

1 **November 15, 2000; 06:54:00 on RealVideo**

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3 HANSEN: Neulevel is pleased to announce that we have
4 decided to join Sarnoff Inc. in the application for new
5 TLDs and I would like to introduce Suman.

6

7 DYSON: Great. Fantastic. It was very nice of you to be
8 together on the list

9

10 SUMAN: Could you please open our presentation please?

11 My name is Shailendra Suman, Executive Director of
12 Sarnoff Corporation. This is an historic moment for us.
13 We are pleased to announce that Neulevel, which is a
14 partnership from Melbourne IT, based in Australia, and the
15 Washington DC firm, together with Sarnoff Corporation for a
16 people-centric domain name.

17 Definitely we are not hung up on the question of a
18 one-letter domain name -- that was a marketing purpose for
19 the branding. But, what we are proposing is a people-
20 centric domain name which is three letters. We can call it
21 dot triple i, or dot i d i, or dot per.

22

23 [INTERRUPTION BY BERKMAN CENTER STAFF TO FIX POWERPOINT
24 PRESENTATION]

25

1 SUMAN: May I have more time please?

2

3 DYSON: But the clock should have started at three.

4

5 [VOICES]

6

7 DYSON: No, no, it starts at three. We are really short of
8 time. Just start it at three now, thank you.

9

10 SUMAN: This is a TLD for people, expanding and enhancing
11 the utility of the DNS system. This is one of the best
12 proposals because you are bringing the best team together
13 in the technical plan, also in the protection of trademark
14 and intellectual property. It's the most visionary business
15 plan. The best team. And what it does is ensure equitable
16 and cheap access to the DNS, including the provision of
17 free domain names.

18 If you look at the technical aspects of it, Ken has
19 described in his earlier presentation their experience in
20 registry operations, in security and scalability. And
21 ICANN Staff has said this about our proposal: in a
22 technical way, "this is a model for a registry," so you can
23 see our experience in building a technical plan for a
24 system like a registry. It is highly reliable. And what
25 we are proposing, our projections say that in the next four

1 years, we could have seventy-five million users. And we
2 are proposing that thirty million of those users will get
3 free domain names.

4 We are providing a completely open system, which will
5 increase competition and innovation. And internet service
6 providers will be able to develop services on this
7 platform.

8 We have Sarnoff's global reach. We have clients and
9 customers in almost every part of the world. As proposed
10 in our application, if required, we will create an
11 international advisory group for this proposal.

12 Since we will be providing thirty million free domain
13 names, what this will do is provide a widespread use for
14 this personal TLD, both in undeveloped countries and
15 developed countries.

16 If you look at the IPC ratings, of all of the four
17 domain names in the personal category, we got the best
18 rating because we have intellectual property protections;
19 we have all the provisions to prevent cyber-squatting. And
20 if you look at the whole of the DNS system, we are the only
21 one proposing non-transferability. Because the whole DNS
22 system has taken on its own life; it has become a
23 commodity. We want to go back to the fundamentals of the
24 DNS system.

1 Why do we think we can do it? Because we have done
2 it several times. We are one of the best places in the
3 country in technology innovation. If you look at our
4 history, in the last sixty years - we are not some fly by
5 night company formed last year in a dotcom boom. We've
6 been here for a long time. And we have really changed the
7 world with technology.

8 If you look at our real, core strength, it is mass-
9 marketing - anywhere from color television to videotape
10 recording to today's digital TV - we have our technology
11 behind those commercial products.

12 We are a company that is proud to say that we are not
13 just an innovator of technology, we commercialize it. In
14 the last five years, we have developed over twenty
15 companies and raised in excess of two hundred million
16 dollars. And we are proposing that we are the best to do
17 this job.

18
19 [TIME ELAPSES]

20
21 SUMAN: Thank you.

22
23 DYSON: Thank you. Ken?
24

1 FOCKLER: Somehow in all the enthusiasm, I failed to get
2 what top-level domain you are asking for?

3
4 SUMAN: I don't think... what we are proposing is triple i.
5 That is our first choice. But, I don't think there is any
6 technical reasons... makes any difference if it is triple i
7 or dot per or dot nom... what we are proposing is dot
8 triple i.

9
10 FOCKLER: Dot triple i... not dot nom.

11
12 DYSON: Vint?

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14 CERF: On the non-transferability, I could imagine a
15 circumstance in which someone dies and the family members
16 want to pick up the name or something. Is this an absolute
17 constraint, or do you imagine that there is some set of
18 circumstances in which some transferability would be
19 permitted?

20
21 FAUSETT: Bret Fausett, counsel to Sarnoff in this process.
22 We envision that there will be a handful of reasons why you
23 might want to transfer. Divorce. Marriage. Death.
24 Things like that. But they will be discrete, and

1 ultimately the goal is to make these things not
2 commodities, but we will have some limited areas.

3
4 DYSON: Just briefly, what are you merging? What is the
5 joint venture going to consist of?

6
7 SUMAN: Yeah.. its a Sarnoff proposal under NextDNS, and
8 Neulevel is providing their proposal behind our proposal.
9 The idea is to take the best of what they are good in and
10 create the best of the best proposal. But, it's the
11 NextDNS proposal under Sarnoff.

12
13 DYSON: So are they going to do the registry operations
14 basically or what?

15
16 SUMAN: NextDNS is the registry operator.

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18 HANSEN: The form of the relationship is that of a
19 partnership.

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21 DYSON: Thank you. Well if you would all do that we would
22 save a lot of time this afternoon.

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November 16, 2000; RealVideo at 02:55:45

TOUTON: The next category to be browsed for selections into the basket...

DYSON: [Addressing Audience] Excuse me, could you please be quiet? Thank you.

TOUTON: ...is the general purpose TLDs personal group, which has six, five entries listed here. I would point out, remind you that yesterday two of these entries, that is JVTeam and Sarnoff, joined their proposals. I believe a specification sheet of exactly how they were joined has been circulated to you.

November 16, 2000; RealVideo at 02:57:20

TOUTON: Are there any other entrants in this group?

CERF: First, a clarification. Since we had said that JVTeam was a strong player, we now have JVTeam and Sarnoff together. What.. does that do anything funny? Does that mean we have implicitly put JVTeam/Sarnoff group into the basket as a potential player or not?

1 TOUTON: Well, I think it is up to you to put them in. As I
2 understand, the process that was discussed before, you put
3 things into the basket and see if there are too many of the
4 same color.

5
6 DYSON: I would propose putting them in.

7
8 CERF: I think they represent a strong proposal, especially
9 in combination. So, I would recommend including them. And
10 I have a couple of other suggestions as well, but we will
11 wait and see when this one comes.

12
13 TOUTON: Comments about JVTeam Sarnoff?

14
15 FOCKLER: I would support it too. I am looking for perhaps
16 even some competition in this area. I would just like to
17 point out what we are talking about in that particular case
18 is dot i i i.

19
20 TOUTON: Yes. Any other comments about JVTeam Sarnoff? Ok.
21 I sense a feeling that it should go into the basket.

22
23 **November 16, 2000; RealVideo at 03:56:00**

24

1 KYONG: I am concerned with dot air. Airline, airplane is
2 fine. Air is associated with all kinds of things.
3 Something that you breathe right now is air. How can you
4 just give out air, of all things, for airlines?

5

6 [Laughter from the Board]

7

8 CERF: We can have some other things like wind.

9

10 TOUTON: Are there any others who feel that way?

11

12 WILSON: Dot narrow air.

13

14 KYONG: Airline or airplane is fine.

15

16 TOUTON: You would like a different string?

17

18 KYONG: Air is too big for just airline...to my mind.

19

20 TOUTON: Any other comments about dot air or how to proceed?

21

22 CERF: Let me see... if it weren't dot air you wouldn't have
23 the concern that you just expressed, is that right? In
24 other words, the concern is not with the business

1 proposition or the technical viability, but rather just
2 with that... that choice.

3

4 KYONG: You are right.

5

6 CERF: I don't...the problem is... SITA itself is Societe
7 Internationale de Telecommunications Aeronautiques. Air is
8 shorter.

9

10 [Laughter from Board and Audience]

11

12 TOUTON: Comments? Well, I am trying to figure out what to
13 do with it. Does it go into the basket or not? Is there
14 any guidance?

15

16 CERF: I am reluctant to not put it in the basket because it
17 is a reasonable proposal except for the concern that's been
18 expressed about the generic word. So, I am not sure what
19 to say.

20

21 DYSON: If someone were to take dot air, I think they are a
22 reasonable candidate for it. And what I like about it is,
23 it is not dot travel. It is not claiming all of the travel
24 business. It says we are the international air...

25

1 CERF: Industry. Air industry. And its everything... it is
2 not just air travel, but shipping and so on.

3
4 DYSON: Yes, but I mean it is air. It is not sea. It fits
5 well. And it is specific.

6
7 KRAAIJENBRINK: I would put it in the basket because it's a
8 well prepared proposal for a closed sector, well defined by
9 an organization which is the cooperative in the industry
10 sector. So, on that basis as a really closed new top level
11 domain, I would be able to carry that.

12
13 KYONG: I will go along with that provided that the Staff is
14 instructed to negotiate with them for somewhat more
15 specific, more comfortable string than just dot air.

16
17 TOUTON: Other comments?

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19 KRAAIJENBRINK: Although I feel that we are responsible for
20 delegating strings, we could maybe think of a more generic
21 like aero instead of air, which applies across more
22 language borders and indicates exactly what is to be
23 indicated, that it is for the whole of the airline
24 industry.

25

1 TOUTON: Were there alternative strings on this one?

2

3 CERF: I think there were...

4

5 TOUTON: Aero was one of them?

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7 DYSON: Aero is nice. More international than dot air.

8

9 VOICE: They have that: aero.

10

11 CERF: Is that spelled a-r-r-o-w?

12

13 [Laughter from the Board]

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15 . . .

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17 TOUTON: Would everyone be alright with putting this in the

18 basket with a note that dot aero is preferred?

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1 **November 16, 2000; RealVideo at 05:14:02**

2 [List now includes the seven final TLDs, plus Sarnoff's
3 ".iii" and SRI's ".geo"]

4
5 TOUTON: Following up on Mike's comment of a few moments
6 ago, going down this list, which ones do people believe
7 ought to be put into the final selection?

8
9 CERF: I actually, as I look at that list, and the
10 diversity, I don't want to take anything off of that list.
11 I think it's a really interesting list.

12
13 TOUTON: Esther?

14
15 DYSON: I think it's more than interesting, it is broad and
16 diverse. I have questions about one or two of them, but I
17 think overall it does what we want to do. It's a good
18 selection, a fairly broad, wide-ranging bunch of things.
19 I'm still looking forward to rescuing Linda's list and
20 seeing what that would add. It's still a, the big ones are
21 pretty U.S.-centric, there's nothing that's other-centric,
22 and frankly that was one of the appeals of dot P I D...

23
24 TOUTON: Alright. I understand that on the list as a whole,
25 there is a general comfort level. I think perhaps formally

1 we should go through each one and figure out if there is a
2 basic consensus behind each one keeping in mind what the
3 whole list is... and the desires of some of us to make sure
4 there is diversity, geographically, of type. There isn't
5 the same operator appearing too many times and those sorts
6 of things.

7
8 [Board reviews applications]

9
10 **November 16, 2000; RealVideo at 05:18:54**

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12 TOUTON: The Sarnoff JVTeam Sarnoff personal name super
13 joint venture. Everyone...

14
15 CERF: It's OK.

16
17 TOUTON: Everyone OK on that? Nod of heads please. OK.

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20 **November 16, 2000; RealVideo at 05:29:40**

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22 ROBERTS: Going back to Hans's point about the delegation of
23 strings, I would like to personally say that I find the
24 triple i thing not acceptable as a string for the TLD
25 space.

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WILSON: Talk some more, Mike...

ROBERTS: Yeah... it's essentially unpronounceable. It has no mnemonic value. It is confusing. It says nothing about what that might actually mean.

KRAAIJENBRINK: Can I try to solve it? I think if you try to pronounce it you get a very strange scream. eeeee.... But, noting that it is a joint venture between Sarnoff and JVTeam, and if I look into the list, JVTeam was dot per, P E R, so I think that we might take the liberty to assign the string dot P E R, dot per.

TOUTON: Alright. Let me just raise a point. That the alpha-3 string for the nation of Peru is dot P E R. The Governmental Advisory Committee at times in the past has expressed a concern about that situation. Andrew?

McLAUGHLIN: I was just going to raise that same point and just point out for whatever reason -- marketing surveys or their own conclusion -- they conclude that this is the string that will do the job for them.

VOICE: OK.

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DYSON: If we are going to make up the string, an English one that might work is dot self. The others I can think of are like dot I N D but that may be India or individual. But then we end up doing their job for them.

TOUTON: Any other comments on the string for the Sarnoff JVTeam?

CERF: Well, I'm not sure how we ended up on that one. If P E R is clearly a potential problem because of the nation of Peru, my reaction to your comments is not to feel too differently than you do, but on the other hand if that was the proposal and that was their choice, then perhaps we can just let them go with it and see what happens.

FOCKLER: Agreed.

MALE VOICE: Yeah, I could live with dot triple i.

ROBERTS: Well, I respect that. I mean my reaction would be to delete it from the list.

TOUTON: I am sorry. Your reaction would be to delete the entry from the list altogether?

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KRAAIJENBRINK: Well, if I may, I believe we have the shopping cart here with eight very viable proposals. A spread of TLD strings which cover diverse applications as we have evaluated them from the proposals. So, I would like to go and find my credit card and go to the cash register.

TOUTON: Vint and then Esther.

CERF: I am still interested in Linda's list too, so I would like to go back.

TOUTON: Esther...

DYSON: You raised the issue of per. I'm not...how serious is that? I mean there must be a lot of three letters that are going to be restricted this way.

TOUTON: Only approximately 240 sequences.

DYSON: Forgive me, but I can't remember. There were no other strings they listed beyond dot triple i and...

1 McLAUGHLIN: There were a number of strings they listed.
2 They listed dot i. They also listed dot triple i and some
3 others. They said dot i is our preference and here is a
4 whole bunch of things that we could find acceptable. And
5 then yesterday they said that triple i was their first
6 choice, but I think by no means is it their only choice.

7
8 TOUTON: Another string was i d i and there was a third one,
9 I think.

10
11 McLAUGHLIN: If the only problem here is the specific
12 string, that seems like one that could fairly easily be
13 resolved... maybe even with some back and forth.

14
15 MURAI: It could cause a future conflict then.

16
17 DYSON: No, no. If we find another one. Not per.

18
19 McLAUGHLIN: Jun's point is that any 3-letter code that we
20 assign could potentially cause a future conflict. Although
21 the 3166 maintenance agency does attempt to use non-
22 conflicting strings when they assign a three-letter string
23 for new codes on the list. So, in a sense, it is a kind of
24 iterative process.

25

1 TOUTON: Alright. Moving to the question of Linda's list.
2 We've got this down to eight. And how many are on your
3 list, Linda?

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1 **November 16, 2000; RealVideo at 05:48:11**

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3 TOUTON: I think that just to be fair to those on that list
4 and on the other list, we probably as a matter of making a
5 clear record should go through the eight with a show hands
6 on each and be sure to have a consensus and it's not being
7 misread. OK. The JV Team dot biz. How many people think
8 that that should be in the final list? I get eleven...

9

10 VOICE: And one abstention.

11

12 SECOND VOICE: Ten.

13

14 TOUTON: OK, ten. The Affilias dot web application. How many
15 think that should be in the final basket? Eight?

16

17 FOCKLER: I'm not voting against it; I'm just abstaining.

18

19 TOUTON: OK. Anybody? Abstain. Abstain. Abstain. OK.

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21 McLAUGHLIN: I am sorry. These are straw votes.

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23 TOUTON: These are straw votes, that's right. So, eight out
24 of eleven here, is that right?

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CERF: Could I ask...

TOUTON: I am sorry...

CERF: A point of information. Those people who abstained, were they abstaining because of the label or were they abstaining because of other concerns?

TOUTON: Were you abstaining because of the label dot web or abstaining for some other reason?

MALE VOICE: dot web, that's my reason.

FOCKLER: My reason too...

DYSON: I am abstaining for a bunch of reasons all of which make me feel that it's not a, it's not a compelling proposition in a situation where we're looking for compelling propositions. It includes the string, but it includes other issues.

CERF: I understand.

McLAUGHLIN: Do you want to try a straw vote with dot info or something like that?

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TOUTON: No, I...

VOICE: No.

[SEVERAL VOICES SPEAKING AT SAME TIME]

VOICE: It's a very sh..., but.

TOUTON: Global Name Registry. How many think that should be on the list? That's consensus also.

TOUTON: Sarnoff, JV Team dot i i i. How many think that ought to be on the list? Six is all I get on that? Is that right?

DYSON: Would it be different if the string changes?

WILSON: [Nods yes]

MALE VOICE: Yes

TOUTON: Do people feel that having only six justifies changing the string?

1 VOICE: [Inaudible.]

2

3 TOUTON: Let's note that and go on.

4

5 FOCKLER: OK.

6

7 TOUTON: Registry Pro for dot pro. How many think that
8 ought to be on the list? Clear consensus. Dot museum.
9 How many think that ought to be on the list? Clear
10 consensus. Dot aero. How many think that ought to be in
11 the list? Clear consensus. Dot co-op. How many think that
12 ought to be in the list? One not, two not
13 supporting...right? But consensus, I think.

14

15 TOUTON: OK. Going back to Sarnoff/JVTeam i i i, where I
16 think we had only six favoring, as it currently stands.
17 Question was... is... would changing the string change that
18 result? Anybody have any views? We are talking about
19 Sarnoff/JVTeam's dot i i i proposal. It only got 6 votes
20 in the straw poll. Let me ask those who did not vote for
21 it, would that change your...? Linda. Would a different
22 string change your mind?

23

1 WILSON: Yes, yes, yes. With a different string I would
2 vote for it. I can make a suggestion for a string, but I
3 don't think that's our job.

4
5 CERF: Well, ultimately it is our job to finally approve a
6 string. We do have that respons...

7
8 WILSON: I'm supposing dot P E R S. It gets you out of the...

9
10 CERF: No, we are not doing that now, we are doing Sarnoff...

11
12 TOUTON: What she is saying is that...

13
14 CERF: Oh, she is talking about the other case. OK.

15
16 TOUTON: One way to handle this would be to say that they
17 get one string and to require approval before execution of
18 any agreement and then leave it for a matter for
19 negotiation, expressing concern that that's not an
20 appropriate string. Does that approach seem suitable to
21 the Board?

22
23 WILSON: As long as it comes back to the Board for approval,
24 I don't think it is a problem.

25

1 TOUTON: Yes, Ken?

2

3 FOCKLER: Is it possible to see because in their application
4 they did state other strings so that we don't have to be
5 seen to be making them up, but there might be something
6 else there. Andrew mentioned some, but I'm sure in the
7 application, that I don't have, and it wasn't listed in the
8 book, but in the actual application...

9

10 VOICE: I am looking...

11

12 KRAAIJENBRINK: We might provisionally approve triple i,
13 but in such negotiations with Sarnoff/JVTeam ask for a more
14 appropriate string which is brought back to the Board for
15 approval. I think that carries full support in the....

16

17 VOICE: I agree.

18

19 TOUTON: Give me just a moment to have the team find...

20

21 DYSON: It's here. It's here.

22

23 FOCKLER: Maybe I am wrong...

24

1 TOUTON: This was a, this was a...There was a little bit of
2 difficulty there because on item E2 which was where they
3 were supposed to list the string, they only listed i. But,
4 in the text of their proposal, they listed others.

5
6 FOCKLER: "The adoption of alternate TLD strings such as dot
7 i d i, i i i, or one, or some other string to be decided,
8 will be considered although such string would be less
9 distinctive."

10
11 DYSON: Dot one is available.

12
13 KRAAIJENBRINK: I am afraid we are entering a strange
14 procedure here.

15
16 ROBERTS: I thought I might explain that I had a sort of
17 generic objection here. We were specifically asked in view
18 of the several ccTLDs that are already exploring this space
19 not to do this at all. And I didn't think that was
20 controlling. But I must say that I feel that we don't,
21 aren't particularly under any obligation to do more than
22 one to deal with the proof of concept at the worldwide TLD
23 level.

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25 TOUTON: Let me ask Joe, Joe Sims to make a few remarks.

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SIMS: Just in the nature of general advice, what we have here is an application which has changed dramatically since the time it was made with this combination. The string is a string which is not acceptable, apparently, to a number of the members of the Board. They did not actually request additional strings and if you read the language in the application, it says they would consider additional strings. This is a series of reasons why at this particular time and this proof of concept stage, the Board might consider that this should be postponed to a later date.

TOUTON: Any reactions to that from the Board members?

WILSON: Sounds wise.

FOCKLER: Having heard that, could we have one more show of hands on triple i?

TOUTON: OK, Let's....do people support the triple i proposal being in the basket?

[two board members raise hands]

1 MALE VOICE: It went down, but it got noted.

2

3 TOUTON: OK. I think it should be taken out of the basket
4 then, is my understanding? OK. Please take it out of the
5 basket. We now have seven.

6

7 DYSON: Wait. Can we hear why they changed their minds? I
8 thought this was a....

9

10 CERF: No, no. It was the combining of two proposals
11 together in the last minute...to create a joint.

12

13 DYSON: Yeah, no, I know. No, no, not why they changed
14 their mind, why we changed our mind.

15

16 CERF: I will be happy to answer that. i i i does not...I'm
17 like Mike. It doesn't ring beautifully on my brain. So, I
18 would love to find something else. But, I would rather
19 that the applicant find it rather than we make it up for
20 them.

21

22 DYSON: Yeah. But, if we do that... As I understood, the
23 proposal was to go back to them and have them in
24 negotiation with us to come up with a new string, where it

1 is their string. But, we instruct the Staff to go forward
2 with the proposal to amend it to suit us.

3
4 CERF: Well, as I understood Joe Sims' observation. Since
5 the proposal is no longer what either of them were, it is a
6 combined thing which has not been submitted to us as a
7 combined proposal. It has simply been orally conveyed to
8 us that they are jointly willing to work together. I
9 understood Joe's comment to be a caution that we haven't
10 actually seen a proposal of the joint group. We have only
11 seen two different proposals and an oral commitment to work
12 together. Is that a fair....

13
14 SIMS: Yes, let me just add one point just to, just to make
15 sure there is no confusion here. The applicants have said
16 that they have left their individual applications in
17 the...pending...so that there are two separate applications
18 here. They have joined themselves together in the terms of
19 a... of a... to let you know that they have joined together
20 for technical purposes. So, I don't want there to be
21 confusion on this. My point was that when we are trying to
22 find a relatively limited number of very attractive
23 applications to the extent there are significant questions
24 or uncertainties about a particular application, that is a

1 factor that the Board could, and in my view should, take
2 into account in deciding whether to proceed.

3
4 TOUTON: Let me just make clear. There was a one-page sheet
5 that was given to us yesterday... I don't recall whether it
6 was distributed to the Board... describing in obviously
7 very general terms how they would combine these two very
8 extensive proposals. Vint.

9
10 CERF: In that case, I would like to argue in favor of
11 keeping them on the list, but having them in negotiation
12 that produces a string that we approve.

13
14 [The audience claps]

15
16 TOUTON: Please... please no audience reaction. Again, you
17 are here to observe, not to participate. OK.

18
19 KRAAIJENBRINK: Do we need a third vote?

20
21 TOUTON: Ok, let's do another straw...

22
23 KRAAIJENBRINK: I'm asking because we made another vote on
24 the proposal and that vote was only two for. The first

1 vote was only six for out of the eleven or twelve. So, I
2 know that in America the recounting is a.....

3
4 [Laughter from Board and Audience]

5
6 TOUTON: Alright. In a moment, I will have another straw
7 poll. Is there any more commentary about it though first?

8
9 CERF: I feel a need to respond to Hans' observation. That
10 is, we did not vote on the proposal I just put on the table
11 specifically, which is to remand the string decision to
12 negotiation and I think we should vote on this.

13
14 KRAAIJENBRINK: I believe we should vote on every proposal
15 in a formal way, maybe, if necessary. It was straw poll.
16 But going from straw poll to straw poll..... If you need a
17 third straw poll, then do it.

18
19 CERF: We can remand this to the State of Florida at some
20 point.

21
22 TOUTON: I would like to avoid having more than three straw
23 polls. Are there any other comments that anybody wants to
24 make about this....it's not up there right now....Sarnoff
25 JVTeam proposal. Thank you, Ben. OK. There being no

1 comments, let me do a straw poll. First... I think the
2 first straw poll established... well, I am not sure what
3 it established. Which Board members believe that Sarnoff
4 JVTeam proposal should be on the list with a requirement
5 that the dot i i i string be changed to another string to
6 be negotiated and then approved by the Board? Is that the
7 right straw poll, first of all?

8
9 CERF: Yes.

10
11 TOUTON: Which think that? One, two. Oh wait, there is a
12 point of clarification

13
14 FOCKLER: Does that in any way impact any other decision
15 that we have made today? I don't think so for any of the
16 other applications...

17
18 TOUTON: Andrew, you have some sage advice.

19
20 McLAUGHLIN: Jun will clobber me for saying this. The only
21 one that I suppose that affects is that dot geo was taken
22 out in part, I think, because it was the third
23 instantiation of a registry by the same people. So, just
24 so that the record is clear, that was one of the factors
25 you talked about when taking out dot geo.

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FOCKLER: Was it focused just on the string?

McLAUGHLIN: No. No.

TOUTON: Ken was asking a broader question. Now, let's take the straw poll. Straw poll is -- should Sarnoff/JVTeam be put on the list with the understanding dot i i i is not acceptable, that a new string will be negotiated and will be approved only when approved by the Board? OK, another question.

WILSON: My question is under our procedures, is taking that step well within our... I am asking whether given the announced procedures, is taking this step well within...an acceptable range? Could we have some advice about that?

[Pause]

SIMS: I don't think it would be correct to give you a definitive yes or no answer on that, for which I apologize. But I think it would be fair to say that in the context of this entire process, to undertake a negotiation of this type with one of the applicants would raise some potential for claims of unfairness or discriminatory treatment. Now,

1 I'm not prepared to say that those claims could not be
2 dealt with effectively if they were raised, but I also
3 think that it would raise the potential for that sort of
4 claim to be made.

5
6 TOUTON: Let me just amplify on that. I do think that's
7 right and I think that actually involves not only the
8 string but also the joinder of the two applications. Other
9 applicants may complain that they weren't permitted to
10 change their application in a substantial way after
11 submitting it. Alright. Let's do the poll I was doing on
12 Sarnoff JVTeam as to whether people thought that that
13 proposal ought to be on the list with the understanding
14 that dot i i i would not be the string but that it would be
15 negotiated, subject to final approval by the Board. How
16 many feel that way?

17
18 [No votes] [Laughter from the Board]

19
20 CERF: It's all in how you ask the question, isn't it?

21
22 TOUTON: We should offer our services to the West Palm
23 Beach....

24
25 DYSON: Can I ask for a different ballot?

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TOUTON: Alright. Please take that one off the list.

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November 16, 2000; 06:08 on RealVideo

TOUTON: Just to make sure on the breadth of our consensus here, Joe would like to address us.

SIMS: I would like to make absolutely certain that the record is clear and that the Board members are clear, and, with respect to the one that is on this list on which there has been some significant discussion back and forth, and a little bit of potential confusion, let's just make sure there is absolutely no confusion. With respect to Afilias, the string that is before the board is dot web, and not dot info or dot site or any of the other applications. So, when you are asked whether you approve the instruction or resolution which orders the staff to negotiate this with Afilias, let there be no confusion that this is with respect to dot web and not one of the other strings. If anyone has concerns or is confused about that, let's make sure we get that on the table before we go forward.

DYSON: I have concerns, but I am not confused.

SIMS: That's fine.

1 ROBEERTS: While Louie is doing that, did that cover the
2 responses for that question? Thank you.

3
4 FOCKLER: I think that I was confused. I agree that the
5 discussion was about dot web, but Linda had tabled the
6 alternate, and given the kind of polling we just went
7 through, it suggests we didn't do the same thing with
8 respect to that. As to which one were we considering,
9 either which one was right or which one we were considering
10 at the time. I thought... on the Afilias.

11
12 ROBERTS: My recollection of the sequence of events was that
13 the discussion this morning to get it into the basket was
14 centered on dot web, but that was not an exclusive
15 discussion. Subsequently, we aggressively narrowed this
16 and so now you are being asked by counsel to verify that
17 you are supporting this with that restriction. Vint?

18
19 CERF: I continue to harbor some concern and discomfort with
20 assigning dot web to Afilias, notwithstanding the market
21 analysis that they did, which I internally understand and
22 appreciate. I would be personally a lot more comfortable if
23 we were to select a different string for them and to
24 reserve dot web.

25

1 ROBERTAS: Other comments?

2

3 KRAAIJENBRINK: Well, I would not. I believe that we have
4 discussed them considerably. The Afilias on .web. And, from
5 their proposal, and from the discussions, I believe that we
6 should award dot web knowing that IOD has been in operation
7 as an alternative root with dot web for some time. But I am
8 reminded, and I fully support what Frank Fitzsimmons said a
9 few minutes ago that taking account of alternatives should
10 open an unwanted root to pre-registration of domain names
11 and domains. So I am fully aware of what I am doing in
12 voting in support for Afilias dot web.

13

14 FOCKLER: I appreciate that and the process that I was
15 thinking though was that, what I am going to be asked to
16 vote for eventually is the whole package, and if we arrive
17 at that through process, I would be very comfortable to do
18 that. We may or may not, but I have a feeling this group
19 might, through its show of hands, decide that web is what
20 we're talking about. I just want to do that. Just want to
21 have that step.

22

23 ROBERTS: Perhaps we should see if there is support for
24 changing the string restriction by a show of hands.

25

1 SIMS: Let's just make it easier. Why don't we do just what
2 Ken has suggested and do a straw a poll on including...
3 continuing to include Afiliias with the dot web string on
4 this list.

5
6 COHEN: Joe, can I ask you a question for a minute, because
7 you're being too subtle for me. What are the consequences
8 of this?

9
10 SIMS: I don't... I am really not trying to balance legal risk
11 here. I am just trying to make sure that the Board is clear
12 and there is consensus on this point, because I do think it
13 is important that when the Board makes its final decision,
14 that it, in fact, is a consensus decision. Yes, sir?

15
16 CERF: Just a suggestion Joe, I would invert the proposed
17 straw pole. What I would like to know is whether the board
18 would show any support at all for the alternative which
19 would be to award dot info to Afiliias and to reserve dot
20 web. If there's no support for that, then obviously we have
21 the alternative, but it is that particular aspect that I
22 have some discomfort with.

23
24 TOUTON: Linda.

25

1 WILSON: When Andrew brought us back into some of the
2 reasoning of Afiliias, as I recollected, it was that they
3 felt that the strongest way to provide real competition in
4 this space was with a dot web. I think we have to go back
5 to what is it we are really trying to achieve in this
6 round, and part of what we are really trying to achieve is
7 some real difference in the domain name space and whatever
8 goes in, we have a great sense that it will succeed. That
9 tipped me in terms of some other reservations I had about
10 Afiliias, and so it made me come out with a willingness not
11 to insist on setting or try to insist on setting aside web
12 because I felt that it had been a realistic approach to
13 choosing a string. That there isn't any prior claim on it,
14 in terms of its not being available, and it allowed the
15 organization to put forward its best proposal.

16
17 SIMS: If I might, let's... I think the simplest way to make
18 the record clear here is this: Afiliias with the dot web
19 string is currently on the list. Let me ask, how many of
20 the Directors would want to take that off the list?
21 Afiliias dot web. We can talk then about Afiliias dot site
22 and Afiliias dot info, but if the board is in favor of
23 continuing the status quo, we can do it the positive way.
24 How many would favor leaving it on the list. Let's do it
25 the nice, positive way. Leaving it on the list, with dot

1 web, as it is. How many would be in favor of that? How
2 many do we have?

3
4 [Six show of hands]

5
6 SIMS: How many are not in favor of leaving it in... Are the
7 others abstaining or voting against it?

8
9 MALE VOICE: You didn't ask.

10
11 DYSON: We are waiting to have Vint's question asked.

12
13 SIMS: OK.

14
15 CERF: Well... the way you are constructing the question, the
16 next question is how many are opposed to having Afiliias on
17 the list with dot web. I would like to hear that question.

18
19 SIMS: How many are opposed to having Afiliias on the list
20 with dot web. I see three hands... OK, so we have six in
21 favor, three against and the rest abstaining. So the Board
22 must use it own judgment then to decide whether that is the
23 consensus.

24

1 CERF: Actually, if you are willing to have the vote on the
2 other motion, which is to award dot info to Afilias, if
3 that doesn't carry at all then, we might...

4
5 SIMS: Well, we can certainly take a straw pole.

6
7 CERF: That's what I would like you to do.

8
9 SIMS: Let's take a straw pole on how many of the Directors
10 would be willing to award dot info, I take it is the one
11 you want, to Afilias, instead of dot web. Can we have a
12 show of hands on that? One, two, three, four, five, six,
13 seven? Is that correct?

14
15 MALE VOICE: Count me as eight.

16
17 SIMS: Eight. How many are opposed, would be opposed to
18 that? Two. In my uneducated eyes, that appears to be more
19 of a consensus.

20
21 [Applause from audience]

22
23 CERF: My recommendation on the basis of that straw vote is
24 that Afilias should appear on the list as dot info and not
25 dot web.

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WILSON: Say that again, Vint.

CERF: I said that my interpretation of this is that Afilias should appear on the list under the name dot info and not dot web. That would be my interpretation of what we just did.

SIMS: Well, should we... Just to button this up, can we take one final straw pole on that question. Should Afilias be on the list...I am sorry... Helmut?

SCHINK: Are we going to do this procedure for all the other applicants?

SIMS: No, because this is the one on which there has been lack... some not as clear consensus. Everything else there has been very clear consensus. This one there wasn't as clear consensus. So I think we want to try to get to consensus, if possible. So let me put the question again. How many directors would favor leaving Afilias on the list with dot info as a string instead of dot web. Can I have a show of hands there? One, two, three, four, five, six, seven, eight, nine. I think that is a consensus of the Board. Yes, sir?

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FOCKLER: I hesitate, but just for clarification, going over my notes when I read the application, I thought they asked for, they suggested site was their second choice to info, and I am not sure that the letter that you just read changed that.

TOUTON: We better check the records. I was under the impression that it was info.

CERF: While we're waiting, can we have a recount?

[Laughter]

FOCKLER: It's in the TLD policies section of their application.

TOUTON: Let me ask a question of clarification to you Vint. In some of your comments you spoke of reserving dot web. Did you in fact mean to reserve it for any particular purpose or simply not to assign it?

CERF: No, to withhold assigning in this round, that's all.

TOUTON: OK.

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McLAUGHLIN: I am quoting from their application right now.
This is section E2, the second paragraph ..third paragraph
in the section says "additionally, Afiliias is proposing to
introduce dot info as a second alternative followed by dot
site."

FOCKLER: Great. Thank you. I stand corrected.

End: 06:22on RealVideo

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