

Transcription ICANN Durban Meeting

NTAG Meeting

Wednesday 17 July 2013 at 09:00 local time

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Tim Switzer: Okay why don't we go ahead and get started if we can get the recording started please?

Thank you. This is Tim Switzer. Welcome to the July 17 Durban NTAG meeting. I would encourage any of you that want to come up to the table and sit please come on up. There's no reason to have to sit back.

We look forward to a full agenda here today. So why don't we go ahead and just jump in and get started?

First thing I'd like to do is kind of a quick look back and thank the three outgoing officers that have served two six month terms since we went - came into existence last July 1.

Krista Papac who was our secretary the - clearly the busiest job of the NTAG ExCom and now with ICANN. I want to thank her.

(Bill Dozier) who was the vice chair and Bill also was the person behind our newsletter. And I think in our early days that was very critical to us in getting our participation to where it's been.

And then John Nevett is our chair and our leader and that quite honestly John even was the person who came up with the idea of having an observer group and the NTAG. So I'd like to acknowledge the three of them and give them a round of applause and thank you for their help.

I'd also like to have each of the new officers introduce themselves. The new officers came into official duty on July 1 six months terms through the end of the year.

As you know, you know, the NTAG has accomplished a lot I think in our first year of existence and has become a very I think relevant group within the ICANN multi-stakeholder model. And a lot's been accomplished.

And we're certainly going into a different phase now where things, you know, we'll start being able to transition out of being members of the NTAG and becoming a part of the Registry Stakeholder Group.

But I think as you know I think the next six months there are still a lot of issues for us to work through.

But with that let me have each one of the new officers introduce themselves.

(Sarah Feldon): Hi. I'm (Sarah Feldon) at (unintelligible) registry/Google vice chair. I just hit my six year mark with ICANN which is slightly depressing. And yes I think that's about it.

(Ana Sweezy): (Ana Sweezy) with Fairwinds Partners and I just - I'm very close to my six years with (unintelligible) which is equally depressing. Just kidding anyway...

(Josh Zetman): Hi I'm (Josh Zetman) of .construction. I'm the new secretary. And I'm only a two year veteran of ICANN.

Tim Switzer: Thank you. So before we go right into the agenda just a couple of things, I want to thank - we do have some members of the ICANN staff here today to join us.

So I think we're going to find that, you know, a lot of the things in our agenda there's been ICANN sessions with (already) for it was discussed yesterday in the Registry Stakeholder Group.

But I do want to make sure that we, you know, have a good - plenty of time today to kind of talk about the issues.

The one thing I know that the officers, the new officers you talked about that we want to continue kind of the theme set by the previous leadership team is we really want to encourage and we welcome participation from everybody.

I mean NTAG is a very geographical and type of applicant diverse group and everybody's voice is to be heard.

And so we don't want the conversations to be dominated by, you know, three or four folks. We want to hear from all of you. And whether it's your input here today or whether it's leading here with we may form a working group or whatever to go off and work on something we really encourage full and active participation.

So everybody's welcome. We want to hear from you. We want to hear your thoughts and we want to hear your input when it comes time to actually working on various issues.

So with that let's go to the agenda. The first item is that just unofficial kind of housekeeping. Our last meeting was in late May. We did send out - (Josh)

sent out minutes from that meeting. Does anybody have any questions, edits or additions to those minutes?

And if not I will assume those minutes are approved and thank you very much.

(Josh) why don't you give us an update on the NTAG membership and where we're at right now?

(Josh Zetman): (Josh Zetman) .construction. On last count we had 99 total applicants represented and the total number of application is 979.

But in a bit of exciting news three of our members are no longer voting members, Doughnut, Core and international domain registry are now also members of the RSGA and its signed registry agreement.

Tim Switzer: Thanks (Josh). That is exciting news. I mean you normally don't celebrate your membership going down. But it's a good thing. We hope to have more of that throughout the rest of the year.

Man: (Unintelligible) swindle.

Tim Switzer: All right moving right along treasury report, (Liz)?

(Liz): Thanks Tim. There is - there are no new expenditures to report and there are no new future expenditures to report at this time. Thank you.

Tim Switzer: Very good and simple report there. Thank you.

All right so next item on the agenda we want to talk about any kind of open issues around the registry agreement and the RAA.

As you saw the other day in the open ceremony we've had signatures on the registry agreement. And we also had five registrars that have agreed to sign the RAA.

So still a couple issues being worked there so let me ask Jordan to give us kind of a quick update on where we're at there and what the next steps are.

Jordan Buchanan: Thanks Tim, Jordan Buchanan for the record.

So as Tim just mentioned the board recently approved the registry, group of standard registry agreements that we had negotiated extensively in Beijing and in the weeks following or subsequently posted for public comments and then approved with a number of changes that were I think largely clarifications and/or several improvements that actually I think tended to favor the registry operator.

So not particularly material in my mind with the exception of the one important thing to talk about today - and I know that's later in the agenda is there are now four mandatory public interest commitments included in the registry agreements as well that the board approved and that will be included in all agreements.

And it may actually be helpful. So we haven't signed one of the registry agreements. I know currently contracting parties are being asked to sign a supplement to the registry agreement at the time of signature.

But I think I've posted but maybe someone like John are one of the other or Adrian or one of the other people who sign the agreement could talk to where that supplement speaks to or Krista.

John Nevett: Sure, happy to do it. If anyone has any questions about the contracting process or anything feel free to follow-up with me or Adrian or Core I guess if they're willing to decide on.

But yes, you know, and surprised us we said, you know, we're ready to sign a contract. I said oh by the way we have a supplemental agreement that you need to sign.

And that supplemental agreement list six items that are still what they consider open items. And for those six items they could unilaterally amend the contract -- no questions, no reasons, no rationale, just unilateral amendment.

And the Number 7 is based on GAC advice. It's kind of a catchall for any reason.

So it's Spec 6, the clearinghouse, the PPD ERP process, the RR DRP process, URS, Spec 11 and it's your pick. So, you know, anything Spec 11 is fair game for unilateral amendment and then anything related to the GAC advice.

So it's pretty open-ended. It last for six months and it'll sunset.

So yes?

Man: I just wanted to add to that I guess it does sound pretty horrible. And we were surprised by it too.

The only reason we did sign it is I guess the alternative was to wait. And the only difference would be is we had visibility as to what we saw. And we wouldn't necessarily have any control over what it looked like. So we'd know what we're getting for.

So the difference is, the (delta) is we've done something that's somewhat blind. However we'd been forced to sign whatever was going to be coming down the pipeline later anyway so...

John Nevett: And they already have the unilateral rights (amend) right now so didn't really change our position in the contract. There was - we of a contract and can move forward with testing and delegation. So that was our thinking as well.

Tim Switzer: Good thanks. (Reg)?

(Reg): Just to clarify is that six months from the date that you signed it so every time you sign a contract for your new - next TLD you've got another six months...

John Nevett: Yes that's a great question. I actually had that, you look if you compare our two may be some of the other ones that signed we put a date certain in that was six months out and for that reason. So we're going to use that date certain for every one of our contracts going forward.

(Reg): And do you think ICANN will accept that date for your future contracts even if it's in the past or two weeks from then?

John Nevett: Hope so. Yes, their view, you know, based on conversations with them was that we don't need six months. We need much less. Where hopefully we'll, you know, figure out the open clearinghouse issues, we'll figure out the ERP issues. And then maybe they won't need this rider in contracts that come up in two months' time from now.

Tim Switzer: This is Tim Switzer. Let me just remind everyone to please identify themselves when they talk. Thank you.

Go ahead Krista.

Krista Papac: Thanks, Krista Papac, ICANN staff. So I just want to reiterate what Adrian was saying because that's exactly why we did the supplement is we could wait until these issues are resolved and then proceed you to contracting or we could give you an option.

So it's - it really was - it's meant as an option as a way - and as a way to allow those registries that are willing to consider the supplement to move forward with contracting.

Tim Switzer: Go ahead Adrian.

Adrian Kinderis: Adrian Kinderis. And I think it's important, and, you know, you guys get the benefit now and I am happy that ICANN (reads) quickly, so quickly to test the (RDRA) such that you'll see those supplementary documents now and you'll be able to (unintelligible) have visibility if you are in a position to sign. So that's a good thing about ICANN.

Tim Switzer: Yes I have (Roland) and Jeff in the queue. (Roland) go ahead.

(Roland): (Roland) of Plan Affiliates. Does the GAC piece send (that) also?

Adrian Kinderis: Yes the entire supplement purpose.

(Roland): Great, thank you.

John Nevett: I mean there's still obviously amendment rights that ICANN has in the main agreement. It's just this unilateral, pure unilateral right to amend in the supplement will go away.

And I also should comment to Krista's point that the contract to process went really smoothly. ICANN staff was very responsive and the process worked very well so kudos to you guys.

Tim Switzer: Great, thank you. Jeff?

Jeff Neuman: Thanks. For - you know, the supplement I guess was just posted yesterday so it's actually a little bit late to talk about during the contracting Webinar or by the contracting session that was earlier.

But I feel bad for the guys that had to sign it just because it's incredibly overreaching. I thought there were number of elements in there that didn't seem open to me that seemed like ICANN's keeping open.

So the question I have for ICANN is what is the process for closing those items moving forward so such that not every applicant's going to have to sign the supplemental?

And what are the dependencies in there so that by the time Adrian signs his next one that - or doughnut signs the next one that those items will be considered closed and done?

I mean there were a lot of open things, things that I just had no clue would stay open, things like the URS and some other items.

So if you could please let everyone know. And also this is still pretty much, I don't want to say it's a secret because it's not hidden but it's just not well known. It wasn't publicized at all that there would be additional things that are now left open.

So if there's a process for closing those.

Man: I'd just like to thank Jeff for his sympathy -- appreciate it.

Man: (Unintelligible).

Tim Switzer: Go ahead Krista.

Krista Papac: Krista Papac, ICANN staff. So we know that these things are open because they are open items in the registry agreement that's posted.

There's all of these except PIC ERP which we're working on with the negotiating team. We just received a document last night or working to move forward.

But these things were covered in Christine's update as far as next steps and timelines and things like that.

So I also wanted to just to add to that and something I think maybe John was saying or some of the dialogue are we - our intentions not for this thing to go on forever. Again we were just trying to provide an opportunity to move forward with contracting for those of you who wanted to do it.

So nobody has to sign this. No - you can wait for the things to be resolved. And then once they're resolved you can go through with the contract.

And then finally just to - one other thing is the - those that signed also have a right to terminate the registry agreement with them. I think it's a 30 day notice period.

So you're not locked into the things. You know, if you - if the first item in the - in the supplement comes out with a resolution and you're not happy with it you can terminate your registry agreement.

Tim Switzer: Thanks Krista, Adrian and Jeff in the queue.

Man: (Unintelligible).

Tim Switzer: Oh we have Jeff and Adrian in the queue.

Jeff Neuman: Yes so I mean I completely - thanks Krista. And I understand why things like Spec 11 is open because we're still talking about the PIC ERP. And I understand why the trademark clearinghouse requirements because this thing is open there.

What kind of - what really surprised me are things like Specification 6 registry interoperability and continuity specification.

It's open. That doesn't make sense to me. If there was a specific element in there that's still being discussed but I wasn't aware that anything's still being discussed in the continuity spec I mean I thought that was pretty much final, that surprised me.

The registration restriction dispute resolution policy I thought that was pretty much final. The URS I thought that was pretty much final.

And then the last thing that basically does any provision or term of the registry agreement that is subject to advice or comment from the GAC, it's not just comments on what the GAC is talking about now which I'm not actually sure what they're talking about now that would relate to Adrian or John, John's agreement because there's specific category one strings and there's strings that they didn't move forward with the CIR. So there were surprises in there.

While I understand, you know, things that were everyone considered open should be on there, those things, especially Specification 6, if you could explain that or maybe the next agreement that you sign really narrow that down as to what element is Specification 6.

Because right now it just says notwithstanding anything else in the registry agreement to the contrary registry agreements if the following requirements, procedures and provisions of the registry agreement may be modified and

amended by ICANN after this date without consent and then it just says Spec 6.

That's pretty big. I mean I'm surprised Adrian signed it. Actually I'm not surprised he signed it.

((Crosstalk))

Jeff Neuman: But that's not something that any like a (chain) brand will sign certainly. And it's not something that a lot of TLDs will sign. So if you could clarify what specifically in Specification 6 and the next supplement narrow it down.

Tim Switzer: Krista?

Krista Papac: I just want to reiterate you don't have to sign this. You can wait for all of these issues to be resolved.

Jeff Neuman: What needs to be resolved in Spec 6? I guess that's my question.

Krista Papac: I'm going to have to get back to you on that. Do you want me to respond to URS or PDRP or RDRP?

Jeff Neuman: Yes sure.

Krista Papac: So Krista again. So on those ones they URS is almost all the way done in their risk document that you know. I thought that was posted.

It's just some final process issues with the PDRP and the RRDRP. We're in the process of selecting vendors. Then there's going to be the rules and so all of those things have to be locked down in order to consider them final for the actual contract itself.

Jeff Neuman: I'm - maybe I'm slow this morning but I don't understand what the contract would have to do with the selection of a vendor or the specific procedures, the supplemental rules that - or the rules and the supplemental rules of each of the providers are not - those rules are not in the actual contract. They're referred to but they're not in the actual contract.

And that's usually the way it's been done in the past has been the agreements can still be signed without actual changes.

Krista Papac: So Jeff, Krista. So you're agreeing to the URS or pick the RPDP because it's small further down the road? It's not further down the road.

So you're agreeing to the PDRP and you're are also agreeing to the rules and the process and how that works. Those things aren't locked down yet. So we're locking those down and we're also, you know, at some point in there you might - those might just come out you might say never mind we don't want to do this at all.

Jeff Neuman: You have the right to terminate your agreement without notice. I mean sorry with notice if your agreement is terminated. You have the right to terminate it.

Krista Papac: Okay thanks.

Tim Switzer: All right thank you. Adrian?

Adrian Kinderis: Thanks Adrian Kinderis. Krista I just want wanted to clarify something. I'm (unintelligible) wound up at the contracting session the other day. I think it's important for the NTAG.

And that is the view of prioritization with respect - well the respective prioritization throughout the process.

And I just wanted to make sure that I understood correctly because I've since spoken to (Cyrus) and kind of just getting clarification of something he said.

And that is that maybe it's better to do the example to explain. If ICANN relations to the CIR - sorry, I mean request the CIR at midday in Los Angeles on a Wednesday okay that's completely acceptable.

And what I understood the process to be is you would then have a batched window whereby you take - say you sent out one, prioritization of number one, two, three, four and five on that Wednesday.

The following Tuesday close of business you close the window. You received back three, four and five, ones who took their time okay?

You would then prioritize those as far as you getting back to them, number three, four than five. Okay because they got back to you as far as getting their contract signed.

The following week - or sorry that next day at 12 o'clock on Wednesday you then sent out six, seven, eight, nine and ten. Say they are responded back within the next week as well as one and two okay from the week before.

You now have one - so you would now prioritize the way I would respond to those is one, two, six, seven, eight, nine and ten. So you would take because prioritization still (unintelligible). It's not first come first serve back in. The prioritization number still holds true and they've just now entered that batch and they carry the priority in that batch.

Am I correct that that is the way we will be going forward?

Krista Papac: Krista, ICANN staff. That - no you're not correct. The way that we initiate contracting based on priority number and eligibility so was it one through ten? Is that which you said?

Adrian Kinderis: Yes.

Krista Papac: Okay. So we send out one through ten and then we process them in the order that they come back. The reason that we do that is we would be sitting around for a week waiting for responses to come in and now we've lost a whole week of time.

And we as has already been discussed I think in the contracting session the responses are coming back that quickly.

So when I send them out one through ten I don't send them out actually. (Christine)'s team sends them out. But when they send them out they receive them back and they've got them to make sure that their complete.

Once they're complete they're' actually in our system. We click a button that they're complete and it date time stamps it and it moves forward to the next phase based on that.

It doesn't make any sense if number three comes in and for us to sit and wait for one and two to come in when we can actually process - I mean they're pushing stuff through the pipe.

Adrian Kinderis: Yes so and when we're not sitting and waiting you've got a week worth of window you can still process those in the week. You can't just send them out.

Because I'll tell you why because I'll tell you my experience last week was I wanted to be the first contract signed.

I had a priority number three but I wasn't guaranteed that I was going to be the first. I knew that the first two were going to sign. One's my clients, another one is a closed generic who couldn't sign. So we should have been first a matter what okay? That's what I understood the prioritization meant.

Now I stayed awake as did my staff and checked the US business (unintelligible) every three minutes on our Citrix to see whether anything came in so we could turn it around as quickly as possible and make sure.

So now if I listen to you or if it goes forward the way that you're suggesting at 12 o'clock on a Wednesday of I'm in business hours in Los Angeles I could turn mine around immediately.

If I'm asleep in Zimbabwe I can't turn it around okay as quickly. That's (assumed) unless I'm standing around waiting for that batch release.

So for mine and you'll hear me many (unintelligible) times I think you're providing advantage for somebody working within those hours.

Now you can move those hours we're then providing advantage to somebody else.

Krista Papac: So a couple things. Krista again. With respect to you wanting to go first that's a very unique circumstance right. So that only happens once and it's already happened. So that's the first thing.

The second point is we don't have one person processing these things as they come in. So that time zone thing that might be a challenge to your point is not going it - effectively your - those people are going to go through at the same time because we've got multiple people handling this.

So it - that 12 hour lag - and it's another reason why you've got the 40 or - when (Christine) said on - in the contracting session on Monday that we also don't want to spend a whole ton of amount at one time because it messes up the priority members as well. We want to try and respect them.

So we're balancing process and efficiency against priority members.

So again in that example those - even if those came in 12 hours later they still wouldn't get processed give or take the same amount of time because we have multiple people working on these things.

Tim Switzer: Okay thank you. Anybody else have any questions on the agreement process?

Okay next under this is (Maxim), I think it's sent around a note to the group about some concerns on the COI. And I think, you know, through the application phase there's been some...

Man: Sorry to interrupt Tim.

Tim Switzer: Oh.

Man: And we have a question on Adobe Connect.

Tim Switzer: Okay.

Man: From (Maxim). The question is do these CIR people work 24 hours a day?

Krista Papac: It feels like it sometimes. Krista. No it's - for the people that are processing stuff are in Los Angeles.

Tim Switzer: Okay thank you. So I think there's been some, you know, kind of movement around I think the COI requirements I think there, you know, for the application.

And I think maybe what was required for the application versus for the agreement may have been - I know there's been some issues around that so I'm going to turn it over to (Maxim) to talk about that if he can come in via the phone. (Maxim)?

(Maxim): Hello?

Tim Switzer: Hello we can hear you.

(Maxim): (Unintelligible). Short notice about the CIR in the changes to COI. If we read the document particularly the Article 3 COI so (Lance) make me think that the document was made by someone new to the process, new GTL the last three years. They may be legal or this is a subcontractor. And these changes are like last minutes.

My reason to think so when we look through the document multiple sub articles seems to have issues.

Starting from term we need to have a letter of credit effective from a month of execution of the LAH (unintelligible) and in the future. And we have to guess to make it six years from that moment.

So now we have to change a letter to credit seven years. That way you cannot point the precise moment of six years from a raised execution.

Actually in HIB it was at least five years. Anyway we go to sub article (finding). Where we do not see the cap amount of letter credit of 300,000 USD we hope this (unintelligible) wasn't intended.

And unreasonable and unpredicted addition of new requirements to the COI after the financial (unintelligible) relation of some of applicants (unintelligible) range.

Anyway sub article beneficiary addition to the text of letter of credit of new legal terms like draws (unintelligible). I doubt anyone has it in Swift Tech which was attacked as Q15 answer to our application.

And sub article consent itself it adds demands of inclusion of the ICANN to the strictly to sign a bank to applicant contract letter of credit to ICANN where ICANN is the beneficiary but is a third party to that contract.

And we actually doubt that banks will agree on this. And the next advance notice requirements.

In last AGB it was a requirement to registry itself and not to the letter of credit to -in order to change letter of credit without consent from ICANN.

The same in the left or a requirement to the registry and not to the letter of credit. Looking at the letter of credit example it is a document reform instead of (Swiss) one which is the only form allowed in some countries for example in Europe.

And the (text) of CIO looks like creators of sale documents decided to forget or completely unaware of all demands of conversations around ICANN's US-based approach to letter of credit and all the efforts applicants made to the - to be in maximum compliance with the wishes of ICANN.

Using all (Swiss) compatible text of example letter of credit which could be used by applicants would be greatly appreciated and will be much more useful than the provided example.

Effectively this current form of CRO such as that we haven't passed financial panel yet actually some of applicants passed that but the final notice is then as an applicant we had two identical letters of credit. And one gained one point and the other got three.

Guess what? The one which got three had big amounts of money in it. Okay just look. Outcome my thinking that we could contact with ICANN because five out of seven sub articles of the document are related to COI in the documents have issues.

I think that we should suggest ICANN to review this part of document of CIR to make it consistent with requirements of HIB at the closest made last year.

I hope these new IDs in the document came out of lack of knowledge and not - and were not intended. Thanks. It was (unintelligible).

Tim Switzer: Thank you. Thank you, Tim Switzer. Thank you (Maxim). But I think and I guess I'll direct my question to Krista, well I think I saw also (Christine) walk-in.

So I think the point here is that, you know, there's that - I think there was, you know, part way through the initial evaluations there had to be some clarifications around the letter of credit requirements.

I think I've heard throughout this whole process that some of the letter of credit requirements don't play well, you know, outside US venues.

I think the timeframe again from when we submitted these originally to when we signed the contract again creates a scenario where a new letter of credit has to be obtained.

So it's been a challenging I think concept. So is there anything (Christine) or Krista that you can comment on this as far as, you know, how this process is working and how it will, you know, continue to kind of work going forward?
Thank you.

Krista Papac: Thanks (Maxim) and thanks Tim. This is Krista again.

So the topic for the COI outreach that which you're referring to how that process is going to work or did you want me to kind clarify?

(Maxim): (Unintelligible) it's (Maxim).

Tim Switzer: (Maxim) we're getting ready to get a response here. So let's go ahead and let them respond. (Christine)'s already made her way up to the mic. Thank you.

(Christine): Okay good morning everyone. We certainly acknowledge that in the - in the last six months there's certainly been some churn over the applicant advisory set out on a letters of credit.

That was really due to the evaluation panel efforts to evaluate the conditionality of letters of credit according to the criteria in the guidebook. And we understand that is - might be frustrating to all of you and cause churn for you.

We know many applicants had letters of credit reissued. So we certainly acknowledge that. And I want to personally apologize for those (efforts).

It was very unintentional. It was - in fact it was well-intentioned if anything. It was really based on the panel's effort to most effectively evaluate those letters of credit. So I want to apologize for that.

In terms of the criteria for letters of credit and the evaluation, the changes as was mentioned, I would like to try (unintelligible) address that one.

Woman: Thanks (Christine). And, you know, there - and to address your question (Maxim) with regards to the five years versus six years that's always been in the guidebook. There's been no changes to that.

As the application process the requirement of Question 50 had always been that the (LSV) be in place for five years and the contract as it was written way back when has always mentioned six years. So there's been no changes to that that piece.

And I see (Maxim) the - to answer your other question which was the differences in some of the LOC so seeing what you are saying is that two identical LOCs, one scoring one point and another scoring three points.

In reference to what (Christine) saying the result of the change in removing conditionality from condition evaluation resulted in some of the LOCs that were evaluated later on scoring three points and some of the earlier LOCs scoring one point even though they may be identical LOCs.

So that's the reason why then. Yes send what - as communicated previously what we're going to be doing is we're going to be revising the IEA reports for those applications prior to priority in 1100 I believe two weeks (slash) three points for any LOC that are - that meet the criteria for three points without taking into consideration the condition.

Tim Switzer: Thank you. Go ahead Jeff.

Jeff Neuman: Thanks. I thought there's - Jeff Neuman sorry. I thought there was a really great question - I can't remember who asked it. I don't even remember what session it was. I think it was Jim Prendergast who raised the question or comment.

At what point can someone assume that if they have not gotten a request to change or letter of credit that they're in the clear?

Krista Papac: Yes so it's Krista. We're going to be posting who we - let me try that again. We're - we committed in the contrasting session on Monday that we would post which - through which priority members CLI outreach has occurred for.

So if you are priority number 20 and we've done outreach on priority one through 40 and you didn't get one that means that your CLI and the one that we have on file was deemed to be sufficient.

Tim Switzer: Thank you.

Next up (Jacob)?

(Jacob Malthouse): Hi (Jacob Malthouse) with Big Room. Just a point that may be interested to selling, one of the challenges that we had in looking at the letter of credit was that banks often have very specific commercial language.

And so we actually went with an escrow agreement and we found that the language was a lot more easier and flexible to implement.

So if there are people that are having trouble one of the things that we ended up doing is using that as service and the language was a lot easier to kind of mesh into ICANN's requirements.

The other thing that has sort of been in the - rattling around the back of our minds is that we're hearing that the way that the LOC and that the COI was structured really incented applicants to sort of underestimate their number of registrations that they wanted to achieve after three years even though their internal projections were much higher so as to reduce the amount that they had to put in place for the COI.

And, you know, it's one of those things where the COI is meant to address security and stability issues and it may have had, you know, an unintended consequence of actually getting really low estimates out of the applicant so that they could keep those COI numbers down which may end up with more of a restricted pool to address problems that could arise.

So in terms of calculating the amount I mean there was a lot of outcome in terms of how people calculated those amounts. And we felt like they got into it a little bit woolly in terms of how you can actually calculate the amounts inside those number of registrations.

And just going forward thinking about future rounds, making sure that, you know, those - there's not unintended consequences of things like this would potentially be useful. Thanks.

Krista Papac: Thanks (unintelligible). Thanks (Jacob). That's good feedback.

Tim Switzer: Great thank you. We have a question (Maxim) that he typed in to Krista I guess is the \$300,000 US dollar cap going to be back to the CIR?

Woman: (Maxim) this is (unintelligible) again. I believe you're referring to \$300 maximum for the COI amount. And I'm not sure how that ties into the CIR which is a contracting information request. Are you asking how does that come back to the COI request?

(Maxim): Yes.

Woman: So part of guidance that ICANN previously published, the minimum CIR amount is 18,000. I think the maximum is 300 regardless of what the registration number may be at the high end.

That hasn't changed from a contracting perspective. Those - the minimums and the maximums are still in place.

And during the evaluation process the evaluators have determined what the correct amount is. And that's the amount if they're deficient. You know, we're not going to be flagging that as an issue that you're going to have to address, you know, in amending the COI.

But if the amount is (unintelligible) the decision that contracting's high and something were flagged they will identify with the correct amount should be.

((Crosstalk))

Tim Switzer: Okay (unintelligible).

(Maxim): (Max). Actually states now three years of coverage of (unintelligible) separations. And it's weighed more than three times its (unintelligible) 300,000.

(Trung): (Maxim) this is (Trung) again. So I'm not - so there's two different things. There's your estimated cost of operating the five critical registry functions for three years.

And then there is the COI amount which is the ICANN's estimated cost of the (unintelligible) amount to operate the five critical registry functions for three years. Those are two separate things.

Your internal estimated cost may be an amount that you determine which may be different from what we as ICANN thinks that your costs would be to operate your five critical registry functions.

And that's primarily based on your domains and the management numbers. So the two figures are different. So and...

((Crosstalk))

(Maxim): But I understand that.

Tim Switzer: Okay let - this is Tim Switzer. Let me jump in here. I mean unless there's I think more in the interest of time in the agenda, you know, (Maxim) maybe we can put, you know, we can get directly back with you on some of these issues and try and work through some of your specific questions.

But I think it's best that we probably answer our other questions or comments from anybody. Why don't we try and move on with the agenda here?

So with that the next thing is a quick update from (Liz) on the brand registry group's efforts related to the registry agreement.

(Liz): Thank you Tim. This is - will be a very brief update. The brand advocates are working with ICANN staff on the nuances of the .brand model and hope to have them downloaded and in a separate agreement which will concentrate on the omission of your relevant areas of .green model.

So and do you have anything else that you would like to add to that or is that (unintelligible)?

Man: No, thank you.

Woman: Thank you.

Tim Switzer: This is Tim. I'm sorry so I was doing something else. Are you - finished?

Woman: Yes finish.

Tim Switzer: Sorry.

((Crosstalk))

Tim Switzer: All right. We're going to take some liberty with the agenda here because there's some other time complex and have Adrian come up and give us an update on what's going on with the domain name association. So Adrian let me turn it over to you.

Adrian Kinderis: Thanks Tim, Adrian Kinderis. Speaking in my capacity now as the - let me get this right, chair of the interim board of the domain name association.

And I am doing the rounds this week, doing a little bit of outreach around this association. So we thought it would be great to get in front of you as all

hopefully we become registry soon enough to join the association, should only be about a five-minute update here.

So if we can just get someone to touch through the slides that would be great. Thank you. And we'll go to the next slide. Perfect.

So we're also doing a session I should say later today at 5 o'clock which will be combined with work that ICANN has done through CEOs, through CEO Roundtable session and the work that they've done and the domain name association will be doing a public meeting.

And the reason I bring that up is because this slide you're seeing now which you cannot see at all but is some of the work that I worked on as part of our group around defining the industry.

And you'll note here that we're calling it the domain name industry. And I'm glad to see that the vernacular is slowly changing away from DNS industry as we wanted be very, very specific about the role we form and the parts we play in the value chain.

So very briefly this diagram here, the outer layer is the Internet coordination layer where ICANN sits amongst others (obviously).

Then you have the ITC layer and then a subset of the ITC layer is the domain name industry and made up of registries or registry operators, registry service providers, registrars and resellers that really do the focus of the domain name industry and therefore the domain name association.

Next slide please.

So domain name association importantly is the nonprofit global business association represents the interests of the domain name industry. And we felt

that with all the work going on around new gTLDs and, you know, we're being very, very focused on what is in front of us right now.

But who is taking care of the sort of helicoptering out and taking care of the industry as a whole, who is ensuring that the domain names remain relevant? With all the work we're doing now and all the time we're investing if domain names are to go away that would be bad.

So we wanted to ensure that there was a unified front here to protect the interests of the domain name industry.

Second bullet point there it's important we have no formal affiliation with ICANN. We are not funded by ICANN although we - this has been circulated with ICANN or ICANN staff and Fadi simply supports it. We are not part of the ICANN group.

There will - there may be times going forward where the domain name industry is not aligned with ICANN's intentions and we might want to speak out about that.

So it's important to have separation there. And last bullet point there is as I suggested earlier the members of groups, businesses and individuals involved in provision, support and style of domain names are a part of a value chain. Thanks.

So what's our mission? As I just said the mission is to promote the interest of the domain name industry by advocating the use, adoption and expansion of domain names as the primary tool that are used to navigate the Internet, fairly straightforward.

But we imagine that this will be somewhat dynamic as we grow in numbers and membership and we gain a deeper focus. Thank you.

Just some more information here and some key messages. You know, we see one of our rules initially is that of education.

There is going to be a massive change in the way that we interact with domain names. And I'm talking here about the new - the onset of new gTLDs and as part of our role we see is help educate in the market in that. And you'll see some of the activities that we're doing a little later in the slide presentation.

Should also take a moment to say that this group is trying to be as inclusive as possible. We don't see any seasonal or (unintelligible) listed domain names and - or CCGs.

So I've done this presentation for the ccNSO. We are welcoming to country codes of course. It's all about the domain name industry as a global industry.

We can go to the next slide thanks. As I said because there's going to be a session. I won't go into too much detail here folks and I'll try and keep things moving due to time.

Okay so the - just this peripheral point's a good one. The DNO will advocate for and represent the interest of the industry before policymakers and the public and will form groups, individuals and the public at large on key issues.

So this is where we may be used as a lobbying vehicle. We don't want to merely hang our hats just on that. That's not the sole purpose of the industry - of the industry association.

However there may be times we want to push on government. We've certainly seen other industry associations like the DNA - sorry like the DNA, like the ANA that have pushed their agenda successfully. So we certainly want to ensure that we have a voice here and can count on some of those.

The intent of the DNA is to build trust exchange ideas and educate and (unintelligible) awareness of domain name related issues -- pretty straightforward.

And we're hoping that the results and efforts will be to build trust in the online environment. Thanks. Next slide.

Okay so our current status. So this really started you will have heard about the Google group as it was initially known. That certainly isn't the intention although credit must be paid to a couple members of the Google team to roll up their sleeves and gave this initial kick to get the momentum started and we're grateful for them.

You'll see that the folks that I'm about to introduce are somewhat (mates). And we sort disbanded together to as I say to mobilize this effort.

That is not the intention going forward. The intention is to be far more expansive to welcome any participant of the industry that wants to get involved.

However in order to get the heavy lifting done early we've dedicated both our time and indeed money in order to get where we are right now.

So just quickly the members of the interim board as I said I've been voted as chair. I imagine that once we move to a solid membership structure and there's an actual voting process all of those members will stand down and stand for election if they want to.

And I imagine that I will be immediately eradicated as chair and put someone, a level qualified in the position and good-looking. Thanks Jeff.

And then so just to quickly introducing Jeff Eckhaus is here. Rob Hall is not here but I'm sure he'd be familiar to a lot of you. Statton Hammock in a nice

shirt. Next slide please. Not to say your shirt isn't nice Jeff. Next slide thank you.

(Joe Lawrence) from Google. He's not with us. John Nevett over here, a good shirt, thanks John and (Elizabeth Swayze) is wearing a shirt so that's terrific, thank you Elizabeth. Now I backed into a corner here I wish I haven't thanks.

So all these guys - and I must say a great bunch of guys who are putting in a heap of effort. This is chewing up some of their bandwidth to get work done. And there is a sizable amount of work that's already been done. So I thank all of them for their participation thus far.

I should also make note of the secretary also this is - of (Donna Raston) as part of my team. She's been terrific. Thanks (Donna). Next slide please.

So what have we done? Well we're happy to say that the company has officially incorporated as a Delaware nonprofit.

Immediately all of you are sitting back saying while hang on, didn't you say it was going to be a global organization and blah, blah, blah? And then you go and just immediately incorporated in Delaware which is United States of course.

So there's a couple of reasons for that first one being the access we had to some pro bono work with lawyers were American lawyers and Statton and John and a couple of the other guys all at backgrounds in American law. So it made sense to leverage that.

The second point is that we imagine some of the early contributors financially will be some large American corporates. I don't want to, you know, hold them to any obligation but expect Google will be the biggest contributor. No, I'm kidding. That's (unintelligible) thanks.

So in order for them - well there is some tax advantage for them if they're located in the US as a nonprofit.

So we wanted to make sure that we could, you know, get that initial funding as easiest well even most easy way possible. So that's the reason why.

But certainly I mean those of you who have heard me today and hear me continually I'm an advocate for an international Internet and I will certainly in my role as chair be pushing very hard that we try and get as quickly as possible a global fuel to the organization.

So the charter and initial bylaws have been adopted and membership structure is currently in development.

And coming out of that membership structure will of course be a budget. We'll need to understand what the fee structure will be as we establish the membership.

And we're beginning our membership drive which is why I'm out here taking ten minutes of your time today as we push to circulate the idea of the domain name association and as they push for members. Thanks, next slide.

Our education and awareness Web site has been designed and I'll show you that in a slide coming out.

And we also have our DNA Web site launched. And that is that the DNA .org. It's down on the bottom of the slide there next to our app. If you want to take a look it's really the content of the slides currently but it will significantly have more content, increased content once we progress.

And like all good - like all good companies we took a whole lot of time in getting a domain name association later developed.

And in fact we sort of crowd sourced that and had a whole different options there which was fantastic. And I think the one we've got works really well. It's probably the color of the slide deck does not help here, look as good here.

And I should plan also the A which looks like an arrow that's called the cursor. And in fact we did pass a resolution about the name of it. Thanks, next slide.

And guys I won't spend too much time on the benefits here. I'll push that out to the (magistration) that we're having this afternoon at 5 o'clock.

John if in the meantime if you could tell me where that session is just so I can remind people at the end of this that would be great give me a heads up.

But there - where clearly pushing and developing the benefits as we go. But really this is about having a voice here and ensuring that we're able to represents the interests of the industry through our membership. Okay thanks a lot.

We can go next slide, and next slide thank you.

All right so the education Web site and once again kudos to the Google team. This Web site's fantastic. And I think it's going up tomorrow. It's up now? It's already up right now?

Okay so if you go to (what) domain.org you'll see this Web site. I don't know whether we launched with the languages but if not that'll be coming shortly.

So what we're doing is having this entire Web site translated into thanks - into six languages immediately or as quickly as we possibly can once again picking up that international theme.

Now the Web site's great. So what that Web site's intention is to try to simplify some of that language that we all as often here understand. But those outside here if you've ever had the experience of trying to explain this to your mom and dad or someone at the bar it's pretty tough.

So the web site does a really good job in breaking down what a domain name is and indeed what our industry does. And it once again highlights both DC&G's but certainly spend some time educating folks and new world that is upon us with respect to the - a new generic type of domain name program.

Next slide, so what are our next steps? Well as I said earlier we're looking to finalize our budget, understand what our operating expenses will be.

I should say we have sort and secured the expertise of a company called Virtual who do this for a living, set up associations and understand what's required. And they're working very, very closely with us. So we're very, very happy with that.

We're finalizing a membership structure. And as I said earlier we will be transitioning to a formal board where we're going to commence our awareness and education campaign.

The Web site that I just spoke of will be a pillar of that. We're looking to do an official launch of the domain name association and start in earnest our membership drive what's we can sign on. At the moment it's just a (unintelligible) expression of interest. And of course launch the educational Web site in a more formal way.

That is all I have. I'm happy to take questions Tim if we have time. And that session was in whole 1B at 5 o'clock today, 1B just to hear that exact same thing. I'll try and do some different gags and make it a little bit more interesting but that's - and (Elizabeth) is going to wear a shirt. Thanks (Elizabeth). Any questions?

Tim Switzer: Thanks. Thanks Adrian. I'll just add that for those of you that were there this concept was kicked off back in January at the region ICANN meeting in Amsterdam. And there was a lot of interest there.

And between now on this point I mean there were working groups formed. And a lot of work has been done to get this. I mean it's easy to say yes let's form an association. But to get all the details done, you know, kudos to the team and the interim board for getting this where it is today.

Any questions for Adrian or any other members of the team? Go ahead Adrian?

Adrian Kinderis: Sorry I've got a question for us. No because I should really plug go to the vdna.org and you can put yourself down there and just join the mailing list. We'll keep you abreast of where we are with the membership structure and everything else.

If you want to have some input into what that membership structure should look like by all means step forward.

The interim board isn't set. We'll take new board members if indeed you want to step up and have some involvement. I should say for example GoDaddy's more recently shown an interest to want to join the board.

So yes we're getting broader and we're happy to keep everybody in tune with what we're up to. Thanks Tim. Appreciate the time everybody.

Tim Switzer: Thanks Adrian, very helpful. Any other questions on that?

Okay we're about halfway through time-wise so we still do have quite a few things to cover. So Jeff let's talk about trademark clearinghouse.

I know that right after this meeting we've got a two-hour session on the trademark clearinghouse where I'm sure will have the chance to drill down in more detail.

But why don't provide just kind of a quick update on kind of the key issues and where we're at and then we'll go from there. Thank you.

Jeff Neuman: Sure. There's a few topics that have come up this week. A couple of those won't be addressed at the next session. And they involve things around the rights protection mechanism requirements document.

That's the kind of operational document that governs the relationship of the registries and the registrars to the trademark clearinghouse. It's not a contractual document necessarily but more just a kind of operational how the rules work.

An initial version was published I believe in April just before the Beijing meeting. And then we formed leaving the NTAG and again the Registry Stakeholder Group formed the negotiating team although I don't really like that word.

It's not we're not really negotiating. We're just having discussions and have had discussions with relevant ICANN staff and the legal team on some of the requirements.

And Jordan has been - Jordan Buchanan from Google has been doing a lot of the legwork on this. And I think most of you have seen some updates on that.

But in essence some of the things, some of the outstanding issues that still remain and the ones that we're having the most discussions revolve really around the timing of the notice of when you - or how much notice you have to give in order to start the sunrise program and how the notice interoperates

with both the collection of applications during a sunrise period and the allocation of those names. And we've actually separated those two topics.

And I think right now where we stand it was pretty much I think Jordan sent the full list. I'm getting a little confused as to which lists that were sent, which emails.

But essentially the way ICANN is leading is if they'll allow us to do a 60 days sunrise period instead of a 30 day notice followed by a 30 day sunrise. Although there'll be a couple days where you have to give notice to IBM in order to allow them to prepare.

So in essence it means that you could start collecting applications for the sunrise period a little bit earlier than you thought but you still - you can't allocate those names until after the first 30 days.

I know it sounds a little complicated and hopefully we'll put out a document that it makes a little bit more sense.

There's also one of the other issues is okay so now that we've got, you know, how much notice we need to provide the issue of when notice has to be provided to through the ICANN portal to the public.

And this is still kind of an ongoing issue as to initially ICANN was - had the position that no, you could not even start - you couldn't even give you notice until the TLD was actually delegated in the (root).

Of course for most of us, you know, they're going to be putting out marketing documents and, you know, you need more certainty than just waiting for an uncertain unpredictable time than whenever IANA gets around to delegating your TLD.

Although obviously names can't go live until you're delegated there's no reason why you can't start collecting applications at a period before that since the two are actually unrelated.

We think that ICANN may settle on a position of being able to give notice at the time that you fill out your - I'm sorry, not that you fill out - that your ICANN designation template has been submitted.

So after you go through pre-delegation testing you actually then need to fill out a template for IANA. Once that's deemed to be final and acceptable it'll be submitted to IANA.

IANA will then send it to the - will go through its process, will send it to the Department of Commerce. The Department of Commerce will do whatever review it's going to do if any.

And then it'll send it to VeriSign and then VeriSign will put in the root. So there's all those steps that are kind of in the middle.

We're hoping that ICANN will allow - it's not compromised but still allow us to give notice starting at the date that the final IANA template was submitted.

Another big issue that's been discussed and which is a really big issue that a lot of you have expressed interest in was the notion of the 100 names that you get to reserve and according to spec -- help me out here -- whatever spec that is right now where it's - the (unintelligible) spec. I think it's in that one - (.five) there you go thanks, which allows you to observe up 200 names for the promotion of the TLD that's outside the sunrise period or outside any period.

We believe that ICANN will also temper or at least at this point may accept the notion that those 100 names could be used for things like what some people call Pioneer programs or founders programs where they don't

necessarily have to only be used by the registry but you may be able to delegate those to a third party.

Again this is also under discussion.

I should point to the fact that once this requirements document is actually finished between discussions, between the negotiating team and ICANN this document will have to go out for public comment period.

And I know that's not something that everyone wants to hear. That document right now at least what ICANN's telling us we'll have to go out for 21 - well we don't - we're not sure how long the public period will be. But generally ICANN public comment periods are a total of 42 days which means the initial 21 day period and a 21 day reply period which means even if this document comes out on Friday this document will not be finalized at or the public comment period won't be over until September which I know creates a lot of consternation especially for people that want to launch immediately. So I'm sure there'll be some discussion on that point.

And finally the last topic that - one last topic that the negotiating team's been addressing are the issue of exceptions to sunrise meaning what types of things can you do prior to a sunrise period or prior to or in parallel with the sunrise period?

Because in the initial requirements document it says the very first thing a registry could do was a sunrise period. And that eliminated a lot of things that a number of TLDs have proposed including, you know, for example geographic TLDs which proposed allocating names to public landmarks or city buildings or you could imagine a whole bunch of geographic designations that have been reserved or intended to be reserved by those types of registries.

There's also communities have certain names that they'd like to delegate without going through a sunrise period.

The example I give is .nice for example is that there are several trademarks out there for City Hall. And, you know, as I'm sure the operator of .NYC would not want cityhall.nyc to anyone other than the actual New York City Hall. And there's countless numbers of examples of that.

So we've been going back and forth with the ICANN staff. It's not very - for every time we try to come up with a rule there's always, you know, a fear of gaming those rules and what operator will do.

I think where we've ended up right now is that it's possible for - and I should say it's possible for ICANN to consider a limited geographic TLD exception for those that have passed the official geographic review by ICANN.

So we think that something like that may be acceptable. And that was pointed out in a letter that was submitted by GO TLDs shortly before we got to Durban I believe it was.

We also had proposed that they would grant an exception for community top level domains. At this point ICANN's view is that's too broad to grant a blanket exception to any community top level domain for anything that they proposed.

We also propose that they grant a blanket exception for those top level domains that want to do grandfathering. Examples there were things that ICM had proposed or has proposed in putting into their application a program where if you were registered in Triple X for example and ICM is able to secure say .adult or .sex top level domains that they grandfather the right to the existing domain name holders into that new - into those new top level domains.

And the hope was not to go to a sunrise period before doing that to allow trademark holders to get those names but really to allow the grandfathering right.

At this point ICANN is not willing to grant that exemption. But there are other ways that we think that same things could be accomplished. And if you have questions on that we can go over that after this meeting. So I think the grandfathering will be okay in most circumstances.

And then there's - there was an exception that was requested which basically which I'm still personally pushing for which is the fact that a number of applications set forth specific launch plans in their application. And if you set forth a specific launch plan and they were subject to comments because they've been out there for 15 months now and you can still comment on them but those shouldn't have to go through again another exemption process which in theory may still have to go out for yet another public comment period before being allowed to be implemented. To me it's just every step of the way is just delay.

So the - a question for the group that we'll need to consider in very short order is, you know, how much do we want to push as a group on this notion of preapproval of exceptions to or exemptions from the sunrise process?

And of course whatever happens out of that we - you need to engage with some of the other constituency or stakeholder groups like the ITC and others too, you know, see if this is something that they'd be willing to live with.

So that's an update on from the negotiating team. There's a few other clearinghouse updates but maybe stop there for questions.

Tim Switzer: Yes thanks Jeff. And one thing and maybe there was something else you were going to mention in the other updates.

But I know late-breaking news from yesterday afternoon when we had the Registry and Registrar Stakeholder Groups get together that we heard from Deloitte and IBM that the trademark plus 50 scenario is not going to be days or week to be developed. It's going to be "months."

And I think they even went so far as to say like middle of September was probably be the earliest in which, you know, puts the, you know, potential timeline that we heard the other day of early October for sunrise certainly at risk. So that's a concern. So...

John Nevett: Oh quick question.

((Crosstalk))

John Nevett: John Nevett. Because the 50 plus only apply to claims and not sunrise why would it impact the sunrise launch.

Jeff Neuman: Yes, no so I was going - well I'll just jump to that whole topic and I think I'll answer your question so...

Tim Switzer: And I've got Jordan in the queue.

Jeff Neuman: Yes okay so there's a session for right after this one from 11:00 to 1:00 and more details will be revealed at that point.

So and I noticed that ICANN last night or this morning I guess in this part of the world released a document on the trademark plus 50 on some of the rules from the front end of how to get those marks in there. I haven't read it yet some not sure how much detail it goes into.

But John's right that the trademark of 50 was really a claimed activity. And so the concern that we have John is that if it's not ready until September till late September given that there are lots - always lots of bugs and things like that

a start date of a claims period in early October which is on (Christine)'s schedule is kind of cutting it very close.

In theory it can be done but it's bringing it extremely close especially the plan yesterday's session was if you tell trademark owners that you're not going to be ready to accept this trademark plus the plus 50 you tell them that they're not going to be ready to accept that until September 26 let's say and the first claims period starts on October 5 or 6 you can bet a pretty big outcry from the IP owners that that's not enough time to get all those marks in, validated and processed in, you know, a week or two time.

So that's the concern we have. We think it's cutting it close and we're trying to push ICANN and the Deloitte to move that a lot quicker so that trademark owners have at least 30 days or so to get those marks in. And so there's a little pressure taken off. I think that's the concern.

And additional thing on this testing which is a big issue because the registries of not been able to test yet with the clearinghouse there have been some samples filed that we can, you know, kind of play around with his registries. I think files were released a couple days ago, one set of files, another set of files was released last night.

These are good, that's a development but like I said giving us things to play around with.

A sandbox environment is being opened up this week we're told to allow another type of testing. And the - what they're saying now and they'll say it next meeting is that a production environment for part of the sunrise will be released hopefully by July 31.

In our opinion I don't think that given everything that needs to be done I'm skeptical that that will be out there but, you know, I can - I'm always happy to be pleasantly surprised.

And a full sun box - sorry, full sunrise sandbox they say won't be available till August 15. And the production environment not available till August 23 which I think could have again some implications.

If you don't have a full kind of production testing environment out until late August with all the bugs that we've seen in the pre-delegation testing environment which again it's been a good environment but every system that you have has bugs and need to be tested.

It really worries us that a September, early September date could actually be achieved.

We're told that tapping for claims won't be available until September which again raises some deep concerns about actually having a live environment by October.

So there's going to be some more detail between 11:00 and 1:00 on this testing. And I encourage everyone to go to that session.

And there are some other subjects that we can cover after including the terms and conditions. Actually that's probably - yes, that's probably the only other topic after this.

Tim Switzer: Yes thanks Jeff. I think in the interest of time and our other agenda topics that we do want to get to I'll take a couple of questions and/or comments. But I do want to try and, you know, let's move this process along since we do have the two hour meeting coming up after this.

I've got Jordan and Jim in the queue. Jordan?

Jordan Buchanan: Yes. So I just - I want to relay a question that Jeff asked before we go get into the more operational details which is if there are categories of rights, that

people think need to be included in the RPM agreement as either superior equivalent CMPH rights and you think that they're broad enough and generalizable enough that they should be included as a blanket exception as opposed to that it's allowed by the RPM requirements as opposed to something that you specifically request ICANN for your TLDs we need to know that essentially today.

Because the RPM agreement is really close to (date) I think other than this set of issues about any exceptions that might exist.

And I think that I actually think that's a really important discussion to have here. Because unless we understand which things are common across the various applicants it's hard - we don't want to use the RPM negotiations to try to get one-offs that are only relevant to a specific registry or two of them.

But if there's a broad category of thing that applies to like all geos and all communities, you know, we're glad that works.

But it comes at the risk of delaying the RPM requirements document, getting finalized which then needs to be posted for public comment which if we go on any much longer than about this week it's going to start to delay the launch of sunrise for -folks that have already signed contracts.

Tim Switzer: Thanks Jordan. Jim?

Jim Prednergast: Hi Jim Prednergast. Just on the trademark clearinghouse and that plus 50 issue that's came out last night, Jeff one other thing I think we need to nail down the next session is we just heard I think the trademark clearinghouse is now up to 5000 marks which is good. But I have the feeling that number will double or triple between now and then.

What will be the process that those marks that are already in the trademark clearinghouse have to go through in order to add or plus 50 to those marks that are already in the clearinghouse?

And what's their capability to process that in a short period of time? And that's going to be a bandwidth issue for the rider for sure.

Tim Switzer: Thanks Jim. Go ahead Jeff.

Jeff Neuman: I think the document or at least I hope the document that came out last night addresses that. I think the plus 50 is being considered separate marks if you will, a clearinghouse.

So you - there's a way in which you would just refer to the marks that have already been approved. The plus 50 really only applies to cases where you can show that there's been UDRP decision or court decision on those plus-those additional marks.

So I'm hoping though I have haven't read the document, there's a document that came out last night that addresses that issue.

Tim Switzer: Thanks Jeff. I've got (Jacob) and John in the queue. (Jacob)?

(Jacob): Sure I'll keep it brief. I just want to say thanks to Jeff and also to and (Deo). You've worked really hard on this in negotiating. I think it was nice to really think about these issues and create some space here.

One of the points we wanted to raise was that, you know, name selection actually is in the community priority requirements. So name selection is one of the criteria in the community priority evaluation.

And our community really interpreted that to include, be part of sunrise right at the start because that's an inherent element of name selection is how names are sort of allocated.

So one of the things that we just wanted to point out is that in the - you know when we were working in sort of a bottom-up way through our community to figure out how we would allocate names this was sort of naturally the first thing that people thought off of course. This is an element of name selection is how they're allocated you know, and during sunrise at its early stage.

So we don't want to delay things and we don't want to cause gaming or anything like that. But we do think that there is a space here.

And the question is what is right - what is the right, you know, path forward for communities because that was definitely something that was worked on for actually several years and is included in our application because it seemed to be a requirements in the guidebook.

Thanks very much.

Tim Switzer: Thanks (Jacob). John?

John Nevett: You know, when thing we could do is we could probably find some allies in the IP community that Deloitte and ICANN to get this done quicker.

And one way to - that we may want to argue this is that this essentially change in policy right? We have our application agreement. We have our AGB and this was in there. So this was kind of like a new policy.

And just like any new policy that comes up in a year or two or three years from now it'll have to be implemented over time.

So we shouldn't hold up rolling out and launching our TLD based on this new policy. And if it takes them a little longer to get this in then the first one will launch without these. And we should encourage the IT folks to push them. If they want to get it in we launch.

We're not changing our launch schedules. They got to either go faster or come in a little later in that site because it's clients. It's not sunrise.

Tim Switzer: Thanks John. That's a good point. Let me - does anybody have any comments or additions to add to the point that Jordan was making earlier and put that, again, it being sort of a timely request because we need to have the RPM aspect of this, you know, in the (ODM) by the end of this week in order to get this process going through the comment period and so on.

And whether that's here today or whether that's, you know, via email to the group or an email to Jordan or catch Jordan in the hallway or whatever but that is a - that is timely. And so we do need to have any input from folks on that throughout the next probably 24 hours or so. Any comments to that?

Go ahead (George).

(George): I will just say that if there's, you know, we don't have sort of a wellspring support for particular proposals. I think will just move (ahead). Like ICANN isn't saying that I'll approve exceptions on a TLD basis.

So it keeps something that you need for your specific TLD there'll still be a path. It won't be through the dreaded contractual negotiation queue. You'll just submit your exception.

And I gather from talking with ICANN and maybe (Christine) can clarify you guys are going to change the CIR I think what I heard to allow people to specify (RPM) exception as well? At least that's what (Karen) and (Dan) were telling us.

But I'm seeing perplexed faces so maybe not. But anyway it sounds - the intent is for a lighter weight process to review exceptions to the RPM requirements I believe.

(Christine): (Unintelligible) it sounds like things are changing very quickly. So maybe we just have to close the loop internally but we'll do that. Thanks.

Tim Switzer: Great, thanks (Christine). All right we probably need to move long here. And I again I would - one last update from Jeff.

Jeff Neuman: Once we do the RPM document. There is still that little issue of a new agreement that needs to be entered into between the registries, the registrars and I can the terms and conditions because that is not yet been really addressed are resolved.

But yes there's another agreement that we will need to work through in very quick time frame in order to get that finalized.

And I know that everyone's going to need to pay attention over the next few weeks and months to get that finalized done by your legal teams so that we can actually move forward.

(Josh Zetman): We have a question in Adobe Connect. This is Josh by the way.

(Lucas Ball) asks can somebody clarify registry operators still have freedom to set any price for a sunrise trademark clearinghouse?

Tim Switzer: I believe the answer to that is yes. Go ahead.

Jeff Neuman: There is no price regulation in any of ICANN's agreements on any charges that are - any fees that are charged.

Tim Switzer: Great, thanks. Okay why don't we move along? The next topic is the GAC advice. And let me just provide us a real quick update kind of on what we've learned this week so far.

For those of you that may not have been at the, I believe that was Sunday or it could've been Saturday. I'm not going to remember, GAC and the ICANN Board new TLD program committee meeting.

In that meeting Chris Dispain from the board made it, you know, pretty clear to the GAC that and that some of the GAC advice was unclear. It was unimplementable. There was some concerns on their part so on and so forth.

The GAC kind of came back and said well give us more clarity around what's not implementable. And basically my opinion is for an hour and a half they kind of went back and forth talking about, you know, kind of who owes who what, you know, kind of thing.

And at the end of it I'm not - I didn't really feel like there was a path forward. And so I know yesterday Registry Stakeholder Meeting with the board I specifically asked Chris what he felt like coming out of that meeting the next step was.

And his comment was that sounds like - it's been agreed that the GAC is going to issue another GAC communique coming out of this meeting's which I guess well I assume will be Thursday.

I know my concern on that is that when because it's always good to have the board and the GAC I think and try to sit down and talk through these things. When it gets to documents going back and forth it would tend to say that we probably won't have much resolution on this until the Buenos Aires meeting.

So that's kind of where we're at currently as far as, you know - and there will probably be continued meetings that the AGPC will have. And I'm sure

throughout the rest of this week and we see the GAC communique we'll kind of see where things are headed.

But I think this GAC advice is kind of here and will be here for the next few months.

So let me at this point turn it over to (Sarah) to talk a little bit more about, you know, kind of what we may want to do and in the communication and so on.

(Sarah Feldon): Thanks. This is (Sarah). So just a few things, one Tim sent around the language that the (OISG) is using. (Unintelligible) to the board. I don't think it's been officially approved. But they read it into the record yesterday at the - for those of the NTAG that were at the (OISG) meeting.

You know, the NTAGs decided not to - there was some concerns amongst some of our members about signing onto it. So we can discuss that if that's something that we want to either send to the board/GAC or read into the record at any point during the public forum perhaps.

And Tim sent that around. So I don't know if anyone has any questions or wants to talk about that.

The other thing that's going on within the NTAG is - I'll let (TH) -- she's not even looking -- talk about the letter that you sort of spearheaded along with a few other members in the group, you know, thinking about ways that we can impact - implement the category one and two advice.

And I don't know if you want to talk about that at all or we don't have to discuss it. But that was sort of another thing that people were interested in.

(Karen)?

(Karen): Yes it's been submitted to the board on June 18. So a lot of people worked on this letter.

(Sarah Feldon): It wasn't an NTAG letter just to again be clear. (John) you have that look in your face. It was just something that a few members in the NTAG group were working on. And just I don't know if anyone saw it but wanted to give an opportunity to talk about the letter. Yes.

(Karen): So let me just step back and give some context. I think .br, (Artemis) and a few other others helped to draft the letter. The goal of the letter was some people were interested in not seeing any delays as a result of board and GAC going back and forth.

Others like (Artemis) are just really like to the GAC advice and want to, you know, provide some guidance to the board to see it adopted.

And so it - the people with these interests came gather and drafted a letter and I'll summarize sort of what it says.

But the goal of it is really just to provide guidance on how to read and interpret the GAC advice for (vision) communicate so that, you know, applicants who are okay with it can continue to proceed.

So the structure of it is basically that the scope of it is Category 1 and 2.1. So we don't touch the Close American issue. And for these two categories are safeguards we go through first here are- the first question is what are the strings that should be implicated by Category 1 and 2.1? And that's the most difficult question right?

And so we tried to define a test for the various categories that the GAC lays out.

So one of these tests is a user is likely to associate content within the TLD as relating to sector obligated to comply with sector specific regulation that are consumer protective.

So for example .med, .gmbh or .eco. All right there's some other tests in there but just to give more specific guidance as to what should be implicated.

And then the second question is okay so once you're implicated what happens to you? And the letter goes through and helps to, you know, decide - determine what happens to you.

Actually let me back up. So who is implicated? There's also a process for either removing names from what's currently on the list or adding names to the list.

So the baseline is we presume the GAC list is correct. And then applicants then have burden of arguing themselves off the list or alternatively like (Artemis) has done arguing themselves on the list. So that just gives a high level of the letter. If anyone has questions I'm happy to answer.

Tim Switzer: Great, thank you. And so one thing I want to clarify is again -- and I had mentioned this in my email yesterday -- again the Registry Stakeholder as (Sarah) said, you know, did for the most part I think they're endorsing the statement that I sent around.

But I know that that, you know, the NTAG and various - we have a very, you know, again diverse group. And I think there are different and varying opinions on the feeling toward GAC advice and certain aspects of it or whatever.

So again we will not, you know, glom onto this, endorse it or whatever unless again we get overwhelming, you know, support. And I want to make sure we - whether it's today or coming out of this meeting, you know, send in, you

know, notes or whatever. But I do want to make sure we hear all opinions here.

So I've got Jordan. If anybody else wants to get in the queue Jeff? Go ahead Jordan.

Jordan Buchanan: Thanks Tim. So at one point we discussed in the Registry Stakeholder group meeting yesterday was, you know, there's various opinions on, you know, should we just tell the board to, you know, reject the GAC advice which, you know, we know will take six months. But, you know, it may be that that's where it's going to end up anyways so just go do it now as opposed to negotiate three more months and then start the six month clock.

Or another alternative is do we say hey do we help the board understand a way to implement the advice that's not overly burdensome an applicants that can get the support of a variety of applicants?

So I gather, you know, it sounds like the (TH) is talking about I think is intended to take that latter path.

I think it would be helpful to sort of get a sense of, you know, can we work together to try to figure out a way for the board to implement the GAC advice to help them in their thinking?

Obviously it's up to, you know, they're going to do what they do. But so, you know, we can certainly, you know, I hear that Chris Dispain a saying in the meetings like we don't think this is implementable.

If we perhaps gave advice saying, you know, here's the way applicants view this as being implementable but we would tolerate, you know, that may be useful input for the board.

Or it could be that we just don't - we don't think that's possible to get consensus on a point like that in which case maybe we should just tell them, you know, do what's right and don't worry about trying to keep this as timely as possible which we - is the -which is the position we've had so far.

It would be very - I mean we think we need to resolve that question soon just so we have a position. And maybe we just don't have a position which is another point as well.

Thanks Jordan. Jeff?

Jeff Neuman: Yes I want to go into a little bit of background as to why Registry Stakeholder Group has supported this.

And, you know, of course any applicant's free to agree to voluntarily do whatever it is they want to do. And I don't think they need a letter from the applicants that voluntarily want to do it to actually do it.

And maybe it's the letter is with respect to your particular applications and to try to see if you could speed that along because you're committing to do it. I think that's fine.

The Registry Stakeholder Group took a much broader view of GAC advice and the role that the GAC plays in ecosystems which we live in.

And we can't afford the Registry Stakeholder Group to just look at the, you know, how do I get in the short term how do I get my applications approved and moving faster?

It's more like I said how the GAC relates to the rest of the ecosystem and what is going to be the practical effect going forward.

So the basic crux of the registry stakeholder advice or sorry, Registry Stakeholder Group statement is more on emphasizing the point that GAC advice needs to be consistent with existing national and international law and the GAC should not use ICANN to create new rights or take away existing rights.

ICANN should not be used by the GAC as a substitute for international treaty-based organizations like the ICU or the WTO or the regulating industry that they don't regulate at home or prohibit the use of string that are expressly permitted within international borders.

It's a much bigger concept than the notion of getting a couple of the TLDs that are in Category 1 just through the process faster, much broader than well it's what the GAC feeling technically in accordance with the applicant guidebook. In essence that's almost irrelevant.

We're going to have to deal with the GAC going forward for years and years and years to come.

If we don't take a stand on going up against or not even going against the GAC. I really don't want to say that.

If we don't take a stand for to advise the board that the GAC is but one player, an important player in the ecosystem to listen to advice and that they still need to go through the multi-stakeholder bottom-up process in order to create their - in order to approve policy then we've lost the war in the end.

And I hate to call it a war but right now it's getting to the point where, you know, if we don't think it's fair now it's not going to happen.

And I completely appreciate the fact that some people in this group want their applications to go forward. But if you don't think ahead I think it's a big, big problem.

And the other last statement I will say is I've read a bunch of things and I've heard the statements from (Alex) and some others and while and knowing ICANN and ICANN staff and how they in compliance you may think you're complying with the GAC categories and their provisions that may be inserted into your agreement now. But when it gets down to enforcement you may not be as compliant as you think you are, my personal opinion nothing else.
Thank you.

Tim Switzer: Thanks Jeff. (Anthony) do you want to get the queue? Is that why you're - oh I'm sorry I just saw you moving up toward the mic. Okay.

(Alex): (Alex) (unintelligible). So Jeff was staring straight at me when he implied that we're doing this just for own economic interest. We have a feeling that there are - like they've got a good point on some of the substitute points here.

I understand how all of the applicants feel like we're playing Calvin ball where the rules get changed continuously. I think that was inevitable the first time around.

And like I said in the board meeting yesterday what we think is fair is really unimportant versus us as an industry doing this correctly the first time.

If things that are supposed to be very trustworthy things that - if things that imply a level of trust are put out by ICANN and then become SCO spam pages when they're - after being delegated that's going to hurt all of us in the long term.

And I think whether or not we're in an arm wrestling match with the GAC if they're right about something we feel it's better for us to put forward okay you've got a point. Here's a way.

They don't want to get in the weeds. I think we can get in the weeds and come up with ways that compliance can be enforced fairly without delaying the project too much and without putting too much onus on us and that that's a better way to do it than to send the (ROISG) statement. It's like appreciate the GAC but shove it right?

But, you know, it's - it basically says that they have no ability to change that the rule was set in AGB therefore we should not make any substantive changes at all.

And if they've got a good point about something, if .net should be better regulated I think it's a little isolated of us to say it should just - fairness isn't the only thing we're going to measure. The overall success of the program in the eyes of the world is not as important.

So I mean we're trying to take a long term view too. And I understand like you what don't want to empower them and we're relative newcomers. You guys have been fighting this battle with them for decades.

But, you know, they've got a reasonably good point then just because we don't like the GACs overriding multi-stakeholder group doesn't mean we shouldn't think about it.

Tim Switzer: Thanks (Alex). (Sarah) and Jeff. Go ahead (Sarah).

(Sarah Feldon): Yes I just wanted to recap some of the discussion that we had in the meeting yesterday which was sort of along where (Alex) was saying is that, you know, the GAC has a right, you know, in the guidebook to object to strings and whether or not we sort of agree with the process through which they did it.

Some of the ideas that came out was that it might make more sense to try to help figure out a way to implement some of the advice and give concrete

recommendations versus just saying that the advice doesn't - that they don't really - that they're not allowed to give certain kinds of advice.

I think we can agree that some of it is problematic to implement and we have to figure out a way to bond to a lot of these (unintelligible).

A lot of the discussion and from NTAG members in that meeting was more along how can we give sort of specific advice on either what we really don't like and specifically what it is or sort of how we can help implement some of the stuff that we can agree on that is within the GAC's purview.

Tim Switzer: Thanks (Sarah). Jeff?

Jeff Neuman: Yes let me just emphasize on that. And (Sarah)'s right, that's what some of the NTAG members or other NTAG members that had a different view.

Let me just again point out that the important part of this statement is that the GAC advice needs to be consistent with existing national and international law.

Regardless of, you know again as applicants you can agree to do whatever you want to do. But there certain advice that they're given including with respect to geographic names -- and I know you're not thinking about that right now because you're thinking about the Category1 -- but there's certain device that is inconsistent with the existing national and international law.

And just so you know there's a lot of discussion taking place in the GAC. And, you know, while you may not think it's an issue now it will be an issue later about blocking the geographic designations at the second level.

So and not just the ones that we have to block in the applicant guidebook. There are things like SALE S-A-L-E which happens to be pronounced in other ways in other languages that happened to correspond to geographic

territories. That was brought up as one that second level names that should be blocked that should now go into the agreement.

They also talked about names of rivers, names of oceans, names of smaller towns. And this is just the beginning of the empowerment.

At some point there needs to be a method that the board needs to not just accept the advice but also consider the role of the ecosystem if something is inconsistent with national or international law that the board has a right to step in and say wait a minute, we have a fiduciary duty to as a corporation to act in conformance with that.

And so that's another point. I know it's gotten lost in the whole Category 1 discussion but the Registry Stakeholder Group, that was important to them as well.

Tim Switzer: Thanks Jeff. I've got (Brian) and (Anthony) in the queue. (Brian)?

(Brian): Thank you.

Tim Switzer: And Jordan too. Okay.

(Brian): For those of you who don't know I'm with a company called (Valadeus). And we supported 20 global brands and 120 applications.

And these are businesses who are new to ICANN. And I really want to encourage NTAG members to think carefully about what Jeff has said and what the Registry Stakeholder Group has put forward as a comment.

I think we need to think really long and hard about the potential ramifications of what's going on. And yes there is a specific issue in play. But I want to read to you a few excerpts from statements that were made by GAC members yesterday in coming to a position on a particular string.

The previous list is not an exhaustive one. In the future maybe you can have .sahara, .sale, .nile, .danube. The list is incomplete.

We know some cases where the city name, the state name, the province name has been subject of solicitation of an application.

And so again just to agree with Jeff I think we really need to be careful about the potential ramifications where governments are through ICANN potentially creating new law that potentially violates other international legal arrangements.

Tim Switzer: Thank you (Brian). (Anthony)?

(Anthony): I'd just like to echo what (Brian) said and note that we should - we'll probably be seeing other constituencies come around to this point of view.

I think the IPC had a little wake-up call about seeing the GAC as their inevitable ally when two large brands were just knocked off the list because they happen to have the same name as a geographical designation.

Tim Switzer: Thanks (Anthony). Jordan?

Jordan Buchanan: Yes and I just want to maybe add a slight bit of nuance to the conversation in that it's possible to say to project - it's possible for us to say that there's portions of the GAC advice that they're out of bounds, should be disallowed and then do say there are other portions that are reasonable.

And what I worry a little bit about is the way that the statements framed. And I think you've got a lot better.

I actually don't have a huge problem with the statement as it written right now. But there's a danger that when we talk about the GAC overreaching

we're basically saying though there's no role at all for GAC advice in this process. And everything the GAC said is wrong because there are specific issues.

I totally agree with what (Brian)'s saying that there definitely seems to be overreach on the geographic side. It doesn't follow that therefore the rest of the advice is automatically invalid as well.

Tim Switzer: Thanks Jordan. John?

John Nevett: Yes thanks. It's probably clear to everyone in this room that we're not going to get consensus on either the statement or this letter. So considering we have what, six minutes left and six agenda items left I suggest we move on.

Tim Switzer: Yes I agree. Let's - thank you for your input. And we may individually decide as NTAG observers if you want to go on the record and endorsed the statement via the Registry Stakeholder Group you can do that. People always have the ability to send in individual statements and comments so I think that's probably the best approach.

So let's move right along. We have some - maybe some real quick updates here on some important topics. But so Statton if you can give us a quick update on PIC ERP that'd be great.

And this isn't a trivial topic but, you know, unfortunately we just have limited time. So thank you.

Statton Hammock: Thanks Tim, Statton here with United TLD. Yes it's a very important topic. But in the interest of time I'll just report that there is NTAG did form a working group a month or so go to work on a proposal back to ICANN to revise the PIC ERP process which is not very friendly right now.

So we did that and then during that time ICANN released the final version of the registry agreement which had these mandatory PICs in them.

So now this group has developed into more of a just like Jeff hesitates to use the word negotiating team but that's what I'll call it to push back on ICANN and look at the language and revise it to be something that we could live with.

And I will commend ICANN for its receptivity to all concerns that we express. We expressed those same concerns to the ICANN board yesterday. And we're hoping we can come to a resolution on the - on the problem in the language if not this week then soon after Jordan. And I'll just leave it at that. Thanks Tim.

Tim Switzer: Thanks Statton. Any questions or comments? Go ahead Krista.

Krista Papac: Thanks Tim. It's Krista from ICANN staff. I just wanted to let you know Statton we got your document last night. We're already talking about reviewing it.

We - there's a lot of things going - today it's kind of a pretty full day but I'm going to try to pool the people so - that need to be - the staff people that need to talk about this. So we're going to try and move this forward as quickly as possible as well.

Statton Hammock: Great. Thanks Krista, appreciate that. And we'd love to have a meeting tomorrow if that's possible, yes.

Krista Papac: So I don't want to promise anything right now because I haven't talked to everyone. I've only talked to a couple people. And I don't actually know like what (Cyrus) for example his schedule is tomorrow morning.

My goal would be to do that that we could somehow talk amongst ourselves today and then just have a sit-down discussion tomorrow to kind of flush out

initial reactions and ideas. But I don't want to - I can't promise that now but I'd like to work towards that.

Statton Hammock: Thanks.

Tim Switzer: Great, thanks and thank you to Statton and the working group. And I'd also say I think this is another good example similar to what happened in Beijing with the registry agreement where instead of just, you know, sending documents back and forth we've been able to sit down and engage with ICANN. I think that's a great way to make progress.

So I think again we aren't - we don't know the outcome but it appears like we're working toward an outcome that will be workable here so stay tuned on that.

Okay so let me just turned - ask Jeff Eckhaus here to give a quick update on pre-delegation testing. Again there was a session the other day and I think this process has been moved along. But let me turn it over to Jeff...

Jeff Eckhaus: Thanks, Jeff Eckhaus here. So, you know, a lot of the - I'm not going to get into the - a lot of the technical details here because a lot of the applicants here have outsourced their backend registries to others. So I don't think many of you care about some of the details, the technical details. But I'll give you some of the pieces that I think are important here.

So the beta programs are - will be closing up by August 2 And for those of you that participated in it.

And the way the PDP system's going to work is that you'll receive a test, an appointment. You'll be able to choose an appointment with ICANN through the system.

And the important points here that we've got the testing is expected take approximately two weeks. It may require an additional week if there are remediation issues with your pre-delegation test.

And the results will be reported two weeks after the test completion. So overall it's looking at about from the beginning of PDP to the end about four weeks.

I think there was some - I thought there would be some compression and some efficiencies as we start moving through and because a lot of applicants may have had the same back end provider so they'll be able to have some efficiencies there and not go through some of the same testing over and over. But that is not a promise but that is looking for that to happen.

I think the other thing I just wanted to update for those who've been the contact and have dealt with the system they are updating the communications tool on July 30. And that should be - make it a lot better.

And for those of you to be in contact with them they've expanded their hours for when the actual testing begins. And that will be from 0500 to 1900 UTC. And that is all.

Tim Switzer: Great thanks Jeff. Any questions? Okay looking at the rest of the agenda (Craig) had said he would pass on the - I know that Statton has talked before about the RRA working document.

Let me just make a quick comment on the excess funds from application fees.

As you know we tried to tee this up a couple times to try and address this. It was pretty clear yesterday in the board GAC discussion that Steve Crocker A, said there won't be excess funds which I find somewhat surprising and that excess funds from the application fees and dollars received from the auction

would be, you know, put together, and we figure out what would happen with those.

So I guess this was on the agenda more for if there was a near term let's get this issue teed up.

I think the fact that given where the budget process is, given that there's a feeling that there won't be excess funds I don't feel like this is really a now issue for us to address.

So unless there's any questions or thoughts on that we'll say that one's kind of like saved for another time.

So with that again we're right at the end of our time, want to make sure we can get to the trademark clearinghouse session. Is there any other business for us to discuss today? Yes go ahead (Alex)?

(Alex): Great, (Alex) (unintelligible). I was just going to volunteer I have been (unintelligible) since the mailing list. It seems that over the last couple of weeks and especially this week there's a concerted effort by a powerful commercial constituency to delay the whole program based on safety and stability and security concerns.

And I don't think this is an accidental or an organic thing. And I think us speaking to the NTAG in one voice as to we think these concerns are reasonable and here's ways to address it but we don't think it should be delayed into our program would be very smart and effective.

So I'm happy to lead a group to come up with a statement on behalf of the NTAG on that over the next couple of weeks if that's okay and if you wanted.

Man: Next couple days.

(Alex): Next couple of days, okay on the flight.

Man: Yes.

(Alex): Anybody else who's on Virgin.

Tim Switzer: Great let's make a note of that. And please reply to anybody who would be interested. (Reg) has raised her hand.

(Alex): I'll send an email kind of outlining the people responding.

Tim Switzer: Okay great. All right anything else?

All right well thank you very much for your time, your attention and your comments and input today and have a good rest or your Wednesday. Thank you.

END