

**Ad hoc group on recommendation 20 from the new gTLD recommendations
Teleconference
TRANSCRIPTION
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Note: The following is the output of transcribing from an audio recording of the **Ad hoc group on recommendation 20 from the new gTLD recommendations** on July 18, 2007, at 16:30 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/new-gtld-rec-20-20070718.mp3>

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

Attendees:

Tony Harris

Chuck Gomes

Avri Doria

Kristina Rosette

Miriam Sapiro

ICANN Staff

Liz Williams - Senior Policy Counselor

Craig Schwartz - Chief gTLD Registry Liaison

Glen de Saint G ery - GNSO Secr

Coordinator: ...joining you.

Chuck Gomes: Thank you.

Liz Williams: Hi Chuck.

Chuck Gomes: Hi, Liz. How are you?

Liz Williams: All right.

((Crosstalk))

Liz Williams: What a week.

Chuck Gomes: You know, but it's good. I mean it really is. I know it's tough at the last minute like this but. You know, and really fearful if we don't, you know, get 20 fairly well constructed, we're going to run under problems down there.

Liz Williams: Yeah, big problems. Well, we just had Recommendation 6 and we're back to Square 1 which is the support for the formulation.

Oh hell, I know I should have waited to send this out.

((Crosstalk))

Coordinator: Press any key to begin recording the program. When you are finished, hang up to stop the recording.

Liz Williams: Chuck, does the registry constituencies support the inclusion of the morality and public (unintelligible) in the recommendation?

Chuck Gomes: I don't think the constituency - as far as I know, the constituency doesn't have a problem with that.

Liz Williams: Okay.

Chuck Gomes: With that phrase.

What I'm thinking is on all of these after our meeting tomorrow...

Tony Harris: Good morning. Good morning.

Liz Williams: Hi.

Tony Harris: Tony Harris here.

Chuck Gomes: Hey, Tony.

Liz Williams: Hi. Tony, thank you so much. You're so busy. I really appreciate you coming back for a second (dose) of this.

Chuck Gomes: Yes. Thanks, Tony. It's Chuck.

Liz, it seems to me that we ought to give, you know - whatever we end up with after the meeting tomorrow, we ought to give the constituencies a week to all go back to their membership just for a final touch.

Liz Williams: Yeah. That's going to happen anyway.

Chuck Gomes: Yeah.

Liz Williams: That's fine.

Coordinator: Press any key to begin recording the program. When you are finished, hang up to stop the recording.

Avri Doria: Hi. I just want to let you know, this is Avri. I just joined late.

Liz Williams: Hi, Avri.

Chuck Gomes: Hi, Avri.

((Crosstalk))

Avri Doria: Yes. (Lots of) conference calls today, too.

Liz Williams: Yeah. (I think that I would fit in) on them all.

Avri Doria: Yeah, great. Good on you.

Liz Williams: We're just waiting for a couple more people to join. I'm pretty sure that (Christina) is going to join...

(Christine): I'm in.

Liz Williams: ...(Robin Wilgrey). So it's really worthwhile having the call. Unfortunately, (Philip) won't.

And at the end of the previous call, he just asked me if I could steer his (unintelligible) through but Chuck, I think you've got that pretty much time to control with your proposed (new wording), yeah?

Chuck Gomes: I think so. There's a couple of - I thought (Philip) did a nice job of reorganizing it but there's a couple of things he left out that I'm concerned with and I still have questions about that (happening) but I really want...

Coordinator: Press any key to begin recording the program. When you are finished...

Chuck Gomes: The one issue that I think is - I still have questions about that having ICANN's staff monitor public comments...

Liz Williams: ...is that if possible, we come out if there is a recommendation from the subgroup that if we divide it into subgroup into recommendation and implementation guideline and...

Coordinator: At this time, the conference call is being recorded. If anyone has objections, they may disconnect at this time.

Liz Williams, you may begin.

Liz Williams: Thanks very much.

Okay, everybody. First of all, we'll just take a quick roll call so we have the MP3 recording in good shape.

I have Tony Harris.

Tony Harris: Liz, I'm here.

Liz Williams: Chuck Gomes.

Chuck Gomes: Yes.

Liz Williams: Yes.

Avri Doria.

Avri Doria: Yeah.

Liz Williams: Craig Schwartz.

Craig Schwartz: Yeah.

Liz Williams: Miriam Sapiro.

Miriam Sapiro: Yes.

Liz Williams: Did anyone else joined while I was putting the recording together?

And me, Liz Williams.

Glen, are you there?

Glen de Saint Gery: I'm here, Liz. Can you hear me?

Liz Williams: Yes, thank you. It's fine.

Glen de Saint Gery: Okay.

Liz Williams: Okay.

Glen de Saint Gery: I'm going to put myself on mute because I'm in a noisy background.

Liz Williams: Sure. Thanks a lot.

Just before we start the meeting proper, I just want to ask anyone else to say were to volunteer to coordinate the meeting. I did this just before the Recommendation 6 call. I'm happy to do it as long as someone takes the responsibility of reporting what happened at the call for the committee tomorrow.

Chuck Gomes: I will if you want, Liz.

Liz Williams: You coordinate?

Chuck Gomes: If nobody objects to that.

Liz Williams: Thank you, Chuck, because that enables me to take notes while I'm doing this. So if you would do it that would be super.

Chuck Gomes: Okay.

Liz Williams: Okay. So, Chuck, would you go ahead please?

Chuck Gomes: All right. Okay. Let me start off with Avri's concern about separating the guidelines and principles from the recommendation.

I think (Philip) in his last iteration actually did that so if we work from that, that I think is done.

Liz Williams: Well, actually you created a new category and I'm not sure whether that's guidelines...

Chuck Gomes: Well...

Liz Williams: ...or recommendations.

Chuck Gomes: Yeah.

Liz Williams: So yeah, you figure out which one the process goes with.

Chuck Gomes: Exactly.

Liz Williams: Well, I think it's guidelines.

Chuck Gomes: We need to do that but at least it's a step in the right direction so that he definitely separated the recommendation and I think process goes in guidelines but that's my own opinion.

Liz Williams: Yeah. That's my view too but I just like to...

Chuck Gomes: Anybody disagree with that since we're talking about that right now -- process goes with guidelines? And has anybody not seen (Philip)'s latest proposal there? He took mine and amended it?

Now, and change directions if I go in a direction that people aren't comfortable with. But because of the short time, I'm going to just dive right in.

I like what (Philip) did. I think most of it is good although I left off a couple key things in my opinion from (Becky)'s suggestion that I think make it more objective and then I'll get to those in a minute.

And then I think that Milwaukee have some good comments. Hopefully, those of you on the call have seen his' as well and I responded briefly

to those. I didn't have time to give a detailed response to (Philip) because I've just got too many calls going on today.

But let's start off with the recommendation.

Now, the version that (Philip) sent from my version basically says now "An application will be rejected if it is determined that there is substantial opposition to it from a significant portion of a community for which the string maybe explicitly or implicitly targeted."

And that - and he underlined significant portions, community and explicitly and implicitly because those are defined later under guidelines.

This thing certainly, I think dealt with the issues that John Nevitt brought up whether or not it's, you know, one objection or two or more or anything like that.

And I think it covers it in a way that the expert panel can look at the total picture as is suggested in the guidelines below rather than just one objection or two and so forth.

The one thing that there is still some disagreement on is the use of the word "will" versus "may" -- "maybe rejected or will be rejected."

I think Philip's logic that he communicated on the list this week is accurate but I personally think that the perception with the "will" there just makes it almost sound automatic.

Now, if you tie it into the conditional clause. "if" and so on, you know, (Philip) is right. But I think from a perception point of view, "may" might be better. Ultimately, it's up to the expert panel to make a decision in that regard.

Tony Harris: Chuck, I'm a little confused with the reading of this. It ends saying "string maybe explicitly or implicitly targeted," right?

Chuck Gomes: Right.

Tony Harris: Okay. Just to clarify that.

Chuck Gomes: Did I miss that? I'm sorry.

Tony Harris: All right. I understood something else but I was probably not listening correctly.

Chuck Gomes: Yeah. And that's not the "may" I'm talking about at the end. It's the beginning, "an application will be rejected," or...

Tony Harris: Oh I'm sorry.

Chuck Gomes: ...some of us think an application - it would be better to say "an application may be rejected" if it is...

Tony Harris: I'm sorry.

Chuck Gomes: Yeah.

Tony Harris: Okay.

Chuck Gomes: That's the part I'm talking about, Tony.

Tony Harris: Yeah.

Chuck Gomes: And I'm just curious. Those of you that were on the (Direct 20) call last week, we had decided to recommend "may" but apparently, there's - and I don't see this is a show stopper -- at least not in my opinion, but what's your thoughts on this?

Man: We're going to put both in, "will/may."

((Crosstalk))

Liz Williams: It sounds like - it's (Liz) here. I might just ask you a separate question. If we think about the words looking at this - (of use) to implementation, the choice of language is really important for how it would be implemented.

Chuck Gomes: Right.

Liz Williams: So does the use of the word "will" provide, for example, too strong language, too weak, too nothing or does - is the use of the word "may" more useful for example in either instructing applicants about what the objection process would be because this has the form part of an objection process that applicant know about before the application process? And then does it provide helpful guidance to an independent panel?

Chuck Gomes: Good. Good question. Does anybody have a response to that?

(Christina): This is (Christina).

I am kind of a - and I apologize, I'm standing in for (Jay Scott) and also (unintelligible) half an hour.

My concern with going with a "may" (unintelligible) phrasing - and I understand the reasoning for wanting to do it is if you use "may" then I understand the recommendation is allowing an expert panel to decide that the string can go forward even if there is a determination of substantial opposition yada yada yada.

And if that is not the intent then I think we really do need "will" and just figure out whether our concern is solved by saying "An application will be rejected if an expert panel determines blah-blah-blah."

Chuck Gomes: It's a good point. And I didn't fully (graft) that and I think that's what (Philip) was probably trying to say.

Woman: I think what (Christina) just offered would definitely work from my understanding -- "will be rejected if an expert panel determines" -- or, you know, because "if it's determined" is a little generalized a bit. I mean well, who's commenting. And so it could be determined by anyone.

Chuck Gomes: So you're suggesting that we answer insert "expert panel" into this?

Woman: Well, isn't that...

((Crosstalk))

Woman: Yeah.

Chuck Gomes: Instead of just saying "if it is determined" -- in other words "if an expert panel determine?"

Woman: Yeah.

Woman: And Chuck, wouldn't that get you out of the question that you raised before about the insertion, all the stuff discussion? Before we started the recording of the call, you said would (unintelligible) monitor one kind of comment or not, would it happen like this, remembering that this relies on an objective making an objection.

Chuck Gomes: I actually - based with (Christina)'s explanation there and with adding this, I am okay with this. Does anybody oppose? In other words, it would read "An application will be rejected if an expert panel determines that there is substantial" and so on. I'm okay with that and I'm now comfortable with selling that concept I wasn't before.

Thanks, (Christina).

(Christina): You're welcome.

Chuck Gomes: Anybody object to that?

Okay. Any other concerns about the wording of the recommendation?

Avri Doria: Yeah. I'm still confused and maybe it's in the definition we'll get to. But "significant portion," I think I'd like to go over that. I need to understand...

Chuck Gomes: Sure.

Avri Doria: ...what - because that one has been a little confusing.

Chuck Gomes: I added the word "portion" in response - you know, when I took my first crack at this and that was my addition and I was trying to deal with some comments made by several people and I'm not sure I remember exactly who made them.

But the...

((Crosstalk))

Chuck Gomes: What's that?

Tony Harris: When you finish, I'd like to make a comment on this.

Chuck Gomes: Sure. Sure. And I'll try and be brief. I'm trying to make sure I communicate it correctly.

The concerns that I was trying to deal with Avri was - is that it's not just a matter of one organization that has position, has standing objecting. What I think we want the expert panels to do is to look at the whole picture. You may have one complaint filed or multiple complaints.

And so what we want them determine is there a significant part of the community that objects to this? I mean there maybe some significant players that object but it may not be in the final determination, a significant portion of the overall community.

Now, that was what I was trying to...

((Crosstalk))

Liz Williams: Chuck, if I could offer some suggestion about and amendment listening to both Avri's concern and what (Christina) has suggested.

Chuck Gomes: Okay. Why don't we let Tony jump in and then you do that.

Liz Williams: So go ahead.

Chuck Gomes: Okay?

Tony Harris: Actually, I don't think it's al that complicated to understand. If we look at what happened with DotAsia, DotAsia got approval -- initial approval -- from the board.

And in subsequent ICANN meetings, somebody showed up from Hong Kong and took the floor at every public forum. This happened at least in two consecutive meetings saying that he didn't agree with the DotAsia proposal.

And apparently, he was related in some manner or function with the Hong Kong ccTLD. Nonetheless, the proposal had written support of

something like 20 (of) ccTLDs in Asia who indeed are members of the organization which requested the string.

So I think that might be considered an example of what we mean by significant portion. This gentleman was not a significant portion.

Chuck Gomes: Okay. Liz, go ahead.

Liz Williams: Chuck, I wonder if we - I'm trying to look at the language to remove subjectivity where it's possible. And I wonder if this is helpful to you.

"An application will be rejected if an expert panel determines that there is essential opposition to the application from members of the community to which the string maybe explicitly or implicitly targeted."

Chuck Gomes: Any thoughts on that?

Woman: Could you say that again, please?

Liz Williams: "Substantial opposition to it from members of the community to which the string maybe explicitly or implicitly targeted."

Chuck Gomes: That was different that time, wasn't it? If we had - the first time I thought you said that there is "substantial opposition to the application" instead of "it".

Liz Williams: Well, I was just trying to be specific but it's a very long sentence and I was just trying to...

Chuck Gomes: Did you want to insert the "application" in there instead of "it"?

Liz Williams: Well, that brings in another question because the - are people concerned about the string or are they concerned about the applicant?

Woman: They're concerned about the applicant.

Chuck Gomes: Well, I think it's probably...

((Crosstalk))

Liz Williams: I think it's both but that's something for the group to consider so...

Woman: I think that includes both.

Chuck Gomes: All right.

Liz Williams: Yeah.

Woman: Liz, my concern with your proposed language is that I think it might be interpreted and maybe it was intended to kind of decrease or lower the materiality threshold. In other words, I would understand members - you know objections from members of the community being that as long as they were a couple...

Liz Williams: That will be enough.

Woman: I think that will be enough because I don't...

Liz Williams: So you're saying that it's important to include "significant," yeah?

Woman: I think we do.

Liz Williams: Okay. Cool. Good.

((Crosstalk))

Liz Williams: I appreciate the explanations and I'm comfortable with what I've said.

Chuck Gomes: So is anybody not comfortable with the way it works now? And I'll read it one more time.

"An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community for which the string maybe explicitly or implicitly targeted."

Woman: So you're substituting "out" with "the"?

Chuck Gomes: I'm sorry. I'm substituting what?

Woman: You said significant portion of "the" community for which...

Chuck Gomes: Oh no. Oh should I do that? I said "a" -- a community. Should I say "the"?

Woman: No. I think "a" is better.

Woman: Thank you.

Chuck Gomes: I'm sorry if I read it wrong.

Woman: Right. Okay.

Woman: The string could be explicitly targeted for one community and implicitly targeted to another and both would be one (unintelligible) correct standing component in the dialog.

Chuck Gomes: I think so.

Woman: Right.

Woman: And I'm just trying to interpret, that's all.

Chuck Gomes: Yeah.

Woman: Right.

Chuck Gomes: Any other comments on the recommendation?

Okay. Let's jump and I'm going to treat it the way (Philip) has it understanding that we're going to put process under guidelines, okay?

So under processes, this opposition must be objection-based. I think that's consistent with what the new TLD committee has done a long time. Any disagreement with that?

Second one, determination we made by a dispute resolution panel constituted for the purpose.

Avri Doria: Okay. I have a question this.

Chuck Gomes: Okay.

Avri Doria: And this is more of a staff and their understanding.

Would the staff understand a standing panel like an (unintelligible) this or would this be understood as needing to constitute a panel for each and every objection?

((Crosstalk))

Chuck Gomes: I think the answer is the latter.

Avri Doria: I hope it is. I just want to make sure that that's the way it would be interpreted.

Man: Could you repeat the question, Avri, please?

Avri Doria: The question is when you leave "determination will be made by a dispute resolution panel constituted for the purpose," there's still an ambiguity between needing to constitute a panel for each objection or having something similar like in our (said) process or this general kind of objection?

Chuck Gomes: In other words, is there a standing panel or will a separate panel be created for each objection.

Avri Doria: And what do you see it saying?

(Marie): This is (Marie).

Does it make a difference?

Chuck Gomes: I think it'd be...

Avri Doria: I think we've...

((Crosstalk))

Chuck Gomes: ...impractical to do the - a panel for every objection.

Avri Doria: I just don't want - yeah, so I didn't want - unless this committee wanted to say it, but I do want the staff to read this the same. They had to (unintelligible) a new panel for every objection.

Craig Schwartz: What we've been talking about internally is that we could have in our step like pool of panelist from different functional areas whether it'd be IP or legal or any of the functions of the recommendation, and that for each objection, a panel would be assembled to run their decision on that particular objection

Woman: Okay. And that'd be good.

Chuck Gomes: That's good.

Woman: Right. And you'd be comfortable with this statement here not conflicting with that.

Craig Schwartz: I think it's consistent, yeah.

Woman: Okay. Great. Thanks.

Chuck Gomes: Okay.

I'm going to move fast because we're just out of time.

Woman: Right.

Chuck Gomes: The objector -- that's okay, we've got to cover it -- the objector must provide verifiable evidence...

Miriam Sapiro: Chuck.

((Crosstalk))

Chuck Gomes: ...that it is - does somebody's trying to say something?

Miriam Sapiro: Yeah. It's Miriam. Can you hear me?

Chuck Gomes: Yeah.

Miriam Sapiro: I just want to make sure you guys have a full understanding. You know, this is the question that we're going to have to work out with the dispute settlement provider.

Just like Craig said, we're going to have a group of experts identified but, you know, there maybe objections of a similar nature and it maybe appropriate to group some of them together. So I don't know that we can view a definitive commitment on that particular question at this juncture.

Chuck Gomes: But you're okay with the wording of the way it's stated there?

Miriam Sapiro: Yeah. I think it's worded fine because (unintelligible) for this purpose could be for specific objection, petition that comes in or it could be if there are five that are similar perhaps to (unintelligible) same applicant or they raise similar issues, we might want (05) to go to the same panel.

So I think we have flexibility in this language here and I just took the floor because it seems that somebody - I think maybe Avri, it was one that is something more specific...

((Crosstalk))

Avri Doria: No, no, no. I just want...

Miriam Sapiro: I think we have - we need to reach that point right now because we honestly don't know yet.

Avri Doria: No. I wasn't looking for something...

((Crosstalk))

Miriam Sapiro: ...number of applications that come in and the number of application...

Craig Schwartz: Yeah. Let's - I think that - I think I could speak on the part of the staff that we're okay with that statement.

Miriam Sapiro: Okay. Yeah.

((Crosstalk))

Craig Schwartz: ...details we will follow.

Woman: No. I wasn't looking for something more specific. I just want to make sure we're okay in it, yeah.

Craig Schwartz: Yeah, okay.

Chuck Gomes: Okay. Now the next one, "the objector must provide verifiable evidence that it is an established institution of the community." In other words, this is the approach that if it's (unintelligible) is on the objector to prove their case, one part of that case is showing that they are in an established institution of the community.

Any problems with that?

Okay. Now, I have a concern that (Philip) left out a couple of things that I had checked from Avri's - actually not from Avri, from (Becky)'s input.

They also had to establish that they were authorized or had legitimate standing to object on behalf of the community that they're speaking for and that the legitimate rights of interest of the objecting committee will materially harm their prejudice by introduction of the proposed gTLD.

Those two things in my mind are really critical because that makes - it makes it really clear to the applicant what they're going to be looking for. And to the objector, what they have to show and should help lead out prevail of complaints where they can't really show those things, I

think this - those two things add more objectivity to the process and I'll be quiet and let the rest of you respond to that.

(Christina): This is (Christina). I have - I'm just going to comment briefly and then I have to jump.

I am perfectly fine with Chuck, the (unintelligible) that you have put in the legitimate rights or interest, stuff like that...

((Crosstalk))

Chuck Gomes: Uh-huh.

(Christina): What I'm a little concern about with the authorization or has legitimate standing question is, you know, I would presume that authorization mean explicit authorization.

But I'm not really quite sure what legitimate standing would mean. And my concern here is that I envision situation in which it would frankly be impractical for the objector to have to demonstrate that it has specific authorization to bringing the objection.

And I guess, you know, my question would be for example, you know, using some of the examples we've used before like (DotBank) or (DotMyori) mean would somebody bringing the objection regarding that (Myori) need to get, you know, the explicit authorization of, you know, every member of the community, the governing body of the community? Similarly, how would you deal with it in kind of a (DotBank) scenario?

I mean - and that's my concern. I do agree that there need to be some (nexus) there but I'm not sure that the language that we've got provides the flexibility that we may need.

Chuck Gomes: Well, does the obligation to show evidence that it represents a significant portion of a community cover that?

(Christina): I would say yeah.

Chuck Gomes: And that's what I'm thinking as you're talking there.

What are the rest of your things?

Should I - but I - the last one -- the legitimate rights of interest or materially harmed or prejudice, to me is really critical.

Woman: Oh absolutely. To me, that's the whole point of the recommendation.

Chuck Gomes: So then the suggestion would be, to add to what (Philip) said there, the tapping showing evidence that they - that the legitimate rights or interest of the objecting community will materially harm their prejudice by introduction of the proposed gTLD.

Does anybody oppose to that?

Okay?

Woman: I would suggest...

Liz Williams: Chuck, it's Liz. May I just - I'm typing as you're going.

Chuck Gomes: Okay.

Liz Williams: And it says “the objector must establish” and then carry on. “Objector must establish...”

Chuck Gomes: Well, in fact a way to do it - one way to do it, Liz, is - I’m looking at process right now but “the objector must provide verifiable evidence that” and then a colon...

Liz Williams: Okay.

Chuck Gomes: ...or - and then have two bullets or use just...

Liz Williams: Got it.

Chuck Gomes: ...whatever way you want to do it. That it is an established institution of the community and - or whichever way you want to do it.

((Crosstalk))

Liz Williams: That they’re authorized to object and that the legitimate interest of the community would be harmed.

Tony Harris: Yeah. I don’t know about the authorized object part but....

Woman: I thought that the part we just agreed at.

((Crosstalk))

Tony Harris: Yeah.

Chuck Gomes: Yeah. That's the part we were going to leave out.

Tony Harris: Yeah. I agree.

Chuck Gomes: Okay?

Woman: Okay. And then that "the legitimate rights and interests will be materially harmed."

Chuck Gomes: Yeah. Yeah.

((Crosstalk))

Chuck Gomes: Does anybody oppose to that?

So we're okay on adding "that" to what (Philip) put there.

And then this last point was "ICANN applicant staff will monitor public comments and where appropriate, explain the objection procedure to a party making public comments."

I'm not sure about that one but I guess maybe it's more of a staff call than anything else.

Craig Schwartz: Well...

Chuck Gomes: Go ahead.

Craig Schwartz: I'll chime in here. I know that Liz communicated. I think the last time that the mailing with the staff is coming up with a document on the role of public comments and the process.

And I don't envision ICANN responding to every public comment that we get on every application and, you know, other than educating the community about the objections based process that is the new gTLD program, I don't think we're clear yet on how public comments could possibly be measured or applied or used effectively.

And there's some - more direction may come when we produce this one or two page or three, folks, that I think will be available prior to next week's call. But I think we need to check very lately on the weight that we give the public comment.

Chuck Gomes: Well, this isn't saying that public comments will we weight it. This is saying that ICANN staff will monitor public comments and where appropriate, communicate to the commenter that "Hey, there's an objection process that has to be followed if you want to file one."

Miriam Sapiro: Chuck, it's Miriam.

We do suggest that every time somebody files a public comment on any recommendation that is the basis for (unintelligible), there be an automatic response that says, you know, "Thank you for filing a public comment, by the way those objection process."

Chuck Gomes: That I think is the only way to avoid trouble on this one.

Miriam Sapiro: Yeah. But I mean it's not just a recommendation. There are going to be three or four that have objections process. It's just seems unfair to single one out.

Chuck Gomes: Yeah.

Craig Schwartz: I think there would just be an automated response to any public comment that we get that directs them probably to either the objections element of the RFP or some place on the ICANN Web site that explains the process, but it wouldn't be - I don't think each public comment is going to be tailored...

((Crosstalk))

Chuck Gomes: Let me suggest because we're out of time. Let me suggest, Liz, that you reword this one to cover what Craig and Miriam are saying here. Then there's going to be an automatic response to all public comments to anything that will alert them to the objection process.

Woman: Chuck, can I ask a quick question?

Chuck Gomes: Sure.

Woman: Would this be satisfied if we had added even though the staff was already talking about it but we want to put it in the GNSO recommendation is an implementations guideline that is just that, that in terms of public comment?

Chuck Gomes: In fact, I think that's a better place for us and is part of this recommendation or tied to Recommendation 20.

Woman: Right.

Woman: So I'll try to come up with some wording that I can propose to the meeting tomorrow.

Woman: And that will also (unintelligible) what the staff paper that they're working on.

Chuck Gomes: Yeah. Okay.

Woman: Because I simply want to see that before you try to formulate language on...

Chuck Gomes: Now, we're past time for several of it but do we have - on the guidelines part, did anybody have anything critical in terms of what (Philip) put in there?

I think Milwaukee had one point. I'm going to have to go back and look at that and there was an improvement but I'm going to have to go back and look at that to see what it was.

In fact...

Liz Williams: Chuck, it's Liz here. I know that we're out of time.

The takeover the recommendation now says "An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community for which the string maybe explicitly or implicitly targeted."

The rest of it can be discussed in an implementation guideline/(unintelligible) because we want to (unintelligible) to the bigger groups prior to tomorrow's meeting.

Chuck Gomes: I think that's fine and I think we ought to probably - if we can pick (Philip)'s version and do a red line of it so that...

Liz Williams: Yeah. I've got here in red line.

Chuck Gomes: Okay. And including - referring that the one statement is going to be moved to another part and what we're going say there.

Liz Williams: Yeah.

Craig Schwartz: Good. Yeah.

Chuck Gomes: Does that work?

Liz Williams: Okay.

Craig Schwartz: This is Craig. Can I add one quick thing with regard to the established institutions?

I thought some concerns about listing GAC, ALAC, GNSO, ccNSO and NSO as established institution. Does that - it doesn't really - it doesn't seem applicable unless I'm missing something here?

Chuck Gomes: Well, I wasn't sure about that one, Craig. I (put) that out there mainly for consideration. This is not a big deal to me but I thought it was - I

was trying to tie in back to the reserve names working group suggestion of using those responses from those supporting organizations advisory groups as a means of input so that's the way that the public can provide their own input for the - thru those or other organizations.

I'm fairly flexible on that. I don't mind leaving that out. What do others think?

Craig Schwartz: I think we probably have lost a few people but from the staff's perspective, I would go to leave those out.

Chuck Gomes: Okay. I'm okay with that. Anybody object that?

Woman: I don't know that I'm objecting. I think it (belongs and in some form) but if the committee doesn't think those then I'll include it in my own comment.

Chuck Gomes: Why don't we just flag it for tomorrow's discussion and put it before the whole group? That's probably the easiest thing to do right now. Is that okay, Liz?

Liz Williams: Yeah.

Chuck Gomes: Okay.

Liz Williams: No problem.

Chuck Gomes: Okay. And if I find - I'm going to have to find what Milwaukee said later. I've got it in front of me but I've got to get on another call.

Liz Williams: Okay, guys. Thanks very much everyone.

Chuck Gomes: Yeah. Thanks everybody.

((Crosstalk))

Liz Williams: Okay. See you then. Bye.

Craig Schwartz: Hey, Liz.

Liz Williams: Yeah.

Craig Schwartz: Hey, it's Craig.

Liz Williams: Yes.

((Crosstalk))

Craig Schwartz: On the last comment that I made about established institutions...

Liz Williams: Yeah.

Craig Schwartz: ...if we're adding up to the process section, basically where there's going to be a community harmed, I don't know how we can possibly be tying those supporting organizations.

(Marie): It's (Marie). It didn't make sense to me either.

Craig Schwartz: Yeah. I think...

(Marie): It's got to be tied to the community, public institution...

((Crosstalk))

Craig Schwartz: Yeah. Those have to go and I think we just need to make that clear on the call tomorrow.

Liz Williams: Okay. That's fine by me.

(Marie): Yeah. Liz, unless we have really good reasons to keeping them but I don't think anyone...

Craig Schwartz: There's been concern all along about operationalizing...

Avri Doria: Avri is still on the call.

Liz Williams: Oh good, Avri...

((Crosstalk))

Craig Schwartz: That's okay.

Avri Doria: Right. Just so you know and (unintelligible) has not accepted the staff argument about operationalizing and so have every intention of bringing that argument to the larger community.

And if the larger community agrees with the staff that they don't want to do so, I have talked to various board members about the topic who say

“Wait a second, we’re already operationalized, why is that a generic absolute no.”

And so there’s an understanding that staff is not supporting that principle and yet there are others who knew and so I think it’s something that will need to be discussed whether it’s in the recommendation or in personal comment or later.

Craig Schwartz: Fair enough.

Avri Doria: I mean I’ve on earlier calls when you (unintelligible). Do you mind explaining in - I mean why - how...

((Crosstalk))

Woman: For why this would be appropriate even if they’re not representing the established community?

Woman: Certainly. Basically - and this came out of the reserve names controversial, the reserve name controversial name subgroup and working group and was approved within that - within the reserve name working group.

Woman: Right. I recall.

Avri Doria: Okay. So the idea was that there could be many, many issues brought up by many people that would require some support. In other words, any process you build can’t be complete enough to consider everyone.

So this was allowing a mechanism by which this for example different society, organizations of all sorts were having a real problem with something, but they didn't fit into the established community type of framework that you have.

But there was a real strong that ALAC could be the one to represent that interest not those people but the interest of many communities of a large global communities that deals and caught up into the particular accepted forms and say "Listen, there is a global concern about this." Same thing with government.

Liz Williams: Avri, it's Liz. You're really breaking up. Can you probably...

((Crosstalk))

Avri Doria: ...into my microphone better.

Liz Williams: Yeah. That's better.

Avri Doria: Okay.

So same thing with GAC. I won't go to the ALAC example again. But same thing with GAC that where it wasn't necessarily one country issue. For example, it could be the (Outblack) issue and no particular country was taking it up. But there was a concern about something from that perspective. And therefore, they would get - but they didn't fit any of the categories we have set.

So the GAC itself could say "There's a general concern here." We request that the review body, the panel, whatever, take this once up. So it was basically giving the non-identifiable community a way to do it.

And it was basically so that no one is actually shut out of being able to be listened to, if they can get someone's attention and that someone maybe the GAC or the ALAC or even one of the other (NSO) that I think of it much more in terms of ALAC and GAC.

Liz Williams: Okay. That's very helpful. Thank you.

Woman: Are we all done?

Man: I think so.

((Crosstalk))

Woman: Liz, are you going to send around the new version?

Liz Williams: Yeah, I will. I will. I'm going to have to do this first and then I'll comeback later.

Woman: Sorry.

((Crosstalk))

Woman: All right. See you guys.

Craig Schwartz: Thank you.

Liz Williams: Once I see that, I'll send out an agenda for tomorrow's meeting.

Woman: Thanks. See you.

Liz Williams: Okay. Bye-bye.

Woman: Bye.

Craig Schwartz: Bye.

Avri Doria: Bye.

END