

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Thursday 07 November 2013 at 14:00 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 Thursday 07 November 2013 at 14:00 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-20131107-en.mp3>

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

Attendees:

Jim Bikoff – IPC/IOC
Stephane Hankins – Red Cross Red Crescent
David Heasley – IPC/IOC
Claudia MacMaster Tamarit – ISO
Osvaldo Novoa – ISPCP
Christopher Rassi – Red Cross Red Crescent
Thomas Rickert – NCA –Working group chair
Griffin Barnette – IPC/IOC

Apology:

Chuck Gomes - RySG
Wolfgang Kleinwaechter - NCSG

ICANN Staff:

Marika Konings
Berry Cobb
Mary Wong
Julia Charvolen

Coordinator: Thank you. Today's conference is being recorded. If anyone has objections you may disconnect. You may begin.

Julia Charvolen: Thank you (Rebecca). Good morning, good afternoon, good evening everyone and welcome to the IGO INGO Working Group meeting on Thursday 7 November at 14 UCC.

On the call today we have Jim Bikoff, (David Hissley), Claudia MacMaster-Tamarit, (Esalda Nover), Christopher Rassi, Thomas Rickert and Griffin Barnett.

We have apologies from Wolfgang Kleinwächter and Chuck Gomes.

Again from staff we have Marika Konings, Berry Cobb, Mary Wong and myself Julia Charvolen.

May I please remind all participants to please state your 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. And as I do in every call I'm - first thing I'm going to ask you is whether you have any suggestions to amend the agenda or whether there are updates to statements of interest?

Hearing and reading none I should add that it I would have been surprised that your statements of interest have changed in the last what is it less than 20 hours or less than 12 hours? So it's not been too long ago since we last spoke.

You will remember that we concluded our call yesterday with the invitation and the offer for those of you that would like to discuss documents further or actually have questions answered that you might have yourself or that have arisen in the groups that you're working with or that you're representing.

So I guess that before we start looking into the report itself I would like to give you the opportunity to actually phrase those questions or share concerns or

views with me to ensure that we get these addressed first thing before we talk about the latest amendments to the report.

Okay I am hearing and seeing none. Let me ask you an additional question. And that is whether you can foresee any difficulties to sufficiently deliberate the latest versions of the documents with the respective groups.

In other words, do you envisage any difficulties to be ready to discuss and vote on what we're doing in Buenos Aires?

Again I'm hearing and reading no such concerns or requests for more information. Should something arise during this call or tomorrow's call, please do share that with the whole group or contact me individually if you want to.

I guess it's of paramount importance for us in trying to - try our best to ensure that the - this notion motion goes before the council in Buenos Aires that should you envisage any difficulties with your groups that you let us know at your earliest convenience so that we can try and help overcome difficulties.

Okay and with this I guess we can move to the second agenda item which I think is twofold. As we discussed yesterday it's not only the report but we should also take a look at the draft motion that Mary kindly prepared and amended overnight or, you know, it might not be overnight in your time zone actually.

So with that said, I'd like to hand over and then give the floor to Berry to guide you through the latest updates.

Berry Cobb: Thank you Thomas. This is Berry.

So to carry on with what Thomas had mentioned I guess I'll first and foremost recap the email that I sent out to the team last night.

It included a series of attachments to of where are - were based on the final report itself. The first was the Word document that had the red line with all the recent changes as well as a clean version of the PDF to assist in the easier reading.

And it also included what will be supplement attachments for each of the minority positions that were included in the final report version that we have now.

And I'd like to draw member's attention to the fact that per our call yesterday we agreed that we would extract the minority position statements out of the final report so that we can meet the 10 November deadline for documents and motions to the GNSO Council.

And the other benefit to that would allow stakeholders to submit a revision to their current minority position statement and/or submit a new position statement.

And we've established a deadline for next Friday at 19 UTC to have those minority positions included.

And essentially I'll take the format that I've done now which is essentially a cover page and then the minority statement below that. And each one of those will be an individual PDF attachment to the final report.

Just a little bit of probably detail that's boring to most but I am hopeful that sometime Saturday I will send an email with just the final report and the draft motion to the GNSO Council to make sure that we easily meet the 10 November deadline. So I plan to send that on the 9th of November.

Then on Monday of next week which is actually the 11th I'll be able to submit the PDF versions of our final documents to the Web admin so that we can get them all published within their dedicated location on the GNSO Web site.

And then from there as we receive the additional minority position statement then I can add them with the appropriate links to the Web page itself.

The other thing before we kind of go back into the final report itself is I also included the latest version of the Comment Review Tool. That included the updates and actions as we discussed in the meeting yesterday.

If any member see any additional edits or suggested changes please send those to the list as well. And I'll get that updated it.

And as a reminder that as well as our consensus call document will be included as supplements as well to assist the reader in more specific positions but amongst the stakeholders within the working group.

And then as Thomas mentioned after we reviewed through the report we'll kind of go over the draft resolution as well.

So regarding the final report within its current version essentially, you know, the two major changes that occurred between yesterday and today is that as I mentioned the minority positions were removed out of this report.

But then secondarily we did adjust the recommendation tables per the discussion yesterday.

I think primarily there was one strong support but significant opposition recommendation that was included in the unsupported section. And I believe that was for the INGOs. And I did float that up to the recommendations tables for the INGOs.

So in particular I'll draw members' attention. I won't go through any of the specific redlines but those can be reviewed by yourself in detail.

Really the only thing that is to be highlighted are essentially some comments that I have on out to the right.

Again we did talk yesterday about trying to get a definitive list for the Red Cross Red Crescent Society. And hopefully Stephane will send that to the list so that I can include that as an appendix to this report.

And then moving, you know, we didn't have any updates for the IOC. And for the IGOs I believe we were covered for all of the recommendations that contained consensus.

And yes, this is the one that I - that was floated back to the top, which is for the IGOs, which was making sure that the exact match acronym protections is strong support but significant opposition recommendation was listed there.

And then finally I think just in terms of call out for the working group kind of as we discussed yesterday the first recommendation for the INGOs I just wanted to - I think we agreed yesterday -- and Thomas correct me if I'm wrong -- that the way the current levels of support are depicted in the report will likely remain the same, which again the first one for exact match school names and scope one identifiers is labeled as consensus.

However, you know, the BC's public comment submission didn't support that recommendation and the likes of that current objection processes and procedures for the gTLD program they believe are sufficient and therefore didn't warrant the reservation of these names at the top level.

And then secondarily the one recommendation that wasn't included in this matrix does now show. And that was with respect to the two identifiers for INGOs which is the general consultative list allowed - oh, I'm sorry, there are - the recommendations, you can see how confusing this gets.

The recommendation for the INGOs to enter into the clearinghouse was already there. And what I did forget to mention is the sunrise recommendation that did have strong support but significant opposition.

That is what I floated back up across the organization.

So I won't scroll to make reference to it. But for the Red Cross Red Crescent there was a specific recommendation added to the strong support with significant opposition for sunrise access as well as for the IGOs and the INGOs which is what you see in the AP screen here.

And just for clarity's sake that was a general recommendation or I'm sorry, it was a proposal that was in the unsupported proposal section that did have strong support but significant opposition. It was only in the general sense.

And with this version I extracted that out across the three organizations that I mentioned.

And so each one I've listed for the - each organization but again, still strong support but significant opposition.

And they - I think one other change of note within each of the consensus level designations for the recommendation, you know, it's agreed upon by the working group to include those stakeholders that didn't support a particular recommendation.

I did get some additional feedback amongst staff and it wasn't very clear. But there were a few comments that were submitted by the NCSG that the NCSG would support a particular recommendation. But they also mentioned that there was significant opposition within their stakeholder group.

And I tried to clarify that a little bit that or by adding within that there was opposition within their stakeholder group, but overall that the stakeholder

group did support the recommendations to put a little bit more clarity around those particular statements.

So I - and I think the only other thing that I'll draw working group members attention to is again in the background section I did update that particular section with the latest events that have occurred which included the working group submitting a public comment period for the draft final report. That included our proposed recommendations and the consensus level.

And then I also included the two activities that have occurred and more recently. And again, that was the 2 October letter from the NGPC to the GAC about a potential proposal for the IGOs and with regards to acronyms as well as the IGO Coalition response to the GAC in that proposal. So that section now includes the language as well as the links to the letters that were sent amongst those groups.

So I think in general that was the primary changes to this version. I don't really have anything more to present. So I'll turn it back over at Thomas if there's any additional questions or any other suggested changes.

Thomas Rickert: Thanks very much Berry. And the question is for the group to be answered whether you have more questions?

As far as I am concerned I guess all the to dos after yesterday's call have been worked on. The ALAC statements have been consolidated. They did not have impact on the consensus level.

So the question is really to you whether you have more questions with respect to the report. And if not, I guess we can move straight to the draft resolution, which - Berry?

Berry Cobb: I'm sorry, Thomas, just one more thing to note. I really would appreciate feedback from the working group members, especially regarding, you know,

we - I think this is at least for me is the biggest report that I've ever come across with a number of footnotes that we have.

And so I'd really appreciate any feedback on the content of the footnotes to make sure that any of the footnotes in the statements there makes sense to you, and if there are any improvements in the language just to make them a little bit more clear. That would definitely be helpful as well. So thank you.

Thomas Rickert: Thanks Berry. So maybe between today's and tomorrow's call you can all take a more thorough look at the fine print in the footnotes and share with Berry whether you have any improvements.

But so far I take your silence as agreement with the report as it stands.

Stephane Hankins: Thomas?

Thomas Rickert: Stephane yes?

Stephane Hankins: Yes. This is Stephane Hankins and Berry, Stephane Hankins Red Cross, Red Crescent ICOC. Yes Thomas we're - we will submit by end of today, Chris and I. We will submit a few comments.

One of them is we'll submit the revised minority statement of the Red Cross, Red Crescent to be inserted on Pages 36, 37. So we will send this by today.

We will also be sharing with the group, you know, this list that was requested of the names of the respective components of the Red Cross, Red Crescent movement. So we will be able to send that also today.

And there was just one small remark with regard to the footnote which we will also send. But I can - we can mention it now which is in the footnotes that are below the recommendations for the respective organizations there is a reference to the relevant pages on which the minority statements are found.

And we were wondering whether those footnotes should not also include a reference to the relevant pages on which the summary of the respective international organizations possessions are found?

This is somewhere else in the - it's another place of the report. And in a sense, I think, you know, those descriptions of the positions of the organizations are complementary to the minority position and we didn't necessarily, you know, repeat the whole thing once more.

So I think it might be helpful in the footnotes under the recommendations for the respective organizations or groups of organizations to add also the reference to the positions. That is all. Thank you very much.

Thomas Rickert: Thanks very much Stephane. And first of all thank you for sharing the complete list with us so that it can be added to the report.

As far as the minority statement is concerned, please do remember that we discussed yesterday that are minority reports would be based outside of the report.

Stephane Hankins: Yes.

Thomas Rickert: They would be in reference to but they would be extra PDFs. So it doesn't do any harm if you do this today, but certainly earlier is better than later.

And then I'm sure that Berry will take care of appropriately linking to the minority statement.

Berry do you have any idea with respect to the last point that Stephane mentioned, i.e., the general position?

Berry Cobb: No. Your response was right on. You know definitely the earlier the better. And we'll make sure to have that updated.

And thank you for pointing out the footnote in regards to pointing to the minority positions. I do need to update to reflect that they'll be supplemented attachments instead of the recommendations section. So I'll make sure to make those changes. And so thank you for your feedback.

Thomas Rickert: But Berry wouldn't it make sense maybe for Stephane to include the additional position paper that he alluded to in the minority statements so that we have their position in one place in one document?

Berry Cobb: Yes.

Thomas Rickert: So Stephane if you could please amalgamate the two documents, the general position and the minority statement into one minority position document I guess that would be helpful and make it easier for the reader to grasp your position as a group.

Stephane Hankins: May I respond to that?

Thomas Rickert: Please do.

Stephane Hankins: These - and now I can't find on the page what they are called.

These summary of international organizations positions, they will remain within the report?

Berry Cobb: Yes, okay. I'm sorry I was confused. This is Berry. Yes, there is a I think the community feedback section, which is Section 6 that outlines the feedback and the overall position. Those will remain in the final report. And only the minority positions will be included as supplements. So you're correct Stephane.

Stephane Hankins: Okay, thank you. So we - what we will do is we will in the minority statement then, you know, possibly include a reference to those paragraphs within the core of the report which detail the position. Thank you very much.

Berry Cobb: That's fine. Thank you.

Thomas Rickert: Great. Now any further comment on the report?

Hearing and reading none I guess that one comment written in the chat by Griffin sort of allows for smooth transition of our discussion to the draft motion.

And his question for those who are just on audio he was asking whether the consensus against recommendations in Section 3.5 of the report should be based elsewhere.

And I guess that's a good opportunity to hand over to Mary and explain the rationale for that.

Mary Wong: Hi Thomas and hi everybody. Thank you. As I responded to Griffin in the chat this particular session has changed somewhat. And Berry can speak better to it in the sense that on the last working group (held) yesterday there was some very strong views expressed by a number of members that it really was a consensus again.

So while the actual recommendation as phrased and as sent out for public comment did not get the support there was support for the contrary proposition. So the discussion was about how best to capture that. And that's why you now see it in 3.5. And I think Berry just put it back on the screen.

In terms of the draft motion what we've also done is - well a couple of things. First is the only the consensus recommendation, so leaving a (consensus)

again. Only the consensus recommendation happen specified in the resolve clauses.

And there is a second thing. There is a second resolve clause that we added that deals with the consensus against proposals so making it clear that this is not a consensus recommendation as such, but is a consensus against a particular proposal.

So Thomas hopefully that helps.

What you're seeing on the screen here is a clean version of the document that was sent back by Jim and the rest of the IOT came yesterday evening. Thanks again very much Jim and everyone.

Stephane I don't know if the Red Cross is intending to send its comments. I know you mentioned that yesterday on the call.

And Claudia am very glad that you're in the call as well because one of the things that we changed from the first version, you saw to the one I sent and what is now in Jim's version is that we have rephrased some of the INGO recommendation.

So we want to be very certain that what we have done in both the whereas and resolve clauses but particularly the results clauses accurately captures the recommendations and specifically for each of your group's point of view that it is accurate and also of course that we haven't left anything out.

The other resolve clauses deal with the issue report for the UDRP and the URS for example and the request that the standing committee for improvement looks at the consensus level wording -- so very specific things like that.

There is also a resolve clause that deals with the recommendations for incumbent or existing registries that we asked Chuck to look at.

And I think finally we have the recommendation on the Implementation Review Team that specifically highlights for the moment the principles of implementation that are in the report. And what we'll add is also mention of the exception procedures to be designed. That was from Wednesday's call.

So before I open it up I guess the final comment I would like to make on this is that I believe Chuck suggested that we might also want to add a resolve clause indicating at least highlighting those recommendations that did not achieve consensus but that achieved strong support even with significant opposition.

It is not in this draft, but we will add it once we have a sense of whether we are going to have any further suggested edit on this.

So Thomas that's my spiel for now.

Thomas Rickert: Thanks very much Mary. And my question goes out to the group. Are there any more questions with respect to this draft resolution?

Jim Bikoff: Thomas it's Jim.

Thomas Rickert: Jim please.

Jim Bikoff: I received - we received Mary's email yesterday - last night. On two clauses that she had observations on I took a look at the Clause 14. And I agree that the INGOs were not specifically mentioned.

In Class 12 I think she's also correct that while it's certainly not expressly recommended I felt it was implicit in the recommendation that there would be

a need to evaluate whether the temporary protectives would be, you know, would be say permanent in the final issues report.

So I guess I don't really have that strong of a feeling since we're talking about whereas clauses. But I felt that Clause 12 was, you know, there was that implicit, you know, that implicit suggestion in that clause whereas in 14 certainly there was no mention even though it was acknowledged in another part of the resolution.

Thomas Rickert: Thanks Jim. And I'll let Mary answer that.

Mary Wong: Thanks Jim and thanks Thomas.

So Jim, I guess what we'll do is remove that new additional reference to INGO in whereas Class 14 to more accurately reflect what the board actually said. So thank you for that.

On Class 12 I wonder whether - and for everybody else we're talking about Class 12 that's here on the screen. That part that's between the dash as someone the middleware where the proposed addition was including whether to extend the temporary protections already afforded to the RCRC and the IOC.

Jim my thought was maybe if we put something like including considering further protection for the RCRC and the IOC.

I guess I can (see) was that the word (again) because that could be interpreted a number of ways. And so I'm wondering if by my proposed wording that would accommodate the implicit acknowledgment that you and I both mentioned without, you know, possibly raising questions as to what extend means.

So in short the proposal here for the words between the two dashes in Class 12 is including considering further protection for the RCRC and the IOC.

Again, I don't feel strongly about it either. It is a whereis clause.

Jim Bikoff: Yes I think that's a good compromise Mary. We can agree to that.

Mary Wong: Okay so I'll make that change.

Thomas Rickert: Great. So any further questions or remarks?

Mary Wong: Thomas this is Mary again.

Thomas Rickert: Please Mary.

Mary Wong: So I'm really hoping working group members will look particularly at the resolve clauses. I say we do want to be accurate.

And given that we are looking at a deadline of 10th of November for submission to the council I'm also hoping that any comments - you don't have to send a red line marker. I know everybody's busy and we're on a time crunch here. But if you could just even shoot me an email or an email to the working group saying I have concerns about X I can try and take on board those concerns.

I'd really like to if possible get any indication of, you know, concerns or comments (certainly) before our call tomorrow so that by close of business tomorrow we can at least have a final draft that everybody can review and that we can send it to the council if not before the 10th certainly on the 10th.

Thomas Rickert: Thanks Mary. And I couldn't agree more. You will remember that early on this call I also encouraged you to flag all issues you might have as early as you can so that we can hopefully address them sufficiently.

More questions?

Stephane Hankins: Thomas?

Thomas Rickert: Stephane please.

Stephane Hankins: Yes, excuse me. This is Stephane Hankins Red Cross, Red Crescent.
Thank you very much Mary for all the work that was done on this.

We will send in our message today, you know, some proposed revisions on language, you know, for the paragraphs that highlight the recommendations on the protections of the Red Cross and Red Crescent designations and the names. So we'll - we will send that.

There was a slight question that we had with Chris Rassi which was whether the notion should not use just to some degree acknowledge - I'm sorry to come back to this, the minority statements.

Because in a sense the whole notion of submitting this minority statements is that, you know, to provide the GNSO council of the full picture including, you know, the minority positions within the consensus.

So I think we'll put this also, you know, as a small suggestion in our message and send this along as well. Thank you.

Thomas Rickert: Thank you.

Mary?

Mary Wong: Thanks Thomas and thanks Stephan for that comment. I will look forward to receiving the email and have a draft or redraft of everything you discussed and taking on board your edits by tomorrow hopefully.

With respect to the minority statement I (might) be 100% sure but I don't believe that that is normally done as part of the vote and resolution.

So but I do take your point that it may be important to reflect that there was some minority statements made particularly by organizations that could be impacted by these recommendations. And others say that's not just the RCRC but the other groups as well.

So one thing we could do is either in that last resolve clause or maybe adding a new resolve clause 21. And we can play with the wording so that we highlighted for the council attention that we actually indicate that the draft - that the actual final report does include minority statements including statements from organizations potentially impacted. Would that work for you?

Stephane Hankins: And this is a question to Stephan or...

Thomas Rickert: Yes.

Stephane Hankins: Stephane here. Yes I think it would - it was a comment a little bit. This is one way of doing it.

You know, another way would be to have, you know, a small additional paragraph, you know, possibly in a paragraph 2 of the offer of (purchase) sections that would say, you know, the GNSO council takes note of minority statements presented by or on behalf of the respective organizations or groups of organizations and which are highlighted in the final report. There was - there's suggestion that we would've had.

But I think what Mary described would also be adequate. Thank you.

Thomas Rickert: Thank Stephane. More comments, questions?

Hearing and reading none I think we can conclude this agenda item and moved to the last agenda item which is the confirmation of the next meeting and that will take place tomorrow at the same time.

And please do walk through the two documents in particular thoroughly to be able to flag any remaining concerns or request for alteration during tomorrow's meeting so that we can then close this exercise.

Okay. And unless you have further things to say I am virtually looking at ICANN staff. Berry or Mary in particular, do we have anything to add or can we close the call?

Berry Cobb: I think I'm good to go.

Thomas Rickert: Okay, good. So thanks very much. So we can finish this call early. And thanks for all your participation and your stamina to work on this.

As Claudia mentioned before we started the recording thanks everybody and talk to you tomorrow. Bye-bye.

Berry Cobb: Thank you. Bye.

Stephane Hankins: Thanks. Bye-bye.

END