

Reserved Names (RN) Working Group Teleconference

10 May 2007

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The audio recording is available at:

<http://gnso-audio.icann.org/rn-wg-20070510.mp3>

<http://gnso.icann.org/calendar/#may>

Attendance:

Chuck Gomes - Working Group Chair

Marilyn Cade - CBUC

Neal Blair - CBUC

Alistair Dixon - CBUC

Mike Rodenbaugh - CBUC

Bilal Beiram - CBUC

Greg Shatan - IPC

Tamara Reznik - IPC

Caroline Greer - Registries constituency

Ray Fassett - Registries constituency

Mike Palage - Registries constituency

Avri Doria - Nominating Committee appointee to the GNSO Council

ICANN Staff:

Patrick Jones - Registry Liaison Manager

Liz Williams - Senior Policy Consultant

Glen de Saint Géry - Secretariat

Absent apologies:

Tim Ruiz - Registrars

Jon Nevett - Registrar

Edmon Chung - Registries constituency

Absent:

Seth Jacoby - Registrar

Mawaki Chango - NCUC

Victoria McEvedy - NCUC

Lucila King - IPC

MinJung Park - ccNSO liaison

Dr. Kung Chung Liu - Commissioner Taiwan

Sophia Bekele - Nominating Committee appointee to the GNSO Council IDN

wg Liaison

Man: I just won't have my computer in front of me.

Chuck Gomes: Okay, all right. So you'll be on, excellent. Thanks. That's great. Okay.

More people are joining quickly here so we'll just hang loose a little bit here before I ask them to start the recording.

I have got a ton of windows open on my laptop, so...

((Crosstalk))

Chuck Gomes: If I didn't have my laptop, I'd be in trouble if we got any more - if I got any more messages.

Coordinator: Alistair Dixon joins.

Chuck Gomes: Welcome Alistair.

Alistair Dixon: Hello there, Chuck.

Chuck Gomes: Nice and early for you, huh?

Alistair Dixon: Nice and bright and early, yeah.

Chuck Gomes: Hope it's as nice there as it is here in California.

Alistair Dixon: I definitely think. There was a (unintelligible) and I don't know...

((Crosstalk))

Chuck Gomes: Oh no, that's too bad.

Alistair Dixon: (Unintelligible) down here, nothing unusual.

Chuck Gomes: That's right. You guys do get a lot of wind and...

Greg Shatan: Greg Shatan, I've joined as well.

Chuck Gomes: Welcome, Greg. I'm like, you know, you're showing up on my thing even before Alistair and I didn't see it because I guess you guys came in at about the same time, so...

All right. Well, let's see what we've got one, two, three, four -- we've got all of the chairs here haven't we, so why don't we just go ahead and get started?

Let me get the agenda in front of me and let me hit star-0 here.

Man: Hi Chuck.

Man: Hi. How are you?

Coordinator: The recording has begun.

Chuck Gomes: Welcome (Bilal), I appreciate you joining us.

All right...

(Bilal): Thank you.

Chuck Gomes: The recording has now started. So, let me start off with my usual spiel.

Remember, it's being transcribed too so make sure you identify yourself as needed so that the transcribers know who's speaking. Also, if you do use a speakerphone, try to use the handset when you're speaking so that it's clearer.

I want to start off by thanking Marilyn for the good job of chairing the meeting last week and all the good work that went on in that meeting as well as in preparation for it and follow-up.

(Amy) sent the agenda out yesterday. Any questions, comments, suggested changes in the agenda?

Okay. We did get one updated interest statement from Mike Palage Mike, hopefully everybody saw that. And then - and Glen requested

from others to do that if you had any changes in your interest statement. So, I assume there were none.

The main objective for today's meeting, as I think all of you know, is to finalize every - all the elements that we need for the full working group report.

And that means of course that the first priority is the recommendations that we're putting forward, any edits to the final subgroup reports, which everybody should have received, and approval of a draft version of the full working group report that Liz sent out a couple of hours ago. But I sent an edited version out a little over a half hour ago.

And that probably won't be too complicated but we do need to do that too because when we finish today, you know, the working group will basically be done, although you'll see, I mean, you will have another task or two in terms of reviewing any edits that we do today and that have come in since the reports went out.

So the first thing, Item 6 on the agenda is just three items that I think are finished but I wanted to give one last chance for comments and that's the tag names report, the NIC, Whois, WWW report, and the categories of names deemed to be out of scope for the (unintelligible) work group which is in - that particular document is contained in the draft - working group report that Liz sent around and that I edited.

Any comments on those?

Okay.

Then let's go right on to agenda Item 7, which is 7 and 8 are our biggest agenda items.

Mike Rodenbaugh: I'm sorry, Chuck. I had one comment on 6C. There's real confusion between Liz and I. Liz is on the call, yes?

Liz Williams: Yes, I am.

Mike Rodenbaugh: Great. Hey, Liz.

So my point in that string that I just want to clear up real quick was that if those categories are deemed out of scope for this working group, they still need to be picked up in our new TLD taskforce work -- somehow.

So I think I've asked a couple of times to just make sure that that doesn't fall through the wayside. And your last email seemed like there's still some confusion.

Chuck Gomes: Let me suggest, Mike, that you send that message to Bruce as chair of that new TLD Committee.

Is that okay, Liz? Is that...

Liz Williams: Yeah.

Chuck Gomes: An appropriate way to handle this?

Liz Williams: Yup, yup, yup.

And, Mike, just to be clear, you asked me whether that had been handled in the new TLDs report, it has not. And if there are issues that you are not satisfied with that have been handled, we can deal with it one of two ways.

One is we can do exactly what Chuck has described: we can send it somehow to Bruce. The other is to deal with it within this report.

So, all is not lost and it will not be lost, but it's just a case of putting in the right spot at the right time.

Chuck Gomes: I'd like to narrow those options down because I don't think it's possible to deal with it in this report.

Liz Williams: Yeah. Okay, so there we go, we have it going off to Bruce.

Marilyn Cade: Chuck, it's Marilyn. I have a follow-up question for clarification.

Chuck Gomes: Okay.

Marilyn Cade: I need to understand the - are we saying that if one of us an individual member has a view that we think has not been covered in the report that we should then send an email to Bruce asking to have the topic reopened?

Chuck Gomes: No.

Marilyn Cade: Okay.

Chuck Gomes: No, not at all.

Marilyn Cade: Okay.

Chuck Gomes: No. Just keep in mind the basis of what I said there was that it was, you know, Bruce basically gave the direction in Lisbon that these certain areas were out of scope for our work and so, this isn't the place to deal with that and that's why - and so - and that's another reason why I said that I don't think that, you know, there's not an option to deal with it in this report, then we'd be going against the direction we received. And the reality of the matter is we're at the end of our timetable anyway so there's a practical matter as well. Okay?

Now with regard to what you said, Marilyn, there's still the opportunity for minority statements. I had asked people to try and get those in before this meeting but it doesn't mean if they can send them in within an hour or so after this meeting that it can't still happen, but it's going to be a very short window for that. Okay?

But I also understand that until we totally finish our work in this meeting that you don't fully know. I just wanted everybody to be prepared so that you can turn around very quickly if there is one.

Okay. Does that make sense?

Marilyn Cade: Thank you.

Chuck Gomes: Okay.

I don't think I need to go through Item 7 because you can all read that for yourself in terms of what we're going to do with each of the subgroup reports.

So my suggestion is that we jump right in to the ICANN/IANA reserved names and Edmund's not able to join the call, but our chair for that subgroup, Mike Rodenbaugh is here.

Mike, if you'd follow the outline in 7A since you're still at your computer, I assume, and then we will - and we'll then follow that with full working group discussion on that subgroup report.

Mike Rodenbaugh: Okay.

There's not been any additional expert consultation. We've - you can review the final subgroup's recommendations if you like.

Chuck Gomes: That's fine. Now, let's just let them just comment though and you can add in if you want. You did prepare some possible questions that could be used for additional consultation and those are in the report.

Mike Rodenbaugh: Correct, and we discussed those last week as well.

Chuck Gomes: Yeah, okay.

And just for everybody's understanding, this will be true of all the reports.

I have a clean version of the red-line version that all of you received. And what I will be doing in - as we talk today, if there are any changes, I will be trying to make those live right into the document.

And in this particular case on this report, I've already deleted one sentence in it since I sent out the red-line version. It was just a reference to an attached report, which isn't going to be attached because the information was contained in the report and Mike caught that after I did the red line.

So, just want to inform you of that and, Mike, you as well that that has been deleted in my - the version I'm working with right now.

Mike Rodenbaugh: Okay.

Chuck Gomes: Okay.

Go ahead, Mike and let's take a look at the recommendations.

Mike Rodenbaugh: Okay. So the recommendation is essentially that we ask the questions that have been drafted of the relevant...

Chuck Gomes: Why don't you go through the recommendations as they're presented in the table so that it's easy for people to follow?

Mike Rodenbaugh: Okay, sir. Hold on a second. Let's get that one in front of me here. The document's open.

Chuck Gomes: Well, I understand that.

Mike Rodenbaugh: So, the recommendation is for (us then) is to maintain the existing reservation requirements until further work is completed and extend the reservation requirements to the top level so nobody can come in and register any of those names. In other words, they will get put into the new TLD policy so that no one applies for any of these names.

And further work is recommended to send questions received and compile responses from organizations with related reserved names and draft a report to the council.

Chuck Gomes: Okay.

Mike Rodenbaugh: For IDN, I'll talk a little bit about Edmund's comments that I received this morning.

But this moment, the recommendation is for all that example reservations are not required for Unicode version or ACE versions of the translation. But an example, however, is a subject of an RFC just for everyone's information, must be reserved in corresponding versions of Unicode.

Marilyn Cade: Chuck, I have a question about is...

Chuck Gomes: That's fine, Marilyn, go ahead.

Marilyn Cade: It's just a clarification on the way the first recommendation is worded. "Maintain the existing reservation requirement until further work is completed." Then it says, "And extend to the top level."

I'm just curious, are we - is another way to read it, "Maintain the existing reservation requirement and extend it to the top level."

Chuck Gomes: That's a good point and let me ask for Liz' advice on this. I know you want to cut and paste into the new TLD Report, you know, statements that can be used definitively.

Would it be better if we cut that off at "Maintain the existing reservation requirement" and then we have the recommendation for additional work which will go - which will be stated as well but as far as - is that better, Liz?

((Crosstalk))

Marilyn Cade: But Chuck, that's not my question, can I come back with a question?

Chuck Gomes: Well let me - since I asked it, let me get it.

Marilyn Cade: Yes.

Chuck Gomes: I didn't hear Liz' response.

Liz Williams: Yes, Chuck. Whatever the group wishes to do is fine by me.

Chuck Gomes: Well, are you okay with the way it's worded, "Maintain the existing reservation requirement until further work is completed and extended to the top level," is that okay for your use?

Liz Williams: Yes, it is.

Chuck Gomes: Okay, all right.

Now, Marilyn, I'm sorry.

Marilyn Cade: So...

Chuck Gomes: I misinterpreted your question.

Marilyn Cade: Yeah. But I'm trying to - the way I read it is maintain the existing reservation requirement until further work is completed, period. Then I would think that that means after further work is completed, reassess the existing reservation requirement and continue it or not continue it.

And extend to the top level, are we, you know, I'm not clear and I don't know that any of us can be at this point on the prioritization of when additional work that's recommended here anywhere else will - what the timing is in order to complete that additional work.

You could certainly conceptualize launching new gTLDs with these names reserved and if a decision is made later to un-reserve them, then just take that action. It wouldn't...

Chuck Gomes: Right.

Marilyn Cade: You would have to...

Chuck Gomes: Right.

Marilyn Cade: That was what I was trying to understand.

Chuck Gomes: Okay, all right. Again, sorry for a little bit of a digression, but I want to explain why it says "...extend it to the top level." That was actually an edit that I put in...

Marilyn Cade: Uh-huh.

Chuck Gomes: There because, you know, I had up until just the last couple of days, you know, understood that this requirement applies to all levels that's why I would say that.

Marilyn Cade: Okay.

Chuck Gomes: But in reality, it doesn't really apply to the top level for an existing TLD because they can't do names at the top level...

Marilyn Cade: Right.

Chuck Gomes: ...in this so that's why I added that...

Marilyn Cade: Okay

Chuck Gomes: ...particular phrase and extended to the top level in the registry agreements for them. Okay. They're already in - excuse me and that's actually in TLD process, one just for the agreement.

Marilyn Cade: Right.

Chuck Gomes: So that's why.

Now, do you have a specific suggestion or are you comfortable - I think this can be handled, like you said, it seems reasonable. Obviously, the work would have to be done as the council directs and then if it does come back that the reservation should be removed, you know, it will be matter of making a change at whatever point in time that occurs, whether it's before this next process is initiated or in the second round or whatever.

Would you make some particular suggestion for a change here or are you okay?

Marilyn Cade: Me personally, I'm a fan - I'm a proponent of reserving ICANN and IANA at the top level and keeping that - keeping these things on reserve, keeping these things on reserve at the second level everywhere. So, I just was trying to understand the timing on when we were going to implement each part of this recommendation.

((Crosstalk))

Chuck Gomes: That will really be up to the council to decide as far as any additional work.

Mike, go ahead.

Mike Rodenbaugh: Okay. That's interesting, Chuck.

I thought that we - at least you, me and Liz were kind of on the same page that we were trying to send these questions out essentially next week and then - and ask for responses back by May 30, realizing of

course you may not get responses by May 30, but ideally we would get them by July or so. Is that not your plan?

Chuck Gomes: I don't have any problem with that, Mike, at all. But at that point in time, it's going to be up to the council to decide what to do with whatever responses they get back.

And I think that will be useful information for the council. So I don't think that necessarily differs from what I was saying that it's in the council's hands.

Mike Rodenbaugh: Okay.

Chuck Gomes: Does that make sense?

Mike Rodenbaugh: It does.

Chuck Gomes: Yeah. I think that information would be very good information for me as a councilor to have in front of me in deciding whether we want to consider some changes or leave the same.

Mike Rodenbaugh: Okay.

And then to address Marilyn's - I thought - what I thought was her initial issue with the recommendation, a wording issue, which I actually agree with, I think we should move and extend it to the top level into the middle of this first sentence so it will read, "Maintain the existing reservation requirement and extend it to the top level until further work is completed."

Chuck Gomes: So okay. So, and extend, that's pretty easy change.

Any problems with that change?

Mike Rodenbaugh: Okay.

Chuck Gomes: That change is done.

Mike Rodenbaugh: All right.

And then, if we can talk for a moment about the example issue, let me get Edmund's email back in front of me here.

Chuck Gomes: Okay.

Mike Rodenbaugh: So I guess I can just read it.

His issue with example was that for - in IDN, first of all, example they turn out to be non-unique, there's more than one way of saying that in Chinese for example.

Chuck Gomes: Right.

Mike Rodenbaugh: And for - sorry, it's kind of a string, I'm taking bits and pieces out. He's suggesting that we move that word into the registry reserved portion with WWW, Whois, and NIC and leave it to the registry operator to decide whether and what IDN versions are included.

Chuck Gomes: Or we could right here just use that same language. I think changing categories at this - I'm a little bit cautious about changing categories

because they've been defined all the way throughout our work from the very beginning and so forth. And so, it seems like a simpler approach would be if people are supportive to use his wording here...

((Crosstalk))

Chuck Gomes: ...WWW report and just insert it here, for example.

Mike Rodenbaugh: Okay.

Marilyn Cade: It makes sense to me because the - otherwise, it begins to - that whole - the other subgroup reports are going to have to be completely edited to...

Chuck Gomes: Yeah, exactly. Yeah, right.

So, what he's suggesting then and instead of what - can you give me the specific changes that would be suggested then or do I need to call off...

Marilyn Cade: But, you know, I think...

Chuck Gomes: The WWW report.

Marilyn Cade: I think that you will be okay if we change it to say the last sentence of the recommendation to say the name - maybe one version of the name, at least one version of the name example must be reserved in corresponding versions of the Unicode.

Chuck Gomes: Okay. All right. Well, I mean do you want to just make that - should I just make that change or do you want me to go back and - after the call because I don't want to take too much time doing my live edits. I can highlight this and go back and look at the WWW...

Marilyn Cade: Okay. And I'll do that too, Chuck.

((Crosstalk))

Chuck Gomes: Okay. Let's do that.

I'm going to - what I'm going to do is I'm going to highlight that particular - the last sentence there in yellow so I know to go back to the WWW report and do that, and I of course will send something to the list in terms of exactly what I do. But I do want us to talk about the options on this call so that I have a feel for where people are, depending on which direction we go. Okay?

Before we do that though, what else do you have to add, Mike?

Mike Rodenbaugh: Nothing.

Chuck Gomes: Okay. Then let's open it up to the full working group and let's go back to the first recommendation, recommendation that for all ASCII it's we just made an order change in words so it's really stayed the same.

Is there anybody opposed to that recommendation as it's worded now?

Michael Palage: I guess, Chuck - this is, you know, I'll keep this short. This is Palage and you've known since the beginning of this process, my objection the continued reservation. I don't think there's any legal basis for it.

And the only thing that I would just ask is that my original minority statement that I included from the original work, if that could just somehow be plugged into here because I still believe my objection from the previous work have been carried forth and I just want them documented.

Chuck Gomes: Would it be easy for you to - obviously, I could go back and try and find that, and I could find it. But is that something easy for you to just email me again...

Michael Palage: Yeah, yeah. I'll just pick it up from our report. Yeah, I'll just send it to Liz.

Chuck Gomes: No, send it to me.

Michael Palage: Okay, I'll send it to you. Okay.

Chuck Gomes: I'm doing the edits right now so - and then I will be sending a red-line version of any changes we make today to the whole group right after - as soon as I can after this meeting and give everybody until 7 pm Pacific Time tomorrow for any final responses -- hopefully, there won't be any or they'll be minimal. And then, I will be sending the final version to Liz.

Michael Palage: Okay.

Chuck Gomes: Okay. So if you will send them to me, send them to the list so that everybody can see it. But I will definitely get that and I have inserted a note to insert your minority position.

Michael Palage: Thank you.

Chuck Gomes: Any other comments on the ASCII version of the recommendation?

All right. The - and then the IDN recommendation, so let me ask, obviously the way it is now and by the way, one unfortunate thing just because of time constraints on everybody involved is that really we should have tested this particular IDN reservation against some IDN experts.

So, another thing that we could add to this is that the wording used by - in the new TLD process should be validated by IDN experts. And I would tend to think that we should add that statement. Is there anybody opposed to that and does it make sense? Are there any questions?

Marilyn Cade: It makes sense to me.

Chuck Gomes: Yeah. Let me add that. I'm just going to add this recommendation should be validated by IDN experts, by the - in the new TLD process. Okay?

And then on - now - okay, nobody has any problem with that?

Ideally that should have happened early in the process and I didn't catch it then and alerted the subgroup in that regard until it dawned on

me just as we are at the end here. So that's not a hard thing to do and refine it, so I don't think that's a big hang up.

Now, back to the example - issue on how to handle example. Is anybody opposed to - I think there - when the IDN experts look at what we have right now, they're going to say the same thing like Edmund said.

So, if in fact we change the language to be similar to what was recommend for WWW, NIC and Whois, which was basically to give the registries the option, that works at the second and third level, but I don't think it works at the top level.

Am I missing something there, Mike?

Mike Rodenbaugh: No. I think that's okay.

((Crosstalk))

Chuck Gomes: The top level...

((Crosstalk))

Chuck Gomes: We're going to have to be more explicit at the top level, I think. Now...

((Crosstalk))

Mike Rodenbaugh: It's hard to imagine anybody asking for .example as a top level domain.

Chuck Gomes: Well, I know. But...

Mike Rodenbaugh: I hear you.

Chuck Gomes: You had suggested I think that you thought that if we said one, at least one version of the name example or would it be better any versions of...

Mike Rodenbaugh: I think it's at least one version. I think the reason for it is people have testing and some domain name that isn't used by anybody that they can use in or at marketing or whatever, so I think that the reason for the reservation is satisfied if there's only one version.

Chuck Gomes: But if you had one version in a particular script reserved for example and then - and I agree with you, I think it's totally unlikely to happen. But then somebody did decide they wanted to have another version of example as a TLD then there would be confusion, right?

Why not - wouldn't it be better just to reserve all versions -- anything that has example?

Mike Rodenbaugh: At the top level, okay, I have no problem with that. I doubt anybody else will. But at the second level, I don't think you should be reserving all versions...

Chuck Gomes: Got you.

Mike Rodenbaugh: For example.

Chuck Gomes: Does anybody - is - are people supportive of that? Is there anybody - is that a reasonable approach? Anybody opposed to that approach?

The top level, any version will follow the WWW NIC approach on other levels. So that's what I will change the wording to and I'm not hearing any objections.

I need to write myself a note here, top different then - that will be good enough for me. That shouldn't be a problem. Okay? And I'll also put WWW as a reminder. Okay, I think I've got that.

All right.

Mike Rodenbaugh: The only other thing I would ask anybody to comment on now if they like is the question that we're - are going to be post hopefully next week to these organizations. And we did cover them last week and the working group called it. It surely wasn't as well-attended as this week's.

Chuck Gomes: Is there - are there any comments on those?

Let me - feel free to jump in, but if there - if anybody has any comments on those, I would appreciate if you would send them to Mike today if you don't communicate them on this call.

Marilyn Cade: Chuck, it's Marilyn and I have - I do have a question generally.

Chuck Gomes: Sure.

Marilyn Cade: The assessment plans to send these questions to, I think, they are affected organization and that that I understood that that meant the

parties who - right, I think we should - I think probably that needs to be identified as who are the affected organization.

Chuck Gomes: Yeah. In some cases it's pretty obvious, like IAB and IETF. In other cases, it might not be.

Marilyn Cade: Yeah. I'm not...

Mike Rodenbaugh: I think, Marilyn, the goal is to ask the questions so that many folks potentially could have an interest and see what we get back.

Marilyn Cade: And I thought Mike that was you said last week that supporting organization of that you would expect to send the questionnaire to the constituencies and the supporting organizations, the advisory groups as well as the affected organizations. I just didn't think that phrase -- affected organizations -- necessarily was clear because of that. That's one comment.

And the other comment that I have is I think you need a sentence at the end that said (unintelligible) of relevant information sort, that's a heading.

Chuck Gomes: Hey, Marilyn, let me slow you down a little bit because I want to capture, if people are supportive, what you just said in Section 3 of supporting information experts and affected - shall we say, experts at affected organizations and ICANN constituencies or ICANN participants. How do you want to word that?

Marilyn Cade: Maybe you can call it ICANN stakeholder?

Chuck Gomes: And other ICANN stakeholder groups. I don't want to suggest that we're going to send this out to individuals, but...

Marilyn Cade: No, no, no, right.

Chuck Gomes: Other ICANN stakeholder groups, is that right?

Marilyn Cade: Yeah, that's good.

Chuck Gomes: Is any - does anybody have any objections with that?

(Patrick): Chuck, this is (Patrick). Can I get in the queue?

Chuck Gomes: Please. Jump right in.

(Patrick): Okay. Since - as a working group, our term ends today...

Chuck Gomes: Right.

(Patrick): How is this going to be managed after today? Who's going to be collecting the responses that come in, how are those going to be dealt with, you know, what's the expectation for dealing with the answers that come back?

Marilyn Cade: And I can just say, Chuck, that was - that's part of the question I was going to ask as well.

Chuck Gomes: Okay.

Well, obviously, it won't be this working group, okay?

Since Mike initiated it, I would think that Mike would have the primary responsibility as a council member then to provide input - to see if he can then follow up...

Man: Right.

Chuck Gomes: With this with the council.

Are you comfortable with that, Mike?

Mike Rodenbaugh: Of course.

Chuck Gomes: Okay.

Mike Rodenbaugh: Hopefully, I will have Liz's assistance in compiling the list as she has offered it previously.

Chuck Gomes: And you need to understand that with everything she's got going on, this probably won't be the top of her list.

Mike Rodenbaugh: Absolutely.

Chuck Gomes: But that's, you know, up to her to manage that.

Are you okay with that approach, Liz?

Man: Silence is acceptance, Liz. You got three seconds.

Liz Williams: Chuck, of course that's fine. It doesn't bother me whatever the group would like to do is fine.

One suggestion I did have, Mike, and I don't know whether this is going to be useful for this group, whether we could use some of our polling software to answer some of the questions for us. But you and I can take that offline if you like. I'm happy to help facilitate in whatever way.

The major priorities for me this week are finishing the reserved name working group report by Monday afternoon. And tomorrow, I'm going to get Chuck's updated version back. I'll be back on the new TLD report because that needs to go out within the next week for the committee to have a meeting.

Man: Sure.

Liz Williams: I've received an email from Bruce. He and I having a conversation after this meeting is finished, which will be about 10:30 in the evening...

((Crosstalk))

Chuck Gomes: So it's quite likely that we're a week or more out before you could even provide any assistance on this. Isn't that correct?

Liz Williams: Chuck, I think that's a sensible assessment, yes.

Mike Rodenbaugh: But that's really not the problem, you know. We can always just say move it to June 15...

Chuck Gomes: Yeah, right.

Mike Rodenbaugh: ...if it's three weeks before I send it out.

Liz Williams: Cool. Thanks Mike.

Chuck Gomes: Let me tell how I have worded that sentence because I just made another change because I don't think we're necessarily talking about experts when we talk - when we broaden this a little bit, and maybe even before we weren't.

So I changed that sentence in Section 3: Expert consultation to say, "Affected organizations and other ICANN stakeholder groups with related names on the reserved list should be consulted." And I guess I ought to change the order. Let me change the order of that because I realize that doesn't work.

One minute. I'll give the new wording in just a second as I do a cut and paste here.

Okay. Affected organizations with related reserved list and other ICANN stakeholder groups should be consulted.

Anybody have a problem with that?

(Patrick): This is (Patrick) again. Sorry to bring it up, but I'm not really sure what our expectation is going forward by doing that.

Chuck Gomes: Well our expectation is that some of the groups might respond from my understanding, (Patrick).

And if they respond, then Mike will have some data that he can present to the council for the council to consider to help them make a decision whether some work should be done or action taken with regard to this particular category.

(Patrick): Okay.

Chuck Gomes: Is that okay?

(Patrick): Thanks. Yeah.

Chuck Gomes: Okay.

Is that okay, Mike? I mean did I...

((Crosstalk))

Mike Rodenbaugh: Absolutely. Thanks Chuck.

Chuck Gomes: Okay.

Okay. All right. So everybody - nobody has a problem with the change I made in that sentence.

Now, Marilyn, I cut you off in the middle...

Marilyn Cade: Sure.

Chuck Gomes: What else did you have?

Marilyn Cade: I really think that you need - we need to capture a bit more of what is going to happen at the end of the heading now reads: "Some of your relevant information sources," but in fact, that's not what the content here is about, right? It describes a suggestion to gather input from affected organizations.

So I think there needs to be a closing sentence or two which says, "Upon receipt of the responses, a report will be prepared and presented to the GNSO Council."

Chuck Gomes: Let me make a different suggestion and see if this covers your concern because I think you have a valid point.

It almost seems like what's in summary of relevant information sources should go up under that expert consultation area because that's how they're going to be consulted, right?

Marilyn Cade: Or upon the rationale for recommendation because the...

Chuck Gomes: Yeah. Well, except this is getting really specific in terms of - it doesn't really provide any rationale, hopefully will in the future, but this is really how we're going to consult with others, right?

Marilyn Cade: I'm fine with you putting it either place. I'm going to send a minority statement on this, but anyway...

Chuck Gomes: Okay, hold on a second. I'm going to capture that before I lose it. Keep in mind these minority statements don't need within an hour or so after...

((Crosstalk))

Chuck Gomes: Okay.

Marilyn Cade: It's going to be...

Chuck Gomes: And Marilyn Cade, MC. Okay. I got that.

Okay. Now, let me go back down there and - now if we do move it all up, we have nothing in summary of relevant information sources. And maybe all we should do is reference the original report.

Mike Rodenbaugh: That was exactly my thought as well, Chuck. That would be great.

Chuck Gomes: Okay. Let me do a cut and paste there. I'll move that up. And I'll - if it needs some transition or something, I'll add that, but everybody understands what I'm doing there.

Okay, all right. And then just a note to myself to reference - original, reworked.

Okay. Anything else on this report?

Okay. I think I have - and is there - we have two minority statements coming. Any other concerns...

Marilyn Cade: And Chuck, did you capture in the - there used to be - somewhere that captured a short sentence or two about what the process is going to be to the point (Patrick) was making as well?

Chuck Gomes: Well I'm not - let's spend a couple of minutes talking about that. I'm not sure...

Mike Rodenbaugh: That's in the recommendation.

Chuck Gomes: ...as to define the process, but I guess that would fit in terms of guidelines.

Yeah - let me write myself a note and do that. Let me see where will that fit. I guess that's in the same - maybe the expert consultation area?

Marilyn Cade: I think so and I think it can be taken.

I think, Mike, you were thinking - it can be taken from that sentence that's in the recommendation, right, further work is recommended. So it would just be, you know, the question is will they fit and compile into a report to the GNSO Council.

Chuck Gomes: Okay, now let me make sure - now, that part I understood but where were you suggesting putting this in?

Marilyn Cade: I don't care where it is.

Chuck Gomes: Okay, all right, describe process, okay.

Mike Rodenbaugh: You can put it in Section 2 at the last sentence, Chuck.

Chuck Gomes: That's Section 2 of supporting information?

Mike Rodenbaugh: Yeah, rationale for recommendations.

Chuck Gomes: Okay.

(Patrick): Chuck, this is (Patrick). Just to clarify, I was just asking that question so I understood what we were doing next.

Chuck Gomes: Yeah. That's what I thought, but that's fine. I think it's okay to put in something there and I'll basically put that this will be handled by - Mike will take the lead on this as a councilor and any input he receives will be - he can provide to the council as he sees fit and then it's up to the council to take action. That's basically what I'm going to say.

Is that okay?

Mike Rodenbaugh: Sounds good.

Chuck Gomes: Okay. All right.

Now let me go back just real quick at my agenda, make sure we've covered - we've done a review of the recommendations, minority - we've got two minority positions coming right after this meeting, and I think that we're okay.

Is there anything else in this report?

Thank you very much.

Okay. By the way, Tim Ruiz and John Nevitt, Tim, being a proxy for John, but Tim specifically sent a message; I think you saw it, that he

was okay with the report, so I think we're okay there. They obviously will be able to see the changes we made in the meeting and can comment up to tomorrow morning. So we have that.

Okay, let's go on then to single and two-character reserved names, just a tiny little report there. And Greg, you're on.

Greg Shatan: Thank you, Chuck.

As you've all seen that we have a variety of recommendations or a number of recommendations in this report, some of which - a couple of which have changed since last we spoke due to additional clarification from our technical experts.

Running through the recommendation table, first one which is unchanged. On Task 2 is in the category of symbols at all levels where we recommend that the current practice be maintained so that nothing other than the hyphen that is an ASCII symbol or that is a symbol period can be used unless symbols are used in the future. Our definition of symbols, just to be clear, in the definition section is ASCII symbols other than the hyphen.

Next is in the single and two-character IDN space at all levels where we recommend that that's about single and two-character labels at both the top level and the second level of the domain name should not be restricted in general.

But that at the top level requested string should be analyzed on a case-by-case basis in the new gTLD process depending on script and language to be used in order to determine whether the string should be

granted allocation or should be made available for the allocation in the DNS.

And otherwise single and two-character label at the second and third level should be available for registration if they're consistent with the IDN guidelines.

Our next recommendation has changed somewhat based on clarification from our technical expert.

With regards to single letters at the top level, our recommendation is that we reserve single letters at the top level based on technical issues - technical questions that have been raised.

And if at some later time, research demonstrates that the technical issues and concerns are addressed, then releasing these from the reserved data can be reconsidered. This would be .a, .z, et cetera.

What happened here, we had sent our prior draft to our technical experts, Steve Bellovin and Mark McFadden for review. And in that case, what we had thought that our technical experts had advised was that single letters at the top in combination with single letters at the second level caused the following problems which is that where you had a single-letter TLD, you could not have single-letter domain - six single letters second level names in that single-letter TLD and vice versa.

But that if you had a single-letter TLD, the problem could be resolved by reserving or prohibiting single-letter second level names in that domain only.

We were told that that was not the case basically that having single letters at any top level domain and single letters in any second level would be a problem.

So given that we already have single letters at the second level and a large number of TLDs, we're essentially stopped from allocating single-letter TLDs unless and until the whole technical concern is resolved.

Chuck Gomes: Because that's fairly involved, are there any questions or comments on that now?

Okay.

Greg Shatan: To give an example, we had originally thought that if we - let's say that .a is allocated as a TLD, we had thought that that would be okay as long as we didn't allocate a.a, b.a et cetera down to v.a in that TLD.

However, we've been told that if you have x.com, you can't allocate .a period because of technical concerns with how resolution of incomplete strings will be handled by certain software.

Chuck Gomes: So if I understand it correctly, Greg, if there were no single-letter names at the second level in any TLDs in the whole name space, then this problem would - this wouldn't be a problem, that it wouldn't be a problem to have single letters at the top?

Greg Shatan: Correct. But only if we continue to reserve every second level single-letter name forever. So, yeah.

If we were sitting here with a blank name space, making a decision at the very beginning, we could decide whether we wanted single-letter TLDs at the first level or at the second level but not both having...

Chuck Gomes: Would there still be a need for a technical test of that or would it?

Avri Doria: This is Avri. Can I add something?

Chuck Gomes: Sure. Go ahead.

Avri Doria: If I understand correctly because this isn't DNS software - I mean, DNS technical issue...

Chuck Gomes: Right.

Avri Doria: ...but one of the (resolvers) in higher level of technical issues.

There may come a day when we say - someone's willing to say, you know, we don't think (unintelligible) it's still out there. And so then, people could move to try and change this. At that point, someone would need...

Chuck Gomes: Yeah, thanks.

Greg Shatan: Correct.

Chuck Gomes: Good.

Okay. I don't - I'm not hearing anything else.

Greg, go ahead.

Greg Shatan: Good. That moves on to single letters and digits at the second level.

Our recommendation there is that single letters and digits at the second level be released in future gTLDs and those currently reserved in existing gTLDs should also be released contingent on the development of an appropriate allocation framework.

We deleted our earlier language which referred to what we thought was the way that the single letters interacted between the two levels. So it's now - in this case, a more straightforward recommendation. So a.com, i.info are examples of this kind of name.

Chuck Gomes: Okay.

Greg Shatan: And then we have single - two digits at the top level which we recommend be reserved in order to avoid potential confusion with IP addresses within software applications. So .3, .99 would be examples of these.

Then we have single letter, single digit combination. In other words, two characters, one of which is a letter, one of which is a digit -- .v8, .3f, .4f, whatever they may be.

Here, we would recommend that applications should be considered for single letter, single digit top level domain and with - and of course with the gTLD process.

Next, two letters at the top level.

Here we recommend that the current practice of allowing two-letter names at the top level only for ccTLDs remain at this time. This is not a ccTLD, it's not duly registered.

And finally, any combination of two letters and digits at the second level -- v8.com, 3m.info -- here - or for that matter, eu.org registries, in this case, we recommend that registries may propose release provided that measures to avoid confusion with any corresponding country codes are implemented.

Chuck Gomes: Okay. Let me open it up for general discussion by the - well, first of all, anybody from the subgroup want to comment?

Okay. Let me open it up to the full working group.

Ray Fassett: Hey, Chuck, this is Ray, can I get in the queue?

Chuck Gomes: Go ahead.

Liz Williams: Me, too. Thanks Chuck. This is Liz.

Chuck Gomes: Okay, Ray and then Liz. Anybody else?

Ray Fassett: Yeah. Okay, I'll go ahead. I'm sorry. I actually have three different comments. I just want to make this one first.

In reading this document, and I know what the answer is, but I couldn't find where it clearly tells a potential new applicant that they cannot file

for dot hyphen. I just want to take a look at that. It doesn't say that anywhere.

Chuck Gomes: They do talk about the hyphen where the hyphen issue comes in.

Marilyn Cade: Yeah. But you're right. I think that's right. We had conversations.

If we force every new applicant to listen to our - to read our transcript and listen to our tape, they might find it, Ray.

Ray Fassett: So there won't be any new applicants?

Marilyn Cade: But that's a good point.

Greg Shatan: It's true. There is, you know, we say that symbols, other than the hyphen should remain reserved. We don't indicate that dot hyphen or for that matter, hyphen dot com.

Chuck Gomes: I think that's covered by technical...

Avri Doria: Yeah, that's the first and last letter - that's the first and last...

Greg Shatan: Right.

Avri Doria: Character.

((Crosstalk))

Greg Shatan: Right, hyphen dot com is covered by that. The rules of the first one, it has to be letter not a hyphen.

Marilyn Cade: It is. But isn't worth...

Chuck Gomes: Well, it's not a reserved name issue.

Marilyn Cade: No.

Avri Doria: Technically, it's prohibited at the moment.

Marilyn Cade: All right.

Chuck Gomes: Yeah. And they're required - new TLDs are required to follow the technical standards.

Marilyn Cade: Right.

Chuck Gomes: So it's kind of - but I'm open if there's an easy way to incorporate that. At the same time, I think it's covered from technical requirements rather than reserved names.

((Crosstalk))

Chuck Gomes: Go ahead, Avri. Yeah. Go ahead.

((Crosstalk))

Avri Doria: ...get into the queue.

Chuck Gomes: All right, I'll put you in the queue and then Liz, you're up.

Ray, you have three things. I'm sorry.

Ray Fassett: Why don't we go ahead and rotate it, I'll come back to my other one.

Chuck Gomes: Okay, I'll write you down then after Avri, again.

((Crosstalk))

Greg Shatan: This is Greg. I'd like to respond to that.

Chuck Gomes: Go ahead. You want to respond to Ray's first?

Greg Shatan: Yeah. I think - I'm just saying that I think in Recommendation 1:
Symbols we could have a sentence in here that notes the dot hyphen.

Chuck Gomes: We could just put a note there, right?

Liz Williams: That's actually what I was going to do.

Chuck Gomes: Speak again? Okay. Well, let me go to Liz and then we'll come to Avri
and you, Greg, okay?

Greg Shatan: Sure.

Liz Williams: Thanks Chuck.

One of the things that I thought might be sensible to do with that particular recommendation which was subject to an appropriate allocation method being determined. Chuck, don't you think that should go into the recommendation to future work?

Chuck Gomes: I'm sorry. What recommendation?

Liz Williams: The recommendation said: The release of the names subject to an appropriate allocation method being devised, that wasn't the exact saying but that's the intent.

Do you think that that piece of recommendation ought to - because there's two recommendations there -- one is release then the other is devise an appropriate allocation method.

The second part of it, don't you think that that should go into the recommendation for more work?

Chuck Gomes: Why does it need more work?

Liz Williams: Well, who's going to develop the allocation method?

Chuck Gomes: You mean the allocation. Yeah, that's a part of it. Yeah. Okay. I'm sorry. I'm zeroing in on this hyphen issue and was not broadening my thinking here. You're on a different topic entirely.

Liz Williams: I'm sorry. Shall I hold my question later?

Chuck Gomes: Let's come back to that on, okay?

Liz Williams: I'm sorry. Yeah.

Chuck Gomes: Because I think we probably ought to get the hyphen issue resolved first and then we'll circle back, okay?

((Crosstalk))

Chuck Gomes: I'll leave you on the list there, Liz, for that.

Greg, did you want to continue?

Greg Shatan: Sure.

Chuck Gomes: In responding to Ray's comment?

Greg Shatan: Yeah. And I was just thinking that we - that the symbol discussion point would be a good point to clarify the hyphen issue. It'll just be a good place in the report.

Chuck Gomes: Okay, all right.

Greg Shatan: If we're discussing symbols and we mentioned the hyphen. We may as well mention what the status of the hyphen is.

Chuck Gomes: And now - and Avri, it sounded like you were opposed to that.

Avri Doria: Well, what I want to be very careful about is because we - we basically did not create policy about symbols so much to say they're not there because technology says they can't be.

What I'm nervous about is creating a policy for symbol or a policy for hyphen.

Hyphen can't be used because technically it's said that it can't be used. And we add a policy to do it that even if the technology gets changed the point where the (ITF) side of the world says, you know, doing dot hyphen is fine, then there's still a policy issue to be overcome.

And we haven't really done policy discussion on things like say hyphen and we move symbols off to - well, they're technically prohibited so, you know, obviously, you're not going to make a policy saying you can use.

So we've left those things to the technology and I've been comfortable with that and therefore not arguing any provisions about whether we should or shouldn't be because they can't be. But I'd be very nervous about getting back into the discussion of whether they should or shouldn't be.

Chuck Gomes: Okay. And...

((Crosstalk))

Chuck Gomes: Let's stay focused on the hyphen issue right now.

Marilyn Cade: Sure.

Chuck Gomes: Is that what you want to talk about, Marilyn?

Marilyn Cade: Yeah.

Chuck Gomes: Go ahead.

Marilyn Cade: In our discussion about symbols where they could be used, where they could be released, et cetera, we did also explore the relevant RFCs.

I think the comment about there being a technical issue about the availability of hyphen does belong in this section, maybe as a footnote. That avoids, I think, getting into the opening any other discussion about.

Avri Doria: Yeah. I mean I'm comfortable with anything that looks definitional or technical. I start to get uncomfortable again when we start talking about putting in a policy section.

Chuck Gomes: Okay. What should the footnote say?

Avri Doria: RFC (unintelligible) says that you have to have a letter at the beginning of the first and last character. (Unintelligible).

Chuck Gomes: Would somebody - again, I'm going to have a lot of work that I have to do and if it's the extent to which I don't have to go back and do some research would be very helpful.

((Crosstalk))

Chuck Gomes: Somebody send me an email with that RFC and I will insert that in the footnote.

(Patrick): Chuck, this is (Patrick). It is already there in Footnote 5.

Greg Shatan: It's in the rationale section.

Chuck Gomes: Oh.

Greg Shatan: So all we really need to do is kind of extend the rationale.

Chuck Gomes: All I need to do is look at Footnote 5 and I can do it, right? Everything's there?

Greg Shatan: Yes.

(Patrick): It's already there.

Greg Shatan: Yeah, the rationale section in Footnote 5 defining the issue and the RFC.

Chuck Gomes: Okay.

I've got my - is anybody uncomfortable with this approach?

Alistair Dixon: And can I just comment that...

Chuck Gomes: Please. Go ahead, Alistair.

Alistair Dixon: Sorry. It's Alistair.

I mean that footnote's fine but of course we are actually proposing to allow names that actually do - don't start with a letter or - don't start with a letter so that it may start with a number and that is letter-number combination. So we're saying, well actually that RFC doesn't apply to those sorts of names but it does apply for hyphen.

(Patrick): No, Alistair, the second RFC in that footnote addresses that issue.

Alistair Dixon: Does it? Right. Okay, fine.

(Patrick): Yeah, 1123 answers that question.

Chuck Gomes: So do I need to refer to more than one RFC?

(Patrick): Yes. And it's - they're both in that footnote.

Chuck Gomes: So I should - in this footnote, I should refer to both RFCs?

Greg Shatan: RFC 952 later modified by RFC 1123.

Chuck Gomes: That's the one that was modified. Sorry.

Greg Shatan: Yeah.

Chuck Gomes: I didn't jump ahead because I saw it - look at - that makes - I understand.

Greg Shatan: Yeah.

Chuck Gomes: Is that okay, Alistair?

Alistair Dixon: Absolutely.

Chuck Gomes: Okay, good.

Anything else on hyphen?

Ray, does that address your concern?

Ray Fassett: Yeah, I believe it does.

Chuck Gomes: Good.

Okay, now I think we come back to Liz. And we will come back to you again, Ray.

Ray Fassett: Actually I'm in with Liz. Same logic.

Chuck Gomes: Okay. And that - Liz, do you want to restate your...

Liz Williams: Yeah. Thank you, Chuck.

I'm sure, Ray, your logic would have been better than mine at this hour of the day.

Yes, Chuck, there were two parts of that recommendation. One was releasing, the second one was...

Chuck Gomes: I'm sorry. Which recommendation are we on?

Liz Williams: The one that said the release of second level, single-letter name subject to...

Chuck Gomes: Single and - no, not single and - okay. I just want to make sure I'm looking at the right one. So, single letters...

Greg Shatan: This is recommendation - Chuck, this is Greg. It's Recommendation 3 - Task 3B single letters and digits at the second level.

Chuck Gomes: The second level, okay. So it's single letters and digits at the second level. That's what I needed.

Liz Williams: That's right.

Chuck Gomes: Now, I'm at the right place.

Liz Williams: And it's the piece about the allocation method. And my logic is that yes, you can accept the recommendation as it then so there's contention with that. But we need to do something with the recommendation that says subject to an allocation method.

I would suggest that that piece ought to go in a section that says recommendation about further work. Now that said, the work might just be please refer to the new TLD allocation process that says whatever that all says. But I suspect that that's not quite good enough.

Greg Shatan: No, it's not. This is Greg. Especially because we refer also to release an existing...

((Crosstalk))

Greg Shatan: ...gTLDs. I think...

Liz Williams: Exactly. Now, this is separation between the new TLD discussion that we've been having and the piece of work that relates to the registry. So

I suggest at this point separating that right out and say make that a different track of work.

Chuck Gomes: So, should we make - let me make sure I'm with you on this, okay. So, do we need a separate recommendation here that recommends that an allocation method or allocation framework be developed for release of single letter and digits at the second level?

Liz Williams: Yup.

Chuck Gomes: So what I would do then is insert a row below this, I would think.

Liz Williams: Yes, yup.

Chuck Gomes: Okay. And then it's going to be developed - I can word it later if everybody's okay with that.

Liz Williams: Yup.

Chuck Gomes: Develop allocation framework.

Liz Williams: Yup. And of course, you can use the (tip) of those which is really great because what we've done in the new TLDs process, which is directly relevant here, we'll provide lots of policy guidance about appropriate allocation methods that would be applied to existing registries.

Chuck Gomes: Uh-huh.

Liz Williams: You know, working backwards.

Chuck Gomes: Let me make - so I will - now, run that by me again because I was busy working here.

Liz Williams: No, it's okay. I'll send you little notes. You don't have to worry about it.

Chuck Gomes: Okay. If you'll send me a note, that will be fine.

Liz Williams: Uh-huh.

Chuck Gomes: Anybody have any problems with that?

In other words, what we're doing as we're adding a recommendation - an additional recommendation. Now one of the problems is - has been that do we need to add something down below in the supporting information part because each of the recommendations are discussed below.

Greg Shatan: I'm not sure - Chuck, this is Greg, whether we need to, you know, do a whole new row. Maybe what we need to do is just kind of parse the recommendation a little bit more within the row so that we, you know, indicate that there's kind of two tracks here, although they may be very closely aligned, one for the new gTLDs and one for the existing one.

Chuck Gomes: Now, Liz - and correct me, Greg, if I'm interpreting what you said wrongly. But in other words, I think what you're saying is if we could leave it as one recommendation but then in the way we won't do a pure cut and paste on this one in the same place. Part of that will go into the new TLD, a big part, part of it will be in the part for new recommendations.

Greg Shatan: If that works.

((Crosstalk))

Chuck Gomes: ...need for more works.

Greg Shatan: Yeah.

Chuck Gomes: Is this - Liz, that's doable, isn't it?

Liz Williams: Yup.

Chuck Gomes: We just have to separate it. So, what I should do then is add, for that previous recommendation, a statement that says we recommend that an allocation method - a framework be developed.

Liz Williams: Yup, exactly.

Chuck Gomes: Okay. And...

Liz Williams: I'm just about to send you a note anyway. So, you don't have to worry about that.

Chuck Gomes: Okay. All right. So then, I'll take that...

Michael Palage: Chuck, this is Mike. Can I get on the queue?

Chuck Gomes: Yeah. Just one second, Mike. Let me take that row. So that - yeah. That may - that's a lot easier in terms of not having to modify the report

more. So, it's a good idea. And the same topic, right, Mike? Mike Palage, I mean.

Michael Palage: What was that? Well, this is the recommendation on allocation. I guess I'm a little concerned about that because I thought that was the whole purpose of the funnel and trying to come up with a one-size-fits-all on how single letters are allocated between sponsored, unsponsored.

To me, I think that's sort of starts to stand on this slippery slope of, you know, telling businesses how they need to be run. So, I guess that's my concern. And I guess what I'd like to do is just look at how that wording appears.

Chuck Gomes: Yeah. Let me ask question, and this question isn't only for you, Mike, but for everybody else on the call.

What if we said, you know, and I'll do better wording, but develop an allocation framework which could be our step process that's already in place?

Marilyn Cade: Chuck?

Chuck Gomes: Yes, Marilyn?

Marilyn Cade: Thank you. You might want to take a queue. Others may want to speak on this.

Chuck Gomes: Okay.

((Crosstalk))

Ray Fassett: This is Ray. Don't forget, I'm in the queue here.

Chuck Gomes: Now, are you on this...

((Crosstalk))

Chuck Gomes: I have it, Ray.

((Crosstalk))

Chuck Gomes: I have - it's right in front of me here.

Ray Fassett: Okay.

Chuck Gomes: Ray, is it on this topic as well?

Ray Fassett: Yes. Uh-huh.

Chuck Gomes: Okay. Well then, you're first on that, Ray. And then who after, Marilyn?

(Patrick): This is (Patrick). I'll also get in on the queue too.

Chuck Gomes: Okay. Very good.

All right. Anybody else?

Okay, Ray.

Ray Fassett: Okay.

On the surface level, I have difficulty understanding what the PDP '05 committee is supposed to do with the recommendation that involved existing gTLDs.

First of all, just on plain surface level, I think, in my view, anything involving existing gTLDs should be out of scope for the work of basically any reserved names working group that the scope is for new TLDs. That's one issue.

I also would like to echo Mike's issue of going down the path of allocation, not only dictating potential new business models of new TLDs that we don't really know who they are.

But is also then again reverting back to what I consider the out of scope of existing gTLDs trying to dictate business model one-size-fits-all, whatever you want to call it.

So, I would likely submit a minority opinion on those two fronts unless - but again, I'm kind of new so there might be good justification to it.

Chuck Gomes: All right. Now, you need to let me know before we're done with this one whether you're going to send a minority opinion, okay? But I understand you need to wait until we finish with this particular category. But I just wanted to alert you to that.

Now, Ray, with regard to the scope issue, some of the recommendations - in fact, all of the recommendations for more work are really going to have - are going to really to the council. The new gTLD committee is made up of the council.

So the - so I agree with you that it's not the task of this working group to do those things. At the same time, in our work, some things have popped out that - for consideration by the council. So I don't see that as a serious problem now.

Am I missing something there as far as the scope issue?

Ray Fassett: I believe so. But that's my opinion.

Chuck Gomes: All right. So, what would your recommendation be then, that we not even touch that area?

Ray Fassett: It would be probably something to the effect that the recommendation be that the need to reserve single characters that the second level for new TLDs is not, you know, full stop right there.

I don't see why we're - why it is needed to go down the road of existing TLDs or - and contingent upon an allocation process. That's a real big overreach.

Michael Palage: Chuck, this is Mike. Maybe perhaps...

Chuck Gomes: Hold on a second, Mike, let me get you in the queue.

Michael Palage: Yup.

((Crosstalk))

Greg Shatan: This is Greg. I'd like to be in the queue.

Chuck Gomes: Okay. I've got Marilyn, (Patrick), Mike, and Greg, Mike Palage.

Man: So, am I up?

Chuck Gomes: You're up, Marilyn.

Marilyn Cade: Chuck, what I'm going to propose is that we go back to the additional terms and preferences. We look at the revised terms of reference. I don't mean - I'm just lining up the things that I think we ought to take into account.

I do think that it was the intent in the reserved name working group to take into account recommendation on reserved names for both existing and new gTLDs.

And I suggest that this kind of - is that illustrated in some of the previous recommendations we talked about where we said based on further work, we might even reconsider the reserving of IANA and ICANN as the second level.

So I think that inherent in the work that the subgroups have been doing and the overall working group has been doing, there is an underlying recognition that there are implications for existing gTLDs as well as for new gTLDs. So that's my first point.

Chuck Gomes: Okay. Do you have a second point?

Marilyn Cade: I do.

My second point is that I would really prefer that we keep a broad and high level statement about the future work on the allocation framework or frameworks and not name a particular framework.

I might not think that the RSTEP is the best approach. But I'm not sure at this point in the working group, this is the place to debate what the allocation frameworks or framework might be.

Chuck Gomes: Okay.

Let's go to - what I'm going to do is listen to all of these and then I probably will make a suggestion.

(Patrick)?

(Patrick) informed me that he would be on mute sometimes, so...

(Patrick): Okay. I'm off mute.

Chuck Gomes: Okay.

(Patrick): Thank you.

Two points. First one is that I thought our overall working purpose was to examine reserved name broadly new gTLDs predominantly but also for existing TLDs.

And then secondly, on issue of allocation, that's probably a task for the council to either direct ICANN staff or ICANN staff to continue working on that as we go forward.

Chuck Gomes: Okay.

Mike Palage.

Michael Palage: Yeah, Chuck.

In an attempt to find a compromise here, perhaps the wording should be - with regard to allocation, any future allocation of single letter domain, second level single letter domain and existing or new TLDs should be done in a consistent manner with the ICANN Bylaws, RSTEP, and funnel mechanism.

And then what we're doing in there is we're recognizing that, you know, any allocation by an existing or future registry must be done within parameters. They're not going to free-for-all. They must comply with the funnel, the RSTEP, the ICANN Bylaws.

I think that's - I think that is a potential good middle ground here that recognizes the limited rights of a registry in allocating these things and preserving the importance of those mechanisms.

Chuck Gomes: Okay. By the way, I don't know that people are going to go for that or not, but just for the sake of timeliness, could you send that to Liz, please.

Michael Palage: I will send that to Liz.

Chuck Gomes: Okay.

Greg?

Greg Shatan: I also believe - I think that this should be, you know, kept at the highest level.

I think that the concern here is that really a willy-nilly just release of these single letter domains or just, you know, put them into kind of first come, first served without any consideration of issues that would result from that, you know, would be (unintelligible).

And so - but I do think that if we try to go down the road of, you know, defining in particularity certain business models, we're always going to leave out the ones that actually happened.

Not always, but there's a tendency. We're not going to imagine what a new registry or an existing registry might come up with as being the appropriate methodology.

Chuck Gomes: Right. And it could actually vary by type of registry.

Greg Shatan: Absolutely. I think we have to have a Chinese menu.

Chuck Gomes: Yeah.

Greg Shatan: I was about to say a very long menu of alternatives and we still can't imagine all of them.

Chuck Gomes: Right.

Greg Shatan: Or we just have to say that, you know, a menu needs to be created down the line.

Chuck Gomes: Okay.

Anybody else want to comment before I do?

Marilyn Cade: I've got one. I just want to ask a question before you...

Chuck Gomes: Go ahead.

Marilyn Cade: I'm hearing an underlying assumption from some speakers that the allocation of names that are on - that are presently in reserved status to the registry service.

Chuck Gomes: Reword that for me.

Marilyn Cade: I'm trying to understand, it seems to me that by suggesting that the RSTEP process is applicable here that there's underlying assumption that the allocation of names presently on reserved that that would constitute a registry service.

((Crosstalk))

Man: Can I respond to that, Chuck?

Chuck Gomes: Hang on, hang on. I'm going to respond first here.

Marilyn Cade: And I'm just...

Chuck Gomes: Without supporting one...

((Crosstalk))

Chuck Gomes: ...direction or another, the RSTEP process has actually been used for two-character - two-letter.

Marilyn Cade: I'm aware of that. But I was just...

Chuck Gomes: So, that seems to indicate to me that there's some possibility there. I'm not saying one way or another whether that's way to go, okay. I just wanted to point that out.

Now, who else want to comment in response to Marilyn?

Ray Fassett: Ray Fassett.

Chuck Gomes: And did Mike Palage...

Michael Palage: You brought out the factual element thing.

Chuck Gomes: Okay.

Ray, go ahead.

Ray Fassett: The reason that the two-character is a RSTEP issue is because it involves a change in a contractual condition. And that's the danger of going down here when we say, you know, come up with an allocation

process for existing gTLDs. It has to be understood that that is going to affect contractual conditions of independent registry operators.

And I don't think that that's possible, for example, for the council to come up with, for example, a blanket policy on this for existing gTLDs and how to allocate and not take into appreciation that there are, in fact, contracts in place that have to be usurped.

((Crosstalk))

Ray Fassett: So that's why it's an RSTEP process.

Chuck Gomes: And (Patrick) was actually suggesting that it might actually be a staff issue which might tie into what you're saying about contractual issues, I don't know.

But, okay.

(Patrick): Chuck?

Chuck Gomes: Yes? Who's that?

(Patrick): This is (Patrick) again.

Chuck Gomes: Okay. (Patrick), go ahead.

(Patrick): I first said it's probably an item for the council to direct more work and it could also be...

((Crosstalk))

Chuck Gomes: That's correct. Thank you.

(Patrick): ...or staff.

Chuck Gomes: Yeah. I mean, council could actually ask that - to do that, yeah.

Thank you for clarifying that.

((Crosstalk))

Marilyn Cade: Chuck, can I finish my sentence?

Chuck Gomes: Yes, you may.

Marilyn Cade: So, thank you everybody for jumping in to interrupt me.

My question was I just wanted to verify that that was some of those speakers, the underlying assumption. So, let me thank you for verifying that.

Chuck Gomes: Okay. Are you finished? I was probably the one guilty of cutting you off thinking that you were finished, my apologies.

((Crosstalk))

Chuck Gomes: So Avri, do you want to say something as well?

Avri Doria: The assumption that it needs more work and the assumptions that that's contained in Mike's suggestion that any new service or process needs to go through further thinking, funnel processes, et cetera.

But that the issue continues (unintelligible). And those two combined seems to me could be a reasonable way to sort of cover this. It's not closed. It's obviously too complicated to try and come to any sort of decision, you know, even preliminary one at - in the end game of this particular reserved name report.

But I think it's an issue that's been opened that, you know, is worth putting on the extra work but also limiting, you know, the initial behaviors based...

Chuck Gomes: Now, I'm going to make a little bit of a leap here, without taking the time to survey people because of time spent that we have. I'm guessing that probably - I like Mike's approach - general approach, but I'm guessing probably from what I've heard that it's probably not going to fit everybody's priorities on this.

What if we were to say that further work is needed to decide whether an allocation method is - should be developed or whether existing processes should be used - or available and should be used or something else?

And what about - I mean, that's pretty high level, even more high level than Mike. But I mean, by the way, if people are comfortable with Mike's suggestion, I'm not opposed to that. What are your thoughts on that?

Marilyn Cade: Well, I'll go first (unintelligible), Chuck. It's Marilyn.

I'm more comfortable with the modified approach that you submitted.
And I am not comfortable with the additional language that I took down
from what Mike said.

Chuck Gomes: Okay.

Somebody else want to comment on that?

Michael Palage: If you want, Chuck, I just submitted that to the list so it should be there
in about a minute or so.

Chuck Gomes: Okay. Let me slip over myself just to see if I've got it. I haven't seen it
yet. But okay, thanks.

But people heard the gist of it, what you're thinking. I mean, how many
people are not totally comfortable with what Mike stated?

((Crosstalk))

Chuck Gomes: I heard Marilyn, I think.

Avri, you said you're not?

Avri Doria: Well, I mean, I was as long as we added on the people we keep talking
about which essentially, I think, is the same as what you're proposing.

So yeah, I was comfortable with it plus something else.

Chuck Gomes: Okay. All right.

Avri Doria: I'm not as comfortable without something else.

Chuck Gomes: Okay, okay.

So as soon as it comes, we'll check the email. We'll give you a chance to see what you would add there.

Now, Marilyn, did I correctly conclude that you are not comfortable with it?

Marilyn Cade: I'm not. I much prefer your language because your language leaves open the importance of evaluating the existing processes but also understanding whether an enhancement is needed or a different approach is more appropriate.

Chuck Gomes: Yeah. And unfortunately, you know, we could probably spend two hours on this thing alone. And obviously, we don't have that much time. So, I would like to encourage us all to try and come up with something we can live with to deal with without getting too hung up on scope and everything else because we're just at a point in time where we don't have that time.

I understand the argument. But if we can come to some sort of a compromise on this that we can live with that may not be perfect for all of us -- I'm sure it won't be perfect for all of us -- I think that's the approach we need to take on this, so...

Ray Fassett: Hey, Chuck. This is Ray. I like Mike's language.

Chuck Gomes: Okay. Thank you.

Mike's language is at my email. And in case you haven't gotten it, I'll read it again.

That poor bird just hit a window. Sorry about that. It's probably sitting on my front porch, or lying on my front porch, yeah.

The - it says "Any future allocation of single letter second level domain names and any existing or future" -- we probably should say gTLD -- "should be done in a consistent manner with the ICANN Bylaws, the RSTEP and funnel mechanism.

You're actually saying two things. RSTEP and funnel mechanisms are the same, although, I think it's probably more existing contractual conditions with regard to contractual changes.

Man: I'm fine with those changes.

And Avri - maybe Avri could give her plus to...

Avri Doria: Yeah.

Man: ...what would she want to say.

Avri Doria: I haven't quite worked it but basically it's a sentence that says, "Further work is recommended in discussing any future allocation," you know, it's a future allocation method.

But I'm not even trying to imply that there will be new allocation method but that this topic will be discussed and that that is within the limit set so that if something comes out of the discussion, (unintelligible).

If something comes out of the discussion that sort of says, "Okay, you know, that we can look into some sort of mechanism that allows the valuable resources to be allocated in such a way that allows some money to go to a development fund or allow this or allow that."

And it goes through RSTEP and it goes through funnel, and it fits within bylaws or however one needs to make adjustment for it, then that can happen.

So what I'm really saying is I'm fine with this as long as - what I'd like to see is the addition though that, you know, we can look at allocation methods (unintelligible).

Does the point I'm making come close to being acceptable? We can find the right word.

Michael Palage: I guess, Avri, if I can just respond real quick, Chuck, is if you look at the funnel, and we have (Patrick) from ICANN staff who is the funnel guru, you know, one of the boxes that a registry needs to answer in response to new registry services, they need to specify their consultation that they have engaged with regards to the community experts and others.

And this is something that ICANN, if you will, has drilled down on in registries to see what level of consultation they did engage in.

So, you know, (Patrick), perhaps as the funnel guru, you might be able to elaborate on that a little more to maybe see if they exist upon - the existing funnel mechanisms address that concerns of Avri.

(Patrick): With this category, I don't want to come out and give an answer one way or the other. But that said, I think if you're going to be clear on the language that Mike said, it shouldn't say with the ICANN Bylaws and the process for consideration of new registry services instead of RSTEP and funnel mechanism. So that's one comment that I would make.

((Crosstalk))

Chuck Gomes: Help me out what that is and the process - because I'm changing that, okay.

(Patrick): And the process for the consideration of new registry services, or instead of having that, the - with the ICANN Bylaws and the Registry Services Evaluation Policy. I'll send that to you in language.

Chuck Gomes: Hold on. I'm writing right now. I don't think you need to, but let's find out. And I think it's not only a consideration of new registry services or contractual changes.

(Patrick): That just to be accurate with my point, I'd like to go back and say the council could direct further work on this or direct ICANN staff or staff can continue further work on this category.

Marilyn Cade: Right. So, and - it's Marilyn. So, the clarification you are making, which I think is right for further work, it is up to the council to direct further

work. And then your point is they could add point (unintelligible) now to the...

((Crosstalk))

Chuck Gomes: Let me tell you what I did. And (Patrick), you're - everybody is welcome to add more but in particular you may want to.

I kind of tried to combine. And I probably didn't do it accurately, but I took a stab at it, both what Avri was saying and Mike's saying, plus other concerns by people.

And so what I said was further work is recommended to determine if an allocation framework is different than what is contained in registry agreement is appropriate.

Any future allocation of single letter second level domain name to any existing or future gTLD should be done in a consistent manner with the ICANN Bylaws and the process for the consideration of registry services or contractual changes.

(Patrick): This is (Patrick) again. That's one way to do it or...

Chuck Gomes: Go ahead. Give me another way.

(Patrick): Avri's additional sentence is shorter and maybe better.

Chuck Gomes: All right. Give me that again and I'll type.

(Patrick): I think she said "Further work is recommended in discussing any future allocation method."

Chuck Gomes: Further work is recommended in discussing allocation method.

(Patrick): Any future allocation method.

Chuck Gomes: Do we really need "any future," I mean?

(Patrick): I'm just repeating what she said.

Avri Doria: Yeah. I don't think we need it.

Chuck Gomes: Okay, okay.

Greg Shatan: This is Greg. I might suggest changing discussing to development.

((Crosstalk))

Chuck Gomes: Should we say maybe and exploring and possibly developing?

Man: Is this really any different than what we have in there now?

Marilyn Cade: We have a recommendation. We're trying to figure out how to complete it, right?

Man: I guess in a sense what we're saying is somehow trying to work on the term "further work."

Marilyn Cade: Right.

Avri Doria: Yeah, without prejudicing how that further work...

Man: Right.

Avri Doria: (Unintelligible).

Marilyn Cade: But it seems to me, it does need to say - so if we - I'm sorry. It's Avri's sentence which is further...

Chuck Gomes: Further work is recommended in discussing allocation method is what I have right now.

Marilyn Cade: Right. And inherent to that, I think, it's going to be you need to examine what allocation methods might look like.

Man: Including the ones that already exist.

Avri Doria: Yeah. That sort of go down layer though and it's still included just by saying allocating method without getting specific, I think. (Unintelligible) we come closer and closer (unintelligible) we might not agree on.

Chuck Gomes: Yeah. It's valid point. And so...

Ray Fassett: Hey, Chuck. This is Ray. Can I ask a question?

Chuck Gomes: Sure.

Ray Fassett: Is the goal here just to make a recommendation to do further work? In other words, the goal here is not to have a new policy come out of PDP '05. I'm trying to understand the goal.

Avri Doria: Certainly, I don't think there's anything at least that I could imagine because we never even talk about it that anything would go into PDP '05. That's at least I don't think so.

Ray Fassett: So it's basically that the goal here is to come up with a recommendation for the council to decide whether new work or additional work should be performed?

Chuck Gomes: The only way, in my opinion, that anything out of this could end up in the introduction of new TLDs, and I'm sure it would not be in any report from the PDP '05 because it won't happen soon enough is that if it was decided to use whatever process - existing processes or some new ones to allocate these names, then it could impact the terms in new - in contractual conditions for new TLDs but it would not be a part of PDP '05 because it will be done before that would happen.

Did that make any sense? I mean, did you understand what I said?

Ray Fassett: Yeah. Yeah, I suppose. It's just that, you know, contractual obligations are the result of consensus policy which is a policy development process like PDP '05 is a possible...

Chuck Gomes: But PDP '05 is not going to establish any consensus policy on this particular - on allocation methods. It's just not going to happen.

Ray Fassett: Right, that - I guess that is my point.

Chuck Gomes: So - but that doesn't prevent us from making a recommendation for additional work that could ultimately affect new TLDs, which was kind of the underlying direction of why we even went down this path based on council direction.

Avri Doria: Yeah. I mean, the council could put together, you know, another process that would be done...

Chuck Gomes: Yeah.

Avri Doria: Before various allocations happen. I mean...

Chuck Gomes: That's right.

Avri Doria: Before contract.

Chuck Gomes: Yeah, a new policy development process.

Avri Doria: Okay.

Chuck Gomes: Right.

Avri Doria: Policy development process that could put constraints on future contracts.

Chuck Gomes: Right, right. Thank you. That's all I was looking for, thanks.

Man: What if we just simply say, "Further work is recommended regarding allocation methods"?

Man: Okay. It's neutral and...

Chuck Gomes: Is that neutral enough for everybody or does it, you know, is it - I mean, Mike and Ray, you - what do you think about that?

((Crosstalk))

Chuck Gomes: About future work regarding the applicability of allocation because what - as we said, there already might be existing mechanisms in place that work such as the funnel.

Marilyn Cade: I would think that that too would be included under the general looking into, you know, allocation method, you would obviously start with feasibility studies. And again, it's moving down the layer and it seems to, in some sense, tilt it beyond the...

Man: Yeah.

Marilyn Cade: The pure middle of the road.

Chuck Gomes: If any work is done and the council authorized it, whether it be working group, a PDP or whatever, it's going to have to be a statement or work, a charter and terms and so forth, and we're all going to have full opportunity to contribute to that and make sure that all possibilities are considered.

So, I really think that this statement: "Further work is recommended regarding allocation methods," should be okay. Now, somebody convince me differently.

Man: I guess what...

((Crosstalk))

Chuck Gomes: Here's my concern is let's just suppose a registry wanted to allocate a single letter right now and use the funnel, which we've just discussed may be a - is something that an existing registry could do. Agreed?

((Crosstalk))

Man: We agreed that...

((Crosstalk))

Chuck Gomes: If a registry were...

Man: If the names were unreserved.

Chuck Gomes: Correct. Well, even if they are reserved, as we've just discussed, a registry has already used the funnel to allocate reserved names.

Man: That's true.

Chuck Gomes: So today, a registry can use the funnel to allocate, if they chose to, a single letter domain name.

The concern I have here is if this group says further work is needed or we suggest further work is needed, that automatically blocks or would be used to block an existing registry from allocating names because

people would point to the that and say see, we said further work needs to be done, therefore we need to block it.

And I think that's inconsistent because if you sort of take that logic and scale it backwards, that would have prevented GNR from allocating the second level domains, and I don't think that's what we need to be doing here.

((Crosstalk))

Marilyn Cade: Wait a minute, wait a minute, wait a minute. Back up a minute.

Chuck Gomes: Okay. Well, how far do you want me to back up, Marilyn?

Marilyn Cade: I want to ask a question.

Chuck Gomes: Sure.

Marilyn Cade: When I looked at the GNR application, there where - there was different treatment of reserved names category in a couple of cases (unintelligible) didn't we always have under the two letter names we always had the ability for the registry to propose measures to release those names (unintelligible).

Chuck Gomes: Well, first of all, until the RSTEP is put into place...

Marilyn Cade: Yeah.

Chuck Gomes: There really was no process.

Marilyn Cade: Okay.

Chuck Gomes: That was one of the big hot issues that I don't need to explain to you.

Marilyn Cade: Right.

Man: Chuck, actually that language has been existing in the registry agreement or at least for that category, there was a process.

((Crosstalk))

Chuck Gomes: I'm sorry but I would disagree with that. There wasn't a process; there was a statement that said it could happen.

Marilyn Cade: All right. Both of you are right, but what they are accepting was to create a process. But that category of names that we're talking about was a specific kind of reserved name. And so, I agree that the RSTEP process was used in that particular instance.

You know, I think we are getting into a level of granularity that's going to take more discussion and more dialogue.

I don't think Chuck's language precludes using an existing allocation process, but maybe you should read it again, Chuck.

((Crosstalk))

Chuck Gomes: Maybe we should say that.

Man: Yeah.

Chuck Gomes: Because I understand Mike's logic. It was actually quite good logic. And so maybe, what we should send as - I didn't hear who it was that was kind of saying the same thing when I was.

But - and what if we said: "Further work is recommended regarding allocation methods." This should not preclude use of existing contractual provisions to the extent that they are applicable.

Marilyn Cade: But Chuck, you're...

Michael Palage: I think that's good, Chuck. I mean, again, what we want to do is we want to...

((Crosstalk))

Chuck Gomes: Hold on...

Michael Palage: I'm sorry.

Chuck Gomes: Marilyn has jumped in first and then I'll come back to you.

Marilyn Cade: Yeah. Chuck, I'm not sure I disagree with your intent, but I don't...

Chuck Gomes: Sorry about that. It's a line phone and hopefully my wife will answer the other one, I'm talking, I can't put it on mute.

Marilyn Cade: I think the way you worded it, it sounds like there would be two parallel tracks and I'm not sure that's what...

Chuck Gomes: That's not my intent.

Marilyn Cade: Yeah.

Chuck Gomes: My intent was to deal with what I thought was a legitimate concern expressed by Mike. How would you word it differently, Marilyn, to deal with this concern?

Marilyn Cade: Well, to go back to - I thought if we - I thought Avri's earlier broad statement: "Further work is needed to explore allocation methods," I would assume the RSTEP is an allocation method.

Chuck Gomes: Yeah. But I think Mike's argument is correct in that could be used to say, well, let's wait for further work before the RSTEP could be used. By the way, it totally is a personal statement, not a statement as Chair, okay.

Marilyn will recall that I actually - myself suggested that we already might have a quicker mechanism to -if the names were released, there could be a quicker process that's already in place for this to happen, but that's just a side point, okay.

Marilyn Cade: Right. But I don't think what we're - what Avri's statement does preclude.

Chuck Gomes: We want to make sure of that and that's why we're trying to tweak the language. So I think it could - you may be right in your interpretation that you and I both know that somebody would probably use it differently.

((Crosstalk))

Chuck Gomes: Go ahead Avri - excuse me Mike. Mike and then Avri.

Michael Palage: I'll let Avri go first.

Chuck Gomes: Okay, Avri.

Avri Doria: I was basically thinking that certainly - and I think any language that put in can be used that way. I think that one can be assured that in any case, if an RSTEP process comes up, people are going to bring up this issue and bring up the question.

So I think trying to come up with iron-clad warnings that nobody could ever possibly use as a reason for why something should be blocked is an impossible task.

Ray Fassett: Hey, Chuck, this is Ray if I can get in the queue?

Chuck Gomes: Okay, let's see. I think Mike is next and then Ray.

Michael Palage: Let Ray go.

Chuck Gomes: Okay, Ray.

Ray Fassett: Hey Chuck that - just a quickly - this drives my point that we're trying to go off on two different tangents here. It would make perfect sense to me to say, "For new TLDs, additional work is recommended on the allocation of single character domain (stop)." Now that would work for...

((Crosstalk))

Chuck Gomes: I was busy developing one of my own so I wasn't paying attention, Ray. Run that by me again.

Ray Fassett: For new TLDs, it is recommended that additional work be performed and the release of single character names at the second level.

Chuck Gomes: I don't think you mean release, you mean allocation there too because we have the recommendation to release that.

Ray Fassett: Yeah, you used the correct line - the correct words, thank you. But what I'm doing is I'm conditioning it with four new TLDs comma and then put on Avri's language in.

Alistair Dixon: Sorry. It's Alistair here, can I join the queue please?

Chuck Gomes: Yes, let's see. I'm kind of lost.

Mike, can Alistair...

((Crosstalk))

Chuck Gomes: ...before you?

Michael Palage: Everybody...

Chuck Gomes: Everybody can go before you.

Go ahead, Alistair.

Alistair Dixon: I thought what we were talking about here was actually existing TLDs as well as new TLDs.

Chuck Gomes: Well, your recommendation did that. Our task really is lying towards new TLDs. Obviously, anything that implemented there could eventually be slowed down to existing TLDs. But...

Ray Fassett: And Chuck, could I finish my comment?

Chuck Gomes: Yeah, go ahead.

((Crosstalk))

Chuck Gomes: I didn't know you weren't...

Ray Fassett: That's okay, that's ok.

For new TLDs, the recommendation is further work on the allocation of single character names at the second level. For existing gTLDs, it is recognized that the RSTEP process can be utilized for the allocation of single character domain names.

Avri Doria: This is Avri, can you put me in the...

Chuck Gomes: Will you let me dialogue with you a little bit?

((Crosstalk))

Chuck Gomes: I still got Alistair, I think, and then I've got Avri - but let me...

Ray Fassett: I'm just trying to step right out two things.

Chuck Gomes: I'm not sure you need that last sentence, Ray, is what I'm going to say.

Ray Fassett: Yeah.

Chuck Gomes: What's wrong with just saying for new gTLDs?

((Crosstalk))

Chuck Gomes: ...work is recommended regarding allocation methods?

Ray Fassett: Nothing, that's exactly what I think it should say.

Chuck Gomes: And that's similar to what I was trying and then I'll go to the other people, I'm sorry. I had written down before moving to general reservation requirement, further work is recommended regarding allocation methods. I think that was just the same - similar approach that accomplish with the same thing, and yours is a little shorter.

So I focused on removing the general reservation requirements. That wouldn't preclude using existing processes there as well.

Ray Fassett: Right.

Chuck Gomes: But yours are shorter so...

Ray Fassett: Right.

Chuck Gomes: I don't care now.

Let's see, Alistair, please jump back in.

Alistair Dixon: Well, if he wasn't - I'll leave it to others to, Chuck. I didn't actually...

((Crosstalk))

Chuck Gomes: I didn't think you were finished. I'd want to give you the opportunity.

Okay, Avri.

Avri Doria: I'm not understanding, that means that we have to go through all of our recommendations now and decide whether they apply both to new, because one could look at all of our recommendations and say, well, why would any of them apply to existing TLDs, they only apply to new because the group was only chartered to talk about new.

((Crosstalk))

Ray Fassett: I can answer that, Chuck, real quick because this one is the only one that talks about allocation. That's the reason.

Chuck Gomes: I want to be (unintelligible).

Avri Doria: Yeah. It's just that this is getting more specific (unintelligible).

Chuck Gomes: Okay, Marilyn?

Marilyn Cade: I want to go back to our recommendation. The recommendation said, to recommend single letters and digits be released at the second level (unintelligible) to gTLDs and those currently reserved in existing gTLDs should be released. This release should be contingent upon the development of an appropriate allocation framework.

We are - I thought what we were trying to do now is to make a recommendation for more work in order to develop an appropriate allocation framework. And let me just use the word "framework" for a minute.

I also just noticed that this recommendation is - it has two parts. And I've already made my point that other recommendations apply to existing gTLDs and to new gTLDs as well.

I don't see, you know, if we can come up with language that says - maybe the best we can do, Chuck, is to have language drafted after the fact on how to propose the further work, go on with the rest of the review of our report and note that we're going to have to agree on the language to the council on the further work items on the list and have one more call to try to reach agreement on that language but try to go back to finishing the rest of our report.

Chuck Gomes: Yeah, yeah. Okay. Now - and we may in fact have to go to an approach like that.

The - now, let me ask okay, let's just take the last suggestion that was on the table and make sure I'm clear on where people are on it.

((Crosstalk))

Chuck Gomes: It said - and then forget about the rest of the existing recommendation because that may have to be tweaked too, I realize that.

It said for new gTLDs, further work is recommended regarding allocation methods. Now, is that a supportable statement or not?

Michael Palage: As I said, Chuck, my original opposition is that language by itself has a potential bias - existing registry in using the existing contractual mechanisms to offer new services and that's why I was just asking for recognition and perhaps with that language may be the following addendum.

However, this language should not bias or exclude existing registries from using existing contractual mechanisms involving new registry services. There has to be recognition of the existing contractual rights that are out there by current gTLDs that have contracts with ICANN.

Marilyn Cade: But Mike, we go back to there being the assumption and it may be a correct assumption by the way. When names are unreserved, I'm hearing the idea being put forward that when the category is unreserved, that the registry, individual registry should make the decision about allocation.

That I think is something that we all need to understand if that's going to be across-the-board assumption, particularly as other names may be unreserved in the future.

Michael Palage: Again, Marilyn, as I think Chuck pointed out, it is not an assumption it is a fact that a registry can keep the allocation of reserved names. It

can be done with GNR in connection with the two letter names using the funnel process. So your continued characterization of this as an assumption, I think, the facts speak for themselves.

Chuck Gomes: Okay. I want to do a reality check here, and I'm not talking about time either.

If we cannot come up with a recommendation on this, based on guidance from the counsel in Lisbon, from the Chair in particular, then our recommendation will need to be status quo just like with ICANN and IANA names.

Is that the best alternative at this stage because we do have a lot more work to do?

Marilyn Cade: I don't think it's the best alternative and I don't think it's even necessary, which is why I suggested - I think we can get to language, but I'm not sure we can do it in 11 minutes.

Michael Palage: Well, I guess Chuck, if I can comment on the status quo, since the status quo would allow an existing registry to allocate these names right now, I don't see what's wrong with the status quo.

I mean the fact - I mean what this group has done here, which is important, if an existing registry wanted to use and allocate or make a petition through the funnel, we've clearly identified that there are no security and stability concerns and that should be basis enough for a registry to move forward with putting this request through the funnel.

So, even if we go with the status quo, I don't think that that is necessarily problematic because I think the record that we have documented will be beneficial.

(Patrick): Chuck, this is Patrick.

Chuck Gomes: Patrick.

(Patrick): This recommendation is basically unchanged from last week's full working group call. And I'm pretty sure that this recommendation is basically the same recommendation that was in the original report. So, we were spending a lot of time on this call going back and forth on something that has been around for a while.

Chuck Gomes: And that frustrates me too, (Patrick), because we've tried to get people to, you know, with - these are things that have been put out there for comments for quite a while.

But, at the same time, I realize how busy everybody's been and the reality of the matter is that even with, you know, we still got to come to some sort of a rough consensus on the final recommendations regardless of whether we think that these comments should have come forth more sooner. And if we can't do that, then the default is status quo.

All right, what...

Greg Shatan: This is Greg. And...

((Crosstalk))

Greg Shatan: I'd like to get in if I could.

Chuck Gomes: Okay, Greg and then Avri.

Go ahead, Greg.

Greg Shatan: I think, you know, really - I think what to some extent is a hair-splitting exercise.

I think all we're really trying to do is identify - because we said that there needs to be some consideration, discussion, whatever verb you wish to pick regarding the allocation framework, it's a further work point and it needs to be identified and it's something that requires further work because our recommendation is not kind of complete and self-sufficient.

I think that we just need to find - the problem with finding a way to say that in as a neutral way as possible and such as this release should be contingent upon further work on the issue of appropriate allocation frameworks.

Chuck Gomes: That which is language what we've already talked about and that it seems like - I haven't heard.

Greg Shatan: I just don't know why we need to drill down any further. I don't think that prejudices anybody against anything. It leaves the universe completely open. I think people are trying to read into each thing, you know, some sort of pushing of the needle in one way or the other.

((Crosstalk))

Chuck Gomes: Avri?

Avri Doria: Yeah. I'm basically in agreement with that to simplistic wording as possible. And I've never quite understood the need to stick in something that says, oh yeah, and any of the contracts that we've got now have to be honored in anything that works on a contract now needs to still work.

I guess I don't understand that and the fact that it goes into field, and, you know, it's pushing something stronger. If the contract holds at that moment then the contract holds at the moment

Michael Palage: I guess, Avri, just to respond to that is the only reason I'm trying to articulate that language is if a registry wishes to come forward and put forth a proposal...

Avri Doria: Uh-huh.

Michael Palage: People would sit there and point and say, "See, further work is needed," and that will be used to block that...

Avri Doria: And that with respect to the community that might be the right thing. But it doesn't need to be in - and as the contract tells they can do it, they can obviously force it through contractually with courts of law and everything else that they want. But if a community that says, "Wait for more work," that will also be vocalized and be dealt with at the time.

But it - it's open on one piece how the future goes. And I just don't see why it's necessary to say, "But you cannot bring this up." when we talk about this the next time.

Ray Fassett: Actually - this is Ray, I kind of agree with Avri on this one, Mike. As long as it's clearly identified that for new TLDs, the recommendation is for further work and our possible allocation methods blah, blah, blah, I think that's, you know, but are we just doing for new TLDs or are we going with...

Michael Palage: Not really.

((Crosstalk))

Chuck Gomes: That was one suggestion that was made for new gTLDs, further work is recommended regarding allocation method.

Ray Fassett: To me, that's exactly...

Michael Palage: Correct.

Ray Fassett: If you have the qualification of new gTLDs, I'm fine with that.

((Crosstalk))

Chuck Gomes: It's there right now, I mean, at least in this one statement, we've tried several - go ahead Marilyn.

Marilyn Cade: I have one other possible idea on wording. This release should be contingent upon the use of appropriate allocation frameworks more work is needed.

Chuck Gomes: I'm writing, so bear with me here. "This release should be contingent..."

Marilyn Cade: On the use. So it doesn't say "development" it says "use."

Chuck Gomes: On the use of?

Marilyn Cade: Appropriate allocation methods - I'm sorry, appropriate allocation frameworks, plural, more work is needed.

Vague, high level, obviously the argument could be made that the RSTEP is an appropriate...

((Crosstalk))

Chuck Gomes: How about if we said more work may be needed?

Marilyn Cade: Okay. And I would - I think it - let's see what other...

Chuck Gomes: I'm trying to accommodate different things that I know are coming, so...

Avri Doria: Yes. I would have said it (unintelligible).

Chuck Gomes: So here's what I have: This release should be contingent upon the use of appropriate allocation frameworks, more work may be needed.

Man: I'm happy.

Chuck Gomes: Anybody unhappy?

Michael Palage: So it's not really mean that to new TLDs it's for all TLDs correct?

Chuck Gomes: Yeah, that does. In fact - yeah, and Mike, it's a good question to ask because some of the wording we've been toying with would have caused us to go back and change the wording of the recommendation. I think this one actually would not require that. But does anybody oppose this wording?

Ray Fassett: This is Ray. I don't like it.

Chuck Gomes: Thank you, Ray. Why?

Ray Fassett: Because I think it's far more crisp and far more clear when everybody is in agreement that for new gTLDs, the recommendation is for further work to be performed and the allocation of single digit domains at the second level. No one is disagreeing with that.

Chuck Gomes: Please help me understand why - I still don't understand. It says, "This release should be contingent upon the use of appropriate allocation frameworks. More work may be needed."

It doesn't require more work if the RSTEP process is appropriate allocation method in our contracts. This does not preclude that from being used or I'm missing something here?

Marilyn Cade: And if I could just (unintelligible) - it's Marilyn speaking. The problem, I tried to get to something that was neutral enough that those of us towards in agreement with your recommendations would be getting a good deal but it would be a more neutral, you know, it's a pretty high level statement that takes into account, I think, the possibility that the RSTEP will be the appropriate allocation framework.

Chuck Gomes: Ray, help me again. I still don't - I'm still missing your point on this one.

Ray Fassett: I'll ask you to read again please?

Chuck Gomes: Okay. "This release should be contingent upon the use of appropriate allocation frameworks. More work may be needed."

Ray Fassett: I think that probably - my issue would be is that there is no work - no additional work needed on the concept that an existing gTLD can use the funnel. There is no...

Chuck Gomes: That's why it says "may."

Ray Fassett: I understand.

((Crosstalk))

Chuck Gomes: It's applying to both new and existing.

Ray Fassett: Right.

Chuck Gomes: So it may be required in one case and not the other.

Ray Fassett: Right. It's trying - it's leaving too much to the imagination.

((Crosstalk))

Ray Fassett: Not clear and crisp.

Chuck Gomes: Is there anybody else that's opposed to this statement? And what my recommendation is, is that we use this one and that if Ray wants to submit a minority statement, he can do so.

Any opposition to that?

All right. Let me get it in here, so I know what I have. Okay, and I can clean up that.

Okay, so now, let's go on to any other comments on the recommendations of this subgroup? As our two hours has ended, and we're not even close.

Ray Fassett: Hey Chuck, this is Ray, I have one real quick one, I promise.

Chuck Gomes: Okay.

Ray Fassett: I'm just going to read from the document. "Discussions with technology experts..."

Chuck Gomes: Where are you at?

((Crosstalk))

Marilyn Cade: What page?

Ray Fassett: I don't know. I cut and paste it. It's about the symbols.

Chuck Gomes: The recommendation?

((Crosstalk))

Ray Fassett: In the rationale.

Chuck Gomes: The rationale for symbols, okay.

Man: Probably Page 10 or 11.

Ray Fassett: Right. And I was going to read this part: "Discussions with technology experts indicate that there would not be support for making any changes to allow the release of symbols in one or two character domain names at any level."

I just want to - that didn't have a lot of meat on the bone. I was curious was that - in other words, technology experts feel - they just didn't like the idea or did they feel there was something concrete and objective they can point to that was a technical instability concern.

Chuck Gomes: I think it was fairly concrete, was it not?

Marilyn Cade: It's fairly concrete. (Unintelligible) and the fact we're both firm on that. It's in the transcript. Ray, I know we maybe documented in great detail. It was so unanimous that they were both very firm on this issue.

Ray Fassett: Right. But maybe you just - I don't know, I'm just thinking that maybe that could be real clear in there and it is only two technology experts, you know.

Chuck Gomes: Well, and keep in mind, Ray, we've got - there's going to be additional comments for this.

Ray Fassett: Right, right.

Chuck Gomes: As you have pointed out yourself.

Ray Fassett: Right.

Chuck Gomes: And your group. So I think we're okay there on this. We're obviously not going to be able to resolve that right here.

Ray Fassett: Right.

Chuck Gomes: So I would suggest that that be dealt with in future comment periods.

Ray Fassett: I'm done.

Chuck Gomes: Okay. Anything else on this report?

Well guys, we accomplish something. And, you know, it took some time, but that's okay.

I'm sorry for the impact on everybody's time for this meeting, but I hope you can bear with us.

Now, is anybody going to submit a minority statement on this report?
And as I see right now...

Man: I have one...

((Crosstalk))

Chuck Gomes: Okay, hold on.

Mike, you already submitted one right?

Michael Palage: Correct.

Chuck Gomes: Is yours is going to change?

Michael Palage: No sir.

Chuck Gomes: Okay. All right, so yours is in.

Is anybody else going to submit one? I just need to know so that I will look for it in the next few hours.

Okay, all right. Then this - I think we're - barring any other comments or concerns, we're done with single and two character reserved names, is that correct? Anybody want to say anything else?

And by the way, you know, you guys did a bang-up job on this on a very tough task and spent untold hours, so thank you very much and (Patrick) for doing all the management of the document. I know that the

group and the subgroup and the whole group is really - is appreciative of that.

Let's go to geographic and geopolitical names.

Mike Palage, you're on.

Michael Palage: Okay. Pull up the report.

Chuck Gomes: Now, everybody's had a chance to see these. I don't know that you had time to do that or not. Is it okay if Mike does a fairly brief summary of the recommendations and the approach?

Woman: I'm sorry. Which report is this?

Chuck Gomes: Geographic and geopolitical.

Michael Palage: Okay. I'll go...

((Crosstalk))

Mike Rodenbaugh: It's Mike Rodenbaugh. I'm fine with that. If you could just also, Mike, please point out what the major differences are between this one and the last report.

Michael Palage: Okay, sure. Basically, what we did from - and I think that's a good starting point, Mike.

The last report we were primarily looking at geographic and geopolitical - I think, primarily at the second level in connection with the existing ICANN registry contracts that were out there.

In this group, we did pay a little more attention, if you will, at the top level domain.

What the group did is we began our analysis with the recommendations that the - in the GAC principles that followed the issuance at the Lisbon meeting.

And much like the original group had concerns regarding the draft principles following the Sao Paulo meeting, we tried to, if you will, look at the underlying legal basis that the GAC principles were founded on.

And Marilyn, I believe that you had articulated before some of your concerns about the group's reliance upon the WIPO general assembly.

So what we did here in this report is we actually went and did a little more drilling down into the existing treaties and treaties that are in place and cited the number of member states that are signatories to those different agreements.

Having considered, if you will, considered all of that information, with regard to the top level, the specific recommendation, as you could read if you're following along here, is that there should be no geographically reserved names, i.e. no exclusion lists, presumptive right or separate administrative procedure.

The proposed challenge mechanism is currently being proposed in the draft detail fee process would allow a national or a local government to initiate a challenge, therefore there was no need for any additional protective mechanisms.

With that being said, we thought it was important that potential applicants for new TLD needed to represent that the use of a proposed string was not in violation of the national laws in which the applicant was incorporated.

We also went forward to say that new TLD applicants interested in applying for TLD that incorporated a country, territory, or place names should be advised of the GAC principles and of the advisory roles vested to it under the ICANN bylaws.

And we also called for a summary overview of the obstacles encountered by previous applicants involving similar TLDs to put, if you will, applicants - provide them the information that they would need to be apprised of.

So this would involve some of the obstacles that perhaps were encountered by .asia and in some regard, also with .(pat) so that applicants would have a better understanding heading into the process of the obstacles that they would be facing.

We also thought that it was important that potential applicants should be advised that the failure of the GAC or an individual GAC member to file a challenge during the TLD application process would not constitute a waiver of the GAC's authority - of the authority vested to the GAC under the ICANN bylaws.

So that is what we are proposing in connection with geographical names at the top level.

And if I can, I'll just - I'll just do the recommendations regarding the geopolitical...

Chuck Gomes: Hold on the well...

Michael Palage: I'll stop there if you like.

Chuck Gomes: Just because I don't want to talk about geopolitical first of all.

Michael Palage: Sure.

Chuck Gomes: I don't know if you read my comment that I inserted in the version that I distributed, but...

((Crosstalk))

Michael Palage: And I agree.

Chuck Gomes: I can't - I'm thinking that we ought to add a recommendation of the term geopolitical should be eliminated from the new TLD contracts and, you know, certainly the existing ones. I can't see where it has any definition.

Michael Palage: Yes, I agree. And that actually is something that we first raised in our original report. We could actually only find reference to it once in the WIPO-2 report.

And it appears that (unintelligible) where we've been tracking back further to the original GAC recommendation. It appears that the GAC recommendation that Mr. (Tumi) had submitted to the ICANN board back in 2001 basically just pulled that from part of the preamble of the WIPO-2 report.

So we did do a lot of look. We did do a lot of investigation trying to find out how that term was used in broader context and we just had a difficult time finding any basis for it.

Chuck Gomes: And it's not used by the GAC.

Marilyn Cade: Chuck?

Chuck Gomes: Yeah, Marilyn.

Marilyn Cade: Let me ask a hypothetical.

And in fact if we do do that, wouldn't any such possible name, which might emerge, potentially just find its way over to the - potentially would find its way to the controversial name process?

So they're at the top level and we don't - so it isn't that - it isn't the place to deal with a controversial - what the name of this nature at the top level.

Chuck Gomes: Yeah, right.

Michael Palage: I would agree with Marilyn’s statement there. I believe that there is, if you will, an adequate failsafe to address something that may - if there was someone who hypothetically could find something that would fit in to geopolitical, I believe that, as Marilyn properly noted, to be controversial means catch-all...

Marilyn Cade: Yeah.

Michael Palage: Would be appropriate.

Chuck Gomes: Let me make maybe a simpler of handling this rather than making a new recommendation.

Would it be sufficient maybe to suggest to - just through (Patrick) and Liz that they put something in the ear of ICANN legal staff and so forth that that term may want to be removed from contracts rather than us actually getting into that? That might be a very simple way.

First of all, let me ask Liz -- and Liz, if you’re still on, and (Patrick) -- is that a reasonable approach for this rather than us actually putting forward a recommendation that that term not be used?

(Patrick): Chuck, I’m sorry. I had you on mute.

Chuck Gomes: No, that’s okay.

(Patrick): I missed what...

Chuck Gomes: Well, what I was suggesting, (Patrick), is that that maybe rather than actually putting in a recommendation that the term “geopolitical” not be

used with regard to reserved names or in agreement, and in fact, we're not recommending anything in reserved names there at all so maybe it's irrelevant. But that term in existing agreements really doesn't seem to be able to be defined and so, it's not very practical.

And rather than us making a recommendation in that regard, in the report that does talk about that, the definition of geopolitical names, so maybe we can just kind of let it go and leave it at that rather than adding a new recommendation.

So what I was suggesting is that you or Liz actually made the point with ICANN legal staff regarding to a registry agreement that, you know, that's a term that we don't seem to be able to define and maybe it's better to leave out in the future.

(Patrick): Liz and I will talk about that.

Chuck Gomes: Okay. All right.

And so, I think Mike and others, if you're not opposed, what I will do is just eliminate my comment that I added in the definition of geopolitical names that was for the working group use only. Is that okay?

Michael Palage: So you're striking the definition...

((Crosstalk))

Chuck Gomes: I'm not striking the definition.

Michael Palage: Oh no, no, no.

Chuck Gomes: Only my comment. My comment was for internal use anyway for the committee.

Michael Palage: Okay. So when you wrote the reserved name category is contained in a subset of existing...

Chuck Gomes: That's okay. I'm not - what I'm talking about, I added - I inserted a comment that you have to click on and look below or look in your cursor there to see - my comment said this, "In my brief research, it appears that it may be difficult to define 'geopolitical' in a useful way for our work.

"If I am correct, should we recommend elimination of the term in this category and instead just refer to geographical names. As noted on the report, the GAC principles do not use the term 'geopolitical.'"

That's all. It's like a footnote, Mike, except it's a comment.

Michael Palage: Okay. No, I was just looking at your markups where it said that the...

Chuck Gomes: Markups are fine.

Michael Palage: Okay, I have no problem.

Chuck Gomes: Okay. So I'm going to delete my - I didn't want comment in the final report, okay? But I did want us to talk about that and I think it's best just to leave it alone because we're not recommending that there be a geographic and geopolitical category anyway. So, it's somewhat moot

going forward. It really only affects existing agreements, the five or six of those were it exists now.

Michael Palage: Correct.

Chuck Gomes: Okay. Now, Mike, go ahead.

Michael Palage: Okay.

So the remainder was to look at the application of the geographical names at the second level.

And as you said Chuck, the only contracts that had this provision are those in the sTLD, the 2004 sTLD round. There is no geographical provision in the 2000 round or in any of the renegotiated contracts from the 2000 round.

So what we did, the consensus view is that given the lack of any established international law on the subject, conflicting legal opinions and conflicting recommendations emerging from various government fora, that the current geographical reservation provision contained in the sTLD contracts should be removed and harmonized with the more recently executed .com, .net or .biz and .info registry contracts.

There was an exception however and that was in connection that if there were any national laws that would require a registry operator to provide protection, they would be required to comply with their national laws.

There was a recommendation - and Mike, I think you would ask about a change. And this was one change that we did originally in the previous work that the group did.

We said those member states that had voted in favor of the WIPO standing committee on what the law trademarks regarding the recommendations we said that the registry, I think, should implement them.

What we did here was we said that they should - we would recommend that they consider but we would not mandate their use. So again, we sort of fell back to the position of we were only going to require registries to comply with their national laws and if there was not a law on the books in the country of a corporations for that registry, we would not mandate that upon them.

So that is the - that is what we did there.

And what we tried to do is we tried to go into an extensive discussion regarding the basis of our conclusion here because we recognize that since we would be, if you will, not - I don't want to say "disregarding," but our recommendations would not necessarily find itself in alignment with the principles set forth for the GAC, we felt it was necessary to document why we, if you will, deviate it from the recommendation. That's why there was an extensive discussion of the international treaties on this topic.

And what we tried to do is in a series of questions that we forwarded to the GAC and to the ccNSO, we asked for them to provide some, if you

will, any legal basis for their recommendations because, in our analysis, we couldn't find anything.

And we thought it was important that absent any legal recommendations, we had to take the, if you will, safer bet because as we discussed, there are currently right now a number of litigations proceeding in various courts around the world regarding geographical identifiers and I think we need to be cognizant of that fact, particularly in light of ICANN in the latest registry contracts removing the indemnification provision that were previously provided for registries.

So we were sort of aware of that, if you will, particular aspect.

Chuck Gomes: Now Mike, regardless of local laws, any applicant that wanted to propose a new TLD could put in reservations of geographical terms if they so chose. This is just saying that there would not be a general reservation requirement across all TLDs.

Michael Palage: That is correct.

And for example, I think .asia is a particular...

Chuck Gomes: Yeah.

Michael Palage: Good choice there.

What they did is - and let me just qualify: I'm not speaking on behalf of .asia, although I am currently working with them.

But what I think is important there is what Asia did in their application is they recognized that there was potentially some obstacles that would be raised by the GAC in accordance with their rights granted to the ICANN bylaws.

And what they tried to do was proactively address those concerns in a manner that went above and beyond.

So again, there is nothing in these recommendations that preclude a registry from doing that. If they want to do that, they are free to do so.

Chuck Gomes: Yeah. Okay.

Michael Palage: But we wanted to err on the side of not hand, if you will, handcuffing applicants into, you know, blocking or, if you will, reserving large blocks of name.

Chuck Gomes: Okay. Let's for the sake of the time, let's open it up for just general discussion on this.

Anybody want to get in the queue?

Marilyn Cade: I have a clarification question that may be taken care of and I just have an outdated version.

Chuck Gomes: Go ahead, Marilyn.

Marilyn Cade: On Page 14.

Michael Palage: Page 14.

Marilyn Cade: The version I'm looking at - and again, this is may be outdated. There was a parenthetical request to Liz to cut and paste the questions.

Chuck Gomes: That's right.

Have you - and by the way, Mike, I talked to Liz on that yesterday. I know that you and she were having trouble connecting. Have you and she connected on that?

I told her that really all you needed was to make sure that the questions are correct. Did she ever do that because I mentioned that to her yesterday?

Michael Palage: We exchanged emails and she said she was going to contact with - I forget. Who's the new guy?

Marilyn Cade: (Donna)?

Michael Palage: (Donna). Thank you very much.

Chuck Gomes: (Donna Austin).

Michael Palage: Was going to contact with (Donna Austin) to see what the final version was - the final questions were?

According to my records, the questions that were submitted there were the ones that we had agreed upon as a group. So that to me was the latest and greatest according to my records of the questions that we

were submitting; if (Donna) or Liz could just verify what was actually sent.

I just want to do that for purposes of...

Marilyn Cade: Yeah, Mike. That was my second question. I don't believe these have been sent to the GAC.

Michael Palage: Well...

Marilyn Cade: And I'm just saying that so however you verify that, you just might want to - it may need to say, "Listed below are the questions that the group is submitting to the GAC."

Chuck Gomes: All right. I'll work on that with Liz. Liz is may be off. I know it's really late in Europe.

Liz, are you still on?

I don't think she is. So I should look over at my little - trusty little (unintelligible).

((Crosstalk))

Glen de Saint Géry: She seems to be still on.

Chuck Gomes: Liz?

No, she's off now. Mine's showing off. I've got X - a red X there.

Glen de Saint Géry: Okay.

Chuck Gomes: Yeah, okay.

Michael Palage: As I said Marilyn, if that's the case, I would have no problem with that being reflected.

What I would point out though is those questions were originally, if you will, prefaced in the original work of this group that was issued in, I think, March 16.

So again, they have been public. If in fact they have not been communicated to the GAC, I'm sure, you know, I would love for them to respond and have no objection to that.

So Chuck, if you could verify that...

((Crosstalk))

Chuck Gomes: Yeah, I'll take that as an action item with Liz. We have a call tomorrow morning early, and at least it's early for me.

Marilyn Cade: And then, Chuck, the other side of that is, so what happens then because I think this is another...

Chuck Gomes: Well, we're going to have to change the language here.

Marilyn Cade: Yeah.

Chuck Gomes: And then I think it would be good then if new TLD committee sent the questions out or the council because I think they're good questions to ask.

Marilyn Cade: Yeah.

Chuck Gomes: But that would be a decision then from - on the new TLD committee and/or the council.

Mike, is it your - was it your understanding that they were submitted to WIPO, the GAC and the ccNSO?

Michael Palage: I just...

Chuck Gomes: I'll confirm that.

((Crosstalk))

Michael Palage: Put it this way: I will...

Marilyn Cade: And Mike...

Michael Palage: Yes?

Marilyn Cade: I could be wrong. But my second question is still applicable, so verify that.

And then the second question is where in the report is it going to say upon rethink of the question - of the answers to the question, XYZ will happen and what is XYZ?

Do you see what I mean?

So you ask them a question...

Michael Palage: Correct.

Marilyn Cade: They send you the answers back, whoever "you" is, what happens?

Michael Palage: Well, what would happen is if they have a legal basis for their justification, we would consider that and...

Marilyn Cade: I know. But - I know. But who "we" because (unintelligible)?

Alistair Dixon: Can I step in here?

((Crosstalk))

Chuck Gomes: Go ahead, Alistair.

Alistair Dixon: I mean my view is that, I mean, this is primarily, I mean, most of the questions are in relation to the new gTLDs.

Marilyn Cade: Uh-huh.

Alistair Dixon: Excuse me. So I would expect it will be the new gTLD committee that would...

Marilyn Cade: Great, great.

Alistair Dixon: (Unintelligible) what to do.

Marilyn Cade: I think that - so that - or the council or someone will compile the answers and present a report to council. That's all I'm looking for.

Alistair Dixon: Yeah. So I mean, I think, yeah, you're right Marilyn. And I think we just probably just need to identify those actions in the report.

((Crosstalk))

Chuck Gomes: I'm writing something now on that and I'll read it to you in just about one minute or less depending on how fast I type.

Marilyn Cade: And Chuck, I could even give you suggested language so that then you don't have to change it after you verify it. It could say, "Listed below are the questions the groups developed."

Chuck Gomes: Yeah. And the language will be easy...

Michael Palage: Yeah.

Chuck Gomes: Depending on what we find out. I'm not too worried about that.

Michael Palage: Yeah.

Chuck Gomes: As long as you're comfortable with me fixing it.

Okay. I think I've just about got it here.

Okay. Let me see how this sounds.

What I did is I just added this after - I added a second sentence under Section 3 of Supporting Information Expert Consultation Work says "Listed below are the questions." Okay? I added a sentence if and when responses to the questions are received it's recommended that the new going gTLD committee or GNSO council review and consider in their deliberation.

Marilyn Cade: Sounds like a plan.

Chuck Gomes: Is that okay?

Any objections to that?

Michael Palage: And then put it this way: I'll - if you want, you know, I'm sure the members of the group would not mind, if you will, following up with the new gTLD to continue their work and transition on this if there's any follow-up work.

Chuck Gomes: Yeah, right.

And I will, first thing in the morning when Liz and I have our call, find out what the actual status is. I did talk to her about it yesterday on our call, and I know she's been really busy on other things as well.

So I will adjust the language accordingly, okay?

Michael Palage: Not a problem.

Chuck Gomes: Any other comments or questions on this report?

Okay. Thank you.

Any minority opinions?

And by the way, I think this - if for no other reason, this should good constructive input into the new TLD challenge process. This and the controversial names categories really are very helpful, I think, to that general process because we're really not recommending any reserved names in those ways. But the work, I think, is very valuable and with regard to helping that overall process, the challenge processes, etcetera.

Okay, back to my agenda.

We're now on gTLD names at the second or third level.

Ray Fassett?

Ray Fassett: Thank you, Chuck.

As you all probably know, there's been a material change in this recommendation in the last eight days or so. And the reason for that had to do with going back to those who we were seeking advice from and getting further input.

What we discovered was that the primary opinion was that the burden should be placed on those that feel the reservation should be continued for the reason of user confusion versus the burden placed on those that don't think there was to be user confusion there.

And when we did that exercise, we went back to the registry constituency members even and found that they're actually divided on the issue of user confusion as well as some (unintelligible) comments came forward from the business constituency members that also shared the opinion.

So that's how we prefaced the recommendation that I'll read to you is "Absent justification for user confusion, the recommendation is that gTLD strings should no longer be reserved from registration for new gTLDs at the second or third level." So that's the first part of recommendation.

Now there is the second part that reads: "Operators of existing gTLDs strings should be able to apply for their string in a new TLD at the second or third level if applicable. In the instance a sunrise period is implemented, otherwise be able to apply first come, first served."

Now there has been already - been some comments on that part of the recommendation, notably the use of the word "sunrise," and I even pause when I put that word in there.

The idea is it really has to do with protecting the rights of others not so much a sunrise period, the concept being that for example in the case of an sTLD, there can be the instance where the operators feel the responsibility to protect the rights of others, if you will, for their strength.

So the recommendation is simply saying that should a new TLD put in a protect-the-rights-of-others period called a sunrise period, call it

whatever you want, that the gTLD operator can participate in that particular process. That's all it's doing.

It doesn't mean that they get their - they're going to be awarded. They just are able to participate because even as Mike Palage just pointed out on the list, gTLD operators can't file and get trademarks, they're automatically frozen out of any kind of sunrise period that is trademark-exclusive. And that doesn't make a lot of sense for an sTLD that feels an obligation to be able to protect the rights of others in their community.

So it's just simply allowing an operator to participate in a sunrise period. That's the spirit of it, whether - and not necessarily be an sTLD. It could be .edu, it could .org who feel they're representing community interest in some way, shape or form.

Any questions on the recommendation?

((Crosstalk))

Chuck Gomes: We have a comment from Edmund that needs to be addressed. I'm trying to find it.

Mike Rodenbaugh: Chuck, may I ask a question in the meanwhile?

Chuck Gomes: Sure. Go ahead, Mike.

Mike Rodenbaugh: Why do you assume the TLD can't apply during a so-called sunrise period based on trademark right?

Ray Fassett: They can't, they don't have any intellectual property rights in the TLDs and that's part of our agreement.

Mike Rodenbaugh: That's part of the contract. Okay.

Ray Fassett: Yeah, yeah.

((Crosstalk))

Ray Fassett: They're restricted in that regard. Yeah. A good question.

Michael Palage: Although, Mike, what they - what some registers do though is they will apply for a trademark in other goods and services. So for advertising, you know, if you will, shirts, apparel and stuff like that.

So again, that's kind of, if you will, a backdoor approach to that. But as Chuck said, a trademark right in the string itself where the services are running the registry that is precluded by a contract with ICANN.

Alistair Dixon: Can I ask a question here?

Chuck Gomes: Sure, Alistair. Go ahead.

Alistair Dixon: So, because we're talking here about both existing and new, aren't we, or policy for existing and new and it seems to me that while the situation - while that may be a situation for existing, there is potential for new top level gTLDs that may be existing trademarks.

Ray Fassett: Chuck, can I answer that?

Chuck Gomes: Sure.

Ray Fassett: I don't think this really was taking into consideration so much existing gTLDs as much as it is new gTLDs.

Alistair Dixon: I see. Right.

Mike Rodenbaugh: What quickly, what's the basis for that contractual condition? That just seems fairly nonsense...

Chuck Gomes: If you want, Mike, we'll talk about it over a couple of beers in Puerto Rico. It is very long.

((Crosstalk))

Mike Rodenbaugh: I mean, but .asia and dot (unintelligible) are doing business by those names, I mean, they're clearly trademarks, but don't...

((Crosstalk))

Chuck Gomes: I'll explain it to you.

If you want, you can read the letter that Louis Touton as general counsel wrote and that provides a little depth and actually goes back to pre-ICANN some of these concerns, so...

Mike Rodenbaugh: Okay.

Chuck Gomes: Now, Edmund Chung submitted a concern about the use of the word "sunrise" in here. And I actually, I think it's - whether it's his reason or

not, when I saw that I think it does have some merit because of the fact that the - and by the way, let me interrupt myself.

Glen informed me that if you get off the call, because we're over our time limit, you may have trouble getting back in. It's no longer - it's no problem for us to continue well beyond the two hours, but just a warning in case you didn't see Glen's warning that she sent out.

So, I apologize for that and I hope I don't get knocked off for some reason.

But anyway, sunrise, we don't know if there's going to be sunrise periods. That's my comment there. So I'm not sure the use of "sunrise" is appropriate there. But we can probably use a more generic term and term some provision for protecting the rights of others.

So that's probably fixable. But let me read you what he sent. And it was sent to the whole list so if you can find his email that was sent today 1:41 Eastern Time, if that helps you any.

"Absent justification for user confusion, the recommendation is that gTLD string should no longer be reserved from registration for new TLDs.

"Operators of new TLDs should take into consideration possible abusive or confusing uses of existing gTLD strings at the second level of their corresponding TLD based on the nature of their TLD when developing the start-up process for their TLD."

Interesting language. Everybody should have that.

Ray, why don't you comment on that first of all?

Ray Fassett: Yeah. I think it definitely has a lot of logic to it.

I think if the recommendation as it is now in the document were to say go through, okay, and be acceptable, then the logical course of action to me would be to come up - for the registry operators and others, to come up with what I would consider best of practice so when new operators are awarded and they're in the zone there's an existing document that discusses best-of-practice operations and where this would be one thing to highlight or speak more in detail upon.

But what it doesn't address is the fact that should a new TLD have a sunrise period, a start-up period, some kind of period that involves the fact that you must have intellectual property rights to participate in that, that the fact that automatically by definition, gTLD operators, existing ones are precluded from doing so, unless they do a backdoor approach, which is costly and need - it's needless, obviously the spirit of why they're doing it and so, they can't participate in a start-up period like this, so...

Chuck Gomes: What if you're to leave yours the way it is except for, I think, where you need to use another word besides "sunrise."

Ray Fassett: Right.

Chuck Gomes: And then add Edmund's second sentence to it because it's really kind of a different recommendation there. Operators of new TLDs should be encouraged, we probably should say "should be encouraged to take

into consideration possible abusive or confusing names of existing gTLD string at the second level for their corresponding TLD based on the nature of their TLD when developing a startup.” That’s a fairly safe recommendation.

Ray Fassett: I agree, I think it is. I think it’s well-said.

Chuck Gomes: Right.

And that, well, let me throw it open to the whole group, first of all about the recommendations on the table and then secondly Edmund’s addition.

Any comments, any objections to either the one that’s on the table or Edmund’s addition?

Ray Fassett: The only comment I just want to make just briefly, Chuck, is I do have a concern, much like I raised with the IANA and ICANN names and as well as geographical identifiers.

I have concerns when people try to exert rights and gross in connection with the string because that’s just inconsistent with, you know, fundamental tenets of trademark law.

So, you know, I think Edmund’s proposal, I think, balances that where if in fact someone - if a new registry operator could say, “I want to make generic use of this string in a non-confusing manner,” they should be afforded the right to do so.

Now, you know, that's - I just feel for purposes of consistency since I've argued this in the IANA/ICANN names as well as geographical names, I need to make that same statement from a consistency standpoint.

Chuck Gomes: Okay.

Now with regard to the modified recommendation, are you okay with it?

I'm going to read and say...

Ray Fassett: I put it this way, could I wordsmith it but in the interest of time, I'll leave my records.

Chuck Gomes: Okay.

Ray Fassett: Speak for itself.

Chuck Gomes: Okay. Anybody else want to comment?

Let me read what I - what the - if we add Edmund's addition, certainly it would sound like - now, Ray, let me tell that what I did - it's more of a formatting thing.

In the name levels call, I modified it slightly so it says second and third level, I took out where applicable and then IDN when applicable.

Ray Fassett: Uh-huh.

Chuck Gomes: Just like you had. And the reason I did that is you'll see when I read this IANA that went applicable to third level in the text of the recommendation.

Ray Fassett: Uh-huh.

Chuck Gomes: Absent justification for user confusion, the recommendation is that gTLD string should no longer be reserved from registration for new gTLD at the second or, when applicable, at the third level.

Operators of existing gTLD string should be able to apply for their string in a new TLD at the second level or third level if applicable.

In the instance -- and I got to fix this -- a sunrise period is implemented or otherwise be able to apply first come, first served.

Applicants for new gTLD should take into consideration possible abusive or confusing uses of existing gTLD string at the second level of their corresponding TLD based on the nature of their TLD when developing a start-up process for their TLD. And I'll probably - I'll put Gs in front of all those TLDs.

So now, I think we need to fix the sunrise because I mean we don't know whether there would be sunrise periods.

Do you agree with me on that? Anybody disagree with that so we could say in the instance a process is offered for the protection of rights for others, does that work?

Ray Fassett: Yeah, it has to be something more like that. And I apologize for being sloppy by using the word “sunrise.”

Chuck Gomes: A process for considering the rights of others is implemented.

So, here’s the way that would read, operators of existing gTLD strings - operators of existing -- that’s right, I’m sorry, I’m getting tired. Operators of existing gTLD strings should be able to apply for their string and a new TLD at the second level or third level if applicable. In the instance, a process for considering the rights of others is implemented or otherwise be able to apply first come first serve.

And then we add Edmund’s - I did modify it a little bit, I said applicants; I didn’t say “operators of” because I don’t think we’re really talking about the new TLD process.

Mike Rodenbaugh: So I have question on this, Mike Rodenbaugh.

Chuck Gomes: Go ahead, Mike.

Mike Rodenbaugh: Are we changing our contractual condition then by giving gTLD operators a sunrise right essentially?

Chuck Gomes: We cannot change the contractual condition.

Mike Rodenbaugh: Right.

Chuck Gomes: For existing registries, okay?

((Crosstalk))

Mike Rodenbaugh: I've been told.

Chuck Gomes: And new - when new TLDs come on board, what the recommendation says is that if there is a procedure for protecting the rights of others, then existing gTLD operators should be considered eligible for that process.

Mike Rodenbaugh: Regardless of whether or not they have a trademark?

Chuck Gomes: Yes.

Mike Rodenbaugh: Seems to me it's kind of creating some sort of super right then for TLD operators.

Chuck Gomes: Well...

((Crosstalk))

Chuck Gomes: Mike, consider the situation of .aero. I don't know if you read this report. But .aero had a very unique situation, .com...

Mike Rodenbaugh: With com.

Chuck Gomes: With an airport code.

Mike Rodenbaugh: I did read it.

Chuck Gomes: They were...

((Crosstalk))

Chuck Gomes: And so you think that - you don't think that IANA because we don't care about them using .com so that's just to let you know (unintelligible).

Mike Rodenbaugh: I know.

Chuck Gomes: So, but this - in some cases there may be situations where that's applicable. So you're opposed to this?

Mike Rodenbaugh: I am, it's just sort of too general. I don't think Asia, for example, should be able to have Asia blocked out of a new TLD or jobs or travel or any other generic words for TLDs.

Greg Shatan: This is Greg Shatan. I wish to get in the queue...

Chuck Gomes: Okay, all right.

Mike, are you finished?

Mike Rodenbaugh: Yes.

Chuck Gomes: Okay. You can come back, you understand that.

Go ahead, Greg.

Greg Shatan: I agree with Mike Rodenbaugh on this one. I think that the concern, you know, further flag by the, you know, rumored release of 50, 100,

maybe even 1000 new TLDs and which will start, you know, creating kind of right ahead of trademark rights for...

((Crosstalk))

Chuck Gomes: ...ahead of trademark, right?

Greg Shatan: Well, or then - or create some sort of right which will be competitive with trademark right and what's going to be behind which should be interesting. We haven't really said - I think we're creating a right or in essence non-exist or recommending that a right be created in favor of...

Chuck Gomes: Well, Greg let me check you on that and forgive me for being blunt, but trademark holders have been doing that all along since domain names first existed. There are no international rights in trademarks.

Greg Shatan: Well, there are rights in every country and there are treaties.

Chuck Gomes: Right

Greg Shatan: There are treaties, the Paris Convention, Madrid Convention, there are numerous international...

Chuck Gomes: Right.

Greg Shatan: Treaties by which trademark rights are respected between...

Chuck Gomes: Right.

Greg Shatan: Political entities.

So, essentially there - while there is not - of course, there's no world law.

Chuck Gomes: Right.

Greg Shatan: Law is - all law's a creation of treaties in organizations and countries so, I don't think we can kind of pooh-pooh law because it doesn't, you know, it hasn't been created by a single global...

Chuck Gomes: No, but my...

Greg Shatan: Organization.

Chuck Gomes: My point is, is that we've already seen where domain name policy and contract have established right at least through dispute processes that don't exist in international law and we're dealing with global things here. So I don't think that that's anything new. Now whether or not...

((Crosstalk))

Greg Shatan: I would object to the characterization of trademark law not existing in international law.

Chuck Gomes: Is there other international trademark, Greg?

Greg Shatan: There are actually.

Woman: (Unintelligible) protocols...

Greg Shatan: Yes.

((Crosstalk))

Greg Shatan: Yes, that's exactly what it is, property international trademark. There are a number of international and multinational trademark rights.

Woman: Plus, the (CTM) covers what now 27 countries?

Greg Shatan: Yes.

Chuck Gomes: So in other words...

((Crosstalk))

Woman: And half in Latin America.

Greg Shatan: And...

Chuck Gomes: So in other words, we should be able to create a list of internationally trademarked domain name that could be screened when people are registering.

Greg Shatan: But we don't need to do that. If in fact the registry operator owns a trademark, they can use the - they can deal with that like all other trademark owners deal with it.

Under US laws, as Mike has pointed out, trademark - there is no - domain names are not protectable so TLDs are not protectable.

Chuck Gomes: We don't need to argue this, sorry about that. But - so we have two people who also oppose to this.

Alistair Dixon: I think I'd probably add myself to the list.

Chuck Gomes: Okay.

Alistair Dixon: The reason...

((Crosstalk))

Chuck Gomes: And the opposition is the second sentence, is that right?

Alistair Dixon: Well, I have a bit of concern about the second sentence which is the term "abusive," ICANN...

Chuck Gomes: Hold it, that's the third sentence now.

Alistair Dixon: The third sentence.

Chuck Gomes: Yeah.

Alistair Dixon: Abusive, I would be concerned if it was abusive in terms of our registry being concerned about competition for its services.

Chuck Gomes: Uh-huh.

Alistair Dixon: But in terms of, you know, things like fishing and confusion mean, I think there is, you know, certainly that's perfectly legitimate, but I guess just...

Chuck Gomes: Okay.

Alistair Dixon: Just purely anti-competitive, I would be concerned about.

Chuck Gomes: Sounds like we're going to have trouble reaching consensus on this one.

Alistair Dixon: Uh-huh.

Chuck Gomes: Is it a correct conclusion that we should then recommend a status quo on this one? I mean the recommendation you have in front of you is actually a movement away from the status quo, but what I'm hearing is that we may not be able to come agreement on that.

Alistair Dixon: Well, I thought - I think there is agreement on one entity which is...

Chuck Gomes: What is that?

Alistair Dixon: Well, I think there is agreement to move away from status quo in terms of reservation of existing gTLD names.

Chuck Gomes: So...

Alistair Dixon: I think...

Chuck Gomes: The first sentence only is what you're saying.

Alistair Dixon: Yeah.

Chuck Gomes: Okay.

((Crosstalk))

Alistair Dixon: The question is I think with the rest of this agreement is over the mechanism for, you know, over whether there is a mechanism for protecting the rights of registries.

Now, I think there would be agreement that to the extent a TLD is trademarked being there is legitimate protection mechanism that could be used but beyond there, I think there are some concerns.

Chuck Gomes: Okay.

And so your recommendation on this would be what, Alistair? How would you change it?

Alistair Dixon: I would probably do a combination of - I think after hearing what people are saying, I'd probably go with a combination of Edmund's language and the existing language and - just out of the report at the moment.

Chuck Gomes: Yeah, okay, that's right, that's right. Okay. And I'm just trying to get a feel for where we're at as group

Are there- would there be any opposition to going in that direction with anybody on the call?

And let me just look real quick to see who's still on the call. Actually, you guys are to be complimented. As far as I can tell, only two people have left, Liz and (Lyle).

Man: And Marilyn, I think, just dropped of.

Man: Yes, she did.

Chuck Gomes: Okay, all right.

Ray Fassett: Hey, Chuck, this is Ray. I just want to follow up on that.

Chuck Gomes: Okay, go ahead Ray.

Ray Fassett: The spirit of this was simply to allow gTLD operator to participate in a sunrise period for the sake of a better word that otherwise throws them out. If all that's being accomplished by taking that out is causing the registry string operator to go back to our method, that's all we'll be doing.

Chuck Gomes: Okay.

Alistair Dixon: I mean I would - the current language - I mean, hearing the concerns about sort of basically causing - cause the trademark protection or a non-exist for string, I wonder whether perhaps you could say operators of existing gTLD strings should be able to apply for their string in a new gTLD at the second - in the second or third level of (unintelligible) in the instance a sunrise period it's implemented to the extent they have trademark in that gTLD string.

Ray Fassett: But that's right they have anyway as a trademark holder.

Chuck Gomes: Yeah, they would. For those who could trademark, yeah.

Ray Fassett: If it gives comfort to some to say that I have no objection to that because it states nothing more than what currently exists.

Chuck Gomes: That doesn't really help now does it?

All right. That's okay.

By the way, just to set the record straight, if I didn't do it earlier, and I think I did, but just to make sure.

VeriSign really isn't - this is an issue for VeriSign. We don't care if they're reserved or not reserved and so - and in new TLDs, you know, we can't trademark our name and so it's not a big issue with the comments been used at the second level for - in so many TLDs, CCs especially that - and really hasn't created any confusion for us. But, you know, Ray is also representing some other registries who have a totally different opinion on this. So, okay

So, Ray, what's your feeling in terms of - I guess what we're talking about - Alistair, help me out here, so you're okay with the first sentence of removing the reservation requirement...

Alistair Dixon: Yeah.

Chuck Gomes: And you would then go to this last sentence that Edmund suggested and just tweak it?

Alistair Dixon: Yeah, I think so.

Chuck Gomes: Now, who on the call would be opposed to that approach?

Greg Shatan: Need to see Edmund's last sentence there.

Chuck Gomes: Okay.

((Crosstalk))

Chuck Gomes: Do you have email right now, Greg?

Greg Shatan: Yeah.

Chuck Gomes: If you go back to an email - to the list from Edmund Chung...

Greg Shatan: Yes, the 140 email?

Chuck Gomes: Yeah, I tweaked it a little bit but the content's the same. Yeah, right.
Exactly.

Greg Shatan: Can you read that for me please, I don't have access right now?

Chuck Gomes: Applicants - for applicants, he didn't say "applicants," I changed it to applicants.

Applicants for new gTLD should take into consideration possible abusive or confusing uses of existing gTLD strings at the second level

of their corresponding gTLD based on the nature of their gTLD when developing a start-up process for their gTLD.

I mean this one is just kind of a suggestion to applicants so I don't know how much time we want to spend on it.

Greg Shatan: I don't have any objection to that.

((Crosstalk))

Man: Yeah, they should be non-committal, right?

Chuck Gomes: Yeah.

Man: Yeah.

Chuck Gomes: Yeah

Man: You know, I think I'm happy with it.

((Crosstalk))

Chuck Gomes: Now, so what we're looking at right now is deleting the second sentence that says "operating or modifying it" I haven't heard that suggestion.

Operators of existing gTLD strings should be able to apply for their string in a new TLD at the second level or third level if applicable in the instance there's a process for protecting the rights of others and so on, okay.

Is that correct?

Man: Yes.

Chuck Gomes: We're talking about deleting that.

Now, if we delete that, is there anybody opposed to this recommendation?

Okay.

Man: Sold.

Chuck Gomes: So it sounds like we've got a deal. Okay.

Greg, you're okay with that?

Greg Shatan: Yeah.

Chuck Gomes: And Edmund is not on so...

Greg Shatan: Yeah, yeah.

Chuck Gomes: Okay?

Greg Shatan: Yeah.

Chuck Gomes: And Alistair, you don't want to tweak Edmund's language anymore?

Alistair Dixon: No, I think on reflection it's fine actually.

Chuck Gomes: Okay.

All right, now, this will go out. And Ray, you might want to alert the people that may be help you reach this compromise but this will go out with a red line to the whole group once I get all of them done, it will go out today. So if there's any comments on this, people need to respond remember by 7 am tomorrow.

Now, Ray, does Edmund's minority position still sit here or is he covered?

Ray Fassett: I believe he is covered, the minority opinion, can go away, I think we have now 100% in the subgroup, the three members in support, and I believe Edmund intimated that in his email. I mean as long as the rest of the group is comfortable with exactly what you just said is a recommendation, he would be okay with it as well.

Chuck Gomes: So I can delete the minority statement.

Ray Fassett: Uh-huh, yes.

Chuck Gomes: Okay, all right. I just did that.

And I obviously need to go up then and change the - I'll just yellow highlight it and I'll fix that when I go back and I've got to change three and four in the executive summary there because they talk about a minority statement, okay? I just highlight that so I won't forget it.

All right, anything else on this one?

((Crosstalk))

Ray Fassett: I just - can I just make one point for the record?

Chuck Gomes: Sure. Go ahead.

Ray Fassett: There has been a lot of concentration on this category on, you know, giving right to registry owners and I think there's been too much focus on that and that there are some registry operators out there that are looking to protect members in their community not trying to usurp the world and own their particular combination of letters.

For example, while we don't have feedback from edu that could be a good example. I mean colleges could find themselves suddenly in some kind of third level position that otherwise could not have existed if we do not remove this particular reservation category.

And I'm just trying to intimate to you that there are registry members that are not just trying to own their name in the whole world and usurp other mechanisms.

They're trying to look out for the interest of their community and are looking at this as a potential harm. So I just want to make that point for the record.

Chuck Gomes: Thanks Ray.

Man: Yeah. I would just add to that, Ray, that that's the same situation with Yahoo and some of the other brand owners trying to do exactly the same thing and I think we - the way it works is that we're not able to protect those sorts of rights to the reserved name list so why should registry.

Ray Fassett: Because registries are in the business of allocating domain names.

((Crosstalk))

Ray Fassett: I won't go any further on that.

Chuck Gomes: Yeah, let's not go down that path and debate that again, okay? Let's go on to controversial names, Avri.

((Crosstalk))

Chuck Gomes: By the way, thanks Ray for jumping in and helping us on that one. I appreciate that and Patrick for helping and Edmund as well who's not on the call.

Avri, it's all yours.

Avri Doria: Okay.

In terms of structure, the report has changed somewhat. In terms of content, there've been a few changes since I last talked sort of at the last meeting.

One of the major changes was the addition of a requirement in that in terms of - and I don't know whether I'm going to work through the requirement one by one.

But this one was the addition of one that any consensus or other strongly supported position from an ICANN advisory committee or ICANN supporting organization list document of position of each member within that committee or organization in compliance (unintelligible) letter of the ICANN bylaws regarding openness and transparency.

There was no opposition to adding that among the press group members. It was only floating on the list so for a day and a half as it were but or there has been - but that is an additional recommendation that wasn't in before.

In combining the old set of recommendations and those that were in the RN report Version 1 and this - there was a repetition of some stuff. So basically - and, you know, anybody that was following the list yesterday saw that the process between Chuck and I. We're looking at the first two recommendations from the RNV 1.

Notice that almost all of it was covered except for one recommendation dealing with what happens to an application while one is going through the recommended resolution process. So that was put in as a separate recommendation. But it's pretty much the wording that was - that had support in V1.

And then the other major change was in the sample that - or not the sample but the suggested mechanism for resolution process. It was

really reorganized largely for clarity so everything that had to do with funding or whatever was put together and a little bit of rewarding to make sure that we had subgroup consensus on those certain elements and I think we got that.

So that's what changed.

Chuck Gomes: Any questions or comments?

And while you're thinking, I just had Ray insert one comment, Avri, that you probably saw.

Avri Doria: Yeah, did you want me to go through the separate recommendation?

((Crosstalk))

Chuck Gomes: If people want us to do that, we'll do that. But with regard to the last recommendation...

Avri Doria: Right and I can read that and then read your comment if that's where we're at.

Chuck Gomes: Yeah, go ahead and do that.

Avri Doria: Okay, well...

Chuck Gomes: And I don't - it's not a big issue with me it just was an observation and if we spend just a couple of minutes, I'm fine.

Avri Doria: Okay.

Chuck Gomes: I've got I in front of me...

((Crosstalk))

Avri Doria: ... move it slowly.

If you got it right in front of you...

Chuck Gomes: I do.

Avri Doria: Okay.

Chuck Gomes: It's says - the recommendation, is in any dispute resolution process or sequence of issue resolution processes, the controversial name category should be the last category considered.

Now, my comment there was if that's the case, and by the way for those of you that don't understand it, the way the new TLD process looks like it's going to work is every applicant probably won't pay the same level of fees, they will for the same types of services.

But what will happen is they'll go through a process and if they have to go into a dispute process for some reason, whether it be controversial or some other challenge, trademark, whatever the, you know, they're probably going to - their application fees are probably going to go up, okay?

And that's the basis of my thought here is that - so if you wait until the very end and they've incurred any extra cost all the way up to that

point it may actually cost them more and then they could be kicked out on controversial.

Avri Doria: Right.

I guess what was the thinking that went behind it is that controversial is, in many cases, the hardest type of dispute to resolve. If there's a trademark dispute, it should be let's say more direct.

If it's any of the other issues that could come up with names of those that are determined but those are probably going to be more critical discussion. If whole controversial name issues are sort of after you've resolved everything else.

But I can see the, you know...

Chuck Gomes: Yeah.

Avri Doria: The point you're making is that, you know, if you're coming with something that - okay, if you're coming with something that knows it's controversial, you might as well have figured it's going to take, you know, the full controversial time and then if you happen to win the controversial, then you know that every other thing can be taxed for later, you will be.

Chuck Gomes: Yeah.

Avri Doria: So, you know, because...

Chuck Gomes: Yeah.

Avri Doria: People don't lose gracefully. So...

Chuck Gomes: And I don't have strong feelings on this. I just pointed this out for us to at least think about.

Avri Doria: Yeah. I mean in some way I think it's - that's 1 1/2 dozen of the other.

Chuck Gomes: Yeah, I kind of think that way too.

Avri Doria: But there's the (unintelligible) what I think of is the accidental controversial application that may set the requirement, you know, saying or some poor soul comes up with a really good one and they do a lot of work and they've got - and then they don't know that in some other culture, you know...

Chuck Gomes: Yeah.

Avri Doria: This is like having Richard Gere kiss you in public, you know, and...

Chuck Gomes: Any comments on that?

Again, I'm not pushing for a change here, I just wanted us to think about it because there's an implication there or an impact I should say.

Okay, I'm going to delete my comments from there because that was for internal working group use anyway so that's taken care of.

Are there any other - does anybody need Avri to go through the recommendations in detail?

Okay. Does anyone have any comments or questions about the recommendations?

Are there any minority opinions that need to be inserted?

Boy, Avri you got off easy.

But in fairness, you didn't get off easy because this was a very hard task. But in terms of our meeting today, I think people are just tired out so it's good being last.

Avri Doria: You put me in the best place.

Chuck Gomes: Okay. So we can consider this one okay.

Let me quickly go to the agenda and I think...

Michael Palage: Can I just ask one question Chuck?

Chuck Gomes: Sure, Mike. Go ahead.

Michael Palage: Avri, I appreciate - just two quick points and I think Mike Rodenbaugh had to ask yesterday about why I was trying to put that provision in there about the disclosure.

Avri Doria: Uh-huh.

Michael Palage: And just for the record and this is something both Alistair and Mike hopefully will appreciate.

The business constituencies as well as the GAC have put forth a recommendation the when an applicant comes forward they need to disclose who their sponsors or supporters are.

You know, I agree with that and the reason for me including that provision in there is the corollary of that must, I think, equally apply that if someone is going to oppose any interest in open and transparency, those people that do oppose need to be disclosed. So that is with regard to the first one, and Avri, thank you for including it.

The reason I think that the - are we on the third point about the international law, did you - or we've done that or not?

Chuck Gomes: The third point, what do you mean by third point?

Michael Palage: Or the second, it was the end of the second point where registries have to comply with national law then if there's international law, they got to comply with that as well. Remember I had raised that point yesterday, Avri, and I think that Mike Rodenbaugh...

Avri Doria: Okay. Sorry. I didn't go through that in this conversation, I neglected that.

Michael Palage: Okay.

And I guess my question is, I think both Mike and I had raised concerns regarding that and I just want to know is that still there and if it is still there, can we perhaps just discuss that briefly?

Chuck Gomes: Okay. Could you clarify that, Avri?

Avri Doria: Yeah, I believe it's still there.

Chuck Gomes: I'm trying to find it myself just a second. That's the bylaws. Could you remember which...

((Crosstalk))

Avri Doria: It's not actually...

Chuck Gomes: What's a key term in there and I'll do a search, Mike?

Michael Palage: International.

Avri Doria: Here it is.

Michael Palage: Okay.

Chuck Gomes: You found it, Avri?

Avri Doria: Process (unintelligible) need to deal with controversial name - no, no, no never mind that.

Chuck Gomes: Let me do a quick research and see if I can find international.

Alistair Dixon: Sir, can I also...

((Crosstalk))

Chuck Gomes: I didn't find international, if I spelled it right inter, and looks like I did.

Go ahead. Alistair, was that you?

Alistair Dixon: Yeah. I have a different question so it's on another matter.

Chuck Gomes: Okay. Let's see if we can get this one resolved and then - while Avri is finding it, go ahead, Alistair.

Alistair Dixon: I just - yeah, just recommendation - the recommendation on dispute, so within the dispute process, disputes would be initiated by the ICANN Advisory Committee.

Now, I guess I'm sort of slightly tripping up on the wording here. So what we're really talking about here is that these advisory bodies would identify that a name is controversial and would refer that name to the dispute panel. Is that what's happening here?

Avri Doria: But through whatever process those groups that this - the adviser committee are the (SOs) had for deciding on yes, they believe the name was controversial and they want to dispute because it was controversial.

Alistair Dixon: I see, right.

Avri Doria: Then they would initiate the process. Any one of those organizations following whatever its formal process was for making the decision on this type of thing.

So we want to dispute because we think it's controversial because et cetera. At that point then this whole controversial name dispute resolution panel process would kick in.

Alistair Dixon: Okay, okay. No, I think - now I understand it. I'm fine.

Chuck Gomes: Good. Thanks.

Now, did we find the part that Mike's talking about? I couldn't - I didn't find that word "International."

Avri Doria: It's not in the - usually within the recommendations anymore.

Chuck Gomes: No, I didn't find international in that whole report.

Avri Doria: I just went through searching for laws and I guess the thing is I don't believe it's in there anymore.

Michael Palage: Then no further comment.

Avri Doria: I just went searching through on laws. I recommend that after this, you know, you make sure it's not there.

Michael Palage: No, I...

Avri Doria: And when we have to deal with it, but I don't believe it's there anymore.

Chuck Gomes: Yeah. Mike, if you can do a quick search on that and let me know right away because what I'm going to do when we're done is I'm going to finalize all the red lines and send them to the list, okay?

But you might be able to find it before I even do that if you do. So, and I don't know probably - I probably can do that in an hour or so although I may stop to have some lunch since we stop 2 o'clock or so. But anyway, okay.

All right, anything else on this report?

No minority statements?

Okay. Let me quickly and I promise quickly but you're still welcome to slow me down.

Item 9, the action item for Liz and I.

The definition of reserved names the group already approved. That has now been included. If you look at the version of the report, the (unintelligible) and the edited version I sent around, it's in the definition. It's a fairly long definition but that is included right in the definition.

The annex that was requested, I think, by Philip Sheppard on the new TLD committee with regard to a quick look at the - at all the names that are reserved, I created a draft table.

I don't know totally whether it'll work in exact form that I have, but that's in Annex 9, still has to be done based on our final recommendations but that will be done to the extent that it's feasible.

That said, I'm going to have to check with Liz on that because the - I don't - I have never seen a status on that and I was assuming she'd be

on this call, but we went so late and she had another meeting she had to go to so she sent me an email.

But I'll need to talk to her about that tomorrow. I don't know what the status there is, but I think that that can just be carried over for the new TLD and counsel to consider if and when there is a response.

And then, table of contents will be inserted once the report is ready.

Did anybody not get a chance to quickly look at the draft report that I edited from Liz? Are there any problems with that?

Any time I think you're going to be fairly - I don't think there's really anything controversial there. The stuff that we finalize today will be cut and pasted into that report. And your full subgroup report as edited today will be in an annex as you'll see in that.

Any questions or comments or suggestions on that full working group report? Any objections or anything on the report?

So here's what will happen: I'm going to follow up to finalize a subgroup report, leaving them in red line form. There's a few things I've got to finish that I left for after the meeting action. As soon as I get those done, I will send all five red lines to the group.

And I need responses by 7 pm Pacific. I can break out the times for you if - that's for Europe, that's Eastern European or excuse me EEST is 5 pm I guess that's Middle East. Central, nobody here on Central I don't think. But anyway, the times are in the agenda, if you look at the agenda I need...

((Crosstalk))

Man: Can you just tell me how many hours, Chuck? That was my...

((Crosstalk))

Chuck Gomes: Well, I have New Zealand's time. It's going to be two - I need your responses by 2 am New Zealand time on Saturday.

Man: Fine.

Chuck Gomes: Okay?

Man: Yeah.

Chuck Gomes: And I expect you to be up at 2 am (unintelligible).

Alistair Dixon: Quite likely.

Chuck Gomes: Yeah, right. Thanks Alistair.

I'll send - then once I get those, in other words, first thing tomorrow morning for me, I will then finalize, prepare clean versions of the reports and send them to Liz so that she can - she's really targeting either over the weekend or Monday to prepare the final report and then that'll be distributed and posted, et cetera.

Any questions on next step?

Now, I was asked a question by Glen today whether or not, you know, there was any need for a meeting of the reserved names working group in Puerto Rico the end of June. I do not think there is but does it - do people disagree with me?

I think there going to be enough people there as part of - I think there probably will be new TLD committee work there and I think there's enough of us represented on that that will probably be okay. But I welcome to hear from anybody if you differ with me on that.

Then the final action item, Item 12 is a very, very sincere thanks to everyone for all of the hard work that's gone into this. It's been quite - it's been extremely impressive and I - and it's because of everybody's contributions. And so, I sincerely thank you for all of that. And after three hours and ten minutes plus, I can adjourn the meeting.

Man: Thank you very much, Chuck.

Man: Thank you, Chuck.

((Crosstalk))

Man: Thank you.

Chuck Gomes: Thanks for sticking with it on us - sticking with me on this call because most of you did. Talk to you later.

((Crosstalk))

Man: Okay.

Chuck Gomes: Remember to review the things I sent around just in case I mess anything up.

Thanks a lot.

All right.

Woman: Bye-bye.

END