

**New gTLD Committee – PDP-Dec05
Marina del Rey meeting
23 February 2007
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Note: The following is the output of transcribing from an audio recording of the New gTLD committee PDP-Dec05 meeting in Marina del Rey on 23 February 2007. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. The transcription has not been corrected for language accuracy, nor for correctness of spelling, etc. and in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. This decision was made in the interest of efficiency. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio recording is available at:

<http://gnso-audio.icann.org/gTLD-PDPDec05-20070223.mp3>

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

Attendance:

Bruce Tonkin – GNSO Council Chair

Ken Stubbs – gTLD Registries

Tony Harris – ISPCP- GNSO Council

Philip Sheppard – CBUC – GNSO Council

Mike Rodenbaugh – CBUC – GNSO Council

Avri Doria – NomCom appointee to Council

Edmon Chung -- gTLD Registries GNSO Council

Mawaki Chango – NCUC GNSO Council

Alan Greenberg- ALAC liaison to GNSO Council

Werner Staub – Observer Registrar (CORE)

Dirk Krischenowski – Observer CBUC

Jon Nevett – Registrar - observer

Michael Palage – observer CBUC, IPC, Registries c.

Marilyn Cade – observer CBUC

Amadeu Abril | Abril – observer dotCAT

Jon Bing – NomCom appointee to Council
David Maher – observer gTLD registries
Sophia Bevele - – NomCom appointee to Council
Neal Blair - Observer CBUC
Chuck Gomes – gTLD Registries c; GNSO Council
Steve Metalitz – observer IPC

ICANN Staff

Paul Twomey- President and CEO (
Kurt Pritz - Senior Vice President, Services
Denise Michel - Vice President, Policy Development
John Jeffrey – General Counsel
Dan Halloran – Deputy General Counsel
Karen Lentz - gTLD Registry Liaison
Liz Williams - Senior Policy Counselor
Craig Schwartz - Chief gTLD Registry Liaison
Tim Denton – consultant
Patrick Jones - - Registry Liaison Manager

REMOTE

Kristina Rosette – IPC GNSO Council
Cary Karp – gTLD Registries GNSO Council
Alistair Dixon – CBUC GNSO Council
Glen de Saint Géry – GNSO Secretariat

((Crosstalk))

(Bruce): Okay, let's get started.

Just a housekeeping matter first, I've just been talking to the audience and seeing if we can organize another dinner like we did last night. For those that are interested in attending a great dinner like we did last night, we'll hand around an attendance sheet, so if you just put your

name down as attending the meeting so we have a record of attendance. It would also indicate whether you'd like to attend the group dinner similar to last night. It's no obligation and some of you may wish to explore the city on your own. But if you'd like to attend the group dinner, we will organize one. And we just need to know how many people would wish to attend.

One of the discussions yesterday, and just to sort of kick things off today, just to get people talking, is why are we introducing new top-level domains. I'd just sort of like to find out what domain names are in the first place because I didn't know. So I looked it up and we can see the sort of (unintelligible) and my thoughts on domain name or host name provide more memorable names (unintelligible) IP addresses (unintelligible) to a different location in the Internet (unintelligible) by allowing you to make alphabetical addresses instead of numeric ones, domain names allow Internet users to more easily find and communicate with Web sites and other server-based services.

And then internationalized domain name systems have been developed to bypass the restrictions of current allowances in host names might be easier for non-English alphabet who use the Internet.

Let's kind of -- a sort of dry technical description of what a domain name is and why we have domain names.

For the purposes of (Liz) driving this up in a more structured way, what I'm going to do is just go around the room very quickly and challenge you to in one sentence say why you think there should be new top-level domains as opposed to (unintelligible) level names. Obviously (unintelligible) level names everyday, the question is, why should we

have more top-level names? Perhaps bearing in mind what the purpose of the domain name is in the first place.

So, (David) (unintelligible) answer the question in one or two sentences.

(David): I have the benefit of knowing (Jon Postell) who was (unintelligible) invented the domain name system. There is no known technical reason to limit domain names and any limitations that we place on top-level domains is purely artificial for whatever reason. And I have yet to hear of any good reason to limit the number of top-level domains, leaving aside the technical issues with (unintelligible).

(Bruce): Thank you, (Dave).

To also just confirm, who do we have on the telephone?

Glen Desaintgery: Alistair is on the telephone but he's on mute.

(Bruce)?

(Bruce): And could you heard (David) (unintelligible) okay?

Glen Desaintgery: Yes, I could hear him. Thank you.

(Bruce): Okay, because again, if you would just state your name and (unintelligible) your comments (unintelligible) one, it will help who's writing the report; two, it (unintelligible); and three, it will (unintelligible).

Man: I'm sorry (unintelligible)?

(Bruce): Yeah, yeah. Just state your names. And then one or two sentences why there should be new top-level domain.

(Ken Stubbs): Basically - this is (Ken Stubbs), I'm representing the Registry Constituency.

And I guess for all intents and purposes, as specific needs and as (unintelligible) there may e requirements for specific needs, top-level domain to serve specific communities and (unintelligible).

Man: (Unintelligible).

Three reasons. One, why not? B, as we are increasingly more users in the Internet, we need (unintelligible) for including (unintelligible). C, top-level domains are not only technical researchers or (unintelligible) but are an integral part of the identity, that is, how people want to identify themselves or part of themselves given services (unintelligible) to the rest of the Internet and therefore there's a need for including the choices they have on that identity (unintelligible).

Marilyn Cade: My name is Marilyn Cade, I'm a member of the Business Constituency.

I think that expanding the top-level space in a responsible and structured way is important to meet the interest of potentially lots of new users on the Internet. And I think we also need to expand the space very responsibly so that it can also incorporate in a survivable fashion the extension into internationalized domain names.

By survivable I mean something that can be adopted and recognized and embraced by the present set of users as well as future users.

Neal Blair: I'm Neal Blair and I'm an observer from the Business Constituency.

And I know of no compelling reason for not to expand at this level.

Man: My name is (unintelligible) and I'm (unintelligible). Thank you.

Man: (Unintelligible).

And we've been introducing top-level domain names because there are a lot of communities for which (unintelligible) do this can give a very good identity, especially cities and regions which are, by the way, much more stable than countries which from time to time...

((Crosstalk))

(Alan Greenberg): (Alan Greenberg), I'm (unintelligible) representative.

I'll give positive reasons, I think there are valid business reasons. I think identity - to clarify identities is a big thing, and I think the largest one is IDN, make domain names usable by a large part of the world that does normally (unintelligible).

Werner: My name is Werner (unintelligible) and I'm here to observe and I work with (unintelligible).

The reasons I would like to say (unintelligible) in this context of diversity, but also in - from the listed reasons, mainly to give meaning

to the (unintelligible) itself because only very few (unintelligible) because we have no choice (unintelligible) in any way. Only if there is a large choice of field then the extension itself requires (unintelligible).

But there are other reasons as well such as there is a need for new name spaces to be managed in paradigm specific (unintelligible) specific business purpose. Not everything has to be managed (unintelligible) so allows specifically for (unintelligible).

There's also an overall reason for the (unintelligible) itself, it should not become occupied. If the BNS has not evolved (unintelligible) basically (unintelligible) structure, and it's just like in a body not doing exercise, at some point it's going to be in danger of (unintelligible) for instance people just basically (unintelligible) experience such as acceptable domains are the following, the hard cold (unintelligible) about the other possibility (unintelligible). That is an example of (unintelligible).

Finally, we should avoid the proliferation of questionable alternatives to the (DNX). And there are many questionable (unintelligible) that come up (unintelligible) sometimes by companies that (unintelligible) ISPs and create (unintelligible) services and create (unintelligible) and such and such that will only work in a given context. But if they of course acquire enough power, enough popularity, then they would no longer be changeable. And I think (unintelligible) avoid this kind of (unintelligible).

(Craig Schwartz): Hi, good morning. (Craig Schwartz) from ICANN staff.

And I'm going to defer on this. I think it's really the (unintelligible)...

Man: (Unintelligible).

(Craig Schwartz): Yeah.

Woman: Ah, you thought you were getting off the hook.

((Crosstalk))

(Craig Schwartz): That's general counsel over there if you need help.

Quite honestly it's a question that I've asked myself, what is the purpose? And I think this morning is the first time that I really heard some feedback on why people think it's a good reason. As a business person, it seems to make sense in a market-driven economy that competition is good. And giving organizations and communities a way and an opportunity to brand themselves make sense. And also, as stated, I'm not completely convinced at this point.

Man: (Unintelligible) Non-Commercial (User) Constituency. (Unintelligible)?

((Crosstalk))

Man: I think actually the (unintelligible) initially the (unintelligible) actually should remain with the other side because there's no reason not to (unintelligible) there's no technical constraints not to have, and why shouldn't we have (unintelligible).

So (unintelligible) the question should be with in the other - should be flicked. Okay.

But if you want to (unintelligible) why you should have (unintelligible) I think, as a lot of people said, competition is good, and there's no reason for them not to have (unintelligible) and also the (unintelligible) if I remember well, the specificity of the Internet when it was created is also to allow people, to enable people to communicate, and to express themselves. So that was one of the features whereby the Internet or PCP IT was different from the broadcasting media. So I think (unintelligible) a way of - for people to express themselves, to express their identity, their culture of activities they want to identify themselves with. So (unintelligible) to have more (unintelligible).

Woman: I thought I was definitely going to go because I've been writing down everyone was saying and I'm going to plagiarize (unintelligible) and then kind of bug (unintelligible) writing them all down.

I have (unintelligible) for the last 13 months all the work that you've all been doing actually becomes a reality.

((Crosstalk))

(Patrick Jones): All right. (Patrick Jones), ICANN staff, here observing, been putting some input into the (Serv Name Supporting Group), and been following closely for (lead) TLDs.

((Crosstalk))

(Patrick Jones): Before I joined ICANN staff, I was involved in consulting for (unintelligible) applicants for 2-1/2 years (unintelligible) I am in favor of adding them in a reasonable way.

Man: What (benefit)?

(Patrick Jones): There are communities that (unintelligible) served by adding - increasing for the mainframe and I don't see any reason why they shouldn't have an opportunity to request that, you know, their TLD.

(Dan Halloran): (Dan Halloran), ICANN staff.

I just want to pick up a little bit on (Craig's) point which is that (unintelligible) that we feel like we should (unintelligible) staff should be neutral on this because our job is to implement the policies of the board, so implement what you guys recommend. So we all have personal opinions which are happy to talk about.

((Crosstalk))

(Bruce): I'm not asking you for an ICANN organization opinion, (Dan).

(Dan Halloran): Right.

(Bruce): I'm asking for a personal opinion. And actually I'm not going to (unintelligible).

((Crosstalk))

(Bruce): (Unintelligible) but the challenge here, (Dan), is in trying to express this. This is not (unintelligible). And what I think (Liz) will need to do is actually say here's a diversity of reasons or here are some of the reasons that have been expressed for.

The reason or one of the reasons, and we're basically saying - we're recommending (unintelligible) why do you think, because that was (unintelligible) after discussion. So I'm not asking you to stay on general counsel of ICANN, I'm asking you to, (Dan), (unintelligible) individual...

(Dan Halloran): I understand completely, I just wanted to get the caveat on (unintelligible).

I think the - just my counsel on how the status or how (unintelligible) ties back always to the mission and bylaws and the core values of ICANN (unintelligible) one yesterday, core value number six, introducing modern competition in the registration of domain names were practicable and beneficial in the public interest. So without, you know, we want to (unintelligible) competition and registration. We're kind of struggling with where practicable and we're going to - we're working hard to make it practicable and the public interest part I think is what we're hearing (unintelligible) public interest (unintelligible).

But definitely whenever it gets stated in the recorded, it's - I would type back to this particular core value.

Kurt: Kurt (unintelligible) ICANN.

I think we're constrained to promote and deploy new TLDs. The primary reason is (unintelligible). So I think ICANN as an organization is duty-bound to promote that deployment.

The second reason then more was (unintelligible) has to do with promotion of competition (unintelligible) for consumers (unintelligible)

you know, I don't think we can picture how (unintelligible) the competitive environment is out there. You know, my personal opinion is we're at, in evolution, we're at, you know, (unintelligible) color of car you wanted as long as it's black and there'll never be competition (unintelligible). And I think, you know, we're right at the beginning of the evolution of domain names (unintelligible) and how it evolves is going to create a lot of richness of choice and this (unintelligible) is a necessary part of that.

Man: (Unintelligible) representing the Registry Constituency.

I think the first reason I was (unintelligible) demand. I believe there's demand both at the (unintelligible) level and certainly at the IDN level as well. And then other reasons that the registries have communicated many times certainly for competition for innovation, and really it's probably the only way we're really going to be able to see market forces work more freely as we open it up more in the next year or two.

Mike Rodenbaugh: Mike Rodenbaugh, Business Constituency.

I absolutely believe ICANN needs to release those as soon as feasible for all the reasons already stated. I am not convinced that there is need or demand at this time for other new TLDs (unintelligible) the application should be considered to meet specific needs and demands. New GTLDs in my view not necessary. At this time we should allow the existing GTLDs, we have to continue to compete against one another and let them grow.

Man: (Unintelligible) member of the Intellectual Property Constituency.

I think to respond to (Bruce) and the question, I don't think there is any inherent reason why to have new GTLDs. The adjectives that I've heard or the reasons that I've heard from the previous speakers, competition, innovation (unintelligible) for consumers, I think we have to question whether adding new TLDs would achieve this because I don't think overall the GTLDs, I think ICANN is (unintelligible).

But I would say that the strongest case (unintelligible) TLDs probably in the IDN (unintelligible) argue that (unintelligible) new TLDs are needed to promote greater participation (unintelligible).

Woman: ...becoming more competitive, I mean repetitive as we go around the table. But I agree with what many have said, and in terms of IDN, but also going back to ICANN's core mission and value of promoting competition and ensuring that the registration and domain names are done in a practical way, in a way that benefits public interest. That's ultimately the way that ICANN can ensure that we're benefiting the public interest, is to solicit from the global public their applications for new domain names.

(Michael): (Unintelligible) ICANN consistent with its bylaws should respect the abilities of individuals and companies to innovate and provide new services and opportunities within the marketplace, provided that the paramount concerns of security and stability are preserved.

In undertaking this task, ICANN needs to ensure that there's a responsible expansion of domain space, not merely the duplication of the existing name space through defensive that do not resolve or nearly point to their dot-com equivalent.

Woman: (Michael), where were you quoting from? Where were you quoting from? You were reading from something?

((Crosstalk))

Woman: Thank you.

(Michael): (Unintelligible) I just wrote it down before I spoke.

Woman: Oh I see, thank you.

((Crosstalk))

Woman: If you can email it to me, that'll be great.

(Michael): I learned from being on the board, it's better to put things down in writing first...

Woman: Thank you. I got part of it but I'll get the rest of it.

((Crosstalk))

(Timothy Denton): I'm (Timothy Denton).

((Crosstalk))

(Timothy Denton): I'm (Timothy Denton), I'm a consultant for ICANN and I have no professional opinion on this, whatever.

((Crosstalk))

(Karen): (Karen) (unintelligible) ICANN staff.

Probably the arguments that I find the most the most (unintelligible) people have described already.

Woman: We can't hear you.

(Karen): I think that -- just to repeat, the arguments that I find the most compelling have to do with (unintelligible) which people have mentioned. I think that that is closer to something (unintelligible)...

Avri Doria: Avri Doria (unintelligible).

People want them for various reasons including personal and affinity identification. And since there are no technical barriers, they should - they have a right to this form of expression.

(Philip Shepherd): (Philip Shepherd) with the Business Constituency.

The objective must be competition. And the question we need to answer though is the mere addition of names a sufficient mechanism to achieve that and I suppose that's what we're currently engaged in (unintelligible) to achieve that. And is the damage we're going to inflict elsewhere a sufficient cause to accept in the (unintelligible).

Jon Nevett: Jon Nevett, Registry Constituency.

There is a huge market demand for it and assuming there are no technical or (unintelligible) reasons why not.

Woman: (Lucia) (unintelligible) from Non-Com.

I would have to agree with a lot of my fellow counselors on the privatization of IDN, being one of the excellent (reasons). This is to improve international participation and geographic diversity of course in the users' languages. And eventually, of course, to increase competition in the market economy that we have. And (unintelligible) ICANN core values (unintelligible) situations. Thank you.

Man: (Unintelligible) Registry Constituency.

I think the -- I would be repeating a lot of people anyway -- I think there's no - maybe there's no particular technical or stability issue why not, is one of the important thing because it's not about why, it's really about why not.

And also in terms of demand, I think it's important to look at not only end-customer demand, because it's been possible to gauge end-customer demand when there's, you know, the product is non-existent. But rather perhaps the immediate demand of people interested in bidding and going for and creating a new TLD, that is the demand that would, you know, I guess people around the table can hear right now. And that is a true demand.

So I think that's sort of our job in terms of the ICANN community to facilitate and create a system for which new GTLDs can be introduced in a sort of orderly time and manner. And obviously IDN is a very important item; and in fact, from (.Asia), we're probably one of the first - we're probably the first that (unintelligible) originally proposed to

ICANN indicated that we're interested in things that our community would hugely benefit from IDN TLDs.

Tony Harris: Yes, I'm Tony Harris here with the ISP Business Constituency.

As a member of the constituency and of the ISP industry, I think that our customers would be best served by having more choices because right now in Latin America (unintelligible) dot-com is a symbol of a brand and it's not easy to find an available name in dot-coms, and I think it will be even more difficult if we add more millions of users to the Internet.

As a prospective applicant for the eventual new round of TLDs, I would simply point out that it wouldn't appear too fair for the sake of saying "let's not have anymore" to prevent regions such as Latin America and Africa from being able to provide for regional identifier since Europe has this, Asia has recently obtained their regional identifier, and the US obviously has their own. And I don't think it would be very fair to say, well, you know, you guys forget about it. We want our regional identifier also.

Man: (Unintelligible).

First of all, the Registry Constituency does have a document out there...

((Crosstalk))

Man: (Unintelligible) can you hear me now?

Man: Yes.

Man: The Registry Constituency has a document (unintelligible) its reasons why that we're (unintelligible) out very (clearly).

My own personal reasons (unintelligible) because there have been too limited rounds in improvement and desire from the private sector to operate (unintelligible) that's proven, because ICANN has been delegated the roles responsibility - of responsibly administering the release of new TLDs and then not enabling the opportunity for new TLDs leads to protectionism and post-market assumption.

John Jeffrey: Hi, John Jeffrey.

I won't need to put all those caveats in front of what I say too. This will be from my personal view point not from my role of General Counsel.

When I came to ICANN some 3-1/2 years ago I was coming from both large and small entrepreneurial businesses and there was a clear demand in the community that I came from for new TLDs and new name space.

So my interest in coming into this position were in some way the line helping that happen and to help them introduce competition and what seem to have some artificial barrier.

So although I think it's important that we very carefully weigh the stability in 30 concerns in what we do and how we act, I think that our role is not to create artificial barriers to competition. And if we can by

taking action within this larger group act to facilitate greater competition in the space, then we have an obligation to do so.

Man: Thank you John and thank you everyone to having again doing that.

This is something that already a recommendation. We've already been through a policy point of view. So the reason for doing this is not so much to capture constituency, the importance that we have those in the record and we've had every discussions on this.

But I think it's useful to think about how this mean how we will put this in the report and I'm thinking why we do that is one clearly identified the ICANN mission and core values and the relevant the standard pointed there.

And then basically say that this is (virtually) reasons in the community as to why they want to support to this, which sort of can (unintelligible) and we certainly (unintelligible) around the room today.

And then, and also indicate that the technical reasons to not make those both sequential that's on.

And when we do (unintelligible) TLD to do that consistent with ICANN mission of technical stability and all that and reduce sell in an orderly pricing. So that's probably how I think we can, you know, lead to that into the report.

Man: Mr. Chairman had a point order. You wouldn't let anybody else off the hook. I think you share your feelings.

((Crosstalk))

Man: I second the motion.

Woman: Both my explanation is "(yes sir)."

Man: I think personally, I think that the aspirations of some of those that have introduced new TLD in the past haven't been met and I think they - the element of process created and I will come, and I think that model is proven to be wrong. I think that the introduction of the TLD in terms of somebody who wanted to put one forward has to be very carefully spoke through and then focus, create and identify essentially which and which a market registrant to clearly articulate what the value of this in the particular name used.

And probably, they to align more in terms of applications in how that method could be use, and so I think when I look at certainly myself maybe I think they're really try create an application in the need be on the site. So just the nine, what the nine represent -- that the nine represents some ability to (unintelligible) to whatever they do.

So I actually think it's very (early day). So I think that within the potential that could be created from new TLD here, I do note that all the TLDs have to mind that leaving the side strictly shoot it because of an additional script, but we haven't really explore language. (Unintelligible) the TLD without introducing the internationalized guidance and standards, but there isn't (unintelligible) with the language at the moment.

So all the TLDs today made something to someone who is coming into (business investment), and that reflects to the Internet obviously set it up at all in a very strong unique space in area and it is now expanding more driveways and take a lot the use of computers, the use of languages by computers, the new TLD that use different languages and I support that. And so, I think the - so domain and obviously, needs to something that needs to remain, and (remain) something deal with the user, and for many years. And so I think the domain now we've got at the moment at the top level that mainly thinks of them.

I when I (unintelligible) people say we shouldn't introduce new TLD, but then (unintelligible) always I think from an (English person) background, and when I speak to somebody that not an (English person) background, that really all (unintelligible) I guess that may not a bluesky.

So I kind of agree with many others, and I think we should be standing in the wave of innovation. I also agree with (Steve), but I don't think necessarily the ones today as made earth shattering. For me, that's not the reason not to sell out into scientist something that is shattering. So I came with more from an engineering innovation spaces and I'd rather - the diversity in terms of language and innovation in terms of new language of using the identifier as an engineering approach.

(So find your nature).

Woman: That was one what he said.

Man: No, it was, wasn't it.

Okay. So anyway, I'm just going to do it and get a sense of how we can convey the diversity of...

Woman: Just before we move on, I might just come back to be able clarify. (Unintelligible) to close anybody. I would attach the flavor of this, but nobody will have the view distributed directly to them unless you wish to have them as your research. But it will be a ten most (unintelligible) of a series of (trades and) stores to support the rest of innovation.

Man: Those with have best of demonstration for giving sense of control.

We're talking in today and we're talking about strength criteria and advertise smart look.

I said a little bit time ago, I came from Wednesday just to try met some of these ideas out and get a bit of (seal) to the close. I'm not sure the...

Man: And so, there, you know, at the outset yesterday, we identified the principles that we developed that should guy the creation of process going forward. And so, this is intended to comply with that principle. I think the three overwriting thoughts here though are - one that is transparent and visible to the applicant and predictable to the applicant. So they understand the process going in and they understand what's happening along the way and that is done by a good definition of the process beforehand and a lot of communication doing it.

The second point is that if the application is problematic and controversial in some way that that is identified to be applicant early on along with a roadmap for dissolving the controversy.

The third is that for applications that are not controversial or problematic and confident both technically and from a business standpoint that there's a fairly rapid turnaround and repeatable road home.

But I think those are the three overwriting concerns we had going into this one more that we're on.

So when - oh, and then the fourth finally is one that we discussed quite a bit yesterday and that is, you know, for ICANN to implement the consensus policy in way that, you know, develop the sort of independently know manage by independent running process so that, you know, key decisions are independent and based on the reasoning of others and were possible existing writing. So today, we will provide existing treaties or existing laws to rely on that.

So to those are the four essential things that we'll deal in into the thinking of the, you know, predictable and transparent, identification of problems early on. Staff will home for applications that are problematic and controversial and, you know, sort of independent decision making process based on existing authority. So, do you want to touch the process and stuff?

Bruce Tonkin: Yeah.

As John described this might maybe - I think the concept behind this was just sort of trade (side), an application submission sign (unintelligible) to say the right number of pages and the screen find and within the right corner or whatever, the first ten pages.

And I lead an initial evaluation side, which it takes time to just sort of indicative just to say that the staff is sort of thinking this is - and maybe this is the thing doing well everyday into the initial evaluation.

And in initial evaluation, the really same thing we are looking at one is do the applicant still free across area, and we hope that business terms be bale to (unintelligible) by able to operate the registry, do they have the technical capability, do they have the organizational capability to supply contingent policy, manage registrar - this is basically saying the (unintelligible) department. On the side, we've had three criteria.

And the three criteria really right down in three sections, the one section that relates more to the technical issues that someone puts up .html that mark concerns (unintelligible) many sec requested internally because ICANN mission around technical coordination, some consistency with ICANN vision, probably employ some people to get - or hire some consultants to give them some advice for whatever they technically shoot out. And that advice (unintelligible) identify issue and evaluation report.

Alternatively, (there on) this point of being in the process, and it could well be that someone identifies an issue on some of the other categories strength criteria that we've identified the intellectual property (unintelligible). We believe our (unintelligible) are being increased for (common right) as an issue about, you know, they find it issue of morality, whatever they do see there. That will go through a challenge process, but the input to the ICANN process here simply that a challenge is being filed and maybe the basis of that challenge.

An issue evaluation report of draft evaluation report was contained any (unintelligible) from public comment and someone could actually make a covenant and say this organization is being charged around the registry and it's of the half the time. And, but still have to find the work, etcetera that recommend and get through this pass process or someone from the ICANN community brought (right) and technical issues.

So overall, that sort of internal software, general feedback from the public comment (unintelligible) draft evaluation report along with any (notably) of challenge.

These are activities that are happening outside ICANN to someone that gone through the international arbitration (unintelligible).

And the challenge is being filed and getting suggested evaluation report. The draft reports in ICANN to public comment (unintelligible).

So it could be that people say the one we obvious that there's a technical problem here, I'm just going to (unintelligible) someone else survive to that. (Larry) saw the first draft initial reports on desk and then he got it, "Oh, just can't believe it." Nobody actually pointed that (unintelligible) technical issue. That gives him an opportunity to give comment on that side.

And then, I don't know if someone can move this...

Woman: Question...

((Crosstalk))

Bruce Tonkin: Yes. Yes.

Woman: Okay. I have two questions.

One at the top, those applications submission with the application posted, this is actually all after the blocking on a time that went by because I saw that way they were...

Bruce Tonkin: Yes.

Woman: Okay. So it's not application submission .

The other thing is...

Bruce Tonkin: Well, let's get back to that. That might be - make a bit more clarity. Could we select at the top?

I had already picked up on the (unintelligible) either and I (unintelligible), but the concept was that there is a - we've been discussing is that there were series of implication arose and then there's a closing date. But (zero), was that the closing date, is that your?

Man: Yeah, yeah.

Bruce Tonkin: Yeah.

Woman: Thanks.

The other thing I wanted to check is okay, your little decision bullet says those are being said in the IER, those are not actually results.

Man: No, no.

Bruce Tonkin: Those are just issues.

Woman: Flag is there was this issue blah-blah. Okay.

Bruce Tonkin: The technical issues go flag in the challenges set drive.

(Unintelligible), which is the evaluation of the applicant criteria.

And then the concept there is at least that (unintelligible) going at sort of stuff, an external, external effort or for challenge (unintelligible)?

Woman: Yeah. The question related to timing, okay. Thanks.

Man: Thank you Bruce. With regard to the posting of the application, in the 2000 round, 2000 proof-of-concept round, the whole application was process. In the 2004 sTLD round, ICANN sort of recognized a bifurcation of the application between public and potentially confidential. Has - will that recognition of public and confidential be recognized in the process?

Man: The questions of the staff because of the (unintelligible).

Man: The reasoning behind it was to encourage more fully flash out applications and enrichment in the application. So I think that to hold

back to this by keeping private confidential was that better application, you know, could be a point of...

Man: Well, as I said, I would agree with the 2004 approach and process than 2000. So I guess my question was just, when are we going to see that because I thought that wasn't improved in over original (unintelligible)?

Man: What do you think happen in this ten-day period? What is that - there's a close of application and there's a method of what time for you to get organized in posting and things to do?

Man: To get the applications in some place, right?

Man: Yeah.

Man: Yeah.

Woman: Yeah.

Man: So if the application is complete and line them up for posting, sometimes there are formatting problems based on the input. So there's few days in there to make sure that's all straight on the application once they're posted, you know, at the format.

Man: Okay. Any other questions about our system?

Woman: Okay, thank you.

Question I have again, technical international or organizational qualification that goes out to the public comment. I'm just wondering I

had that with the original process be evaluated by ICANN and it do just go public. What are the implications?

Bruce Tonkin: Yes. Well, the public is kind of what market (unintelligible) here the application is posted and then the question is some of them public, some of them not. Maybe some - I do not have that information, but I have (unintelligible) security and identify some live catches that might not be published in that sort of stuff to public that would be able to comment and say - be able to say that such in such in organization is consistent (unintelligible).

It really just providing and ability also (provide) to the public to provide input and that input might go ICANN staff (feels do) something reasonable (unintelligible) because they don't really evaluate some of the staff in the evaluation, (like to say the) opportunity.

(Still the same), right?

Woman: And then, I just have a question.

Man: Thanks Bruce. On distinct right there, we see there are two possibilities there. And we have I think five stream criteria. It's all about discussion late long going to be our recommendations as to which of those two options on side noted at these labels, and technical is probably wrong would be which of those two boxes have five criteria are likely to fall into. In other words, which of those issues do we want to suggest that the ICANN examiners should have the ability to at least make an initial evaluation and initial decision and which of our ten criteria do we believe to maybe be published and therefore open to a current system.

Man: So that's exactly the...

Man: That exactly starting leading on to you.

Man: Leading on to, yeah. So, one of the suggestions is (pass this).

Man: Okay. I'm happy with that, but I think it's important - I was just concern about the labeling.

Man: Yeah. Well, keep it simple, but and just likely not that final.

Man: Yeah. Let's go back to the three criteria (unintelligible).

But the other element that you added in there, which I don't think there's a great or an even staff level, business staff make it literally -- determination or should we just really rely on challenge? The staff couldn't and put something and re-assigned. We have staffs say words even nasty words somewhere and staff that say nicely comments. And the question is, is that what they do for ICANN? I mean, we always think and obviously (unintelligible) what they say. It's really is putting staff and define. If I say "yes," is particular word we came to the safety as opposed to just saying here is the word, we want to share this and we'll provide challenge. That's always (unintelligible) so we can also provide (unintelligible) ICANN, the organization making comments for that some of those streams. Okay?

Man: I have a question about zero to ten. Is that zero to ten days, is that an example for this discussion? Is it, you know, the ten-day breach application as received...

((Crosstalk))

Man: ...and the less time from the close of the applications and the complexes, I mean, staff - I guess ICANN is exactly able to predict resources and the client, but the assumptions here said they can look at all the applications in those first ten days - obviously in the meeting application...

Man: Right.

Man: ...for the work, but that sort of bit resources I guess.

Man: Those were the absolute close of the 30 days then the 10 days would kick in perhaps (unintelligible).

Man: Yes.

Man: Got you.

Man: And then the idea is this won't happen in parallel, so that's why we had ten applications. Then we'll process that process and ICANN probably put those ten applications up (them on). They probably may not going to have bring in consultants just to pay that on - they wouldn't have enough (unintelligible) generally like a bit parallel. But then, it just comes down stream on server.

Sorry.

Man: Okay. Couple of questions.

First, the challenge walks, comes in these vehicles of 85 days or something like that, it is to be 85 days that is 75 up to a publication, right?

Man: Yes.

Man: This is (unintelligible).

But is this the only challenge for you to be available?

Man: Let me think here.

Man: Okay. So John speak earlier, let's imagine that for instance, something like...

Man: In challenge any aspects of this depending on...

Man: Okay, yeah, but not a problem (in the price), but this is the challenge price. This application is being passive, here is the data.

Man: Okay.

Man: And you can challenge it.

Okay. And therefore, again that this is more astounding for you, there will be some sort of solicitation of the streams will submit it. We just follow, we'll grab potential of the people who are sort of, you know, strong (relating) of the streams and the back definition. We'll just post them - roughly, we have received new applications goal there.

Man: Yeah.

Man: And maybe they're 10 or there maybe 100, we don't know, I don't think 100. But even there is ten, you know, it's not very user-friendly and you might not discover it's there.

So I guess, simply a short communication of the streams and the body definition of that TLD, its purpose, usually, severally, life application.

Man: I mean, this is some of the discussion that has been happening.

Man: Because if not, I mean, for the community, 75 days won't be enough for, you know, group of (unintelligible) the usual group of community they have a very, you know, are very challenging.

Man: Yes. So the fundamental issue that you've raised in here is that that same talked a long time for (unintelligible) because everyone sort of looking (unintelligible) everyday. But (unintelligible) with the external community and, you know, folks giving me some examples of some of the TLD that they launched, you know, the migration plan.

But some of the complaints that coming in these applications, in other words, taken that long to get through this to some office in the middle of Africa or something (mid-Ohio) certainly get you to that night.

And so, what are the things that ICANN has to be very carefully thinking about in what is the publication mechanism there? You might need to take advertisements there in multiple sites, multiple countries, you know, we have to think very careful what that notification supposed to be.

I don't know whether (Dan) or (Kurt) and (Chuck) that what you need in the last round and what you want to design.

Man: I have another practical question...

((Crosstalk))

Man: Get them out from that one.

So in the 334 round, what publicity was done and what you should be doing differently going forward?

Man: I think the agreement 2004 round was not (ended). It challenged here this - not just to cover all the regions with the case of publicizing with the strength of potential challenge. The challenge of the issue will be not just covering the regions with some publications, but in a form publication that is read by the people we care about reading it.

I think it's sort of a difficult problem that needs to begin a lot of thought.

The other then would be is that publicity is probably not just as a point of streams early, but the publicity is probably well before that decided some streams will be released that say - you're actually public sourcing them probably six to four months (unintelligible) we are in, you know, January) of 2008 or whenever it is, there will be some new TLD posted those scripts the most effective to introduce TLD. And then on such and such a date January again we post it. So I think we are looking for as well...

Man: Well, the (unintelligible) this was indicated that there needed to be a (unintelligible) of four months indications before the applications were (unintelligible).

Bruce Tonkin: Is there other questions regarding this and the (unintelligible). The implication will be (unintelligible), right? Because if they are not, I mean and I can see quite infinite how we could do, you know, accepting anyone, which is (AWOL) even if I'm in favor of that. It depends on the resources and whether, who is paying for the population.

Now, if indicated we will publish in English totally, this (unintelligible) should be extended for goals applications because, you know, for many of people just translating on the (unintelligible) and then just saying what are the challenges then would be when we leave.

Man: Okay. And now...

Man: Thank you Bruce.

I think can be used in the likelihood...

Man: Thanks.

Man: (Unintelligible).

Man: Okay.

Woman: Can you do it?

Man: Yes.

Man: Just a couple of points. I do think that the runway or the comments here as you said for people in this room maybe 11, and 85 days of decision. I would say that the inability of the government advisory committee to take action intercessionally sort of ways suggestion that we proposed window for comments and perhaps a little on the narrow side.

I think what we may want to look at is something along the lines to standard and protocol or certain documents need to be published at least four to six weeks. I don't know what's the particular timeframe on that, but I know that that is something that - I remember when the ITU representative on the board, he talked about protocols and timing and meeting to have the ability for people to review document.

Man: At least on my thought, I guess, I'm assuming that based (unintelligible) should be more by staff resourcing rather than, you know, to save that time. Is that right (Dan)? Okay. Because we (unintelligible) basically long (unintelligible) the evaluation, or is that how long process to evaluate (unintelligible)...

((Crosstalk))

Man: That is the way that it's written that 85-day period takes us to the (unintelligible) we had drafted final reports also.

So actually it's a good point Michael makes because, you know, the comment period would have to be necessarily shorter than that period there when completing them.

Man: Okay. And if can continue with my original point, one of the sad things that I thought was really productive from the 2000 round was the ability for the applicant to make a presentation during the ICANN regional meetings. There are a lot of practices focused on those events and all the applicants were able to make a brief presentation.

Unfortunately in 2004 fTLD round, the initial applications were due the week after we had met in Rome. So what I would encourage as part of maximizing outreach and (puff), I would synchronize the publication of these reports four to six weeks before we have an ICANN regional meeting. That would allow all members of the community that we'd be attending the meeting as well as the government advisory committee to document and potentially (flush) out issues, so that again, we would prevent some of the shortcomings or criticisms that has been leveled in the most recent attack about "it came as a surprise, we didn't suspect them".

So I think that these steps would be consistent with ICANN's mission for openness and transparency and validate what this (unintelligible) results of this process.

Man: Maybe the only one, we've seen the (two minutes) with the conference in 2004 (unintelligible).

Woman: Mike, clear this up -- can I just talk to Michael and clarify in questions before he moves off?

Mike, you said that the problem with this was that the GAC meet (is available to submit comments).

Mike: Well, I'm not saying that...

Woman: (Unintelligible) what you mean by that because...?

Mike: What I'm trying to do is recognizing the advisory role that the GAC has within the ICANN process.

I think it is very important that we provide them suitable time frame for them to provide inputs into the action that ICANN take. The fact that they have to my knowledge never been able to take action intercessionally, it's something that we need to be aware of. And having these applications close to four to six weeks before an ICANN region will facilitate their ability to participate.

And part of what I think we're looking for here is to identify problems earlier in the process not later.

Man: Okay.

((Crosstalk))

Man: ...(unintelligible) quickly answer this (request to be answered).

I think you ask the question like how is this set. I want to just remind everybody nothing is set here.

Man: None. None at all.

((Crosstalk))

Man: (85 days).

Dan: I think the biggest string we're operating was how quickly we turn around to review the technical issue which in our step is important on the new register within 50 days and we have to have some drafting and comments.

If there are other things that are taken into account like we have to allow (even Christmas) time for that, that's good to hear here, but nothing, is set by these.

Man: I understand that Dan. My question is just how did you choose the numbers?

Man: Yeah.

Man: I know. Incidentally this is just draft. This is like sort of staff trying to find a map at the implementation putting into a pool that we can...

Man: Yeah.

Man: That we could take it before we (unintelligible).

This initial process would end at the end of this period as if there were no issue to it in this forum. So that's why a length of time would probably (unintelligible) support. But assuming that the applicant criteria will mean there were no technical issues, there were no objections right under any of the string criteria without additional reports we have published. There's a public comment on that draft that drafts itself daily. And if there are no issues than it's (supposed to be).

And the idea here is to give some certain (savers). There isn't clear (unintelligible) way you can challenge, and at this point they were basically added.

Yeah, of course you can use other appropriate (unintelligible) and we are likely to see what they've created mostly seen in some future periods of time. It's like maybe asking now (unintelligible). This is to provide some (strength) in the process. And then if there are issues, then we'll go down to this next talk and talk about that.

I just want to clarify this that that (contour) is expected to be the period from when you submitted your application. So if you've done everything you're asked, you're ready to go. And this is assuming that you're not changing the agreement either -- (and I'll be pleased that it's not there); one by one agreement. So you sign the standard agreements at the end of this process. So just make the best to save time that's efficient.

Man: You're going to send that out before (unintelligible)?

((Crosstalk))

Man: Can we come back and sort of (choice) up the questions on the instance that we'll go into these?

Man: Well, that's part of evaluation there.

((Crosstalk))

Man: And there were two public commentaries on the challenge role.

Man: That's okay.

Man: By different (unintelligible). I'd like to know what happened.

Man: Okay.

Man: So at this point, we could just go in the challenges they write and therefore it has to go on the next step, okay?

And they will go - go challenge everything, right?

And then at this point, the challenge could have been right in front of a number of things. One is that the staff from audit will decide that that they haven't got enough information to evaluate whether the organization has, you know, has a lot of capabilities so the organization has the right technical skills.

But this is (unintelligible) this half that has happened pretty consistently in the bigger foreground where staff (unintelligible) what's plain to see and then (unintelligible) waiting for more information in which time to get to go at (unintelligible) but we haven't told the (unintelligible) that's going to set up (unintelligible).

Man: Beyond (unintelligible).

((Crosstalk))

Man: So this is where the staff was more or less draws the process (unintelligible) that they say we'll need more information.

This is a passage which is more of the technical issue thing that you are talking about (Philip) as to what would happen depending on what criteria were kicked off.

But that, for technical issues criteria, there was (unintelligible) the technical issue that was laying in that that initial review that was guided with external panel. It's not our hand side that is external expert. It's very similar to, of course, the (object) panel now which is the panelist, the expending panelists, these are the examining registry services for questions that might have a technical issue. So that would be an external panel of technical experts.

And then the other box to me was the external (refute) revelation process which obviously needs a lot more work, because that's we've sort of thinking that's not just one because the different parts (unintelligible) they probably have different (pursuit) process. And so they could see arrangement of the (pursuit) process (unintelligible) which is a body that's got the expertise to deal with identifying whether something is right or going up that will throw us the right panel.

And then we have these - these (metro pupating) panels which are sort of doing all of those future issues and give you updates. So they might be a completely different arbitration forum.

So that's our discussion forum and the part of the forum that would be used in public in advance. So it's not like applicants are suddenly going

to be surprised by it. I have no idea that we're going to gather this external forum.

These means some more work, so it's definitely going to identify what's some of these arbitration forums would be and what the laws or the same (unintelligible) were actually outside that way. There are a lot discussion was with the staff yesterday and (unintelligible)...

Woman: Wow.

Man: ...with that has a body of knowledge behind them. So not enough convincing words or using words like, you know -- you know, what is the basic -- sort of words that Mike get out (unintelligible). Those are sort of words that the body of knowledge behind that we've viewed in that context whereas under the words relating to, you know, these nasty words where it's just sort of saying -- and I can't even remember -- it's at the top of my head. It's something like (unintelligible)...

((Crosstalk))

Man: Yes. And what's probably (unintelligible) call that as well commonly effective more to them (unintelligible) than something rather.

But whatever that (tray) forum (unintelligible) that you're trying (unintelligible) an arbitration forum (unintelligible)? And it's not in the application process we agreed.

Man: Okay. Do you agree to submit to that process?

Man: The applicants in time will see and they're going to be here. Agreed to submit to this process and agreed to abide by the outcomes of that process eventually.

Man: Then that would go into this -- what you call this?

Man: The end of the evaluation report?

Man: What is it about to these things are? So it could be more working staff with them. And all they think that happen is (unintelligible). So it could be that the staff doesn't like it, the technical committee doesn't like it, and they need to let the staffing committee doesn't like it -- so all of these things could potentially get kicked off.

That is sent into a draft extended evaluation report. It's been public comment on that evaluation with extended evaluation report. And then the following evaluation report and then this is sort of a (past file) situation, the idea here being that in order to see it going around in the loop here.

So it has gone through these specs and it still got issues then it knows. And then it would -- if you want to (oppose) to TLD, you have to wait for the next round.

So you distinctly loop first come first serve advantage here that you've gone through that process and you filed and we don't have the staff. One of the things that had happened at the moment with the staff, each goes around this loop which is very expensive. With other parties, they go round and round and round in that loop for a couple of years and in all that you get suspicious. We believe that it needed to extend

evaluation to pass or fail. And if you fail without prejudice they get you applying in another round.

But it's a (big laugh) what you're doing with your driver's license that you can't just keep driving around with the instructor until he starts getting those attacks, you know?

Usually the instructor after an hour after you hit the first set of tires would say, "Now that's enough. You're going back in loops. And then come back to me with you first." Only a (bloke) would say.

So that's the other opportunity the public comment at that point out in this (unintelligible) evaluation process.

The challenge here and the reason why there's no timeline on here, is it's not clear yet exactly how long you're coming to those (unintelligible) would take. But that the intended is not often bounded. So for those folks who see quite a bit just like (UDMP) which has a certain amount of time to expand, we don't know exactly what that is. It takes three to four months or something and perhaps those (form) at that time. Because this just shouldn't go on the years, it should have some finite time to be determined and then the process like those finishes.

I want to sort of come back for the cue.

Man: Would you add me to the cue please, (Bruce).

Man: Yes.

Man: And do I get cue also?

Woman: (Unintelligible).

((Crosstalk))

Man: I can erase it (if you have a good mind).

Man: We find so much (unintelligible).

((Crosstalk))

Man: Yes. I'm fine with it.

Man: I'm fine with that.

Man: Yes. It's time to credit as (your clinician office) as some of my concern, okay?

((Crosstalk))

Man: Okay. (Unintelligible).

Man: Thank you. Some of your -- my concern is also explain my - your discussion. This small PowerPoint if this (unintelligible) and the same might be in the position that it turns out that the single character, its objective in some way (unintelligible). But that is near to dispute all sides that go for live (unintelligible) all the...

Man: Yes. I'm thinking that they're still in the mainline of registration that at that point ICANN has done its due diligence, and you know, it's gone

through this correct (unintelligible) with that being root and it's being used, we can then still dispute that out for the fact that this is you could dispute from the domain registration after effect.

So it's a matter of bringing the balance between you could have shown all after effects and ICANN just don't let you go any checking at all and (unintelligible). And then why is the (staple go to loop there).

And at that point, the palm there as the paper (unintelligible) is (unintelligible) for the stuff they have to use in their tray.

So what we're trying to do here I guess is this rain provoked care or reasons with due diligence to make sure that there's no sort of glaringly obvious things. And then you try to quick glance the two of these to someone and then the dispute process of after effect.

It's still quickly a process to kick off and ICANN agreed to abide by the outcome of that due process. But the danger here is how people might gain that (reverse) wide.

If you could gather this by being competitive and say, "Okay, I will resolve my TLD. I'll get chat just to make sure now and they'll get one." That you're actually trying to (fire) off with many disputes and questions that we've already seen in some of that guidance which means that legitimate people get tracked at their TLDs. They've got to get a balance or something between some legitimate due diligence around appropriate periods of time and appropriate notice for people to respond. Then after that you know, if I want to take it to court, take it court and those troubles you can go about that.

Man: Yes that's the same (unintelligible) that problem may be more pronounced when the day in the courts being in many countries to expunged but it's not going to (maintenance).

My second comment was related to the (unintelligible). Are you signed up here that that isn't the (unintelligible)? But I just wanted to mention that perhaps once you considered to have a higher ambitions for the dispute panel (unintelligible) that prices indicates. We'll make sure that there's such a focus to the role of the court and in this way also (unintelligible) higher specs (unintelligible) certifications and perhaps this may contribute towards not realizing those effects that you are just indicating.

Sir, can you suggest a word kind of...?

((Crosstalk))

Man: Okay.

Man: That kind means the right people in ICANN sort of (unintelligible) to make certain arbitration forum.

Man: Well, should that be no additional arbitration or, you know, what were they (unintelligible)...

Man: Yes, arbitration I think that they've got (unintelligible) some disputes that are traditions, but I'm not challenging there that there is such -- they're functional and clearly care enough. But I'm thinking that there might be a few sets several panels and this maybe becomes a very large number of examples that would that be some sort of common

frame and the known at the one common (unintelligible) rather than many instances or rather ad hoc like (unintelligible).

Man: In other words that means like I think one of the things that's important in the publicity is it's not just the publicity of the strings; it's clearly the publicizing the focus again and what the different elements of the challenge there.

Man: We may use that term either.

Man: Neither is it a bit of term but that would be underneath the past, you know, international bodies and what we've pulled there.

((Crosstalk))

Man: And he goes selling some data words from that now?

Man: Oh I certainly have those suggestions for that. So thank you.

Man: Okay.

Woman: Yeah.

Man: My biggest concern is the (coronation) with the gap. You know, I'm supposed to kind of recommend that (unintelligible) with him as quickly as possible and have them develop as this specific methodology to deal with this; otherwise, (unintelligible) the situation whereas 85 days need to be closer to 150.

Man: Yes.

Man: So after we've acquired in that sort set up a methodology this practical timelines and say it can't be this, we don't have to stop the sponsor for this. The (unintelligible) is we're getting their off balance upfront. And then what is -- the number is which just kind of come to speak to us I think.

Man: Right.

Man: Yeah.

Man: And I think that Michael's point of publishing this (court) meeting as these ICANN meetings will make a huge difference, because there's clear transparency, there's an adequate opportunity to consultation and there's an opportunity to get the information out.

Man: I just like Mark's idea on that because it sort synchronizes it, because ICANN meets every three to four months that they're maybe used to make sure.

((Crosstalk))

Man: ...in 30 days or something. As in many case you know these parties on the contacts would find you pretty much down the road.

Man: It's what you might thinking (to think) if we're going to use sort of ICANN like a (unintelligible) the source in an ICANN meeting neither have that (unintelligible) to get it out to that point or whatever.

Man: I've been the one (unintelligible) seen the validation that you know, the following.

Man: That's right.

Man: ICANN may never (unintelligible) enough slides or something so those clear points where we're thinking with the whole community or where we're up to.

Man: I don't think it makes so much easier for the ICANN staff to (ensure) planning, because they know that this point in time that there's going to be a thick (aura) to get this information out and as much as you're budget for the plan to this process.

Man: You know, I as well laugh the idea to that the applicants show around at ICANN meetings and have a catwalk there and might get some more dilemma to ICANN and some more awareness in the general public and the Internet community was like if there's such a piggyback out of this.

But when it comes to the next round, it's actually for us and maybe for other applicants as well is that catwalk happens in ICANN meeting in India or four months later -- and four months in terms of business as the long time when you put on money in your organization. So that's very important that that such procedure doesn't necessary prolong the whole joke if we have a fault for their upcoming ground. With the next round up to this, it might be okay then you know every ICANN meeting is going on.

And when I see this document for the initial evaluation period, you know, (unintelligible) as soon as possible that price tag on this. And this was evaluation period because of the various results (unintelligible). But I think though, it should be easy to sort of have a price tag as soon as possible on this.

Man: What are the other competencies and (unintelligible) questions asked that (unintelligible) dotcom? And what we've been also thinking about is that there's a cost for the applicants to submit their application and a cost if you like for this initial (unintelligible) evaluation period. And if I get trade estimate, fine. But if I don't go through that, it's probably that additional costs that it takes to some of these in the validation, that if the applicant needs to go to an arbitration forum that would be paying the cost of securing that and also just thank you for them to uncover up any opposition (wealth). Before, there is a comment to our standards so that if I don't invest in that situation.

But the cost is relatively low so both could have gotten a non-controversial, you know, practical (unintelligible) to start to the (unintelligible). I just wanted to add that over the cost between initials for evaluation and this extent of elevation.

Back to you ((Bruce)).

Man: Sure. And I have several things to do.

I want to first of all to go back to something that I said (unintelligible) correctly as that (Amadeo) emphasized and that's from the first eleven days string posting. I think it really is important that we try to - we want people to look at the application certainly, but we all know that they're

not -- a lot of people are not going to take the time to go through detailed application. So we really need to highlight the strings both of these in fact we maybe want to post the strings with a link to the application so that we call it this and that.

And I believe we also talked about pushing the strings out to certain organizations to make sure that they feed us, because I think that's where we want that profit to get rolling right away with regard anything terms of opportunity.

Secondly, (Bruce), there's a question in the initial evaluation period, where does the string contention go? What's in that?

((Crosstalk))

Man: Sure. Go ahead.

((Crosstalk))

Man: No, I understand that. But what if there is string contention I almost think you've got a different -- does it go there?

((Crosstalk))

Man: ...it doesn't talk to that (unintelligible).

Man: Exactly. That's exactly my question.

((Crosstalk))

Man: Okay.

Man: I mean, this is just an evaluation.

Man: Okay. So where would that sit in the process? And you know, and I'm not expecting an answer right now. But it's a critical answer that we do know where it sits in the process.

Man: Yes, there is string contention.

Man: Where does that start? Where do we encourage them to work it out is it?

Man: So let's just supposed that -- add a little bit of string.

Man: This is where these (unintelligible).

Man: I think the issue is that if there's string contention it's probably going to start after these (questions). And the complex things we (unintelligible) just the way to handle it. And I can use it at the end of the process.

Man: (Unintelligible)?

Man: Do applications for (dotsurfing), and yeah, there's not an objectional term; there's no the arguments. But I thought that we get clear to the positional point with both organizations as making qualifications, and that there are technical issues (unintelligible). So it really got (unintelligible) time. At that point the string contention would get resolved in that (remodeling) (unintelligible).

Now the more complex scenario could be that we have an application for new applications for (dotsurfing).

One of the applications, (the arching staff) had some more questions and because one of the applications (unintelligible).

But I think actually you've probably going to end up having the whole both of the mess but extend that relation too. We're not quite sure (unintelligible) any other way. (Unintelligible) I can see you just gaining to (unintelligible) and (unintelligible). So that maybe someone else is trying to same (unintelligible) you know, a whole other challenges that we missed and sort of I can drop the ideas we explore down there.

But I think you have my (unintelligible) that to say either all those string contentions will help you, because all advertisement were valid or we have to wait until we get to the end of that extended validation to be with that (unintelligible).

By the way do you any different (unintelligible)...?

Man: No, I just that wasn't clear where that sit in there. I think you're thinking is on target, and obviously, that's something that'll have to be -- that's the part that have to be tweaked to show her that (unintelligible) if that happens, you know, maybe another half of the (unintelligible).

Man: Yes. I do when I'm talking about that string contention.

Man: You know, I understand that.

((Crosstalk))

Man: Yes.

Man: Just to make sure that the box that have the (unintelligible).

Man: Yes. Okay. And then I guess my last (unintelligible) would be like everybody else in this room, who wants the crock of the staff as possible. But first of all, you notice that we don't have 85 days here; we have 75 days or 74 maybe.

Man: And so that was driven by what's the critical passage. It's driven by how long it takes this (unintelligible).

((Crosstalk))

Man: Yes. My comment is that and they ask me that that's probably overly optimistic especially when you see two commentaries in there. And as much as I want us to be sure -- and I think everybody else does too, we also have to I think be cautious about setting the expectations that we can't live up to because then we're back where we were before. So all I'm saying is what this you know, look at that carefully as we get more details on how to do it so that we're pretty confident that we can meet the expectations that we set.

Man: Coming on that (unintelligible) just the discussion (unintelligible) is about.

Woman: Sorry.

((Crosstalk))

Man: Terribly sorry. We think that the (unintelligible) line.

((Crosstalk))

Man: But one of the discussions is there's a balance between the registry operators not having a place to stray that to you. But (unintelligible) might say can we carry we want a 30-day period (unintelligible) to do evaluation, tell me yes or no. On the other extreme, we might (take applicants) saying always to say I used to think of that.

At the moment, there's a strong document that was actually more driven by how long it will take (to introduce her)? And so they're (unintelligible) so the 85 days will be able to that evaluation et cetera.

But what's your feeling in terms of (guarding) this - another group to pay along that. What sort of the notice that you guys think they would need? I think 85 days (unintelligible)? Or should it be longer?

Man: And clinging on to that question mark we suggest that with the thinking (unintelligible) ICANN meetings. They could say, you know, such and such in ICANN meeting would probably extreme. And then, you know, that the public comment meeting if you like (unintelligible) ICANN meetings and initial reports from a set of (unintelligible) ways until three months, but is there a way to get feel for how long?

Man: (Unintelligible) I said (Mike Mikesar) (unintelligible) having certain initial appeal and this at least that gets into the detention this time they'll all together.

I assumed you said that the governance (unintelligible) their abilities to initiate any serve appeal against on the long life.

Man: Not far (unintelligible).

Man: I'm still a little confused. After the (unintelligible) have a challenge (unintelligible) before you hit the frontline of (unintelligible) evaluation on the...

((Crosstalk))

Man: Someday they would close the application period. It takes ten days to make sure the applications formatted properly with (fee) to close to Mondays at 10:00. And there's the question if they'll close the application to updates. Here's the (unintelligible) they applied for. We've already been working on identifying periodical records and (unintelligible) that the public notices that ICANN has the details. (Unintelligible) strings that have been applied for (unintelligible) information or that's a (unintelligible) to make it appears more about the process. And then the question is, how long do we have to leave that period open after we hosted it? After we host this (unintelligible)? We have to wait two months, three months, six months to the last governance (unintelligible) groups. We need to have concerns to file. But right now, we have to sit, you know, based on (unintelligible).

We can put it down in 75 days that doesn't mean that would be in the front (unintelligible) about challenges.

Man: And Paul just to elaborate since you do come in late, what I was looking to do was to look at you and protocol. I guess that was kind of and I didn't even intend that as an (unintelligible).

What I was looking to do is look at you and protocol for having documentation close to 46 weeks and close the (gap) because it's traditionally not been to take action intecessionally. It would be good to have these documents posted before the six weeks before an ICANN meeting. Those are allowing people to know what is coming off, possibly allow applicant to make the presentation, add an event like we've done in the 2000 round.

Unfortunately, in the 2004 fTLD around the applications would do the week after we had the meeting in Rome. So part of it to if you will maximize the notification to get everyone involved and provide longer runways and notifications so that people will not claim the things that happened by surprise since they were not aware of potential issue as has been the case I think in the past.

Man: (Unintelligible) do you want to keep (unintelligible)?

Man: Yes.

Man: Speaking of the set, if I look at that document in a moment, if does strikes me that this maintains (unintelligible) to sort of challenge. So I was strolling up and down to start challenging, and (unintelligible) you find but I think that's what the things are (unintelligible). It's pretty (unintelligible) in a couple of instances where governance and head of this company with TLD and actually waited assuming that something else is going to at first.

Man: (Unintelligible).

Man: Yes (unintelligible).

Man: It's actually (unintelligible).

Man: Yes. I mean, that's going to be, you know, do you want a reward that behavior? I don't know if that means that they would skip my (unintelligible) community governance will turn to white if he was somebody else's (unintelligible) expert because it's also that. But if you're going to make (unintelligible) I was looking through. So the question some people will meet the challenge things simply like by the report coming in.

Man: Well, according to what (Bruce) has said is that won't swell it down. What (Bruce) represented to the group that -- go ahead (Bruce), I'll let you in.

Man: That first time the process Paul is just reporting at the challenges they filed I mean and you're reporting to the community that's happened. And then the challenge (unintelligible) happens then to you.

But basically if there's no challenge the fault is this no challenges. If there are challenges or forces (unintelligible) and setting for challenges buzz and there were some public morality nightfall that we would say is (unintelligible) it would kind of (unintelligible) to the fixated evaluation (unintelligible).

Woman: Well, that's going to breakup people on the (sun). I think we need these periodically check (unintelligible) that they want to intervene us (unintelligible).

((Crosstalk))

Man: I was just going to have might an automated staff that (unintelligible) or something so that's up in there and (unintelligible).

Woman: Yes.

Man: Is anyone on the side at the moment?

(Cary): (Cary) is here.

Man: Oh hi (Cary).

(Cary): Hi (Bruce).

(Ken): Ken is also here.

(Alistair): And (Alistair).

Man: Welcome (Alistair). It's early in the morning for you, (Alistair).

(Alistair): (Unintelligible) meeting.

Man: And tell us where we have to (unintelligible)...?

(Christina): (Christina) (unintelligible).

Man: (Christina). Welcome (Christina).

(Christina): Thank you.

Man: And how do you generate hearing things on the side?

(Christina): Much, much better.

Man: Okay. So that reminds me of my (mail).

Can you give a discussion what other payments (unintelligible)?

(Christina): Yes. Actually the only difficulty that I have is really contextual.

Man: Do I try on (unintelligible) backstage?

(Christina): Right -- oh no.

((Crosstalk))

(Christina): All I'm saying is I'm having the charge with the target follow of the discussion.

(Alistair): Please can you just answer this?

First (Bruce), I actually want to (unintelligible) possible.

Man: So what was that (Alistair)?

(Alistair): I think I'm (unintelligible) and it goes on (unintelligible).

Man: (Unintelligible). Can you say that again (Alistair)?

((Crosstalk))

(Alistair): Excuse me. I had a couple of (unintelligible).

Yes. I thought you really could invest statement on the gauge of this business.

In the example of the doc, some people want the doc library. There's a library group around the world or region or somewhere that don't want that to support that. They don't think it's a good idea.

Man: The library is (unintelligible).

Man: Where does that meeting exact only in the public comment period? And if so, when you have a in the lowest (unintelligible) the three places that (unintelligible) forces of issue that can go financial operational thought, ICANN technical evaluation panel external to see by solution process.

This would not be in any of those would it? And how does that dwell into the process and, you know, what is the public comment period?

Man: (Bruce), can you put (Johnny) in cue please?

Man: Yes, certainly.

Man: So the issue there, say would be under what criteria so (unintelligible) this is what you need to make this to have a (unintelligible). And this is sort criteria to make that criteria.

Your challenge is really against the criteria. Both in the criteria you see categories straight criteria and applicant criteria that in applicant type (unintelligible) running the TLD this is they can complain about that or does it (unintelligible) this string criteria should? What's your right (unintelligible) in sort of public document at the moment? I gather what you're saying is should be a criteria which is (unintelligible) appropriate instigate the revenue strings. It was essentially the challenge (unintelligible).

Man: No not necessarily. It could be that. But it can also be, but it's not appropriate. We in the sector most effective and directly targeted I don't think it's appropriate to have the string.

Man: To have the string. Yes.

Man: At least it's not under the terms and conditions that it proposed.

Man: Yes.

Man: So I think I recognize it this is not filled out, but I'm just wondering whether there's a way to work that into this process and if not, is public comment simply -- what is the purpose of public comments?

Man: The surrounding issue is against the criteria.

Man: Okay. So in other words you can say the ICANN technical evaluation panel is wrong or overlooked this and that technical issue. Or I suppose we could say we don't like the outcome of the external include the resolution process. We think it really is the nasty word to make it wasn't or vice versa.

Man: Yes.

Man: Which is fine. Although I'm not sure how that would be resolved especially in the latter case if you're requiring applicants to submit your external evaluation process assuming also requirements to accept the outcome of the external evaluation process.

Man: Yes, the applicant in there.

((Crosstalk))

Man: And therefore if someone who (unintelligible) disagree with that outcome, who cares? You're not going to listen to them anyway, right?

Man: Yes.

Man: You will, you know, otherwise, your applicant is going to be (unintelligible).

Man: Well, I think we have since this is part of the evaluation I was talking about but just sort of trying to saying what are the (unintelligible) for public comment hearing.

So if you take this one the first thing would be in that public comment which is (unintelligible) more of a discussion forum would actually about creating the tide for someone to follow the clients, okay? So that public comment is wouldn't (unintelligible) rate by say the ICANN staff so it's probably going to be that the public comment should be raised by the communities.

And the example that they do happen to chose probably in the larger scenario that could be an example could be (unintelligible) at the other day might be chosen (unintelligible) political party. And some of that is going to (unintelligible) with generic words. But (unintelligible) one stop democratic and thought they were static over this very general meanings, I mean, the US probably have some specific means many as a political party. We might as well say this in public commentary (unintelligible) wait a minute you know, we know that this should be a political party on the day it ends. And the application is might have nothing to do with that, but they're just looking at the words that might (unintelligible) building the case or that group would take together and file a claim somehow under the string criteria.

Man: Well, I mean, there might be a way although we here the public comments since we posted until the same time with the eagle closest to the challenge but we do not (assign) but what wouldn't be posted there?

Man: The public comment period is post dated. It was assigned for filing a challenge so it's really, you know.

Man: No. Actually, that public comment period thing is for us that is ICANN. My - ICANN public - those public comments are parts of their services.

Man: Okay.

Man: So public comment could be retrieved (unintelligible) and ICANN...

Man: Okay. Now, the public comment that is I'm a librarian on the library association and someone wants that library. I don't think this is a good idea because of these reasons and it is a wrong one, the wrong that they've got their criteria wrong for who should be in it, what it would...

Man: Or I can take with it. I run a library and I don't want to take or having a library on this today because I'm a library and we sort of saw that with that travel.

Man: Okay.

Man: Yeah.

Man: Well, someone who makes that comment is basically speaking into the (ease) aren't they? Because...

((Crosstalk))

Man: ...to this process we have as to the impact.

Man: As for the lot of public comments.

Man: Let's backup a second because we have discussions in this group about this very issue and I'm curious as to what happens to that criterion...

((Crosstalk))

Man: ...to the extent that a string is addressed to a particular community is they should show some support from that community. What happen to that?

(John): This is (John). Almost I am - should be in there...

Man: That's why I'm bringing it up because I'm curious as to why it's gone.

Man: I guess - let me kind of get the context right. So without - it is not one of the criterion space that yet the business (liaison). That's not to say copy a criteria but (unintelligible) to get a criteria. Your comments should be positive about what criteria does I make.

Man: Yeah. I took that. I think that this is sort - I guess I would pick up on my shop there and in Sao Paolo I heard many people raising this type of concern that's why I think we should include this.

Man: Yes, so we need to include that as (unintelligible). But an equivalent not to post if you're looking like displaying this (favorable) thing, you can't just cite on (unintelligible) in your half and I don't know what color they are trying in. They basically have to sell this to the planning rule, you know, that like it because it's bigger than the (unintelligible) for the rule. It got to be (compelling) against the rule.

Okay. So that's (unintelligible).

Woman: Yes.

Just (the first one) clarified that you just need something about the section criterion being taken out, this is like to go most to public criterion, are there many or I would tell you different modes at the same time.

Man: No what (David Shattuck) write is the notion that a community that is the target of a particular stream objects to that stream.

Woman: Yup. Okay.

Man: Yeah. And it may not been taken out but I do recall discussions and I think it wasn't Sao Paolo where it was suggested that we have some sort of criterion like that that requires for a stream related to a particular community group to show...

Woman: The demonstrating support.

Man: ...support for that.

Woman: Yup.

Man: They never have been added officially but there was considerable discussion about that as I recall.

Woman: Yup. That's right. You're right. I just want to capture it in that way.

Man: Examples could be like the templates, the democrats, the public in it (unintelligible) in some way and that group must confine...

Man: Bruce, can I comment on the dot library this way before it gets much further?

Man: ...with that so we need to sort of catch up or something.

Woman: Yeah, some of them are fine.

Man: Yeah. But Bruce here, there are previously I'm seeing with that of you're saying and one thing is what (Chuck) will say, they need to show also some support and I agree. But there's something even more important.

The more important part is there should not be let's say relevant opposition in that community because what happens if there is time was that (unintelligible) even they don't have this ease of support, why not?

The problem is whether do we opposition from that community and there's no relevance to show you even then showing the support and (unintelligible), you know, had a strong cultural and (PTDOBs) and other specialty (PTDOBs) and they are worried about that, all right?

It's not the fact that one version supports that. But the question of those knows that we can opposition and somehow, the overall, we should have that.

If the field have shown general (bulk) of support or no (unintelligible) in the community, that doesn't took away. This is addressed with this community that, you know, (unintelligible) opposition more than

support. It should be taken into account in the report. Now, what they do?

I definitely led to the public quorum or I file the challenge variably because I don't know quite frankly, I don't understand what's the (balance) in one of the other.

I don't know what we'll do this past in the report with opposition in this cultural case for instance whether this will be enough for them at this issue, you know, putting up on the table for some sort of challenge or a resolution or whether we need to file a complaint.

Regarding the complaints, for the years, first, let's give some more work to the ombudsman and tell him, you know, for sometime intermediation officer because very often, (unintelligible) and they propose that.

In an obscure town in Argentina, (unintelligible) Berlin, oh, God, what's that? What should I do? I don't understand. There's a challenge. I file a challenge.

And then, you know, after a two-hour discussion with you, then discussion was no reason for that. But reading the (solicitation) is obscure for any of silo, all right?

So have somehow having personal, I think, oh, I didn't like reporting to that. We have some concerns and we'll tell you do and having some initial mediation we saw some of the concerns.

And finally, so all these doc users. Let's make this attitude but let all the challenge go at least, you know, one week after the publication of the final initial draft whatever they and in the case of the (gut), only, you know, one week after (unintelligible).

(Carrie): Bruce, this is (Carrie). Can you hear me?

Woman: Yup. Please speak a little louder (Carrie).

(Carrie): Yeah. I'd like to comment specific with that library case just before what I realize is an example might be interpreted the wrong way.

Man: Yeah. Go ahead, (Carrie).

(Carrie): The International Federation of Library Associations which is actually the body with respect to which (Steve) is referring although not explicitly by name is interested in applying for that library and there are a number of divisions that's attached to it which I'm assuming not appropriate doing right now.

But there are some interesting color to that and that is if there is indeed some agency that has such (unintelligible) over a prospective (PRB) label that it would make any sense to anybody else to apply for it or even to comment on it doesn't have kind of buys the entire process in that way we haven't quite visit.

Man: (Edward)?

Woman: Thanks. (Unintelligible).

I think a lot of my questions have been answered but I'm still having problems even with what (party) has been mentioned about the screen prevention.

For example, I had thought and we have - I think it was an (unintelligible) but perhaps (unintelligible) gone through a whole screening prevention discussion where first of all, if two people had the same string at some point, they will put case to case and ask come to agreement.

Now, I don't see where that is now and I'm wondering whether that would be before or after applications posted.

Okay. Did you catch the first question?

((Crosstalk))

Woman: Well, it was a question in general but it was (unintelligible) most answers on the chart.

So the first question and it was part of this whole pension puzzles that we have talked about that ICANN find in the document either which made me curious.

The first stuff to it have been you put the people head to head in the room and say, hey, you both applied for (unintelligible). And then the other part has been if they didn't resolve it, then they show their comparative community support...

Man: Yeah.

Woman: ...which also have fallen out as far as I can tell.

((Crosstalk))

Man: Just going to chart because this chart is here dealing with the evaluation process. It's not (unintelligible)...

Woman: Okay. I couldn't find it in here either.

Man: But the way I talk about (unintelligible).

Woman: Okay. But that would fall somewhere in the process, wouldn't it?

Man: Yes, it does.

So (Chuck) ask a question earlier...

Woman: Yeah. Well, he asked about a different part of that, yeah.

Man: Yeah. So that helps (unintelligible), you know, have you...

Woman: Okay. So even...

Man: (Unintelligible).

Man: Yeah.

Man: That's different in the way we have seen previously.

Man: No. (Unintelligible).

Man: (Unintelligible).

Man: Right. Before everything (unintelligible) given time to talk to each other in (constant) agreement and to change their stories, their names, their applications.

Man: (Unintelligible).

Man: (Unintelligible).

Man: This is (Chuck).

Man: Yes.

Man: What's that assumption?

Man: (Unintelligible).

Woman: It seems to actually - two places. Yeah, either one is that.

Man: I guess what I'm getting at is sort of is that (unintelligible) is that at least to the set of applications. This is kind of a better application side. That doesn't mean that at that point (unintelligible) those applications up here. At the time I support it you'll say, you know, (unintelligible) with.

It's certainly been encouraging in sort of maybe ICANN can work together but it shouldn't about then to get it great and then you have to

go through the. That would be after (unintelligible) which one is to talk through that fast.

Man: (From design)?

Man: Yeah. So from design, it is a different shot to this. I was just sort of - I'm looking at this now (unintelligible) agree, they then agree. At the end of the day, we're going to (unintelligible) three applications that are considered that way. Okay? (Unintelligible).

So I fully agree that as for (unintelligible) team they now got each other (unintelligible).

Woman: I had two other questions.

One of them had to do with - and this is just checking. The string criteria and the discussion, that's where the whole reserve names goes through at that point. Okay. I wasn't sure which one of those docs fell into.

Man: Yeah. So this bulletin just goes about yesterday and we have those categories...

Woman: Right. That's what we're hoping.

Man: ...(unintelligible) so we should say (unintelligible) which talks about well, we're going to do it today. This is just (unintelligible) the slide a bit (unintelligible). This is why we are forced to (unintelligible).

Woman: Other question I have though is about the end state. I mean, yeah, you're reminding us preparing our driver's test but when my car fail - my driver's test that came back three weeks later with the car fail.

Man: Yeah.

Woman: So I'm wondering about things like the state of the string. There had been conversations that's sort of head of sales string could it come back up, could it not come back up...

Man: Right.

Woman: ...and also just sort of speculation on even end state really an end state. Do we expect that you could your end mark and that's the end of the discussions and at the phase they're really cut off or is there continuing appeal, continuing discussions?

Man: No. I think the concept is that (unintelligible) anything applies in.

Man: (Unintelligible).

Man: Those words are not here. You could likely to see to not apply (unintelligible) this way and you would (reject) to this positive application process and you could say, well, you can get that to the community and to us generally and debate whether it should be reserved or not but that gets removed from the reserve the way it looks for the next round. And then in the next round, you can apply for it.

So I just want to sort of to find in my name site. I'm just going in an insight that says that we hide the space evaluation and (unintelligible)

to free of course to apply into the next round versus with anything would have changed.

So changes (unintelligible) this is something of change both (unintelligible) on the public morality and now the (unintelligible) and that's okay to take with the change.

But what we're not doing is saying to your one application thing, we get tied out in that further.

Woman: But we have had some notion and I'm forgetting what it exactly apply to of dead string where there had been some degree of contention, no resolution...

Man: Yeah.

Woman: ...and therefore string died.

Man: Yes.

Woman: And I'm not sure how that - if that's what - if that's the end state so we basically have to have...

Man: But then the question is what - how do studies had been (unintelligible) with what you're showing because what we should be doing is learning from the first round. A particular scenario we're talking about there is if someone assigns for (unintelligible) and it gets challenged. Then that party that's challenged then comes back and actually applies for it (unintelligible) take that. That was a scenario where we're thinking relative.

If you can fly on the basis that that word was the public morality issue, it shouldn't be released. It has been - you still think that's in light around applying to that string.

So that was sort of complex design. Now, (unintelligible) a credit instead of (unintelligible) of the strings that got rejected but I think you made a pretty strong argument like the string was rejected is presumably on the least of rejected stream. It might be that goes into reserve with it in time, I'm not sure (unintelligible).

So clearly, we just took that as concept. What we're trying to do is (unintelligible) getting the advantage because you can think of it too and you come up to some way happened in the first time (unintelligible).

Woman: Right.

And the thing is we could be say, well, someone else could apply for it because that could be gained as well.

Man: Yes.

Woman: So, the proxy application. So therefore, we have killed strings many times. There was (unterminated) contention or...

Man: So I guess, the concept is that after this round, you might evaluate (unintelligible). So again, something was rejected (unintelligible) public morality (unintelligible). I think (unintelligible).

Woman: Yeah. I do. But I also don't want to end up being able to kill strings that way. In other words, that (gave) example from yesterday.

Man: Yes.

Woman: In other words, enough contention, the inability to resolve it does that and that's really the question I'm asking, what as the end state, what is the state of the string and we're very ambiguous about that.

Man: I think we had. I'm not sure if we're going to solve this here either. I think (unintelligible)...

Woman: In that way?

Man: (Unintelligible). Because I think you're going to let (unintelligible) the round run and then you go to sort of review what you're going to do in the second round. I think it was that (unintelligible). It come standing there (unintelligible) is not.

It might be you just say, it should not be allowed and there's a time in which should but, you know, someone announce the case to actually why either is acceptable between the end of this and beginning of this round might be a case. (Unintelligible) if we're doing.

Woman: (It should be me).

Man: Yeah. Yeah, both. (Unintelligible) a little bit but I don't want to kind of (unintelligible) with attitude but this could add (unintelligible).

(Mellitus)?

Man: Thank you, Bruce.

So let's come back to the publicity around the application. I think that's let's say (unintelligible) that's the 2004 application, the publicity work directed mainly towards the topic that maybe (unintelligible) in holding it as far as what I understood.

I just wanted to - I think it's kind of tricky to if there's (unintelligible) medium such as Internet to be able to design in advance what public maybe interested or, you know, have something interesting to say about the GPRD application.

So I like to propose maybe one of the ways to address also the issue of some stakeholders like the (geck), not reacting timely. It's going to be processed and desirable to translate both the instruments that you just do apply and also the publicity around application in different media language.

And I like (Rudy) if you can clarify out about the different steps (unintelligible) doing the publication or doing the (unintelligible) beyond the publication on the Web site, what (unintelligible).

Man: What's being explored to the question - what's being explored is a series of general to public message to ICANN.

Something like 15 with these types of alternative worldwide but we would then basically (unintelligible) to public medicine.

And some of that is - we're looking at, you know, to take out those earnings as an example when you have to think this through.

Ironically, you know, (unintelligible) an effort language, the use of public (unintelligible) could be the moment. You know, honestly, you could find it to be a (unintelligible).

We are looking at that issue. I would run like this observation, well, the notice should be potentially five languages you say. The application is so at least come in strongly (unintelligible) to the board is that we are (unintelligible) business in English.

So an application received in French or an Arabic would not be a valid application. The application is still to be in English.

Man: How are the translation of like what we call the base contract in different language would be helpful (unintelligible). I think it would sell as a way of education and erroneous wording from the public (unintelligible) they cannot file the application starting the another language on English.

Man: We could consider translation but we - this is actually quite important point. We could not consider a translation of the contract as the valid contract.

Man: So...

Man: They not do it. You will end up with enormously for publicity to do that.

Man: Fruitful information and education and (unintelligible).

Man: (Unintelligible) this is the translation.

Man: Uh-huh.

Man: This is not the document and you are selling this English document. Just to be clear to that that because you can end up with an enormous litigation (unintelligible) that people would interpret like - just like a German translation of the document we found, you know. This is what I think the word made in German versus what is made in English system goes on and on.

(Unintelligible) the translation potentially because those will get and be very clear that all business in English.

Man: Yes. I mean, I can understand it but it's not a big issue to translate legal document from one language to another. They are going to (unintelligible) to it.

Man: It's not what you're signing them off.

Man: But okay. I agree to that. If ICANN is an organization (unintelligible) is not in English that might be a clear (unintelligible) that I mean, the translation - the kind of translation I'm thinking about is not like a (unintelligible) translation. It will be (unintelligible) equivalent in their other language even though, I mean, (unintelligible).

Man: I have some experience and we should be very careful in that. The (unintelligible) equivalent translation in Chinese, in English is - you can spend years trying to achieve that.

A legally equivalent translation in Spanish is very difficult to achieve on occasion.

You know, so, I think the translation for information purposes...

Man: You can translate it. Okay. For information purposes. The agreement sort of that your obligation (unintelligible) of the company or it not be. It's made official to have it translated so that I can sort of see this is one of our obligation. So full thing is what we signed, what (unintelligible) is in this agreement.

Woman: I just want to say maybe just helpful. Milwaukee even in the UN study...

Man: Uh-huh.

Woman: ...like at the (ITUNL), sir, there is a definitive - even though translations are done there is a definitive document that serve as - in the case of the (unintelligible) you have to go back to the definitive document.

Man: That's the (macro) document so to speak. Yeah. I agree with that. What - the point is what people are trying to send ICANN project, you know.

Man: And I think that's something that we should capture. That's what we'll be trying to do here.

Woman: This is one of the (unintelligible). This is part of - it is part of the application process. It's in the question (unintelligible) because we're

looking at that. Then some of those (unintelligible) is to facilitate a valuable information in all the language regarding in English looking to preserve an issue is one also impose the cost of doing that upon the applicant.

Man: This cost of being the translation.

Woman: Yes.

Man: I think the question being asked is how the translation as the basic informational documentation. That's (unintelligible) to be costly and (unintelligible).

So (unintelligible) languages. It doesn't seem that the (UNI) and that's what you're translating is information about the application (unintelligible) and the contract and, you know, through the documents that you translate and you would put (unintelligible) crafted to the Russians, just like have there and if you have other places that are in that language.

That's I think where it comes to the trend. I don't think we should be (unintelligible) trying to move into translating applications to another applicants or...

Woman: (Unintelligible) is they...

Man: No. I think we should - I think this can come with upon us have those translated in the number of languages. It's about that general informational stuff in it. (Unintelligible).

Man: Yeah. This kind of ties in to what we are talking about. I do have one concern and that is that it refers to notice.

When you're applying for a (TLB) that is designed to serve a specific community, I think it's extremely important for us to make sure that the community is in fact (clip) on notice because we're adding a process that says we're going to pass so if there's no material objections, well, you can object to something if you don't know anything about it.

Now, you (unintelligible) there and that is if I propose a (TLB) to service a specific indigenous people and they're never put on notice that this is - and they don't have the opportunity.

So I think we need to make sure that when we get into that part of a process like we either has empower the group of experts to somebody who ensure that that community receives some sort of adequate notice.

It's different when you're dealing with generics but I think that could be a real issue in the future for us all.

Man: If that's the case can I ask a very (unintelligible) idea that we would have materials in some standard languages. But if somebody puts an application in that is particular or peculiar that has (unintelligible) your example a bit further. It looks like somebody reported particularly that - particularly to the (unintelligible) community.

So now, I've (unintelligible) advertise back in most exactly (unintelligible) west coast of the United States and Canada, Taiwan, as

well as in (unintelligible). So that's now beginning - that's now becoming special. So I mean, I think people come to (unintelligible).

The applicants themselves are putting forward. I mean, it's the key to the community like that (unintelligible) some additional cost that is beyond the five languages (unintelligible).

Man: The publishing (unintelligible) within that community.

Man: Yeah.

Man: (Unintelligible).

Man: To me, that make sense because...

Man: (Unintelligible) to the image guidelines move.

Woman: Yeah. That's right.

Man: That's not (unintelligible) policy but it's the guideline that in the application (unintelligible) specific language or cost of community a bit is (unintelligible) so that I can publish it.

Woman: I'm actually taking over (unintelligible).

Man: Pardon?

Man: Okay.

Man: I have two questions out there. I have two questions.

The (unintelligible) the evaluation, the initial evaluation report by the staff, I was wondering what is the basis for evaluating the strings with regard to public morality in the criteria and the report that's currently submitted to the gut principle. I'm not sure if (unintelligible) those principles that (unintelligible) of what is considered concerning to public morality.

So I'm afraid that this (unintelligible) is to the desk of any given one member of the desk, some sort of the (unintelligible) because I'm not sure if there's any universal (unintelligible) what is considered to be confined to public morality.

Man: It isn't (unintelligible) too much based on that let both very quickly comment on it, but what we're trying to use is international law.

Man: I think (Philip) did is all the great service, but pointing out there exist in theories of international labor agreement - intellectual property for the last 120 years, a phrase of (neutrality) or public order. And it has under oath, the Treaty of Paris, the European Unions (unintelligible) treaties, and Malaysia's got a number of countries, international phrase that they use intellectual property, and it has about 120 years of legal decisions around that (by challenging).

We've been looking at that sort of an approach, you have (these) for the reason we've pointed out.

The point A, a third party will make the decision, and B, they make a decision against an existing body of decisions about what is up in (morality) or order on the mid-national scale.

Man: (Robin), leaving it open the way you (appear), so that we talked about that a lot yesterday with that sort of thinking?

Man: I guess, it's a - it will be important to have (sensitive comprehensive) particularly, in connection with the 120 (RTP) (unintelligible) because up from I read in the reports, there is census that were given up and you had the (feel) that you don't have a natural list of what is considered to be. And to have that sometimes, you'll need to (turn) to national (associations) from social consensus recognized somewhere, so we need to make it clear in the report.

Man: Okay, then.

Man: Okay.

Man: (Unintelligible) - okay, okay.

Man: My comment is actually related to something that Steve and Avri mentioned as well. And he goes to the elements called "challenge files", if you see on the chart is actually difficult to go about it because it depends on so many other things, and one of there is and what this challenge mean is it's a challenge with an opposition because I understood we'll be - have discuss up to now with only the concept of opposition and not the concept of a challenge in the sense of I want to be clean instead of (be clean).

Man: It's not exactly is the word, that is it's not a short name.

The issue that I was talking about if I use the UDRP as just an example, when you are the registrar, don't get involved in resolving this (2000) UDRP.

I can find this (series) a EDRP provider -- service provider, who are the complainant - complained about that other party on (there) all day. That body notifies me at the registrar that a dispute has been filed to that resolution provider.

So, the concept here is that this is actually coming from outside who knows us that a (arbitrate) - on a (course) of the work where is that a notice of dispute or notice of arbitration has...

Man: I understand that, I understand that. This is about the word.

Man: Yeah.

Man: Because when you say challenge and I understand that Steve understood the word "challenge" the way I understand it, which is not the way that I've been discussed previously, because Steve's question was, "So what do you if somebody doesn't want this string to exist?"

Man: Yes, it's hard as I understood up to now - previous meetings, we will be having up to now that the only thing we have allow for the time being is to prevent this seeing all together from existing, and not to say, I want to be the applicant - in the state of the applicant.

Man: No, no, no, not that. No, not that, not what that's about.

Man: But yes, so again, since the language (then) - that's not challenging (use), you know, all have a side say here went to string. It's not a challenge in that thing.

Man: It is basically a dispute on whether or not you get the string, so you have a...

Man: Yes. So, what I would just suggest is that at this point use the word "opposition" as opposed to challenge because the challenge is they usually...

((Crosstalk))

Man: ...or times it's just a word, I just want to make it clear that accepting it (beneath) the files formal process. It's not the time to dispute.

Man: Either there'll be all sorts of complain, all right? It's just in a general phase.

Man: That (unintelligible) arbitration forum so there is the (unintelligible) memorandum - at the concept that there's arbitration forum that decides international forum whether that's public morality or not. It decides whether or not that (essence) is just for screens.

Man: No.

Man: I mean, somewhere else. It just means that in case the string (unintelligible).

Man: No, (I'm not) like you, because basically we have applicant criteria...

Man: Yes.

Man: ...and string criteria, but each is (entry) would be an applicant slash string criteria. That, you know, that (save) applicant because it's not going to get...

Man: Well...

Man: ...that, you know, in between.

Man: Or maybe, yes, or maybe that string will not be put in the road because it's filed a string criteria. Be very specific, yeah.

Now, what Steve and Chuck was raising was different, right? Actually, what - criteria, there's nothing with the - that's not in his diagram.

Man: Yeah. But he also (rated) something I think, it looks the way the flowchart is, it looks like the public comment are only on applications. I don't think that was intended. It could be on the strings as well.

Man: Absolutely.

Man: Yes.

Man: (But that's) a good point in the way that's drawing the (unintelligible).

Man: And that public comment should probably be when he's up about - (dump) them around all through maybe know that (unintelligible).

Man: Maybe I'll be on that subject because the subject enlists the things that are not on that chart, and if you basically (dream out) the immediate complex question (Bobby) in a round concept or unicycle concept.

You've been in a round concept, you mean, this is the last type of station before the deserts. Nobody knows how long the desert is going to be, maybe four years as (previously), or we say, look, here is an announced theories of cycle. We're going to have (suite) cycles associated with the following ICANN meetings. That changes fundamentally the situations for all the applicants and it makes the first cycles much easier.

If it's the last cycle before and the last land before the desert, that means everybody has (jump on).

Man: And I think that the time the Middle East is - with the sponsor (gram) because you're getting (ram) without really sponsored applications so they do - if I want to get my (unintelligible) email, I'm going to create this amazing type of (unintelligible), and because I didn't know when this Ram is going to happen.

So you're right. So basically, the business is a publicity thing, so the intent of the committee as I understand (Bernard) to say that we would start with Ram's to manage it, particularly to manage the intention. And then, up you've done a number of rounds and this could be over a number of years when the number of applications was starting to drop, then it can just be a continuous but a process.

Man: Well, I think that be - that's a long way, because you get both these advantages.

And if you stay this all with rounds, that means we announce to everybody, "Guys, there's going to be a desert. You're not going to know how long it's going to be."

Man: I'm most concern such as we're saying, I must...

((Crosstalk))

Man: Unless we announce the (cyclic) cycles all ready.

Man: Yes.

Man: Say, this cycle starts within October 2007. Next cycle is going to be June...

((Crosstalk))

Man: Yeah. The announcement before...

Man: Yeah.

Man: ...so people know exactly when they're doing it. He says, "I'm going to skip this one."

Man: Yes.

Man: Okay, you take the medicine, we don't...

Man: Right. It will be the same as (unintelligible) maintenance. It's not an easy flash looking at us in.

If you look at ICANN meetings on the Web site now, it has quite a bit of detail about the next year. And then, after that it just sort of cycle, you know, there's (present) view, that should not quite sure where. It's probably going to be around March, probably around July, but might lose up within a month.

So that's...

Man: Uh-huh.

Man: ...sort of complete, you know, you'd have a schedule which (unintelligible) 18. Those are in for the future (unintelligible).

Man: Yeah. And you lose the credit of commitment, it must not be like oh hey, actually the first line was more difficult, so therefore, we push off the...

((Crosstalk))

Man: And that's (unintelligible) and that's slightly sort of walk down on that point, but I can totally agree with you, you got to commit for that because otherwise, hey, I was planning just to meet on the June round and suddenly, you're saying off (unintelligible) it's very complicated. I'm not going to do that for another 10 years. We're really excited at that time.

Woman: Uh-huh. Where are you (unintelligible)?

Man: I am at the (Verde) Palace. You, (unintelligible) side.

Man: Thank you.

((Crosstalk))

Woman: Excuse me, please. Could you please keep going?

Lunch is going to be setup at 12:15 so this is (just) for the discussion...

Man: Thank you, from a (PC) speaking.

I'm little concern with the working a bit on the full permits on some of our discussions earlier. We talked about the superficial effective idea of overlooking cycles of our batch processing of gTLDs, maybe specific our meeting.

That fact to me that our critical path for our gTLD process is now dependent on the vagaries of the next host, which strikes me and - which we learn in the past has been a moving feat. It struck me as not being necessarily a process we would want to embed.

The rationale for doing that seems to be we were concerned about the GAC decision-making.

Now, compositions I've had with members of the GAC tell me, the last thing they want to be involved is the detail of this whole process. So, I have laid down the principles at a high level.

They're very happy to have a few - how are these are to do with their own geographical and country names and maybe some specialized interventional - specialized consultation, which is in the...

((Crosstalk))

Man: ...their principles.

Man: Yeah. So that's the...

Man: So they ain't interested in being part and parcel of the process anymore. There may be - they would be helping to advise in terms of setting up certain - there are panels, but they're not there in terms of a - as if anything.

And if it were just - if it's just (unintelligible) of publicity, well, they're dearly the crowd to get to, so I just - to find you sharing.

Man: Yeah. I don't think my understanding of that, I guess, that (Marco) allows, right, what's in about today specifically. It was just the place (unintelligible) in which ICANN, that those (unintelligible) that ICANN always send a lot of money either.

Man: Uh-huh.

Man: Now, ICANN does a lot of publicity but they - it has a lot of (peopleware). There's the case of outreach and there are might no (unintelligible) rest in the move that you could possibly the world, is not a bad way of publicizing here's the new strings, here's the evaluation reports.

So it's - we're not creating a forum for the GAC, we're creating forum for ICANN community.

((Crosstalk))

Man: I mean, if it's merely as a (obscene) publicity, that's fine. But to say, if that ends up, it's taking a critical path so the cycle is...

Man: You know, the application and we're on a high of nothing.

Man: No. So one of the things that concern me a little bit fairly, I think you'd have to be careful that you've got lots of (unintelligible) but you're trying...

Man: Yeah.

Man: ...you've there the...

Man: Exactly.

Man: So a thing there is sometimes our main concern out there (unintelligible) and sometimes...

Man: Our main (unintelligible) there.

Man: Yeah.

Man: And I could imagine that you'll end up with ICANN staff and (unintelligible) fresh I could - (unintelligible) together to try and do the evaluation.

Man: Another (curve) back here and maybe helpful to see with just a part explain where (unintelligible) preference is in terms of spring criteria and the five, now maybe six is already in community, points, which one is the (e-fields) would be seeking into the staff evaluation technical issue, and the (wreck) of and these some sort of external process where we're expecting others to be the (unintelligible) as you like to do to any challenge on a...

Man: This is a concept of the - how much they do their own dissemination versus...

Man: Yeah.

Man: Yes.

Man: And we have a little discussion about which I think any (people) would have that discussion the vacuum, so these are (on the least) where staff preference is. We can perhaps evaluate...

((Crosstalk))

Man: ...but this is not a unified (GOMAC) staff, that's why all means ask is...

Man: Yeah.

Man: If I understand your question correctly...

Man: Revised string criteria, which one do you want to do in-house to make a judgment first?

Man: Well, I...

Man: And how many do you want to have some sort of external challenge per se?

Man: Oh I think the technical issue is, you know, a staff issue but it's still a panel so ICANN would retain us, you know, a technical evaluation panel in order to evaluate those issues.

Man: But it's in-house, is actually there.

Man: Yeah. So, it's similar something to (arch) back, right?

Man: And reserved word would - should be saying, that's actually a reserved word, yeah.

Man: Well, there is a question, right, because the question is, is there a black and white determination on the reserved words. Therefore, it's the out-of-box or if the question, is there a process for taking a reserved word and registering it, until - and then now would be, you know, are determined by...

((Crosstalk))

Man: Yeah. So, and that would be to determine as with the rest of the issues, determined by outside dispute resolution provider.

Man: And does that mean that your other preference is in terms of confusing similarity, legal right and public poetry, you would walk that the staff assumption is the string is okay, unless you would hear from somebody outside that it ain't.

Man: Right. So then, those - yeah, there's two ways of raising GAC issue, right? One would be for a panel to evaluate some sort of independent panel to evaluate all the applications at initial stage of the game and deciding whether it's controversial and goes into one of the controversial buckets.

The - it's effective the way to remove it even further from ICANN is to have all the challenges raised externally and then, once the challenge is raised and placed that application when able and for a formal challenge then, raise that application into whatever bucket or dispute resolution mechanism is devised for that (course) of controversy.

And so, this option up here is the latter of those, so that ICANN would depend on an external entity raising a formal challenge and then, placing that application into that extended period below.

Man: Is your working assumption as ICANN, unless you hear any difference...

Man: Yeah, in that scenario.

Man: ...is okay. Okay, that (unintelligible) reflect all the concern which I would make my preference to be the other. But at least you have a panel to say they made their questions to be asked here.

Man: They need to say, I think of the first stage and more than that, they can fly the others potentially.

Man: Right.

((Crosstalk))

Man: Yeah, right.

((Crosstalk))

Man: And then it drops to the second level.

Man: Yes. So if we take the registry services approval point, I think they have (approval) in there (unintelligible) that the staff (unintelligible) determination and the staff (unintelligible) competition bodies, I want there to deal with it externally.

So, I think on the balance of turning to that, I think probably the user there is maybe that's not a reading for (docking) the TLD. It just discuss (unintelligible) what you want to call. It made it clearly, (unintelligible) here perhaps or just generate, publicize.

Man: I think the challenge are...

Man: The common GAC here, so there is an opportunity asking the draft evaluation report from challenge, and it's a formal (unintelligible), and I'm thinking this from the public morality phase. But the staff per se, we

have staff resolution report would be in terms of evaluation and thinking maybe (unintelligible) report.

But it has to form (someone) that perform (unintelligible) over but for (unintelligible), and so the (unintelligible) but aren't (unintelligible) end up the advisers (unintelligible) usually probably over time.

Man: Yeah. And probably, for me the (unintelligible) where I think is crystal clear so there should be a (appear) an external challenge first that assumption as okay and have any difference is a point of value - infringing the value his rights.

Man: Yes.

Man: Then it's very clear. It's up to the (unintelligible) together to be aware why are they being infringed.

Everything else is a bit vague.

Man: Yeah, I think that's right.

Man: I think we need more words on that so what that body is, is to really (unintelligible) that there's about a kind of mistake actually are being consistently ICANN from rejected based on - is actually a positive, you know, and not have it...

Man: Yeah.

Man: ...on some of the issues -- other issues, I think, ICANN will just flag it. Just to say flag, it was a competition body soundly and the loyal net

body for being up these flags there and just to be intellectually (telling) just to say no. We had clear body to say no.

Man: Yeah.

Man: Ma'am?

Woman: This is the comment that I made before, but I'm going to make it again and drive the - that we do certainly have some parties around the table who already know that they have an interest in bidding on a string, some of whom have recently bid on a string.

And I do keep hearing expressions of information that's helpful to inform the decision-making, but the thing I most know is that those that are not yet reached and don't even know about this process are not able to give us the benefit of their thinking on our timelines, our processes, et cetera.

And so, I guess, I'm going to ask all of you who already know you have an opinion because, you know, you want to did - just for all of us not to treat you as a opposed to a child.

For those who don't yet have an awareness or legal view and I've heard a lot of conversations about how we have fast awareness, but it just keeps coming back to me that our timelines are driven by us. Our awareness of what timelines ought to be are driven by us, and we may, in our comment process...

Man: Oh yeah.

Woman: ...to hear some further information.

Man: Yeah. So what - this concept, right, about the process and any times at the moment that staff has put up is driven by how long it takes in the process, not by public...

Woman: Right.

Man: ...dispute issues.

Basically, as a policy group we're not done in creating those timelines. The staff is going to create those timelines and at the appropriate time, they put out a draft out to your draft process.

In other words, the policy is approved, then we get - and put on those timelines.

Woman: Right.

Man: So it's one of the (crowd). We're not correcting the timelines.

Woman: I think that's very important also as you note in our records, so that when we put this out, the community doesn't think it was a group of insiders coming up with the timeline.

Man: Since you're - the reason why I want the staff - there is sort of staff as you're talking it and people realizes what if, so that's good because it's testing where do we got the model run in here, that's a bit...

Bruce Tonkin: Is Alistair still on the phone?

Are you still there Alistair? Alistair Dixon?

Alistair Dixon: I am, Bruce.

Bruce Tonkin: Did you have a question, Alistair?

Alistair Dixon: First, Bruce, I am. Can you hear me?

Bruce Tonkin: Yes, we can hear you.

Alistair Dixon: I think actually (Philip's) are actually out of my question. (Unintelligible) has not created me as we have as I understand that there are three panels. Is that all the panels we've got or is it more (mass)?

Bruce Tonkin: Say that again, Alistair?

Alistair Dixon: How many panels do we have? Is it three? So a technical panel, a - for one of a better word "morality"...

Man: No, we don't have an answer to that second part of it, but it was a multiple to thinking, Alistair.

And so, we have our technical panels because that's the panel that employed by ICANN and the external thing actually not really panels. They're arbitration forums of some sort, you know, it could be (why pay). It is something that we shouldn't do it with intellectual property, and there a number of other arbitration forums and (unintelligible) et cetera, et cetera, that could be used. So the concept there, there would be multiples.

Or just what the UDRP, they would set a role, so I think those panels where arbitration forum meets to comply by set of rules and return the results within a particular time frame.

Alistair Dixon: I guess, my concern is that we just want to make sure that we have a manageable number of these panels, because having multiple for multiple forms of dispute just strike me as just going to be rather unmanageable. So, I think it's important just to have a restricted number of possible (unintelligible) less of the issues but rather practical.

Man: I don't - you may not (bind) it. What you might do is in the first round at least identify possible arbitration forum but it's on top of the dispute.

And the discussion yesterday, Alistair, is that the top of expertise to do with a, you know, intellectual property type issue could be different so the top - that might be ran a public morality type argument. That's why you may choose to have a different forum.

That's something that ICANN needs to investigate. Maybe somebody's forum still with both those types of issues, in which case, you know, it is only one, or maybe the same arbitration body, but it's different panelist depending on the issues.

Alistair Dixon: And my second question was, so basically, these panels will be constituted when there were issues right in the common ground, and being one - those issues were raised and also would be appropriate and also be (IDs) vital (mostly), I mean, one but perhaps they've all.

And at that point was able to consider the comments, that the comments...

((Crosstalk))

Man: ...used in the arbitration body, also that the arbitration needs to, whatever you want to call them, could be identified in advance.

But when that arbitration body received a complaint and it might form a panel, you know, that would be include to that complaint space, so presumably on the set of the complaint.

Alistair Dixon: Right, okay. Now, I think that, you know, I think that sounds probably okay.

I just - my concern is just making sure that this is as manageable could quickly get out of hand if we have just an unlimited number of panel.

Kristina Rosette: Bruce, if I could get in the queue?

Bruce Tonkin: Yeah. Go ahead, Kristina.

Kristina Rosette: And I apologize I had to step away so feed me and ask my question which I send him my email.

((Crosstalk))

Bruce Tonkin: ...so you go ahead and ask.

Kristina Rosette: Okay. The two questions I had are first, how many challenges will be permitted in the sense that for example in some of the sunrise processes that have been used, there's really only the first challenger in the sense that if the first challenger is successful in challenging the original applicants' eligibility and can himself demonstrate that it's entitled to a name, it gets the name.

Bruce Tonkin: Kristina, (unintelligible) you there, the - and (Vernon) asked this question as well.

This is not a challenge in the UDRP (piece) and that somebody comes in externally and challenges it. And if I win the challenge, that party gets the string. This is just - this is a concern of putting probably been the right wording. It is just an objection price of...

Kristina Rosette: Right.

Bruce Tonkin: So, if one of those disputes go through and objects as - have the string, that's you. It doesn't make multiple of those processes.

Kristina Rosette: Okay. What I was trying to get a sense of is whether there would for example, say it's a (sub) 20-day window or 75-day window to actually file your opposition. Will the panel adjudicate the first opposition that's filed against a particular string or will it wait until the end of that period and then consolidate all of the issues that have been raised in the one proceeding?

Bruce Tonkin: I don't know the answer to that. I would have (post) that there's no - so you're saying that you ended up with a serial situation where let's try this first complaint.

The first complaint goes through 30 days and the complaints body finds that there is no ground. And then, the second complaint starts, so that by the first complaint for 30 days of your complied month. Is that your concern?

Kristina Rosette: Partly and also partly the fact that you could have a situation in which it gets the - there's only one opportunity for an opposition in the sense that whoever files first gets theirs adjudicated so to speak.

You could have a situation in which there maybe multiple bases for a successful or valid rather opposition to a string, but it just so happens that the first one was not. So you have a situation in which for example, an opposition on the ground with some kind of intellectual property right violation is made that failed, but it turns out that there is some other valid basis.

And if we setup a situation in which it's really kind of the first to file, you're not necessarily creating an environment in which there's an opportunity for all of these potential criteria to be met.

Bruce Tonkin: Yeah.

Kristina Rosette: And firstly, however, I can certainly see that it's in no one interest to subject the applicant to multiple theories of 30-day oppositions. They win the first one and the second (unintelligible) gets invited the Apple to speak into and so forth. That I don't think is realistic.

But I was trying to get a sense as to where, to the extent we discuss that or to the extent anybody have that conference where everybody was coming out.

Man: (Unintelligible)

Man: I get what you told (unintelligible) you're just trying to fold all complaints together to be able - as a whole...

Kristina Rosette: Absolutely.

Man: ...piece of a category.

So let's say this is a morality complaint, and I have five plus parties that lodged a complaint. It's almost like we're starting to do it as a class action. This is going to be equivalent, but (unintelligible).

Kristina Rosette: Uh-huh.

Man: I think I'll just pretty (big)...

Man: Okay.

Man: I think there are maybe - and stay with (unintelligible) (.rg).

There are some things that cannot be arbitrated and I think you're maybe trying to do too much here in setting up outside panels to make decisions on issues of public policy and things like moralities.

The arbitration is for disputes between parties who - that is a substitute for courts where you have an almost a black-white question -- yes or no, in the (piper's) squatting or is it per use. But we don't have that kind of question when you're talking about - giving a sense to a religious group or of using obscene language.

I - my comment - been asked in your question is that it maybe impossible to establish an arbitration system to resolve these questions, this just comes to policy decisions that have to be made by the - just ultimately makes policy decisions, which is ultimately (unintelligible).

Man: I think I agree in - (David), I wanted to answer the earlier question which sounds like the only practical reason that is that anybody and anyone who wants to file an opposition during that time sort of just doing one big frame. There might be seven different people who oppose for seven different reasons.

So, supposedly there are seven different trademark holders who are opposed to it, couldn't just let the first one in because, I mean, important and went to gain that and put in the holders (can) application that would just fall over quickly. So you have to put everybody in but do it somehow, I'd spend time not one after the other.

Man: No, it's the time that I think that (Cristy) is raising upside so much like maybe you (unintelligible) that aspect, that growth of study you want to join together. So, I'm trying to think of the class action scenario because obviously, you know, say somebody is doing over (Cisco's), a whole bunch of individuals is to saying they had at(Cisco's).

But generally, what happens is...

Kristina Rosette: Well, and the other question that I had that ties into that to a certain extent is to the extent that third parties...

Man: You could (had) - it would be interesting.

Kristina Rosette: Okay. To the extent that third parties file oppositions to a particular string, is the existence of that opposition and the content of the grounds on which has been asserted, is the plan to make that public information?

Man: Is the plan to make the details of the complaint public?

Kristina Rosette: Yeah.

Man: To have the UDRP work at the moment.

Kristina Rosette: It's not - the complaint itself is not actually made public, and the existing from the proceeding itself is not made public until there is actually - until it's formally commenced.

And the only thing that's publicly available, at least posted on the Web site, are the decisions themselves.

Man: And do you have a view - I mean, it hasn't been discussed and I think we started getting into a lot more of the rotation detail than we probably have it today. But what's your view on that, should it be public or not?

Kristina Rosette: I would say so if one of the interests is to try and give an opportunity for (like-minded) potential empowerments gathered together, so to speak. But I think a lot of it really depends on what the plan is with regard to (concerial) challenges or to the extent that there is a decision made, for example, that if there is a valid objection on morality and public order grounds asserted, but that's it. It ends there, the string is gone.

I can see arguments for both and leaning towards public.

Man: Yeah. And so it certainly my - and have to be only to excel a bit more once we start to think who those arbitration bodies are and what the roles are, and then, maybe saying looking what's public, what's not.

I mean, certainly the fact that the complaints is lodged in and who the complainant is but what the public in my view, and I've been, you know, it's not an area that might be whether this (contents) have use of the complaint the public or not.

Bruce Tonkin: Any questions, Kristina?

Kristina Rosette: No. Thank you.

Bruce Tonkin: Anyone else on the call wanted - Cary?

Cary Karp?

((Crosstalk))

Man: I was on mute.

Cary Karp: Cary Karp on the - it takes (unintelligible) - it takes a while to get off of mute when one is on mute.

Bruce Tonkin: Okay.

Cary Karp: Which is like...

Bruce Tonkin: Please go ahead, Cary, if you'd like to raise an issue or questions.

Cary Karp: No, I'm fine. I don't have anything.

Man: Yeah, actually, I wanted to respond to one of the items that were brought up by (unintelligible) and others about the community support issue.

As far I think it - in general, I think that is a requirement, but I think we need to look in the flipside as well as to, for example, what happens in...

Cary Karp: That was - and (about) the...

Man: And Cary, you want to go or...

Cary Karp: Well, the issue I want to (think up) is that it also depends on which subcategory, if you will, of TLDs outside is applied for? Is it unsponsor or sponsor?

Man: No such thing in this context.

Cary Karp: Oh, there is no. But in the case - in that case then, it's still the issue of like what the intended community is versus the community that comes out and say, you are actually stepping into our community versus it's the intent.

For example, say, (.coffee) or whatever and the intent -- original intent of the applicant is to for anyone who loves coffee. So then the coffee growers come along and say, you know, this is stepping onto our community. How do we deal with that?

And, you know, if the intent of the TLD is different from what the community feels, well, one part of the community feels and they sort of object the challenge - the string, what - how do we deal with that?

Man: So this is the issue that Steve and Chuck, well, I just thought that a bit more after lunch, but...

Man: It's not a criteria at the moment.

Man: Right. But then I - it's the first thing to be discuss and then, we came up with a forum, which leads is that something we deal with the - what criteria you're dealing with it?

Man: Yeah. I...

((Crosstalk))

Man: Right.

Man: (Unintelligible)

Man: That leaves in the hand because this is the right item and, you know, just...

Man: Yeah, okay.

Man: I want to point out the other side of it as well is, you know, (.cat) mentioned a bit. Is it (cattle) and - but it's - there was actually (absolute) that is going for like cat lovers, would they get a, you know, would somebody from (unintelligible) come out and say, you know, we can't...

((Crosstalk))

Man: Yeah. I think it's going to really have to deal with (unintelligible). Basically, yes.

Man: And to say, if the cat lovers complained about (.cat), you know.

Man: So, but the other way around would be more physical as, you know, if the cat lovers come in as an applicant. Let's say, there was an (x.cat) and both of them came in, in the same round...

Man: That's the contention issue is (excellent).

Man: Both, like whether they come in at the same time or if only the cat lovers come in and (cattle) and people say, you know, if you take it then, then what are we going to do to that issue as well.

So whether there is contention or not, it would be - there were deletions there...

Woman: Okay.

Man: ...one is that they're both in the same round in one side.

In the second scenario, you're talking about saying, hey, you got in first...

Man: Okay.

Man: ...I want to. And I think the fundamental (lock) in domain name is first come, first serve.

Man: You're obviously, (unintelligible), you know, I'd like to have amazon.com because I had to be in the Amazon River.

Man: Right, right. So the argument is that they're stepping on to a community and you don't have it for - from the community is that what the discussion earlier. You have to show some (unintelligible) from the community, but which community are we...

((Crosstalk))

Man: ...yeah, that's exactly. So that's - yeah, yeah.

That concerns of a challenge process as part of it, but what the criteria are deciding that, but at first why, we say we don't want that live and what is that group is and has that managed.

Man: Thank you, (unintelligible).

Actually, I'm following up on (Edmund) thought process and then, you know, what the labor is but - I think just getting back to what the spirit of what's this process here is about is streamlining, objectivity, you know, and the ability to get applicants through the process, and the concept of community support was proven for example on this 2003 rounds. Be very subjective, very difficult, very constituted, very delaying, and this part of the process, which is about addressing what we've learned in that process.

So I think to introduce community support now back into this process is going to defeat what the original purpose for us which was to streamline and makes it objective, and I'll have to - progress through versus being delaying (time).

And I think part of this...

Man: What we want the point going back to - into that discussion, talk about allocations first and come back to their issue because I think when we have that arbitration discussion are likely - if we do at the moment, have the notion of going support.

Man: Of that - yeah. In a contention situation, this part (year) doesn't yet take into account the contention situation.

Man: (Raquel) still have the final words and I think (unintelligible) to go lunch if we probably done, we'd chat to (that), and then we'll break for lunch, and come back and talk about the string allocation issue. We've got

contention and then, come back to the point that Chuck and Steve have raised.

We want to put another criteria in the - unless, (Phil), do you want to go back and talk about the screen criteria or are you satisfied - you're wondering which criteria would you use one (unintelligible)?

(Phil): Well, yeah, we haven't - it is we haven't resolved that we need to discuss that, and I think provides some guidance in terms of (unintelligible) preference to help (staff) know...

((Crosstalk))

(Phil): ...and then start the feedback and say, what (unintelligible).

Man: Yes, yeah. Immediately after and then talk about (unintelligible) and then come back to that what (unintelligible) business criteria that we like the impact on the community (unintelligible).

((Crosstalk))

Man: Yeah, (Victoria) will organize that, yes.

(Unintelligible)?

Man: Well, I'll be brief because I think (unintelligible) you're going to talk about after lunch.

All I want to just share I think both for the allocation as well as the - all the discussion about the launch is I just ask everybody to keep in mind the degree to which public support is gained. Okay?

So let me be cynical with this. I don't trust any expression of public support (unintelligible) gained and increasing (unintelligible) I just thought you ought to get that in mind.

Man: We'll be (unintelligible) for lunch.

Okay. Thanks everybody because we went straight to it without even a morning tea break. So I think (unintelligible) lunch. Perhaps we can - and lunch I think is served (unintelligible) (Victoria)? Is lunch over where it was yesterday? Yes. Lunch is in the same room. (Unintelligible) at 12:30.

((Crosstalk))

((Lunch Break))

Man: ...our criteria.

So the first one is that strings must not be confusingly similar to an existing top-level domain. But now, this is one way we're using this confusingly similar in the context of the international law and experience to (Hemet) terminology.

And basically, what I've been suggesting here is that ICANN can summarize internal and public concern to report, and external dispute

resolution must be initiated by complainants to resolve the (unintelligible) on that.

So this could be that an existing registry operator might complain, a user group might complain, (unintelligible), et cetera that the actual resolution of the dispute is external but ICANN can certainly summarize public comments as long - as well as internal concerns that would be going in that term issue report.

Any comments on that, (Philip)? Is that...

Anyway, that's probably a good start, I mean, there is no reason why ICANN can also couldn't internally have a set of guidelines in terms of what this terminology means, and those guidelines can be stolen almost word for word from some of the existing more internationally focused (state market position) (unintelligible) to do this.

(Michael), just in terms of an ICANN-specific sort of taking that for example that tailoring it to domain name, this is internal guidance in terms of increasing better understanding internally would be a very useful start and would also be done in public reference for anybody who maybe wishing to complain about that...

((Crosstalk))

Man: That's something that is (defined) here.

So just - so that's clear that the decision to (stop) a string under this criteria is still external that are you okay with that or you think that ICANN as an organization should make that going?

Man: It seems that there going to be - my feeling is that - there are a number of examples. This would be (blinding the) (unintelligible) in terms of likely to more confusion and it seems entirely appropriate that to examining staff in ICANN. Then to make that determination and you all you need then is a way as you where having any determination in the field process. And where there is doubt, so it's fine. You have (unintelligible) proposing.

My instinct would be that's internalized (simple) expertise in this way where you can if your overall objective is (streamline process).

Right. So you're saying (unintelligible) that's close enough to an area that ICANN (unintelligible).

I guess we're wondering here, what happens is that more into a different script issues...

Man: Is that I think - (if it's due an error), what expert do you use can be developed (and can grow), and that can be skills that is develop (through) the examining office of ICANN as time goes on. And the examiners take decision when they're still comfortable with that, but I think always saying it needs to be external is a little (unintelligible).

Man: Yeah, I guess, well, let's get another comment. My only concern is that we're just making sure that we're not putting (right) ICANN for taking and it's not just (unintelligible) your background is generally (unintelligible).

Man: Yeah. But, you know, your (unintelligible) always exist as long as you have (deal) mechanism to this decision and the other (unintelligible) (coming here). There's nothing absolute determination with no (re-consent) except for doing the (unintelligible) afterwards. You can have an appeal to say, "Hey, wait a minute, that's confusing" that all you're going to one of our other side of...

Man: Okay. So you're saying that...

Man: Yeah?

Man: ...the applicant...

Man: Exactly, (ICANN) is going to be...

Man: Yeah.

Man: ...external.

Man: Yeah. That would still put ICANN (unintelligible).

Man: It would but it has - it also has (power) where we do the (RP) where, you know, I mean, there's so many (unintelligible) cases which are contested simply because the - you know, the (trion) is being plotted in that, and that's the end of it. So it's the delaying such sort of mechanism that somebody is (starve enough) to want to put something in.

So let's say (unintelligible).

Steve Metalitz: Thank you. This is Steve Metalitz.

Basically, (unintelligible) saying but I know you have raised another question in my mind (unintelligible) I apologize.

I would assume that one way ICANN can manage (exposure) (unintelligible) so that if ICANN and one of the obvious (unintelligible) process (unintelligible) that might be (unintelligible). So I assume that (unintelligible). I don't share that assumption (unintelligible) to discuss with specific (unintelligible).

So I - because I think we're going to hear a lot about ICANN, I want to (unintelligible) it was a very much sort of my concern obviously (unintelligible) globally (unintelligible).

Avri Doria: Avri Doria.

I think on that one, I think that's probably a good idea except I thought (George) is could make determination anytime they wanted to let something goes through and say (something) stuff like it.

So anyhow, I support the idea that ICANN will be able to (flag) (unintelligible) that they - you know, in the show report that they do. But we think that is a problem and it needs further consideration without us being the one (unintelligible).

Right. The other thing - and I hate doing this and I hate adding things, extra provisions by - it should also not be confusingly similar to any of the reverse name. I mean, it's - we're just looking at it and it was looking like for (unintelligible). I hate putting things in this rule because

I hate saying “you shouldn’t” but consistency looks to me like it should not be confusingly similar to existing top-level domains or reserve names. I hate saying that.

Woman: But, Avri, even if you do hate saying it, it is actually a useful guidance to applicants. Let’s say, the whole of bunch of trouble.

Avri Doria: Oh yeah, yeah - no, that’s why I said it, I mean...

Woman: Yeah.

Avri Doria: ...consistency demanded that (one) - that I sat it having (thought of it).

Man: (Unintelligible).

Man: It just that opens up a really large kind of worms (unintelligible) working group. There’re a lot of names that are reserved for a lot of different reasons. It’s just, for example, all of the two-character letters, and anybody can make an argument that two characters are very confusingly similar to another two characters on keyboard. So I do very cautious with that. Okay?

Woman: Can I add a comment on that on the Avri (statement)?

Right. If (unintelligible) over to IBM on that, Avri, do you agree with that? Maybe that will also be made a huge (opening of kind of worm) and that’s something that we want to consider about.

Yes?

Man: I would say that (whatever you're getting at) that I (unintelligible).

Man: Essentially, to just choose certain categories of reserve name...

Man: Yeah.

Man: ...(to small ones).

Man: Yeah, that would be something that reserve names (unintelligible).

Man: Bruce, keep in mind, you know, reserve string and reserve name is not exactly the same thing. Reserve string at the top level is not necessarily reserve names at the second level.

Bruce Tonking: Okay.

Man: Yeah.

(Olof Nordling): Thank you. (Olof Nordling).

I just wanted to emphasize the (one or more key) to sort of coming out of discussion and that is (unintelligible) or it depends in the relationship in the criteria itself and the mechanism to decide that the criteria (unintelligible). The fact that the mechanism we have to - (as much diffused mechanism more) - or whatever, you have to do that (and back up that). So (each series) is to have - they go on undecided terms in the criteria.

And obviously, if you look back at the - what I've been referred to, (it might refer) to the experience of (trade door) in national registration.

Sometimes the effort apart from the fact that (core system) there is backed up (unintelligible) all the time.

So when just looking at these two things (unintelligible), just look at them as the (unintelligible)-dependent and perhaps to see this as an argument for taking special interest in the hope to develop this mechanism that the - that's not really how we're can aim for at the moment.

And second, perhaps just a detail that (this sector) addressing to have the (almost to prevail) the right to (unintelligible). That, of course, (unintelligible) (between the parties) and the intellect exposure of third parties proclaiming that the registration would be maybe of interest to them.

Man: (Unintelligible). Do you agree with that comment?

Man: I do agree...

((Crosstalk))

Man: ...with his interest, suggestion. The applicant might not because the applicant (can't).

Man: Yes, you can't find third party...

Man: Yes.

Man: ...but in this case, if you were finding it obvious (unintelligible), to process of getting further, we're not sure who will be likely have outstanding (challenge) (unintelligible).

But there are certainly other cases where it is (unintelligible) in (immorality) issues (unintelligible).

And (unintelligible).

Man: My concern is (unintelligible) come to any conclusion when there - on the other hand, we are not - we should be looking at the in addition to having the third party (unintelligible). I think the equivalent would be somebody at (Verizon) looking at each new domain (unintelligible) seeing if it was similar to a trademark and decide whether or not you should go to URDP before discussing like considering without any scalability. We get in one year, eight years, hundred or whatever, every member of the applications, we're going to have (unintelligible) to put there and look at in. some where talking about, you know, (unintelligible) is the obvious example, but what we're really going to have is that kind of spectrum of likelihood of confusion, some are going to be obvious, some are going to be harder, and that is going to have to make certainly an objective call (unintelligible) or not. So that's kind of a burden there and what value are we getting out of it, in the end, the ultimate decision is (arbiter in England).

Next question.

Man: Yes. But bear in mind, (unintelligible). We'll be summarizing public comment and other (unintelligible).

Man: (Unintelligible) but let's see if we got back of 100 applications...

Man: Yes.

Man: ...we're going to have to pick 10 or 15 that are not going to be put in the (in the band, the objective is that it's expensive) due process...

Man: Yeah.

Man: ...and, you know, do we pick 15 or what about that 16 (one).

Man: That's what I'm trying to (unintelligible). You try to make it (unintelligible) you say nothing to the (unintelligible) doing the - if you look (unintelligible) ICANN (unintelligible) someone else (unintelligible) identifying (unintelligible).

Man: Maybe in the report maybe ICANN - I mean, are there circumstances where ICANN would be the complainant too?

Man: Yes, (in that reference) (unintelligible).

Man: (Unintelligible) because (you would pick up the situation where we would decide) and the burden would be on them to fill (of the intermediate one) where we just be like any other complainant saying that (unintelligible).

Man: (Unintelligible) ICANN must follow (unintelligible).

Man: Or let's say COM, and for some reason or another, nobody bothers throwing complaint but we still have, like a public interest in avoiding confusion, we might (unintelligible).

Man: Yes. Usually (that's a nice choice). So I think (unintelligible).

Man: I can (file) this follow up formally or ICANN on the other side can make the decision and the applicant to - so in other words, the last case that the applicant (chases to be in that like the)...

Man: Fourth degree.

Man: Yeah, right.

Man: Hey, Bruce, I'm a little confused on some of the examples being put out because the - some were saying confusingly similar to an existing TLD not saying, for example, confusingly similar to some trademark.

So the only thing under scope here would be the determination of whether it's confusingly similar to an existing top-level domain. That would be it. Right? Is that correct?

Bruce Tonkin: Yes. But we got the same question about all these criteria, you know.

Man: (Unintelligible).

Man: You are correct. Right. I mean, I could - we could be talking Number 2, but yes, that is correct, that is - (it's a safe point).

Man: (there's something about) - for that ICANN, it doesn't (unintelligible).

((Crosstalk))

Man: Maybe (we have) different answers to that - or choices for different criteria. We might have more expertise then...

Man: Oh, I think that's right, but I think that's the point that sort of driving that domain. And I just try to (set that) (unintelligible) trying to understand - you know, I think...

((Crosstalk))

Man: I'm getting the sense that people have different degree of concept of how (unintelligible). I think in terms of the technical ones, I'm saying ICANN (doesn't relate to the bottom). If I need (that type of morality), so what (unintelligible).

((Crosstalk))

Man: Your suggestion was (helpful).

((Crosstalk))

Man: I'm also (support) (unintelligible) for the recognition and also by a gray area, and therefore, (unintelligible).

Man: (In all) situation for (unintelligible)?

Man: No, we're just talking confusingly similar.

Man: (And that should have been certified) consider what's on (unintelligible) option for - so you've been saying option for...

((Crosstalk))

Man: ...option for recognizing this could be gray area, then Option 2 was actually (unintelligible).

Woman: I'm sorry. Can I just (unintelligible). So confusing (unintelligible) string, ICANN identifies to make the decision...

Man: That ICANN says no.

Man: So that ICANN so (somewhat) guides that (KON)...

Woman: Right.

Man: ...and ICANN decides not - we think that confusion so we can't have it.

Woman: Right.

Man: And then the only (unintelligible) is the applicant to use whatever ICANN in field process.

Woman: Right.

Man: But this all (unintelligible), ICANN simply saying, "Gee, (Kayole) it might look pretty similar to CLM which I love to really comment about that," but then your line on another party (more of a logical thing).

Woman: Okay.

And if ICANN doesn't say no?

Man: It's still obviously - we're not changing the constraint process (obviously).

Woman: Okay. Just I want to be sure of.

Man: Yes.

Woman: Because let's say ICANN doesn't say no...

Man: Yes.

Woman: ...you were saying the applicant cannot be (held)...

Man: Yes.

Woman: ...but if...

((Crosstalk))

(Philip): This is (Philip).

Woman: Okay.

(Philip): The question is to how far down the (unintelligible)...

Woman: Right.

(Philip): ... (going on) ICANN? It's about - essentially, ICANN as the organization is to go in actually making decisions versus writing issues that is saying nothing really relying on external world.

And so (unintelligible) with option for - I guess that would be (unintelligible). Is that (unintelligible), is that kind of way you're talking of (unintelligible)?

Man: Yes, but there are going to be circumstances (unintelligible).

Man: Well, that could become that we may make a decision, but yes.

So now that we're clear on...

Man: Option (right)?

Man: Without (unintelligible) total complexity. I mean, in some cases, we might - you need to give us option for...

((Crosstalk))

Man: Would it be only to identify a little issue?

((Crosstalk))

Man: ...issue on the (flag), right?

Man: Yeah. We may (unintelligible).

Man: Yes, (unintelligible).

Man: Right. (Unintelligible).

Man: Yes?

Man: So these are four options in the case where we identify confusingly similar flaw within application, so it could be (unintelligible).

Man: (Unintelligible).

Man: But I said...

((Crosstalk))

Man: And I'm not saying (unintelligible). Because, you know, (what we're doing now) is the (core maintenance) (unintelligible)...

Man: Yes.

Man: ...(unintelligible).

Man: No.

Man: I'm just saying that (unintelligible) we're all making decision one way or another (unintelligible) and it just (unintelligible).

I know you're using (unintelligible). We probably want to get (unintelligible). And then what that ICANN say has nothing to do in case but in the other case...

Woman: Right.

Man: Well, it's then how you set this up, so we're making an operating procedure. So it starts with if ICANN is, you know, determined that the proposed string is confusingly similar to an existing string, then ICANN will 1, 2, 3, or 4.

Man: Okay.

Man: All right.

Man: So I don't I think we can only do 1 or 4. I don't think we - ICANN could make a determination and then (raise) it as apart of an issue and then walk away having made that determination...

((Crosstalk))

Man: ...(unintelligible) summarize (unintelligible).

So we can say (unintelligible).

Man: I guess that we write the issues report then, the decision is essentially either made either have a complainant (unintelligible).

Man: No, it's not (unintelligible). That's what I'm saying (unintelligible) experience (unintelligible).

Man: I thought (unintelligible).

Man: Okay.

Man: (Unintelligible). If ICANN is still doing an evaluation process, then ICANN is (clear in evaluation report).

Man: (Unintelligible) public speaks at evaluation report (unintelligible) the public comments (unintelligible) draft issuance evaluation report. And this is partly with some people was saying that government might hold off because they are hoping that this is happening (unintelligible).

Man: Let's say (it doesn't happen) but at least is going a whole a lot of public comment about (unintelligible). You report the public comment here. We're still relying on an external complaint process, okay, so that's sort of the context that we're looking at here. So if come back to here, I'm just saying how far does ICANN want to go?

You know, personally, I would sort of to get not going into option for, I think you are better of in your personal view is because it's consistent (basically) relying on a complainant process.

But that I can set others, you know, once ICANN would actually make a decision right upfront.

Man: So I think as soon as we do Number 2, the idea of keeping the complainants independent, you know, the value in that, that goes away.

Man: (Unintelligible)?

Man: Once- if we were to do Option 2, the value in keeping the complainant process independent of ICANN kind of goes away.

Man: I agree with that, yes, Option 3 is that - your line of - yeah.

The only thing I can (figure filing) (unintelligible) is that to fix ICANN, the organization (unintelligible) somehow would (unintelligible)...

((Crosstalk))

Man: Particularly, you have ICANN filing a complaint under the ICANN Policy before ICANN approve (and speak later under the rule)...

Man: Yes.

Man: ...(unintelligible).

Man: Yeah. No, it doesn't.

Man: (Unintelligible). I just list that in the situation where ICANN...

Man: (Unintelligible). ICANN have a trademark and ICANN choose to do the trademark which is why you become a complainant (unintelligible).

But it isn't be complicated and this was actually the (unintelligible) I think I had with Dan (unintelligible) that why ICANN is (unintelligible). And the answer is that it (unintelligible) ICANN ends up having to get involve in the (unintelligible)...

Woman: Right.

Man: ...which is different to others, so that's (unintelligible).

(Unintelligible).

Man: (Unintelligible) to speak (unintelligible)? Hello again?

Sophia, you had - you're next.

Sophia Bekele: Yeah, I think my point is already covered. That's okay and I'm the only I oppose, didn't agree with what (unintelligible) initially about having a disclaimer sort of thing legally and to protect ICANN. However, the public interest is on the other - on the (power) to that. So I think we've addressed that. Fine, so thanks.

Man: And Mawaki?

Mawaki Chango: I just wanted to say that the summary of the discussion in the end will (unintelligible) say that we are talking about usually confusion. So...

Man: We've changed that, we talked about that yesterday so let's not debate that now. So we're just talking about confusion with similar to terms that (unintelligible) but there actually. Like if you talk that later, I would do, you know, to have the discussion with you today.

The - so - but the question is a bit more conceptual about how far ICANN should go in that (unintelligible) confusion.

So we got (unintelligible) string (unintelligible) you might want to go further in some of these areas and others. So, I think I pretty much

saying that for Option 4 is different than what we do in technical issues. I'm just sort of wonder whether we do that with all of the others (unintelligible).

Mawaki Chango:But - so if I come back with you?

Man: Sure.

Mawaki Chango:I don't understand how we organized our consensus making projects. Is it that the (unintelligible) who come in and have objection, you change the - what were discussed previously? And I don't know (unintelligible).

Man: The question, Mawaki, is that we're having - we're going through a few topics, and yet those topics we're talking about what that (unintelligible) it was and we had a debate about that.

I'm just saying if we can't keep going back and re-debating the same topic, we're on the new topic. (Unintelligible) discussion about. We're not saying you can't make comment on that (unintelligible) but the problem is that you don't have the benefit of (unintelligible) discussion on this yesterday.

Mawaki Chango:Okay.

Man: I don't want have (unintelligible) to discuss it now or whether (visually)or not (visually). That's all.

Mawaki Chango:The point of view of making (unintelligible) actually a (unintelligible) in (inherent) contradiction in the report. They - somehow, the discussion

to reflect the discussion that we had earlier about the body, and that's good. But why that got (unintelligible) that we have earlier and the recommendation (unintelligible).

Now, you're saying that because of the discussion you had yesterday...

Man: Yes.

Mawaki Chango:...you decided that recommendation (unintelligible). And that is contrary to the discussion that we had (unintelligible).

Man: Yes. So basically, we've moved further from that. We're talking (in the account what was in the report (unintelligible). We had a discussion about (deciding) yesterday and we chose to use these words because there is a whole background behind in international law about those particular terms.

So it is natural that you're taking to account your information and then you have a discussion around it. I'm not just saying that you unfortunately here yesterday. Your colleagues in the noncommissioned constituency will contribute.

I can't keep going back in discussion the same thing (overnight in that).

Mawaki Chango:Okay, I understand that. I don't want to be (unintelligible).

Man: Yes.

Mawaki Chango:But - that's one last remark.

So in the subsequent paragraph on that (unintelligible), there are references to (unintelligible) including UK and New Zealand. And the conception of the “confusingly similar,” it’s not uniform, yeah, it’s not - I mean, there are different perception or conception of this “confusingly similar.”

Man: Yes.

Mawaki Chango: So either we make clear what tradition we are (unintelligible) like (unintelligible) or we change the wording...

Man: Yes.

Mawaki Chango: ...and specify what kind of (unintelligible).

Man: Yes. So (that stuff) is an action item. We need to sort of go back and give reference to it to what where those terms come from and the idea in -- or we come up in the second one actually -- is we put - is putting in the concept that within the international law that’s not the jurisdiction of one country confusingly similar is what (unintelligible) entity on what that domain. And the (unintelligible) on that (unintelligible) it comes up really broadly across around your country in different geographic regions. And then it comes down so that we have an international arbitration form.

And this is partly why I’m concerned about the last point here that we then having - we’re having ICANN make a decision to go in the (unintelligible). I’m talking about the whole point of using this

international term in usually in international forums is that I have the expertise and that ICANN doesn't.

Consider ICANN (unintelligible) making a decision, then it would become somewhat problematic because, you know, there's a...- and that (unintelligible) to take or not.

But I think that's been the effect of (unintelligible) but the context of our (unintelligible) that way was because of that international provision around the use of (unintelligible).

Man: All right.

Man: I think all my questions were already answered, thank you.

Man: That's (unintelligible) if (unintelligible) what you said.

Man: My questions are already answered.

Man: (That's right). (Mike)?

(Mike): If it's a fact that (Philip) you think is excellent that, you know, ICANN can and should make a preliminary determination about confusing similarity and perhaps we can qualify that (to take this) obvious visual identity or similarity. Something like that has to come up with, you know, (unintelligible) that will allow ICANN to make that - to make it as otherwise it seems like some of the processes (CZLM) or (KOM) or (MI).

So Number 1, and those are obvious cases and if ICANN spends another moment considering the technical invitations or whatever, it's just a waste of time and resources.

So I strongly suggest to figure out a way to let ICANN make easy determinations like that, if there is a grey area then of course to get (pushed in) to the process of (unintelligible).

Man: So you're giving - you're saying that ICANN can use up some force for things that's really obvious and then if it doesn't, then it probably (unintelligible) and just sit back and just simply revise the issue.

(Mike): (Yes.)

Man: But doing the ICANN (unintelligible).

Man: (Ana).

(Ana): Can I just ask clarification questions on that?

Man: Yes.

(Ana): Not to bring the issue of linguistics here, (just in case), as we get to issue an (IBM TLDG) for example, could ICANN rely instead of keeping the burden on it's own, could it rely on the expert language expert to make it through that they get feedbacks from them before they make their decision?

Man: Yes. But that's kind of the distance that provides such (unintelligible).

Man: But what we're talking about there is that that's not a language issue...

(Ana): Uh-huh.

Man: ...but ICANN (would value it).

We don't have the expertise like that language (unintelligible). So, we're going to rely on the next set of (unintelligible). The question of course is whether ICANN files that issue or someone else files the issue.

But, those that are getting I think is that an ICANN (unintelligible) and ICANN assumes all the work and ICANN has the experts in, you know...

(Ana): (Hold on).

Man: ...properties or similar that belongs to the (unintelligible) or are we saying someone else is an expert on this stuff. ICANN is (unintelligible) a coordination body if that's the (unintelligible) getting the stuff.

Man: So that's really that someone could put a (unintelligible) difference that we're starting ICANN up ahead what (unintelligible) of expertise or are we saying ICANN has a focus and a mission and this is where we start up and send some (unintelligible) stuff and put these other issues we're using independent bodies of expert...

(Ana): Uh-huh.

Man: ...in that area.

(Ana): So that's still interesting because I'm taking like an ICANN employing, you know because one, even if someone is (unintelligible) speaking of sensitive speaking then you not know and you run (unintelligible) speaking to a person so unless you point to the person (unintelligible) speaks like 17 languages or so they maybe you can rely on a group of people that perhaps if we put in a language (constituency) or go to the IBM process that we're doing, maybe we can develop something there and see if you can consult someone before and get an expert opinion from that (unintelligible).

So at least a process to declare a (unintelligible) of the linguistics because we cannot...

Man: Yes (unintelligible).

(Ana): ...speak this like an (unintelligible) because...

Man: So in the Registry Services approval process they provide and describe their expert (unintelligible) of determination but can actually use to making that (unintelligible).

I guess we could use the equivalent wording around that. Is that correct, (John)? I believe to why that process is written out from the day you claim the report? You are (unintelligible) to get experts in folding that (unintelligible), (unintelligible) can cause to that, you know?

Any other comments on this?

Woman: Fine. I'm sure it's pretty much, you know, there's more than just getting an expert that doesn't and third - second and third level process. If only the process is there then, you know, the other one is (unintelligible).

Man: Okay. (Mark) (unintelligible).

(Mark): Thanks, (Steve).

Although I respect (Mike's) and (Philip's) (unintelligible) in ICANN that sort of step forward and if you will take the lower hanging group, having sat on the board during the last round, there's very little black and very little white, a whole bunch of grey.

And asking ICANN to step in is the grey and file these applications, I just think it doesn't work and as a point of reference, I will use the experience (Lyle) did in connection with affiliates doing the (Sunrise).

Affiliates after the (fraud) in the (Sunrise) came forward with a challenge of last resort, we thought this was a good thing. You're going to sit there and the Registry was going to go to (unintelligible) and file this. Part of the litigation has ensued with (unintelligible) individuals (unintelligible) they challenge the appropriate notes of the Registry and sticking their nose in trying to correct (fraud). How do you defend that?

I think what (Dan) articulated is very good. It is how - it's not going to look good for someone who may lose to say, it was ICANN going through and ICANN selects a provider, the regular - I appreciate what you're doing and I, you know, again, it may be the 1% black and white that we're dealing with (KOM) and (CON).

But in that situation, if trust and verifying can't console or to protect its customers, you know, I think, you know, trying to have ICANN be the (unintelligible) in that situation, I just don't think it's (unintelligible).

So, you know, that's...(Chuck)?

(Chuck): Yeah. No, I fully appreciate what you're saying, (Mike), but at the same time, we want this process to be timely. And the more we rely on other things, the more it can be (delayed).

I hope that everything isn't grey, okay? But like one intermediate step that ICANN could take if it is the (unintelligible) knock out more than maybe it's a variable, would be to communicate with the applicant and say, "Hey, you know, this looks, to our opinion, that this may be confusingly similar," and that's one of (unintelligible) criteria, at least give them a chance to respond to help them make their decision. And then if they can't, I mean they obviously can just let it go to the common process.

Man: And (Bruce), do we - I guess the one thing that I do think is noteworthy here, because what we're worried about here is something falling through the (crack), right? And that's what were worried about, something that should have been stopped falling through the (crack) and later on in the process.

I think the question needs to be asked as a potential mechanism to prevent that from happening is what is the (Z) going to be, okay, because part of the problem is if someone's going to challenge, I just looked at the (white votes), these are generally anywhere from say 1500 hours or a couple of thousand dollars.

So, if this challenge mechanism involves the expenditure of thousands of dollars, I agree that the potential for someone to come forward and open up their pocket is potentially less likely.

So maybe what we want to do is look at mechanisms by where ICANN will waive the fee for an interested third party to file a challenge. I think that is potentially worth to - I think that is something that is worth exploring as opposed to relying to ICANN itself to step forward and put itself into this process. I - as I've said for the reasons, with - that (Stan) had articulated earlier, as well as the experience that I felt first-hand in the affiliate's litigation. It complicates things and I just see it as being a problem we're having.

Man: Thanks. But, (John), that's a good (stroke).

I was just following up with what (Mike) said, I was going to say something very similar, is that there's probably some kind of economic incentive or just incentive that - to be placed on the application during the application process.

For example, if ICANN makes a determination that it may be an applicant's application may be confusingly similar to an existing TLD, then there could be a charge for the next round of analysis, for example. So, you know, tuck on another \$50,000 for the application fee if ICANN makes that determination or something like that.

But I think you could probably (address this) through economic and fee structure.

Man: Okay. (AI).

(AI): I understand all the problems that ICANN's trying to do something but expediency is important and protecting the (user) is important.

If someone tries to register (COM), yes, someone is going to notice in the real world. On the other hand, if someone registers an IBM, which ends up looking identical to another one, quite innocently, they also have a problem.

And I think the cause of checking on a visual confusion, which will be done by ICANN is a really easy (problem patent) recognition.

When you're asking somebody to check all of these using IBM by hand because right now, that's possible, as the numbers grow, it's not going to be possible. But it's pretty easy.

And if you end up with an (Arabic) one looking like a (unintelligible) one, you have a problem that has to be addressed. And no one else may well notice this because they may well be quite innocent.

And I think we have an obligation, ICANN has an obligation to do that (unintelligible) as legally.

Man: That's right.

Man: I'm not (unintelligible) that question because it brings (unintelligible), it's drawback your attention by (unintelligible) specially Number 5 and so (unintelligible) this thing (unintelligible) in support.

And then you still have to align on the external process that's actually may take half of (unintelligible) because then ICANN makes (unintelligible).

Man: I think in case of visual things, I think ICANN make - can make that decision. If it's confusing to go out to an external body, as I've said the other day, I think (unintelligible) are going to be a dog breakfast in the best of cases than I think first that we should avoid them.

But the visual ones I think are the issues that we can't fight back.

Man: It seems to me that this - the difference is not the oppression (unintelligible), the difference.

Man: The difference to me is that if you're relying just on a complainant, in other words, an existing (Registry) to do that. Now (pull) those more into the right protection commercial protection mode, they're looking after their interest, and they don't want confusion to what they have got.

The other thing in terms of an ICANN dissemination is that ICANN as a hold of public trust...

Woman: Uh-huh.

Man: ...thing. We don't want to mess this up to use it in the word January, you know? And I think to me that's the difference and that's why my recommendation had been (unintelligible).

But I think it's the most (unintelligible) we got to hold out and it's exactly what (Adam) is saying as well.

((Crosstalk))

Man: Yeah.

Man: I'm sorry.

Man: It fell on the floor (unintelligible) with them.

(Unintelligible) could have been main but I was going to ask for (unintelligible) a lot worthy, I can ask permission to have a conversation with the general counsel without legal implications by ICANN as a (unintelligible) option.

And the reason why I think it's (unintelligible) for the things that's true because it's - it actually is about more than the gaming behavior which you may want to think about. I mean that ICANN (unintelligible) what you adhere I think through the (excellence) of that (visible) in approach.

And to me, I'm seeing at looking at these four options thinking that the potential things that we could ask for in looking what are the liabilities that would sit legally if ICANN has made a decision.

And a liability to commit we have but two parts. One is, you know, you've got to produce your obligation to worry about liabilities.

But the other thing that worries me about this question is what incentives are they giving up for that sort of action? And if we - that's one of the things I'm going to think through.

We sit up and probably sitting up (unintelligible) incentives that's actually what I meant with (unintelligible) is trying to call before lunch about public consultation on what are the (unintelligible) about some of these things.

I want to make a quite clear (unintelligible) about the consultation.

But, it's been (unintelligible) thing that I'm trying to think first. So, (unintelligible) we're going to be breaking and one other chance to talk to (John) (unintelligible) and we want a definitive answer.

My sense of (unintelligible) is never (unintelligible) we can go to protect the (unintelligible) and if you take the string, the IBM string discussion, then, you know, I think at the moment, the ICANN community and a lot of those that (unintelligible) to the (ITF), probably the only people in the world who really got their heads around this problem at the moment and that sort of things that - (Alan) was right there.

When we're (unintelligible) beyond that, it may not be (unintelligible). What I mean by that is people like (Carry) and (John Clenson) and (Albert) really have the head very much deeply in that space. And we'd be - we have to give you that search plan to give you an answer.

But other things I'm learning with the reality is that it's necessary.

Man: (Unintelligible) started quickly and I've said that, not - and I think it has to be ICANN making the decision on how that works (unintelligible) the effects on regular advice. But they still have to get to the good one now that at least within this group, we had a bit of discussion and just say what we talked about.

But let's make this one here, which is the confusingly similar, I'll just rank that as four. Let's not (unintelligible) going five, so it's pretty close to the Number 4 in terms of the opinion around the room that ICANN could make a decision then.

This one here assuming you got a list. Is that right, (Philip), that this one here would...

(Philip): Yes. I (unintelligible) for (unintelligible).

Man: Yes. Would ICANN device it all? So that would be in effect .0 here effectively. In other words, ICANN said nothing?

((Crosstalk))

Man: Probably...

Man: Yes.

Man: ...to summarize (unintelligible).

(Unintelligible).

It doesn't mean it's not a good (unintelligible) for an off shot, it's not (unintelligible).

(Unintelligible) developing because it (unintelligible) you may want to (unintelligible) certain (unintelligible) you wish you could (unintelligible).

(Unintelligible).

Man: So common (unintelligible), which is ICANN can summarize the issues because that's when the (unintelligible) complainant.

This one here, which is signal closing technically the facility is kind of a (unintelligible). In other words, ICANN does make a decision here, it's not the line that's probably external of settled overtime. It should not be a reserved word.

Woman: Can we just (unintelligible) a sort of comment using (unintelligible) words to (unintelligible) point about new custom that's starting as the customer decides to...

Man: Definitely.

Woman: ...leave that to the group.

Man: Yes.

Woman: And you just said (unintelligible) follow up on my point while potential option is to increasing application speed by the amount considered sufficiently (unintelligible) position space for example \$300, it has that

enough place in escrow, if no one opposes, the applicant gets to do that.

If someone opposes, (unintelligible) figure is probably escrow account to the provider. If the application is unsuccessful, the money goes back to the applicant and the (unintelligible) pay, makes you just come back and say, and I said I'll wait for (unintelligible) conversation, unless you just (unintelligible) to begin.

Man: Yes.

Woman: So, I might just sit there on the table (unintelligible) identifying the fee that...

Man: Yes. This is kind of more like this diagram here in the general sense. But one of the questions that they might (unintelligible) actually sit down here. (Unintelligible) to be external to (unintelligible) the relation process.

Woman: Yes.

Man: And I think generally, they're mixed with (unintelligible) of the application's time as part of the process of getting it to (unintelligible). But at the same time, because you're opposing (unintelligible) and opposing custom market and generally, that the complainant would pay some fee because if they - if the complaint is successful maybe they get a (unintelligible) on. But at least they've got to be careful and not just deliberately (declare) incentives to drive somebody down...

Woman: Okay.

Man: ...if the game is (unintelligible).

But that's something they're going to try to come up with (unintelligible) listed in this room, hopefully the (wrong) group that could give you another process that (unintelligible).

Man: All right. So, let me just - just let me finish on this and then we'll step back.

So, this is the plane where ICANN makes the decision. This one here is something in the middle and (unintelligible) trying to get some advice on that. This one here so they, you know, strive (unintelligible) to say as - I will just flag it and allow the complainant to (unintelligible) the possibility that the (unintelligible) is getting external (unintelligible) words actually more or less that's something that sits back in (unintelligible) and is actually (unintelligible) provided it may have some grey areas that's geographic or something. So, it's just about (unintelligible).

And then this last one I'll be going (unintelligible) to generate certain legal norms like morality or public order. Again, kind of going more towards three to four.

So, three is (unintelligible). So three is both to be identifying a (comparable) issue - complainant to file it formally.

So, identifying the possibility can make, there's a whole bunch of public comments about, I think that would be Number 4 here. There's a whole

lot of public comments from a particular, you know, leading community or something that recognizes particular words.

So you can certainly report that in your report then you have a - your respective comments on that. So you're actually...

Man: How is that everything one? Are you saying one that we could not even (unintelligible) and comment about these things?

Man: Yes. Sort of not (unintelligible).

Man: (Unintelligible), they were very (unintelligible). I must admit I was thinking that ICANN will have a...

Man: The one would be a situation.

Man: Yes.

Man: Which when...

Man: (Ron) was seeing the situation where the examining officer, the expertise and ICANN thinks there's a possibility here. But (unintelligible) enough, there's nothing in public comments because by then it's 200 TLDs down the road and nobody reports this to the president.

And, this still is an issue, huh?

So, that's why it comes back to me in terms of, you know, I mean it's (unintelligible) easy if we're talking about examples to do with

variations on (unintelligible) because who knows who's going to be (unintelligible) from watching very carefully, huh? Until it gets more and more difficult as the process goes on.

And that's what we're designing today. So I think that (unintelligible), that's where (unintelligible) duty becomes clear again there. And that's why, you know, does that - it comes up different between the complainant base system and I'll say ICANN choosing to file which sounds a bit strong actually. All ICANN is identifying then is possible issue here, let's go and talk to the guys whose got the expertise.

Man: Yes.

Man: I think the difference, yeah, and this is the areas that provide. All was using the ICANN in the said stand that you can (unintelligible) like (unintelligible) issue I must admit, rather than public comments bodies that (unintelligible). That's sort of (unintelligible) if there were no public comments so that's happening. But the stuff we have brought out there said, you know, we don't like this for morality reasons and it stops (unintelligible) there.

I think you're saying that getting to certainly on the one to provide the (unintelligible) travel.

Man: I think in all cases, we're going to summarize public comments...

Man: Yes. Let just...

Man: ...our reports. The ques...

Man: ...let the public comment (unintelligible) of this.

Man: So the question is does ICANN hire people to give professional evaluation of report on trademark ground and morality ground.

Man: Yes.

Man: Yes or no.

Man: Yes.

Man: And if we find those issues, what's the effect of that? Does that (unintelligible) on the appeal or does that just support (unintelligible) our complaints or not?

Man: That is exactly the question I'm asking you. Yes.

So, as ICANN gone high and pay the (unintelligible) it has taken internally that might similarly be the (unintelligible) and speaking through the reports certainly. So that (unintelligible) nothing could be just relying on public (unintelligible).

Man: Yes. You get public comment (unintelligible) to summarize them.

Man: But you don't go and get an expert, you don't go and have your (unintelligible) come up with a raising voice that (unintelligible) string.

And then the four, where you're actually going as far as not on the timetable but making a decision. As I said, Number 4 I'm saying, it's with the typical one, which is basically you can do that.

((Crosstalk))

Man: But with higher penalties.

Man: You need to have an examiner and the effect of that again is (unintelligible) strong.

Man: Yes, yes. Whereas, I mean reserve words I'm saying that are similar or like (unintelligible) reserve words to take them with (unintelligible) on the way. And then the last one I'm saying, we don't make the decision. But probably, (unintelligible) are going in succession (unintelligible).

Man: Let's take a look at some (unintelligible) those numbers are way off.

Man: What I'm trying to say is this is a sense of giving (unintelligible).

Man: (Bruce), could I make a comment?

(Bruce): Yes, just go ahead (Alistair).

((Crosstalk))

(Alistair): I'm just wondering whether we should take one side to all approach to this or whether the option of having ICANN staff identify problems may be more applicable to some rather than others. And it seems to me that something like confusingly similar so long as the criteria was really black and white, that might be something that we might wish to leave to staff.

But something like (come through) to the legal norms where licenses and morality and public order, that might be something we would be - where we would just rely on public comment.

So I just - I'm just wondering, I mean the suggestions seem to be, at least from what I can gather, was that this might be sort of an approach that we might apply to all of those criteria. But my suggestion would be an (unintelligible) not only apply to some of them.

Man: No. So (Alistair), that's the process of doing this legally. But we all thought the full cost here on ranking those as to help (unintelligible) down that we expect from these guys and so I'm trying for the first one around confusingly similar, you might get closer to Option 4 and Option 4 is that ICANN makes the decision, particularly if it's placed around (English) strings and, you know, (unintelligible) well, within ICANN (unintelligible) period to about increasing the legal rights of others so basically saying that ICANN would rely on another party to make that decision.

Then we sort of (unintelligible) stability, we're saying ICANN would make the decision so we're moving more towards making decisions and present with (unintelligible) ICANN making the decision.

And then legal norms related to morality and public order was made towards, again, an external party normally righting the complaint and making the decision.

(Alistair): Oh, no. That sounds fine to me. Sorry, I have said the problem was nothing particular about...

Man: Yeah, that was brought up.

I am sort of (unintelligible) (constant screams) but we've got some (chorus). I don't know whether anyone else could verify with...

(Alistair): I'll try then but they haven't been working for me anyway but I think it's worth it.

Man: Every (unintelligible) is telling me that this works in the (unintelligible) broadcast so maybe try it again, (Alistair).

(Alistair): Okay, I will.

Man: Thanks. Let's put...

Man: Thanks, (Bruce).

Man: I just wanted to make the following observation. One of the things that I am talking through with the legal things we need to work through is not just essential contractual law or contract law type reactions to something, you know, you could just (unintelligible) which for applied contracts or even the party of initiative more things, you know, that's (unintelligible) in front of the U.S. term but I think some of you will know that's sort of been through (unintelligible) we specially call this process (unintelligible), the only thing (unintelligible) is negligence.

And firstly in IBM and what have you (unintelligible) examples, but, I mean you have this right to do something. If you fail to do it, and I'm not getting an (unintelligible) from (unintelligible) so I'm going to bring

negative effects against you. I need to again, you could think that's true.

And, that's one of the (unintelligible) on (unintelligible).

The other observation (unintelligible) this is only (unintelligible), this is the first observation in the context of this against your future ground, right or throughout the future. But I think that's the past - so it's the future.

But I also continue to worry that that's exactly what public comments are in this context and what is the (status).

To me, it's clear for public comment points out some (unintelligible) that didn't point that as potential bridge or a clear thing that's been laid out as being criteria, I mean it's quite clear because the public comment or opposition not based in any of the criteria, does anyone know what it is?

Man: (Unintelligible) probably this is (unintelligible) this is that (unintelligible). What I'm saying (unintelligible).

Man: Is that a compliance against the criteria so we can debate whether without the criteria there but the public comment focuses against those criteria.

Marilyn: (Bruce), it's Marilyn. Can I speak in support of the question that (Paul) is already (saying) of concern that (Paul) is raising.

When we had the first round of responses to the green paper, we had a (121) out of 400 contribution (process) that came from a single individual, who, you know, basically managed to submit (121) comments. If you have counted the number of comments, you would have thought you had roughly 400 comments. You had to read them in order to see that you had a problem.

Several of the - really the public comment process we have today, I think we all can look at it and see that it's not what we envisioned it to be the role that it provides what we hope it would provide. And...

Man: Going to this diagram, what we have, at least unidentified two different things, there's public comment and there's objections by (unintelligible) so there's the (objections) of this for the formal process.

Yes, (Mike).

(Mike): And one can look at this in the context just with what happened with - just say the VeriSign settlement agreement. You know, public comment is important to help staff and the board make the final decisions. But at the end of the day, the ICANN board has to do what it thinks is its fiduciary obligation to do.

So, you know, with regard to public comment, that's okay. It's okay to have noise. You know, I think back to Stuart Lynn, "A noisy ICANN is a healthy ICANN."

So, you know, if in fact there is a flood of comments, okay, it's just like we - not in a way from the direct selection. We're not going to sit there

and do with (tick box) here of there five, four, six (again) or, (500) or (600) again.

What that is, that is just another metric by which ICANN do, if you will, the process could be undertaken. It's just another variable. And it should not have any veto rights because someone is - was able to stop the ballot box more or either for or against an application.

Man: All right. Any other comments on this?

Man: I tend to think that what (they're) trying to get is (unintelligible) on this sort of stuff from the point of view of implementation.

Woman: So let me ask a clarifying question...

Man: Yeah.

Woman: ...and follow up.

So, I think, what (Mike) is - I think, (Mike) (unintelligible) is saying was sort of what I was trying to say, and that is, public comments may have value but they have to be assessed, which adds a - and understood and taken into context, which does add a - not just a summarization function to the staff role.

((Crosstalk))

Man: Yeah, yeah.

Man: So the public comment was about the technical financial operational capability of the organization. You'd expect that that should flag issues that either, you know, (unintelligible) that comment in favor of (ballot), or that in itself puts you into this (unintelligible) (ground), which is a more sort of on the left-hand side, a more thorough evaluation on the technical financial operational qualification.

Woman: Uh-huh.

Man: So that's an example of where the public comment could be used because it's like someone just identified that half the main service (unintelligible) they claimed to have done actually worked.

Woman: Right.

Man: And then you go right. Well we need to go back and investigate that to summarize it in the report that (issue the same flag) and then you say it's starting to just (extend) this elevation process.

((Crosstalk))

Man: (Thank you).

Man: (Just one of the regionals) here on public comments. I think we should be very aware in our choice of mechanism in the - on the questions of morality.

The area where public comments are going to be - (the crank is) and the most unreliable are going to be on questions of morality.

Woman: Yeah.

Man: Yeah.

Woman: Yeah.

Man: That's right.

Man: And that's why we would, be as much as possible, ICANN itself not adding its own comments into that to summarize comments and then just nearly point out to those complainants what they need to do, so I want to do it formally.

So you'd almost have a response back (unintelligible) with, which is just basically (unintelligible) and (unintelligible) complaint. You know, those (unintelligible) that ICANN don't (unintelligible) at the right place.

(John)?

Man: Yeah. (John).

(John): (Unintelligible) (for a second) (unintelligible), but the point of (unintelligible) issue on morality and things like that. It's in contrast (unintelligible) have (unintelligible), there won't be an (obvious party) and the obvious complaining party, maybe a response to (further) comments that it is against (unintelligible), again, the interest of good (unintelligible) and so on (unintelligible) so forth (unintelligible) (you find the) catholic church (unintelligible) of the party in (unintelligible)...

((Crosstalk))

Man: If I use the, you know, Australia with that - that the public (unintelligible) if I actually got (unintelligible) and say to make a whole lot of (unintelligible) comments about the Catholic Church.

People would hear that (unintelligible) compliance of that (unintelligible).

Man: (Unintelligible) can complain...

Man: Yeah.

Man: ...(unintelligible) and...

Man: You have all (unintelligible).

Man: And (unintelligible) and if they don't, there still will be an obligation (unintelligible) to explore that. So my point really was that in manual (unintelligible) they can rely upon their being all the parties to present the opposite view when this is (unintelligible) have to be both the advocate of the devil (unintelligible) in, at least, in a - one has to consider what sort of (unintelligible).

Man: Yeah.

((Crosstalk))

Man: I think that's when (more work) needs to be done on what (unintelligible) particular category, what...

((Crosstalk))

Man: What would be external body be and what would be the (nature of complainant) because that was (unintelligible) (very complex) and (unintelligible) this government sort of (unintelligible) the government want to be a complainant (unintelligible) particular organization what to be a complainant, if they don't, how do you get - how do you (unintelligible) (complainant)?

Man: Yeah, I think that sufficient (and I think it forces) lawyers and others that will help define somebody who brings (unintelligible) particular things (you) pointed out. They cannot (really make) - you may have done this after lunch and I had made mistake (unintelligible).

But the one gap for me that's still sitting here is going to be (unintelligible) that its (unintelligible) execution and since the (unintelligible) association with institutions, where I'm not certain that the international (unintelligible) cover and people (unintelligible) lively association and I think that's a good example, you know, (unintelligible) people have things of the institution.

There's a series of questions here about - how do you evaluate that (because) I think it's still one of the areas that we need to think more about and be more (unintelligible) on, not (unintelligible) for anybody (unintelligible) staff level, I mean, (unintelligible) just so you get some flavor. I mean, we had such a long - have a good discussion. I think, we have that this is, what do you do about the things that your mom told you not to talk about (unintelligible) and politics to start with, right?

Or what you do with those at the topics and (unintelligible) define the public order and morality wording and (unintelligible) many places around the world (unintelligible) there's really a way we (unintelligible) deal with that.

When I get to sort of politics for instance and association of membership things, they're (not struggling) certainly at the moment to try to find some objective voice and objective (unintelligible).

But I just (unintelligible) flag, that has been an area that we need to do more (risk) on, I think.

Man: (Unintelligible)...

((Crosstalk))

Man: (Unintelligible).

((Crosstalk))

Man: (Unintelligible) (we should do that) (unintelligible) (a coffee).

((Crosstalk))

Man: I mean we're going to be (talking) (unintelligible).

Man: (All right).

Yes.

(Unintelligible) I think it's probably down with this particular topic that you raised, (Philip)...

Man: Uh-huh.

Man: ...(unintelligible) just (unintelligible).

So the next topic which I think (unintelligible) have a break for five minutes or so or 10 minutes is on the topic of the allocation criteria, and it allow me to kind of get the right (text stuff) (unintelligible) talk about. This is where (unintelligible) people that want the same (unintelligible).

Woman: So I think before we break, I've got three questions for the group. It's about logistics and what's going to happen tomorrow.

(But I think) have a show of hand for the number of people who are going to be at the (X 10 o'clock) reserved name working group, please.

(Unintelligible) (and talk with you) (unintelligible).

Man: (Sure), (unintelligible).

((Crosstalk))

Woman: Could you please...

((Crosstalk))

Woman: (It will vary in one of the small realms), but we just need to make sure we have the right amount of materials.

((Crosstalk))

Woman: How many?

Woman: (Thirteen) questions.

Woman: And (unintelligible), can I ask the questions?

Woman: Yeah.

Woman: And we have people who'll be...

Woman: (Open)?

Woman: Yeah.

Woman: Yeah. We're just talking about logistics in the room.

Woman: (Unintelligible).

Woman: The second question is, could I have another show of hand for those who'll in the room for the (Feb '06), the same reason, could you just put your hand up, again, please?

Man: Yeah.

((Crosstalk))

Woman: Sorry.

((Crosstalk))

Woman: It's all right. It's all right. You don't have to be there.

((Crosstalk))

Woman: Could you please hold your hand up...

((Crosstalk))

Woman: Who will be in the room tomorrow for the policy (unintelligible) conditions (unintelligible)?

((Crosstalk))

Woman: Hold your hand up.

Man: (At the) same time.

Woman: No, it's (after) 10:15.

((Crosstalk))

Woman: (Unintelligible).

Woman: And last question, for dinner tomorrow evening, who's interested in being involved in a dinner, please...

((Crosstalk))

Woman: (No, it's not) (unintelligible).

((Crosstalk))

Woman: Yup, (to me - saw that)...

((Crosstalk))

Woman: Would you mind, please putting up your hand if you're interested in having a dinner tomorrow night after this session on the policies (unintelligible) GACC (unintelligible), please?

((Crosstalk))

Woman: Thank you.

Big hand...

((Crosstalk))

Woman: ...you were going home.

Woman: Tomorrow night...

((Crosstalk))

Woman: ...Saturday evening.

Should we (cap) that again? Sorry, you are?

((Crosstalk))

Man: ...go to the (Oscars).

((Crosstalk))

Woman: Thank you.

(Unintelligible).

Man: Yeah. I just like to (unintelligible) 10 minutes...

((Crosstalk))

Man: I definitely need that.

Man: Yeah.

Man: (Unintelligible).

Man: (Unintelligible).

((Crosstalk))

Woman: Thank you.

((Crosstalk))

Woman: Yeah.

((Crosstalk))

Man: Understand that.

((Crosstalk))

Man: The one we (support), (ask) about...

((Crosstalk))

Man: ...be in the same room...

((Crosstalk))

Man: And I'm going to start at...

((Crosstalk))

Woman: No, no, no.

Woman: Well...

((Crosstalk))

Woman: What is wrong?

((Crosstalk))

Woman: I haven't said that.

Woman: Where, where?

((Crosstalk))

Woman: When?

((Crosstalk))

Man: We hire experts...

((Crosstalk))

Woman: Yeah, that's (unintelligible).

((Crosstalk))

Woman: Yeah. But...

((Crosstalk))

Woman: Yeah.

((Crosstalk))

Woman: So that's good.

((Crosstalk))

Woman: Yeah, we will. So, yeah, and that means...

((Crosstalk))

Woman: Yeah.

((Crosstalk))

Woman: Okay.

((Crosstalk))

Woman: Okay. I'm...

((Crosstalk))

Man: And then in (1996), we have a meeting...

((Crosstalk))

Woman: Right.

((Crosstalk))

Man: ...we're encouraging (applicants) to resolve (unintelligible) between themselves and with (unintelligible) sort of mediation forum or a place to do that.

Then (unintelligible) still now agreements then there was some places where we evaluated the level of support for each of those applications, so if it was using this (unintelligible) library, if we have two parties at one (unintelligible) library, they couldn't agree (unintelligible) useful (unintelligible) easy one for me.

But I have (unintelligible) organizations at (unintelligible) and someone in Europe, someone in Australia.

But have (unintelligible) the community with - of football supporters that I think they're going to get lots of registrations or lots of football games and I can't resolve the dispute.

So then we're saying, okay, if I don't agree then we're going to do it just really on some objective way of measuring support and so it's okay. We're (unintelligible) all the Australian football club (unintelligible) and support the Australian application and all the European soccer club go and support this because it's more Europeans and Australians and European wins.

So it's some way of getting this measure of support, so I get (unintelligible) football.

And then we're saying is if we had - if at that point, the level of support was still the same so we had 100 supporters (unintelligible) 100 supporters at the other and then we were saying, okay, well that's the (unintelligible) make a decision based on mission and core value.

So that was sort of the output of the yesterday meeting and we've lost a little of the detail in the report at the moment. That is my recollection of (unintelligible) (in Amsterdam).

In São Paulo, at least, (unintelligible) was very (unintelligible) number three in that, you know, he really did want the ICANN board, again, ultimately getting tied up and to try to choose (unintelligible) football.

And as much as possible that there were some methods that resolve that would add as - ending up with (unintelligible). So let's (unintelligible) where that link to and generally this is a similar discussion about how you deal with lot of the firm on string criteria that on the string criteria were saying, "Well, we're directly not an ICANN and here is not a technical issue review some international arbitrage forum.

In the string contingent, the question is what kind of forums might exist and this is highly related I think to what (unintelligible) was saying and I think (unintelligible) saying is that if you added into the criteria size and similar sort of issue, if one of the criteria size is a kind of a membership or a community (unintelligible) or some sort whether the community is of total support of a community (unintelligible) or whatever it was.

If this particular process is about trying to resolve the difference between three applicants and I think the scenario that they had raised is more a case of somebody who's not an applicant as a group that he doesn't want that name.

So let's say a European just want about football and the Australian say, "Hey, we want that football. You should be able to have it on your own."

And certainly there's thing (unintelligible) I think in the (unintelligible) all the folks that (unintelligible) trouble obviously had a time (unintelligible) in the troubled industry that didn't want them to have that trouble.

Yeah, so we've seen this behind already and the question is how do we resolve it (unintelligible) at least on this point too was the process (unintelligible) support if (unintelligible) had that to be done without (unintelligible) fundamental issue.

And, you know, (unintelligible) you have a lottery or (unintelligible) something else and this is really being the fundamental disagreement (unintelligible).

I think one side was saying we have this evaluation process, we determine who has the most support, we determine who is the most legitimate - who is the legitimate person that has that football.

So we have this sort of evaluation that who's legitimate, who's not, how many support that you've got, how many support did they got and how did they possibly built in a way that wouldn't be manipulated somehow.

This is another approach which is a balance of an option in which the option (unintelligible) have the resources to win the option (unintelligible) but that's where we are on this topic and I don't know if (unintelligible) want to just comment on the proposal (unintelligible)

which is in Part 2 of having an objective (unintelligible) support for a particular TLD. Do you want to comment on that?

Man: Microphone.

Man: I'm sorry. I should (unintelligible). But he pretty much summarized the issue I think in the lot of those discussions as we work through essential criteria or potential (unintelligible) to that issue. We could just (unintelligible) of gaming ways to game (those).

And we've been looking at that going (unintelligible) look at that, we can just see great difficulties to have to come to conclusions (unintelligible).

Man: So, who wants to comment on this one?

Man: (Unintelligible).

((Crosstalk))

Man: (Philip). Thanks.

Man: (Philip), yeah.

(Philip): I appreciate the concern about gaming much an issue but I (unintelligible) contradiction between the ability - the successful ability of ICANN to (unintelligible) evaluated a bunch of (unintelligible) there was a name.

I'm going to head on the basis they (unintelligible) there were domain and statement that were now concerned about that gaming either by evaluation process that completely authentic and gaming happen (unintelligible) in this case (unintelligible) to go back square one or indeed there was some value in that process and we can then leverage that value going forward to this area (unintelligible) contention.

It is hard to understand more dimensions of the difference between the formal process with (unintelligible) and your concerns here about an evaluation between (unintelligible) which is sort of (unintelligible) what's saying or...

Man: Yeah. I think you're right (Philip). It is essentially saying that we use (unintelligible). I get sponsorship (unintelligible) what it really is the contention in the previous round but you still have to prove that you had some support from that organization which is kind of similar.

The only difference is what we're comparing three people based on the same string (unintelligible) quite a bit more gaming if you like.

Woman: We did on that well, didn't we?

Man: Well, mine is setting sort of (unintelligible). You know, question is really (unintelligible). My understanding is so much come through from this group so far is that it's not supposing the sort of sponsored not only define sponsored type of applications (unintelligible) they do compare.

And the second one is I agree with (unintelligible) about this is not - actually, I haven't seen that for similar - we haven't seen that resolving contention between so much string.

Man: (Unintelligible) there were two (unintelligible) applications. Luckily, we didn't have to (unintelligible) one of the (unintelligible) application didn't satisfy the technical and business criteria so they drop down.

Well, yeah, it was too (unintelligible) results, there was the result of a process invented in 45 days between the board resolution and the (REC) so there was not a mechanism in place for resolve in the contention of it than to encourage the party other than to have the party each nominate alternate strength as part of their application and then encourage the party to work it out for themselves. So we didn't actually reach that question.

Man: So (unintelligible), I think your question is really regard to scalability so in allowance of ten, you know, where we divide the process beforehand, you know, we got through that but in rounds with many more application and that, and they're in interest of the party, in some cases there might be a sponsor versus a unrestricted TLD and in some cases it would be unrestricted TLD for every - as we, you know, put on the table and throw out scenarios for every comparative evaluation method now we developed, you know, whether it's a public support or the demonstration of preexisting community, you know, we can work to get around that.

So, I think, you know, it might be some professional question to resolve on (unintelligible) engine about, you know, who represents that community or something like that.

But after that, because the volume of applications and the very (unintelligible) you can't develop a methodology that's going to work in all cases. And so then it's going to become problematic.

Man: Uh-huh.

Man: Come on. Let's talk about scenarios for how we might do it. You know, the more simplistic is the number of votes of support (unintelligible) the number of expressions of support for TLD folks. So certainly, that can be caught around speaking of the size of the applicant (unintelligible).

Man: Yeah. And, you know, we even talked about applicant - you know, if there's ten applicants maybe three of them combined during the application process now is that the same application (unintelligible).

Man: Okay.

((Crosstalk))

Man: (Unintelligible), this presentation is good work. This representation has been demonstrated by community which is normally an existing association or combination of association (unintelligible) been a very good example in terms of putting together a coalition of existing (unintelligible) association.

(Unintelligible) to me is being relatively simple thing to be able to judge. I mean those (unintelligible) inherited (unintelligible) association can become - be seen. And probably, this could be more difficult cases but

I'll be very conformed about abandoning the whole concept simply on the basis of (unintelligible) difficult.

Because (unintelligible) saying is let's forget about the whole ideas from the TLDs. It was a nice try but it is too difficult going forward assuming and (unintelligible) which strikes me as a significant turnaround (unintelligible) come to here.

Man: Yeah. So it's a sort of quick (unintelligible) the concept of sponsorship in the last run would actually (unintelligible) have a TLD so that particular round, the input to that round was (unintelligible) sponsor and that's how you're going to that round. That was the criteria.

(Unintelligible) contention, that contention - it wasn't the use of contention but you can be some example (unintelligible) where that method is used to deal with contention. What's the sort of (unintelligible) equivalent (unintelligible) he's got the most support to have this (unintelligible).

Woman: It is (unintelligible) by (Philip) and if the examiner has to determine what your preference is then it would - if you have to prove that you have - I should let somebody who knows more than (unintelligible).

Man: Yeah. So, this is (unintelligible) we can have that resolve.

Woman: Let's say you're trying AT&T had for instance a common law brand. At the time by the way of (unintelligible) launch of the sunrise process which put us in total care about whether or not we would be able to be reserve our name in .info and .biz. It's a famous among all brand but when an examiner in another country looks at whether or not we have

presence, they basically are determining the visibility of the presence.
They're making a judgment.

Man: Of what (unintelligible).

Man: It only applies - I know certainly, (unintelligible) generic world in
Australian, I have to sort of show that I (unintelligible) which can be,
you know, (unintelligible) material and things like that. So I don't think
they actually asking the community to sort of (unintelligible) and say
whether or not I should have that.

Man: You know, if you're applying for generic word, you're not going to get it.
If it's too (unintelligible) with the product which you're applying the
generic word because it's generic. That's already a reason for
disqualification.

The process to contention mostly works for the challenged process you
are applying for name somebody else says, "Wait a minute." That's a
bit too place to our existing name and then you have a challenge but
it's a bit difficult.

Man: (Unintelligible).

Man: Well, then you have the other (unintelligible) another company making
a direct - they have a window of opportunity to make a challenge to the
examining office and that goes into a (unintelligible) proceeding of the
examining office conduct and makes the judgment. And that judgment
isn't either accepted or (unintelligible).

Woman: Does it (unintelligible)?

Man: No, because they're not - it actually is stopping. Contention in that case maybe stop a registration going ahead. It's not a competition.

Woman: (Unintelligible) what you mean.

Man: Yeah. Yeah. It's not a competition for it. So it's not - there's not (unintelligible) because the trademark world is continuous. It's all a batch process which is what we're designing.

Man: Yes.

Man: So that's where the difference lies.

Man: Could you give me an example where something would be used for contention? Let say (unintelligible) want to be the same thing and (unintelligible).

Man: I'm sorry. I can't give example. We have designed though that we have had that discussion based on our domain name where history with sponsor name thinking this is a (unintelligible) test because we (unintelligible).

Man: But that's a selection criteria. It's neither they use (unintelligible).

Man: We don't have a domain name scenario. We haven't either have the goal contention.

Man: No. So (unintelligible) is not example of one obviously. We had two (unintelligible) and one didn't get through the whatever (unintelligible) get through (unintelligible).

Man: (Unintelligible).

(Alistair): Hi, there (Philip). Can I join the queue? It's (Alistair)?

Man: Okay. So how was that resolved?

Man: Yeah.

Woman: Can we just make sure...

Man: (Unintelligible) I agree with you and then the question is what method was used, it was this method. So (unintelligible) could you say...

Woman: Judgment was used but I want to make sure that (unintelligible) agree with (unintelligible) judgment. Did you get (Alistair)'s request to the (NEC)?

Man: None. (Unintelligible).

Woman: Yeah.

Man: Yeah. It works.

Man: Yeah. And I think at some point, in his contention area, yes, ICANN will have to make a decision based on what factors you think are relevant.

I can tell you that in 2000, our constituency evaluated all of the application including those that were contentious and I think there was more than .biz, I think there were a couple of others...

((Crosstalk))

Man: ...others in which they have more than one requests.

Man: Yeah.

Man: Yeah.

Man: And we presented our findings in board which proceeded to ignore almost all of them but I mean, it can (unintelligible) a lot of input if (unintelligible) we thought were most important.

And I just don't - I think this is some what inherent in the situation if you're going to open up around and say people can apply for whatever thing they want.

Inevitably, we're going to have some (unintelligible) attract more than one application and that don't fall out through all the other three that you have so...

((Crosstalk))

Man: Contrast a little bit in the first round but the concept is a little different as well because ICANN wasn't trying to (unintelligible) to everybody. I can't (unintelligible) so let me (unintelligible) application that

deliberately trying (unintelligible) there I think (unintelligible) looking at the (unintelligible) of the hall.

So what was saying which got where (unintelligible). I'm not sure the direction trying to resolve (unintelligible) organization.

Man: Yes. But in the course of that, I did that (unintelligible)...

((Crosstalk))

Man: Interestingly, there was some discussion with the applicants (unintelligible).

Man: Okay. So let's go back to queue.

So, I'm interested in (unintelligible) have examples of how this can work in the real world. So whatever we're suggesting is not a policy of I think (unintelligible) make sure that it's (implementable). We have some examples than can be delivered.

Man: Okay.

Man: Yes. I think that since we're not talking about sponsor and unsponsored anymore, we have a different scenario so the one I remember we discussed the (unintelligible).

And I think actually that any string which is presented would be associated either with a community or a market or some specific say group of interests, and whatever that is, the bond have recognized stakeholders - I mean fundamental players or association that (Philip)

was mentioning. Something you can measure that support by which should not be too difficult to identify.

If it's a wide - let's say if it's a string which covered the wide range of possible interest, in society, you have four very, very significant sectors which we normally consider in our association which are the private sector, the academic sector, the civil society sector and the government.

So if that train can show adequate support from those sectors then I'm not talking about individual people adding votes because you can get - I don't know, hackers organization to assemble 50,000 votes very easily.

I'm talking about reputable stakeholder organizations representing any of these sectors so it doesn't seem to be all that difficult to make a judgment on what level of support a string may have versus another one.

Man: (Unintelligible) organization.

Man: Well, our organization may have the advantage that they represent a number or larger or smaller members that (unintelligible) International Chamber of Commerce might be a good example of an association in the private sector that clearly has a significant membership.

And they supported string while I could - I would find it difficult to contest fact that they have - that that string is supported by the private sector or commercial sector.

Man: (Ryan)?

Man: I think it possibly could make sense (unintelligible) an idea, it could make sense where part of the acquisition process, the applicant declares their filing with community support versus you're not.

And if you are, you are at that point in time able to submit information prior the application to demonstrate that support so (unintelligible) contention you should afford get to contention.

If you are an applicant that files for a particular string and you've not declared to have support, you're going to see behind those that have assuming that the ones that have can - are actually able to be approved what they're said in the application. There'd be a way to address this before it all get to this point in time.

Man: If you have two applications (unintelligible).

Man: Understood. I only have that answer at this point but at least at this point, you are filtering out those that don't and therefore...

((Crosstalk))

Man: (Boys), can I join the queue?

I was just thinking of an example. It's (unintelligible) one here in New Zealand. It relates to (Meliorate) tribe treaty claim processes where (Meliorate) tribe claim for writing of historical wrongs and the tribe has to demonstrate that it's a legitimate tribe so it has to provide documentation and historical documentation to say that they are a

tribe, that they existed in the particular area, that the community that they're supporting to represent isn't safe one that actually genuinely exists.

And then I have to say support from my community to identify that indeed they are legitimate. And it seems to me, these are parallel here that I think (unintelligible) applicant should be providing material to indicate that they are supported by who they claim to be being supporting by.

But obviously, you need to cheat with those organizations and individuals that yes, indeed this was (unintelligible) claimant, that the claimant - that the person he was saying them sponsored actually was supported by those organizations and by the community.

And it seems to me that is really simple chicken balance price. There are so many difficulties. I mean, you would (unintelligible) for example - I mean, I think the good one - you know, if you had that football does that mean that I only - the football association is a legitimate organization and not the Australian Football League (unintelligible).

I mean, I think that really where a judgment has to be made as to where the really do we (unintelligible) or do we make it wide open or do we (unintelligible) through to some other proceeds either option or some equivalent method.

Man: (Unintelligible) but you had scenarios with (Meliorate) tribe or grouping (unintelligible) actually getting land (unintelligible) I'm saying what they get when they get to (unintelligible).

Man: They get land and they get money basically and some guys, they also get fishing rights...

Man: Right.

Man: ...possibly mining rights, possibly mineral rights, quite a range of rights actually.

Man: (Unintelligible).

Man: Multiple example. It is - what it seems to be is that it seems to be two competing sub tribes and there's a whole lot of (unintelligible) what is the tribe so they have to demonstrate that they indeed a tribe. But they - yeah, that's really the situation.

Man: (Unintelligible) the same piece of land (unintelligible) court decision?

Man: Yes. It is ultimately a court decision but they have to - they basically have to show that they have existed in that area for basically the longest period of time, that they represent the majority of that community, that they have to demonstrate the history in that area and demonstrate it (unintelligible) area, you know, that there are actually some area not somewhere else.

And so they do that by basically - I mean in the case of livelihood historical record that they (unintelligible) this is a particular context here. But I mean, I think - and I also get, you know, - they also have to demonstrate that they have support from their community so they have to provide documentation to, you know, confirm that they had support from making industry.

Man: Maybe the equivalent that I'm thinking that if it's a historical (unintelligible) more familiar with (unintelligible) basically (unintelligible) exciting that (unintelligible) legitimate (unintelligible) and then we assign who has the first right to the property. So it's...

Man: (Unintelligible). If we look at this practically, it's fair to say - I don't know (unintelligible) would be but it's fair to say that the number of application that might come in they have a community support versus those that don't would be outnumbered ten to one.

And if we can all do that for reasonable conclusion to make then it's also reasonable to say that most of the contention when (unintelligible) area of contention are going to be (unintelligible) that none have community support.

So at that point, it would be kind of silly to say "Okay, now all you applicants trying - you know, you come up now and talk which one has the most community support" when not one of them declared that they didn't to begin with and that's what (unintelligible).

So it doesn't seem (unintelligible) to add in when your contention and none of them have community support to begin with, it doesn't make sense to me that you use that as a criteria to pick the winner.

Man: And I hope that would be now working (unintelligible) discussed this.

Man: (Unintelligible).

Man: Okay. Thank you.

The question is what exactly the criteria should be is something that depending in the TLD support would not always be the same as to what kind of evidence is going to be accepted. It always depends on specific case.

So, (unintelligible) have to be made by ICANN (unintelligible) will not find the solution. So, I believe that the agreement should be arbitration but arbitration in a way that the applicant can propose and irrevocably accept arbitration form (unintelligible) is what arbitration form.

So if I send an application and if they require to find and identify for instance three arbitrations for in order to (unintelligible) and irrevocably commit to accept their ruling.

If the (unintelligible) then said well, I accept your Arbitration Form Number 3 would then basically just go to that (unintelligible) with that decision then to carry. I have just committed to it. (Unintelligible) not have - to look at what kind of (unintelligible) will be applied.

The two contenders have agreed to accept the arbitrator that will be identified by the quorum and so we go.

Man: What criteria does the arbitrator use?

Man: The arbitrator may actually use criteria that may be specific to that quorum, maybe it's forum, maybe it's for, you know, sports arbitration (unintelligible) football. Who knows? Anybody's - maybe it's for - in career; is it a good outcome and happens in career. It may be in forum in Germany, it happens in Germany.

It would be more logical to have probity to select the forum that is close to the (unintelligible), the two contenders and agree on the forum, then basically ICANN would not have to worry about it, they can agree on the forum.

Man: I'd like to say that a lot of...

Man: ...at that point from an arbitrator and mutually agree on a method of arbitration.

Man: There's one difference to what you say, those parties when they came in had to identify a list of arbitration fora in their application form. They may possibly, I would suggest that as well, also identify - accept irrevocably one arbitration forum of (unintelligible) by ICANN, they just have to accept it because we don't have windows to not agree in one of these stated ones.

So suppose each of one of them has to identify three of its own choice listed by order of simplicity and one identified by ICANN that makes seven fora in total.

Now, if one party accepts one of the others and by the, you know, then basically we just go to that point and close. If it goes before the arbitration forum, then it's possible the - both the criteria go back.

Man: Let's just sort of give an example of that (unintelligible) in application start where...

Man: Uh-huh.

Man: (Unintelligible). What if I get ten applications for dot Web?

Man: Well, it may be...

Man: (Unintelligible) because probably what will comprise this might where between the two dot (football) or dot (unintelligible). They're probably already in the community of (unintelligible) and they might have some way to work it out but are looking at sort of three or five interest groups.

So we've got ten dot Webs available that are going to make lots of money. If we could grant that ICANN does with nothing because they offered, again, to make \$100 million and they all want that for themselves, I just can't sort of see them agreeing on an arbitration in this - and getting into agreement.

Man: Well, each one of them will think I can either wait until it goes - before the arbitration forum or I can cut minus the arbitration fora that is there already and (unintelligible). They may even have by themselves accepted the same arbitration fora beforehand. They probably sort of teamed up Web application, it would have overlaps. And maybe if a number of them came from the US, many of them might have taken US arbitration from (unintelligible).

So it is not excluded that they would actually agree, or if they didn't, the only thing you'd have to have ready precisely before the arbitration forum...

Woman: Right.

Man: That is made by ICANN.

Woman: I understand.

Man: Are you good?

Man: For the full arbitration forum...

Man: There would be an arbitration forum, but if the arbitration - yeah. But if it's just a forum, it is not the arbitrator because the forum has a procedure that will need arbitrators and if not, the arbitrator himself is (unintelligible).

Woman: Right.

Man: ICANN...

Man: No ICANN identifies the forum such as (unicycle) with (matching) those (unintelligible) WIPO.

Woman: Right.

Man: I think the gTLD and these will have a procedure to name arbitrators that is there. Each one has its own procedure or even many of them. But those procedures are ready.

Man: And what - from the outside...

Woman: We can't hear you.

Man: If I - I still - I don't understand arbitration well enough. (Unintelligible)
like gTLD, you both will be arbitrating against the - sort of the
international trademark law.

Woman: If you could maybe...

((Crosstalk))

Man: (Unintelligible).

Man: Maybe clear our concept, if other people can explain more about
arbitration.

Man: Yeah. (David), can you just enlighten the group?

(David): Arbitration is almost universally regarded as legally binding. If you have
an agreement to arbitrate, as it is in the US and, I believe, in most
other countries, you must arbitrate at least two and then the decision of
the arbitrator is the same as the judgment of a court -- it's enforceable
and it normally cannot be appealed unless there is corruption or an
allegation of bribery or something like that, which is very, very rare.

The UDRP is not arbitration. It's a hybrid arbitration and mediation in
which the parties that ICANN contracts -- registrars and registrants --
agree that, as a matter of contract, they will observe the findings of
UDRP panel, but then they're perfectly free to go to court and re-
litigate if they want. And the courts, at least in the US, take no account
of UDRP decision. So it's important to think that UDRP is not
arbitration.

Man: So (David), this is (unintelligible). But just using my example, if ten - ICANN gets ten applications for dot Web then what ICANN says, "You guys go to this arbitration forum."

Man: Yeah.

Man: That arbitration forum, how does it make that decision?

(David): Well, that's the same point I made this morning that this is really not a subject for arbitration. You're asking a body to select among registrants based on the criteria -- the kind of thing that in the US the federal agencies, for example, the Federal Communications Commission will choose amongst applicants for a license to operate mobile phones or radio or television or whatever, satellite, you have presumably an expert body, an administrative body that is entirely different than arbitration and the word really is not appropriate.

It really doesn't make sense to call a body that makes that kind of decision an arbitration body. That's just more comparable to an administrative commission or various other names you could think of.

((Crosstalk))

Man: In other words, there's no such thing as an arbitration that would decide between - for gTLD, ten commercial applicants but you don't know what the criteria is. That's not arbitration. Anyway, he knows that's something else.

Man: (Unintelligible)/

Man: Yeah. I just wanted to point what - (sweeping), one of them being (unintelligible). The problem is that why you say that. The problem is which basis we are deciding.

You cannot do any arbitration. Okay. We have a very high (unintelligible) level. Marilyn Cade thinks and (Amanoshwan model), all of them applying for the Web and all of them are technically prepared, have registries (unintelligible) to what. I mean what are territories that apply? No vision frame of law? Good faith (of tenure)?

The problem is where you send that as long as you are going through the criteria. And here's really important that we submit the sort of things that we're mixing here.

The question of support and especially (Atkins) or relevant opposition is critical when you are addressing a given community. That is, recognizing that there is time and - from the shipping cart, both - those carts will cart along and will (unintelligible) cultural communities.

It's not a question of whether - how many emails (unintelligible) can manage to get or not. The question that for (unintelligible) is there are some entities that can be identified, perhaps ICANN doesn't know how to do that. There are experts that will - can identify what (unintelligible) or the relevant communities in any given linguistic community or sports activity, et cetera, et cetera.

So the manager should initially have some support of them, and especially, no opposition. If there is opposition of relevant players there, you know, you're sent to the next round, your (unintelligible) whatever and, you know, that will be the (unintelligible).

Now, VeriSign was cut for ten (unintelligible) cultural linguistic and cultural community. It's not a question of relevance at all here -- completely different communities.

So the only question that may value in these cases, football or Australian football and football from European football to also American football.

Well, there are different applications and all of them have the relevant support and no opposition from the relevant communities, what we sent to whom through final agreement. And if not, well, you know, one day and that's it and the companies - they won't sign an agreement and they're going to kept or something like that. No problem. Or catalogue, whatever.

The final part is not a question of relevant communities; it's a question of gTLD that's also for the general use not the Web and not same applicants. Here, support is relevant -- completely relevant.

An arbitration is completely relevant so it's (unintelligible). First come, first served option or none of them ha-ha-ha (unintelligible).

((Crosstalk))

Man: Federal organizations.

((Crosstalk))

Man: And as pointed out that if you have ten applications (unintelligible) and they arbitrate, they're not three applications from three different people, but they're actually ten applications for dot Web for ten dot Web and, you know, first come, first served an option or none of them gets it. (Unintelligible).

Man: You know, in her library...

((Crosstalk))

Man: Let's make sure that we are (unintelligible) in the case that we are (unintelligible) a completely identifiable community with identifiable representative institutions, I repeat: a lottery for dot football. It means, you know, if FIFA federation and (unintelligible) on development.

And if you look at - we need something that is a decision that has to be made by ICANN and if the decision is right then you start to - (unintelligible) that's the case but simply sending that to arbitration with no grounding rules for the decision is useless.

Man: Can I just say a couple of points that I may have gone over before?

Actually, we should also think about what economic thinking synergy (unintelligible) like it will come to inclusion because I mean let's say one of your auctions is actually auction of - obviously, they're put up there by the other TLDs, let's say it's one of them, you could say that you've got put \$50,000 in the pot before you can even bid valuables at the auction which might be enough to give them ten different people, force them to go away and have discussions amongst themselves, right.

The way we can sort of either break the problem up into a series of economic (unintelligible).

Man: (Milton Burt) has got off the (unintelligible) line get on the queue, please.

Man: (Unintelligible).

Man: Yeah.

Man: (Unintelligible).

Man: Just one observation to - on the (unintelligible). GAAP principle people like before is the start of a process of criteria that you could put to arbitrators to decide upon, and they talk about being (unintelligible) in the competition, the diversity and service provider diversity.

Man: There is an arbitrator for a (social class).

Woman: I'll be going. Okay. I wanted to bring up a couple of points that have come up.

At one point, (Bruce), you were talking about can you find an exact match to somebody who has used this metric for consensus?

I think we can get a lot out of this analogous method and planning on this that I think one of the incentives - I mean, I have a problem both with auctions and with financial incentives because what we're doing there is always giving it to the deepest pocket and making the incentive

as if you are richer you get it, which, as we're trying to sort of diversify, move into areas that are not as represented on the network at the moment, making a deeper pocket so that - I think we have another incentive though and what's really working out to be a difference between a fast pass and slow pass in your process.

We've got the point where if you can come to agreement and you pass all these other things, you've got a fast-pass system, within half a year or so you've got your name. As soon as you go into that slow pass, you've basically brought yourself two years of whatever -- I mean, of contention, of arbitration, of measuring...

((Crosstalk))

Man: ...deepest pocket.

Man: Good.

Man: By the way, the way Alistair described two systems, increase pockets of knowledge of what they're going to need to make the title (unintelligible) millions of dollars that we want to know. And we had rich - they've always had a huge cup but they're (unintelligible) but essentially, a lot of money gains.

Woman: But I think we have to be careful to not always make the deepest pockets and...

Man: Yeah.

Woman: I mean we've talked about also this other recommendation that we're sort of making that there'd be financial help or whatever for those that don't - but you still don't want to make that...

Man: But (unintelligible) - but when I said auctions, I don't mean one paying more. We'll be the one offering the lowest price to the registrars, or (unintelligible) the one given the biggest part of the price to registrars who are constantly developing infrastructure here or there. So, you know, you might have different areas for that.

Woman: Sorry. I always thought of auctions as who put out the biggest check. Okay, great.

Are those really called auctions?

((Crosstalk))

Man: Those with deeper pockets - so first to pay for item the dealer had written and I thought it was an interesting comment you made there.

It's not necessarily the deepest pocket; it's basically who gives it the most economic value because - and I've participated in auctions for my company for the yearend (time number) and I just sit and map what I was prepared to pay. I could have paid and it was actually just the individuals. One individual could have won that auction because I get my limited air fare in dollars or something and I could have spent a million dollars but I chose not to because I'm evaluated about them.

So not necessarily - you're sort of assuming that Bill Gates because he's got lots of resources will be able to get any TLD at once, but who

says he wants to? He's putting good value. He might be prepared to spend \$50,000 on us and you as an individual because your community might be able to spend more than \$50,000.

Woman: Right.

Man: There's not - not necessarily the deepest pockets, but the one that has highest economic value on the math.

Woman: No, I understand that. (Milton) and I have been arguing about his paper ever since he came out with it, but I often argue with (Milton) about things. But...

((Crosstalk))

Woman: Part of it is the match to his credit, I'm sure. Part of it though is a poor person's notion of what I can afford to put in a rich person's notion of petty cash are not comparable.

Man: I took the first (unintelligible).

Woman: But these are looking around.

((Crosstalk))

Man: Yeah, we already went down that path, I think, and that may happen down the road when there's ongoing process.

Woman: Right.

((Crosstalk))

Man: Okay. First of all, before I make my other comment, am I correct in assuming that an applicant could still apply for basic or a sponsored TLD that's just not going to be a criteria. In other words, they could have a sponsoring organization, they could request that some of the policy be delegated to them, et cetera.

((Crosstalk))

Man: Okay, good. Yeah.

Man: Got you.

Man: I just wanted to clarify that.

Now, the - with regard to the issue of checking support and the question occurred after - when he last commented, I really believe that we can't request for comment like we've done in the past for a variety of issues because all of us know that we - any of us can - and have - not only can we, but we have organized, you know, campaigns to get support for our position, it's just terribly easy to do.

So if anything like that is done, it's got to be done differently than what we've done in the past. There needs to be some - enough information collected that you can kind of really qualify the data otherwise it is just pure gaming. Even though some of the responses may be very valid, they're just too easy to gain.

Now, I'm actually pretty fascinated by what (Amadeo) was suggesting, although I'm not sure the first come, first served method works, at least in the first round.

The applicants that are - that have a strong contention could be provided several options that they could use them on and come to agreement for. One of them could be an auction; one of them could be an (unintelligible) and qualify that somewhat that - to (unintelligible) some of the concerns. Maybe, that doesn't happen, just be an (option) for dollars but some other factor as well. It could be some sort of if it's one that is - must have a fairly clearly defined community of interests if you could (devise) some objective way of measuring that. It could be done (at a) - it could be arbitration and they would have to agree to the terms of how - what the arbitrator will use (today with that) within the concerns of the (RFP) or however you want to qualify that.

And I, you know, I (kind of like) this last option too. If you can't come to agreement, nobody gets it. And that's (an incentive in itself). Now, I understand that that's not perfect either, but it does provide some incentive.

Man: Couldn't that also (unintelligible) as well.

Man: Sure.

Man: But what your (model says is you start to put) an application for (unintelligible). And so, (it blocks) competition.

Man: (Yeah).

Man: It could be. But that's going to be a fairly extensive (unintelligible)...

((Crosstalk))

Man: And you know this better than anybody.

Anything we do will begin.

Man: Okay, (unintelligible).

Man: So, we could think about that and we could also realize we have some very creative people (unintelligible).

Man: (Unintelligible) (I've been) (unintelligible) you can't agree (unintelligible) (get it). But I'll sort of a little bit cautious.

Man: Uh-huh.

Man: I understand.

Man: Hey, Bruce, wasn't there also in here the option of (switch out) (unintelligible) the applicant (unintelligible) their (incentives)?

Man: (Unintelligible)?

Man: (Switch out) like music, (unintelligible) music in one (unintelligible) to another (unintelligible) (songs).

Man: Oh, yes. Like a (unintelligible)? That's right. That was another option. (It's) part of the (unintelligible) agreement that (unintelligible) (two different streams) for example. Yeah, that's another option as well.

Woman: (Unintelligible) about that. That was - that (unintelligible) into another application.

Man: Really, no because (whatever stream I choose) would still need (unintelligible) (out there). But it's another (unintelligible).

But yeah, I think we definitely - and I agree with (unintelligible). We didn't (unintelligible) the idea that that's part of sort of the (mediation). But (unintelligible) football (unintelligible). Actually, you can have (your own) football and you can have American football. So yeah, that is (unintelligible) with that (although), (well), American football would still, you know, be published.

Woman: Sure, yeah.

Man: And (unintelligible), (you know), (has) (unintelligible).

Woman: (Unintelligible).

Man: (Unintelligible).

((Crosstalk))

Man: ...the application may be (unintelligible).

Man: Yeah, that was the idea, yeah.

Man: Yeah. No, (unintelligible).

Woman: Can I just ask a couple of (unintelligible) questions, (Chuck), if you don't mind?

(Will you) - setting up those (unintelligible) (that you set out) (unintelligible) as a way of providing applicants with instruction prior to the beginning of the process that if in the case that there is (contention) that your application (unintelligible) someone else's, then you will be required to (choose) how you wish to resolve that contention.

(Chuck): (And I wasn't and I was really) taking off of what (unintelligible) (is suggesting). So I don't want to take any credit for this. It just fascinated me. I think it (unintelligible).

I wasn't suggesting that they would have to choose. The idea that I liked was that however many parties there are that are involved in a (contention), that they need to agree among themselves on a method to resolve the (contention).

Woman: And then we...

((Crosstalk))

(Chuck): ...options will be provided for them to choose from.

Woman: Uh-huh.

(Chuck): So they get in a room or whatever and there are choices (there) and we agree on one of these that we will agree to to follow in terms of resolving the (contention) and (unintelligible).

Man: (Unintelligible).

(Chuck): (Unintelligible) (next round) (unintelligible).

Man: (Unintelligible).

Man: What you said up there, you said, congratulations to the ten applicants who got shot. You collectively have now been awarded that shot (unintelligible). And instead of (unintelligible) thing where nine guys maybe (get switched to) a different name for a payoff of a million or 2 million or 10 million each, (unintelligible) to sort it out. I mean...

Man: Okay.

Man: ...(either you're making then) - whatever the fair market value, you're just splitting it up among the ten applicants instead of...

Man: Is that a problem?

Man: Well, yeah.

((Crosstalk))

Man: ...that's that the...

((Crosstalk))

Man: (Unintelligible).

Man: (But that's why people are), I mean, they (unintelligible).

((Crosstalk))

Man: (Unintelligible)?

Man: (Oh), (unintelligible).

Man: (Unintelligible).

Michael Palage: Okay. Thank you. Thank you, Bruce.

I think we've got a lot of good (unintelligible) dialogue here. And - but again, I think the original question we were asking is, "Who wins in the (unintelligible)?" And as an engineer, I hate to reinvent the wheel, and what I do as I look around the table is I see (David) who is one of (unintelligible) and is one of 11 people that were going after the dot.org stream. I look at Chuck, who is one of five people who are going after the dot net.

We didn't use arbitration to decide the winners in dot net; we didn't use arbitration to decide the winners in dot org. What we did is we had criteria. Now, as (unintelligible) mention, some of this criteria may be geographic diversity, enhancement of competition, security, stability.

What happens is, you know, what I tried to articulate yesterday is let's not reinvent the wheel; let's use what has worked to-date. And what

has worked is when you have certain people that have - let's just say pay the \$50,000 -- they (cleared) all the trademark barriers, they (picked all the other) (unintelligible) and they now come to the point where there are five people wanting to go after the same stream. What I (can - need) to do is to basically say, okay, it's not going to go into...

Man: (Unintelligible).

Michael Palage: ...- some people will call it beauty contests or the final evaluation so to speak.

Man: (Unintelligible).

Michael Palage: We need to go to Telecordia and that's going to be half a million dollars. There are five of you, 100k each. So that, to me, is what you have to do. And I think when the people need to write that 100k check, that will help facilitate the people coming to potential resolution.

Now, when you go back to the decision - so again, (not), to me, is how you solve this thing. It's pretty straightforward. When people no longer agree or can't agree on something, you have to go to the Telecordia and part of that will be writing a big check, okay?

Now, the issue, going back to, I think, the library discussion that we've had here, and there have been some concerns by the people about how the essence of sponsorship has somehow been diluted or lost. So in the scenario that I will discuss here, let's look at three applications for library. The first is the international organization that (Harry) spoke about; the second is an entrepreneur who thinks he can make some

money off of the library; and the third is a small group of libraries in a particular part of the world.

Now, in that instance, in trying to determine who's the best, because the entrepreneur may be running it as a, if you will, open field CLD, the library organization is probably more aligned to the original sponsorship model. What happens is you should look back to what they did in dot org. And one of the criteria in (unintelligible) allocation was differentiation of (your) CLD.

So if you include as one of the criteria how (you) intend to differentiate a CLD, when you have multiple bidding on a particular stream, you look at how they're going to differentiate. The truly sponsored community is going to come closer to getting that differentiation right as opposed to the entrepreneur that's probably going to prepare throughout the biggest (net) to bring (in) the biggest (fit).

So, you know, again, I think the differentiation. And this is done. You know, let's not reinvent the wheel, let's look at what ICANN had done in the past. It's not a perfect organization, but I do think they've done a number of things right over the years. And I think this is part of the things (you) need to look at in solving a problem.

Woman: Can I just ask Michael a supplementary question?

Michael, there are two examples that you gave there (unintelligible) dot net and the dot org where we did the existing CLD. How do you think these things that (are there) that you just described (fit the same way) for a new CLD?

Michael Palage: I think out of everything that I have heard here today, I think that is the only choice. If you had ten people that are going for a dot WEB or ten people that are going for a dot (unintelligible), okay - and - which (card) do you use (the bank) example (unintelligible) I consult with (affiliates) and (they put that) back in 2000, so let's use (dot bank).

If you had ten people going for dot bank -- some entrepreneur - some people that are entrepreneurial in nature, others may be associated with banking institutions -- if you have that criteria there of the TLD differentiation, okay, and geographic diversity, some of the stuff that the GAC has talked about, this is going to look like the Telecordia report. They are going to have greens and purples and all the other rainbow documents that they do. That's what you have to do.

The arbitration, it's not going to work.

Man: But the (unintelligible).

Michael Palage: Correct.

Man: The Option 3 is - it's (unintelligible) of data for the (unintelligible)...

Michael Palage: And...

Man: ...(Option 3).

Michael Palage: ...the Board was instructed in connection with the dot net that (there was) a report but the Board has the ultimate...

Man: (Unintelligible).

Michael Palage: ...final decision, yes, as their fiduciary obligation, yes.

Man: Uh-huh.

Man: (Unintelligible).

((Crosstalk))

Man: (Unintelligible) that Option 1 is (unintelligible). And then, we're talking about sort of the, you know, (for the show of support), some of kind of (unintelligible) mechanism. But Option 3 is essentially (unintelligible) Option 3...

Man: Uh-huh.

Man: ...(unintelligible).

Man: (Unintelligible).

Man: (Unintelligible).

Man: As an (unintelligible) to the dot org and dot net, here's one point.

I think the only (illusion) - and we talked about here today that wasn't available then was to say nobody can.

Man: (Unintelligible).

Man: Yes.

Man: But (they didn't know it could have been done). It could have been done (unintelligible).

Man: Yes. (Unintelligible) is what you're saying. So your idea is (unintelligible) at the same time a big chunk of money for more (unintelligible)?

Michael Palage: Yeah. And what I tried to articulate yesterday is it's a la carte or pay as you go -- 50k for here if you need to go off and do some trademark disputes through (unintelligible), you know, you pay (unintelligible) for resolving that. And when you get to the point of the process where there are five people contending for one thing, you know, that's when you need to (write) a Telecordia (unintelligible) and, you know, that needs to be known to the applicant upfront. And it will become apparent to them rather quickly once the streams are all published simultaneously -- oh, shuck, there are five people going for what I want -- and I think that will help people focus their (biggest) attention as to how much - how deep are they willing to go into their pocket to proceed with that.

Man: Uh-huh.

Man: (Unintelligible), can I just check whether there's still a queue?

Man: There certainly is, (unintelligible). You're in fact Number 4.

Man: Right.

Man: Well, Michael Palage just spoke, (unintelligible).

((Crosstalk))

Man: (Soon), they'll be broadcasting (unintelligible).

Man: I'm fine. I can (go) with that.

Man: Just a few points.

First, the contention issue, we have to make sure that we deal with it as not just the exact (theme) name. I think all the examples we've heard so far related to (theme) name - dot WEB or dot library. But if you look at our conversations yesterday, when we talk about (confusing) with similar names, when we (say confusing with similar within) existing TLDs. There are going to be situations where there are going to be...

Man: (Unintelligible).

Man: Exactly, (confusingly) similar applications. And we'll have to address those as well.

Man: I also don't want to or would think that it's inappropriate to overvalue the role of a (perceived) community in an application. I mean, a lot of folks have been talking about the community (unintelligible), libraries in the community being (unintelligible).

(For) - the (hotel) associations, for example, could be involved in some of kind of bid, but they are subject to economic (unintelligible). And that is - should that be a (rush on the perceived) industry groups that would

represent or (perceived) to be representing that industry (that are subject to capture)? And I would somewhat concerned about an applicant who'll say, well, I (paid off) X association and that's why I should get it (for) someone else that didn't do that even though they may have a better business model or a better registry idea.

(The first mediation there) is I think that's where the best idea, (David) said, arbitration is not appropriate because (of this classification). But I think medication is (unintelligible), you go through the various (loops) and hurdles and you go down to - you whittle down the number of folks (until the - just) the qualified remaining few are left. (Having them) in a room with a mediator is the most likely scenario (unintelligible) show an agreement. And you (could even) conceive of a - there's a popular TV show in the United States called "Survivor." And you get all the applicants in a room, and if one is not being - if one is not willing to say hi to the other, then come up with a solution that would work for everyone. Everyone else could just vote him or her off and then you just (push), you know, work with (unintelligible).

Man: (Is that really)...

((Crosstalk))

Man: Yeah.

Man: Is that (their) cultural model?

Man: Right. It's just an idea.

Man: That is the...

((Crosstalk))

Man: (Unintelligible). They fight each other off one by one.

Woman: (Unintelligible).

((Crosstalk))

Woman: Okay.

((Crosstalk))

Woman: Bruce?

Man: (Paul's) suggesting that we (offer)...

Woman: Uh-huh.

Man: ...you know, (X money) (unintelligible) reality TV show (unintelligible).

But we've have to do this within a house for a week.

Woman: Bruce, can I just clarify what you're trying to do? (This has been a)...

So, I didn't finish my (sentence) before (they), (you know), (laughed).

You're trying to get a notion of what (the group) is thinking about in terms of what (are the) appropriate ways of resolving (two) contentions

and to get some support, non-support, good idea, not good idea, or you're trying to get general implementation guidelines?

Well, are you attempting to (set) a policy (and) everyone supports a particular way of resolving a particular issue or you're just going to provide general guidance in implementation?

Man: (Unintelligible).

Man: (Unintelligible) have enough (unintelligible).

Woman: Yeah.

Man: (Unintelligible).

Man: (Unintelligible).

Man: (unintelligible).

Man: (Unintelligible) application (unintelligible) probably more.

Woman: More?

Man: Do you agree with that?

Man: I'm talking about the parties that produce those documents.

((Crosstalk))

Man: ...(unintelligible).

Man: (That's not what) (unintelligible).

Man: (Unintelligible).

Woman: Uh-huh.

Man: (Unintelligible)...

Man: (Unintelligible) and...

((Crosstalk))

Man: ...(unintelligible) (and you got it) correct. So yeah, (this is) - (I accept) that that's...

Woman: Uh-huh.

Man: ...the (unintelligible). You certainly don't want to do that.

Man: (Unintelligible). I just want to make sure that (unintelligible)...

Woman: Uh-huh...

Man: ...(unintelligible).

(Unintelligible) how do you win the presidential election? (You know), (you) might do it by an auction...

Man: You do it basically by, you know, (unintelligible).

Man: (Unintelligible).

Man: (Unintelligible) just one comment though.

The beauty of that was ICANN does not (unintelligible) those allocations. (It worked). And I guess that is something - it's something...

((Crosstalk))

Man: Many would say, if it works, don't touch it, you know?

Man: (Unintelligible) the ten applicants (who opened) dot org are the four (unintelligible) dot net. Well, it worked out. And (unintelligible) (where you fit), (how it'll work).

Man: (Unintelligible).

((Crosstalk))

Man: Yeah. So (unintelligible). And thank you for (unintelligible).

(Unintelligible).

Man: (Unintelligible) you probably have understood so far (there was) (unintelligible) within (unintelligible) and (unintelligible). That is in (several) of the (auctions). (Indeed), not because of (confusing symmetry) but because of identical (streams).

If, (as said), the earlier (unintelligible) like evaluation and mediation (they could not) - an agreement among the (contenders), (either) - (whether) there are ten or two (unintelligible).

(Auctions) (unintelligible) relatively objective process or procedure (to apply) because actually the result of the (auction) is (unintelligible) the - I mean, the (auction) is the result of the (unintelligible) dilution of the (contenders). So it's fairly objective. It's as objective as you can get. And if - it's efficient because it's not time-consuming and labor-intensive and it's also (probably) - generate some revenue for ICANN. So, the (auction) is a good solution for - in terms of contention - unresolved contention on identical (streams).

Man: (And so), your (unintelligible) (auction)...

Man: Uh-huh.

Man: ...as a - as (efficient)...

Man: (Unintelligible).

Bruce: (Unintelligible)?

Man: Thanks, Bruce.

(I guess) I (unintelligible) (differently applies) for auctions. My view is that if a proponent can't demonstrate that they have a community of support -- and I think that would be quite difficult for things like dot WEB, dot (blue), dot (one), (but it's also very generic terms) -- I do think if they can't demonstrate a community of support, then I think an

auction is the best option. And, I mean, I think it is because - I mean, I think I guess it is because of this method of (arguing to find) what the (unintelligible) (you'll use) for (this) TLD.

I am concerned about a beauty contest idea. I mean, I can see why there might be an attraction but, you know, I can think of examples where they are - it does actually result in quite undesirable outcomes. And the best example I can think of is the Olympics where allocation of the cities, like the host (unintelligible), I mean, (they've been), you know, in the problem in - of heading a beauty contest for (I guess) deciding who gets the hosting rights, it's not at all objective, it's totally subjective. And while you can come up with some objective criteria, when you've got 10 or 20 dot WEB applicants, at the end of the day it's probably going to come down to politics and subjective decision making, whereas I think the advantage of an auction is the decision making much cleaner.

I think (Amadeo's) idea of, say, the lowest registration fee, to me, is attractive. The one thing I would say, though, is, in terms of limiting the number of legitimate applicants, (the way certainly that is often done) -- and so things like (unintelligible) auctions or petroleum or mining rights auction -- is that (there is a reserve price) so that no bids exceed (the least in that reserve price) and you can't bid higher than that limit.

You know, the number of potential applicants and make sure they're legitimate. I mean, it is - it doesn't mean that (unintelligible) has to have the deepest pockets, but that's one way of doing it.

Man: Just one quick comment (unintelligible).

(Unintelligible) said some people suggest the lowest registry fee. In many cases, (it might be just to go zero registry fee) (unintelligible) (another) business model. But a registry fee might work in the context of where (unintelligible). They're just a revenue model, it's advertising revenue model, et cetera, where (a paper) might go (unintelligible) dot WEB application. But you know, (unintelligible) of any advertising revenue, (unintelligible).

So, you know, (unintelligible) business models and haven't really been (unintelligible). You know, be careful of that (unintelligible) do it on a registration fee basis. (unintelligible) (gaming purposes).

Man: Well, you could (unintelligible) (the rules)...

Woman: Uh-huh.

Man: ...to say no advertising revenue.

Man: Yeah. But then now, we're getting more and more (room) and more and more (ways) to (unintelligible) (those rules).

Man: (Tim)?

(Tim): Yeah. (I am) seeing an interesting approach to dealing with auctions (to some extent to determine) what (Aubrey) also mentioned. And that is, basically what to do. You have (to seal) that auction, okay? And the highest bidder - and I feel that people are - no, no. And I feel that people are generally going to bid a number that they feel (that they can deal) with economics where you can - in many cases, you get the

emotion out of it, okay? And I won't argue that emotion created a lot of problems in bandwidth auctions in the past.

What it boils down to, though, is the winning bidder - and because each person's (sealed) bid represents their assessment of the maximum amount that they could pay given the models that they are working with, the winning bidder does not necessarily pay his bid. He pays \$1 more of the next highest bid. And the reason behind that very simply is that you're not trying to create a punitive situation in a winning bid. At the same point in time - I'll give you an example -- if you bid a half million dollars and the highest bid is \$100,000, (you'll just) (unintelligible) \$100,001.

At the same point in time, you have to be prepared for the fact that someone may very well have bid \$495,000 and you're going to pay \$1 more than that. So forcing people in an auction model like that to assess - truly assess what the value of the franchise, the bandwidth, the TLD truly is to them in their model and at the same point in time does not impose a punitive situation (or emotion), (it's a lot) - and it protects people in a situation like (Aubrey) is talking about too.

Man: Yeah. So what you could do to make that even stronger then is require to escrow that money upfront.

(Tim): Absolutely.

Man: (It's) some of the things (that'll have to included)...

(Tim): Sure.

((Crosstalk))

Man: (Unintelligible) cascades down because (they can't afford it), (they'd have) multiple (entities) to put those - that money up.

(Tim): Right.

Man: Uh-huh.

(Tim): (And to some)...

((Crosstalk))

Man: ...can I just comment on that? Because there is an experience of that (second price method) that...

Man: (Unintelligible).

Man: Oh, sorry. (There is) experience of (that second price method) that (unintelligible) suggested here in New Zealand (unintelligible) spectrum. And it's - (one) of the purposes of the auction (with the right money) for ICANN certainly didn't work in New Zealand in relation to (unintelligible).

So basically, what happened was people bid, you know, somebody bid \$1 million and the second (price bidder was) somebody who bids \$1. So guess what? The winning bid paid \$2. So there is that risk. I mean, it's really a judgment of whether raising money is actually what matter.

Man: (Unintelligible).

((Crosstalk))

Man: (Unintelligible).

Man: (Unintelligible)?

Man: (I'm not really finished).

Man: Yes. Yeah.

Man: (Unintelligible).

(Unintelligible)?

Man: Okay.

Well, (let's talk about) (unintelligible) people now (because)
(unintelligible) talk about (unintelligible).

Man: Right. Anyway, I just want to echo (some of the) points that (John) made about - maybe the item about community support and how I guess that shouldn't - if we go the (road) where we were (weighing whether a beauty contest type of approach) and weigh community support, we really should make sure that we don't prejudice against I guess sponsored applications versus the unsponsored applications. And, you know, how we actually come about weighing that, I don't know, but making sure that we don't sort of prejudice (each) other would be (required).

Man: So the beauty contest, (as Mike described), (the previous one), the community support (as far - is) one of the variables but not the only one.

Man: Right.

Man: And, you know, the beauty contest (unintelligible) the public forum that had a component of the external evaluation as well as a component of (basically), you know, public (comments). But all of the above there (is the true beauty contest).

Man: Right, yeah. Because (you) earlier mentioned about like, for example, the European football versus the Australian football, the European would get it because they had more support (through and through). (Now), I think that that model we need to be cautioned about.

The other part is (unintelligible) similar to the item about within the realm of the (confusing similar). And also, during or after mediation is we're allowing people to get (unintelligible) second, you know, alternative string would be the outcome the mediation might create from using strings is let's say to a free organization...

((Crosstalk))

Man: But really, that's the context of the string. But yeah, it does get a little complicated.

Man: Right.

Man: But let me write something in this context, so that some of them you're already in now just a little bit and (unintelligible), you know, so let's say the application fee was \$50 - \$50,000. Those (unintelligible) putting multiple strings or not because I think once you start doing that, you're suddenly increasing this price because they know how to manage this process. So I put in one application for 1 million string and I'll just...

But I think certainly for the first round, I think it's got to be for the one application one string, you know, for that fee. And it's part of mediation you could try and just bring from one string to another. But otherwise, it'd be very complicated if you're (feeding) bundles of strings and things.

Does anyone have a comment on that?

(John): Could you frame what you...

Man: What I mean, (John), is in the - we haven't really talked about whether an application has one or more strings in it. And what I'm suggesting is that at least for the first round, there's an application fee and that includes the validation of one string with that applicant.

An applicant can (unintelligible) multiple applications, not just putting an application for which you show some improvement or something, but each...

(Unintelligible).

Man: I just mentioned that there's a complicating factor naturally with IDN as what's been pointing out on the IDN list by a colleague from Korea I

believe. But we're actually from China with the case of simplified traditional Chinese letters for example.

So there might be the (unintelligible) applications, but maybe you can just scan on the second one, so - the (unintelligible) about the organization even had to be done twice. So you really have to do one validation to the organization with (different) strings, with the different (sequel) size. Now \$50,000 for that application and \$10,000 for string if you want to evaluate it.

I'm just trying to talk that through a little bit, is as you (cited), what Avri was telling me last night is that (unintelligible) that want to create IDN both strings, (unintelligible) I also need an equivalent ASCII string because I think that that will be more (applicable), let's say.

And then the other scenario with (marking) two different scripts with slightly different with China. Or even other companies have a multiple script. (Unintelligible) to charge IDN applicants significantly more simply because of that fact.

Since you're going to charge them one and a half times as much as they want two strings, but they're saying or essentially events go or (unintelligible) that they need them both. It's just hard to justify charging more.

Man: So I think that's something (unintelligible) IDN implementation in (as well).

Man: Yeah.

Man: It would seem to we're trying to drill down too far on that.

Man: Yes, yes.

Man: I think that really basically (Paul) and (staff) need the opportunity to evaluate the different scenarios and come out with what they feel is a practical approach, one manageable by them and two, imposes financial - serious financial impacts on ICANN from a resource standpoint.

You know, it's really hard for - I really am not even certain how ICANN plans on dealing this just because I've heard discussions about staffing up and then maintaining staff on an ongoing basis. So I'm really reluctant to get too far into something like this.

So, (Paul) and his people have what they feel is a comfortable (unintelligible) that they can work with.

((Crosstalk))

Man: So - well that's right, (unintelligible). I just want to (unintelligible). It hasn't really been thought through and I believe the staff needs to be concerned a little bit more.

There's probably a difference between applying multiple relation strings than with different strings. Perhaps maybe that is why they've been...

((Crosstalk))

Man: What we're also - what we're talking about last night too was applying for strings in earlier which is a different scenario as well.

Man: Yeah. Yeah, that's right.

Man: Right.

Man: (Unintelligible), did you want to...

Man: Just on the changing the string in the - after (unintelligible) process. I assume that string would still have to go through the same (vetting)...

Man: Yes.

Man: ...as it would have if it was an original string...

Man: Yeah.

Man: ...because it might be - could use in a similar...

Man: Yes.

Man: ...or whatever...

Man: (Experience), yeah, yeah.

Man: So that would have to take into account. You couldn't just have the two (contestants) in the room and (unintelligible) say okay, (unintelligible) .shop, I go for .business. You know, is that or is that not.

Man: Yeah, that's right.

((Crosstalk))

Man: Yeah.

But generally, what will have to happen there I guess the (unintelligible) go through after that's agreed on both strings, both strings are posted and then the timeline gets extended.

Man: Yeah.

((Crosstalk))

Man: In other words, just the normal public comments (unintelligible) on those strings. So it might delay our first...

Man: Yeah, yeah.

Man: ...process.

Man: Yeah.

Man: And ideally, they come to the agreement that, you know, it would delay those - the (experience) with this, you know.

Man: A couple of points I want to speak, to get started over in the whole process of posting strings, publishing strings, public comments...

Man: Yes.

Man: ...technical checks.

Man: Yeah.

Man: And then we're setting up kind of around one...

((Crosstalk))

Man: We're not doing (unintelligible) investment.

Man: Right.

Man: We're just saying that it's mostly worth a challenge...

((Crosstalk))

Man: I'm just saying a bit of operational...

((Crosstalk))

Man: We've gone from one nice flowchart to multiple embedded flowchart because, you know, the Web guys might (unintelligible) contention after a month and they might say the shop guy is four months. And each time we're doing the results contention, you need to start over and hone a flowchart for that around of new strings that are pouring out of that contention...

Man: (Unintelligible).

Man: ...nice idea...

((Crosstalk))

Man: ...to work.

Woman: Perhaps there's another way of doing that particular one.
(Unintelligible) if they would nominate three strings. So instead of going through that combination process, perhaps an applicant then nominates their first priority and there is contention in the second priority for (second).

Yeah.

So contention for this one and they absolutely agree for the draw...

((Crosstalk))

Woman: But it seems like an obvious...

Man: Contention or confusion issue...

Woman: Can I...

((Crosstalk))

Man: ...or any of the problem?

Marilyn Cade: Can I - it's Marilyn. Can I make a question here?

I (unintelligible) talking about how we - sorry I'm going to use this word - sort of allow an applicant who maybe they are knowledgeable to bulk up on their opportunity to get into the process. Are we not creating so many (set) premises that, you know, the (unintelligible) can't get to the front of the line here?

Woman: All right, yes, I see what you're saying.

Marilyn Cade: You know, I'm just - because I'm really looking (unintelligible) saying okay, so they're really knowledgeable applicant within three names and they do all this and do all that and in the long run, our objective is to my perspective manage, control introduction of names and taking into account the need to have geographic diversity and security and stability, et cetera. So I think you got to be careful about creating a process that would really (unintelligible) individual applicant to clog up even, if they didn't mean to do that, the process.

Man: You know, I think certainly, (unintelligible) getting into a more convoluted process. The best (Unintelligible) get together and...

((Crosstalk))

Man: I would come back to one form of contention that I'm familiar which is like the .name for exploration. Imagine you guys, same customers (unintelligible) same .names, .info or .name .com and I was trying to get my mind around what we (unintelligible) first we want to know when to mediate, you know which one, .name, .com.

((Crosstalk))

Man: We could use for a use of option. So it does mean that...

Man: We're basically trying to design new things, (unintelligible) what we're doing but we're - imagining the mediation in the - no one with just mediation with .name, .com and...

Woman: I'm sorry. I'm usually outside of ICANN use these options in some circumstances.

((Crosstalk))

Man: ...we've been talking with huge number of options.

Woman: I know.

Man: Yeah.

Woman: But you're - but we're talking about options that have developed at the second level even with the...

((Crosstalk))

Woman: And second level names do not affect profitability and the security and the interoperability of the Internet for those parts, you know.

((Crosstalk))

Woman: Well, (if the bus that's been followed) is in line.

Man: Other than this at the moment, it's best for, although I think...

Man: But there's some second level names that (unintelligible) and you really would know.

Woman: Right. Right.

Man: So, you know, if your design is kind of at the top layer, it's going to have a much bigger impact on the Internet as opposed other than the second layer. So that one is actually true, because with second layer, some of the names pulling over at the second layer will have much bigger impact (unintelligible) top layer.

Woman: I certainly agree with that. But - and I think that if some of the names at the second layer fell over, they might even have a big A negative impact on the fact getting governmental attention as well. I don't disagree with that.

Man: (Bruce)?

(Bruce): Yeah. I'm going to say that from the previous comment, and this is very well taken. We know that we're creating a process here. It's supposed to fulfill a perceived need that falls within the confines of set of goals that we're trying to accomplish.

And the only thing we're doing is creating the process that sets an effect to somebody who is telling you, hey, look, I just want to be a registrar, I just want a name, any name. Then I'm starting to get a little concerned about it because if we're creating a process that says, well you guys can sit down and it kind of if you apply for one name and there is perceived need for that specific name and then you can sit

down - the other 90 can go find something else to, another string or so forth.

I just don't understand the logic behind. There's got - the initial application that these people file are supposed to be able to prove that there is a perceived need and how they feel they can manage it and so forth.

You're saying in effect if you throw out an application with that goal in mind and then you just don't give them anything else, let them arbitrate amongst themselves and give a second or third or fourth (choice), you're losing (enough).

I think it's extremely important in the IDN space that says there is something here that varies much here as there's a perceived need. But do we just need string so people are going to have (lesser) strings to manage?

That's - I've never seen an RFP that ICANN had done this.

((Crosstalk))

Man: Yes and no. Remember...

((Crosstalk))

Man: ...so the (screen changed) not because of their will but because of, you know, some - let's say funny intervention and (divorce) (unintelligible).

But the question for them (unintelligible) much the string, but the concept the TLD. So they kept - look, I'm still involved with TLD, (unintelligible) string. And this is not the case - we'll mention like, you know, coming from the Web and you're going out with the money. Yes?

((Crosstalk))

Man: Yeah.

(Dale): That was (ridiculous). But sometimes, the most important thing is the concept of a TLD for that community. And (unintelligible) and these are one that might be better than the others. But, you know, if that's reason (unintelligible) consensus, perhaps like, you know, this football, the different associations for football (unintelligible), and one of them goes up with goal (unintelligible) football and they are okay.

I really say that's a problem. Once gain, (unintelligible) any concept with the different strings or you compare the change within the concept.

Man: So, yeah, but then what you're saying in fact on it, (Dale), is you're still out there to service certain community. You have may to have to pick a different string in order to be able to manage.

(Dale): But in the open and obviously if you think this, I would agree with you.

Man: Right.

Man: (Bruce), this maybe a good opportunity to summarize our point (unintelligible) agreement on this issue?

((Crosstalk))

Man: Well I think that we have (unintelligible) rich agreement on this issue from Day 1 and it's good that there is - I just hope (unintelligible) there was - should I talk a little bit around some of the limitation issues with the different ideas. We've done that (overtime).

(Philip): Well let me close one then which I think was on our realization about our reports which was I thought as a group we like the concept or applications that would upfront voluntarily choose to say I've got some for the community before. Flag that. And if they say (do) and get it to contention and they're the only one in contention, I mean they're the only who said that, then that's the reason for awarding the string.

Do we have agreements on that point which (Ray) and others have been talking about...

((Crosstalk))

Man: Just a little bit. Because I think if you say that that's the role, (Philip), you'll just take that possibility (automatically). So you've got to think about...

((Crosstalk))

(Philip): ...to demonstrate, yeah.

Man: Yeah, but that's the point. You (set) the high, you should come up with some demonstration of support.

(Philip): Yeah, but...

Man: Why (are you then) creating it if you didn't have some level of...

((Crosstalk))

Man: Yeah. Well I just think that's kind of a (unintelligible) nice concept, but you just take it automatically. You're not going to put in an application, you think 15 - as far as 15 gram. So spending 15 gram, I'm going to lose, right? Because I'm not obviously going to put something - you're not going to spend the money to make sure I've got the bucks covered.

So I'm saying is you'll be surprised how much goes on in terms of cost behind the scene just (unintelligible).

Man: (Unintelligible) is providing information to allow a judgment to be made. And I thought...

((Crosstalk))

Man: ...support would be one of the judgments, so that's one of the cost here. I'll make sure (we're) on top of that.

Man: There'd be cost for everybody actually.

((Crosstalk))

Man: Not to say that's...

((Crosstalk))

Man: ...in fact you're saying...

Man: Yeah that's...

Man: (Unintelligible).

Man: No, no, no, (Rob). I'm just saying it is an added element that you have to - if you can cover. So I'm saying everyone needs, you know, four names (unintelligible) you got four names...

Unless you're going to use this as a relative concept. But relative is that we'll give it for those that had the most names (serviced) and then using out, it's a different game. But if you're merely saying that those that had four names serviced and those that don't, the one that's got four names serviced is given preference. Your lawyers make sure you got four names serviced.

Man: No, no, no, just to make this real a little bit, if I'm going to have and I don't know whose all my files for particular string that I have in mind, and I check the box (unintelligible) basically. Is that you're saying?

Man: No, no, no. No, not what I'm saying. You would spend the money to make sure you've got that level of support.

And I'm just - let's be clear (what types of) strings we're talking about. We're not talking about a (sphere) of strings here; we're talking about

the main game, you know, the ones that everyone is kind of talking around behind the scenes.

Woman: Right.

Man: (Unintelligible) or not quite spending your 50,000.

((Crosstalk))

Man: I mean when they're - I mean I just - I'm not sure I understand the presumption or assumption why you use that criteria. Let's use .car. Then you've got four commercial applicants who want to run the information sites or, you know, registries for billing cars, buying cars and you've got one which is the automobile convertible (unintelligible) association here in California which is a defined community and has community support for running .cars. Why are we saying that the (unintelligible) California car club gets it over the four?

Man: Actually that I'm not necessarily saying that. I'm just saying that that's been a conclusion of prior meetings that is part of contention, one that can show support.

Man: No, one that shows the most support. That's a greater difference different.

Man: Yes.

Man: So in past then, are we talking about one that shows the most support. So it's not just speaking (unintelligible).

((Crosstalk))

Man: ...got the most support. Then we're just saying there'll be a cost in evaluating. We've got the most support which (unintelligible).

So I'm going to give it to who's got the most support (to the car), and then I'm going to use (unintelligible) or the, you know, some (IPMG) or someone that actually goes in and orders who's got the most support for cars and then you give it to cars, but - which is pretty much - yeah, what (Mark) is talking about.

((Crosstalk))

Man: Just if I can just clarify. I talked about TLD differentiation not being the final. So what happens is in the analogy that you just used with the car buyers club, TLD differentiation would be one variable, and that would not be the final one. So you would still look at, if you will, the resources...

((Crosstalk))

Man: ...it's one of the elements.

Man: Yes.

Man: One of the elements (the beauty) concept is. And it was around .org. for my memory.

Man: Correct.

Man: I think we're showing who - you know, part of what - you know...

((Crosstalk))

Man: That's part of a TLD differentiation.

Man: ...how much support have you got around .org.

So you're saying that's one of the elements across technical, across the other things. And then you, you know, you form an evaluation report and the boards makes a decision.

So whichever way you want to account that, (unintelligible). All we're just talking about is, you know, how much (unintelligible).

(Paul): We could perhaps - perhaps it's useful maybe to share this. My perception of - like reactions of the board around whatever you put forward. I think the board will be more appreciative of you working through this issue in a way that doesn't end up with an answer as Number 3.

Now, that's not to say that my - you know, Number 3 isn't being the right answer that is the right answer, and we should (unintelligible) to modify the right thing.

But I can't afford to if the board would feel (unintelligible) burdened to answer this Number 3 if there was not an alternative.

Marilyn Cade: (Paul), it's Marilyn. I...

(Paul): I just (unintelligible). What I'm saying is...

Marilyn Cade: Yeah.

((Crosstalk))

Man: Thank you.

I was just going to add that on the previous discussion that I may not be a question of support from the relevant community as much as off of this from the relevant community.

Woman: Uh-huh.

Man: And I think in - both in the contention area and in the non-contention area, I think it is important that the board retain the ability to deny application when there's substantial opposition from the community that the proposal was intended to deserve or just...

((Crosstalk))

Man: I - (unintelligible) was Number 3, but I don't think it's alluded in Number 3. I think it should...

Man: Yeah.

Man: ...apply in the non-contention situation...

Man: But you're also applying in contention...

Man: Yes. Yeah.

((Crosstalk))

Woman: Well I'm - (Paul), maybe my comment kind of follows on to a comment that (Sue) made. I'm certain (unintelligible) that the board will be disappointed if we send a whole lot of work their way. I think we're trying to send a limited but critical amount. So other...

((Crosstalk))

Woman: ...when there is no other way. And by the way, it may be that the board decides in order to deal with this that they have to support, they have to create a sub-community who (unintelligible) to manage, you know, a different approach to dealing with these limited issues (unintelligible) we put them through as many tests as possible and try to make as many (unintelligible) decisions as possible for them.

But I can't see in the environment we're in how we completely remove the board including for the purposes of denial.

Man: I think you've (unintelligible) in terms of the board. And I'm just going to say that even in first round, they're talking about dealing with...something lost...It might be even the...first round, well pent-up demand around (unintelligible) between first set.

Woman: Uh-huh.

Man: Just the issue of contention is what we're talking about...

Woman: Uh-huh.

Man: ...(unintelligible).

Woman: Uh-huh.

Man: (Unintelligible)?

Man: There's one question even before, you know, there has been pressures (unintelligible) support the options and not support the options at all simply because I thought the remark of the CEO and president (unintelligible), he's own preferences, resulting that (unintelligible) to that with you, that the board and the staff want some sort of magical mechanism that will take the decision.

Well, frankly, we created ICANN because (these issues) were not easy. And this is the reason why ICANN (unintelligible) and we all come here and (unintelligible). You know, we pay for the insurance, the legally fee and the lawyers and even, you know, the diplomatic (unintelligible) in some countries, I think division is necessary for the whole (net force).

But, regarding the optional support, I completely agree with (unintelligible). We can (unintelligible) the negative way to eliminate support as whole. You can measure that the (unintelligible) support. You can measure that it has relevant opposition. But you cannot measure very easily between (unintelligible) support, which one has more.

So I think a little help in some of these cases, say, well this one is not indicating anymore. But it's not - between two of them that has some

support and some relevant support, which one is better by counting emails. It's absolutely impossible.

It's even worse than options or blind (motorists).

Man: I wanted to make an implementation or operational point on the (Telcordia) model just as abbreviated.

To the extent that was successful, it was successful because we could determine the criteria going into that evaluation.

And a common scenario that it's almost an infinite combination of different TLDs that were designed designation. So in some cases they do unrestricted TLDs which would be a (Telcordia) kind of evaluation or in some cases it might be a sponsored sort of TLD versus a non-sponsored TLD, or TLDs - you know, we're talking, you know, (unintelligible) or TLDs across many different culture where evaluation is difficult. And the results of that is that I think that would be writing the criteria by which the evaluation would occur after the situation develops because it can't be...

And so that's what makes that evaluation problematic because we're writing - I think we're going to have to write criteria after the applications were received.

Man: I guess - as I said in the library scenarios that I think I used, the TLD differentiation, that element will allow for the weighting of people - an applications that's sponsored versus unsponsored. So, as far, you know, I'm not - staff would not have to do. The criteria will be set forth. That would part of the application, TLD differentiation, how do you

intend to differentiate. In the case of sponsored, what are you going to do on sponsored.

I think you can (toss) for that upfront in the initial RFP. And I mean I think it can be accounted for. So I guess we have to play different...

Man: So (minority) is not the correct choice that there's a minority traveling and we're dealing as a (minority) high school, (unintelligible) - what? Sorry. In (unintelligible).

But - so what are we using then? There's a football fee, there's a football mascot that's the model there for the native American tribes, there's native American tribes, there might be a religion based upon it and there might be a, you know, dry-good store retailer based on that.

So, I can make up more all day long.

Yeah. How do we write the criteria for the evaluators to evaluate across those? I think what you do as you go, you start with some of the stuff as (Jackie) said, right? You look back into 2000 realm where it talks about how are you going to increase the functionality and use within the main phase. A lot of this criteria, particularly back in the 2001 realm where ICANN was going in somewhat (boring) and having not - no idea of what was going to come cover to (unintelligible). Some of that stuff is there. And, you know, again, at the end of the day who's going - you know, there's a certain business element to it.

So the high school that wants to use it versus, if you will, a tribe versus, you know, someone else, they're all factors to be weighted.

Man: Let me ask a question about, would you see that there would still be anything in the application that would indicate the intended use of this string? In other words, so they would be intended to as a place for people to get together and talk about (unintelligible) the creation or intended to get together and talk about the - aspects or...

((Crosstalk))

Man: Would that be (going) from the application all together?

Man: That's right. That's right. We talked about that quite a bit yesterday, to write that and - so this is just question, to write that into the contract puts ICANN in the position of policing, you know...

Man: I'm not talking about the content; in terms of the application. Because if you're asking the application, what is the intended use, then at least you have a clue as to which is a proper community to look even to decide whether there's...

How are we applying criteria?

Man: Yeah.

((Crosstalk))

Man: Like I said, I don't want (unintelligible) what you're saying, but then if the applicant senses that that's the path we're getting the (COD) is winning that kind of sympathy, then I write that into my application, get to TLD and then...

Man: No, I don't think it's necessarily getting sympathy; it's the way that (unintelligible) if you find there's potential opposition from them.

Man: I think that the answer is we don't know. We don't know yet (unintelligible) what the intent of use is, so we don't know if that's going to be a question on the application.

Man: Well, because I would suggest as part of my personal on this is there ought to be some basic information about that, so that you can determine whether there is a relevant community in which (unintelligible) were not.

Absolutely.

Woman: Can I ask if you will use or target market if I might use that word because you usually...

Man: Yeah. Yeah.

That maybe a better phrase, which is just (unintelligible) what are three or four (unintelligible) you want, how is it going to be (unintelligible)?

Man: And this is (unintelligible) earlier. It's not to - also it's just have a little bit of (shortfest) of your differential criteria including geographical diversity, et cetera which you were you've been waiting upon.

And you can use that's waiting in terms of the (unintelligible) evaluation for multiple application. So (unintelligible) that difficult (unintelligible) simultaneously have twelve criteria to try to (unintelligible) together against ten applications. You can have very simple set of waited

criteria, which can have direct correspondence in terms of (unintelligible).

And there are actually other recent criteria. I think you can simplify the system, like (unintelligible) and just to go back to (unintelligible) I think, one of the criteria from 2000.

If the TLD intended for particular use and purpose and does the label suggest that use. So, I think that was (unintelligible) when someone has (unintelligible) one would say, is there an intended use associated linguistically with that stream, in which case you'd be able to (unintelligible) account for that community.

So, again, a lot of this stuff 2000 or net, I think a lot of the stuff is there and we don't have to start from scratch.

Man: (Unintelligible).

Woman: (I'm sorry).

I was thinking about the (unintelligible) involvement and that was actually agreeing. And I thought one of the things that had at the beginning of this process was that it's using (unintelligible) to the board as possible, that essentially the board was there for the exception and certainly there would always be a need with it.

We kind of sale, we design process that sort of assumes that the board will always because if the board is at the (unintelligible) people will always pause for things down to the end of the (unintelligible) for the political decision.

Woman: Uh-huh.

Woman: Now, it does seem to be with the whole criteria discussion that we had that it is possible, whether it's an internal panel or an external or some combination of that to actually produce a decision that it doesn't need to go to the board, that we can design such a process. And I think we're getting close to it.

But I think -- excuse me -- having the board at the end of the process - and I know I've said this before (unintelligible) everything down to the board because if I lose, of course, I want the board to review it, where I can put my political pressure on.

Man: (Unintelligible).

Man: One of the questions I think really (unintelligible) with Kurt was saying about (unintelligible) you can have five different uses of it and (unintelligible) couple of the main (unintelligible).

We have an obligation to - there can one be one domain of any given name. I think we have an obligation to make sure that the (unintelligible) the best value out of (this).

Has there been any discussion at all about the size of the new state that will like to result from this couple of the domain? I mean, if (unintelligible) dry good store, it's not (unintelligible) and also lot of second and third level domain and the users of that main space.

I know for .web, everyone is going to project 400 million users too. But for a lot of the other examples, especially the diverse ones, whether it's not going to be an easy way to compare them.

The size of the protective main space, clearly we can make realistic projection...

((Crosstalk))

Man: ...one of the issues.

Man: (Unintelligible). I mean, I think (unintelligible). Do you think that's (unintelligible)? Well, you know, library for whom? Well, I don't care. Whether it likes visual work, like also a dissolver.

And then, International Association of Libraries, as well for library services, librarians blah, blah, blah. This goes against what we can, I mean, differentiation in the (unintelligible), they don't think that simple (unintelligible) for everybody (unintelligible) proposal.

And then thing that works proposal (unintelligible) for everybody, so, you know, everybody in the Internet connection (unintelligible) is automatically was - has a deference quite (unintelligible).

And I don't disagree with what you said at all, it's just another one of the development factors that we may want to consider.

Man: (Thank you).

I think really what was coming down to - is probably (unintelligible) it's really going to be a very strong recommendation probably (unintelligible). Pretty much (in an outdoor) (unintelligible) a variety of other (unintelligible) and that's where we are (unintelligible) instead with some support of that one is that, (unintelligible) participation on (unintelligible).

And if they don't, then there's a fortune (unintelligible) for that to an option and then setup (unintelligible) the board can let you go into (unintelligible) evaluation and before they make a decision at the end (unintelligible).

Man: Are you suggesting that Number 2 drop off? Because I thought I heard a lot of positive remarks in Number 2.

((Crosstalk))

Man: Well, that option is actually is (unintelligible). I think one possible solution (unintelligible) understand, it isn't (unintelligible).

((Crosstalk))

Man: Yeah. Same here before discussion I thought I heard (unintelligible) one.

((Crosstalk))

Man: No. I'm just thinking, I just get so much (unintelligible). You've got to look at the context. Just so, it's (unintelligible) number of reports,

where, you know, some features (unintelligible) some statements. And now, you don't have full representation of the constituency.

But I'm not pushing on to, so I'm just saying that some of them is suggesting that as one method of resolution which doesn't acquire a board and then the other of (unintelligible) they're require a board ultimately.

Man: But I heard too...

Man: A lot - I heard a lot of support for mediation...

Woman: (Right).

Man: (Unintelligible).

Man: Yes.

Man: No. That's amongst themselves. Let's say, so I'm meeting Number 1, it's probably (unintelligible) instead of waiting...

Man: Yeah.

Man: ...incorporating mediation is the Number 1.

Man: Okay.

Man: Yeah.

Man: Wait a second. Because (unintelligible) I think there is difference. If mediation involves a third party, I don't think Number 1 necessarily requires a third party as a mediator, they could elect to do that if they wanted, but it's not required, I don't think.

Man: (Unintelligible) exclusively.

Man: That is a slightly discussion that kind of incident by the way. There's a problem here and I just think what we've got here really catch just to get to the discussion in Amsterdam (maybe) because probably go back (unintelligible) because we did - we had the concept of mediation, we had the concept of level of support...

Man: Yeah.

Man: ...and let this have dropped out of this support.

Man: Yeah. I agree. I was would just agree what's on it. Number 1, who doesn't necessarily involve.

Man: Yeah. I agree.

(Philip): I agree. If we direct from it like that and for them (and put it) back into report, then I would certainly support that.

I like to push back a little, again, so your suggestion in terms of survivor equally state as a work - as a taskforce about differential criteria of the auction because they are likely to talk what might (unintelligible) earlier that because that's the (unintelligible) we've seen this recent report a couple of statements in saying, that star has

received information about auction (unintelligible) that, I've looked at the reference, there's (unintelligible) NCDC, but a little bit minority. And I thought...

Woman: (Philip) that is a very comprehensive about other people, it's not just about being (unintelligible).

(Philip): Okay. I mean, there are sources, which I think comes from similar point of view. And I just thought you had a lot of conversation around this table from very different perspective and different constituencies and different participants.

Suggesting that we need to put more thinking into differential criteria or some (unintelligible).

Man: Yeah. Extra criteria (unintelligible).

Man: Yeah. I mean, that's in my mind, my sense of relief (unintelligible) I will not - you have not been divided (unintelligible) versus just that, others they will not clear and say, then the latter, huh.

Man: But in the latter of that, "Hey, you do it and (unintelligible)."
(Unintelligible) a more thorough evaluation (unintelligible) criteria. So, (unintelligible) we make Number 3 kind of the (unintelligible) which is basically the evaluation (unintelligible) criteria which is clearly.

Or if you guys can have a look of that (unintelligible) number of categories that were used in and almost a combination of that (unintelligible).

Man: Yeah. Yeah.

Man: (Unintelligible) for me that's what I'm hearing most people putting some sort of concept behind - yeah.

Man: (Unintelligible) so, I got a safe defense. How many are supporting ones with might allow (unintelligible) essentially, if we move into a similar process, we use .org and .net, where the (unintelligible) could meet a more thorough information, I guess with set of criteria that can be defined.

Man: (Unintelligible) process.

Man: Yeah. It's in 5000 (unintelligible).

Man: So, this was (unintelligible) incorporates (unintelligible).

Man: Level of support to us.

Man: Yeah.

Man: A level of support, but - and, you know, and diversity criteria - uh-huh - I mean, there was a bit of two feet categories of criteria - yeah.

Man: And I (unintelligible).

Woman: Yeah.

Man: I'm just going to (unintelligible).

Woman: Right. I think...

Man: Yeah.

Man: (Unintelligible).

Man: Correct.

Man: Yeah. Seriously about (unintelligible).

Man: And if we define...

Man: (Unintelligible).

Man: Yeah.

Man: Differentiation is one word that I think (unintelligible).

(Philip): Yeah. Just s differentiation because I think, you know, (unintelligible) full differentiation diversity. I think it's probably between broad categories of criteria that you would go down a little bit in terms of redefining.

Woman: (Philip) on that, would you mind just on the basis of what you've suggested (unintelligible) to start back and have a look at the STLD 2004 round application versus that actually look at that which is more (unintelligible) data around that because that's where we started from on their own STLD realm.

Man: (Unintelligible).

Man: (Unintelligible) just one comment. I think that we're maybe making a false assumption that, if we do a process like Step 3, that automatically results in Step 4 or the board has to make a decision. And I'm not sure if that's true.

For example, with .net, they take it to another call (unintelligible) something like that...

((Crosstalk))

Man: I agree. But you can take it in a step further and have the applicants agree in advance to stick it through it and neutral third party decision maker and they would have to abide by the that decision. And the board would simply - would obviously adapt those decisions, but (as matter), of course, those were in (unintelligible).

Man: It gets to concern that the board is simply doesn't want to do that.

Marilyn Cade: (Mike), it's Marilyn.

That last step, did you call that a form of arbitration?

(Mike): It could be a form of arbitration, it could be an expert panel that is appointed and developed to address these issues.

Man: Can I just say (unintelligible) it's occurring. They all want to shift the liability back to ICANN.

Man: (Unintelligible).

Man: Because they want ICANN to be the customer (unintelligible) liability back.

Man: That is a promise in advance, if they cannot do that, I think I can as a pretty soluble position.

((Crosstalk))

Man: So, anyway, (Bruce), (Stacy), (Paul) (unintelligible).

Woman: (Unintelligible) TLD that's maybe.

Man: Well...

Woman: ...the application...

Man: (Unintelligible).

Woman: No.

((Crosstalk))

Woman: Yes. But if those were specifically used in the (unintelligible).

Man: (Unintelligible).

Man: You - get the board a heads up and if they want to step down, they got 12 months and it could happen.

Man: Yeah. That's right. (Unintelligible).

Man: (Didn't they have) done that?

Man: (Unintelligible).

Man: (Unintelligible).

Man: Yup.

Right our of the (sea).

Man: (Unintelligible).

Woman: Yes. Between. Yes.

Man: Both of you.

Woman: (Unintelligible).

Man: (Unintelligible).

Man: (Unintelligible).

Man: (Unintelligible).

((Crosstalk))

Man: Oh, those are getting (unintelligible) people. (Unintelligible) as we pay you.

Man: Yeah.

Woman: (Unintelligible).

Man: (Amadeo), I'm getting a conflict over there.

Woman: Yeah.

Man: Here's a (unintelligible) that instructive which is about what the ICANN board was (unintelligible) to the .net one. It says, why can the board and it's leaving in months to have some five or consider the following sectors run the report from the evaluator to comment from applicant the Internet community in the general public. So, it's very much an element (unintelligible) taking into account public use.

The front support for the evaluator is for...

Man: Well, they could take that public - they could take the public comment into their consideration...

Man: Yeah. I was telling you what happened in that round again. I think, we'll take this up offline.

But of then both, they develop the sort of criteria for that (unintelligible) clearly articulate (unintelligible).

Man: (Unintelligible) all day. So, I'm forced to say that, so if we go by those three criteria that I am on the other sheet, the scenario is that, we get two applications for the .web, you know, well funded confidential

(unintelligible) unrestricted TLD and the society of Spiderman comment
(unintelligible).

And so, which one increasing (unintelligible) is differentiated, you
know, Spiderman.

Man: Well.

Man: I guess - I think - I'm saying that set of criteria can probably, you know,
be used in 90% of circumstances, but there is, you know, if there is a
diversity in large number of application, you know, 10% of the
examples are going to in significant number of - sort of offer
(unintelligible).

It's going to be a little bit of (unintelligible) of me being bitter and
scenical when I was on the board. But I'm going to go ahead anyway.

Woman: (Unintelligible).

Man: Somehow I feel the decisions are already been made, the board
doesn't want to be involved in this and the option is the best way to
(unintelligible) and sit there. And I guess, getting them out of it. And I
even picked up on this even in San Paolo, some of the board
members, I think- with some new board members saying, "Well, we
don't want to be and - forget the gentlemen from Washington." Or he -
in the crossing constituency breakfast, you know, we don't want to be
involved in having this pick and choose winners and losers.

So, you know, I guess what I'm seeing right now is, the best way to resolve that is an auction. And I guess - I can see the disconnect from what we've been discussing here, but - so, I guess...

((Crosstalk))

Man: ...that's in there (formal) discussion. So, I'm aware of any datalink (formal) discussion (unintelligible) and that's - and I can get sharing you my (unintelligible) census of what (unintelligible).

And, you know, and that's all. And I think the things that this sharing and then, I'm certainly sharing with this in operational (unintelligible) or what we do if we tend (unintelligible) working this through as you (unintelligible) but not the (unintelligible) at all.

And it's very quickly - (unintelligible) conclusion. But I respect with you (unintelligible) and your - has the (Gary Casper) (unintelligible) your good.

Man: It's like the way - you just have a shot.

Man: Lets just have shot (unintelligible).

Man: So, we basically have a three (unintelligible), then we got to third time (unintelligible), that doesn't work, they may comeback (unintelligible).

Man: If she incorporates the level of support (unintelligible) differentiation.

(Mike)'s (telling) an element here, which may or may not be possible which is (unintelligible) body agrees to make a decision based on that.

And if that's possible, that's fine. But, otherwise, that its input is the ICANN board to make a decision. So, he's supporting this which (unintelligible).

Man: (Bruce), can I (unintelligible)?

(Bruce): (Unintelligible).

Woman: (Unintelligible).

Man: (I'll state for that).

Man: No. I don't.

Man: So, I've got (unintelligible). I've got (Edmond), Sophia, (unintelligible), Avri, (Michael), (unintelligible) with Marilyn Cade, it's just for interest site, who would support auction as an alternative (offset) (unintelligible).

(Unintelligible) to that will say this in (unintelligible) for the registry, registrar for the (unintelligible) on commercial. The registry, registrar and commercial (unintelligible) Alistair.

Alistair Dixon: Well, I would support auctions for the very generic like .web, .blog, .a, but for anything, I think anything else that you can demonstrate a community of support. I think there should criteria.

Man: (Unintelligible).

Man: I think (that's fine). That's probably a (portable) (unintelligible) before we have that last page.

Man: Could you say that again, please, Alistair.

Alistair Dixon: So, I would support for the very generic, like .blog, .web, .a, but if - that's I think there should be a criteria should make the decision where it can be demonstrated that we as a community support.

So, I mean, basically what I'm saying is, they should be - if an applicant can demonstrate community of support, then - and has the widest community of support, then that should be the successful applicant.

In the events that, no applicant is able to do that, then I think it should be an option.

Man: (Unintelligible) with option of (unintelligible).

Man: (Unintelligible).

Auction to screenings where there is not a legitimate existing community, the latest of (unintelligible) maybe that's the way (unintelligible). But what I'm trying to do here is that...

Man: Yeah. That would - I would agree with that.

Yup.

Woman: These are the questions for Alistair is Carolyn, I thought he was suggesting that for - maybe it's like the one you gave an example for this, how would that work in a environment where a unique name was being proposed by someone from a developing country.

(Unintelligible) did you support this broadly as the option to non-sponsored name?

Alistair Dixon: Well, I think the developing country question Marilyn, I think it has to be dealt with separately. I think we - my preference would be to come up with some clear criteria, and then we deal with the developing country and question separately. I mean, there are ways that government deals with community that don't have access to finance for getting (unintelligible) to these sorts of things. They may, for example, offer loans or, you know, offer funding or something like that. I think it's a separate question.

Marilyn Cade: It sounds like your - I guess I'm sort of struck by where you would put the auction option, does it three or does it go at four in steps?

Man: Another way of looking at it, what you could look at - yeah, and play with that in a second. Maybe even it has to do with a number of applicants for that string. Because I think sort of (unintelligible) you've got sort of three major football association, that applying for that football. I think that's a little bit different, so I've got ten applications that got with.

In other words, they almost set the number of applications (unintelligible) in other word, trying to resolve it. Because folks around the (unintelligible) - this is between ten people...

Marilyn Cade: I hear you, but, you know, I'm finding - and I know the - it's Marilyn. I know the problem were trying to solve is, a fair neutral way of getting people into the process, so they can apply to operate a registry which has implications for the entire Internet and for users that go businesses on that for other forms of communication.

You know, I'm beginning to see a driven toward choosing a financial barrier, a financial criteria as the way that we consider the fairest way to open up the opportunity and it's kind of not sitting right with my public trust in...

Man: (Let me) clearly that Marilyn, both of these are financial barrier. (Unintelligible) would not be, like that both of this that we've talked about, whether it's an option...

Marilyn Cade: I understand.

Man: ...or an (unintelligible) process, this financial (unintelligible). That financial says that I can't get paid for money, financial (unintelligible) prepare.

Marilyn Cade: I fully understand that.

Man: Yeah.

Marilyn Cade: But I also understand the auction environment from having been involved in and watching the spectrum auction.

Man: Yes.

But they're (among) that I, you know, that's what (unintelligible) of auction (unintelligible) auctions of bad (unintelligible)...

Marilyn Cade: No.

Man: ...of that experience.

Marilyn Cade: No. I'm not implying that. But I haven't been convinced that auctions are the right model. And I - but I understand the problem with finding (unintelligible).

Man: Yeah.

So, I just want to try to get what Alistair is suggesting which I don't think necessarily was an alternative set, I think he was trying to phrase it, as an end almost, instead of saying that, you know, they're doing the .org, .net (unintelligible) for this, sort of a clear community, almost like response to the (unintelligible) that's we're headed step within those in the past (unintelligible), I'm just trying to establish (unintelligible) discussions (unintelligible) bank what is, it's probably (unintelligible) legitimate entities and banking associates pretty mature industry something, like library - yeah, these are pretty big mature industries as association, et cetera with some (unintelligible) like blog with - I don't know (PC) whatever, probably more recent more generic words.

Yeah. (Unintelligible). I'm not going to make it in front of this. And by the way, I'm just trying to get the conflict to you that is list (unintelligible) in terms of established communities that interest, you couldn't really say, what was the (unintelligible) kind of everybody with

the (unintelligible) other one, you know, I just know not sort of something that immediately jumps out, I'm just sort of thinking words that are not really associated with, I mean, (unintelligible).

If you look at the sort of a continuous spectrum of very specialist communities to the Web. The one with the Web end are clearly, you can go into this to make money, it's a business.

Man: It is.

Man: They're not building community...

Man: Okay.

Man: ...and for those people to dispense it wants to differentiate (unintelligible) I think an auction is a fine idea. The agreement is to make billion of dollars, let them pay for the equivalent.

In the real community of interest (unintelligible) other extent, are trying to build something and I think we need to use criteria for that. It wasn't in the middle like bank for insurance, I'm not sure where...

Man: I don't know. I'm just trying to (unintelligible).

Man: No, no. I understand. But...

((Crosstalk))

Man: At the end - in the middle, our...

((Crosstalk))

Man: ...political dynasty, we'd use another example with (unintelligible) or something, if you know that.

Man: (Unintelligible). On additional guide, you have, I mean in different (unintelligible) and you have some (unintelligible).

(Unintelligible), you know, TLDs (unintelligible) given community with an expression of what's a public interest in developing community. (Unintelligible).

Imagine (unintelligible) in making those cards also (unintelligible) with ICANN (unintelligible) option without, you know, a quality called an Iceberg afterwards.

So, with this (unintelligible) or with communities regarding the (unintelligible) and especially with (unintelligible) and it's not an auction.

In the middle, we have (unintelligible) because, you know, (unintelligible) they're not counted (unintelligible) they're market it initially. It's sort of that's organized at a public service with public and private operators, it's organized of the public (unintelligible).

In this (unintelligible) auctions will (unintelligible) they should be - the fourth one (unintelligible).

(Unintelligible) we have trade (unintelligible) can you desire the (unintelligible) they usually have (unintelligible) preferences or, you know, branches (unintelligible), so, online, offline.

In this case, they still have (unintelligible) you're going to handle public interest (unintelligible) establish the barriers somewhere.

And at the end, (unintelligible), you know, purely, the commercial focus from our last agreement any sort of given community, but, you know, the largest community visuals, they didn't even have this sort of (unintelligible). And there (unintelligible) but before we start with this, we should make sure that some things are not (unintelligible) action or even (unintelligible) application or whatever, you know, there is sign is more (unintelligible) sufficient than the association of library.
(Unintelligible)

Man: I'm going to ask (Chuck) to step in to (unintelligible).

The rest is pretty constituency taken (unintelligible) than will allow auctions as (alester) has just presented this, I would say that I would be (unintelligible) to say that maybe that was predicated within our position we took, and I would prefer - I would feel more comfortable if we have the opportunity going back and talking about some sort of a stratification.

Is that outline (Chuck), or maybe...

(Chuck): No. And I wanted to jump in to just to clarify why and (Edmond) new the constituency so he wasn't involved when we make that statement that the constituents they actually approved a statement against

comparative evaluation. That's why none of us could really vote for number three as it originally was. that doesn't mean that we couldn't go back, and since we're guessing in the contact we have, and also, the consistency although we didn't focus a lot on it, (unintelligible) didn't like lotteries but (unintelligible) auctions has some possibility but we didn't get to this level of detail.

I actually think that, you know, we maybe on to something here of step 3 having two alternatives depending on the type of (TLD). Again, we would need to go back to the constituency on that but that's a background.

Man: (Unintelligible) decision (unintelligible) make the decision about which (unintelligible). The other thing I have a problem with the board making that decision. None with the board sort of say yes...

Man: You know alternatively, I'm (unintelligible) alternative of course. I know the complication coming on second. The simple alternative would be to have the applicant themselves selecting what sort of (TLD) we are, (unintelligible) the box, and therefore that determines which part to go down.

Man: Right.

((Crosstalk))

Man: Yes.

And that's (unintelligible) all the contending (unintelligible) take the (unintelligible) spot. And when you got a mix, then you go back to the board.

((Crosstalk))

Man: ...a bit of self-selection there.

Man: Yeah.

Man: Yeah.

Man: Bu the self-selection makes a lot of sense in terms of which we're going to down.

Man: And then they're now what they're in for in advance.

Man: So we are defining (unintelligible), unless you take back the wording here. But you're taking the box that you (unintelligible) coming back to first what you and (Ryan) were talking about, that you're taking the box that is (unintelligible) community of some form. Is that what you're doing?

Man: Well, no. If you're taking the box if you're happy to be judge on the basis of...

((Crosstalk))

Man: ...of a differentiation and diversity (unintelligible).

Man: Yes.

Man: Or you're taking the box to saying (unintelligible) a lot of people there. We're happy to go to (unintelligible).

Man: Yeah.

And then they say (unintelligible) (go to simple vote). So it's four applications and three out of four (unintelligible) one or the other.

Man: Yeah. (Unintelligible).

Man: (Unintelligible) the board out of the...

Man: That was the simplest. Yes, exactly, however the majority is you say that's going to be the process, and then you go back to everybody say and you want to go into that process.

((Crosstalk))

Man: ...either way probably (unintelligible). We got to create (unintelligible) that you (unintelligible) straight up to getting the option anyway. So either of these are (unintelligible).

Man: And what is the two of (unintelligible) commending applicant's object of different boxes. What was that - what happens when the (unintelligible) complaining applicants have checked different boxes?

Man: Yes. Its (unintelligible) and its time. The board would decide which pass to go down.

Man: It seems - and my suggestion was that if a preference should be given to those and demonstrate community support. So effectively they would be identifying that they actually were, you know, (unintelligible) what the word, and they weren't able to demonstrate that, you know, going to an auction.

And if there was one - was able to demonstrate - it did have community support and (unintelligible), I don't have can give any support. I mean a library would be a good example. You might get a commercial entity putting a proposal for they may not be able to demonstrate the head community support. Library association, they did, well the preference would be given to the library association.

Man: (Unintelligible) given the opportunity (unintelligible) evaluation (unintelligible), is that right?

Man: Yeah.

Man: Yeah. So just (unintelligible) approachable if one body has stopped (unintelligible) library association and (unintelligible) we want to go to the (unintelligible) lots of library around the world. There's lots of libraries that don't have any association or anything (unintelligible).

I mean, you ended up within (unintelligible). Okay, I'll be getting this (unintelligible) focus. I think what (unintelligible) for another six months process by the way. So the first six months (unintelligible) three months we'll be going - yeah, the next six months we're going to sort one out (unintelligible).

Woman: Yeah, I mean. I would look at the two parts of three. As being sequential and not an either or, even though the first one .org (unintelligible) process who end (unintelligible). In other words there is nothing to compare and you immediately fall through to the lottery.

But I almost see it as, you know, if there is no other way to resolve it, then you're falling through. Were if there is any other possible way of doing it, then you do the org.net. If that doesn't work for whatever reason, you got (unintelligible).

And then that keeps you from getting aboard in almost every (unintelligible).

Man: Uh-huh. What happen is that could just be explained to the applicants going into the process that there will be a fork in the application road and you need to be able to prepare for either.

Man: (Unintelligible) if I use the (unintelligible) like that (unintelligible).

((Crosstalk))

Man: Yeah. I wouldn't see that that is a viable option that you can end up with a (TLD), such as (unintelligible) bank which I think is a (unintelligible) one (unintelligible) to be consulted if there's banks are defined every country...

Man: (Unintelligible).

Man: You could end up with somebody that has (unintelligible) opposition, and (unintelligible) meeting the option. So I don't think it can be totally self selection.

((Crosstalk))

Man: ...proposing that (unintelligible), wasn't it?

Man: Well, I thought you were.

Man: (Unintelligible).

I have three applicants to (unintelligible). One is 8.

Man: (Unintelligible), cant hear you.

Man: I've got three applications of (unintelligible) bank. And what if - would somebody have come back to this objection process. Okay. I'm not talking about objection here. This is (unintelligible) around.

Man: Yeah.

Man: Right.

Man: The banking association is the round, and a good (unintelligible) is around. And another (unintelligible) some other is around.

So the banking association (unintelligible) yes, we've got some support, we're in Step 3 here, then all three they didn't have to get their support.

Man: Okay.

Man: And that could (unintelligible) they evaluate it.

But if the banking association just said (unintelligible) we got more money than you guys. We're just going to go option. That's their choice.

Man: Okay. So it wouldn't by majority (unintelligible). It would be basically (unintelligible) unanimous.

Man: Yes.

Man: (Unintelligible).

Man: Yeah.

Man: Yeah, that's all for the (unintelligible).

Man: (Unintelligible). You're saying that one applicant taking the evaluation box would trap those ticking (unintelligible).

Man: That's what (unintelligible).

Man: An auction (unintelligible) box. However, in the (unintelligible) choice of that applicant that have point to say they're actually okay, lets go (unintelligible).

Man: Yes.

Man: (Unintelligible).

Man: Okay.

Man: So (unintelligible) it gets complicated. It's going to cost you money to (unintelligible) anyway.

Man: But lowers the risk although it doesn't eliminate it because what if the three from (unintelligible), you know, (unintelligible).

((Crosstalk))

Man: (Unintelligible).

Man: You (unintelligible) another scenario under objections.

((Crosstalk))

Man: These are financial and technical criteria's.

Man: Yeah.

Man: No one has - no one is (unintelligible) in the word banking (unintelligible). What happens is none of this (unintelligible) support. They all go (unintelligible) an option. We ended up with (unintelligible) that has (unintelligible) supportive (unintelligible).

Man: Correct.

Man: That is a good option.

Man: Right. But what I'll think that's an issue that gets addressed up in the sort of challenge objection process they would say they're not here.

The (unintelligible) on propose...

((Crosstalk))

Man: Well, that's another way of addressing it.

Man: We haven't talked about that.

Man: We haven't talked that yet.

Man: I'm just trying to deal. Well, this is, I'm just trying to break the problems down. This is the contingent problem. This is not for the going (unintelligible).

Woman: (Unintelligible) process (unintelligible) after that (unintelligible).

Man: Well, actually number 3 is going probably going to the board so, by the way. Unless you can find this, you can send it (unintelligible) difficult to find someone that's actually have a lot of (unintelligible) that's (unintelligible). But just a shared back on, you know..

((Crosstalk))

Woman: ...some group within ICANN to do it.

((Crosstalk))

Man: What we're saying is that probably signing ETC to get (unintelligible) is like, you know, you can find (unintelligible) to give you advice but you also (unintelligible) in papers your name on the line if you (unintelligible).

Woman: Well, yeah. I mean the board is always going to approve the final contract at some point in any case right, I mean, you don't sign a contract...

Man: No, I'm not talking to that.

((Crosstalk))

Man: ...we're making the decision as sort of...

((Crosstalk))

Woman: Okay, now one of the things I'm questioning here is I know if it's a fiduciary responsibility then yet, the board is suffering. If the decision like this, something that's unique to be made by the board, or can it be made by a board empowered, and within ICANN.

Man: Still..

Woman: And so what doesn't go to the board any longer. The board then said, this group does that.

Man: I think she was talking (unintelligible).

Man: No. I don't think so. I need the same (unintelligible) on a judgment about (unintelligible) expenditure or (unintelligible) liability. This (unintelligible) have to go to the board to make the decision anyway. So I think something like (unintelligible) you could do like the .net thing. You can go, you can find (unintelligible) the form. But the board could say actually we could take the (unintelligible) to those people. But the board is (unintelligible) to make the decision because of this (unintelligible) I see I would have to advice them because (unintelligible) the implication of the decision requires a board decision. It can't be (unintelligible) down.

Does that make sense? The size of the (unintelligible) or the size - it's really the size of the risk to the organization to the corporation that would require them to be involved in the decision.

Woman: Okay. Yeah, I understand that. I wonder whether that would be renamed the (unintelligible) 100 of (TLDs) or whatever were done, and whether certainly today, yeah.

Man: (Unintelligible) ICANN.

Man: Let's look at the scenario where after, at the contention we have five people that went .2 and five people that went that bank. Okay.

I think he says is if we have an outcome where the entrepreneur who has no association to the banking community, somehow is (unintelligible) more or something like that. And trumps, a banking community that was one of the applicants.

So the bank - its not that they're protesting, they were actually one of the applicants but the association said, well, we don't have the resources to bid. We had (unintelligible) put the application together, the 50K...

Man: (Unintelligible).

Man: Excellent. Right.

If we have the outcome where the entrepreneur wins and the banking community loses. I think that sort of undesirable, and that is why I would - at that situation sort of prefer an org-type allocation....

Man: (Unintelligible) on the banks also (unintelligible).

Man: (Unintelligible) the ability to deal that.

Man: Okay. Okay.

Man: (Unintelligible).

Man: And I guess, I mean, the question goes back to sort of what the board. At the end of the day, the board is the board. The have to make a decision.

So what I'm saying is when you get to that, you know, does the board sort of point, you know, look at it and decide, how the applicants should go. Should the board make a determination? We have contention. We're going to go auction or we're going to go .net.

If the people at the beginning know that there's a fork in the road where this could happen, it's not going to be changing after the fact. When the applicants come forward, they know that there's string contention, the ICANN board has the ability of resolving it through Path A, .net or a .org (unintelligible) contest, or Path B, auction.

If they know that upfront, that gives the board the, I think, the flexibility to make that - they sort of intervene in the process and say, "Okay. We have intention here. we're going to reduce resolution path A or resolution path B."

Man: (Unintelligible).

Man: Well, I guess...

((Crosstalk))

Man: I'll - I think ICANN - let me just finish. I want to answer. I think ICANN wants to do - I think the board wants to do the right thing. And in doing the right thing, if they see a (TLD) such as .bank or .library where there are people within the community, I think the board in doing the right thing will choose the (telecordian) model.

When you have 10 people that for .2 or .web and they realized the limitations of the (telecordia) model, they will say exercise near fiduciary duty. The best thing for the organization is go the auction.

I don't think that they're just always going to sit there and seek to maximize the revenue out of all applications.

Man: You maybe right I've heard you before (unintelligible) the board member but also the current board member, they would never (unintelligible). they don't want that (unintelligible).

Man: (Unintelligible) comment, that (unintelligible) comment as a board member.

Man: I agree with that (Mark) was saying. I think the board will try to do what it thinks is the right thing.

And so I think I don't (unintelligible) behavior as a board (unintelligible) of maximizing revenue (unintelligible).

Man: (Unintelligible) you were saying that you would give applicants to the chance to speak. If you (unintelligible) the process, you go through one and then you go through. And if you can't do either those, you have to (unintelligible) before you apply either three or four.

And....

Man: And (unintelligible). I think I don't want to (unintelligible). I think (unintelligible) coming in their (unintelligible). this is where we have to be more (unintelligible) write this up.

So I think they'll have to be a legitimate, I was trying to use the word legitimate existing community. But what I want to do is have this sort of gaming thing, when someone says obvious credit of community of (unintelligible) which (unintelligible).

((Crosstalk))

Man: You know, because they have a lot of different between something like, you know, (unintelligible) industry, the plugging industry, (unintelligible) for 100 years of association, and all sorts of things that's out there, and (unintelligible) a legitimate existing community. And that's (unintelligible) to apply.

What I'll be weary off is someone manufacturing something to make look like (unintelligible), so that they can go there rather than (unintelligible).

Man: And I think that's his discretion of...

Man: That's what (unintelligible) a little bit of discretion.

Man: And that's what I'm articulating, this board need to look at the applicants at that stage, and if the applicants knew that there was this fork in the road, they were - you know, they entered this process knowing that full well, but the board to the left is either, if you would (unintelligible) beauty contest or auction.

Man: That is (unintelligible) or 3 rather than 3 and 4.

Man: (Unintelligible).

Man: You know (unintelligible) between what is self-selection but there is (unintelligible) probably heard self-selection but was bias for (unintelligible).

I think this exemplify the problem, you know, kind of set up a new type problem. (unintelligible) got a name that.

Man: (Unintelligible).

Man: (Unintelligible).

Man: Self-selection is where everyone agrees on (unintelligible), I mean everyone (unintelligible), that's one way. the other way (unintelligible). so I can (unintelligible).

Man: Then I (unintelligible) potentially feel looking fiduciary of (unintelligible) anything that, you know, if you want to have some - I think you need some case which is an, you know, I mean you can point with (unintelligible) existing institution of long standing, something like this is being support.

So, you know, I think (unintelligible) wanted to clear institutional (unintelligible) not just I guess (unintelligible) part of the community.

And then (unintelligible) there's going to be long standing (unintelligible) five years, or 10 years or something.

Man: (Unintelligible) institution (unintelligible) you're probably (unintelligible). Problems solved. (Unintelligible) auction we're making (unintelligible).

((Crosstalk))

Man: It could be multiple, national organizations that are in the same industry for example. (Unintelligible).

Woman: (Unintelligible) with that, too.

Man: (Unintelligible).

Man: The measurement is (unintelligible). I was saying that (unintelligible).

Man: I don't like the 10 years because there's a lot of business wise are not that old. I think that's pretty (unintelligible).

((Crosstalk))

Woman: One suggestion that had to do with the funds that come out of the auction. I know this is one of those things we can only recommend but we have talked several times about, you know, recommending to ICANN that there be some sort of funding of a program to help the less developed nation developing whatever in terms funding this things, that were the option beyond the extensions can be directed. It's just the recommendation.

Man: So (unintelligible).

Woman: Yeah - no.

Man: (Unintelligible) idea that ICANN (unintelligible).

Woman: The ICANN (unintelligible)...

Man: (Unintelligible).

Man: They could reduce your fees to existing contracting parties. Noble idea.

Man: Lots of us - I was thinking about (unintelligible) application of (unintelligible).

Man: (Unintelligible).

Man: All that (unintelligible) ICANN we note that Google did not (dictate) years ago. Lots been happening the last time on the internet.

Man: I'm not...

((Crosstalk))

Man: (Unintelligible).

Now this is talking about (unintelligible).

Man: (Unintelligible). This is (unintelligible) so (unintelligible). So I can't be involved in that (unintelligible).

Man: So (unintelligible).

Man: (Unintelligible) and I'm saying it for the benefit of the other registered people. I think that we will individually, you know, raise our hand or not based on our own personal views and we'll going to take it back to the constituents.

Man: Well, any (unintelligible).

Man: Yeah, I have one partial objection is regarding, when you say, you know, there is (unintelligible) community that you go to (unintelligible) in which. The (unintelligible) is that I repeat when there are questions about probably policy involvement, and I live with the examples that, you know, (unintelligible) the like, when we (unintelligible) shipping.

If this asked then (unintelligible) all the criteria, and that (unintelligible) in the position from that given community is observed critical with (unintelligible).

Then with the (unintelligible) acceptable (unintelligible) but there is no (unintelligible) of what's taking. It's very specific.

Man: (Unintelligible) providing to that rather than the community in general. That (unintelligible).

Man: (Unintelligible).

Man: (Unintelligible) no deal about the business. I don't know if it's really necessary but I'll see something like the signs of specific community. (Unintelligible) I don't know if got .org or .gov. Some (unintelligible) community.

Man: (Unintelligible) what we thought (unintelligible) saw that (unintelligible) consider that in the community but there's not sort of, you know, (unintelligible).

Man: (Unintelligible) institution (unintelligible)

Woman: I've got questions about auction. We had - during the conversations or several motions of auction from the close auction would the plus \$1 of the next lower bid or the auction for something else.

Are we leaving open for now what auction (unintelligible), or can you put like quotes between those? I mean because...

Man: (Unintelligible).

((Crosstalk))

Man: So, good. That (unintelligible) where those not exist in community.

Man: Yeah.

Man: The final (unintelligible) on something. (Unintelligible).

Man: (Unintelligible)

Man: (Unintelligible) talking about (unintelligible) up here. And I think this was sort of where I would go (unintelligible). So this is a rejection from a community related (unintelligible).

Man: No, I never suggested that. Actually I said I thought that there ought to be a criteria in this award and apply that would not (unintelligible) an application when there was significant opposition from the community related to that.

I wasn't - I mean if you're talking about - when you say objection you're saying there's going to be a third party that's going to decide and find somebody (unintelligible).

Man: (Unintelligible).

((Crosstalk))

Man: Everything else has been in the objection file (unintelligible) third party.

((Crosstalk))

Man: No, the technical difficulty is not...

Man: You say the objection file (unintelligible) area where (unintelligible) objections.

(Unintelligible) I think now that (unintelligible). You've been saying (unintelligible) you can call that (unintelligible).

Man: Maybe oppositions to get - I don't think its (unintelligible) of showing the port of how many people with me to say, yes, but to say if there is a community as you've described back in 3A, you know, of significant opposition (unintelligible).

((Crosstalk))

Man: ...to the application...

((Crosstalk))

Man: Well, it wouldn't be based on the needs.

Man: It's not based on anybody's rights and needs.

Man: Maybe based on who will be running it, maybe based on the questions that earlier whether applicants would be - to state how it will work, where the target market would be, how it would be used.

Man: Isn't that a subset of the public comment which could then be taken into account in the first report?

Man: Yeah. This needs to be a place where...

((Crosstalk))

Man: Yeah.

Man: The company - the public comment relates to that the...

Man: I think what we need to do is qualify what different levels of public comments may be and in that sense, I mean, what I call an applicant criteria.

((Crosstalk))

Man: We may be conscious about them because it's not a string criteria.

Man: No.

Man: It's just like saying (unintelligible) there's nothing wrong with (unintelligible)...

Man: Usually.

((Crosstalk))

Man: There may be something wrong with banking.

Man: What we're sort of saying is...

Man: Maybe the type of confusion with (unintelligible) intellectual property or sort of first word (unintelligible) market initiative, right? Then we're saying applicant. We're saying applicant base then currently string criteria.

First criteria is technical capability and that means that I've got to (unintelligible) that may not actually (unintelligible). So that's where, I mean, I think the organizational capabilities to actually respond to everybody you're in.

Man: (Unintelligible).

Man: At that point, (unintelligible) organizational - to opportunity to actually see - you're saying there's a third element which is...

Man: Yeah. The existence of substantial opposition within the community...

((Crosstalk))

Man: There's one other thing in- that's being done, right. I don't want (unintelligible) it's not part of (unintelligible). I have to say my advice - the enormous value the effort has to have...

Man: So this is not suitable entity to...

((Crosstalk))

Man: To run - to operate a string that's related to that community.

((Crosstalk))

Man: Yeah. Must be suitable for this to - in the case of a string that's related to a community, using the language in 3.0...

Man: You can call that support from the (unintelligible) community. The support will be led by...

((Crosstalk))

Man: Well, you were suggesting the word "suitable" which may be, you know, it's a vague word, but must be suitable to operate the TLD related to a community. So in the case of a proposal that is, as you described in 3A related to community - existing legitimate community, it has to be somebody suitable to run that.

Man: (Unintelligible).

Man: Yes.

Man: Is he - what...

Man: I've heard once before where in, you know...

((Crosstalk))

Man: Yeah, that's a criterion and I suppose the...

((Crosstalk))

Man: The applicant was somebody showing their support, but it is like your objection on the right hand side in a sense that the way you would show that that criteria hasn't been met is basically through people and public comment.

((Crosstalk))

Man: ...make that criteria.

Man: Pardon me?

Man: Basically, this slide here says that ICANN's looking at this and by getting the public comment that those high horses say hey, you don't - right, have that sort of community, which at this stage actually goes through the overall extended evaluation probably.

Man: Right.

Woman: Uh-huh.

Man: Yeah. They probably can't determine that on the face of the application unlike, for example, maybe the technical, you know...

((Crosstalk))

Man: ...public comment.

Man: Yeah.

Man: Well, how many people support that idea? And hope that has been sorted.

Man: That was very nice.

Man: That's - we're on. All right.

Man: I think that are sort of the...

Man: If what we're trying to protect against someone coming up and wondering about library domain as a cash cow not as a public service for libraries, so...

((Crosstalk))

Man: A library as another example.

Man: Well, the first - I think what we are trying to do is to validate ICANN (unintelligible). A community thinks that the public service commitment is brought up by, you know...

Man: Right.

Man: It's not someone that's created by ICANN and granted the management of that TLD, right? So that's specifically focused. This (unintelligible) against the will of that community.

So we are trying to prevent, you know, the feeling of this legitimate (unintelligible) to use resources of that then definitely we've got a problem. You leave this in the wrong hands is a problem.

Man: I think again there was...

Man: I think that's right. It may not be on that criteria exactly but for whatever.

Man: ...avoiding that scenario with 3B tossed out a little while ago.

Man: 3A or 3B that we had where we could go to that dot net or org channel whatever, I think you were avoiding the outcome.

Man: That's only if there are two applications for dot library. What if there's only one...

Man: Yeah.

Man: And it happens to be one that doesn't have the support from that community.

Man: Opposition (unintelligible).

((Crosstalk))

Man: But you're also making a false assumption that they may be going - certainly not - it does not have integrity is an MD going to do a marvelous job on, you know...

Man: No, no, if the community agrees that's correct, what we're saying is imagine (unintelligible) - I mean, we might propose the work and then, you know, (lock neck) and karate and all the (unintelligible) saying we don't want that under these conditions. It doesn't matter whether they're lofty or they're (hate me) or if they have any conversion of financial rhythms or doesn't like my firm.

Man: Right.

Man: Just mentioning that if you will recreate it against express will of that community.

Man: I believe so. And I see that and that would fall under, you know, substantive opposition. I think what - I'm not sure why we need that third category up there. We have one, you know, substantive opposition is going to take place with or without that verdict. (Unintelligible).

Man: But if the public comments are only against the criteria, what criterion does that relate to that's on the chart now?

Man: My feeling is that there's something about the vision it will come, it will show up.

Man: Sure. Yeah, but - sorry, I might have missed the discussion. The reason why I'm (unintelligible) at this point here is that I think early in the room today (Steve) was saying what happens if someone objects to a public comment and I'm saying right now nothing, right, because if it gets the string, you can object to those other - I've got the technical customer needs to run the string, he can object to sort of the fact that my lawyers needs to deal with ICANN.

Woman: Uh-huh.

Man: But you can't object to them just not being suitable.

Man: Well somehow what we're saying is the - if there is - I have to get the wording right. But it's basically just that all the banking organizations in the world come in and say the first one is in the Cayman Island who has, you know, a history of, I don't know, doing nasty things.

Man: ...(to think) we don't want to do her thing.

Man: If you can offer session, which is the next meeting, or taking the minutes of the (married) scenario in New Zealand that's like this guy is a white guy who lives in England and he's trying to get dot (married) and we all don't like this idea. That's kind of what that's trying to get at.

((Crosstalk))

Man: ...this happening to the...

((Crosstalk))

Man: Well, partly because I'm busy and I didn't do that, which is - I probably could, but I'm not going to try and do it right now. At one time put it up on the screen there's...

Man: I wonder...

Man: I'm missing Slide 8. I can send - I mean the right hand of this sort of pipe down that I'd be right against myself.

This case - there are parts of the world that are giving indication that they may not want to have anything different (unintelligible).

I'm just concerned about if I'm (unintelligible). And I'm just wondering whether we dished up a mechanism which allowed like parts of the world to ensure that there are - of these and then another one that was actually (unintelligible).

((Crosstalk))

Man: I don't think...

Woman: I don't...

((Crosstalk))

Man: That would be subject to the five-year...

Man: They could.

Man: Yeah. I mean this is - and some governments that have access to certain...

Woman: You'll have to explain to me why - how...

Man: I'm just - it could...

Woman: Right. Yeah.

Man: I guess my concern here is I've always - you and I have agreed most of the day regarding the bank and the library, okay. The concern I have is I always agree we need to take that into account, but the way we agreed on that throughout the whole day - the problem I have with how this criteria is appearing now is it becomes almost a hard coat details that somebody could gain and that to me is...

((Crosstalk))

Man: So you don't think there are certain governments that, if you will, have "close relationships" within certain communities or certain industries...

Woman: So what?

Man: And but that then has the ability for them - I think what we want to...

Man: Just - I just want to get clear response to why something in my mind about string and I just want to give an example.

Man: I think bank and loan are probably a little different. Right?

Woman: Bank and loan?

Man: Yeah.

Woman: Okay.

Man: But banks to me is something that has an institutionally (unintelligible) whereas loans is more sort of a commodity product, and I can give you - I don't have to be a bank to loan you money.

Woman: Right.

Man: But more...

((Crosstalk))

Man: ...you do.

Woman: But in others you don't.

Man: Yeah. So I'm just sort of thinking, you know, got to be careful about how broad that could be. It's tough. But what I'm trying to get is more the library association, the banking association, not book or book.

Man: Yeah.

Man: And not loan or money.

Man: So I think my point is just that this does appear to be more of a showstopper that we've talked about before which was or it should

take into (unintelligible) and of course there needed to be a book for -
in order to get information about this that was relevant to this criteria.

((Crosstalk))

Man: But I understand also that the board wouldn't be comfortable actually
having to make that judgment and would prefer to have it appear -
criteria that are not met.

Man: Uh-huh. And the other is this language is so broad that if you have two
existing communities within the institution, like banks for example, you
could have one spot being the other because I think the exclusion of
that could broaden the intent.

((Crosstalk))

Woman: Why would he...

Man: Are we talking about the venue of the round or not? This is not about
them being, you know, in a round.

((Crosstalk))

Man: ...public comment.

Man: But that the point of this is, right? So if you had, for example, in any
industry, if you had two different institutions or two different...

((Crosstalk))

Man: You could have - exactly, you could have one say about the other without even...

((Crosstalk))

Man: But that's just - that's an opposition thing. And you will get it. And I guess the question is someone has to make adjustments as to whether that opposition is significant enough and...

Man: And this will be - yeah, this is a fast decision essentially in this line.

((Crosstalk))

(John): It changes the language then those significant opposition is so broad that...

Man: That somebody...

(John): Yeah. I'm not sure you couldn't knock down any...

Man: Did lose some TLD, did lose some language, (John).

((Crosstalk))

Man: If you take the word "no" out, you're going to...

Man: There's one other thing, there should be significant...

Man: Well, no.

((Crosstalk))

Man: If no one unique in the community cares enough to object and would say anything if it were approved. But...

Woman: That's great.

Man: Yeah.

Man: And my - maybe the better way to say this is that the existence of the significant opposition from the community is related to that, is a negative for approval of the...

Man: It may just be because of those (5E) that was...

Marilyn Cade: Right.

Man: Were not sure to think about the...

Marilyn Cade: So if - it's Marilyn speaking. So we're saying - I mean, you all have significant opposition that have been resolved, right, because...

Man: Especially in some (unintelligible) like that.

Marilyn Cade: Right.

Man: Sort of in those - if it gets there, doesn't make a report. (Unintelligible) that mid spot.

Man: The problem that...

Man: Yeah.

Man: Have a comment on that.

((Crosstalk))

Man: ...evaluation.

Man: The one other question is possibly why wouldn't - why shouldn't there be two different TLDs within one institutional base, for example. Why would there not be competition within banking sites, for example?

So I think...

Man: The opposition for the...

((Crosstalk))

Man: Yeah.

((Crosstalk))

Man: ...a bunch of - and I decide I want live. That's sort of more (unintelligible) a bit, I've got banking (unintelligible) opposition has to say that our most critical...

This is why some of the applicants got a problem.

Man: Yeah, maybe (unintelligible) opposition, there is obvious inability of the (unintelligible).

Man: But we need the bank - you know, (unintelligible) example, what happens if the banking association of the US wants our bank, can the Australian banking have significant opposition? Does that count?

Man: Well this is - as I said, (unintelligible)...

Man: But on the contrary, (Bruce), if the Australian association, the Swedish association, (unintelligible) association, the Argentina association and the (unintelligible) association and the Pakistan association of banks can take no - not this way is even the case though.

Man: (Unintelligible).
((Crosstalk))

Woman: I have a better another example.

For example, and this is going to the countries, if it was the human rights in China that wanted the (HRIC) who wanted the TLD, would the Chinese government be an adequate community to object?

((Crosstalk))

Woman: Okay. If the group was human rights in China which is a really good thing to talk about, human rights in China -- because I don't happen to be based in China today but, you know -- were to request the TLD -- and I could come up with other examples like that -- would the Chinese government opposition to that be adequate to stop it by these laws?

Man: It might be adequate if they're going to .china. But if that was just going to .humanrights...

Woman: Right.

Man: In Chinese.

((Crosstalk))

Man: The Chinese government might have their own human rights...

Man: Yeah. So that's what I was trying to get. This is something that would seem right to me as well. (Unintelligible) related to the meaning of the string, not the language of the string.

We can disobject to it because we're using Chinese currencies in that scenario.

I mean (doubled check) two weeks ago and I could say the comments in the public forums can be opposed.

Woman: Yes.

Man: I really expect them to send, you know, a very, very wide delegations that we're going to rate as opposed to (unintelligible) whichever airport, (unintelligible) happen to Vietnam at the moment as they're writing some (fee), right?

Woman: I have seen them...

Man: And they have the right to give their opinions in that.

Woman: But - and that's a valid reason to (stop the string).

Man: I think so.

Woman: You know, Avri, but let's just take as an example, some countries actually govern the use of the name of their country. Not all governments do; some do. That example might actually be addressed in the workup (unintelligible) the working group. It's controversial because it's using the name of a country where there's a law governing the use of that word.

Man: And there are some documents (unintelligible) that ICANN has applied in the past.

Woman: Give me a second, then I'll come up with another organization with another country that would object to it without the name of the country in it. It won't take me long.

Man: In fact, the formulation...

Man: Yeah.

Man: ...I'm not sure whether you mean support opposition from the community. Is that name opposition originating from the community opposition, from the community (unintelligible) or by the community (unintelligible)?

Man: Origination from...

Man: So, one single organization within the community or within the institution can oppose an application on which the rest of the community or institution agree on.

Man: Yup.

Man: And I don't see why would it be (decrement).

Man: It may well need to be just wording changes done to this. I don't think we're ever going to totally eliminate the fact that someone is going to have to make a decision based on this. So I don't - you know, it's 20% or 30% of the community speaks out against this. That's (unintelligible) that's a warning flag to ICANN that maybe they shouldn't be approving.

Again, whereas a string is related to a particular community, be that an economic set-through or type of activities, if it's library, I just think we need to have a criterion there which will enable that type of opposition to (unintelligible)...

Man: Uh-huh.

Man: ...and to influence the...

Man: (Unintelligible), but can we make sure that one single organization - the opposition from one single organization in the tier or in the institution develop the application.

((Crosstalk))

Man: What I think (Dave) is saying is that ICANN then take single account than it is on either a one single - it's a bit large. It's probably common issues generally, then we'll...

Man: Yeah.

Man: ...get one single public comment. You know, the travel one is probably good example (unintelligible).

Man: Yes.

Man: You know, it's not mostly is why the opposition is one entity that has both of these...

Man: Yeah.

Man: And maybe we're putting widespread or broadbase or something like that. But on the other hand...

((Crosstalk))

Man: ...significant.

((Crosstalk))

Man: What (Kerry) said on the phone earlier that there is an international federation of library association which every national library association belongs, I'm getting what he said. I don't know...

((Crosstalk))

Man: But if that organization were to say we don't want that library run by this applicant in this way, that ought to be kind of the show-stopper and that's only one organization. (Hardly) significant.

Man: In fact, an application that I do will present to the board institution. One basically organization will be (unintelligible) in the way the library for example.

Then one...

Man: I think you have to differentiate between those two. The international federation of library association on the one hand would (unintelligible) criterion. One single - (unintelligible) library, if it was out library.

((Crosstalk))

Man: Is it clear from this?

Man: Well I don't think one library is saying it would significant in...

I don't think it totally eliminates some...

Man: I think this is really difficult first step. First, if you will go back to the flowchart.

I really think this is an area where there's a formal objection filed because there seems to be a real dispute between parties about whether the applicant represents the string or not and have an

independent dispute resolution for that or between those two
contestant parties.

((Crosstalk))

Man: (Unintelligible).

((Crosstalk))

Man: It may just go (unintelligible).

Man: No, I think it has to be - probably that's how all that's convened of, you know, I don't want to say smart people because that's our changes, but it's not a specific area of expertise. It's much like, you know, trying to sort out the banker community evaluations in the FTLD (round).

But for, you know, for staff trying to determine a five libraries objecting is too much that isn't enough is really difficult. And what's significant, I'd rather turn, you know, criteria over a dispute...

((Crosstalk))

Man: So even if not - it's not a string issue...

Man: Right.

Man: ...it'll be treated more like these other string issues.

I think the important thing is there has to be some channels for that to happen.

Woman: Uh-huh.

Man: And I can understand the staff (this morning) who I think also throughout the day has put more and more and more on the shoulders of somewhat mythical third party...

Woman: Right.

Man: ...decisions makers, and I'm not quite sure who it would be. But that's what the work is for.

Man: This alternative (weighting) here, (unintelligible) (Jefferies) I think has probably said, (unintelligible).

What strings are like to an industry or institution (unintelligible) the next five years, the applicant must be able to show that they have a legitimate claims to offer that string to these different communities.

Woman: (Jeff).

(Jeff): What is the legitimate claims?

Man: It's the opposite of saying anybody who...

((Crosstalk))

Man: ...claiming to have a legitimate claims, what does that mean?

Man: Yeah.

((Crosstalk))

Man: (Unintelligible) approaches.

The first approach is opposition of approach. And the second one is a - you've got to prove it somehow.

Man: Well you may be able to combine it by saying, such a claim can be overcome by just showing (unintelligible) widespread and bona fide...

((Crosstalk))

Man: And in terms of what the applicant has to show, if there's something under the second formulation, but there needs to be some channel for this to come forward to contest that, whether it's (unintelligible) last slide in the chart and therefore it's done by (unintelligible) ICANN and what (unintelligible)...

Man: Well, I guess practically what you're saying, you can - if I (unintelligible) here I'm saying, must be able to...

Man: ...you know, I'm saying that's (unintelligible) in the kind of more around the (unintelligible)...

Man: Again that may be enough, you know, that the (unintelligible) people will be able to come forward and (unintelligible) no, they don't have a legitimate...

Man: Yes, this one is not really legitimate.

Man: Yes.

Man: We are...

Man: (Unintelligible) that, yes.

Man: If we do that, then the issue is really resolve that (unintelligible) is that this (unintelligible) staff, let's call staff for the moment, or is it something (unintelligible) staff and (unintelligible) the employee (unintelligible) ICANN needs decision, or is there some external body that can (unintelligible).

And I don't - whereas (unintelligible) kind of challenging (Paula) just last night, is to come up with a body that (unintelligible).

Man: I still think (unintelligible) highly problematic. I mean, basically if you say that you must have legitimate claim getting to all kinds of definitions problems, and many people have different view of what legitimate claim is. So we can say you must be accountable to the community but you must have legitimate claim.

In any community, this will be a different context (unintelligible) nobody can do it.

Man: Yes, that's right. Probably (unintelligible) to the sort of (unintelligible).

Man: Well, I prefer - I will prefer accountability then rather than accountability to the community (unintelligible) because, you know, at some point you have to take up something (unintelligible)...

Man: (Unintelligible).

Man: All right (unintelligible) tell me what you mean.

Man: For example, what I'm really - what I was really focused on was you have some relationship - you have to develop some relationship (unintelligible). In other words, you couldn't just (unintelligible) a bank and therefore all the banks must come to you. You must develop some relationship with some institutions and basis within that industry or that institutional structure. If you don't have that, then that's exactly what you're fearing, that you have somebody just having something up with no relationship. Any good business that wants to go in to an area and offer services to an industry will develop relationships with that industry (unintelligible).

Man: How about just changing up (unintelligible)?

That's relevant (unintelligible).

Man: Just have a legitimate relevance for...

Man: Yes. Everything highlighted (unintelligible) relevant. They have relevance to offer.

Man: Do we really want that? If we're talking about dot-cars, I'm not sure they need relevance and a connection with the car industry. It may be generic enough that it's not one of the community ones and yet according his words it relates to the community and we would sit under that definition.

Man: (Unintelligible).

Man: You know, I think dot-cars relates to an industry.

((Crosstalk))

Man: I mean in the (unintelligible) I mean we have (unintelligible) with our (unintelligible) managed from (unintelligible) before (unintelligible). Now we don't have this clear car definition, we will have somewhat (unintelligible) some others run for that community, and in that second phase, the only relevant question is there is opposition to that, you don't need to really be part of the community to run it. But you will need to have the position of a significant (unintelligible).

Man: What about the phrase "stakeholder recognition?" I repeat, stakeholder recognition.

Man: (Efficient) stakeholder recognition.

Man: Stakeholder is a term (unintelligible) ICANN, meaning the broad community.

((Crosstalk))

Man: You mean relevant stakeholder?

Man: Well, that's okay, but just an ICANN process coming into it.

((Crosstalk))

Man: (Unintelligible) before the end of the day.

So currently it's (unintelligible) community with our (unintelligible) institutions, the applicant must be able to show that they had - have the support of those institutions.

Just a little bit (unintelligible) as far as to take a community of -- particularly if we're talking of cultural (unintelligible) that may or may not have, especially when you're looking into the developing world (unintelligible) institutions (unintelligible) that the - in the (unintelligible) north of Sweden which they have established institutions as you're saying it or not? (Unintelligible)...

Woman: Yeah.

((Crosstalk))

Woman: ...Parliament, right, and - yeah.

Man: ...(unintelligible).

Man: There are (70) institutions and (paid) organizations for every community.

Man: So are you saying yes or no to that wording?

((Crosstalk))

Man: Well, they may not have the support, but they couldn't have the recognition because support, many institutions could be wary of what support as far as the financial support may be concerned, that they would be willing to recognize the effort of someone to do it.

Woman: There may be a problem with the population like (unintelligible) I don't know if they have. I mean there's another group that talks about an interest in (unintelligible) against (unintelligible). I'm not sure whether (unintelligible) would necessarily have or the travelers would have...

((Crosstalk))

Woman: I got (unintelligible) about organizations that need the criteria.

Man: I think that still we're going a little bit too much (unintelligible) five years of (unintelligible). The question is there should be some room for distinguishing, you know, (Berlin), (Mauri), the library, and the cars. And the question for you is (unintelligible) to a given community, it should not have the position of the relevant institutions of that (unintelligible) wherever they are.

((Crosstalk))

Man: Building on the remarks on the car industry for example, I would think maybe two-phased approach that saying the proper of the (unintelligible) of the application must be relevant to the industry or institution concerned. And then there must not be a significant opposition that there you are still struggling to find the right foundation, but we can - we may want to say first that the (unintelligible) should be relevant to that community or institution, at least.

Man: (Bruce).

Man: I sort of - I go back to I think what (Paul) was saying, that I think this criteria is literally going to be a gatekeeper, and you want talk about (unintelligible) innovation competition, preventing - I mean let's just - this is written right now.

Let's just suppose that the people, in connection with (dot-Moby), let's just suppose someone wants to come up with (dot-cell) to provide a (unintelligible) TLD, okay?

Opposition within the community. Is it the community for the people that makes the phones, the people that provide access, the providers, is it the people that use the phone? You know, do you sit there and make that determination...

Man: Is it (biologist) or is it stem cell research...

((Crosstalk))

Man: Exactly. So we now create paralysis where nothing gets added. And I mean let's just look at...

Man: My (unintelligible) in the case of (unintelligible) or cars, it can't even (unintelligible). There are some place associations, but there is not anything that may concur with International Council of Library Association or anything that we can concur with, you know, the situation (unintelligible) or we want to create something or (unintelligible) (dot-church). There's nothing like that.

So I think we are (unintelligible) here, this is not the problem. This, you know, who cares? I mean probably one manufacturer will come but it will not - it's not conceivable that we organize (unintelligible) car, right? The problems are all those. When some hapless policy (unintelligible) that's the real question.

Man: So (unintelligible) Mike, if you could - you come up between good examples - difficulties in applying this particular language but on the other hand, there are sectors, economic sectors, which there are establishments. Those establishment institutions are opposed to an application to have a TLD that is needed for that sector then there ought to be a way which there is not in the current...

Man: Well, I...

Man: ...for that opposition to be expressed and listened to and (unintelligible).

Man: But there's the...

Man: Let's work on the language skills.

Man: Well, no, watch, I give you an opening. Let's just supposed - let's take the banking institutions, right? Part of the current criteria is the business model, right? Now if...

Man: Well, I don't know...

Man: Just wait, let me...

((Crosstalk))

Man: ...no, let me finish. I under - no.

Let's look at the banking industry because there's a different way to skin this cat, I think, without - this is what I call gatekeeper or show stopper.

If the relevant banking - (unintelligible) bank by an entrepreneur and the banking industry comes forward and says, "We don't want this through the public comment period." Okay? What ICANN evaluation team that looks at the business plan have to evaluate and says, "Okay, who do you intend to provide the domain name registrations to?"

And if the banking institution is saying, "We don't want that," the financial business people have to take that into account because in their business plans if they say, "We're going to (unintelligible) 1 million TLD or 50,000," or whatever, right? And the banking community, the people that needs to register these things are saying we want no parts of it, that has to be accounted for in business financials sector.

I mean, what's really important here to look at is when you look at the sponsorship from the last round, so basically the sponsorship committee early in said, "We can agree, okay? You know, we sort of - we did our best work and we're sort of in an impasse which unfortunately put the board on the firing line."

Now, I guess, what happens here is, you know, again, using the bank, if the banks come out and say, "We don't want this," that has to be

taken into account by the financial people because then who is going to register in that TLD? There's a number of ways to allow that opposition to be factored in to the evaluation process to a financial instead of coming up with something that I fear can just be (gamed). This is just saying, again, I just think this is really problematic.

Man: It's not difficult to agree with you but the problem how and when do we know that that's what the other institutions is saying, "We don't agree." Is it just - because of the banking - just one bank talking against the application or is it an association of the industry or...

Man: What I would do is I would sit there and I would look to - the business plans says who you're going to sell these names to. So what I would do is I would go to the applicant. If the applicant says, "I'm going to be able to sell 100,000 names to the banking institution at Xbox 360 dollars, here's my business case scenario." Right?

And as part of the public comment period, all of a sudden, we have the North American banking institutions speaking on behalf of their members saying, "We don't want this." The European banking institutions saying, "We don't want it."

The business aspects need to go back and say, "I don't think this is viable. It's not going to work." It's a lot better to have that analysis to take into account than, "Are you legitimate?" I mean, you know, we were talking - I was talking earlier about 99% grade, that's 99.9999 grade. Every one of those words is a lawyer's license to make money, okay?

So let's (unintelligible)...

((Crosstalk))

Man: What's the practical difference between what you say? The practical. I understand the (unintelligible) difference but the practical difference would be exactly the same. If all of those are the intended communities call and say - (unintelligible) and say, "No offense, it's the end of the application."

Man: I would agree. But the reason that it's the end of the application is not some constructed to be gained, it's based on a business determination because the person doesn't have a business model. And what's going to happen is...

Man: Is the staff comfortable making that decision? As a business model, is the - it's too flimsy because instead of selling to 50,000 banks, you'll sell to 2,000 banks from 48,000 registries who want people to think they're a bank.

Man: Can I add another idea on the table which I've already been told by (Bruce) can be gained so I recognized the problem.

I wondered was the (unintelligible) this is actually - this conflict, whether this conflict should be appealed rather than a (unintelligible). And if it was a (unintelligible), you know, you can file this (unintelligible) whether the action at the end then would be that this application is laid over to the next round.

And at the next round, then the opportunity survival could be (unintelligible) or whatever they put in the application. And if they're done, they you can proceed.

Now...

((Crosstalk))

Man: Well, I mean, put it this way. Here - I mean, let's look at (Amadeo), right? If I'm outside council for Caterpillar, right, I'm going to make sure he doesn't see the light of day in this application and the next one I'm going to do everything I can to make it into an auction and guess who's going to win that one.

So, you're lucky you're in the (road), (Amadeo).

Man: Reaching the (Cat) level. There's a lot more (Cat) level than probably the...

((Crosstalk))

Woman: And I have (unintelligible) application from Caterpillar as I'm (unintelligible) for the Caterpillar.

Man: But let me just kind of get the conflict of where the (unintelligible) here a little bit because I think that's mine (unintelligible). To your question, one is the honest approach on the applicant and - but let's say that the applicant has to show more than 50% of their (unintelligible) interest support of it just as an example, right, besides (marry).

So the applicant has to show more than 50% of the (marry) so they can support the application. That's - (unintelligible) on them. Alternatively, you're saying that beyond this approved is on the party objecting. And the party objecting has to show more than 50% of the community objects.

Man: Kind of quite different (burdens there because the cost is actually different. So in the foremost - because getting support is cost, right, cost management.

((Crosstalk))

Man: The publicity to get (unintelligible) support sheet, (unintelligible) whatever it is that you get that support. That's for the (unintelligible) on the applicant, the cost on the applicant.

In the reverse, in the objection process, you got to put the cost on the objector to get, say, more than 50% of the (marry) community saying, "We don't want you to have merit."

Man: Well, that's...

((Crosstalk))

Man: ...where people are feeling in their own space.

Man: That was my suggestion to begin with was that the presence of significant opposition should be a negative, not that you have to show support to begin with.

Man: Yeah.

Man: That I think would help - would suppress innovation and people who had never thought about it, you know, so you've gone up under their body up, you wouldn't be able to move forward. But if you do move forward and there's significant opposition, that seems to me ought to be the criteria.

The owners would be on the objectors.

Man: So if I use the objectors just to kind of (unintelligible) just in particular making sure we're not kind of (unintelligible) match. But differently what needs (unintelligible) is that if I - if you had - if you got in there first and your business model was organized and I was in (unintelligible) and I didn't get my application on, (unintelligible) and so next time I'm going to be (unintelligible) and I think that's unfair.

Man: It's even worse.

Man: ...(unintelligible). But if I just sort of take the - a criteria that's (unintelligible) that is the criteria, (unintelligible) objection. So what that does is to put you into (extended degradation) and this is kind of similar to the (unintelligible) but if I'm saying (unintelligible) to trigger the process, then the objector has to (unintelligible) to actually demonstrate the objections which, you know, specific in objection in that (extended degradation) period.

So that's - you obviously (unintelligible) to approve these changes. That's (unintelligible) which way we're getting to? Because that's a little bit different to having - to show the extended support upfront.

Man: Yeah. But I think if you go back to your chart where public comments first come in...

Man: Yes.

Man: ...that would be the place in which people would raise the objections.

Man: (Unintelligible).

Man: Yeah.

Man: So that means it doesn't get through (unintelligible) basically.

Man: Yeah.

Man: Right.

Man: And it goes into the...

Man: But someone would have to decide, you know, the answers to the questions Milwaukee has been raising and others, you know, is this just one or two people that are...

Man: They didn't come off as (unintelligible), right?

Man: Pardon me?

Man: Sorry. Is it by saying if it was - (unintelligible). So it is the (unintelligible) association that actually puts into the (unintelligible) so that might take

me a lot of time. So the (unintelligible) the lobby association so now they can have that so that's all right because of the objection.

And then we will evaluate the (unintelligible). So this is (unintelligible) but none of the other lobbyist care.

Man: Right.

Man: Then that's not (unintelligible).

Man: Right.

Man: But the (unintelligible) all the lobbyist in the world, they're all the (unintelligible) lobbyist association (unintelligible). And, you know, that could well be significant.

Man: Okay.

Man: Yeah, in practical terms. Knowing what's significant was not as easier than putting a channel on the (unintelligible) upfront.

Man: I just want to argue for the minority group of red green color blind people that you really should say that (unintelligible) because I can't read this thing on the script.

((Crosstalk))

Man: Well, you realized (unintelligible).

Man: So...

Man: Well, I mean, I'm not sure where (unintelligible) the idea that that's area we were talking about...

((Crosstalk))

Man: And from the relevant community.

Man: Relevant communities.

Man: Yes.

Man: That they walking in some way (unintelligible) the process.

Man: Yeah.

((Crosstalk))

Man: I think the - well, I don't think we're in agreement on any language here. I think there is some general conceptual agreements that where there is significant opposition from, you know, the community to which the stream relates, then that - it is widespread and bona fide it, whatever the right adjectives are, because there ought to be some way to channel that into the process and ultimately for that to be a relevant criteria.

Man: (Philip) is usually pretty good at this sort of language. Tell me that (unintelligible) challenged by (unintelligible) meeting.

Man: Well, even it...

Man: Is this something that you - similar language where this is now I'm challenging - (unintelligible) so it's some whatever (unintelligible).

Man: Yeah, exactly.

Man: And then I'll challenge it. What do I have to do to challenge this thing?

Man: I'll leave that to the process. I mean, given of course that it's (unintelligible) I think what - the thing we're tried to do for the last (unintelligible) are yet - I'll be very happy to work with Liz on appropriate language and (unintelligible) by email with this group. I think we can buy in to that and including in the next report.

So (unintelligible) to that wording.

Man: Okay.

Man: (Philip)? (Michael)?

Man: Just looking at the - gone through this application. What you suppose we have two people to put in for (unintelligible), so one of the persons decides and says, "You know what, you can have blog, I'm going to go with news." Okay?

All of a sudden, the person who goes for news, the blogger that wants that news, Night Rider or one of the other established or media or publication company decides to say no.

Well, we have opposition. Does an organization like that under your scenario have the ability to stop a (dot news) from happening?

Man: No.

Man: We're talking about institutions, I don't think we're talking about individual companies.

Man: Well, let's just suppose that it's Night Rider, Tome Warner - they have trade associations.

Man: But still...

((Crosstalk))

Man: I mean, you put it this way...

Man: Your existing community, the (unintelligible) we are talking about that. You have - they are groups of interest, this is different from all the - we're talking about.

Man: So did they win?

Man: I think (Amadeo) and I actually disagree about what are the categories that we are talking about here. But - because - I mean, what's interesting here is if you look at what just had happened in how the Internet has revolutionized stuff with classifieds and how that has impacted the ability for certain newspapers to make money, one would day that on...

Man: More newspapers make money. That's how I see it.

Man: So is that a good thing, a bad thing? I mean, if someone wants to use a (dot news) to help disseminate information, does someone - I don't know, do they get to block that if someone's trying to further erode their base.

Man: We agree with you that the discussion - should be to show support but - yeah, but that...

((Crosstalk))

Man: Okay.

((Crosstalk))

Man: Okay.

So, (Philip) and (unintelligible) you should work on a longer (unintelligible). Okay.

((Crosstalk))

Man: ...we've got 15 minutes - ten minutes.

Man: Seven minutes. Since we probably done (unintelligible)...

((Crosstalk))

Man: The time to get out (unintelligible).

((Crosstalk))

Man: Be great with the red line version, right?

((Crosstalk))

Man: I don't care whether it's red or blue, it's just make it...

((Crosstalk))

Woman: I want to make it red or green.

((Crosstalk))

Woman: What I might do, Chuck, instead of doing red line (unintelligible) topic so the changes are her, here, here, and here. Since I find it (unintelligible) hard to read. But if the group prefers the red line, then I'm happy to give it to them.

((Crosstalk))

Woman: Yeah, can you see where the changes are?

((Crosstalk))

Woman: Sure, no problem. That's fine.

Woman: (Bruce), you may ask your question.

(Bruce)?

((Crosstalk))

Man: Yup.

((Crosstalk))

Man: Yup.

Woman: Hi, (Bruce). I think you had something on the agenda but I'm...

((Crosstalk))

(Bruce): I'll raise the topic and I think we'll deal with it in the next council meeting.

Woman: Okay.

(Bruce): But the topic that (unintelligible) needs arranged is the (unintelligible) working groups and maybe if I can use a little bit of Chuck's comment in getting tomorrow morning on that. This is just a topic (unintelligible) one of the members of the working group that are not a (unintelligible) member of the (unintelligible).

Man: We've got less than four weeks and we're going to have trouble getting our agenda filled in two hours tomorrow night. I want to reset Avri's needs for the (Feb. 06) because they've been very generous in giving us some time.

((Crosstalk))

Woman: No, it's in a different room.

Woman: (Bruce)? Can I propose - ask a question?

If we don't have a huge number of people and I don't mean to be interfering with the process but if we don't have a huge number of people, can we have an interim approach to these working groups follow the council work to a longer term plan?

(Bruce): Yeah, that's...

Woman: That's not what we're going to talk about.

((Crosstalk))

Man: The longer term solution is really part of the (unintelligible) used.

Woman: Exactly.

Man: And I think we need to - it seems that we're somehow blocking people from participating, particularly in the...

Woman: So then maybe we can come up with a proposal or something, (Bruce). You know, I don't know when is the next council meeting. But you're here tomorrow? There's enough people here tomorrow, maybe at lunch time we could meet the team in 20 minutes and talk about that? I'm going in.

((Crosstalk))

Man: ...about the dinner.

Woman: I'm not...

Woman: I'm not dinnering either.

Woman: I'm not dinnering.

Man: You're not what?

Woman: I'm dinnering elsewhere.

Man: All right.

Woman: Me too.

Man Let's talk about it when we find time to talk about it. I think everyone's just tired to...

Woman: Yeah, of course. I'll have dinner...

Man: So just to be clear fro everybody, dinner is at 7:00 pm in the same room where we had lunch today.

((Crosstalk))

Man: So 7:00 pm in the same room where we waited for lunch.

((Crosstalk))

END