

GNSO Working Session in Los Angeles Saturday 27 October 2007

Attendance list:

Avri Doria Chair Nom Com, Jon Bing - Nom Com, Chuck Gomes Vice chair - Ry
Edmon Chung – Ry, Cary Karp – Ry, Norbert Klein – NCUC, Robin Gross – NCUC, Bilal Beiram –
CBUC, Mike Rodenbaugh CBUC, Tony Holmes - ISP
Kristina Rosette – IPC, Ute Decker – IPC, Ross Rader - RR
Liaison
Alan Greenberg - ALAC
Remote participation:
Mike Warnecke - Observer WHOIS wg, Steve Metalitz - Chair IPC

Observers:

Milton Mueller - NCUC
Shaundra Watson INTA
Paul Stahura - eNom
Neal Blair - CBUC
Palmer Hamilton - CBUC pm
Philip Corwin - Attorney
Desiree Milosovich
Ching Chiao - dot asia
Margie Milam - Mark monitor
Marilyn Cade - CBUC
Jeff Neuman - Ry
Matthieu Crédou - .bzh
Werner Staub - CORE
Elmar Knipp - Core
Dirk Krischenowski dot Berlin
Paul Lecouthe - CORENIC
Laurie Anderson - Godaddy
Lisa Villeneuve - Godaddy
Pam Bunn - Godaddy
Martha Johnston - Godaddy
Lynn Goodendorf - InterContinental Hotel Group - WHOIS
Stefano Trumpy - GAC
Artur Lindgren - NICTRADE Sweden
Henrik Erkkonen - NICTRADE Sweden
Claudio DiGangi - INTA International Trade Association
Chuck Warren -

<http://gns0.icann.org/meetings/agenda-27oct07.shtml>

Item 2 Rights Protection Mechanisms

11:00- 12:30 Rights Protection Mechanism (RPM) discussion

<http://gns0.icann.org/meetings/agenda-27oct07.shtml>

<http://gns0.icann.org/drafts/reference-implementation-document-25oct07.pdf>

>>**AVRI DORIA:** Hello. It is now 11:00 so we are going to try and start up again. We seem to have a few fewer observers for this one than the last one.

We are going to start talking about -- we have got now scheduled between 11:00 and 12:30 to talk about the work that's being done on rights protection mechanism and, I guess, Kristina will start talking a bit about what the ad hoc group or working group has been doing in that regard. This is in terms of creating -- I guess we called it an implementation agreement about possible rights protection mechanisms.

And then Mike is going to sort of take us through the work that is being done. So, Kristina, it is yours. Mike, you will want this, right?

>>**MIKE RODENBAUGH:** I don't think so.

>>AVRI DORIA: I thought you said you had slides.

>>MIKE RODENBAUGH: I can't find them.

>>AVRI DORIA: You can have it if you have slides. I don't have slides. I do have your documents that I can put up if that will help.

>>KRISTINA ROSETTE: All right. While Mike is finding his slides, I will just actually give a little bit of lead-in as to where this group came from. Its origins really were an outgrowth of the rights protection mechanism working group about which I made a presentation at our meeting in San Juan.

The purpose of that working group was to really examine what had been done in previous gTLD launches with regard to preregistration rights protection mechanisms that were designed and intended to prevent and protect -- well, to prevent abusive registrations during those initial start-up phases to look at, perhaps, what best practices might be and whether or not to recommend best practices.

Ultimately, there was no -- I think if you really broke it down, you would probably come up with a recommendation that there should be rights protection mechanisms you had support for. There must be -- and you had kind of alternative views that there may be, and if you wanted to merge the two, you could come up with "should."

Where we left it after that meeting is one thing that might of value to registrants or potential applicants for new gTLD would be to have a document that would lay out what had been done in the past in a very kind of narrative form and to just highlight some of the key issues that those applicants might want to consider if they were going to adopt an RPM and, if so, breaking it down even further what additional considerations they may want to take into account when deciding which of the various models that were out there.

The idea was that this would be a document that would be made available to applicants along with the RFP, really as kind of an optional measure.

At the outset, we had hoped that we could also have a component that would really reflect the experience and the expertise of the registries that in the past had implemented these mechanisms.

And the ad hoc group, I think, got started. The ad hoc group on implementation of rights protection -- I don't even know what the exact title was. I hope you do, Mike.

We got working shortly after San Juan. At this point, I will turn it over to Mike.

>>MIKE RODENBAUGH: Gee, thank you.

So I guess since San Juan, there's been five or so -- six, seven people in this ad hoc group, primarily from the IPC and then myself. I think Mike Palage was also on it but hasn't appeared much.

But anyway, we have had between one and three people calling up on our calls. And it seems like we were tasked maybe with more than -- bit off more than we could chew, perhaps.

I understood the mandate of the group was to draft detailed Rights Protection Mechanism proposals that could essentially be adopted wholesale by new TLD operators.

We were looking at specifically a standardized sunrise process because, of course, we've seen every new TLD a different sunrise process, which is quite confusing and difficult for businesses to deal with each time.

We're also looking at mechanisms to curb abusive registrations, things like anti-phishing suspension plan by registries. Things like a rapid take-down proposal that was proposed by ICM. These were the ideas.

We realize there is a problem. We want to give new TLD operators some guidance as to how to address the problem. But the reality is it is a lot of work to come up with these detailed proposals.

And few of us on the call, I think, maybe one by one and gradually came to the conclusion that we were likely banging our head against the wall to come up with detailed proposals that probably weren't going to be adopted anyway.

So I think, at least I will speak personally, I felt it is like to engage the council and see if we really have buy-in for these sorts of ideas because, of course, they're addressed not just to problems in new TLDs but the existing problems that we have in -- not just in new TLDs but the existing problems we have in existing TLDs.

Cybersquatting is rampant. I think the overall feeling of the ad hoc group was we should try to focus our efforts on getting something that's mandatory and that has buy-in from people rather than develop some pie-in-the-sky ideas that probably wouldn't going to go anywhere.

I'm hopeful that today we can have a discussion about what potential next steps are and a discussion even on a concept. Do people agree there is a cybersquatting problem out there? I feel like I talk one by one to councillors and other folks and they look me in the eye and say, Yes, it is something we really ought to deal with but the fact is on a policy level we haven't taken really any steps to deal with it.

So I don't know really where you want to take the conversation, Avri. I would really love to get people's thoughts on is there a cybersquatting problem and should we do something about it.

>>AVRI DORIA: I guess your option of going through the work you've done to date is not something -

>>MIKE RODENBAUGH: Unfortunately, there is not a lot of work done to date. There is an anti-phishing registry suspension plan I can go through, some high-level details.

>>AVRI DORIA: I think it would be good to go through what you have got just to give people sort of a view into things.

I think it would be good to go through that since that's sort of the work item we have on the table.

Then if, indeed, there is a proposal we need something more, then, yeah, we should talk about that after. And then we have a bunch of -- Yes.

>>ROSS RADER: I think the most important question Mike had asked to this point is one of the scope and mandate of this working group. That's unclear for me right now. It might be helpful if we could actually tie this conversation back to the original chartering statements. I didn't follow the work of this group in any way and I'm not quite sure where it got its start.

It would be helpful as me as a councillor to understand that before we engage in the rest of the discussion. Then, perhaps, we can take a look at these other documents in that light. Is that a fair --

>>JEFF NEUMAN: I would also kind of object to going through the anti-phishing working group document. I am actually a member of the anti-phishing working group but this document has not been run through the registries. Some of the registries have made comments to it.

But to present it to the GNSO at this time as some official position or paper is just kind of -- Registries are meeting with the APWG this week to discuss it. I think I to bring it up to the GNSO Council level would not be the most responsible move at this point.

>>MIKE RODENBAUGH: I have an outline of it. I wasn't going to go into a great detail. People have the document. I haven't represented that it's agreed by anybody in any way. But I think it might be useful to just kind of highlight what we were talking about with that plan because, at least in my mind, it can be adapted and morphed over time as something that can deal with the cybersquatting problem as well consider.

>>KRISTINA ROSETTE: Can I actually just back up and answer Ross's specific question? Back in - as I said, this was really kind of an offshoot of the fact that there was no, quote-unquote, agreement among the working group participants -- when I say "working group" I mean rights protection mechanism working group -- that would be a rights protection mechanism that would be made mandatory or the requirement of having one would be part of the RFP.

And as a result of that, there were a group of people who had been involved in the group that felt strongly that at a minimum this information should be made available. The ultimate in terms of what was ultimately sent around to everybody in trying to get participation identified the objective as to produce a reference implementation document on a range of rights protection mechanisms which new gTLD applicants may consider in the application process. It is really intended to come up with -- And the document you have got here is really a very rough draft, at least to the extent it talks about, quote-unquote, sunrise, which was not the only rights protection mechanism that was under consideration. Ultimately, the idea was there would be something comparable if you wanted to kind of take the IP claim process that had been created and implemented by Jeff and dot biz and kind of set that out in terms of this is what it was. This is how it worked. Based on how it was implemented, these are considerations that you might want to think about if you were going to do this in terms of this is what people got confused about and this is what we ended up changing, da-ta-da-ta-da-ta-da.

I think, ultimately, you ended up with a couple -- it was really kind of the perfect storm of nobody -- I was not willing to leave the group after what I went through with the last group. No one else really wanted to leave the group. We didn't really have any staff support and you, basically, had a bunch of people who were truly, I think, came to the conclusion that why are we going to spend all this time banging our head against the wall. We personally think it would be useful.

It is still up in the air as to whether the IPC is going to just take this on as its own project and make it available or whether it is going to be pursued by some of its other member organizations.

But in terms of kind of answering your question about scope and what the intent was, the idea would be that ultimately you'd have a document like this that would go out to applicants with the RFP saying, Here are some reference implementation materials that you may want to consider when putting together your application.

>>AVRI DORIA: That was one of the decisions that the new gTLD committee came up with, is there will be nothing that's mandatory but if the people that think that something like this should be included, it will be included and they should go produce such a document. So there was no real chartering. It was people who think some things are important, yes, produce it and it will be included as a non-mandatory reference material.

>>JEFF NEUMAN: When did the anti-phishing creep in?

>>AVRI DORIA: I guess the group that was writing it decided -- This is something, therefore, something for us to discuss. The group that was writing rights protection mechanisms decided that phishing was somehow relevant to rights protection mechanism. I'm not commenting one way or the other because I haven't really thought about it all that seriously one way or another. That's what they made -- the view that the procedures they wanted to offer included that as one of the possibilities and that's one of the reasons why we're talking about it.

Yeah, Ross.

>>ROSS RADER: So then maybe if I could resummarize what I am hearing and feed it back to the group so that I can understand what you all understand. I should be looking at these documents that we've been -- that have been tabled here as proposals coming from a sector of the community that they wish to have the larger community consider as possible matters of policy at some point?

>>CHUCK GOMES: I want to correct you on one thing. Not policy but alternatives that new gTLD operators could consider using in their proposal for a new TLD. Not required, not policy.

>>AVRI DORIA: I go one step further in the answer, if I am understanding things correctly, that what we asked for was certainly not policy but what Chuck said. I get the impression that there are still people within that group that would like us to consider these things as policy and not just as voluntary possibilities.

>>ROSS RADER: So to play back one more time, we have a big thick document here that's saying to potential applicants, Here are some things you need to consider when you fill out your application and run your registries.

We have the smaller document from Mike describing a possible go-forward on new policy development? I think I heard him specifically say that.

>>MIKE RODENBAUGH: I think what you're missing here -- maybe, I'm not sure. But when whole discussion, this working group and all came out of the new TLD process. The group was very engaged in a whole bunch of different principles and issues around confusingly similar and morality and whole bunch of other things.

I think there wasn't really the appetite to deal with rights protection mechanisms as a potential mandatory situation either from any group because from our perspective, the people who would push such a thing, it's not dealing with the problem. The problem is now in existing TLDs.

>>ROSS RADER: I'm not looking to hear the merits of whether or not this is a good or bad plan. I'm just trying to understand what we're looking at.

You're proposing that we go through this presentation and read this document and understand it from the context of policy that we may want to implement in some way, shape or form in the future?

>>MIKE RODENBAUGH: I think that's true. It is a start.

>>ROSS RADER: Okay.

>>MIKE RODENBAUGH: I have two slides overview of this document if it would be useful.

>>ROSS RADER: I just wanted to ground that because I wasn't quite sure. Thank you.

>>AVRI DORIA: To make sure I'm still understanding, the other document, the thick document, is the first draft, albeit incomplete, of the document that would go along with the RFP as not something you need to consider but something that you might want to consider.

>>SUSAN CRAWFORD: Avri, can I ask a question? The new gTLD process is very focused, appropriately, on predictability, the standardization, all of that so that applicants face a common interface when they are coming into the process.

How does this implementation document square with that? If it's not mandatory, what does that mean? Will an applicant have to be concerned if they don't do it, they won't be selected? Is that at all a concern? No?

Well, then what, I'm trying to see is how it squares with the standardization.

>>CHUCK GOMES: Thanks, Susan. The thinking is -- I mean, there is lots of flexibility in the new TLD process as proposed for applicants to propose various approaches to lots of issues with new TLD that aren't necessarily requirements. Nor would they be evaluation criteria. So there is no intent at all to evaluate new TLD applications on which rights protection mechanisms they may use or whether they use them or not. But by putting the -- some alternatives out there and then, of course, they can think of new ones, they are not restricted to those alternatives, it was just to give some ideas that they could consider as part of theirs.

And the former chair of the new gTLD committee wants to speak.

[Laughter]

>>BRUCE TONKIN: I don't really want to talk as the former chair. I just really want to ask a question because I feel like Ross, I am trying to get my head around what the logical steps are.

The previous rounds for new gTLDs have actually required an applicant to state in their application what mechanisms they're going to use to protect the rights of registrants typically during start-up.

Then each of those proposals have proposed different approaches to doing that. And the latest version that we're seeing now is from dot Asia which has got kind of the sum of all the other ones that have previously been proposed-type approach.

So then what I'm asking, I suppose -- I think it is probably a little open. I just reread the new gTLD recommendations today and there is nothing in the core recommendations that's requiring the applicant to state upfront what the mechanisms would be.

Perhaps, this is a question for Dan. The only area that you could consider that would be that there's a section there saying they need to be able to show their organizational capability, whether that would be one of the things you ask.

Dan, do you have a feel, what's the staff read in the RFP document for the registry operator to state whether they would have some mechanism to do that?

>>DAN HALLORAN: I guess I would like to go back and probably look through the documents and consult on that. I think -- I'm not entirely clear if -- let's say the GNSO has 19 recommendations. Is that meant to be the end all, be all of all the considerations? We do have prior -- I don't know what you call them -- policies. Let's say go back to 2000 where the GNSO or the GNSO said take into account protections of the rights of others. Does that mean since it wasn't one of the 19 things that got picked up this time we should discard that and consider it operational? I guess I'm not sure is the current answer.

>>BRUCE TONKIN: To respond to what you're saying, I think what the GNSO is saying, these are the consensus recommendations for things that we want to have. But it's also not explicitly stating. I guess, there are things that staff could choose to put into a document based on previous practice that we haven't explicitly disallowed.

>>DAN HALLORAN: Is one of the 19 recommendations -- sorry, Avri.

>>AVRI DORIA: Sorry. I think at least the understanding I had was certainly we weren't grandfathering in all of the policy considerations of the last round. And I think that -- and correct me if this is my misunderstanding. This is while you were still chairing the committee, that we made an explicit decision to not recommend a specific requirement for rights protection mechanisms at the second level and that we did make a recommendation that an implementation agreement or an implementation -- what was it -- guideline -- reference would be included of possible ones but that at that point when we were talking through the recommendations of the rights protection mechanism working group which hadn't been able to conclude that there should be, the committee had sort of followed that same line of thought and said there is no "should" to it but that they will be given this reference document with the RFP without a normative statement saying they ought to do it. So it is voluntary.

>>BRUCE TONKIN: Basically, what you're saying is the committee and the council decided not to make any recommendation that there was a requirement to have a rights protection mechanism. Is that correct?

>>AVRI DORIA: At the second level, yes.

>>BRUCE TONKIN: At the second level, yes.

And then there was a view that there were -- from my memory at the time, the people that had been involved in producing that working group report had wanted to actually go and put something on the table to say here's what we think is a good implementation and then the idea was, okay, work on a reference implementation that could be included.

The only thing I was clarifying, trying to understand from the staff, you're saying that's just a document that is then taken as read for how to build a registry-type document because there are IETF RFCs on how to set up geographic distribution of name servers, for example, so it would be read in the same light of that, it is like an informational document, presumably. Is that a fair summary?

I think I was just trying to understand what the context is.

So then what role do you see the GNSO Council has with the reference implementation? Do you see the GNSO Council approves that as being a reference implementation or is it merely -- in other words, what status does that document have? Is it a document that's got some imprimatur from the GNSO saying this is an implementation, in other words, it is like a sign-off? Or is it a document produced by some individuals or the intellectual property constituency. I think that's partly of what Ross is saying. At the end of the day, what status does that document have?

>>AVRI DORIA: I think comparing it to the RFC type of -- it is an informational document, I think, that the council needs to say, yes, that's acceptable. It doesn't make it a policy but it has to find the document an acceptable reference, you know, implementation so it doesn't say things that the council in general is not comfortable with.

For example, including a statement saying you must include one of these, for example, to jump quite roughly that if this reference implementation included a statement, you must pick one of these for your

application to be considered, that would be a reason why the council would say, no, that's not an appropriate document.

But I don't believe it is being -- at least it hasn't been recommended as a normative statement that says you must implement one of these.

>>BRUCE TONKIN: It is not a consensus policy.

>>AVRI DORIA: It is not a consensus policy.

>>BRUCE TONKIN: But it is --

>>AVRI DORIA: There is a consensus policy --

>>BRUCE TONKIN: Possible implementation.

>>AVRI DORIA: And the consensus policy does include attaching this to the RFP.

>>BRUCE TONKIN: Ross, what was the situation with transfers? I am just trying to remember. That's probably the other time when we did that. In the transfers document, there was a reference implementation of the transfers policy. So the transfers working group actually approved that as a possible implementation. Is that how that was presented?

>>ROSS RADER: No. Actually, the -- this is going back to things that I had written off as completed so my memory might be failing me.

The reference implementation was tabled initially as a discussion point for the working group to use to drive discussion of the policy. It was made very, very clear that, at least at that point, that the role of the council and the working group was not to in any way deal with the implementation details. That was a matter for the contracted parties to sort out for themselves based on the policy and their best legal advice, best corporate advice, et cetera.

We did include the evolved form of that original reference implementation as an appendix to the policy recommendations. But it went no further than that. It went no further than that. In other words, the final report of the working group presented to council and ultimately the board did include those supporting materials, but it was not circulated in any way beyond that. For instance, it didn't go out to the registrar community as a suggestion of possible activity associated with implementing those policies.

>>BRUCE TONKIN: So it became part of the working group report, right?

>>ROSS RADER: Correct.

>>BRUCE TONKIN: Yes. Just trying to understand what status you would end up giving the document and, therefore, what process you would want to use to give it that status.

You are saying it is a GNSO Council reference implementation or is it a particular working group implementation?

>>AVRI DORIA: I believe that it would end up at the end of the day a GNSO Council reference implementation, assuming it is acceptable to the GNSO Council.

>>BRUCE TONKIN: (inaudible).

>>CHUCK GOMES: Right. I think that is necessary for it to be attached to the RFP.

>>BRUCE TONKIN: I would think so, too.

>>CHUCK GOMES: Even though it is just some ideas for it to be attached to the RFP, I think the council would need to act on it.

>>BRUCE TONKIN: Yeah.

>>ROSS RADER: What's the timeline around completing this document? I don't know who I am directing that question to.

>>AVRI DORIA: It would have to be -- since it is to be attached --

>>ROSS RADER: You don't have to answer it.

>>AVRI DORIA: Do you have an answer?

>>ROSS RADER: I am looking at the chair for parliamentary reasons.

>>AVRI DORIA: The answer that has been sort of out at the moment is it has to be able to come out with the RFP and one would have to backtrack off the schedule of the RFP to give the council enough time to approve it.

>>CHUCK GOMES: As you'll see on Monday when Kurt presents -- maybe you have already seen it if you have looked at the workshop slides for Monday that have been distributed to the council -- that the timeline -- estimated timeline that staff has put forward -- Craig, jump in if you need to -- it probably would be needed in the what? Early springtime, beginning of third quarter, something like that? Excuse me, beginning of second quarter, to play it safe to be attached to the RFP; is that right? That all could change so don't hold the dates firm?

>>CRAIG SCHWARTZ: That sounds about right.

>>CHUCK GOMES: Now, keep in mind we need to back off of that any action that the council would need to take to say, yeah, we're supportive of attaching that. I think the council has is already kind of supportive of that attaching that, depending on the language Avri was talking about.

>>AVRI DORIA: I think the council is supportive of attaching such a document. Obviously, the "such a document" needs to be seen and talked about.

>>JEFF NEUMAN: So I'm going to be a little bit of a hypocrite here because I was initially on this group but just through time constraints and others, there is only so many groups that you could participate in.

But I think at this point, the document is really just an intellectual property constituency. Four people that wrote this document, not to downplay their work.

>>MIKE RODENBAUGH: That's true. The document has been reviewed by a whole bunch of anti-phishing vendors. You had input from a whole bunch of different vendors, not just from the IP side.

>>CHUCK GOMES: I want to clarify something.

>>MIKE RODENBAUGH: It had review and input from Edmon on the registry side quite a bit.

>>JEFF NEUMAN: I'm sorry, I am talking about the big document.

>>MIKE RODENBAUGH: This document is a skeleton. It is a shell. It has hardly any content.

>>CHUCK GOMES: Thank you. That's what I wanted to clarify because what I heard you say, is you really didn't do what you were originally going to do.

>>MIKE RODENBAUGH: Right.

>>CHUCK GOMES: Is that correct. Of setting out some different ideas that could be done, that you stopped?

>>KRISTINA ROSETTE: We started to. I mean, there is some material in here. The primary focus at this point, at least the section that's most developed, is about sunrise. And as to it being, you know, an IP group, you know, anybody who wants to join it is welcome to. And I don't think you can criticize -

>>JEFF NEUMAN: Let me finish my statement. I'm sorry. My ultimate point was if this is intended to go to the RFP, I would, basically, encourage the council to encourage more people to participate in this group because at this point I wouldn't even go so far to make the statement that this should be included with the RFP. I'm a little hypocritical because I was on that group but haven't found the time to participate but I will.

>>CHUCK GOMES: But what I'm hearing is that that document -- they're not even I'm telling you claiming that that document is ready to be a reference implementation. They didn't go as far as --

>>JEFF NEUMAN: Right, but that's what the discussion has been. That's why I'm making the point because the discussion from you guys and from Bruce and from others is that the understanding was this document would be attached to the RFP.

>>AVRI DORIA: Not this document.

>>CHUCK GOMES: Yeah.

>>AVRI DORIA: A document that that is the first draft of.

Now, I need to perhaps put this in, so that -- that it is me that specifically asked the group to take what they had and put it out so that we would have a base level with which to look and see where we were at, and they were really quite emphatic about, "It needs more work" and so I think the conclusion that you bring up that, "Hey, this needs more work" is really quite good.

>>JEFF NEUMAN: I'm not -- right.

>>AVRI DORIA: Ross?

>>ROSS RADER: Mike's just itching to get his slides out so I'll ask my last question on this point. Is there any -- will this ever be a real reference implementation, in the truest sense of those words, or is this really a -- and was it intended to be a guide or a primer to the legal considerations related to implementing the GNSO's policies?

[Speaker is off microphone]

>>CHUCK GOMES: I don't think I understand your question.

>>ROSS RADER: In other words, the question is: Will the scope of this document -- will the contents of this document move outside of legal considerations related to policy or --

>>KRISTINA ROSETTE: I'm not sure exactly what you're asking.

>>ROSS RADER: This document, as I read it, was written by lawyers for lawyers, and -- you know, let me think about the question, reformulating the question. So it may not be my last question.

[Laughter]

>>AVRI DORIA: Questions within the truest sense of the word in them always concern me.

>>KRISTINA ROSETTE: Just to clarify, I mean, the goal of the document is to be extremely narrative in the sense of, "This is what's been done in the past, this is how, generally speaking, it has been implemented. If you want to implement something like this, based on the experience of the registries that have done it, these are some things you may wish to consider."

Kind of very not -- not at all, you know, prescriptive. You know, in other words, "You must have an RPM and it must have and it must look like this." That's not the intention at all.

And frankly, as a practical matter, you know, the document really in a lot of ways isn't worth doing unless there's participation from the registrars and registries. You know, because they're the ones who implemented it. The last go-round. They're the last ones who are in the best -- I mean, I can tell you from a trademark lawyer perspective what the problems -- or what problems my clients had with previous RPMs, but, you know, that's kind of the tip of the iceberg with regard to implementation, and I think everybody in the group recognizes that.

So, you know, as far as I'm concerned, I would love to see, you know, ten registrar and registry representatives on the group.

>>AVRI DORIA: I had Craig and Dan or did I have Dan and Craig?

>>CRAIG SCHWARTZ: Let Dan go first.

>>AVRI DORIA: Okay.

>>DAN HALLORAN: I just wanted to support Ross' comment that this is written only so that lawyers could understand it, and I want to draw your attention to Page 8, consideration 5.1, which reads "blah, blah, blah, blah."

[Laughter]

>>ROSS RADER: Which means?

>>AVRI DORIA: Craig, aren't you're glad you deferred to Dan?

>>CRAIG SCHWARTZ: Yes.

[Laughter]

>>AVRI DORIA: Did you have something to add, Craig?

>>CRAIG SCHWARTZ: Yeah. I guess that I did, and that is, I -- this is the -- this conversation is the first time that I'm hearing about attaching anything to the RFP in terms of these RPMs, and Avri is looking at me very cross-eyed right now.

You know, the recommendations are the recommendations and the guidelines are the guidelines, and staff is working on the implementation plan now. But I -- I didn't -- I don't recall hearing that there would be this type of document attached to the RFP, but just a means as a -- to serve as a reference guide on what options would be available to applicants who -- to applicants in the round.

>>AVRI DORIA: Okay. I guess, yes, I must admit surprise at this being the first time you've heard of it. I know that I've spoken of it several times in meetings I thought that you were at but I apologize for not mentioning it.

However, it certainly has been discussed as that, since well into the committee, and it's something that I know that I've kept bringing up every time that the RFP has come out, that this would be something that was sent out with it.

Now, whether "sent out with it" is the same as "attached to," I don't know. You know.

>>CRAIG SCHWARTZ: That sounds --

>>AVRI DORIA: Right.

>>DENISE MICHEL: Yeah. And to clarify, it's not that the implementation team wasn't aware of this effort, but as you can appreciate, the board will officially approve the report and direct staff to implement the report and the -- so all of the implementation directions flow from that, and so, you know, implementation -- the implementation staff obviously is not, at this point, taking action on evolving discussions about whether this is a resource document, whether it might be attached to the RFP. It's on -- you know, it's an ongoing discussion within the council. So I think when the council finishes and comes to a conclusion on what this document is, and how it would recommend it be used, at that point it's appropriate for the implementation staff to look at what their role is. Right?

>>JEFF NEUMAN: Yes. Just to jump on, I guess, what Craig said, I guess being a non-council member, it's certainly not what anybody outside the council that I've talked to understood as being attached to the RFP, so maybe that's just a communication issue or, you know, maybe there's been discussions within the council. But the community as a whole, from the people that I've talked to both in my constituency and others, did not understand that to be the case. So that's, again, just a -- maybe a communication issue.

>>CHUCK GOMES: Yeah. And I think you're right. There's some communication issues here. But part of it is because there was work that was being done, we were waiting to see what came out of that. And I think some of us hoped that maybe we'd have something by now, before even the board acted.

But that's okay. I mean, it still could be done. We certainly could have communicated it better. But -- but Avri's right. I mean, this -- the whole intent after the one working group on rights protections did not come up with a requirement -- a recommendation for a requirement, couldn't reach consensus on that, that the -- how we responded to that was the idea, "Well, what about a reference implementation that could go along with the RFP?"

That clearly did happen.

Now, we haven't made any final decision to do that. I think Denise comment is well-taken, that if we get to a point where we can do that, we would take action, but it's probably because it's kind of in flux while some people work on it.

>>JEFF NEUMAN: But to give some background, there -- there was a reason why the group -- and I was in that group -- came to the conclusion that there should be no recommended approach. So to create one kind of almost -- I don't want to say "ignores" because not the right word. It's just not taking into context why the group came to that decision.

>>CHUCK GOMES: I don't think they're related.

>>JEFF NEUMAN: So -- but again, I was one of the people, by the way, that did support the creation of this reference document. I just wanted to bring it back into context.

>>CHUCK GOMES: Okay.

>>AVRI DORIA: Ross.

>>ROSS RADER: I figured out how to ask my question, I think.

[Laughter]

>>ROSS RADER: Is it the -- will this document always be limited to dealing with the implementation of rights protection mechanisms or is it intended to be a broader reference implementation?

>>AVRI DORIA: I -- okay. Those that are writing it perhaps should define, but I thought it was the first.

>>KRISTINA ROSETTE: Yeah, it's intended to be very narrow.

>>ROSS RADER: Thank you.

>>AVRI DORIA: Okay. So I guess the question is -- okay. Wait.

[Speaker is off microphone]

>>MIKE RODENBAUGH: I guess -- I mean, it's intended to be very narrow in that it only is addressing rights protection mechanisms, but the potential range of rights protection mechanisms is actually broad.

Okay. Thank you.

And I guess I would kind of commenting to kind of keep the flow of the conversation going. I mean, I feel like this document is not to get ready by the springtime. I don't think there's enough people interested in making it ready for the springtime for new TLDs. I think we need to refocus and try to come up with solutions that address existing TLDs and new TLDs equally.

>>AVRI DORIA: So I guess I -- I don't know where hands are basically here. Two things in that proposal is: One, that Craig is right and there really is no document to go along with the RFP; and two, you're coming close to suggesting that we would start a PDP process on rights protection mechanisms? I mean to put it in those terms, is that what your -- and that that would apply to all gTLDs, both new and old?

>>MIKE RODENBAUGH: That's correct.

>>KRISTINA ROSETTE: Well, hold on. I mean, you know, I just -- I don't -- I don't think that we necessarily agree. I mean, I think if this -- if we can get -- if there can participation from the people on the front line of implementation, then I think it's a valuable document. But, you know, in all likelihood, if it's just a bunch of trademark people kind of saying, "This is how we would describe it," you know, I'd rather bill some time, frankly.

[Speaker is off microphone]

>>AVRI DORIA: Okay. I'm not quite sure where to go with this now. I mean, we basically -- are there other opinions? I guess we've got two -- we've got two opinions at the moment on -- one is, it's worth doing if we can get more people to do it; and two, it's not worth doing it, we should do something broader that is a consensus policy. So I'd hear like to hear some other people on that particular dichotomy. Ross?

>>ROSS RADER: I'm happy to take a position on this.

I think we've seen this with other discussions inside the GNSO whereby we keep doing work because we can. I think at a certain point, you need to recognize that there may not be agreement on the details, and if there isn't, that you need to kind of put tools down and go focus on something where you can find agreement.

I'd have to say, you know, shock and horror, I would agree with Mike that there's probably better things to do with our time than try and herd the cats together and make them agree, because I -- I don't know if we can do that at this point.

>>AVRI DORIA: Do you agree with Mike on the second part, that we should be thinking about something that looks kind of like a PDP consensus policy across all gTLDs on rights protection mechanisms?

>>ROSS RADER: Yeah. I just -- I'd mentioned to Jeff that I agree with the approach and I'm -- we'll see if we agree on the implementation or the -- the recommendations. But yeah, no, I think the approach is sound.

>>OLOF NORDLING: Thanks, Avri. I just wonder if we have based this discussion on exactly the same assumptions, because either this document was intended to be sort of a reference document, not being even an advisory but, rather, to simplify life that they would be able to draw from past experience, without it being any recommendation whatsoever. And then the other extreme is that we -- we have strict proposals that this -- these are good ideas and I wonder where we -- where we really -- if it's the first case, which I tend to remember that we agreed upon, well, it's not an advisory, as such, but just a reference document.

And maybe that could simplify to see if we have the same assumptions about what we -- what it is. That may simplify our choice of direction for what to do with it.

>>AVRI DORIA: Any other comments on that? I mean, I thought we had gotten to -- and I think that's part of the dichotomy that we've got is some people are happy with a reference document that was what was originally agreed upon, and some people want more, believe that more is needed, and some people probably are in both camps, that believe that having at least a reference document is good, but in the best of all possible worlds there would be more.

And just as a council, I guess we need to figure out, you know, where we want to go with this.

I mean, we're not going to make a decision on it today. There's sort of a default decision on the reference document, if it doesn't exist, it won't be approved to be -- to go out with the RFP. So that's one thing.

In terms of a -- in terms of a consensus policy, if there's a motion within the council or from some other body that says, "There should be an issues report on rights protection mechanisms," then it falls into staff's lap to produce an issues report and then we vote on whether we do a PDP on it after that, that that's another possibility.

As I said, we're not definitely going to do that vote today, because we made a decision as a council that only on Wednesday would we vote on things, and I don't even see fitting this into the schedule on Wednesday. It's -- you know.

But -- so I'm really looking -- a couple people have spoken, and I don't want to say you can't speak if you've already spoken, but some of the folks from the council and otherwise who haven't spoken on this, I'd really like to hear.

Yes, Jeff.

>>JEFF NEUMAN: Sorry. I have spoken, but, you know, I think this group came out of the PRO working group, the protection of rights of others, and I agree with Mike that there are certain things that may need to be addressed in certain policies but things like anti-phishing working group, that doesn't fit within the definition that the PRO group came up with with rights protection mechanisms. I'm not saying that it shouldn't -- anti-phishing shouldn't be dealt with, but this group, this ad hoc group, was instructed by the council, for rights protection mechanisms, I'm assuming, in accordance with how that determination was defined in the PRO working group final document. Not -- you know, not a broader definition of that.

And so I'm personally surprised that anti-phishing came up in this context as a rights protection mechanism.

>>MIKE RODENBAUGH: I think I'd just refer you back to the terms of reference for the ad hoc group. It was definitely broader.

>>AVRI DORIA: And I guess that that would then come out in two places. One, if the reference document is written including the anti-phishing, then the council would have to decide whether that chapter belonged there or not in its decision to move the document forward, and if we go to the -- the idea of creating a new consensus policy, that would be something that would be written up in the motion on the issues report and then we would follow through on it -- on whether it was an issue that we asked for comment on, and then, you know, the whole process.

So --

>>JEFF NEUMAN: I guess my point is that should be treated separately than the introduction of a sunrise and a -- or IP claims or another mechanism at the startup.

>>AVRI DORIA: No. I understand.

>>JEFF NEUMAN: Not that it shouldn't be dealt with, but I think it should be dealt with separately.

>>CHUCK GOMES: Can I make a suggestion?

>>AVRI DORIA: Sure.

>>CHUCK GOMES: Let me make a suggestion. First of all, I think we need to, sometime this week -- not necessarily this morning -- decide whether there's going to be broad enough participation to warrant coming up with a reference implementation, like you suggested.

If we're not able to get broad enough participation, I heard some people say that it probably doesn't work, so I think sometime this week, we need to decide whether there -- and it doesn't have to be people that are in this room. We can enlist other people, and I strongly encourage that, that are in our -- in our constituencies that have more time, maybe, than some of us do, that could work on this. But I think before the week's over, we need to decide whether that's feasible or not, which means we need volunteers.

That's totally separate from whether we consider doing a PDP or maybe more than one PDP on rights protection or anti-phishing or anything else, but I think we need to -- we need to get that resolved, because if that doesn't start soon, it's going to be irrelevant.

>>AVRI DORIA: I'm not sure that I agree that we need a decision. We've had a decision before. What we really need to do is see if people actually volunteer to do it.

>>CHUCK GOMES: That's what I thought I said.

>>AVRI DORIA: Oh.

[Laughter]

>>ROSS RADER: I think there's a bit of a flaw in the logic, though, around enlisting more support for this -- for the drafting of this report. I wasn't involved in the original, and so I'm going to make some statements based on what I'm guessing happened.

But I'm guessing that there were two or three different stakeholder groups -- factions, if you will -- within that group that didn't agree on what the right outcome was, and they were, therefore, unable to come to any sort of consensus and didn't agree to anything.

So whatever the status quo was kind of got through.

But to go back now and ask those groups that didn't agree in the first place to come together to work together to flesh out an implementation report on the details that they didn't agree with -- on in the first place might be asking a bit much.

And of course that's all predicated on my guess of what happened, but I -- even if it is the will of council to move forward with this, I don't know how realistic it is, in other words.

>>KRISTINA ROSETTE: I mean I would just kind of go back. This is not proscriptive. It's not prescriptive. It's a, "If you want to do this, here's what you might want to think about." Which is a completely different thing than, "You must do this, and this is what it must look like."

And so that's where I think we're kind of diverging. And, in fact, there was at the outset interest from five constituencies and volunteers from five constituencies in working on this.

So I -- I could see -- I think what -- I think where -- again, where I think you and I diverge is that, you know, this is not a kind of "must." This is not even a "should." It's more of a "may." And to me, that really makes the difference.

>>AVRI DORIA: Bruce?

>>BRUCE TONKIN: Just listening to it a little bit further, I'm just trying to get the context again. If you read the GNSO improvements report, one of the things it talks about is that the council is more of a management group and what the council decides is when a document comes before council, has it gone through, you know, extensive community review and that kind of determines its status.

So there are probably a couple of options with any of these documents. One option is, it is a document from a group of named -- let's sort of going go in steps. It could be a document from a single individual and you see that quite common when John Klensin writes a lot of documents as an individual, his view on IDN. He writes it up as an informational RFC, or draft, and so it's his view.

Then you might say, "This document is the view of a group of named individuals," so it's person A, B, and C that support this document.

The next level up could be that there's some institutional support, in that this is a document from the registry constituency or this is a document from the registrar constituency or the IPC constituency, which would imply it's gone through some sort of process and some sort of vote.

Before it becomes a council document, I would then be thinking that each of the constituencies or -- it's had fairly wide stakeholder group participation in the creation of that document and then the council, looking down on that, says, "Well, this document has had input from quite a wide section of stakeholders, and we're going to endorse it as a council document."

So I think those are sort of your range of options.

And then coming to Ross -- to the level of volunteers, if you like, if each of the -- if the registries, registrars, IPC, business constituency, several others, have each worked on the document and produced the document, I think at that point it's at a point where the council would endorse it as a council document.

There's, of course, nothing stopping it being released as a document from an individual constituency or even from a group of individuals, but there obviously needs to be identified as having that status.

So I'm just trying to give you a sense, there's a range of statuses a document can have. It's not an all-or-nothing. You know, it can go anywhere from being an individual's view to a constituency's view to ultimately being a council view, but any of those options is acceptable, I would think.

>>AVRI DORIA: Olof, had you wanted to make -- or no. Okay. Jon?

>>JON BING: Thank you. In my naive mind, the starting point is that this is meant to be a factual document, which is only declaring or describing what already exists. If that is the -- if that is correct, there can only be two reasons for not including it in a report from the council.

One is that it fails to meet the minimum standards of quality that the council wants to be associated with. Or that there is some policy reason for the council to suppress the information. And that, I would be -- be surprised to find that we would like to admit that we have not an open information policy.

So therefore, we are left with the -- in my mind -- rather simple question: Are we able to get the quality of the factual discussion of this paper as sufficiently well to pass it on.

That could be done, as Bruce just pointed out, by numerous ways, but the objective is, of course, to have a factual description that can help the other more normative processes later on. Thank you.

>>AVRI DORIA: Thank you. Yeah, I think that that's -- that that's actually a very good way of putting it, and part of, I think, the issue is to get that basic descriptive document written is, we didn't have a sufficient level of volunteering to get it done at this point.

>>BRUCE TONKIN: I'm a little lost there because if it's descriptive of facts, I thought there were a range of different ways of doing it. I thought the reference implementation was saying, "Here is a preferred implementation from that group" or "a best practices implementation."

That's a bit different, to me, from a statement of facts, which would be, "Here's how dot biz did it, here's how dot Asia did it," and so on. That's basically a summarization of implementations.

>>CHUCK GOMES: I think that's -- the latter one is the one that was intended.

>>BRUCE TONKIN: Yeah.

>>CHUCK GOMES: IRA here where some examples of how rights have -- attempts have been made to protect rights." And so, you know, it is several that you could choose from, or you could create your own like that.

>>BRUCE TONKIN: Yes.

>>AVRI DORIA: Mike?

>>MIKE RODENBAUGH: Yeah, that was the work of the PRO working group is to accumulate all this factual information. It's just been regurgitated here. The point of the RPM ad hoc group, as I understood it, was to go beyond that, take that factual information and come up with template policies that new it would operators could implement.

>>BRUCE TONKIN: That's what I thought.

>>CHUCK GOMES: No policies.

>>JEFF NEUMAN: Right. It was supposed to be, you know, if another group wants to do -- say in IP claims, you know, it was supposed to be taking the facts of how it was implemented, along with recommendations of how it can be improved upon, and come up with, you know, "Here's a good way to do IP claims in the future if that's what you want to do."

[Speaker is off microphone]

>>JEFF NEUMAN: Right. That's, I think, the original intention is that's the next group that does the sunrise, here's all the lessons learned and here's ways to address those lessons that were learned.

>>CHUCK GOMES: Really, the -- as I understood it, and I wasn't involved in either one of the groups, but the intent was to really put some ideas on the table and let's -- I think it's a good point, lessons learned and so forth, so that it helps those who are introducing a new it would in designing their processes.

>>MIKE RODENBAUGH: That's absolutely correct, as to the sunrise period but, you know, that only takes it to -- through the sunrise period. We got to deal with policies that then go from land rush and -- and beyond, is my main point today.

>>AVRI DORIA: Anyone else want to comment on this? I mean, in terms of looking on how we proceed, I guess Chuck is right in one respect, is if there's a group of people that really do want to finish this document and really do want to carry through with that, consider it worth doing, then I guess we need two things. We need to know who they are or where they're going to be recruited from, and then we need to see some sort of plan to make it happen.

And then in terms of the other thing, do we need a broader policy? Then basically, I guess, you would have to figure out a motion and we'd have to bring it up in front of the council to see, "This is something that we should do," and then ask for an issues report and go on from there. So I guess on the first -- I can't do much about the first -- the second part. That's sort of there on the first part. I'd like to hear -- but I saw your hand.

>>UTE DECKER: Avri, just on a practical point of enabling the finding of volunteers and facilitating the putting together of a group, I could imagine that if we just identified a contact point that these volunteers could turn to, if we could decide whether they have to be council members or not, and if we could think loosely about a time line by when this document has to be finished in order to feed sensibly into the process, maybe we could get started.

>>AVRI DORIA: Okay. I think that's good. I think the -- the first part is, I don't know if anyone here disagrees with the notion that it isn't just council members. It's -- it's people from constituencies and even others who care about this particular topic can participate. Is that a problem notion?

>>KRISTINA ROSETTE: The most active participants have not been council members.

>>AVRI DORIA: That's what I thought. So I don't think that that's an issue. Now, I'm not sure about a contact person, because a contact person starts to almost be a coordinating person.

>>KRISTINA ROSETTE: I would actually suggest that it be the staff person. That's just going to be easier, I think.

>>AVRI DORIA: Okay. And the staff person on this one is?

>>KRISTINA ROSETTE: Olof.

>>AVRI DORIA: Olof.

>>KRISTINA ROSETTE: I don't know. Is he --

>>AVRI DORIA: So Olof are you --

[Speaker is off microphone]

>>AVRI DORIA: Denise, who is the staff person on this effort?

>>DENISE MICHEL: Now that we've got Liz Gasster on staff, she can support it.

>>AVRI DORIA: Okay.

>>CHUCK GOMES: Avri, can I suggest that by our meeting on Wednesday -- and this gives each constituency an opportunity to -- for constituency day to see if they can identify some volunteers and that -- and very briefly, on Wednesday -- and I know it's a press for time -- that they -- everybody at least identify any volunteers that they have from their group.

>>AVRI DORIA: Does that seem like a reasonable approach to people?

>>JEFF NEUMAN: Can I alternate that? Can you also go to the constituencies to see whether there is interest in pursuing this further, right?

Because if the registrars, let's say, say "We don't think it's a worthwhile effort, given everything the council has got on its plate" or if the registries say that or -- and the registries say that and other groups say it, then maybe the conclusion on Wednesday is you know what? Let's back away from this project. We have other priorities.

>>AVRI DORIA: Well, there -- but there's also -- I mean, I think that's certainly a good thing to know, but there's also the perspective that -- that Bruce brought up, which is: If a collected group of people produce something and then bring it to the council as a considered effort, the council can consider it.

So it's -- it goes further than just saying, "Do we have constituencies that don't want to do it?" It's, "Do we have enough people to get it done?" And then the council considers it whether -- and then the stenosis can, of course, come and say, "No, we think that's a bad document and it shouldn't go forward."

But as we're sort of opening this notion to if you get work done, it can be considered, then -- which -- which is certainly part of, if I understood what Bruce was suggesting and if I understand some of the implications what we'll be talking about tomorrow in terms of the -- you know, the GNSO improvements, that if there's enough people to build a good document, then it should be considered even if some people a priori thought, "Well, you know, we don't think it's worth doing."

>>JEFF NEUMAN: But you got to be careful like with the improvements. That to me sounds more of a manager instead of a legislature, right? You're not managing the groups. You know, if one interest group wants to write a paper and submit it to the council, the council, I thought Bruce's point was, the council can say, "Hey, this is worthwhile, let's now send it to the other groups to see if we could build a consensus within the community" as opposed to the council voting yes to adopt or no, not to adopt.

>>AVRI DORIA: Yes. I wasn't getting into a mechanism, and the management versus legislation is a -- a really big confusion in my head for tomorrow morning, so...

>>BRUCE TONKIN: Just to reinforce that, there is a difference between the council endorsing a document as a council document versus a constituency publishing it. We publish a lot of stuff on the GNSO sites, and I think what we're not clear on is publishing what the status of different documents are.

And one of the other areas of the GNSO improvements I think is a better document management approach and a better Web site design but also, clearly, identifying at what level this document is. We should actually have the opportunity for an individual to lodge a document and that's what it is lodged

as. It is individual X's document or it is constituency's document or it is the council's document. But they are very different statuses.

>>KRISTINA ROSETTE: Frankly, I think the clarity of that would be extraordinarily helpful because if it turns out at the end of the day that this is only going to be an IPC thing or an IPCBC thing, then it can be approached and handled, frankly, and staffed very differently than how it is being staffed now. So, you know, I don't -- my personal preference be that it not become that, but if realistically -- you know, in some ways that might be the easiest thing to do in that I don't think it is worth the time of the staff or the volunteers to work on this document and then because of a lack of participation across the constituencies for once it comes to the council to be rejected as being the work of only one, you know, that's a situation I really want to avoid.

>>AVRI DORIA: Any other comments? Yes, Jon.

>>JON BING: Thank you. Yes, just a quick reaction to the author an interest group. It seems to me that one should as, perhaps, Bruce and Kristina indicated, open up for other interest groups to offer papers to this council.

And if the possibility is there, this paper would then be an excellent subject for an academic exercise which did not really have interest groups as its focal point but just an analysis of what has happened. That then, of course, could be again the basis of a more political discussion. Thank you.

>>AVRI DORIA: Thank you.

Mike?

>>MIKE RODENBAUGH: I want to make sure I understood you there, Jon. I guess what you are saying is if we could do an issues report that sort of lays out the scope of the problem and then we go from there.

>>JON BING: Yeah, indeed.

>>AVRI DORIA: Okay. Anyone else on this? So -- no? So.

I guess at this point, I guess I will check back following Chuck's recommendation, check back on either Wednesday or Thursday. I don't know if we'll actually fit it on the Wednesday public meeting, but either Wednesday or Thursday to see where the constituencies are in terms of finding volunteers, in terms of finding interest and see where we are on this and then take another look at how we proceed because at the moment I'm not sure I know how we are going to proceed on this.

Yeah, Ross.

>>ROSS RADER: By "this" you're referring to --

>>AVRI DORIA: The document that's currently being worked on.

>>ROSS RADER: Separate from Mike's work.

>>AVRI DORIA: This is the new motion proposing a new issues report, that has to be created and sit for seven days or whatever and then get voted on, yeah.

>>MIKE RODENBAUGH: I guess maybe what I would suggest is that we focus this discussion over the next few days on the sunrise period because that is relevant to new TLDs and to the RFP.

And then I think there needs to be a broader discussion. It will probably be more controversial obviously as to other rights protection mechanisms that could potentially be developed as consensus policy for all TLDs.

>>AVRI DORIA: I think that's a good recommendation; in other words, that we focus on not only the narrow scope of the document but the narrow scope of rights protection mechanism.

>>CHUCK GOMES: I'm curious. You said "the next few days." When are we going to fit that in?

>>AVRI DORIA: Constituencies were going to talk about the interest in taking this further, people were, volunteers. We were going to talk about it Thursday, if that's what I understood.

>>CHUCK GOMES: He is saying specifically focusing on sunrise provisions. I'm not seeing that constituent is what I was going back to the constituency on.

>>MIKE RODENBAUGH: I think that's right. I wanted to clarify. Essentially, I see a dual path essentially. One path to deal with the sunrise issue. Come up with ideally a standardized sunrise process that could be provided as an implementation guideline for the new TLD operators. And then a separate path which may have different ranges of support and interested volunteers in the various constituencies and we get to know that as well at the outset, anyway.

For other perspective mechanisms to make the UDRP work quicker, come up with a process by which registries can suspend domains using phishing, whatever.

>>CHUCK GOMES: I understand the separation. I understand the second one, focusing on sunrise, UDRP, other rights protection mechanisms is going to fit into our busy schedule this week. Is that what you were suggesting, this week?

>>MIKE RODENBAUGH: No, no, no.

>>AVRI DORIA: You were suggesting for the off -- for the out of band work. The work the constituencies --

>>MIKE RODENBAUGH: Correct. I was following up on Avri's suggestion to go back to the constituencies and we will come back Wednesday, if we have time during AOB, or Thursday during our wrap-up and we'll get a gauge from everybody as to who is willing to participate on this new TLD sunrise paper essentially and who might be willing to participate or be interested or have vehement opposition to even discussing any other mechanisms.

>>CHUCK GOMES: The new TLD thing is not restricted to sunrise.

>>JEFF NEUMAN: That's what I was going to say.

>>MIKE RODENBAUGH: I am suggesting that it be restricted to sunrise because every other sort of rights protection mechanism would, in my mind, very strongly need to apply to existing TLDs as well.

>>JEFF NEUMAN: Can I make your point but in different words? It should be limited to intellectual property protections during the launch of the TLD, whether that's sunrise, IP claims or something else. Does that clarify for you? I think that's what Chuck point was. You were using the word "sunrise," but your point I think is right.

>>MIKE RODENBAUGH: Thanks for clarifying. You got it.

>>AVRI DORIA: Okay. Is that sort of clear to everyone?

[Laughter]

Basically, we divided -- I'll try. We divided sort of the issue into two parts. One of them is to see if there is still interest in -- and how much interest in working on the rights protection mechanism implementation reference guide that would go out at the same time as the RFP assuming there was a decision to do so.

And that that is being taken in the narrower sense of pertinence to new gTLDs, the intellectual property issues such as but not restricted to sunrise, et cetera, and to find where the interest was and that the issues dealing with the broader issues that may include phishing but not limited to will be considered later.

Did that make it less clear?

You also wanted to get a bearing on whether people were interested in that one.

>>MIKE RODENBAUGH: Correct.

>>AVRI DORIA: I would actually prefer to try and restrict to the first. You'll get opinions on the second because if we're going to go out for a new consensus policy, then we will ask for an issues report. We'll have to figure out what's in the issues report. There is a whole discussion there. We then will have to go for constituency feedback, et cetera.

So that's a much harder job. And I would really like to know whether we're going to have this document and the other one.

But, I mean, you will get feedback on the other, but I would really like people to focus on do we have the resources and the interest and the will to get this particular document done and the other discussion is still an open discussion but we're not going to be talking about it this week, not in any of the formal meetings. Is that okay? I know -- I know you'd like to get it all in but it feels like boiling an ocean.

>>MIKE RODENBAUGH: I totally understand the limitations that we all have. There is a lot of issues on the table this week. I am not asking for any sort of positive movement necessarily. I am really just asking that we have a discussion, take it back to our constituencies and just keep talking about it and I will be coming up with a motion fairly soon, I believe.

>>AVRI DORIA: I believe that.

Anything else at this point? In which case, even though it is 15 minutes early, I'd say it's lunch break. We reconvene at 2:00.

>>CHUCK GOMES: And then could I see Cary and Edmon and Mike and anybody else that might be willing to work in the next few days -- spend a little bit of time in the next few days working on some of the language in the ccNSO GAC issues report response, just a couple minutes to find a time we can get together.

>>AVRI DORIA: Thank you.

(Lunch break)