Transcription ICANN Beijing Meeting

New TLD Applicant Group (NTAG) meeting

Wednesday 10 April 2013 at 09:00 local time

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On page: http://gnso.icann.org/en/calendar/#apr

John Nevett: Any ICANN staff members here? Okay so we're going to get started. This is the meeting of the new TLD Applicant group.

And we'll just - we're popping the agenda up so everyone can see it but we're having some technical difficulties but I'll just announce with the agenda is going through it.

We have NTAG business, approval of the minutes, membership update, treasures update, timing issues for new TLDs, registry agreement -- obviously a hot issue -- trademark clearinghouse issues.

Then we have the VeriSign SSAC report, NTAG letter related to application fees, some team reports, a domain name industry trade association update.

And then any other business that any members want to raise. Does that sound good? Any comments on the agenda?

Okay I don't know if people are in remotely. I'm not Adobe but...

Woman: It's not working yet.

John Nevett: Okay so they're working on the Adobe but why don't we get going anyway. (Chris) was circulating minutes from the meeting of March 19 any changes, updates, questions?

Woman: There was a nonmaterial change which was to add two people that attended that we missed but other than that they are the same minutes.

John Nevett: Okay. Any other changes? All right any objection to having those approved? Okay those are approved. NTAG membership update (Krista)?

                 Let's skip that. NTAG's treasurers report?

Tim Switzer: Hi. Tim Switzer, .GREEN. So just since the last time we met was in the latter part of 2012 just wanted to kind of go back.

                 We started off with a $5,000 budget. We ended the year with approximately $4,822. We have spent $1,500 in 2013. So our current balance is $3,322.54.

                 There are no known pending expenditures at this time. I would also say that we've got an additional $5,000 from the Registry Stakeholder Group that's kind of set aside in case we were to need more than the current budget we have so all is well from the budget standpoint.

                 The other thing I would mention is that the Registry Stakeholder Group the x.com and (Sherry) continued to work on collecting delinquent observer fees.

                 And there are a few folks that continue to be - that have not paid or slow paying. So I would continue to ask anyone to please make sure that you keep current with your observer fees. And that's it. Thank you.

John Nevett: Great. Thank you. Again this is -- I'm sorry this is John Nevett, Chair of the NTAG -- so I just would request that anyone speaking say their name for the record.

Going on in the agenda now (Krista) are you ready for the membership report?

Krista Papac: Yes.

John Nevett: Excellent.

Krista Papac: This is (Krista) and I'm not ready. The moment you've all been waiting for. This is (Krista). We now have a - this doesn't look right. I'm sorry.

John Nevett: All right well we got a lot of members. And, you know, one characterization I saw in the - in an email the other day was that we're dominated by portfolio applicants and the statistics doesn't actually represent that.

More than 75% of our members have five or fewer strings and more than 50% have one or one string. So we have a very diverse membership working with the other applicants even those who aren't members of the NTAG we've been very - we've been coordinating on a lot of things and we'll get to that when we talk about the registry agreement.

Timing issues, so I'd like to also announce and welcome Christine Willett here from ICANN staff.

Christine Willett: Thank you. Good morning John, Christine Willett.

John Nevett: Thank you. Do you have anything that you want to share on timing or you just want to okay.

Christine Willett: I'm happy to answer questions.

John Nevett: Okay. Why don't we open up for questions if anyone has any questions on timing issues that haven't been addressed already in the last few days?

Christine did a great job with at the GNSO meeting and then at the session on Monday I believe. So - but if there are any additional questions raise your hand.

Okay. Anyone have any timing issues they want to talk about? Not questions everyone's comfortable timing? Contract first then testing right?

Christine Willett: Correct contracting then pre-delegation testing.

John Nevett: Right. Tim?

Tim Switzer: Hi. Tim Switzer, .GREEN. I actually missed the question part of the session the other day so this may have been asked.

I know that you - you've ramped up from the 30, you know, a week as far as this evaluation to 50. Is that going to continue to kind of to be just a gradual ramp up towards the 100 or will there be like, you know, will you go from maybe 50, you know, this week to boom you're at 100 or it's kind of a gradual work up?

Christine Willett: We're looking at we think 50 per week. And by that - this Friday it'll be 42 since we went to 108 we're looking to get to priority number 150 this Friday 200 the following Friday. I'm anticipating at least four weeks possibly six week at the 50 and then moving to 100.

John Nevett: Okay. I've got (James) and yes.

(James): Just well I (unintelligible) hi. Hi James here. I would like to be able to clarify because we have some (unintelligible) is still pending (unintelligible).

How do intend to process that is it by - is it in front of a queue or is it had to be under (unintelligible)?

Christine Willett: (Joe) if I understand correctly you have an application that's in the first 100 new priorities like you don't have you're initial evaluation results published yet.

So the reason for initial evaluation results not being published are if you - one is because it's pending a change request.

Two because there is - unfortunately we had a few late breaking clarifying questions. So some of the clarifying questions are responses that were to those questions which were issued late could still be in process or if it's because the application is in the outreach process which I described on Monday.

So for one of those reasons we're notifying applicants if the application is being held back. On the week that it would normally expect to receive results the applicant can expect to receive a notification from the new gTLD team an email to notify them that their results are being held back and for what reason.

That said those are our highest priority applications. So we anticipate getting those delayed results out as quickly as possible.

So I can't commit to whether it's two weeks or three weeks. It depends on the situation change requests can sometimes take quite a while due to the nature of the change.

Other changes - other reasons might be only a matter of delay of two to three weeks. So you will see on a weekly basis that we'll be releasing some of those held back results on previously prioritized applications.

John Nevett: Thanks Christine. All right I've got Ching and then we have a couple of people in Adobe that remotely so we'll go Ching, (Ramot), Jordyn not (Jordan).

Ching Chiao: Thank you Mr. Chairman and good morning again. Christine I'm speaking -- this is Ching Chiao again -- speaking for a number of applicants I'm actually working with.

So Christine I have two questions actually towards the contractual issue and it's related to the time line. Also how could you perhaps picture how for example the first 50 or the 60 IDN applicants will kind of interact with ICANN in terms of signing of the contract for example?

The question actually do you send in for example at the end of April think everything run smoothly and you're sending them for example a general reversion contract, or you're asking them to wait for a new version, or for example how does that work in terms of interacting with the applicants in terms of signing a contract?

And my second actually item is that I - so I hate to bring this up but we need the first 60 or the IDN applicants how to envision them signing a contract without knowing potentially there could be a Variant Program to be developed a - I mean methodology quote unquote next year how do you envision or do you have any thoughts to share on those applicants to sign a contract but with a placeholder crossing that hey there could be additional I mean streams that could be delegated to you next year? Thanks.

Christine Willett: So this is Christine Willett. On the process of contract signing I mentioned in the Monday briefing that there are a number of documents to be exchanged with the applicants.

Once we are in receipt of GAC advice we will have clarity on which applications can proceed into contracting.

Once we have that clarity then our intention is to begin to reach out to those applicants which have passed initial evaluations, do not have objections, and do not have GAC advice, and are not in contention to begin that exchange of data and information for contracting.

That said clearly until there is an approved and finalized registry agreement there would be nothing to sign from the applicants par. But we do anticipate beginning that process as soon as possible.

In terms of IDN applicants signing the registry agreement I understand the Variant issue. I think it would be up to the applicants upon the advice - legal advice how to enter into that agreement, what that agreement ultimately looks like, and whether or not you choose to move down the negotiated path versus accepting a standard agreement.

The IDN Variant Program there's a another track going on separate from the new gTLD programs. The new gTLD programs isn't - is not about delegating those Variant's it's about delegating the applied for string. So it's from my perspective it's an issue - it's a separate issue. Yes.

John Nevett: Thank you. All right I've got a question remote from (Alain Pruitt). Is the IDN TMCH function going to be open for registrar registry testing before June 30?

Christine Willett: That is the current budget plan. There is a session this - tomorrow on trademark clearinghouse. I think it might be a - Thursday morning 9:00 AM.

And there will be more information in that session about a timeline for the trademark clearinghouse and integration (unintelligible).

John Nevett: Great. Thank you Christine. All right I've got oh Jeff you had a clarifying question?

Jeff Neuman: Yes two points to clarify. That's good I like the positive. On Ching's point Ching one of the - and we'll get to this one of the things in the RAA discussions is on Variant. So hopefully we'll through those discussions we'll clarify that issue.

On the next steps I'm hoping the answer is not going to be yes but I'll ask it anyway. Is everything going to be done through tasks moving forward?

Christine Willett: And by everything you mean...

Jeff Neuman: All the submission of documents and everything, all communication, the fact that we never get a person's name, or someone to contact, or a phone number or anything like that?

Christine Willett: The answer is no. Thank you, thank you. I mentioned on Monday that we are in the process of deploying a new system for applicant support.

It's based on the sales force platform. So just to address this briefly the - all of the primary contacts for applicants will be receiving notification in the next few days to begin the credential process and to onboard into the new system that will be launching next Tuesday US time.

John Nevett: Thank you. Okay I have Craig Schwartz.

Craig Schwartz: Thanks John and thanks Christine for coming. Craig Schwartz from FTLD Registry Services the community applicant for .bank and .insurance and I regrettably missed some of the question and answer session that you had after your presentation the other day.

My question is around the timing of election of community priority evaluation. And what I understanded in the guidebook is that CPE could be elected as soon as all of the contending strings - or contending applicants for that string

or similar strings are through initial evaluation which for those applicants with good priority numbers could be sometime and perhaps May.

And what I thought I heard in the session the other day is that no community priority evaluation will begin until September.

It -I'd like to understand if that's correct and how was that decision made as it's a fundamental change in the guidebook?

Christine Willett: Thank you Craig. The timing of community priority evaluation and in fact many aspects of the sequence of events, and dependency, and timing of events as originally described in the guidebook has been effected by the move to priority numbers.

And since the guidebook also presumed 500 applications or batches of 500 applications and we know clearly have nearly 2000.

And we've moved away from many of the operating assumptions that were in the guidebook around those batches of 500. We've had to adjust various things including the election for community priority evaluation.

I understand your point about there are some contentions that are based on priority number grouped earlier than others.

The intention by allowing for the additional time is to allow applicants in all contention sets to see the results of all initial evaluation before opting into community priority evaluation.

There is a balancing act. As I also mentioned in my session on Monday I'm working to define very specific operational procedures for every function within the new gTLD program.

Procedures which dictate staffing requirements, procedures which dictate the system tools, procedures which define how these steps are performed including CPE, including sorry Community Priority Evaluation, auctions, extended evaluation, etcetera.

In order for the new gTLD program to be operationally ready to support one of these functions, one of these phases of activity, we need all aspects to be in place the procedures, the people, the tools, the vendor with the guidance required.

Once all of those are in place and we are operationally ready to support community priority evaluations I would certainly entertain beginning community priority evaluations earlier if possible.

But the timeline that we depicted was based on two things one our current timeline for operational readiness and two the timeline for completion of initial evaluation.

John Nevett: Thank you. All right I've got (Anthony) and Jordyn and (Jim).

(Anthony): Thank you John. Christine as you have probably heard there is a great deal of confusion now around the idea of what ICANN has encouraged applicants to do which is to sort these things out between themselves refers specifically to the non issuance of a letter from the Department of Justice regarding private auctions.

What is ICANN given that it encourages applicants to sort things out what steps is it taking to provide any guidance to applicants regarding private auctions since this is an easy way to do that and possibly the only way and if it's not doing anything why not?

Christine Willett: So you're correct (Anthony). We have not provided guidance to applicants. I think that there are a variety of mechanisms applicants may choose to use to

resolve contention. And we're leaving that up to applicants to resolve amongst themselves.

We do intend to have the auction capability operational in the September, October time frames as a mechanism of last resort for those applicants those contentions of which cannot resolve amongst themselves.

(Anthony):   Can you explain to me I know that ICANN has a great deal of the applicant's money and it is in many cases to be used - there's a set aside for a legal reserve fund.

It occurs to me that that fund could possibly be better used and would not need to be used to the extent that applicants could decide these things among themselves.

Why isn't ICANN - because private auctions are a mechanism that many people are interested in -- they seem to be the only way short of the auctions last resort that large contention sets can be resolved?

It would be extremely helpful to the applicants if ICANN could give some guidance on that. Thank you.

Christine Willett: I'll definitely take that message back and discuss it with the team.

John Nevett: Thank you Christine. All right I've got Jordyn and then (Jim). And them we're going to close this part because this wasn't the intention of this section but that's fine.

Jordyn Buchanan: Thanks. So I just want to come back to the community priority evaluation discussion for one second.

I do - I agree with Craig that slowing down community evaluation to wait for all initial evaluations is both not in the guidebook and not what NTAG has previously recommended.

I do note that in November we sent ICANN a letter. One of the recommendations in that letter was that not only should community - community priority evaluation be triggered when the - all of the valuation for the contentions set was complete but when the community applicants evaluation was complete. And so that's potentially much, much earlier in the process.

And as I think the general intent behind this is as with everything around sequencing versus batching is that you get a much smoother flow.

And perhaps that might make your operational readiness easier as well so you don't have to do all of the community evaluation essentially at once you can do that sort of as the initial valuations trigger in.

So I would certainly if I to the extent that you, you know, have the ability you get the operational readiness issues taking care of if you can try to sort of smooth out the communicative priority evaluation it would be super helpful.

Man: Is it the same people doing it as doing anything else or is it just a different process?

Jordyn Buchanan: Are you taking it from some other function to do that or are they different people that could be doing it contemporaneously anyway?

Christine Willett: There is a different panel expert panel to - that will be doing the community priority evaluation. I'm spending a lot of time organizing the staff.

So we are building the team to become operationally ready. I hear the issue. We'll certainly take it back take it under advisement.

Jordyn Buchanan: Great thank you.

Christine Willett: Thank you.

John Nevett: Jim last comment?

Jim Prendergast: Sure. Jim Prendergast. Christine actually two questions I guess. The community priority evaluation panel will that be ICANN staff or will that be an independent outside body?

Christine Willett: It's an independent...

Jim Prendergast: Okay all right.

Christine Willett: ...(unintelligible) panel.

Jim Prendergast: All right cool. And the auctions the ICANN auction last resort -- so weird talking to you in this (unintelligible).

What's the process the ICANN's going to follow to select a vendor? Is that going to be an RFP or how is that going to look?

Christine Willett: So we have used a vendor that assisted us with the design of the auction process. And we have I believe we have various MOUs or a great understanding with that vendor for the purpose of defining a prospect.

We will likely need to put in place an additional agreement for the conduct of the auction. That - those conversations are underway.

Jim Prendergast: Okay. Can you name the vendor?

Christine Willett: I...

John Nevett: It's been out there. Oh power...

Jim Prendergast: Okay.

Christine Willett: Auction.

John Nevett: Auction yes.

Jim Prendergast: Okay thanks.

John Nevett: Yes. Okay I'd like to personally thank Christine for coming and fielding questions. I don't know if she realized she was going to do that I didn't know if I realized she was going to do that.

But - and I also want to commend you for, you know, we sent a letter in December talking about delays and a fair number of concerns. And I don't think you've missed a deadline since then so thank you very much.

Okay. Next on the agenda is the very pressing issue of the registry agreement. The new TLD agreement that we all will have to sign once we are ready and through initial evaluation and as Christine mentioned, you know, having gone through the GAC advice process.

So for those folks who were at the Registry Stakeholder Group meeting yesterday and people on the list know that we set up a group of volunteers to meet with ICANN over the last so far two days.

We've met from 7:00 AM to 9:00 AM both yesterday and today. And we've compiled a list of issues.

As you all know ICANN came up with a new proposed registry agreement not the one that was in the guidebook but February they came up with one.

We sent a letter. We came up with a new version in April, April 1. And now we're working through that process.

Whether we think that we need to do this or not or that we should have just stuck with the agreement that was in the guidebook that we all relied on is a separate issue but we are in good faith going through the proposed changes and actually proposing some changes on of our own.

So we have a list of topics and issues that maybe (Krista) could just really briefly run through or you could give me the list and I could run through them just so everyone's on the same page.

Sure. Jeff you have it in front of you?

Jeff Neuman: Yes.

John Nevett: If you could at a very high level...

Jeff Neuman: Yes.

John Nevett: ...that would be great.

Jeff Neuman: A very high level. So first issue is pass through of trademark clearinghouse fees. There's been some discussion what the fees are.

And so there's going to be a provision put into the agreement that states what the fees are that we have to pass through. That's a pretty high level.

Seven point five is a subcontracting provision and change of control. There was some just general issues of assigning a contract between affiliates and also to what extent ICANN needs to approve those changes. Those are being discussed.

The biggest issue of course is the extraordinary amendment what was previously called the public interest amendment is no actually an extraordinary amendment process where essentially go through an entire flowchart.

And I think that flowchart was sent around to this group yesterday. I'm getting my days mixed up but...

Krista Papac: Yes you sent a photo -- this is (Krista) -- you sent a photo around yesterday. I actually just got an updated - I got the actual version of it that's much easier to read which I'll send around to the group shortly...

Jeff Neuman: Okay.

Krista Papac: ...from ICANN.

Jeff Neuman: Thanks. So there's that. And then the process and I'm sure there might be questions. And then there is a new amendment process for I guess lack of a better word certain commercial terms that's still being worked through whereby either the ICANN CEO or the Chair of the Registry Stakeholder Group can initiate discussions based on what either group wants.

There's - it's really just mostly for discussion. And ultimately if both sides still want those - or one side really wants those changes then there's an arbitration process built in.

There is a discussion which I think may be on here as well for the pick yes the next subject or one of the next subjects the PIC ERP the (street) resolution policy for the PICs specs that were filed. I'll just say that because I know it's going to be a longer topic we'll talk about.

There are a couple changes that some of us believe should be made to the code of conduct to reflect actual realities of how registries operate as opposed to strict rigid language that's in there.

There is a section that we would like to add about conflicts with local law.

So many of you know that if there's an issue with Whois right now where a registry or registrar believes that there's something about who is that requires them - sorry, that requires them to do something or not require something that's required by law that registry or registrar can bring that to the attention of ICANN and work through a process to come up with some way that that registry or registrar can comply with local law while a number of us would like to see that entire process move from just Whois to basically everything under the registry agreement.

And I know there's been a lot of comments recently from a bunch of registries in different jurisdictions that have wanted some sort of process to deal with it.

And I think this process if we're able to get it would go a long way to address some of those concerns with complying with local law.

There's just to jump through the others there's a few IDN issues with escrow and Whois of variance which are being worked through.

There is okay, fee commencement.

John Nevett: Yes could I take that one?

Jeff Neuman: Yes. And I'll take alternative...

((Crosstalk))

John Nevett: This is one of my favorite ones. We looked at the fee provision because they've changed, clarified it a tiny bit. And then we realized that the fee provision begins upon contracting not upon delegation.

And especially with contracting being before pre-delegation testing and way before delegation we thought it was perfectly appropriate that our fees start kicking not upon execution of the contract but upon delegation when we're actually operating.

So we're putting that into the proposal and I hope folks support that.

And Christine, you know, we talked to (JJ) and others today already but just to give you a heads up that we think that if there's a bottleneck or something after contracting we're very concerned about the time delay and the fact that, you know, we're not selling any domain names or providing any domain name services and having to pay ICANN.

Jeff Neuman: I mean just we already know that there is inherently an initial bottleneck...

John Nevett: Yes.

Jeff Neuman: ...not at the fault of ICANN but or at least Christine's group.

(Jean): Jeff this is (Jean). Sorry for interrupting, just want to clarify that (John) you were talking about a quarterly fee right? It's not a per domain transaction fee?

John Nevett: Correct.

(Jean): Thank you.

Jeff Neuman: Yes so that fee normally kicks in when you sign the contract. But we know that even if someone were to sign the contract on April 23 or May 1 or whenever there comes out we know the first TLD's not going to be delegated

for a few months after that. So there's no reason that fee should be paid even prior to delegation.

And then the very - the last issue is so there is no requirement in agreement right now to have which we like, to have your registrar - sorry, registry registrar agreement approved by ICANN.

But for some reason there is a requirement to have any changes to that agreement approved by ICANN.

So they don't have to prove the initial one but they have to approve any changes.

We - our initial position would be we'd love to just strike that out completely. But if we have to live with something like that because the registers are insisting then at least some sort of materiality could apply to that. So it's only material changes that would need to be approved by ICANN. And that's the issues.

John Nevett: Thanks Jeff, any questions on those issues (Anthony)?

(Anthony): Yes thank you (John). With regard to the local law provision I think could be very helpful if given that some of the laws that are at issue are quite well-known and they in particular they have to do with privacy laws and European Union it would be helpful perhaps if instead of having all the applicants who have European-based TLDs have to go through this process separately if perhaps ICANN could look at some of the areas that they know are going to be issues and actually begin work early on that and perhaps have a standard set of agreements for instance Whois and European privacy issues.

John Nevett: Okay we have a comment from someone on the Adobe Chat that they can't hear that well. So if you guys could speak right into the mic that would be helpful.

I assume you could hear me? But if not let me know on Adobe. Sorry Christine was that a - that's something she'll take back to (JJ) and...

Christine Willett: Yes I'll be happy to take it back to the legal team.

John Nevett: Thank you. Any other questions on these contract issues? Again Tim?

Tim Switzer: Tim Switzer .GREEN. So one thing I want to make sure everybody's clear on is that this is all happening, these discussions with ICANN and going back and forth on the agreement it's happening in real time. You know, (John) mentioned a couple of sessions over the last couple days.

We're trying to keep everybody updated. We're sending out updates with what we're working on, what are the key issues.

So I guess my only point is keep close watch on the mailing list, provide us your feedback. We're going to keep everybody looped in. But we also want to make sure we're hearing from you.

So please stay close to it. It's happening in real-time over the next days, weeks or whatever.

John Nevett: (Bill)?

(Bill Dozier): (Bill Dozier), applicant .buzz, Vice Chair of the NTAG. And to Tim's point my question is do we have a plan or an idea as a single applicant kind of watching this from a distance is the negotiating group taking care of this for all of us? Are we expecting to hear a report from them? What is the plan for letting all of us know that we've got an agreement and got a go forward?

John Nevett: You want to answer that Jordyn?

Jordyn Buchanan: And I don't necessarily speak on behalf of the negotiating group. But certainly one thing I'm endeavoring to do is as the list of issues, updates or gets exposed of or, you know we - I sent out a summary email of all the issues that we had in play as of last night.

I've been - we're working right now to update that to bring that up to date with all the stuff that Jeff just talked about. And we'll sort of keep - we were definitely trying to keep the entire group informed about what's going on.

And I think the intent is that this is going to be the base registry agreement that everyone signs and unless you go - unless you want to negotiate exceptions to that.

John Nevett: Great. And that's a good point. Any applicant individually can try to negotiate the agreement. The question is whether you're in the fast lane or kind of veer off into a little slower lane. So we all want to ideally be in the fast lane I think.

So yes we're - Jordyn sent out a list. Christine sent out a list based on this morning's negotiations. I think Jordyn's preparing a more detailed list and these guys will coordinate and hopefully have one email going out every so often when we have an update.

We have another session today at 3:30 and then another session tomorrow morning at 7 o'clock. So we're as Jordyn said really pushing in real-time.

We're all excited to get this done as soon as possible. Okay any other questions on the contract?

Okay PIC ERP is part of the contract and then a also a separate public comment period going on. And there's some traffic on our list about that.

So that the PIC or Public Interest Commitment dispute resolution process was a proposal from ICANN to have the ability for third parties to file suit, to

file an arbitration against registry operators for failure to comply with the public interest commitments.

A number of registry applicants filed PICs during the process and a number will file PICs presumably based on what comes out of the GAC this week.

So the issue is how do those get enforced? From most of us in the room certainly on the people who are in the negotiation room think that it should be ICANN enforcing those and not open to any third party in the world.

And ICANN should have a process to intake information from anyone who might have a complaint or a concern that an applicant isn't following their PICs but that ICANN should be doing the enforcement and not a third-party process which is very expensive for both the objector and the respondent of the registry operator.

So that's the view. If you looked at the public comment periods I believe there were four or five comments from members of NTAG. Google filed that comment along those lines and then (Validais) and Demand filed comments as would we which said, you know, we like the Google comments that say ICANN should be doing enforcement.

And then if we have to go down the road we really have to tighten up the process to make sure that there aren't frivolous complaints. And we have to spend a lot of money defending the frivolous complaints.

So it's standing, scope, burden of proof -- things like that. So we'd have to really roll up our sleeve and negotiate those.

So the hope is ICANN will agree that they will be the enforcement mechanism like every other part of the contract with one or two exceptions.

And then we could come up with a process together with them not in the next two days. So that's where our negotiating - see I don't even like the word negotiating team because it's all - it's a group of volunteers that are willing to get up at 7 o'clock in the morning hung over and negotiate these contracts with ICANN. So any comments on the PIC ERP?

(Max)?

(Max): (Max) (unintelligible). The - one question, when ICANN is going to release closed parts of publication so third parties are aware of business plans mentioned in thick ERP?

Is this date available? For example (there is said) that we should comply and applicants with the business plans in our applications. So to all business plans they should be open to anyone when it happens the question is.

John Nevett: Oh I assume that's going to be part of your contract. So I presume that - and I don't know but I presume that they would do that as part of the registry agreement which is public. Is that fair Christine?

Christine Willett: So yes the registry agreement once final certainly will be posted for public review. There are definitely portions of the application which are confidential which we do not currently have a mechanism in place for publishing the entire application. There are financials and various aspects of that.

But I'll...

John Nevett: Yes I think the question is if an individual applicants PIC references a certain provision in their agreement like Question 18, Answer 18 we will comply with Answer 18 as part of our PIC then ICANN presumably would have to publish that as part of that applicant's registry agreement.

Christine Willett: Yes and I think ask - well no to Question 18 is public. But yes.

John Nevett: Well okay whatever 28 or...

Christine Willett: Yes right. So yes it would have to be part of the agreement.

John Nevett: Right.

Jeff Neuman: So I think those wording...

John Nevett: Jeff?

Jeff Neuman: I had this issue too. The wording of Spec 11 is very confusing. But the
                  business plans modified by whether you file a PIC or not.

                  So it's not that all business plans are subject to any kind of dispute process.
                  It's only if you file the PIC and that PIC referenced a business plan. Does that
                  make sense?

                  The wording is really confusing in Spec 11. And so I - in fact I initially had the
                  same interpretation. But it is modified in that respect.

John Nevett: Does that make sense?

Jeff Neuman: And on the PIC just why this is so important dispute resolution, as many of
                  you noticed there's a lot of objections filed through applications and if you
                  could just picture - and a lot of frivolous ones at that. And I'll - that's my own
                  personal interpretation.

                  But I think many in the room agree there's a lot of frivolous objections filed.
                  And regardless of whether or not you win in the end against these frivolous
                  disputes or objections you still pay a lot of money whether you're paying an
                  outside counsel, outside lawyer or even just the administrative fees of the
                  dispute resolution provider which you do not get back, the amount of frivolous

complaints that will be filed under the PIC ERP will be unmeant. It makes the objections look like nothing.

And to be forced as a registry to undergo these costs where I mean I'll put this on the record too. The objections filed by the ALAC are I'll say it, a joke. But you're going to be facing a lot of those.

And the process they filed the ALAC with lobbying and stuff, this is a huge issue. And this is one where we need support from this group to make sure that if there is enforcement of the PICs it needs to be done by ICANN and ICANN, let ICANN handle the complaint process and weed out the frivolous ones for the non-frivolous ones and let ICANN bring it to the registry to work out.

John Nevett: Thanks Jeff.

Okay. (Jim)?

(Jim): Yes just to pick up on what Jeff said I spent part of the morning yesterday watching the board ALAC interaction. And they are very much pushing for letting just about anybody come in and file a complaint with no cost with no evidence of harm, no standing whatsoever. So you've got that push on one side.

And then we heard in the GAC board session the GAC wanting to weigh in on PICs probably without cost so it's come from both ends. You're going to watch it.

John Nevett: Exactly. So there is a process for - there has to be a process for ICANN to intake those third-party complaints, those complaints from the GAC or those complaints from third parties. It doesn't mean that the GAC needs to be the complaint in the third-party process. And I don't think they want to do that so oh is Jordyn - okay.

Anything else on PICs, pick ERP? Okay moving on we have trademark clearinghouse issues Jeff?

Jeff Neuman: Yes there is a session tomorrow on the trademark clearinghouse between I think it's just - we just had 9:00 to 11:00.

There are a number of issues that policy and business related that are actually embedded in the requirements document.

I sent around to the groups a couple days ago a new document that was posted by ICANN that contained basically two parts. One, the first part was a requirements doc. And the second part was legal terms and conditions.

Now the lawyers in the room will be the first to notice that the legal terms and conditions are completely one-sided all in favor of IBM, no service levels, no obligations on behalf of the clearinghouse, no indemnities, no warranties basically.

It's the registry that makes all the warranties, all the indemnities, no confidentiality protection. Basically carte blanche it's all the registry's faults. So that's a problem.

But the other issues you may not notice is that the requirements document is written sort of in not really legalese but it's written in kind of IETF language where it basically says the registry must do this or the registry shall do this or may do this and depending on how people familiar with those documents know how to interpret those.

But there are a number of things in that document that actually will affect the business models of applicants.

And I know nobody's paid attention but there are things in there for example that says that a registry may not reserve a name until after the sunrise period is over which means that as ridiculous as that sounds that means that a trademark owner always trumps even any reserve name that the registry wants for itself.

We all know that that's not reality and that's not something that should exist but that's in the document which is buried in there.

There's also another provision what's called asynchronous registration. So normally when a registration is taken it's on a first-come first-served basis right? After a registry launches you go and you register your name, if you're first you get it.

But during sunrise processes or well some what's called land (arrest) processes when a registry launches oftentimes applications are collected in batches and then ultimately could be auctioned off if there are multiple applicants for if there's only one applicant it goes to the one applicant.

The way the rules are written the - sorry we're talking technical here because it's a deep issue. Basically the - during the claims - or during the sunrise process the data that a registrant or registrar submits to prove those trademarks that's final it has an expiration date.

So if the sunrise process is 60 days so let's say you collect sunrise applications on day one and then you do an auction on day 60 or day 90 unfortunately because the way the rules are written that code would expire and then you'd have to go back to the registrant and get them to resubmit the file so which is ridiculous right? It's not the way the registration flow works.

Same issue happens in claims. If you have a claims period during the first 90, 120 days where you get an acknowledgment of a claim on day one from a registrant but you don't auction it off until day 60 the rules now would require

you to go back to the registrant to get their second acknowledgment because the first acknowledgment expired.

So I know that some of this is a little technical but I tried to make it in terms of business rules that you understand. There's a lot of them in there. We'll discuss some of it tomorrow during the clearinghouse session.

But I urge - and I'll try to help the list by narrowing down the business issues that are in there. But it's something we need to pay attention to.

Jeff Neuman: Yes that's a good point. The fees is another issue that we saw for the first time in that document where it's a $5000 per TLD set up fee and then a 30 cent per transaction fee. So we have to pay 30 cent for any sunrise registration and then any successful registration that implicated the claims process.

And by increasing the claims during the strawman proposal from 60 days to 90 days our costs for those transactions just one up by 50% so, you know, we personally - I know I personally and we as a group didn't endorse, in fact we encouraged ICANN to stick with the claims process with the 60 day limit and not extend to 90.

So now we're paying more because it's being extended to 90. So, you know, if you have any conversations about these you might want to raise that issue that we shouldn't have to pay for not only did we not want this but now we're paying for it which seems a bit unfair to say the least.

John Nevett: Okay any questions on trademark issues Jeff Eckhaus.

Jeff Eckhaus: Yes thank you. It's Jeff Eckhaus here and I wanted to comment on something Jeff Neuman just stated. I had a - and we can discuss it more in detail in the trademark clearinghouse meeting tomorrow but - about the cause about the reserving of names.

From what I was reading and hopefully some of the other people in the room maybe some of the lawyers could help clarify it but from my reading of it that the registry operator must not allow a domain name to be reserved or registered to a registrant is the reading, not that it's for registry purposes.

So I...

Jeff Neuman: Right.

Jeff Eckhaus: I wanted...

Jeff Neuman: The contract says though if you use the name even if it's a registry then you have to go through a registrar so you become the registrant. So if you read those clauses in conjunction you yourself are a registrant if you want to use those names.

Jeff Eckhaus: Even if it's on a registry reserve?

((Crosstalk))

Jeff Neuman: But that's restricted too. Yes so let's talk about that. But these are things that need to be...

Jeff Eckhaus: No I - yes I agree. I agree that just to echo Jeff's point that in working with Jeff and others on the trademark clearinghouse for a long time and they're - this - these provisions are - there are a lot of issues here. And I'd advise everyone who's a member of the NTAG to attend that session tomorrow.

John Nevett: Yes. So I think it may make sense to set up a trademark clearinghouse working team where we could get a group and maybe list of people who are interested in working on those issues together.

It sounds like we have got some volunteers. (Sherry) or (Krista) could you but - you got - raise your hand if you want to be added to that list.

Okay all right or maybe how about you send an email? If you're interested in the list send an email to (Krista) or (Cherry). (Krista). Okay. Okay thank you.

Anything else from the clearinghouse? All right I don't see (Keith). We're going to move on to the NTAG letter related to application fees. Tim?

Tim Switzer: Tim Switzer .GREEN. So recently I sent out a letter that we had drafted to ICANN concerning the likely excess fees that would come out of the application fees that had been collected, those $350 million.

There was a lot of dialogue back and forth about this letter and the timing.

So to frame this issue I thought it might be worthwhile to just kind of go through and talk about what I think we agree relative to this and where our disagreement is.

So I think for the most part we do agree this is an important issue. I think we agree that there will be very likely excess money from the $350 million fees collected.

We do agree this is a separate issue from the auction funds. But that's a - that has a path of its own.

I think we also agree that there are other important issues going on right now beyond this issue, obviously the registry agreement and so on and so forth.

And the other clarification is this letter was not getting into what do we do with the excess funds? Here are suggestions. It was simply saying we should start kicking off an effort to look into this, you know, sooner than later.

So I think for the most part that's kind of what we agree on.

Where the disagreement is amongst this group is that again the thought with the letter was let's get this process kicked off sooner than later. This will take time.

And there's potential uses of this money that could - we could benefit from as a group and as a community if we're able to do this and use some of these funds in the coming months versus 12 or 18 months out.

The other thought is that sending this letter now would be a distraction to ICANN. As I mentioned we've got other pressing issues and why send this now? Yes it's important but maybe we should wait.

So that's just kind of a framing of the issue. So while we're here why don't we, you know, let's hear some input from kind of both sides, both thoughts of this and see what our folks think.

John Nevett: (Krista)?

Krista Papac: This is (Krista). I had a question Tim about this - a distraction for ICANN. I'm trying to visualize in my head what the process would look like.

You know, do we put together like a cross community working group on this? Like who at ICANN would this go to? Would there be someone from the policy staff? Because I'm not convinced that where the distraction - that it would necessarily be a distraction for like Christine's team. It might come out of some other part of ICANN that maybe isn't - I mean more tasked, heavily tasked but anyway.

Tim Switzer: Tim Switzer. I agree and I don't know. But yes I do think - I'm not sure. I mean I'm not sure how this process will get teed up I mean as far as a, you know, how ICANN will kick this off.

It will clearly be something that will have to be put out to the community. And I think it as far as the folks that we are for example working with on the registry agreement.

And as far as Christine and all the work her team, I don't think either one of those entities will be touching this issue.

So my opinion is it wouldn't slow down any of the things we're doing right now.

As far as how this process gets kicked off I'll be honest I'm just not sure. But I think our point is ICANN, the process should be kicked off. Please initiate it.

Man: What are some of the potential short-term uses that...

((Crosstalk))

Man: Yes can I just address that?

Tim Switzer: Tim Switzer again. So I think one of the things that we've talked about not necessarily we as an NTAG group I mean this is more like maybe, you know, hall talk and things like that is that you can take some of these funds and put it toward Sally Custerman's, you know, worldwide global awareness budget. And that's certainly, you know, a good thing that ICANN is going out there.

And may be ICANN's allocated a certain amount of money toward that. But again knowing that we - I think we all are pretty confident there's going to be a pretty sizable excess from this.

I mean you could take potentially $10 million and put it towards this global awareness campaign and really put some teeth into it. And that would be a benefit to all. That's just - that's one thought.

And again there's other people I'm sure have other ideas and but that's one thing that would be a, from a timing standpoint could benefit all of us.

John Nevett: Going to let - I've got (Reg) I've got Jordyn and then (Anthony).

(Carla) first.

(Carla): There's a session today at 11 o'clock ICANN financial concession. Maybe somebody from NTAG can pull...

John Nevett: Yes. And I - we raised this issue with ICANN finance. And they said it's a broader issue than finance. It should be more of a board level issue. So but we probably should raise it there as well.

Okay (Reg)?

(Reg): I don't think that we should really be all that concerned with confusing ICANN because they're constantly tossing things at us that we are scrambling to catch.

So if we have something that we're ready to toss back then let's toss it back. We don't rush it. We don't delay it. We do it in our time.

John Nevett: Thank you. Jordyn?

Jordyn Buchanan: So I'm not sure I agree with that. I think we want ICANN to be able to focus on executing on the current plan as much as possible and to the extent we're annoyed and find it harder to do our jobs when ICANN tosses random stuff that us but not inconceivable that when we toss stuff at them that would have a similar effect.

So even though about be fair it might not actually be consistent with our objectives.

But I think, you know, thinking about this issue there's a couple points I'd like to make.

One is in regards to the finance issue at a minimum I think we need some financial analysis from ICANN. I'm going to have to agree that there's going to be surplus funds before this conversation is meaningful.

And I think getting some analysis or projection as to what, whether I can agrees that there's likely to be a surplus is a critical place to start. And I don't think we need, you know, (lighter) do that like the finance forum session or whatever is probably a good place to start.

And that relates to my second point which is I'm not sure, you know, writing a letter to ICANN's necessarily the best way to accomplish our objectives here. I think since we've raised the issue of refunds in the past and it wasn't well-received by the board I think it might be perceived that as yet another attempt at raising that issue just, you know, without actually saying refund at the bottom.

And I know, you know, Tim has other ideas in mind.

But, you know, just I think through constructive engagement with folks like Christine to, you know, let her, you know, we want awareness with the programs. Like that might be a good use of the funds if ICANN determines - like let's ICANN know that we think there's some things they could be doing with this money that would be constructive.

And, let's work to try to make sure that ICANN agrees that there's a surplus. But I don't think we would to write - you know, write a big public letter that does potentially sort of take their eye off the ball.

John Nevett: Antony?

Antony Van Couvering: Antony Van Couvering.

To Jordyn's point, I'm not sure, but correct me if I'm wrong, that the Board said anything. I believe Dr. Crocker said something off-the-cuff like, "No. You're not getting any of it back."

So I am concerned that there are other groups within ICANN already convening - planning to spend this money somewhere. And I think I've heard of them. I don't know what blessing they have from ICANN or anything.

I think as to whether there's going to be a surplus. Procedurally perhaps that's not recognized, but you know I don't want to stand on ceremony here. You know, is there a surplus? Yes, there's a surplus. I mean for one thing, there's $65 million in a legal fund that may or not be spent.

Man: $120 million.

Antony Van Couvering: Thank you. $120 million. Thank you.

So, let's not get caught down in you know following the steps very nicely and dancing the dance, when indeed there are - may be other people pushing ahead with this. I think if there's a debate going on, we should be in it. Thank you.

John Nevett: Okay. Jordyn do you want to reply? And then I got the...

Jordyn Buchanan: Yes. I mean just briefly I want to say unless you can talk about at least sort of a rough order of magnitude of what the surplus looks like, then the options available on the table of what can be done with the money is like - it's like saying you know we - if it's a $100 million surplus, then the range of things

we might do with it are very different than if it's going to be a $5 million surplus.

And you know, whether there's discussion - you know, I think at the very least, getting ICANN to - and unless ICANN does agree that there is a surplus, it's never going to come back - it's never going to go anywhere other than sitting around for years, and years, and years. So that seems like the right place to start in terms of making sure that there's agreement that there is money to be allocated somewhere.

Bill?

William Dozier: Bill Dozier. A couple of personal thoughts. I haven't vetted these with anybody so - and that usually gets me in trouble with this group when I make comments that I haven't checked out.

But three things come to mind. First from experience. My thoughts would be we need to move quickly. Comments/communications from this group at a minimum.

Once you kind of push the button to go, you're looking at six weeks - four to six weeks on something like this would be my guess. So you can kind of add that lead time to when our letter or thoughts would come out.

Second important - any part of $350 million to me looks like that gets moved up the list in priority fairly quickly.

And lastly, I would just be one to comment. I think there should be some consideration that the money come back to the applicants to help them run a quality business.

John Nevett: I've got (Amanda).

(Amanda): (Amanda) for the (unintelligible) registry.

I think we're still of the stance that if we don't know the costs, we should wait on this. I think we'd rather not have ICANN get distracted until we know all the costs there is (unintelligible).

Man: Okay. And then would that include the risk fund? You know, there's two parts to this. $120 million in the risk fund, the $230 million to process applications. They have a much better idea of how much of the $230 they're going to use. Obviously, less of an idea of how much of the $120 they're going to use.

So are you advocating waiting until both get resolved or just the application...

(Amanda): Yes, for both. Yes. We want to see what all the costs are going to be and we don't want to distract right now. Because we think this would actually be a distraction.

Man: So if the statute of limitations on a bridge contract claim in California is three years, would you wait three years, or...

(Amanda): Well, no. No. I think not keep it until the end. I think it's right now not the time to do it.

John Nevett: All right, (Kristin), (unintelligible). No?

All right. Anyone else? Did I miss anyone? Anyone on the Adobe? No?

Tim, you're up.

Tim Switzer: So just - this is Tim Switzer. So just an additional comment kind of on what Anthony was saying is that if in fact there are other parts of the community that are you know, seeing dollar signs and are starting to, you know, lobby potentially about you know getting access to these funds, I think that would

tend to be an argument towards - you know, we should proactively get this teed up and get it out in the open so it's not being talked about you know kind of behind closed doors and in hallway discussions.

Let's get this issue teed up. And if people want to start - you know during that process, if people start coming and laying claim to this money, well let's get that out. Let's see and let's talk about it as a community and kind of use the - our standard you know multistakeholder model to kind of get this teed up.

And not that you know everything we say (unintelligible) going to carry the day, but let's at least get those ideas out there.

John Nevett: You know, one potential use we just got hit with as a Applegate community, let's say there are 1200 new TLD's at $5000 per TLD for the trademark clearinghouse. What's that? $6 million right there plus a 30% transaction fee. You know, we certainly could encourage ICANN to use the new TLD funding - the application funding to help fund the clearinghouse. That could be certainly a request that we all can make as a group.

Jordyn?

Jordyn Buchanan: Yes. I do think concrete ideas about, "If there's a surplus, here's things you could do with them," would be a lot more helpful than saying, "Hey," - I think it will just be interpreted as yet another attempt to get refunds. And if that's not our - if that's our intent then let's just say that. And if it's not our intent, then let's say what we mean. Because I - especially if it's short-term. If we are vague about it, we're not going to get short-term action.

John Nevett: (Kristin)?

(Kristin): Just building on what you said too, Jordyn. I mean part - and back to Tim's initial statement, part of what we're saying is to kick off the process of trying to figure out how to address that. So part of what we could be saying is that

somebody from ICANN finance should be part of this and be taking a look at where these - you know, doing the math on this in addition to us providing - or you know, having some community group providing you know ideas and feedback on how to use the funds.

John Nevett: Okay. Any other comments?

Christine, is that your hand up?

Christine Willett: I'm happy to take everything I've heard back to ICANN and the finance team and begin discussions. Make sure that these messages and these interests are heard.

Thank you.

John Nevett: Thank you.

Okay. So Tim, do we have a - what's the plan?

Tim Switzer: Tim Switzer. So I think - well, I was thinking about my plan - what my suggest plan was going to be until Christine just said that. So maybe - here's two thoughts. I mean, I could re-draft the letter and include in the letter the - a starting concept of first of all, please analyze what you think the excess funds may be. You know, and then the letter may be similar to what it is. Maybe we throw examples for potential uses into the letter. Maybe we don't.

If we continue down that path, I think we're probably headed toward - we probably need to send this letter back out. I don't know if we go get input and do a formal vote because there does seem to be a difference of opinion.

But now given Christine's comments, maybe we let Christine go off and work this and pick a date of two weeks out and maybe kind of hear back you know what you found out, what you can report back to us?

Finance may tell you, you know, "Here's what we think the excess is," and say what we've heard before, which is not really a finance budgeting issue. More of a higher level Board kind of an issue.

So maybe we let Christine come back to us in a couple of weeks with what she's been able to find out and we determine where we go from there.

Christine Willett: Yes. I'm happy to take it back. I don't think I'll be providing any financial reporting in the next two weeks, but I'll bring it back to the team and we can - I hear the interest.

John Nevett: Great. Thank you.

Okay. Any other questions or comments on that letter?

So I guess we'll wait until you get feedback and then perhaps do a redraft.

Okay. Did (Keith) come in? He said he was coming late.

Okay. Why don't we move on to team reports and skip over the VeriSign SSAC issue?

Newsletter. Bill.

William Dozier: Bill Dozier. Newsletter.

Really probably just working at putting something together after this meeting is over with. The initial plan was to come into Beijing with an updated newsletter, but everything's moving rapidly and it's hard to find a point to kind of document it and send it out as a matter of record.

So very little comment on it except we'll be moving to put a newsletter out to the group after this meeting. Thanks.

John Nevett: Okay, thanks Bill.

Statton Hammock, RRA.

Statton Hammock: Thanks, John. Statton Hammock on behalf of the United TLD.

Let's bring everybody up to speed. And for those of you who aren't familiar with what the RAA working group has been doing, it was convened after the registry/registrar meeting in Amsterdam. There were a number of new applicants there who expressed interest in getting some help with drafting their registry/registrar agreement.

So, we convened a little working group to see what we could do to help out new applicants with that effort.

We realized thought that we had some limitations. We couldn't act as everybody's lawyer and be drafting contract terms - specific contract terms for everybody.

So what we decided to do was do some research for people by creating an outline of what we thought were key provisions that should be in a good RAA, and then to go out and look at other RAA's currently. Pick some of the best provisions that we saw and put them in the outline to give people signposts and guidance, or at least something to look at and compare at their respective lawyers and teams who were drafting RAA's.

So we've had a few meetings. We've created an outline and have assigned some research to each of the members of the working group. However, in the words of (Cristo), we've all become heavily tasked in recent weeks.

So that effort to complete that outline at Beijing has been derailed a little bit so we're a little behind schedule. But it's not going to be useful for anybody if we wait too much longer to produce something.

So what I would ask is - or what I plan to do is circulate what we have to date, which is the outline itself plus some directional points to go to our RAA provisions. And then, ask other members of the NTAG to jump in who have looked at other provisions and can say, "Yes. This is a good confidentiality provision," or, "This seems to be a good - these are two or three good assignment provisions to take a look at," and help the working group complete its task.

Any questions?

John Nevett: Okay. Thanks for that.

No questions? Any other team that we didn't list have any report?

Okay. Moving on to the Domain Name Industry Trade Association update. Jordyn.

Jordyn Buchanan: The only update I'm going to provide is that the trade association has formed an interim Board of Directors with Adrian Kinderis being the Chair.

Being there's other members of the Board of Directors in the room; I'm not one of them, so I'd defer to one of them to comment.

John Nevett: Okay.

Jordyn Buchanan: Statton, you want to do that?

Statton Hammock: Sure.

So the Domain Name Trade Association formed an interim Board and selected working group teams to start the work on developing the association and getting it launched.

And these working groups were four in number. There was a scope working group which was tasked with articulating the scope and mission and purpose of the organization, and who the membership would be - who the target membership would be. A governance group of which I'm working group lead, which will articulate that scope in formation documents and work on construction of membership tiers and how that looks.

And then there's a funding group that is going to be looking at raising the funds for the organization both in terms of dues and fee structures. And then there's a marketing group also tasked with - focused primarily on our first priority of the association, which is the education and promotion of top level domain names.

However, that's not the only scope and purpose of the organization. It's much broader than that specific task, but that is one of the first priorities of the organization. It will be a voice of the domain name industry and will be providing feedback and input on matters affecting it.

John Nevett: And people - first of all, what's the name of it?

Statton Hammock: Domain Name Association, DNA.

John Nevett: And if anyone wants to get information about how to join, who - maybe people who weren't available for the meeting that we had on Monday I guess?

Statton Hammock: Well, any of the working group leads can answer your questions, and any of the members of the interim Board. Liz Sweezey is one of the working group members. Tim Switzer is one of the working group members. Myself.

All here today and there may be others. And of course, Adrianne is our interim Chair.

I want to emphasize that it's an interim Board. That means this is not the first Board. It's not the real Board. It's not the elected Board. Those will be - that - those Board members will be elected by the members of the organization.

But what we needed to create was an interim Board that could be the catalyst for getting all of this moving forward, including you know the practical steps which are you know formation documents, and dues structures, and members structures, and how we should you know get the members ready to basically be the beneficiaries of this organization.

John Nevett: Thanks for that.

Tim?

Tim Switzer: The other thing - this is Tim Switzer. The other thing I would mention on top of what Statton just said as far as finding out more information and signing up to receive information. There's been a Web site that's been set up called WhatDomain.org, and that's been put together by the marketing group that - working group.

So again, go to that. That's some preliminary things they've been working on. But I'm pretty sure on that there's a place where you can - you know, I'm interested in learning more and get part of the list.

Statton Hammock: Yes. There's a form where you can fill out name and contact information to get on our mailing list and receive more information.

John Nevett: So what's the URL?

Tim Switzer: WhatDomain.org.

John Nevett: WhatDomain.org. Okay.

In the chat. Perfect. Thank you, Frank.

Any other questions on DNA? It's a new acronym. Excellent.

All right, so we're going to go back to the VeriSign SSAC. It's actually the VeriSign SEC report related to the - an SSAC report in part. But, I don't think VeriSign is here. I invited Chuck and (Keith), and (Ken) told me he would try to make it but he might be a little late.

So I asked Jeff if he would go through the - through some of the issues so people know what's going on.

Jeff Neuman: Sure. And the reason it goes through some of these issues is just to determine whether the NTAG or the group wants to respond or not.

And I'm not going to offer any kind of - this is - I know this is unusual for me, but I'm not going to offer any kind of value judgments on this letter, but just kind of to take you through some of the issues.

So this was a filing from VeriSign before the Security Exchange Commission. It's called a Form 8K, and I think most of you probably have a copy of this. And if there is anyone from VeriSign here, that'd be great to talk about it.

But there are a number of issues that are mentioned in this filing. Ultimately, the filing concludes - at least based on my readings, that there are still a number of security and stability issues with the introduction of new gTLD's and that the process should be delayed I guess until some of the - or all of these issues are worked out.

There is a reference in here to - and of course, some of these things we know are ongoing anyway, but there's a reference in here to a paper called SSAC 57, which many of you, if you attended the Security, Stability, Resiliency session two days ago -- I'm getting days mixed up here -- that was discussed in pretty extensive detail about internal certificates.

And, there was a paper written by SSAC. There was a mitigation plan put into effect by ICANN that - there were steps taken to mitigate that, and there's ongoing activities to further mitigate those issues. We're not going to go into those issues now.

But suffice it to say, there are some in the community like VeriSign and PayPal I think was another one that don't believe that that's gone far enough and that that's maybe just transferred some of the issues from the certificate authorities on to the users. So that's one issue.

There's issues in here about pre-delegation testing that I guess will be a subject of the next meeting at 11:00 being held. There is a reference in here about ICANN not being done with the EBERO, the Emergency Back End Registry Operators, at the time this letter was written. The operators had not been identified, at least to the public, so there was some concern about that.

There were concerns expressed in the letter about the trademark clearinghouse and the lateness of (specs) being delivered, and the ability to test with the clearinghouse.

And so, all of these issues are in this letter. I will tell you that this letter was picked up by a number of organizations that may or may not want the new TLD program to go ahead, so this has been championed by those groups.

So if you look at - so I'm frankly a little bit glad that the letter hasn't you know generated a lot of discussion here, which means that it may not have generated a huge momentum against the new TLD program going forward.

But again, I do think that if are issues the NTAG members have and want to draft a letter to address those issues, this may become a larger issue. I don't know.

But it certainly - if gone unaddressed, it may pose a threat to the schedule and timing that we have.

John Nevett: Thanks, Jeff. That was a helpful overview.

Any comments? Thoughts? Discussions? Should we take any action? Send a letter or anything? Raise comments?

Jordyn?

Jordyn Buchanan: I do think, as Jeff eluded to, some of these - in a very rapid progress, some of these have already been addressed by ICANN or recent events.

I think it may be useful to - you know, to the extent this letter is out there and causing uncertainty and creating excuses for delay in the program, I think it may be useful for the NTAG to do an evaluation of the issues.

I think there are in fact some substantive and real security and stability issues that it would be good for - to see some resolution around prior to the delegation. A very small number of TLD's.

And I think what we're at risk of is that these risks associated with a very small number of TLD's have the potential to delay the entire program, which would be incredibly unfortunate.

And so, I think it may be useful for some sort of response by NTAG to sort of identify where either issues have already been identified or to sort of identify what the risk profile might actually look like.

Now the problems with this will be in order to be - I think in order to be really realistic and effective, we might have to acknowledge that there are some TLD's that there is a risk profile associated with, and that may not be popular for the applicants for those particular TLD's. But I think that would be a much more powerful intervention by NTAG, and so maybe they say, "Oh, there's no problem. Go ahead." You know, "Don't worry about it," because that will just - in my opinion, that would be proceeding with just sort of a Pollyannaish approach to this problem.

John Nevett: (Ruben)?

(Ruben): For the record, (Ruben) (unintelligible).

Part of the VeriSign letter wasn't directed to the specific (strings) of the security issues, but the root server delegation. That pose two issues.

One, I don't know if I'm (unintelligible), but I think that is a serious conflict of interest between VeriSign - the (.com) registry operator and VeriSign the root zone management operator, because the root zone management operator needs to be (ready) - needs to perform this function.

But in performing this function, it goes against the VeriSign, the (.com) registry users, which is - would be better if there were no new TLD's. So I see a conflict of interest here, and this letter goes to the heart of that.

Including - the second issue, this letter goes against what even VeriSign (unintelligible) some months ago about they're being ready to delegate 100 TLD's a week. And this letter now - so that would be (awkward). So I feel like there's a higher risk in this part of the letter than the part that only mentions the SSAC 57 and those (unintelligible) - at most, 57 TLD's.

John Nevett: Thank you (Ruben).

Any other thoughts or comments?

So next steps? Jordyn, what do you think?

Jordyn Buchanan: And if there's folks other than myself interested in working on a response, I'd be glad to work with folks on that.

John Nevett: Hopefully there is. We've got (Ruben) and Jordyn. Anyone else want to help work on a response to the VeriSign?

Jordyn Buchanan: It doesn't have to be the people in this room. You can send your technical people to the discussion as well.

John Nevett: Sure.

Do you mind sending a note to the list?

Jordyn Buchanan: Yes, sure. Gladly.

John Nevett: That'd be great. Thank you.

Okay. So I think that exhausts our agenda. Any other business or any other issues that anyone wants to raise?

Okay, (James) and then Antony.

(Jamie): Yes. I don't think - I'll probably - (we may be talking) about objection maybe in the next meeting, but I think that most of us are going to receive (unintelligible). I thought we should talk about some of this (unintelligible) objections (that we've been receiving), as well as objections that has not in accordance to the procedures that are being outlined by the guidebook.

So I don't know whether other people are actually (facing the same problem) as we do.

John Nevett: Okay.

Krista?

Krista Papac: This is Krista.

Yes. With respect to the not following the process. I mean there - I know that there are applicants that received objections that came in, for instance after the timeline. And in the new gTLD update, which I only saw part of it, so maybe this was addressed in there and someone can tell me offline what I missed.

But what I heard from ICANN, from Christine, is that the - you know, the dispute resolution providers are basically responsible for the different things that are going on as well as the evaluators are.

And so I guess from my perspective, if an objection came in late - there was a lot of time to file objections. If it was received after the timeline, we certainly wouldn't process an application that was received after the deadline. I'm not sure why we would be allowed to process an objection.

But so far, these objections appear to be, you know, continuing down the path. At least the ones that I've seen.

John Nevett: I guess that's a question for Christine. It's purely in the purview of the dispute resolution provider. Did you give any guidance as far as late filings and stuff?

Christine Willett: I'm sure we're going to get guidance in terms of late filings.

The DRSP's amongst themselves discussed this issue. And due to their own system issues, the synchronization of clocks around the world, and concerns they had, they elected to extend their window by five minutes and accept objections that were filed, according to some clocks in some parts of the world, five minutes after the deadline.

Beyond that, I'd mentioned in the update that there were so far 220 objections that were - went through the verification and administrative review process, so I think that not all objections filed will meet that criteria and be verified.

John Nevett: Okay.

Man: There was a requirement for service to the applicant as well. And you know, we had a couple ones that went into our spam filter so we never saw that. But there were a couple that we were never served on, and that's a process that we notified the providers so we're not sure how that's going to happen - how that's going to be resolved.

John Nevett: Okay. Jordyn, Antony, and James. I'm sorry.

Jordyn Buchanan: (Christina), I'll go back and double check, but I do think at least one of the dispute resolution providers asserts that ICANN gave them guidance around that five minute grace. So, it may be worth - I'll check that offline and then maybe clarify with them about the language they're using otherwise.

John Nevett: Antony.

Antony Van Couvering: Yes. The previous discussion of the useful segue is my question, which has to do with the transparency of the different panels that we've hired. So you've got all these different panels evaluating this and that. You have DRSP's. You have various screening panels and so on. And they appear to

me to be a bit of a black box, so in goes the information, out comes the decision.

If it appears to someone that that hasn't been done correctly or there may have been some - you know, the decision doesn't make any sense, what procedures are there, if any, to let applicants or indeed other members of the community know what went on and how decisions were reached? And, whether they were reached according to the processes and guidance that ICANN gave them?

So that would mean what was the guidance that ICANN gave them and what was their procedure? So my question to you is how do we know this? And if we can't know it, why not?

Christine Willett: You know, when I started six months ago, I inherited the work of panels that were in process that had procedures that had received guidance. We have worked very hard to publish applicant advisories and share the guidance as - beyond what's in the guidebook. When there are clarifications which have been needed, we have published applicant advisories.

Yes. There are definitely procedures that the panel thought of. So in terms of making some of that information public, I can certainly take that back and look into.

Antony Van Couvering: Specifically, I'm interested in the guidance that ICANN gave the panels initially. And furthermore, guidance or put another way, interference at a later stage on - of course the one that springs to mind is the string similarity panel which was supposed to be delivered in October. It wasn't delivered until much later.

There are all kinds of rumors flying around about who said what to whom? When? And if it was justified? And if indeed these things were done on a

scientific basis they were supposed to? Or if indeed, they were political decisions?

So in order to clear that up, I would like to know about the communications between ICANN and the panels. What they were about, and if they in fact effected the decisions of the panels?

Thank you.

John Nevett: Jeff?

Jeff Neuman: Yes. I want to echo Antony's comments just on the string similarity. There is no - nothing came out afterwards. We expected at least some point afterwards some rationale or some explanation of why the string similarity panels came out the way they did, but there is none.

In fact, there are certain strings - and it's not even just based on the algorithms, because there are certain strings that have higher percentages that were not found to be similar than ones that were. No idea why that was decided. No explanation.

I won't go over the examples in public, but I'd be certainly happy to present them to you. I just don't want to anger any applicants for strings, nor am I saying that they should be added.

But what I am saying is that it seems like - we have no idea who was on the panel. We have no idea what rationale they used. We have no idea what criteria they were given. And it's almost like ICANN just expects, "Hey. This omnipotent panel decided they were similar and let's all go on." But, some of us aren't ready to go on. We need that rationale. The GAC asked for that rationale yesterday, and I believe it's owed to the community.

John Nevett: Okay, thanks Jeff.

I have - on this point, we're - yes, (Drew).

(Drew): I mean, I will say we were surprised by the results of the string similarity panel and ended up spending some significant amount of money in string similarity objections for strings that we thought would...

Man: (Unintelligible).

(Drew): Yes, no problem.

You know, we - so, we - our strings now won't be confusing (unintelligible). It's great.

But in any case, you know, we were surprised by the results and you know ended up having to spend a significant amount of money as a result of - results that I think most people in the community expected to come out a different way, especially on pluralization. I know the GAC raised this concern as well.

So at least understanding sort of how we got there, I don't think it's necessarily that useful for this round. But you know for future rounds it may be useful to understand the process here and see if it can be approved.

John Nevett: Okay. Jim, is that on this point or a different point?

Jim Prendergast: It's back on the objection panel.

John Nevitt: Okay. Let me go to (James) then first.

(James): So I'd like to go back on (procedure violation). The two specific case we have a DRSP that give the filer five days grace after the (unintelligible) objection in order to cure some of the (defects in the procedure).

So I'd like to know what the ICANN position on this was.

Christine Willett: The DRSP's have their own procedures. Their own definitions of their process, and I do believe they have cure mechanisms. They're - when portions of the objection were filed, (fees) - the objection - so I am not versed in all of those details. But the procedures are called out on the DRSP's Web site, so we are expecting that they are following those procedures.

(James):   But the guidebook make it very clear that all the (unintelligible) did not get completed by (unintelligible). And (unintelligible).

John Nevett: It sounds like it's something you got to raise with the DRSP, and it's not an ICANN issue at this point.

Krista, did you have something to add?

Krista Papac: Just a follow-up, or it's like a high level question on that particular topic.

Is there - Christine, if there is an issue with a DRP not following their published procedure, is there something we could - like is there a process for us to do that?

Christine Willett: So I'm happy for those issues to be escalated to ICANN and the new gTLD team. And we've gotten plenty of inquiries on that front. So, we are working very closely with the DRSP's to make sure that they are following their procedures. They do this every single day.

Krista Papac: So those...

Christine Willett: Escalations should be sent to new gTLD (unintelligible)...

((Crosstalk))

Krista Papac: (Unintelligible). Okay, cool. Thanks.

Christine Willett: Yes.

John Nevett: Where else?

                     All right, Jim.

Jim Prendergast: They've got me blocked on an email I sent (unintelligible).

                     You know, this is more a question for the room. The community spent years
                     developing the procedures and processes outlined in the guidebook, and we
                     just heard that the dispute resolution providers decided on their own to make
                     changes? I - that's - did I hear changes or just things that aren't dealt with in
                     the guidebook?

Man: They changed the deadline.

                     Well, they decided to extend a deadline. That to me is - I mean - on their own.

Christine Willett: The guidebook didn't specify a time and a date for - did not specify 23:59:59.

                     There are implementations and issues around the operational execution of
                     aspects of the guidebook, and I completely understand the sensitivity around
                     objections. I am not trying to dismiss the concern and the nature of your
                     concerns at all.

                     From an administrative point of view, we're talking about multiple systems,
                     various issues that the DRSP's were faced with. Portions of the filings. Parts
                     of it coming earlier. Parts of it coming later. There were a number of issues
                     that each of the DRSP's were using, and we asked them to fall back on their

rules for deadlines and their rules for handling things that fall across a specific deadline.

So, that was...

Jim Prendergast: Yes, I just - I mean, people went seven months to file these things, and then to decide - I mean, that's - I mean, that's - as somebody said, if you filed your application late, sorry. No dice. I...

John Nevett: Okay. I've got (Maxim) and then (Craig), and then Antony.

(Maxim): If we're talking about filing delay, as a former technical guy, I could suggest offshore commercial technology called (Unintelligible) synchronization, which is cheaper than (unintelligible) and could solve these issues. So.

John Nevett: Okay. (Craig)?

Craig Schwartz: Yes. As one of the applicants that received a late objection filing, I can confirm that the ICC said that they consulted with ICANN before they decided to extend the filing period.

So it wasn't that ICC did it by itself. They said they actually talked to ICANN before they did it.

John Nevett: Yes. We got one of those too.

Sorry.

Jeff Neuman: I mean, it sounds pretty prevalent. I mean Jordyn, John, (Craig); it seems like there is a lot of objections that were received in these last five minutes. That's a problem. It's not like it's one or two. We have three people in this room who said they received them. That's crazy.

John Nevett: Antony?

Antony Van Couvering: Yes. I'd like to point out there's a difference between five minutes, which I - possibly there are reasons for that, and the very, very long delay in the string similarity panel results. There were other panels. Not all these issues have surfaced yet.

What I'm interested in is not so much the internal procedures of the DRSP or the panel. I'm interested in the guidance that ICANN provide to these panels insofar that it's different from what's in the guidebook. And, I think we are owed, as applicants who spend a lot of money, an explanation and a clarification, and an exposition of the communications between ICANN and DRSP's.

Because if there were decisions made by ICANN that are in contravention of what was in the guidebook, we have a right to know that, and that may be actionable. And I think this is an extremely serious matter.

John Nevett: Okay.

Anyone else in the queue on any issue? Any other business?

Tim?

Tim Switzer: Tim Switzer. Just a real quick think. I noticed a question from Frank Michlick on the Adobe Chat.

Frank, yes. The Web site that you referenced for signing that form for the Domain Name Association; that is the correct one.

John Nevett: Okay. Any other business?

If not, hopefully many of us will be in Durbin together and maybe even as voting members of the registry stakeholder group at that point.

So congratulations to everyone hopefully in advance, and good luck. Thanks for everyone's time. Bye.

END