

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Friday 08 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 Friday 08 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-20131108-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
Val Sherman – IPC/IOC
Chuck Gomes – RySG
Alan Greenberg - ALAC

Apology:

Wolfgang Kleinwaechter - NCSG

ICANN Staff:

Marika Konings
Berry Cobb
Mary Wong
Julia Charvolen

Coordinator: I'd like remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Julia Charvolen: Thank you (Kelly). Welcome everyone to the IGO NGO Working Group meeting on Friday 8th of November 2013 at 14 UTC.

On today's call we have (David Hissley), Stephane Hankins, (Val Sherman), Chuck Gomes, Jim Bikoff, Christopher Rassi, Alan Greenberg, Thomas Rickert, and Claudia MacMaster-Tamarit.

We have apologies from Wolfgang Kleinwächter. And from staff we have Berry Cobb, Mary Wong, and myself Julia Charvolen.

May I please remind all participants to please state your name for speaking for transcript purposes. Thank you and over to you.

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

And my first question to the group is whether there are any requests to change the agenda or whether there are changes to the statements of interest?

Hearing and reading done we can move to the next agenda item and that would be the review of the draft find report as well as the review of the draft resolution.

And I would like to start this call by thanking you all for your participation in all these calls. And as you know it's always difficult to get a document such as this finalized so that everybody's happy with it.

And I've seen so much traffic on the mailing list and I think this is very encouraging to see that you spent so much of your time into making this a very successful PDP.

And I think we have an excellent showcase of how community work can be done successfully. And rest assured that I will bring this to the attention of those that I can speak to in Buenos Aires at the upcoming ICANN meeting.

And with this I would like to hand over to Berry to guide you through the latest changes to the final report. Berry please.

Berry Cobb: Thank you Thomas. This is Berry. So I'll just briefly highlight some of the - well a lot of the changes that occurred from yesterday's meeting and then we can talk about a few of the specifics.

For starters within the red line you may have noticed that the entire executive summary had changed.

The reason for that is this Word document template is going to be the death of me someday but the numbering scheme was throwing off the formatting and bullets that would - should show up as bullets, were starting to show up as numbers and vice versa.

So I just deleted it all and created it new. So that's why the entire executive summary looks red lined the way that it does.

But more importantly what I did add to the executive summary was just what you see on this screen now which is basically a listing of the supplements that are going to be attached along with the final report which is Alpha through India.

And I think the only thing to really take note here is I left supplement B empty for now. And the reason for that is we've pretty much followed a structure within the report of how we presented the recommendation.

We start off with the Red Cross and the IOC then the IGOs, the INGOs and then any general recommendations.

So I wanted to try to maintain the continuity of the format through the supplements up until we get into, you know, having additional minority positions. And of course then there are a few other supplements which are

regarding our consensus call document, the Public Comment Review Tool as well as the identifier list that was supplied by the Red Cross.

And I thank you for sending that along Stephane. I think that will be very helpful.

Chuck I see your hand is raised.

Chuck Gomes: Yes. Just this is just a suggestion when we transmit our report. Because our executive summary is not like the typical executive summary where the recommendations are included in the executive summary I think it would be very helpful when we transmit the report to the council and maybe even when we post it that we note that unlike other, most other executive summaries in the Working Group reports the recommendations were too lengthy to include in the executive summary.

So it's important that people who are not able to read the whole report that they at least look at Section 3 where the recommendations are detailed.

Sorry to interrupt your train there but I - since we're talking about the executive summary I thought that is something that we should do when we transmit the report and when we post it. Thanks.

Berry Cobb: Great, thank you Chuck. I think that's an excellent suggestion. And yes you're right of about certainly the length of our recommendations would never - it would be the longest executive summary in history if we tried putting them up in that regard.

And I don't think any kind of summary bullets would do it enough justice since we understand...

Chuck Gomes: Right.

Berry Cobb: ...most readers or consumers of our content typically just focus on the executive summary.

So yes at any rate so I mentioned about the supplements and one thing that I'd like to point out you'll see Supplement F or Supplement Foxtrot that is a placeholder for the ALAC.

I think Alan from our last working group call it sounded like the ALAC was going to create a minority position statement. So I just wanted to keep a placeholder there.

And the RCRC the IGOs and the INGOs have provided updates to their minority positions. So those are now included and then the NCSG is still carried over from our draft final report.

And as you'll recall that we have until the 15th or Friday of next week that - that's the deadline time but it's (fine) next week for any other minority positions to be submitted.

So the course of steps that will basically be happy - happening is we'll complete (work) today. We'll make any final updates to the final report and the draft motion.

We'll package those two documents together. And Sunday morning my time is when I'll submit those to the GNSO counsel list. And that will at least allow us to make the council documents and motions deadline. But it's also acting as a placeholder for it.

So if there are one or two other edits to the motion I think we'll have some flexibility there and certainly we'll also be able to package up all of the minority positions throughout the week and be sure that they're included with the final report as well.

And one thing that I'll note typically when we submit documents to the council the secretariat team prefers us to have a Web link to the report versus just attaching it to the email itself.

The Web admin team typically had not been serviced on Sunday. So the first thing Monday morning every attachment or every document that I do have that's finalized I will have the Web admin team post up on our IGO INGO Web page so that I can have the links created.

And then as we get additional updates to any of the PDFs I'll make sure that those get included along or appended to the Web page so that we have the most freshest documents possible. Chuck please?

Chuck Gomes: Yes thanks Berry. Sorry to interrupt you again but now in that regard can they do some of the setup today so that it's pretty quick on Monday morning to get it done?

Berry Cobb: It's literally two minutes for them...

Chuck Gomes: Oh okay.

Berry Cobb: ...to do it.

Chuck Gomes: Okay all right.

Berry Cobb: So...

Chuck Gomes: All right then it's fine. That's fine. I didn't know how long it took them.

What I'd really raised my hand about, for these supplements when you submit on Sunday will the minority statements that we have be included?

And a corollary question to that in cases where a group has indicated that they going to change theirs will we wait and include theirs once we have their revision?

Berry Cobb: That's a great question Chuck. Thank you. Basically I'm going to with the exception of the ALAC placeholder which really has zero content in there I'm going to submit everything that I have to date.

But I'll make sure that the note explains that we have until the 15th deadline for any additional minority positions to be updated as, you know, I want to be able to start submitting everything that I can so that I know that it's finalized so that people can have access to start reviewing it even though that we're still awaiting some of the position statements.

Chuck Gomes: Thanks.

Berry Cobb: Alan please?

Alan Greenberg: Yes thank you. I strongly suggest that you can choose to upload the minority reports one by one but you really need a single PDF with all of them in it.

You know, just as was done with the Applicant Guidebook offer people both options. Because requiring them to download ten different documents almost guarantees they won't.

Berry Cobb: Okay thank you Alan.

Alan Greenberg: And just a reminder I have a hard deadline to leave in 15 minutes so if you want me to talk about that item it needs to be soon. Thank you.

Berry Cobb: Okay let's we'll go ahead and bypass down. I think that these are the two sections that have still been neglected the most for the report.

So I'm going to advance us forward to Section 3.7 which talks about the implementation considerations for incumbent gTLDs.

Chuck had one comment still that I think the group probably needs to talk about. And we'll come back to that one in a second.

But do want to draw your attention per our Working Group call on Wednesday.

Chuck Gomes: Are you still there Berry?

Berry Cobb: Yes I'm sorry I'm just trying to - I can only - I can't multitask this morning. Oh there it is. Alan has submitted a suggestion I think in regards to if a name naturally drops off and that the latest registrant of that particular name is no longer involved in the transaction we're looking for the appropriate wording to include here that made sense that would allow the name to be recovered for reservation.

And so Alan I'll go ahead and turn it over to you but basically it's the second bullet that you'll see on the screen which now reads the second level registration within an existing gTLD that matches a protective an identifier as identified via any consensus policy defined here

And the registration of said name if registered prior to implementation of protections for such cutoff date as may be determined shall be - oh this isn't the one.

Alan I'll go ahead and turn it over to you. I need to find where - you can go ahead and talk about the change. I need to find where it is in the report now.

Alan Greenberg: You were on it a moment ago, the paragraph starting the previous point notwithstanding. It spans on...

Berry Cobb: Oh here it is.

Alan Greenberg: ...onto the next page.

Berry Cobb: I'm so used to the red line, not the clean version.

Alan Greenberg: Yes okay. The issue here is that all registration agreements or virtually all registration agreements give the registrar the right after expiration but while the name is still renewable to essentially sell auction or take custody of the name without the registrant's explicit permission.

So essentially instead of deleting the name even though the original registrant has let it expire and is choosing not to renew it they registrar can resell it.

Technically from the registry point of view that domain has never disappeared. It is never deleted. And this paragraph follows the previous one.

The previous one basically says if an existing name exists then none of the rules change. But we are changing one rule. And that's why I start off with the previous point notwithstanding.

If the name has expired then the terms in the registration agreement -- this is the agreement between the registrar and the registrant -- which allow a registrar to take custody of the name and do with it as it wishes essentially are not valid.

So I hope that's what it says. It may not be transferred to a new registrant after expiration under the subject of the terms that would normally allow a registrar to do this without the explicit involvement of the registrant.

And that's the sum total.

Berry Cobb: Great. Thank you Alan and I really do appreciate you taking on that task of providing better language than what I had originally supplied in there. So I appreciate that. Chuck please.

Chuck Gomes: Yes and thanks also to Alan on doing this but I think there's a couple edits that are needed.

Number one it - when you verbally shared this you included an it before may but I think that it is missing in your email language.

Alan Greenberg: You're - you are correct it is.

Chuck Gomes: Yes and then it makes sense and I was struggling with it. And then I realized that was what was happening.

Now secondly I think -- and we can discuss this -- but I think that we still should have the language in there about the name being ineligible for registration for the defined policy which you dropped. Now did you drop that intentionally?

Alan Greenberg: No. Where - tell - give me the language?

Chuck Gomes: Well it says right now, I'm reading from your email not the report but it says the second sentence says at the time the name completes eligible grace and becomes eligible for deletion the name shall not be reallocated by the registry and shall be deemed ineligible for registration for the defined policy.

Alan Greenberg: Well I - okay I thought it was already there somewhere else that says the registry cannot allocate the name.

Chuck Gomes: Well...

Alan Greenberg: Wasn't that already covered? I don't mind if it's added but I don't - you know, we can certainly add once deleted the registry may not, you know, allow re-registration of that string.

Chuck Gomes: Well...

Alan Greenberg: I have no problem with that.

Chuck Gomes: Okay and I...

Alan Greenberg: ...I thought it was implicit because of a previous comment...

((Crosstalk))

Chuck Gomes: Yes.

Alan Greenberg: ...previous part but maybe not.

Chuck Gomes: And this is Chuck again. And I think that makes it, you know, explicitly clear which I think the clearer we can be the better.

I - you're probably right that it might not be totally essential. But I think it would be good if that the contents of that second sentence of the original wording or at least the last part of it be included there.

Alan Greenberg: Yes it shouldn't be - yes, I have no problem with that. It shouldn't be eligible for deletion. It's upon deletion that it should not be eligible for reregistration I guess is the...

Chuck Gomes: Yes that was just - that's fine. And I was mainly concerned about that...

Alan Greenberg: Yes on...

Chuck Gomes: ...second clause.

Alan Greenberg: Remember technically there's the...

Chuck Gomes: Yes I get it.

Alan Greenberg: ...RGP, the Renewal Grace Period which still kicks in for 30 days because the registrant, the original registrant can still get it back. And I'm not sure that where we want to - we don't want to remove that.

So but it's the reregistration that we're not going to allow.

Chuck Gomes: Yes. Thanks.

Thomas Rickert: This is Thomas but before sort of getting lost in details there wouldn't it be an idea to just limit it to reregistration?

Alan Greenberg: I - what you mean by limit it to reregistration? We're not allowing the name to be reregistered by a new owner.

Thomas Rickert: Yes and why can't we say that without referring to specific policies? I mean the essence of what I heard you saying was that we do not want the names to be reregistered.

Alan Greenberg: Once it's deleted correct.

Thomas Rickert: Yes. So wouldn't - not trying to complicate things rather the opposite but before making mention of various policies that even might be changed I think what in practice we're trying to say is that we want to avoid the reregistration of deleted names.

Alan Greenberg: Are you saying replace I wrote by something like what you are saying?

Thomas Rickert: Should the two of you or should the group agree on what you have currently worked or what the result of your discussions is then I won't interfere.

But should there be further discussion on that then we might use the alternative that just spells out...

Alan Greenberg: Okay, okay Thomas the problem is that the scenario I'm describing is not reregistration. It's a transfer of owner after expiration without the involvement of the original owner.

Thomas Rickert: Okay. Let's I see - I some conversation in the chat. Let's just leave the language as it is unless somebody violently objects to it.

Alan Greenberg: Okay.

Chuck Gomes: Thomas as is what do you mean? This is Chuck. I mean the way Alan proposed it?

Thomas Rickert: With the edits that you just discussed and that Berry...

Chuck Gomes: Oh okay. Okay.

Thomas Rickert: Yes.

Chuck Gomes: Okay all right. That's fine thanks.

Alan Greenberg: Okay so we're taking the language I...

((Crosstalk))

Thomas Rickert: Okay so that seems to be resolved. Berry...

Alan Greenberg: Whoa, whoa, whoa, whoa, whoa, one at a time please. Sorry, so for clarity we're taking the language I had and adding to it a sentence which says I don't know if we've crafted the words exactly that following deletion the registry will not allow reregistration of that name of that string.

Chuck Gomes: And that the it will - the name will be deemed ineligible for registration for the defined policy.

Alan Greenberg: Yes okay. I'm - I'll let you - I'll let you use, you know, the correct wording on that.

Chuck Gomes: Well that wording is - was in the previous version. All I'm saying is let's put that back in.

Alan Greenberg: Yes I'm just saying went - it's not when it becomes eligible for deletion, it's following deletion.

Chuck in your mind is that - that doesn't remove the RGP because that's not reregistration, that's renewal?

Chuck Gomes: No because I think we say - well then maybe the previous one did it...

Alan Greenberg: Oh all right but...

Chuck Gomes: ...so it not eliminate RGP.

Berry Cobb: Yes correct. So I have the language pasted over on to the left. And the reason why originally it stated becomes eligible for deletion is when you look at the domain lifecycle and it completes the RGP then it goes into the deletion grace period.

I think in terms of finding a precise time is that the 00001 second that it exits RGP means that it's eligible for deletion and that's the very point that we would want the name to be preserved.

Alan Greenberg: No careful, deletion is a technical term and that's what the registrar does. I'm not sure what the actual terminology is because remember it becomes unusable in the root zone as soon as it goes into RGP.

I don't think it's deleted though. I don't think it's disappeared but the term delete is the action the registrar takes. I'm not sure what the word is for when the registry actually removes it.

Chuck Gomes: This is Chuck. The wording on the left looks pretty good to me.

Berry Cobb: Okay. If no one objects I'll reinstate that sentence that I had originally deleted in there. And I do think that that kind of closes out the concept that we're trying to get.

And of course if we missed a word here then we certainly still have the IRT to take a closer look at this.

Alan Greenberg: Yes Berry you may want to check with the registrar support people to make sure that the term deletion that you're using there is the proper term.

You're talking about the registry removing it, not the registrar deleting it. So you may want to just make sure that we're not having a problem.

Berry Cobb: Okay will do.

Alan Greenberg: Okay. I've got to drop off now. Thanks everyone. Bye-bye.

Berry Cobb: Thank you Alan.

Thomas Rickert: Thanks Alan. Bye.

Berry Cobb: Okay it's everybody just give me a second to make sure I captured all that correctly. All right yes so then while we're in this section I would like to go ahead and try to close off the comment that was submitted by Chuck.

And I think his comment over here to the right is definitely a very legitimate concern. And to be quite honest I'm not sure when the trigger time is I mean if nefarious people were listening to the call right now they may perhaps already be front running us if they chose to.

So I just wanted to reconfirm with the group is our language sufficient enough here and then when we go to - I guess I'm going to open it up for thoughts about when - what's the trigger time that we actually try to do this or how would we go about implementing it?

We can communicate up front to the council, to the board and everybody that there is this, you know, this date that we're concerned about.

I just don't know how we go about implementing a reservation protection in existing gTLDs before it gets approved by the board.

And if somebody were to register one of these names then in fact we're prior to the board approving it but we haven't blocked it then we would actually have to go back and recover that name. Chuck I see your hand is raised.

Chuck Gomes: Yes, you know, it's a really good question you're asking how do we do it? I almost think and I'm open to others on the staff team as well as anybody else to chime in but I almost think that if we want this to happen or more rightly if the council thinks that this should happen it all - this particular issue has to be a separate action and an expedited action that we would suggest happening.

Now as soon as you do that of course you're waving the flag that this is going to happen. I don't know if that should be done confidentially or if it even can.

But for sure I think it's got to be a separate action by the council that's expedited to the board and suggested that this action be taken as soon as practical.

And in other words the board would almost have to do - in one of their special meetings have to look at this separately and approve it unless there's some way -- and I don't think there is -- that it could be implemented without board action.

Does that make sense?

Berry Cobb: This is Berry. I definitely agree 100%. And, you know, I almost see it as, you know, it's almost that policy versus implementation component because the policy hasn't really been 100% baked yet but yet we're already implementing. I - you know, thinking about how you actually implement this, you know, would it be a communication out to the registries in confidence?

You know, we recognize that the policy hasn't been formally adopted yet but please go ahead and reserve these names.

And, you know, if that could happen that's great. We would minimize the impact. But what do we do if there are a couple of stragglers that are, you know, are nefarious persons that went ahead and registered one or two of those names? How do we, you know, how would we go about recovering those?

Chuck Gomes: That - this is Chuck again. That would be even more complicated. I'm not sure we can realistically do that. But if we could pick a point and do this it's not unlike what the board did already in terms of reserving Red Cross and

IOC and IGO names in the guidebook right now until the policy development process finishes and the board takes action.

So it's kind of like that although the sooner this happens the less front running is possible.

So I don't know, you may want to talk with General Counsel's Office today in terms of how we can best make this happen in a timely manner without encouraging more front running.

It's a tough challenge but that was what my comment was about. We can talk about doing this but if it doesn't happen fairly quickly separate from everything that's happening we will have lost any value.

Berry Cobb: Great. Thank you Chuck, agree 100% and I will connect with GCO today and seek their advice.

And if I hear anything different than what we've already discussed I'll send it out to the list to inform the group. Thomas please?

Thomas Rickert: Yes I would like to support Chuck's proposal to include two or three words along the lines of us as soon as practically possible.

I would not - I would urge the group not to include any specific date because I think the board does know that action needs to be taken swiftly and then they will do it at their earliest convenience.

But if we put a date in there we don't have any legal powers to sort of force registries to take measures.

So we might discredit the whole work product if we put in a date that would not be followed.

Berry Cobb: Great, thank you...

Thomas Rickert: Berry am I on mute? Okay your back.

Berry Cobb: Thank you Thomas. So I did add an appended short sentence to this bullet that this should be implemented as soon as practically possible.

Hopefully that encapsulates it enough. And like I said I'll check with the GCO and see if there's any other language or if they have any other ideas about how we can move this forward.

And in fact my first thought was well we need to educate the council about this especially like on our weekend session and for those just to remind those Saturday morning in Buenos Aires right now I think we have 45 minutes designated to brief the GNSO about our recommendation.

Based on the current form of the agenda it looks like we may be able to capture as much as an hour, hour and a half even to review these recommendations in detail.

So initially I just said - I thought came to my mind that we should brief them specifically about this but it's a very public forum. So I think we'll actually omit kind of detailed discussion in this regard, hopefully just assist in minimizing any collateral damage here.

All right great. If there are no other questions or discussions on this part let me move on to the next section which I think I had.

Again this is about the exception procedures. And I believe we all recognize that there's probably going to be - it's probably be one of the key areas for the IRT to really look at implementing or provide more detailed analysis about what an exception procedure would look like, how it would be applied at the top and second levels.

And I just wanted to make sure that we have addressed this accordingly especially based on the public comment feedback that we received.

So the first question here again is in reference to (Brian Becums) comment and stated that it didn't seem to him that these outlines or procedures included a possible third-party legitimate use of these blocked strings.

And I wanted to ask the working group is that they first agreed with that or is there an additional bullet or something that we can add here to highlight that this needs to be considered in constructing the formal exception procedures and what we should maybe do (here)?

((Crosstalk))

Berry Cobb: Go ahead Thomas.

Thomas Rickert: Yes it's Thomas. Trying to recollect how our discussion on that went. I guess it was the view of the substantial part of this Working Group at least there were no or there wasn't a significant number of objections to the idea that idea that legitimate use should not be suppressed by the policy that we're coming up with.

So I think that (Brian)'s suggestion is sort of in line with what has been part of our deliberations anyway.

Berry Cobb: Great, thank you Thomas. I, you know, we do have footnote at the bottom here. And perhaps I can expand upon the footnote, you know, that it basically says that some members expressed concern about a heavy exemption procedure and it could impede rights and legitimate interest unduly.

Maybe would it be appropriate that I add a third sentence to this footnote referencing the IRT that they should strongly consider how this will impact possible legitimate interests?

Because I definitely don't think we have the time for all of the stakeholders involved to come up with a solution right here.

Jim Bikoff: Berry this is Jim Bikoff.

Berry Cobb: Please Jim.

Jim Bikoff: I think it's sort of - I think I'm not sure it makes sense to put in language for a group that is not yet formed as to what they're going to - what standards they're going to go by.

I think maybe it's best to leave that for that group when it's organized to consider what kind of standards they want to consider and what kind of, you know, what they're going to look to achieve in any exception procedure.

Berry Cobb: Great. Thank you Jim. And Thomas I see your hand is raised. Is that - oh okay Chuck please.

Chuck Gomes: Yes just a quick observation. I think that this particular area and I - correct me if I'm wrong but this particular area on the exception procedure is one where we may have had full consensus that there - that it should be allowed.

So I'm just pointing that out so it is important that we do it right.

Berry Cobb: Okay thank you Chuck. And Claudia says she supports Jim's comment as well.

So I guess overall, you know, the first sentence of this footnote does point out the fact that there are - there is a risk here. And I suspect that and Jim you're right, you know, the IRT hasn't been formed.

I suspect that after this is passed through the council and in parallel to when this is delivered to the board and that there is also a public comment period for the board section that in parallel somewhere along the lines that's when the IRT would start to become constitute or at least starting to ask for volunteers for that. And more importantly I suspect that I'm going to be involved in that.

So I'll make a mental note if there is no other suggestions for an edit here and make sure that that's considered once the IRT is formed at some point.

Jim Bikoff: I will also imagine that many of the folks that are on this call and have been members of this working group will be on that IRT.

Berry Cobb: Indeed. And it would hurt my feelings if you aren't.

Right. I do have - was one other comment to discuss here. And again it may fall in line with more or less what we've just discussed.

But I think based on the outcome of our recommendations and more than likely the use of the clearinghouse there is a statement in here about which I have highlighted with the comment about second level domain has conditionally refused registration.

And I'm just curious whether we should modify this statement because if a name is reserved and a - from a registrant perspective they'll just see that the name is already registered so they wouldn't be - necessarily be refused registration there.

And any function of a claims notice from the clearinghouse still allows for the registration to occur. It's only a notification that is supplied to the registrant and the protected organization.

So I'd kind of look for some suggestions as to whether we should remove this conditionally refuse registration. Because at this point I don't think that there's going to be any procedure that would gate keep the approval or denial of a registration. So I'll open that up for thoughts from the group.

All right hearing and seeing none so if nobody would object would you mind that I take a stand at - I really hate trying to create language on my own. So I'd really like to hear suggestions from the group since we're so close to the deadline on this.

Is there any recommendations on how we can maintain the message here within this paragraph but removing the conditionally refused part? Or am I the only one that sees this as an issue?

Okay I do have the language pasted over on the left-hand column. Oh, you know, and I guess for those in the AC room I should have scrolled down. My apologies. I'm working out of - so this is again part of the exception procedure.

This is in terms of the section for option one, outline a proposed procedure. And there is Item 1 is notification of conditional refusal based on a protected name.

It currently states the potential registrant and protective organization will receive immediate electronic notification if and applied for second level domain is conditionally refused registration because of protected name on a modified reserve list or in a clearinghouse if applicable.

And again either the reservation of any kind of name or the current functions of the clearinghouse via trademark claims services do not refuse registration or, you know, at the very least if the name is reserved at all from a registrant perspective they would just see that the name is already registered or taken.

So that I don't think that they're necessarily refused registration it's just it's not (registerable) to them. And certainly any kind of notification via the TMCH is certainly not a refusal, the registration still occurs. It's just a notice it's taking place. Thomas please?

Thomas Rickert: I guess in order to adequately and accurately reflect that TMCH claim service does we should delete a couple of words and say an apply for a sector name, name is registered if there is no conditional refusal as you rightly pointed out.

Berry Cobb: All right getting momentum. Do I have any suggestions for the right kind of language? Again I has it pasted over here in the left column.

The potential registrant and protective organization will receive immediately electronic notification if applied for second level domain becomes registered via the clearinghouse if applicable and just remove the conditionally refused registration?

Thomas Rickert: That was my idea yes.

Chuck Gomes: Could you put - this is Chuck. Could you put that language in the change line - oh okay there we go. Okay.

Thomas Rickert: It still has the conditional refusal in there.

Berry Cobb: Yes I can only type so fast.

Thomas Rickert: And then after register there should be full stop. The rest doesn't make any sense.

Chuck Gomes: Well can it - I'm sorry I'm having trouble staying up with this one. This is Chuck.

Can it become registered? Aren't we talking about a name that would be blocked except for the - but there's an exception procedure to allow for it?

Berry Cobb: Well again there's two types of protections going on here. And I think this is the limitation of this first bullet because we're really talking about two different types of protections.

Again the reservation of any name will never allow the name to be a reserve. But the registrant would never see a notification that of any sort other than that the name is not available for registration as what we would see today.

But in respect to any identifiers being added to the clearinghouse it's now a new experience for the registrant that they'll see a notice based on the blocking of these protected organization names.

But they would still be able to register the name. Only notices get sent to the organization and the registrant.

Chuck Gomes: Well Chuck again. You know, I would suggest that we go ahead and accept the change that Thomas suggested understanding that this is going to be an implementation issue that the IRT would need to deal with. So there's time for it to be worked further in the IRT.

Berry Cobb: Right, thank you Chuck. If there are no objections I think that's a way forward and I'll just apply a quick footnote referencing that this should be further considered in implementation.

Chuck Gomes: Yes that's good.

Berry Cobb: Give me just one more second please. Claudia your hand is raised?

Claudia MacMaster-Tamarit: Hi. It's just a point of clarification. Are we talking about the TMCH in this section? Because when I read the general principles and the use of the dispute resolution procedure and all of this it doesn't quite mesh with what the TMCH does.

So I'm wondering if this was not more about, you know, the exception procedure that we had been, you know, thinking about it in terms of, you know, possible legitimate use of a reserve name in which case a conditional refusal could vary - you could call it conditional refusal in the sense that may be an applicant would be able to show legitimate use later.

So I'm just trying to understand the context of this paragraph because it - I agree with Thomas this is a description of the TMCH and then yes absolutely we need to say that, you know, as it will occur that a claims notice will be sent upon registration to the applicant and to the trade (unintelligible), in this case to the protected names owner.

But if that's not what this section is about then maybe what we just need to do is take out or in the clearing house because then it might make sense to be talking about a conditional refusal from a registration or protect name on a modified reserve names list if we're talking about that kind of an exception procedure that we were discussing just briefly before in the context of a possible legitimate user.

I'm just trying to get a bit of context. I don't know if it may - that might help to understand but yes.

Berry Cobb: Thank you Claudia. I guess to put this in context, you know, this was created probably back in May of this year. And at the time I don't think that the Working Group, I don't even think we had an outline of our proposed recommendations.

And the idea here was to create a starter list if you will, or a concept of about what an exception procedure would look like. And the idea of a modified reserve name list was being batted around as well as the clearinghouse as well.

And I think that where our recommendations have ended up have slightly altered what this original concept was about because I mean this is what - it becomes difficult here when you look at the scope of the strings that are being protected.

You know, the - with the exception of since acronyms are not being reserved, any kind of exception procedure for acronyms is no longer required because only the acronyms are entering into the clearinghouse.

So now we're ultimately we're just talking about the full names and the scope of those names that are being protected.

It's very likely that for Red Cross there is probably not going to be any competing interest to use those names at the top or second level.

And likely with the full mainstreams for IGOs it's highly likely that there will be competing interest for that.

However and I think the same could probably apply for the INGOs. But where it becomes sticky is in reference to maybe the use or the reservation of the term Olympic where there could possibly be a competing interest against that particular stream even though it's reserved.

And so we're, you know, I think that this is kind of the result of the complexity the dimensions of our protection. And when this was created we were in a much more, you know, again our overall recommendations hadn't really been formulated yet.

So I think the confusion still exists for everyone.

Claudia MacMaster-Tamarit: Berry thanks. I agree in terms of it's definitely a different world now that we're not worrying about acronyms. But with that being said and putting aside the case of Olympic words bearing in mind of course that I represent an organization an INGO, that being said we still do need to kind of leave this in because of possible free-speech concerns.

You know, I can't pretend right now that I'm going to be able to win a battle against every use of our full name in every context.

There are some other possible albeit I agree very rare instances where another person and another entity is going to try to register, you know, a full name as long as it is.

But that being said there might be full speech issues and free-speech I'm sorry, free-speech issues. And so I think that it does still bear some relevance.

And that - if that's - if that is the context for this particular paragraph then I think maybe we just need to take out or in the clearinghouse if applicable and then the sentence still makes sense.

Jim Bikoff: Yes I think - this is Jim Bikoff. I think this is an issue like the last one we discussed where I don't think we can solve this problem in the short time period we have.

I think we ought to have something that indicates that this will be, you know, this will be something that will be dealt with by as an implementation issue because we haven't gotten far enough on the exception procedures that in fact we- our team helped to prepare the initial draft on exceptions.

And there was very little discussion yet on how that's going to work. I think this is something that has to be developed and is going to take quite a bit of time.

So I think we should try not to disturb too much the language that we have and leave this for implementation, maybe putting in some comment that, you know, that this would be the focus of the implementation teams, see how this will actually be worked.

Berry Cobb: Right thank you Jim. Thomas?

Thomas Rickert: Would it be a way forward in the essence of time to just clarify the headline out on the proposed procedure and say that this procedure has been developed at such time where the recommendations had not finally been adopted by the Working Group?

Because then sort of the friction between what's in the TMCH now and what we had thought at the time i.e., using something that's built on a TMCH type database that which might have additional services that might allow for such conditional refusal none of that would be reflected in there.

Then we don't need to tweak the language and do a reality check for the whole report.

Berry Cobb: Great.

((Crosstalk))

Berry Cobb: If there are no - thank you Jim. All right and thank you Claudia. All right I will make that statement after the outline of proposed procedure and then again with a side footnote that this will need to be further defined within implementation.

Okay let me just scroll up here in my own notes to see if there's anything else that we need to consider.

Thomas Rickert: This is Thomas. Just given that we have two minutes left before the hour or no minutes left before the hour I'm just spotting, I suggest we go as long as we can or as we have to in order to get this finalized right?

Berry Cobb: And yes I would agree with that Thomas. And that's all of the highlighted comments I had within the report.

So again just as a reminder we have three or four more hours or, you know, and maybe even six or seven if there are any additional edits that - or suggested edits for the report.

Please send them to the list and I'll make sure to incorporate those into the master. And then I think let's go ahead and spend the next few minutes reviewing through the motion if there's any additional comments. And for that I'll let Mary lead this part.

Mary Wong: Okay thanks Berry and hi everybody. I don't know if this will be a quick one. I hope so. I hope that you have had the chance or you have that you will have the chance sometime today to review the draft motion.

I did want to note for the attendees today as well as for the recording that Claudia has pointed out that for resolve Clause 4 if you can scroll down to that that the number there for the IGOs in Bullet Point 3 should be scope one and not scope two.

Claudia if your still on the call can I ask if that was correct?

Claudia MacMaster-Tamarit: Yes Mary. And I think it also is for the IOC. If I'm not completely wrong I think there's only scope one identifiers for the IOC as well.

So I think that both of those paragraphs should go to scope one and there's no because I think scope two doesn't exist for the IOC and scope two for IGOs is an acronym - is our acronym so yes.

Mary Wong: And I think just moving things around probably numbers got changed and I apologize for that.

So I just want to point that out that I did not change it between last night and this morning because all the documents lying around. But we will make those changes clearly.

So that was the one thing that I did want to say. I don't know if anybody else has other comments at this time. I think it's better spent if the Working Group was able to discuss it or raise any further comments.

Jim Bikoff: Mary this is Jim Bikoff. I think that was in our draft that we send to you yesterday also, the minor final suggested provisions I believe.

Mary Wong: Yes and I, you know, when Claudia pointed it out I actually went there and I looked at it. And I did have the change in one of the drafts but like I said I probably dropped it out at some point.

So thank you Jim and Claudia for spotting it. And I think that's exactly the sort of thing that given we're now in draft five which is nothing compared to Berry's (work) obviously but if things like that have happened that it would be good to know.

I think the other thing that I might want to ask folks to look at is, you know, on resolve clause - after resolve clause 5 I had something highlighted in yellow. And this was in response to one of the suggestions made by Chuck.

So this is a brand-new set of language. And it is square bracketed and highlighted in yellow because it really is alternative wording for those recommendations that received strong support but significant opposition.

At the moment the current draft, the primary language has the council noting those recommendations and reserving the right to deliver them at an appropriate time.

I didn't want to say future time, I just said appropriate because we just have no sense right now of whether the council will be discussing them in Buenos Aires, whether the council might want to vote on any, some or all of them in Buenos Aires.

So that's a primary wording. But in response to Chuck's suggestion and feedback there is an alternative sort of language here that is on the screen that should the council take those up and should those be determined or in some way become consensus recommendation that the idea is that rather than draft on-the-fly especially if working group members are not all going to be there in Buenos Aires to offer the council some alternative language.

So we can leave it in here. We can take it out or we can certainly amend it. I think that was probably the other major change that I wanted to highlight.

Thomas I don't know if also need some time to think through the revision.

Thomas Rickert: Sorry I was on mute Mary. I'm - I would be okay with the revisions.

Mary Wong: Okay. So and I note that proposed revisions were sent in by among others Claudia, Stephane, Jim, and Chuck.

And hopefully those of you that did send an edit will be able to look at this latest draft sometime today and let us know if that's possible to send or if you have any further comment.

If not then I will make that one change to the scope one in resolve 4. Does that sound all right Tom?

Thomas Rickert: Yes as far as I can see now. Any further requests for changes for - from working group members? Chuck?

Chuck Gomes: Yes just wanted to note and Mary's aware of this because we exchanged emails on it last night. You must have been working late last night Mary.

The - probably Berry too. I sent on the list two I think non-substantive changes to the motion that I don't know that we need to talk about because they really are non-substantial.

One of them was just a repetition of something. And the other one I think was an unnecessary statement for one of the categories.

So if you want me to talk about those I can. It was sent to the list so if people just look at something I sent last night you'll see that and I'll leave it at that.

Mary Wong: Thanks Chuck. And yes I should have mentioned those as well. I apologize.

Thomas Rickert: But Chuck I guess part of your concerns have been addressed right with the minority statements for example?

Chuck Gomes: Oh yes that - those were earlier comments Thomas. These two things were things I caught last night that really aren't substantial. In several statements that were in each of the sections for one of the bullets we just repeated for future rounds. It was kind of just eliminating some redundancy.

Thomas Rickert: Yes okay.

Chuck Gomes: And then the second one had to do with a statement in resolve Clause 4 that I don't think was needed because I don't think we said provided that reasonable steps are taken to minimize any likely confusion.

And I don't think there was a possibility of likely confusion if an organization is registering its own, you know, applying for its own name. So that was the- I think they're minor. I don't think they were substantial.

So again I sent it last night so if you look at my emails last night and want to look at the details it's there.

Thomas Rickert: Mary maybe you can briefly chime in and share thoughts as to whether you would like to incorporate those?

Mary Wong: I believe I responded to Chuck. I'm happy to incorporate those because they don't change as Chuck said any of the substance of any of the recommendations or indeed any of the specific clauses that they're in.

So as he said the one change is that when we talk about spec five and the rephrased language talking about future rounds might be a little bit redundant so that would just drop out.

The second one as he also said here in resolve Clause 4 that last phrase in the fourth bullet point was added and just really to reflect an earlier comment that Chuck had made.

So that can also drop out the (provider) at the bottom of Bullet Point 4 in resolve Clause 4.

Chuck Gomes: And the second one was probably my fault so just to let you know.

Thomas Rickert: So let's hear from the group whether there are objections to applying those changes?

Hearing and seeing nothing which is why I would suggest that we make those changes as requested by Chuck and that would be more or less the last changes that have been requested right?

Any further questions or remarks? Great so I think we're almost done. And let's conclude this section of our discussion by thanking Berry, Mary and Working Group members for their hard work between yesterday's and today's meeting.

And again I would like to ask you whether you envisioned any difficulties or whether your groups have questions that we can help you answering so that everything is going to be running smoothly in Buenos Aires?

Chuck Gomes: Thomas this is Chuck.

Thomas Rickert: Please.

Chuck Gomes: Following-up on what you just said does it make sense for you to contact the Registrar Stakeholder Group?

I think my only fear or my biggest fear in Buenos Aires is that the registrars really have been pretty absent from our extensive discussions the last few weeks or months maybe.

And I'm concerned that they might want to request a deferral. And it would be really unfortunate as hard as everyone has worked on this to get it done in a timely manner if that happens.

So if nothing else it might be useful for you to talk to (Michela) as chair and kind of get a feel for what we should expect in that regard because it really would be I think a bad move on the part of the registrars who haven't been active in the recent months to do something like that at this stage.

It would be kind of a slap in the face of the rest of us that have worked really hard. But maybe by contacting (Michela) as early as possible and at least alerting them to try and get the executive committee to look at the final report very quickly and particularly the first three sections and to talk to you or any of us as may be helpful might be a good idea.

I think most - I think every other group on the council has been pretty well represented in the last few weeks and months.

And so I feel fairly comfortable about that but there's that one whole they could haunt us.

Thomas Rickert: Point taken Chuck. I'll let Mary answer first.

Mary Wong: Thanks Thomas. This isn't so much an answer because I have no information as to the registrars' position on this. And indeed Thomas it's up to you to take up Chuck's suggestion.

I think I just wanted to highlight a couple of contextual observations. One is that obviously even though the registrars at this point are unlikely to come in like the BC and say, you know, specifically they support or don't support this particular recommendation I mean but we do have a couple of recommendations that are fairly close in terms of the consensus call as you know.

Secondly and perhaps more importantly or more likely as we all know the bullet NGPC has been engaging in discussions and dialogue with the GAC most recently an exchange of letters regarding the NGPC proposal and so since this group I think agreed early on that given that parallel development it would be ideal if the council did not differ the vote in Buenos Aires. I just wanted to remind everybody of that.

Thomas Rickert: Thanks Mary. And with respect to Chuck's comment I think you're completely right there we need to ensure that all counselors and their respective groups are ready to discuss and vote on this resolution.

So I sort of take it as my duty not only to liaise with registrants but also with other groups. And rest assured that once we have our working product ready it will be sent to the councilists anyway prior to the end of that motions deadline.

And I will then send a notification to the whole council offering my availability to answer questions to ensure or reduce the risk of defers being asked for the whole council.

But on top of that I will contact as I did in the past the registrars individually again in order to limit chances for them to ask for a deferral in particular.

Okay Chuck I'm not sure whether that hand is old or whether that's a new hand?

Chuck Gomes: It's old.

Thomas Rickert: It's old. Good. Now I guess we're almost done. And technically I'm asking myself whether this Working Group is going to reconvene?

I think once we pass on our work product to the council and if the council doesn't hand it back over to the Working Group to do additional work on that I think this might be the end of this very phase right? Berry?

Berry Cobb: Thank you Thomas. Just a reminder everyone we do have a session scheduled for Monday afternoon if we need to.

I think after we briefed the GNSO on Saturday and we start to understand some of the dialogue from council members as well as the community we'll

have a better idea is to whether we need that session on Monday as a last chance opportunity to meet.

I think a good majority of the Working Group members will be there in Buenos Aires. But if by lunchtime at noon on Saturday we don't need the session then I can easily cancel it and we won't need to meet. But it's there if we just need it else this will be the last time we meet as a Working Group and tell we either get further action from the council and/or we evolve into an IRT.

Thomas Rickert: Thanks Barry. Chuck?

Chuck Gomes: Yes in that following along that same thought one of the things we can do for that session is leave it open as a opportunity to follow-up with any councilors or GNSO community members that would like to discuss with us any of the recommendations that aren't clear.

And in particular like for example if the registrars wanted to talk with us in that session or like I said if the 45 minutes isn't enough on Saturday that session could be used to interact with people who have specific questions that we didn't have time to on Saturday to deal with.

Thomas Rickert: Okay. But then let's do the following. Let's keep the Monday meeting anyway as an opportunity as you said to discuss with councilors or among staff. There might even be indications that councilors might ask for friendly amendments of the resolution. And I will then be able to report to you how the discussions with the councilor and the wider GNSO went during the weekend and whether you sort of like friendly amendments to be allowed for.

But even if we don't have too much to discuss in substance at least I would be there and those of you who want to come over maybe it's an opportunity for those that have just heard telephone voices and seen email addresses to meet face to face.

I think after years of hard work on this specific topic it might be good to say thank you to everybody in person. So Berry over to you.

Berry Cobb: I was going to say I was looking at the schedule now and given the start time we'll at least have a decent hour that shouldn't conflict with too many of the others sessions.

There may be some stragglers. There is a few sessions they conclude at 4:45 or 16:45. We're scheduled to start at 6:30.

So easily we'll have a good 30 to 45 minutes within that particular time frame that we really won't be in competition with any of the other sessions so that'll be a good opportunity. So we won't lose people...

Thomas Rickert: Good.

Berry Cobb: ...Anyway.

Thomas Rickert: Okay. So I guess with this we can close today's call. Thanks again for your hard work on this. To everybody you will see the latest work product on the list. And then let's keep our fingers crossed that everything is going smoothly in Buenos Aires. Thank you so much. And bye-bye for now.

Berry Cobb: Thank you everyone.

END