

**ICANN Dakar Meeting
ASO - TRANSCRIPTION
Saturday 22 October 2011 at 17:15 local**

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Coordinator: This call is being recorded. If you do have any objections you may disconnect at this time.

Stephane Van Gelder: Okay. Thank you.

So let's restart on this final topic for the day which is the protection that we have been asked to look at for Olympic Committee and Red Cross names with regards to the new gTLD program. And to introduce the topic can I bring your attention to either this screen or the Adobe room where you will find the letter that I was sent by Heather Dryden, chair of the GAC on the 14 of September of this year. Perhaps I can read that letter out very quickly. It's a short letter.

It reads: Considering the board's resolution and the single pool that called on the GNSO and the GAC to work together on the protection of the International Olympic Committee and Red Cross/Red Crescent names and following the previous GAC statement of support for these organizations' requests for protection the GAC has elaborated advice in the form of the enclosed proposal which I submit for the GNSO Council's consideration. The GAC's proposal characterizes protection of the Red Cross and IOC names at the second level as an implementation aspect of the new gTLD program

consistent with existing registry contracts. The GAC looks forward to receiving the GNSO Council's early response on this proposal. Thank you for your consideration.

So we have talked about this letter already during one of our teleconferences. The letter then goes on as stated to - it includes advice I suppose is what we should call it from the GAC on how to implement this. And it very clearly is a request for the GNSO Council to respond to this.

So I don't think we have a clear way forward on how we are going to do that yet. And that should be one of the topics of discussion that we are going to have now and finish tomorrow.

And with that perhaps I can open it up for discussion and see how we would like to tackle this. (Debbie).

Debra Hughes: Thanks Stephane. I was wondering if any of the councilors had submitted any questions to you about the proposal. I know that was one of the things that was mentioned on the previous council call. And that might help clarify some of the concerns if they were either submitted in advance or other.

Stephane Van Gelder: No. I have not had any questions that have been submitted unless they've been sent to me in the last day. I've been a bit behind on my email for the last 24 hours. But before that I've not had anything so the answer is no.

But - Marilyn.

Marilyn Cade: So I have two questions. First of all I'd like to just express my - I've had a chance to read this before and I was very impressed by the depth of detailed research and documentation that exist in the what I guess I would call the charts that are in there that identify the unique legal standing that exists for these names. I was on the Reserved Name Working Group as were a few other people. And so I think it's really interesting to me to see the unique

status that seems to be documented for these names. So that's my statement.

My question is - my - the second part of my statement is: having reread the ATRT and noted that one of the recommendations was that the GAC get involved earlier in the policy discussion and development process this looks like to me a really nice step in that direction. Have you been able to just acknowledge the letter already or is that yet to come?

Stephane Van Gelder: Is the question have I informed the GAC that we received the letter? Yes. No.

Chuck Gomes: Thanks Stephane. I'm going to reiterate something that Marilyn said there because I also was very impressed with the homework that the GAC did on this because a lot of the concerns I know that we had talked about in the registries with regard to precedent and so forth seemed to be very well addressed by the GAC information.

And so again you may want to - that's a council decision, not mine but you may want to compliment on - compliment them on a very thorough job when you meet with them tomorrow on that.

Stephane Van Gelder: Alan.

Alan Greenberg: Thank you. I missed the first couple of minutes so I hope this wasn't covered already.

When I read this I had some concern because my understanding was one of the intents of the request is to ensure that domain name - second-level names including the reserved name be blocked. So for instance Red Cross-Tsunami would be blocked because that's the kind of thing that people set up to try to fake Red Cross requests.

But how the reserved name list works right now is it is just the name itself that's blocked. For instance ICANN is on the reserved name list, GNSO is on the reserved name list but ICANN-GNSO is a perfectly valid name.

So I am a bit concerned that if we implement what they request we - they - at least some of the groups and I suspect the Red Cross will not get in fact what they're looking for. That is protection from people creating fabricated domain names that look like the Red Cross to an innocent person but are not. Thank you.

Stephane Van Gelder: Can I make two points? First of all, Marilyn, I did respond to the GAC by email if that's what you mean by formally. And that was done on September the 18.

And with regards to the point that - the discussion line that you've started, Alan, what I'd like to see as, you know, as we try and move this forward is actually suggestions from the council on how to do that. So typically is that - do people get together and huddle in a corner and draft something or do we start a working group or will we just look at this at council level?

I don't think we have a method for doing that yet. So right now what we're doing is discussing this but not really sure where we're going.

Alan Greenberg: Yes. Stephane, if I can reply my concern right now is not how to do it but to make sure we understand what they're requesting because I suspect what they want in that regard is not in the request that was formally made. That's my concern here.

Stephane Van Gelder: And the point that I'm making is that - I mean your point is very valid. But I think part of the work if we are going to tackle this request -- and actually this doesn't come from the GAC; it's something that the board's asked us to do -- then part of the process will be understanding the request. But what is the process? That's the question that I'm asking the council.

Jeff.

Jeff Neuman: I too like Chuck and Marilyn want to tomorrow thank the GAC for the detailed proposal that they gave. I think one thing, you know, in reading this it talks about treating these names like we treat test and example which are permanently reserved.

We need to consider -- and I'm not saying whether this is the right answer or not -- we need to consider whether it should be reserved like test or example or reserved like the two-letter country codes are reserved with an opportunity to get those off the reserve list if you can show, you know, after discussion with the GAC - I forgot the whole process but essentially there's a way to get country names and others off of the list if you have a consultation with the GAC.

The reason I say that is words like Olympic -- and I'm not as familiar with Red Cross but I did at one time work on Olympic cases -- Olympic is only protected - it's protected by statute but it's not protected in gross. It's not protected for everything. And there are certain regions -- for example the United States -- that could use the Olympic mark. There's, you know, Olympic Airlines or Airways in Greece that could obviously use it.

And so if you have a domain like dot - we have a .aero I guess. But if you had another one .airlines or something certainly there should be a mechanism that's in place for review where someone, a registrant who wants to come forward and get that name, should be considered to get that name.

And that's not addressed in this proposal. It's not a huge issue. It's not going to be a huge number of examples. But I think this proposal is a good start.

I do think that this is personally -- and the registry's actually talked about it -- you know, it's not - it's a good idea to have them reserved. But I'm not sure

putting them in the reserved category with test and example is the right way or putting them in the reserved category like we do with some of the others like countries where there's a mechanism to get them removed from the reserved list assuming they're legitimate, you should have that mechanism in place.

And I think the next step is to actually form a joint group with the GAC which this is one where the board asked for a, you know, recommendations from each one is to work on that and get it all in place with a deadline obviously before the first TLD signs its registry agreement so that we could make it an implementation detail and not have to go through a consensus policy process because once an agreement is signed in order to get a name on the reserved names list you have to go through a consensus policy process. So I want to avoid that and see if we can get it all wrapped up before that happens.

Stephane Van Gelder: Thanks, Jeff. Mary.

Mary Wong: So this issue has been discussed amongst the membership of the NCSG and the NCUC. And it might be informative for me to provide at least a short summary of what I think are the - at least the opinions that have been expressed on our mailing list and LISTSERV which is publicly archived so we can provide all the information.

I think it's fair to say that amongst the members who responded -- and we had more than a handful of members who commented on this proposal -- there was vociferous and possibly -- and my colleagues will correct me if I'm wrong -- possibly unanimous opposition to protection of the Olympic issue. There was sympathy and understanding for the Red Cross and Red Crescent marks. But there was also concern that regardless of that, that here we're talking about the second level.

And there are members who do not feel that this is an implementation issue, that it really is more of a policy issue. So we didn't get down to considering

how to do it but certainly we have a lot of members that conceptually have a problem with protection as reserved names at the second level. And maybe some of the things, Jeff, you talked about might be a way to move forward.

Jeff Neuman: Yes. I mean can I ask, you know, I mean you did say they opposed but on what - why, what grounds? I mean just that they don't like the fact of reserving any names or just, you know, sorry, if someone wants to answer that.

Man: Yes. It was mainly on the basis of the Nairobi Treaty which is an international statute protecting. It does not protect the word per se. It protects the word along with a symbol as every single aspect of trademark law.

So we didn't think -- and especially for the reasons you also mentioned -- that the term Olympic actually in some parts of the world -- for example Greece -- there are something like 16 different trademarks already containing the term Olympic is not one that can warrant this special protection in terms of the word.

Nobody's disputing - nobody disputed the Nairobi meeting - at the Nairobi Treaty. It's just - they just disputed the fact that the term needs to be protected.

Stephane Van Gelder: Robin?

Robin Gross: Thank you. Yes. I just wanted to report back some of the things that Mary had just said that we had had considerable discussion on this issue on the NCSG discussion list, quite a lot of discussion about it.

And there was zero support for the Olympic Committee and sort of a minority sympathy for the Red Cross although the majority of the comments that we heard seemed to be concerned about the kind of precedent this would set for

groups coming and running to the GNSO because they feel they should get some special rights.

And so there was some concern about the precedent this would set and the invitations that it would seem to send out to other groups who feel they're just as worthy and deserving of special protections. So there really wasn't support, much support, for this at all on the NCSG discussion list. Thank you.

Stephane Van Gelder: Thank you, Robin. Jeff.

Jeff Neuman: So I understand the precedent issue but only up to a point. I don't know of any -- and if anyone has any examples -- I don't know of any other statutory - statutorily protected marks around the world. If you do know of them then bring them up as examples.

I think if we - I would ask if as a way forward whether what I proposed as a solution is putting them on the reservation list but one that someone can make a case to get them off of the list if they can show they otherwise would have a legitimate right to use that. I know it's not the ideal way. But as something as - this issue is of such high interest to the GAC and to the community as a way moving forward is to like I said put them on the reserved list but not the test or example reserved list but the country, name or whatever else is a separate reserved list that has ones that you can remove after consultation with the GAC and showing some legitimate right just like brands I know.

And there was an article recently on it. There are some brands out there that want to use for example .us.ibm to show that they're U.S. organization, right? I would think - after some consultation with the GAC I would hope that this would be something that the GAC would be okay with allowing. But technically it's reserved and not allowed at this point.

I would put this kind of in an issue where if there is - for example Olympic Airlines and they were to come forward and said we want to use olympic.airline I would hope that that's something that the GAC would take as a positive sign. And I would hope that the Olympic Committee would be similarly accommodating as well.

So I mean I know it's something - it's kind of an act of faith. But I think with the strong public interest in this and the strong comments we've had from the GAC it's something that we should try to find some middle ground.

Stephane Van Gelder: Thanks. I have (Debbie), (Jonathan), Marilyn.

I'll - can I just make that point again that so far we don't know how to proceed on this. I mean the conversation is very interesting. But we're already solving the problem without putting the process in place to solve it. So...

Jeff Neuman: Actually I've made a recommendation.

Stephane Van Gelder: You made a suggestion. And...

Jeff Neuman: For a working group.

Stephane Van Gelder: No one's responded to it.

Debra Hughes: So I'll just say quickly that my research and the research of our team was that we found no other organization that had both the combination of an international treaty and legislation in more than 100 jurisdictions. So if there's another organization that anybody's aware of please let us know.

What we are trying to do is not be, you know, take advantage of the situation. And certainly there's tons of worldwide organizations that are - that do great work.

And this is more than just a trademark issue. It's the words Red Cross mean much more than the American Red Cross or, you know, the Puerto Rican Red Cross. It means help is on the way. It means don't bomb here. It means there's a victim; somebody needs help.

And so when the GAC approached us and wanted to work with us we were delighted. And we think it's important.

And so I would say the first thing is that if there's another organization that has that level of protection both from a treaty and from a unique and very thorough system of national legislation then I think that's something that should be fairly considered.

And then further, to Stephane's point, the reason I began the conversation with were there any questions, I think Alan's point was good. I'd love to be able to help facilitate the next step which would be what are we going to do and how are we going to move forward with it without again creating more work for this group. But I'm willing to help on whatever group we decide to put together to come up with a plan.

Stephane Van Gelder: Thanks, (Debbie). I think it does mean more work, whatever happens. And I think the questions on other entities that might enjoy in the same level of protection is actually quite - it's probably a moot point at this stage because we have something in front of us that we have to deal with.

Now there's been one suggestion from Jeff that we set up a joint working group with the GAC. Is that something that the council is interested in doing? And if that is the case would you give me your okay to write to Heather and suggest that? That is one question I think that we don't have maybe to answer now but I think that's one question we should answer.

So I have (Jonathan), Marilyn, Mary, (Kristina), Wendy. (Jonathan).

(Jonathan): Thank you, Stephane. I think it's - in many ways I'm speaking in support of some of the other more practical and implementation questions including Jeff's.

I mean I think this has continued to be a compelling case here for a unique legislative situation that's been set up for these two examples. I think Jeff suggested a pragmatic implementation that then didn't leave us cast in stone and particularly addressed perhaps the concerns in the Olympic mark. And so that may well be that we can go down that route.

Alan, to your earlier question -- I think you asked about whether - how all-encompassing this was -- as I read it and I understand it this is actually a pretty narrowed-down list. It's not - includes those terms but those specific terms appended to the letter. That's my understanding. It's not all-inclusive. That's the way I understand it.

Stephane Van Gelder: Thanks. I have Marilyn next.

Marilyn Cade: I - as I said before I was on the Reserved Name Working Group along with Chuck and a few other people. You know, guys, there is actually a precedent at ICANN for creating a new reserved list in .info and in .travel.

And probably most of us have forgotten that. But actually those two gTLDs before they were allowed to launch did have to create a reserved list of country names.

And so there's - there is a precedent for having a kind of a specialized reserved list. And there was also a process for taking names off of that list so just to the point that you made. To my knowledge there is not another name that is associated with humanitarian acts and other major identities that has the kind of protection that (Debbie) has mentioned. So I think the issue of precedent is one that could be dealt with fairly easily by saying ask this question, what's the answer.

Taking a name off an administrative reserved list because that is what it - there are such things as administrative reserved lists as opposed to the names that are -- to Jeff's point -- these names are blocked at all levels at all times.

What the GAC has asked to do is to create a new schedule, a new reserved list schedule. So it asks that we look at that and explore whether what we're talking about doing is responsive to the requests the GAC has asked and what questions that the council feels needs to be answered in order to move forward with such a reserved list.

My understanding from the governments is that this is a very strong imperative from a very large number of governments who have very real concerns. And the humanitarian issues are very strong right now particularly because of the civil strife and other strife that has happened around the world.

Stephane Van Gelder: I have Mary next.

Mary Wong: I think there - I can't and I don't think any of my colleagues can represent to anyone today that any of the suggestions made which I personally think are constructive as a starting point is something that our members would be happy about. I think that we would need some time to take it back to our membership, assuming that that is something that we all agree is appropriate, because to the extent that some of us have gotten very strong feedback from our members I do think it's appropriate. So I don't think that at least from our group we could come back before Wednesday on this.

I did have a question for the council. And this comes from the fact that -- excuse me; I have a mint in my mouth -- as I said earlier that there was sympathy among some of our members for the Red Cross/Red Crescent

protection simply because of the issues highlighted by (Debbie) and Marilyn but certainly not for the IOC or the Olympic mark.

So are we assuming and proceeding on the basis that whether we do a joint group or make an alternative proposal that we are talking about both? Or would it be open to us to talk about each separately?

Stephane Van Gelder: (Kristina), Wendy, Alan.

(Kristina): Just a couple points and I apologize if I'm kind of going out of order. But to respond to Mary's most recent point, you know, the IPC -- not surprising to anyone I'm sure -- supports the GAC's request here. Second with regard to the working group proposal I am not necessarily objecting to it but because the GAC has repeatedly made clear to us that they do not do working groups that if we are proposing something other than what is ordinarily referred to as a working group I think we need to make that very clear at the outset because otherwise we're going to go off on this tangent that frankly is not relevant to what we're seeking to do.

Stephane Van Gelder: Do you want to make a clarification, Jeff? And then we'll go back to the queue.

Jeff Neuman: So just to clarify, the GAC has done joint working groups with the ccNSO. There's two of them now that they are active participants in at least two.

So I hear what you're saying and I heard that they've told us that. But if they're going to treat the - if they're going to do joint groups with the ccNSO and refuse to do joint groups with us after we get a proposal from them I think that's not going to be - I don't think that's fair. I'll say fair and...

(Kristina): They participated in...

Jeff Neuman: If they're going to do it with the ccNSO they should do that with us.

(Kristina): They were also in the MAPO group, you may recall. The GAC participated with the GNSO in the morality and public order new gTLD discussions. So they have.

Man: Stephane, can I just clarify there that there were individual GAC members in the - that working group? That is correct. And their participation was really good. But there was no formal participation in the working group.

Jeff Neuman: But (unintelligible) example it was - it is formal participation.

(Kristina): I understand that. But it seems to be a phrase that is going to trigger a button with them. So perhaps we could kind of talk about what it is that we're looking for them to do without actually using that phrase because I think as soon as we start using that phrase we're going to end up back in this whole issue why they didn't actually participate as a member. And that's not a good use of our time or there's.

Stephane Van Gelder: So perhaps just I could contact Heather and ask about some kind of collaborative work.

(Kristina): I think we should talk about it tomorrow and just identify what it is that we think would be useful to have from them in terms of ongoing dialogue or opportunity to raise questions, etcetera. And they may say okay let's call it an informal - whatever they're going to call it but I think what I'm concerned about with the GAC is that they very - I don't want us to get hung up on the substance of what we're trying to do because when you say working group to them coming from the GNSO that that means something that they don't like.

Stephane Van Gelder: But let's not forget that we've been tasked with doing something as well so we have to make a decision. Yes. It's not only the GAC dictating whether - Wendy, Alan, Jeff, Steve. Marilyn, did you not - Wendy.

Wendy Seltzer: Just a procedural comment, I think we should make clear whatever we are going forward with that we leave the option to do different things with these two strings because I've heard much stronger support for reservation of Red Cross/Red Crescent names than for those associated with Olympic and see different treatment of those in law and treaties.

Stephane Van Gelder: Alan.

Alan Greenberg: Two things. With regard to what (Jonathan) said, I read the document exactly the same way you do. But my understanding from private conversations is that isn't what they meant or what - isn't what they wanted.

And with regard to the last issue there was recently an ALAC JAS - an ALAC/GAC -- I don't know what the name of the group - what the noun was; I don't think it was a working group -- which came up with a joint statement on JAS that was ratified by both the ALAC and the GAC. So the mode is different than it was three, four years ago.

Stephane Van Gelder: Thanks. Jeff.

Jeff Neuman: Yes. I'm just jotting that down. So that's a good question to ask tomorrow is, you know, did you mean as it says in the letter just the exact match or did you have a different meaning for that just so we're all on the same page so that they can - so I've written that down as a question.

I think (unintelligible) (Kristina), to answer your question as to what the working group can address I think, you know, what's come out here, putting aside which names are on it I mean one of the things (unintelligible) notes is the notion of there's two different kinds of reserved lists and we could talk about it with them. And this group can work on which list it would be on. And the group can work on mechanisms to remove names and what the legitimate criteria could be to actually remove those names from the list.

That's something that, you know, those are just two items that the group could work on. I'm sure we can come up with more.

And I can just say those are examples. We'll have to get together, draft a charter that we all find acceptable and move forward on a very quick timeframe so that we don't get into the whole consensus policy issue.

I do think though, to Alan's point, if they mean more than what they've said in the letter I don't know how we move forward on that. I think that's something that, you know, that not only does that have policy issues, that's got feasibility issues, it's got technical issues with it from a registry/registrar standpoint. I mean that's a whole bigger can of worms. So it'd be good to get the clarification tomorrow.

Stephane Van Gelder: Steve.

Steve DelBianco: Thank you. The proposal exclusively asks that we make the amendment to the agreement and adding it to the reserved names. And it didn't explicitly ask us to form a working group.

So we have to be so sensitive, right, when we deal with the GAC that if we reply with anything else - anything other than just doing it, we have to explain that well yes we're interested but the working group is the only way we have of doing it, that we were explaining to the GAC that we have a process limitation so that we must do a working group and by all means please join. That's one way of responding.

But we can't just say we're going to do a joint working group. We have to explain what our answer is to the request which is ICANN should amend the registry agreement to add the reserved names.

Another is to come back and say we have some questions for clarification based on understanding the full intent. Beyond what's in the words of your

proposal what is the full intent? This is to Alan's point. And if we have to cite examples like did you mean anywhere in, did you anticipate exceptions for things like Olympic Airlines. The point about test and example are top-level domain points whereas everything else in the request is second-level.

So we have at least three good questions to ask before giving a formal response of no we won't amend or well we can't amend because our process doesn't permit it; here's what our process lays out. We just have to be careful not to say no in our implication.

Stephane Van Gelder: Yes. We - as you said we actually don't have to answer if we don't want to. The only thing that we have to do is respond to the board request.

But obviously I don't think anyone on the council would consider just not answering or not responding to the GAC. And, you know, as I mentioned I've already responded to Heather that we did receive this and that we're looking at it.

So as to the way that we do it perhaps that is something that we can discuss with the GAC and try and find a common way forward. But we shouldn't necessarily consider that everything they want is what we have to do.

Any further - Avri?

Avri Doria: Yes. Thank you. I have one question in the way you respond also. Is there a notion that it has to respond to as a unitary question or can you actually divide the question in your answers?

And also I was wondering if - now I don't get the impression that the GNSO council is in the mood for no because it is split. But if that had been the mood I would think that that is what you would have to say in such a response, that that wouldn't be a problem.

Now it doesn't - I just - so in terms of the general principle of not telling the GAC no I think if the (G) Council felt that no was the appropriate answer it should be able to give it. I don't get the impression that that's what's being said here.

But I do wonder also whether from the conversation I've heard whether dividing the issue and indicating to them that perhaps it is a divided issue, that it is each one gets considered on its own merit and its own considerations that that's part of the answer worth giving. Thanks.

Stephane Van Gelder: Just picking up from that point perhaps it's useful for me to explain to the council that as you know we have a SO and AC chairs meeting with (Rod) on the Friday which has now become a permanent fixture. And it's something that we did yesterday.

And during that meeting -- I mean it's just - it's informal conversation -- Heather was telling me -- because we weren't paying attention so we were having a side conversation -- Heather was telling me that there's a feeling in the GAC that some in the GNSO consider anything that comes out of the GAC - either brush it aside or there's a feeling that we don't want to listen to the good points that the GAC are making, etcetera.

So I did tell Heather that my sense of what the council - what's coming out of the council is actually very much not that that's the case. On the contrary I think the council takes what the GAC does and says very seriously and that there's a desire to address it very seriously and give it the required amount of thought and work.

So I hope that message came across that, you know, I don't - I agree with you. I don't think the council's in the mood for no on this at all.

However we still need to find out how we're going to take this forward. Perhaps someone would like to lead this effort and volunteer to do that.

We can - we do have more of this tomorrow. We have a session planned on this tomorrow so we can pick that up then.

We're almost out of time now. But it would be useful to find some way of moving this forward.

Marika.

Marika Konings: Yes. This is Marika. I have a remote question from an (Iman Kalisas). She asked that the GAC suggested a new liaison construct with the SOs in its recommendations to the ICANN board. Is this a method of working together on this issue?

Stephane Van Gelder: Well now I wish I'd listened to what you said instead of talking to Jeff.

Marika Konings: The question's from an (Iman Kalisas). She asked the GAC suggested a new liaison construct with the SOs in its recommendations to the ICANN board. Is this a method of working together on this issue?

Stephane Van Gelder: Jeff.

Jeff Neuman: My answer although that would certainly help in other areas, I think this is a particular area that the board has instructed the GNSO and GAC to work on. I read it - when I initially read it I had got the impression that it was to work together. Apparently I guess that could be read we just separately work on it and send it to the board.

But I think in this issue it's not really a liaison issue. This is an issue that both supporting organizations should work on. Hoping - I'm hoping that we can work on it together but I don't think a liaison would solve that issue.

Stephane Van Gelder: (Kristina).

(Kristina): I'm not necessarily sold on this idea myself. But I'm wondering whether in this circumstance this might be one in which we want to kind of harken back to the taskforce days in the sense that perhaps this is an issue in which each, you know, I guess you would have to do it - you - it wouldn't be that small because you'd need to make sure that, you know, the stakeholder groups were sufficiently represented but maybe one or two participants from - appointed by each stakeholder group and then the GAC could, you know, appoint whoever it is that they wanted as a smaller group that can really try and figure out where the points of agreement, what can be refined, what the point of disagreement is.

I mean I just - I keep coming back to the fact that if we say working group to them what they're going to hear is you're not answer - kind of what Steve was raising earlier: you're not doing what you want - what we've asked you to do and you haven't really given us a clear idea of a way forward that works for us.

Stephane Van Gelder: Thanks. Zahid.

Zahid Jamil: You know, there were discussions between the board and the GAC previously. And I remember from some of the feed, you know, the back and forth that when they were asked well what - do you have a solution they said that's not our problem; we've given you the advice; you go to the board and come up with a solution. So we want to avoid that.

So instead of sort of saying well do you have a proposal of how to do that, etcetera, maybe what we could do is say just like what (Kristina) said, don't define what it is that we're suggesting as a group or a working group. Just simply say we're happy to work with this - with you on this; what - how would you propose we do that. Do you want to create a group? Do you want to create a mechanism by which you can feed into what we're trying to do? And

then leave it at that without sort of characterizing the labeling it. And then I think in the discussions you'll find that they will themselves then come forward.

Stephane Van Gelder: I have two questions for you both then. The first, who is willing to lead this thing that shall not be named? And secondly, do you feel...

(Kristina): First off not me because I'm looking to decrease my involvement in all of this.

Stephane Van Gelder: Okay. Secondly do you feel that -- to your point, Zahid -- do you feel that we should be asking the GAC what they would like to do or telling the GAC, you know, equal to equal this is what we suggest; can - is this palatable to you?

I mean the way you've just said it was very much what would you like to do and, you know, we're not really - we're just putting ourselves at their service. Do you see what I mean?

Zahid Jamil: Okay. So maybe a more nuanced way of putting it would be that we're considering this but we'd like your input while we're working on it so that at least what we do send back as a response has your input so we can understand more exactly how you want - you - what would be something that, you know, your perspectives on it and to fast-track this because we have very limited time to do this -- I mean we have, what, two months before we do this -- if this makes sense if you were to participate in our efforts. Now then they can say well do, you know, should it be a working group, should it be - let them come up with that.

So be nuanced about it, sure. Don't open yourself up to saying well we'll just accept anything you say. But at the same time sort of - we don't have to sort of tell them that, you know, we're considering it and we'll let you know. We can simply say well we'd like your perspective and input in what - how we are

proceeding with it, we haven't decided exactly how to do it and leave it at that.

(Kristina): Right. And just to follow up on that I mean to be clear I'm not suggesting that we should go in and say whatever you want to do is fine, however you want to do it is fine, you know, two thumbs up, full steam ahead. I don't mean to suggest that at all.

And in terms of who should lead it, it would seem to me, you know, I know that the GAC is set up in such a way that they have a GAC lead on particular issues. And it would seem to me I would expect frankly that there is already a GAC lead on this issue.

So to the extent that there is some kind of group, whatever we're going to call it, that is going to have participation from both organizations it would seem logical to have their person who's already the lead on it continue to be the lead for them. And I would imagine that if we've got a relatively, you know, whatever the discreet number is of people from our side that from among that group we can identify somebody who for administrative purposes is going to, you know, be taking the lead.

I don't - I'm concerned that we're starting to make this more complicated than it needs to be.

Man: Yes.

Stephane Van Gelder: Like that would ever happen. Jeff.

Jeff Neuman: Yes. So one question to Zahid. I mean one thing I want to - I would like to try to avoid is when the board started the consultations with the GAC it was always like the GAC would give their position, the board would give these roundabout answers and not give any indication of what it was thinking. And that really frustrated the GAC and frustrated the rest of the community for that

matter because nobody knew what the board of directors were thinking. So tomorrow I think we should reflect at least what was discussed within the group, with this group, and let the GAC know that.

And it helps to Stephane's point of saying we're taking this issue seriously, here are some things that came up at the discussion, here was a proposal that was kind of - again it was in its informative stage, it's something we would like to work on. You know, maybe those aren't the exact words and we can talk about it exactly tomorrow what we want to say.

But we don't want to just say, you know, let's, you know, what do you think we should do. I want to make it clear to them that we're - we've thought about this issue a little bit and that we, you know, we have a mechanism of moving forward, we had some suggestions made and let them know that this is some of the things that we're thinking.

And I think, you know, as far as saying working joint - it's something that we have an interest in working jointly with them whether we say it's a taskforce, working group or whatever it is to get their input and have this be one of the issues that we can work on together.

And if people wouldn't object I mean I'd be - I'd volunteer to do the administrative stuff. I don't know if that looks good, bad. I don't know what people think about that but if no one wants to step up since I'm familiar with the IP side, I'm also familiar with the registry side and I don't have a stake one way or the other as far as which way it goes to me. And most of the registries are kind of in this, you know, it doesn't - we don't really - aren't impacted. If you put this on the reserved names list that's - it doesn't matter to us.

Stephane Van Gelder: Thanks very much, Jeff, for volunteering. We'll - if anyone objects to Jeff volunteering than perhaps say so by tomorrow or something and we can take it from there.

(Jonathan), then I'd like to bring it to a close please.

(Jonathan): More than that I don't object but I'd also like to speak positively in support of what Jeff just suggests. I think it'll be a very constructive way to engage the GAC tomorrow to say that we've actually given this some serious time, some serious thought, we don't have an absolute consensus as to how to deal with it, these are some of the issues and just expose some of this discussion. I think it's a very constructive way of dealing with it and making it clear that we've spend some time on it and we've taken their input very seriously and frankly attempted as best we can right now to move it forward.

Stephane Van Gelder: Thank you very much to you all for this useful discussion. I suggest we bring it to a close now. We can pick this up tomorrow as I mentioned before.

Please don't forget that we have a friendly dinner poolside at 8:00 pm this evening. If you haven't already confirmed -- your participation it's fully voluntary but anyone not coming obviously will be very frowned upon -- if you haven't confirmed please tell -- that was a joke -- tell Glen or Jeff.

And we will - as for official business we'll reconvene tomorrow morning in this room at 9:00 am with a grilling - sorry an interview thing - interrogation -- that's it; that's the word I'm looking for -- for the sole candidate for the position of GNSO council chair. For obvious reasons I will not be chairing that session. I've asked Mary to do that and help out there.

So see you tomorrow at 9:00 am if not before. And I hope to see you all tonight.

Thank you very much for this day and see you tomorrow. Bye.

Operator, this is - this session is now over. Thank you.

Coordinator: Thank you for participating in today's conference. You may now disconnect at this time.

END