-level for new gTLDs nor existing gTLDs. However, it could be supported in the new gTLDs but only to a point that

RPMs would be used more curative measures and perhaps in a subsidized fashion that - in terms of making it cost effective.

As I recall from our recommendations, we talked about both the reservation of acronyms within Specification 5 with or with no support. We've also talked about the UDRP - or I'm sorry, fee waivers for UDRP or URS, and at the present level it doesn't seem that there's support for that particular recommendation. However, as we mentioned previously, there is support for having a PDP about UDRP/URS.

Is there any other comments, any actions that the working group should take based on (George's) comment that he submitted here? Okay, hearing and seeing none, if you'll give me just a moment I'll update my document.

Thomas Rickert: Berry, this is Thomas. Just while you are digging out the other document, I certainly do note the conversation going on in the chat, and rest assured that we will certainly get back to the question of divergence and how recommendations are being displayed and how the consensus level inside the group is presented in the report.

I've seen a lot of comments on that, but we should reserve that discussion for such time when we have digested all public comments because I think it would - it wouldn't be that appropriate to just take up this specific item and then draw conclusions for the report as such before we've seen everything that came in. Thank you.

Berry Cobb: Great, thank you Thomas. That was good while I made some notes.

Okay, moving forward - Row 27. This is from (Jay Shural) from the Public Comment Forum. I could not ascertain what his first name was, but in summary their comment was that the participant does not support any recommendation to reserve or recover strings in existing TLDs because the

rights of organizations speaking protections do not supersede those of other legitimate entities.

So you know, in short, based on the comments supplied, I couldn't see that this person had supported any of the recommendations regarding any protections, especially in terms of recovery of names within existing TLDs.

Any comments or suggestions? I think for the most part we can state this as noted by the working group and no actions required unless anybody objects to that. Okay, one second.

Okay, moving on to Row 28. This comment was submitted by (Alex Lerman), very much similar. The participant does not support any recommendation to reserve or recover strings in existing TLDs.

One thing that I highlighted within this comment was that I can't recall it had ever been discussed, at least within our discussion around how any policy would affect the incumbent TLDs. But this person did highlight that if such a proposed policy were to be considered, then just compensation should possibly be considered.

I only highlight that because we never discussed it. However in terms of the structure of our current recommendations, or I should say with the high level principles that we outlined for implementation of any proposed policies in incumbent TLDs, I think it was highlighted that it would only be in a major that a main was dropped out of the zone and made available for registration at which point that particular name would be recovered. Any of those prior to the name being deleted would still follow the normal life cycle of a domain such as if it were being sold in the aftermarket or re-registered or renewed, etcetera.

And I think Alan will clarify what I'm trying to say. Please Alan.

Alan Greenberg: Thank you. I don't have the report in front of me. I do recall there was one workgroup participant who strongly believed that ICANN and registries must take measures to recover domain names and unregister them.

I did not think we recommended that in the body of the report although there may be a minority statement that says something to that effect. However, given that several people commenters think we said that, we really need to make sure the words are clear that this is not what we're saying. Thank you.

Berry Cobb: Great, thank you Alan. Yes, you are right. I believe it was part of the minority statement from the NCSG, and I do have it highlighted in the comments below and I think it was a response from George Kirikos that was highlighting that.

But in terms of the principles that the working group supplied in the main body of its report, it does not state that. I think that was, again, an omission from the NCSG and I'll take the action just to confirm it.

Alan Greenberg: Sorry Berry. What I was saying is I think you are correct in fact. However, this person and the previous one seem to be convinced that we recommended something else because they're talking about compensation; they're talking about moving rights that were granted 10, 20 years ago.

We need to be explicitly clear that this is not what we're recommending; not by not mentioning it but by explicitly saying that. The minority report still stands but the body of the report needs to make clear because obviously people are misunderstanding it.

Jim Bikoff: Berry?

Thomas Rickert: Berry, I guess (Jim) would like to get in the queue. (Jim)?

Jim Bikoff: Yes, I just wanted to say that in that comment by (Mr. Larimen), it says the proposed changes by the non-majority.

Alan Greenberg: Thank you but the previous one I don't think was that clear. And the fact that people are even mentioning it raises the specter that there may be a misunderstanding. I'm just saying we need to make sure that the recommendation is explicit since there seems to be an opportunity for people to misunderstand or make assumptions.

Jim Bikoff: Yes, I agree.

Thomas Rickert: Because Alan, I guess you're raising an important point.

This is not the only comment where one might get the impression that the reader of the report got a false impression of what we were recommending. There are other comments which sort of sound like we were, as a group, suggesting that ID acronyms should be protected. So maybe the way the recommendations and their outcome was presented was not as clear as it should be.

So I guess your point Alan is well taken as well as there are other points where we might try to be as clear as possible when we go through the report again so that potential confusion by the reader can be avoided efficiently.

Alan Greenberg: Yes, I think that's exactly right. We can stand by our virtuousness and say, "We didn't say that, you bozos got it wrong." But we have an obligation that if there's places where people may likely misunderstand, that we try to avoid it ahead of time.

Thomas Rickert: Which is true and to be quite honest, I think, you know, this work that we're doing at the moment, going through the reports individually is also something that we also might publicly same somewhere so that people don't get the

impression that we're sort of arrogant enough to just neglect what they were suggesting.

So I think the community needs to understand that we take all incoming comments very seriously and that we deliberate them where needed, and that certainly also includes the need to be rectifying wrong impressions that are out there. Maybe they be because we haven't been as clear as we could have in the report, or maybe they be because people might have misread what we wrote.

But we will certainly bear that in mind and come up with a suggestion to reflect that in the report, or outside of the report wherever there's a suitable place to do that.

Alan Greenberg: Yes Thomas, if I may make one comment. You're moderately new to this game. It wasn't very many years ago that PDP work groups did basically not even look at the comments and publish their final report with no changes. And so some people have long memories and not even that long.

Thomas Rickert: But even more so should we demonstrate that these times have long gone.

Alan Greenberg: Well, they are not long gone, they are gone hopefully though.

Thomas Rickert: Okay.

Berry Cobb: Well they're gone from this working group.

Thomas Rickert: Okay Berry, why don't we continue with the reports? So you had a few minutes to catch your breath, actually you're doing a splendid job. This is very exhausting as I can imagine particularly as you're voice is a little bit, you know, as you said damaged or not in the shape that it should be. But thanks for taking that burden.



Berry Cobb: My pleasure and I'm taking some rough notes in terms of what we'll post within the working group response cell and the recommended action. However, I do intend to go back through the MP3 and properly document everything that's being said here so I appreciate that.

Okay moving on to Row 29, this comment was submitted from (Ship Me). In summary, the participant did not support any recommendation to reserve or recover strings in existing gTLDs and prefer that no protections are granted in new gTLDs, again basically citing that the rights of organizations seeking protections do not supersede those of other legitimate entities.

And I think more or less that this comment falls in line with the previous two. Most of the discussion again was about in terms of trademark rights and trying to compare those with that of the IGOs as well as in terms of recovery of strings within existing gTLDs was a massive overreach from the policies that were being discussed here.

So I will note this as basically our noted response and thanking the participant for their comments. I don't think it changes any of our recommendations, and so the recommended action for here would be nothing required.

Okay moving forward to Row 30, this comment was submitted by (Matt Cohen). And in abstract, similar to the previous participant, does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs because rights of organizations seeking protection do not supersede those of other legitimate entities.

There does seem to be support for the protection of IOC and RCRC identifiers; that was specifically called out in the comments. But it didn't make any reference to the scope of those identifiers, or more specifically, it didn't call out Scope 1 or Scope 2 type names for those two organizations.

There was one other thing that I wanted to highlight within the comment; that's highlighted in yellow. The commenter also stated that there is reason why historically the protections afforded to the Red Cross and the Olympics are restricted to these particular organizations, that they are well known to hundreds of millions of people worldwide. The rationale for the special protections for these two organizations does not extend to every obscure international organization ever created, and certainly not the acronyms that these organizations share with hundreds or thousands of other entities. So I wanted to highlight that or at least call that out verbally to you.

Any comments or discussion around this particular comment? And I think overall, it's one that can be looked at as acknowledging the comments. I don't think that it necessarily changes any of our existing recommendations other than perhaps clear up the confusion about the support or lack thereof support for acronym protection.

Okay, great. Moving forward - and while I am scrolling, and I just kind of had an idea within my own head. Having reviewed lots of comments over the years, I actually am kind of enjoying this format. Certainly when a working group encounters a large number of comments, it is very tedious review or especially read through line by line of the comments submitted. I'm kind of enjoying this abstract or summarized method by which we review the comments.

So once we have completed this exercise, I would really love to hear from working group members and hopefully others external a bit if this is a possible good approach for how we deal with public comments in the future as well. You know, certainly we want to make sure comments are heard, they're deliberated and nothing swept under the rug. But at the same time, it's been experiences in the past where reviewing through comments can be a multi-month exercise let alone just a multi-week exercise. So trying to strike a right balance is important.

Okay, Row 31, this comment was from (Paul Tattersfield). Essentially the participant did not support any recommendations or reserve or recover acronym identifiers in existing TLDs, again citing that the protections or rights of the organizations seeking protection did not supersede those of other legitimate interest or entities.

Basically, specifically, this commenter touched on the holding of existing property and rules within I think his own jurisdiction and the security around that and the IP rights did not get undermined.

So similar, I'm not seeing any comments or hands on this one. I think similar to the previous ones that the working group will acknowledge the comment, but it doesn't change any our existing recommendations. And as I mentioned, I will in terms clarify some of our language in the report seems to be the consistent theme here, that it did cause some confusion.

Okay, moving on to Row 32. This comment was submitted by (Patrick Quinn). The abstract that again, the participant does not support any recommendation to reserve or recover acronyms or identifiers in existing gTLDs, again because organizations seeking protection do not supersede those of other legitimate entities. And basically, he had just mentioned about carving out special exceptions for IGOs and INGOs would undermine the most basic of property rights.

And not seeing any hands or discussion, again, I think this is kind of repetitive in terms that the working group acknowledges the comment and I don't think that it will change any of our existing recommendations or simply this is more or less been deliberated on by the working group.

Okay, moving on to Row 33, this was submitted by the ICA Internet Commerce Association. And I did highlight a good chunk of this because I thought that it was a valuable feedback for the working group. It may or may not necessarily - it might slightly adjust some of our recommendation or at

least force us to call out more specifically what a particular recommendation maybe required to get it implemented.

So again, this is from the ICA. The association doesn't support any recommendation to reserve or recover identifiers in existing gTLDs, again noting the rights of the organization seeking protection do not supersede those with others. But they do support the possible use of curative RPM.

And I'm going to go ahead and read off the highlighted section, again because I think this will be valuable for us. They note that, "Finally, in regard to any income that gTLD, while we appreciate and support the recommendation that any currently registered domain matching a protected IGO or INGO identifier shall, quote from our report, shall be handled like any existing registered name within the incumbent gTLD regarding renewal transfer cell change or register etcetera.

We strongly oppose the adoption of any policy that would adverse or define or create a mechanism against this (fecious) and completely speculative possibility of front running of domain registrations of IGO and INGO identifiers."

The next bullet excludes such a domain from any add/drop activity by the registrar in the event it becomes eligible for deletion or makes such deleted domains ineligible for future re-registration.

And a third bullet, "in any way sanction the involuntary seizure or deletion of any identifier, exact match acronym domain that is registered now or may be in the future at any incumbent gTLD." And then again, they restated the possible use of curative RPMs within our structure of recommendations.

So not to take away from the dialogue from the working group, but what I'm pulling out from this comment is that there might be issues in terms of some

of the principles that we've highlighted for the pulling this policy within the incumbent gTLDs.

In terms of a working group response, I can state that, again you know, we thank the comments or the commenter for the comments, but more of the recommended action I think is something that we should probably revisit the principles that we've highlighted within our final report and make sure that possibly incorporate some of the ideas that are mentioned here and just make sure that we connect and complete that properly.

Any comments or suggestions with regard to those comments? Alan, please.

Alan Greenberg: Sorry, did you call on me?

Berry Cobb: Yes sir.

Alan Greenberg: Hello?

Berry Cobb: Yes Alan, you have the floor.

Alan Greenberg: Oh okay, sorry. I thought I cut out.

I'm having trouble parsing this. If I look in the middle of the first big paragraph it says, "We strongly oppose the adoption of any policy that would create a mechanism against the specious or completely speculative report."

I think they're saying they mean they support specious and completely speculative front running. Now specious has a negative connotation to it and they could certainly say, "We support things that are negative and bad." But I'm having - I want to make sure I'm understanding this because that sounds like there's a possibility of a misunderstanding here.

Berry Cobb: Thank you Alan and I agree. And this is part of the reason why I highlighted them; I wanted to make sure that we thoroughly got a good understanding of what the ICA was trying to comment here on. And if need be, we can certainly email them back if we need to get any clarification.

Greg, please.

Greg Shatan: Yes, I think that the word specious here is modifying the term possibility, not the front running itself. So they're basically, you know, like lawyers like to do using, you know, doubling up on words. You know, not only is completely speculative that the possibility exists, it's also specious. In other words bull shit and more bull shit.

Alan Greenberg: Okay, all right, that sort of makes sense.

Greg Shatan: You know, like vague and unsupported.

Alan Greenberg: Yes, okay fine. I agree, thank you.

Greg Shatan: Why use one, you know, word when five will do?

Alan Greenberg: When five will do.

Greg Shatan: Especially in pairs. Thank you.

Alan Greenberg: And with the word and without appropriate commas. Thank you for explaining it. Now I think I may have a chance of understanding it and then can comment. I'm not sure I'm there yet though.

Berry Cobb: Great, thank you Alan and Greg. Any other comments in regard to this? Would it be agreed that I think in terms of general action is that we just need to pay closer attention to the principles that we outlined in terms of deploying this within incumbent gTLDs to make sure these line up?

Alan Greenberg: Right, they do raise an interesting - it's Alan, sorry to butt in. They do raise an interesting issue regarding front running however. And by publishing a policy saying, "You will not be able to register names afterwards in existing TLDs," but not having a prohibition dating back to something or other does give the opportunity for a huge amount of front running.

Berry Cobb: Absolutely and I think Chuck had mentioned this several months ago and I don't have the report in front of me right now. But I thought that there was one bullet listed in there that would talk about trying to protect these names prior to even the Board considering any recommendations - or to do what is needed basically to avoid any chance of front running.

And Greg, maybe you...

Alan Greenberg: And that statement is probably what I see is commenting on.

Greg Shatan: Yes, this is Greg. I would agree that's what they're commenting on suggesting that's a boogie man and that it won't happen and they would oppose having any such sort of, you know, block put on, you know, to discourage front running. And they're generally opposed to, you know, taking these things out of the wild at any point in time in the incumbent gTLDs.

So you know, that if there was a drop, you know, it would remain in the wild. That's the sense I get from reading them is that, you know, that there should be, you know, no protections, you know, retrospective, prospective or the like other than curative UDRP/URS and the like. Thanks - which I don't agree with but that's what I think they're saying.

Thomas Rickert: Is there - this is Thomas speaking. Is there the wish of the group to sort of take note that we would need to take a look at the issue of front running?

Alan Greenberg: In regard to this, we need to go back. It's Alan. We need to go back and look at what we're saying and make sure it's reflecting the general views of this group; yes.

Thomas Rickert: So Berry, maybe provisionally, you put into the recommended action box that we will have to take a look at the front running issue. Certainly this doesn't prejudice the outcome of our further deliberations but just to make sure that we don't forget it.

Greg Shatan: And just to add - as long as my hand is up I'll speak again; this is Greg. This is on Page 33 of the report; it's the second bullet point under principles of implementation to which they're responding.

Thomas Rickert: Thanks Greg.

Berry Cobb: Great yes, thank you Greg.

All right, well let's go ahead and move along to Row 34. This comment was submitted by (Jay Chapman). The abstract is the participant does not support any recommendation to reserve or recover acronym identifiers in existing gTLDs, again citing that the protections do not supersede those of legitimate entities.

In terms of reading the comment itself, it supported (George Caracas') comment. And I didn't see anything else in terms of trying to highlight or draw attention to the working group here. So like previous ones, we'll note the response and no required action with regard to this comment.

And I see no hands or comments so we'll move on to Row...

Alan Greenberg: Sorry, it's Alan. I'm trying to raise my hand unsuccessfully.



I think this one, you know, essentially reinforces what I said before. If someone is saying it's (serving) the work group is even considering when in fact this work group rejected, that indicates a need for clarity.

Berry Cobb: Excellent, all right thank you Alan. I'll note that and then...

Alan Greenberg: And having the microphone, I'll say it's almost on the hour and I have to leave in two minutes.

Berry Cobb: Thank you Alan and thank you for joining us for the first hour; appreciate that.

And Greg, please.

Greg Shatan: I guess I will just add to what Alan said and, you know, in terms of clarifying this, you know, I think as a working group we're duty bound to consider what any one member puts up as a possibility even if we're rejecting it. And if that member or that member's stakeholder organization wants to put it in as a minority report, we're duty bound to include it regardless of the support or lack of support in the rest of the group. So there's nothing disturbing about this, this is the process of considering minority and majority positions, you know, working as it should.

You know, and I'm sorry that - I don't know if anybody from the NCSG is on the call. I'm wondering if they sincerely support that position or if that is kind of just trying to put, you know, toxic waste into the way that we deal with, you know, incumbent domains by saying, you know, by putting out something that's bad as a position.

But I don't know if that's really what's going on here or not, so you know, I would be curious to know if this is really how they would want it to be if we went down that road. But I guess we'll have to let the minority position speak for itself for the moment. Thanks.

Berry Cobb: Thank you Greg. Alan.

Alan Greenberg: Yes with regard to that, I have no doubt that Avri strongly supports it. And you know, if the NCSG has chosen to ratify that then the NCSG supports it. I don't think there's any intention to, you know, put toxic waste in just to mess up the pipe. And you know, to what extent they would have come up with it on their own is not really for us to decide.

But with regard to considering it, yes we considered it and we may consider it again in this process of reviewing the comments. But as of the time the report was published, we had considered it, and after due discussion rejected it, thus the minority report.

So I - you know, I think the tense of the verb matters although I think it is quite appropriate for us to have considered it, if we considered it and decided not to include that as a recommendation, then we are no longer considering it at the time the report was published. We may choose to reopen it of course.

Berry Cobb: Great, thank you Alan. All right, if there are no other comments for Row 34, we'll move on to Row 35. This comment was submitted by a (Joseph Peterson).

Like the others before it, the participant does not support recommendation to reserve or cover acronym identifiers in existing gTLDs, again citing that the rights would supersede those of legitimate entities. And also highlighted that such policies would infringe on the rights of free speech.

I didn't highlight that but I think that was basically the submitters last paragraph which is something that I think had been briefly touched on in previous or some of our initial deliberations when this working group was formed.

Any comments or suggestions on this particular comment and how it might affect our report? I think in general, it kind of falls in line with the previous ones.

Okay and Alan had typed into the chat about the use of the word recover. And that's probably my fault in terms of - okay, right. I see what you're saying.

Okay moving along to Row 38. This was a section that I had carved out because it seemed to focus directly in on the minority position that was included at the bottom of Section 5 of our final report.

This comment is from George Kirikos. The abstract is that, you know, however doesn't support any recommendation to reserve or recover acronym identifiers in existing gTLDs. More specifically, he was referring to the minority position that was supplied by the NCUC. And I think we had just briefly touched on that from our previous comment.

I'm not so sure that this will affect any of our current recommendations other than what we've discussed earlier in terms of trying to clarify some of the language within the report to make it much more clear about what was supported and what wasn't supported.

Any comments or suggestions about this particular comment?

All right, hearing and seeing none, I'll move forward to Row 39. And this comment was submitted by the UPU. It was actually a minority statement embedded within the Registry Stakeholder Group Public Comment Response. It seemed worthy to extract it out of the comment to make sure that it was included here.

As you know, I believe the person affiliated with the UPU is a member of our working group. But in short, their minority statement is that they - the participant does support the reservation and protections of full names and

acronym identifiers because IGOs are afforded this status under international law and treaty and thus serving the public interest. The protection of IGO identifiers is in line with the ICANN mission and also aligns with the GAC Advice. Without the acronym protection, the remaining recommendations are insufficient.

The comments are quite extensive, but I think I tried to capture the essence here within the abstract. I believe that this particular commenter's position has been deliberated on several times within the working group but I am open to any comments here by the members today and if there are any actions we should take in regards to this comment.

All right, hearing and seeing none, so we're getting very close to the end here. In fact, I think we only have two more comments to review through - pardon.

What I tried to do here is carve out a section that are basically the replies within the Public Comment Period. As you'll know, our public comment period closed on the 11th I believe of October and then we do a wait one day where reply period whereby community members can reply to any of the comments previously submitted.

As you know, we still continue to accept new comments but in particular some community members do choose to specifically reply or counter-reply based on some original comments. This reply was submitted by George Kirikos and it's in response to, I think it was, to the comments submitted by - I should have wrote this in the summary - from the comments submitted by (Sergio and Hope McKenna). I believe that they were representatives from IGOs.

The abstract from the comment though is that, again, the participant doesn't support recommendations on reserving or recovering acronym identifiers in existing gTLDs adding that this issue was rejected by the community in the

past. And he was making reference to the reserve names working group back in 2007.

The participant also questions reference and use to Article 6 as the basis for legal protection, and also makes note that existing temporary protections of the new gTLD Specification 5 conflict with what will be competing legitimate uses of more than one party. And again, this is a repeated notion that these organizations seeking protection all ready have their “carve outs” in existing TLDs like Dot INT.

But essentially the comments supplied here by (George) are a little bit more extensive than what I included in the abstract. However, I think that that pretty much falls in line with what recommendations are not supported by (George) from the working group, and I think it falls in line with the previous comments that he had submitted.

Any comments or suggestions with regard to this comment? Okay, we'll advance this forward to - I think there's one more which is Row 46.

And again, this is from George Kirikos and this was in response, also from (Sergio and Hope McKenna's) statement. And again, just reiterating that doesn't support the acronym identifier protection.

And I think what was interesting or a highlight of this particular response is knowing that the IOC and the Red Cross have successfully filed UDRPs in the past. And he makes the statement that the low volume of those UDRPs perhaps indicate that there is not sufficient harm to warrant any policy changes for protection. And again, that the UDRP is perhaps already an effective mechanism by which to descend or mitigate abuse out there.

And I believe (George) cited earlier that he could support access to these RPMs for any IGO or INGO, or at the very least, support a PDP that would review that.

Okay, so that takes us through the comments we have posted thus far. Again, we have exactly seven and-a-half days before the reply period closes. We do meet again next Wednesday on the 30th.

I suspect we'll have just about all the comments by then to review at our next session. There may be one or two more that are submitted exactly at the 11th hour on the 31st as to which we still have one more session on the 6th to review through those.

So I think that we'll conclude reviewing the public comments so far. As I mentioned earlier, once the MP3 and transcript are posted, I'll go back and listen through that so that I properly document the response and actions for this tool and we can move forward onto the next steps.

Essentially in terms of - well, I'll stop there. Thomas, I'll turn it back over to you if you have any other comments you'd like to make and then maybe we can just review through the work plans to wrap up the meeting for the day unless there are other things.

Thomas Rickert: Thanks very much Berry. You've done a great job summarizing this for us and also presenting and chairing this part of the call for us.

Before we move to the next agenda item, what I'd like to do actually is to briefly summarize with you, you meaning the whole group, the areas that we identified where we need to maybe add a little bit of clarity to the report or provide clarity elsewhere.

What I've taken note of is the issue of front running, I think we need to say something about the misunderstanding around the IGO acronym protections. I think we need to speak to the alleged issue of seizing domain names or taking domain names away from registrants that do have names that might be protected in existing TLDs.

So these are the main areas that I thought we need to address but I will open it up to the group to add other items to that list. Just a moment, I'm not hearing anything. Claudia is writing - Berry.

Berry Cobb: Thank you Thomas, this is Berry. Just as a heads up to the working group, as I mentioned, I started the next version as we work our way towards the final, final, final version of our final report. And right now, I've highlighted or used track changes for a couple of the small changes that we've uncovered, mostly thanks to Chuck's detailed review of the report.

And I've also highlighted some comments within the report which I think pretty much aligns to what you had just stated Thomas about some of the areas that we need to make sure that we review again in a more detailed manner before we finalize the report.

Anyway, what my statement here is is that when I send out the next version of our public comment review tool after I've gone through the notes, I'll also include, I think, it's Version 1.1 of the Draft Final Report, and you'll be able to see some of the highlights.

And I do invite working group members to start to review, most specifically, Section 5 of our report and start to propose any changes that we might need to make to the report, send those to the list. I can start to incorporate those suggestions into the master version. And I think certainly part of next week's meeting, I suspect we'll still have some comments to review, but I think we'll also allocate some time to start reviewing through the report and specifically touching on some of the sections that were highlighted by Thomas.

Thomas Rickert: Great, thanks Berry. And unless there are further points to add, and I don't see anybody raising his or her hand or writing in the chat, we can move to the next agenda item which is a quick review of the work plan.

Basically we are on track with our recent planning that you are already familiar with. I would just like to let you know that after the reply period has ended, I will do another briefing for the GNSO Council.

Again, this is not to be mistaken as a presentation or recommendations or motions of recommendations to the Council because we will not have finalized our deliberations. But I will brief the Council on the status of the public comments and the status of our work so that all councilors are fully informed of where we are in order to reduce the risk of councilors asking for a deferral at the upcoming ICANN meeting.

So the plan is to stay on track so that we can actually have the Council discuss, deliberate and ultimately vote on the recommendations that we're going to present.

Now the next meeting is going to take place on the 30th of this month. Same time but please do make sure that you keep an eye on the Daylight Savings Time changes that might occur in your time zone.

And I'm sure that I've forgotten something important to say which is why Berry has raised his hand and will surely correct me or add to what I just said. Berry, please fire away.

Berry Cobb: Thank you Thomas, this is Berry. This is definitely not a correction but an add. I just wanted to remind the members as well that, again, I am going to be working with Marika on how best to present the support or non-support for our recommendations so that it's concise and clear, so that's definitely something that we're working forward too.

I also will, in terms of kind of forecasting for our 6th November meeting or shortly after our 31st October GNSO Council Meeting, I'm going to be preparing our recommendations with the level of consensus and the support with that. Essentially it's going to be a matrix though that's going to be a tool



that will help us formulate how the recommendations will be presented to the GNSO Council.

And one of the things that I need to work with the more experienced member of ICANN staff is some of the recommendations are true consensus policy changes and some of the recommendations are just initiations of PDP, and some of the other recommendations are maybe perhaps just updates to the applicant guidebook. And each one of these recommendations - or I guess I should say buckets of recommendations have slightly varied voting thresholds within the GNSO Council.

So that's something that we're going to start preparing to better facilitate when these recommendations are presented at the Council, as well as what I think is also an important outcome from this tool that I'm mentioning, is that it will help us formulate the actual resolution statements that will be presented to the Council.

So to close off my longwinded statement here, for the 6th of November meeting, I'd like to have a draft resolution to share with the working group so that we can make sure that we have everything lined up with what the final results from the recommendations of the report are going to be and allow the working group input into that draft set of draft resolutions so that it's tight and is presentable to the GNSO Council by the 10 November.

And so while we are meeting on the 6th, we do have three days left before - or three or four - three business days left before the deadline on I think Monday the November 10th or something along those lines - I forget which day - to complete our final report and get it submitted to the Council as well as also submit a draft resolution. So again to Thomas's point, to try to mitigate any chance of these recommendations being pushed off into the December meeting. And that's all I have.

Thomas Rickert: Thank you very much Berry. And unless working group members have anything further to add, I can close this call early. So for those of you who want to take a look at the Webinar, you will be able to join that.

I'm looking forward to talking to you next week and thanks very much for your participation today. Bye-bye.

Man: Thank you, bye.

Woman: Bye.

END