

## **Transcription ICANN Toronto Meeting**

### **IOC & RC Meeting**

**Saturday 13 October 2012 at 11:00 local time**

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Coordinator: Thank you for holding. You - the recordings have been started. You may begin.

Man: And for the record this is (unintelligible).

Stephane Van Gelder: Thank you very much. If I can ask GNSO Councilors please to sit down once again and we'll start the next session straightaway. This is a lead in actually from what we just discussed. We will be now looking at the work on the international - the IOC and RC, the Olympic Committee and Red Cross names as part of the new gTLD program.

I'm going to hand it over to the Chair of this drafting team, Jeff Neuman to provide us with an update or presentation on this work and then we'll go into debate. Thank you very much. Sorry, discussion.

Jeff Neuman: Thanks Stephane. Actually this is going to be divided into two. There's the work of the drafting team and then there's also the work on the protection of IGOs. And while related, they are not necessarily the same.

And so what I'm going to focus on first is the protection of the International Olympic Committee and Red Cross names as far as what the work of the drafting team that's ongoing. So just to give a very brief overview of how we got here and where we are.

In Singapore the Board had decided to prevent the registration of - or the application for certain Olympic and Red Cross marks at the top level and then basically said that further policy work is needed on this and if further recommendations come from the GAC and the GNSO that they would take it up at that time.

The GAC then came up with a proposal to protect the Olympic and Red Cross names both at the top and the second level. And they sent it to the GNSO in September of 2011 and asked the GNSO for their input on it and we're still providing our input.

We initially provided input on the top level in earlier this year. The recommendations of the drafting team were sent to the GNSO Council. The GNSO Council approved the recommendations. Unfortunately the Board did not adopt those recommendations.

But then we started work on the second level and here we are now with the status and we'll see what happens from here. The Board did pass a resolution which actually says that if - essentially if we don't come to a decision by I think it was January 31 of 2013 that the Board would head down the current path that it was thinking, which actually really matches what the way the working group was heading anyway.

And so, you know, I just want to clarify what I said before was that I do think Wendy's right. Sometimes drafting teams and GNSO needs a swift kick in the you know what to get moving. I think in this case it was the wrong thing to do because I think the drafting team was actually moving and GNSO would move as well.

So what we have, and I'm not sure if Marika who whoever's controlling can actually display it. But a few weeks ago on September 28 the recommendations of the drafting team were posted for public comment.

Essentially the drafting team, sorry, the September 28 drafting team recommendations. Essentially the drafting team although had a wide variety of views on whether a PDP was necessary or not came to the recommendation as a compromise that yes, a PDP, a fully PDP on the protections of the Olympic and Red Cross marks should be held or should move forward.

And subject to that, there was also a recommendation that again not everyone agreed with but was strong support for the recommendation that in the meantime while this PDP was ongoing that a moratorium, if you will, be placed on the specific Red Cross and Olympic marks that were referenced in the GAC recommendations in September 2011.

That there be a moratorium on those names being registered at the second level until the conclusion of that PDP. Again, those recommendations are based on the premise that first there is a PDP that is - that are done or that is done on the Olympic and Red Cross marks and is also premised on a PDP moving fairly quickly.

I don't mean sacrificing any things that are in the normal PDP but essentially starting right away on all of the PDP activities including one of the things that I'm going to recommend for the Council is that while we still have a motion to approve a PDP on Olympic but also on IGO names is that a team be convened right away to work on a charter.

Again, I'm not presupposing that a PDP will be approved. But if you go back in the history of PDPs, oftentimes when the Council was asked to approve a PDP or initiate a PDP a charter was already included in that.

So I'm not saying that we go against current policy and wait for a PDP to be initiated then do the charter. We could actually do everything at once to try to

move things along a little bit faster than we have for some of the more recent PDPs.

So this is out for public comment until October 20. Then there's a reply period that's built in, which ends November 9. So that in theory all of this could be done and compiled and looked at by the mid-November meeting of the Council so that action can be taken on these recommendations at that point in time.

So that's kind of a quick overview of the drafting team. There's not a meeting of the drafting team at this ICANN meeting because, you know, our recommendations are out there for public comment right now.

I will say that there are some comments that are posted. Unfortunately I think some of the comments that were posted were probably meant for more internal discussion within the NCSG. So I'd encourage people to look at what was posted in the public comment area because I'm not sure it was - some of that was meant to be on that list.

But that said, we encourage people to file comments on it and to let us know what your thoughts are because the GNSO Council will be taking up this issue.

So I think I'll stop right now on the drafting team recommendations and see if there's any questions on what we have recommended or any comments anyone has now. Okay. J. Scott.

J. Scott Evans: Since I'm the person that came up with the compromised proposal, I just want to put on the record the reason I felt it was necessary. And this is no way trying to grant anybody any sort of special protection. It is realizing that if a PDP goes a certain way, untangling the mess of getting those names back is harmful to people who are probably not participating in this process.

So my point is if a registrant should register a name and then there's a PDP that says those names can no longer be registered, you're going to have to pull that back. So the much more practical solution is just don't sell anything until the resolution because it puts all the people - again, remember, this is not a government. It's a contractual relationship. And it puts a lot of people in contractual problems when they pull this back.

And so it's not trying to give someone any elevated status. My suggestion was one of I think we need to be realistic and protect those people who are not here at the table who could be affected by this. And the easiest thing is just not to make them available. It's just a matter of convenience.

John Neuman: Thanks J. Scott. I think that's important. I think that was also the Board resolution. The rationale for the Board's resolution also had some similar comments in there about the unwinding of - you know, it's much easier to release the - if a PDP comes out and says that they shouldn't be protected, it's much easier to release the names than if the PDP came out and said yes they should be protected and then taking those names back from any registrations that occurred.

So I think that is important in how the drafting team came to its conclusion. I see that Avri's got a comment. Anyone else? Lanre. So Avri.

Avri Doria: Thank you. I understand that that's the reason but there's a couple things. One, we're talking about an expansion of the reserve name list. So in one respect we are talking about the reserve name list for both existing gTLDs and others when we are talking in a PDP.

So the - whether they need to be withdrawn or not is a broader issue than just have one or two new gTLDs being put into the root before we've had a chance to finish the PDP. So that was an issue.

There's another issue is that once you grant this special protection, this moratorium, whatever, it becomes a base condition within the PDP. It's impossible that it not do the people that have been granted that special and the fact that it left out the IGOs and all the others.

So those few that have been granted special protection are not likely to give that up in the process of a PDP. It becomes a precondition almost on the PDP. And finally, the argument was that it's premature to put in any moratoria. Let's see where the PDP is going.

Let the Board - the Board can do an emergency decision at any point just before a new entry is put into the root and say the PDP hasn't finished. It has gotten this far. It has determined the following. And therefore we will do temporarily what it looks like they're doing. So this rush to create a base condition to the PDP is just inappropriate.

Jeff Neuman: Thanks Avri. Lanre.

Lanre Ajayi: Yes. I just want a clarification. Are we adding to (unintelligible) two PDPs? One for the IOC/RC and another one for the IGOs? Or are we going to match them at some point?

Jeff Neuman: So that actually provides a good transition. But let me just hold that question to see if someone else has any other comments. I just want to make a quick comment on - in response to Avri.

I don't think the drafting team actually rushed to make its decision. I just - I think this has kind of been in the works for several months. I know Avri you didn't say that but it's - it may have been implied by that. And I also want to make the point that the drafting team was not influenced at all by the Board's resolution...

Man: We had already...

Jeff Neuman: ...because we had already sort of been working down that path anyway. Yes. J. Scott. And then let me get to the other.

J. Scott Evans: Yes. I just - I want to say that, you know, I sit in a room with whether I agree or disagree with people in this room. Some of the most intelligent people in the world and I can't imagine that anybody believes that because there's a moratorium done for practical business reasons that will save everybody a lot of problems and possible litigation that it becomes somehow a precondition that, you know, reasonable minds couldn't say.

It's a public record why this was done. It is not a baseline. You know, it's clear it's not a baseline. It's stated it's not a baseline. So I just, you know, we just had an entire discussion about we didn't need to tell anybody what discretion is because everybody knows what discretion is.

And now they're saying - the same contingent is saying well, we can't make a practical solution because it will lead us to a possible conclusion that's identical to this moratorium. And I don't buy that as a rationale. I don't.

I think this is a practical business - and this is at the end of the day affects people's businesses. Right? Not just - it affects people's businesses, registries, registrars and the eventual registrants and we need to be smart here.

Jeff Neuman: Thanks J. Scott. I'm sorry. I saw Wendy. (Phil) do you have your hand raised too or are you just pointing to Wendy? Okay. Wendy.

Wendy Seltzer: Well I suppose that now by speaking up I'm labeling myself not smart and not intelligent and not sensible. Were there any other adjectives I'm leaving out from J. Scott's description there?

But I do think that from behavior that we see in this body and elsewhere that status quos and incumbencies are powerful. And once you have something, there is much greater reluctance to give it up and much greater reluctance from the group to overturn that. It becomes a position that is hard to erode even if there are very good reasons for changing the terms.

So before we set up even a temporary position, I think it's important that we have gone through all of the considerations and in this case I think there is a strong contingent that argues it's not necessary. If individual businesses want to make different decisions as we've seen in responses already by Donuts, it's possible to do so. We don't need to dictate those decisions for everybody.

Jeff Neuman: Thanks Wendy. And, you know, I just - this is interesting. So this is the kind of debate - I'm now giving you all insight into all the discussions that have been taking place at the working group level. All of these issues were aired out. And I think you see in the recommendations or at least in the preamble to the recommendations that the NCSG has supported the notion of a PDP but has not supported the notion of the moratorium.

And so it's an interesting question sort of related to the whole role of the Council and what to do with the next step. I'm not going to presuppose what the Council should or shouldn't do but essentially this is a lot of the similar debate as to what's going on there. And it's up to the Council then to - when this does come up to the Council to kind of work through those issues and figure out what to do.

Avri, I was trying to be objective but I guess you're going to point that I might have said something misleading. So Avri.

Avri Doria: I just want to point out that in equating this with the previous discussion, this was not a working group duly constituted on a PDP or whatever. This was a drafting team, not a full working group. So therefore the equation of this to what you were talking about before is sort of not fully parallel.

Jeff Neuman: All right. I don't want to delve into that. And I hear what you're saying Avri and there are differences. Let me go to Chuck and then I want to start on the IGO PDP and the motion that's currently before the Council. So Chuck.

Chuck Gomes: Thanks Jeff. First of all, I think we need to seriously hear what both Avri and Wendy are saying. And we need to work to make sure that doesn't happen. I think that is a risk, okay, of what they're saying. So let's not just put it aside. When we work on the PDP we need to diligently try and avoid that consequence.

Now that said, the important thing for the Council to work on is the next subject, which is the PDP because as you can see there, we didn't all agree in the drafting team on all subjects and a lot of compromise was done by everyone.

Bu the one thing I think we did agree on. We need this PDP. And so now we have to figure out how to expedite that. Jeff's made some suggestions in that regard.

And that's where the Council I believe needs to focus its attention in terms of how can we expedite that, get the charter going like Jeff suggested, get the working group formed even maybe before it's formally approved so that we really can make this thing happen quickly because we're behind the power curve. And so Jeff that leads right into the next topic.

Jeff Neuman: Thanks Chuck. And so if I can ask while we're starting that discussion and I'll leave you over to Thomas. But if you can just post the - let's post the resolution. Or do you have a short presentation on - (Brian), do you have a short - okay.

(Brian): (Unintelligible). Given the time that you have, you wanted to (do) a discussion, we can either quit or go through it and/or, you know, you can go right into the discussion. I can bring up a few points on it, whatever you...

Jeff Neuman: Yes. Why don't you go through it and just grab a couple points out that you think haven't been covered.

(Brian): Okay.

Jeff Neuman: While you pull it up, Thomas did you want to say something quickly and then we'll go into that.

Thomas Rickert: I just wanted to throw in an idea in response to the concerns that were raised that if you have these names on the moratorium that this would sort of set a precedent for the letter PDP. I think a legal trick might help avoiding that issue. So you - we might say or the Council might choose to ask whether that would be accepted as a friendly amendment.

We're now saying these names are put under a moratorium and we're going to do the PDP and depending on the outcome of the PDP, we're then either releasing the names or they get this protection. If you said we're doing the PDP and then condition the PDP is not finished in time, the moratorium would be in place. Then there would be no moratorium now but the moratorium would only become effective on condition the PDP wasn't finalized in time.

So then you would have - you wouldn't have this precedent. And we do not know the exact timeframe of the new registry agreement being executed. So it might well be - and this would encourage all of us to do the PDP as expeditiously as possible. We would then have the chance to get the PDP done and the moratorium actually not becoming effective. Just a pragmatic proposal (sir).

Jeff Neuman: Yes. Thanks Thomas. And so there's no motion right now on the Council's plate for the moratorium. So it's still under public comment. So I would make sure we get that point in and then we talk about that at the drafting team and the Council level.

I will state that the opposite could happen too and that could be an incentive for people to delay it if they wanted to get protections in place. So we kind of talked about the pros and cons of that.

But let me go to - well Marilyn's got her hand raised on this. So Marilyn and (Brian).

Marilyn Cade: Thank you. It's Marilyn Cade. I just had a question. I understand that those of you working on this are using the term moratorium. But my understanding from my experience of working on this Reserved Name Working Group the status is actually not a moratorium. It would put the names on reserve status. Is that not right?

And the reason I raise that question is there actually is a precedent within ICANN in the past to have names put on a reserve status and then to have them taken off.

And that certainly happened with .biz and with .info. There are names on reserve lists right now. The ICANN names, et cetera. There is a process now established by the Reserved Name Working Group to establish how names can come off of existing reserved name - reserved list.

But using the term moratorium I think is actually almost creating to me a bit of confusion. But I think the status and that's all I'm looking for - I think the status you're talking about would be a reserve status until certain things happen. Is that not right?

Jeff Neuman: So we as the working group tried to intentionally avoid calling it a reserved name because of the points that actually Avri and Wendy and others or not because of but it's in line with their comments and we didn't want to make it - when you call something a reserved name, there is a presumption that there's rationale for it being reserved and that it's the - it's almost like the default it should be reserved because there's merit in it being reserved.

In this case - and it becomes harder. It's a presumption that you have to overcome in order to get it off the reserved names list. So I don't want to delve into this. It was actually intentionally done.

Putting aside what the status is called because at the registry level it's a registry hold. It's not really called reserve. There is no reserve status at a registry level.

Putting aside we really wanted to create a different term because we didn't want a presumption to attach to what we were doing. Whether that was right or wrong, submit a comment. We did struggle over the words that we used. But it was to differentiate it from the other reserved names list.

But let me go to (Brian) to kind of - to start us on the IGO final report and then I'll talk a minute about the motion that's now outstanding.

(Brian): Thank you Jeff. Hello everyone. As Jeff mentioned, spend a few minutes on the final issue report, which is dealing with the broader issue of all international organizations including the Red Cross, IOC and IGOs.

The final issue report was published on the 1st of October. I think we've covered what the updates are in terms of the various moving parts. If we go to the objective in scope and maybe in part to answer Lanre's question because I think there some, you know, un-clarity in terms of how does the PDP fit into the role of dealing with what the drafting team is dealing with and

that is the protection of IOC and Red Cross names at the second level for the first trial - or the first delegations of strings of the first round of new gTLDs.

The PDP or excuse me the final issue report deals with all international organization names including the Red Cross, including the IOC and IGOs or beyond the first round.

And so, you know, in terms of the question - to answer your question Lanre, you know, what the drafting team is dealing with and what the motion of the - or the resolution of the new gTLD committee that come forward last month, that's dealing specifically with the protection of IOC and Red Cross names at the second level for this first round.

So the PDP is looking beyond that for, you know, any type of protections that be - found to be appropriate permanently beyond the first round. So it naturally incorporates the IOC and Red Cross names with a much broader issue of what all - what types of international organizations including those specific organizations should be extended any special protection.

That's the scope. The objective of this final issue report is to define the type of organizations that would be considered in a PDP were it to be initiated and how to structure that PDP in terms of the issues involved in determining what organizations might qualify for such special protections.

I put the scope up here just for one, you know, clarification I think. You know, the original scope of the issue report was to be limited to protection of these names at new - in new gTLDs as well see in the motion and indeed one of the recommendations of the final issue report was to expand that scope of protection if indeed to be determined by the PDP process to also include existing gTLDs, not just new gTLDs. There is a clarification on that.

Issues to explore the PDP. These are pretty much the same ones that we identified in the preliminary issue report. But there was quite a bit of

submissions that were included in consideration for the public comment period that we incorporated in the final issue report specifically in the last three points.

And those indeed are kind of - what I think the crux will come to if a PDP were to be initiated in determining what international organizations could qualify for special protections. And that is to look very carefully at what is the scope of the existing protections that are extended to these names be the international treaties or domestic laws in multiple jurisdictions.

For those of you that have been working on this issue, I think we're very familiar with the international treaties that have been raised by the IOC and the Red Cross protecting their names.

But, you know, since that time the IGOs have also submitted information and, you know, their legal arguments on, you know that they too could fit within the criteria of the GAC, which the GAC determined for extending protection for IOC and Red Cross names. That is that there was protection under international treaties and also protection under domestic law in multiple jurisdictions.

The IGOs have come in with their information basically the Paris convention and, you know, TRIPS agreement as well as multiple jurisdictions to make their argument that indeed they also meet the legal requirements and the criteria set forth by the GAC.

We've also looked at the final report a little more closely distinguishing all the similarities between the IOC and Red Cross organizations and IGOs. And finally I think again, what the work of the PDP will come down to is two sides.

One is whether there's a legal requirement due to international obligations and domestic laws to protect the names outright or whether it's a policy issue. And if it's a policy issue, what kind of criteria if any could be set objectively to

determine which organizations could qualify for special protections. So those three sections in particular have been expanded in the final issue report.

I think we're familiar with the staff recommendations and indeed those have been incorporated for the most part in the motion that it's clearly before the Council. The one exception is that the staff did recommend that the - representatives from the IGO, the Red Cross and ICB specifically if formally invited in the working group and PDP process.

For various reasons, you know, that's not included in the motion. I think obviously, you know, those organizations would certainly be encouraged to participate and there's nothing barring them from doing so.

Next steps is (unintelligible). The motion is before the Council for its public meeting this coming Wednesday. And as Jeff mentioned, the public comment on the proposal from the drafting team for dealing with the Red Cross and IOC names for the purposes of the second level in the first round. The reply period closes on the 9th of November.

Just some additional background info. Again, with regard especially to the IGOs and the Red Cross. As we know, the IGOs met with the GAC in Prague. The GAC current position is that no special protection should be extended to IGOs. There is some indication perhaps that at the very least they're reconsidering that and maybe some possibility that that - the may change that position.

But at this point in time again their current - their position is that no special protection should be provided for them. The high-level letter came to ICANN from the UN in the summer. The new CEO has recently responded to that referring to the PDP process is ongoing in the GNSO Council and is encouraging IGO participation in that process.

In addition, the Red Cross has requested meetings here in Toronto with senior management. Again, maintain the position that this issue of protection for their names is a legal requirement and not a policy issue. Again, I think ICANN's position at this point is that a PDP process is necessary to determine if any protection should be necessary for these names.

And at the same time in terms of their immediate concerns with regards to second level at the point of time for the designation of the first strings that the current drafting team proposal and the Board resolution from September are addressing their immediate concerns.

And just some reference information for those of you who are interested in terms of the final issue report, the drafting team proposal and the recent ICANN response to the UN on IGO issue.

Okay. So with that, any questions?

Jeff Neuman: Yes. Thanks (Brian). And just to - if we could then post the resolution. Just to further elaborate on one of the things that was taken out. Although the issue report recommended specifically inviting these groups to join the PDP, in drafting the motion - and I'm the one who introduced the motion.

It seemed like we were inviting certain groups and it almost seemed like by including a couple groups we were excluding other groups. And so I took all of that out not to say that these groups shouldn't participate in the PDP but should just not set the impression that those are the only groups.

So those groups are invited to join as all other groups and IGOs are invited to join the PDP if we move forward with it. So it was not meant to be any kind of other statement but to just not specifically call out some groups.

That said, there is a call out in the resolution to make sure that we address the Olympic and Red Cross issue. And I know there was a comment made on

the Council list of, you know, why do we call that out. You know, are we basically saying that to the exclusion of the others.

The only reason I called that in the - out in the motion is because I'm not 100% convinced that the Olympic Committee or Red Cross fit within the other definitions of international organization and NGO. And to avoid all of that do they actually fit?

Let's call them out here whether they're an NGO or an INGO or all the other terms that we use in this to just say I want to make sure this PDP addresses those. And so that's why they're called out specifically in the resolution.

So I'm going to get to you Jonathan in a second. The resolution basically states that we initiate a PDP to evaluate whether there's a need for special protections in the top and second level in all gTLDs, not just the new but in all gTLDs existing and new for the names of the following international organizations.

There's IGOs, international non-governmental organizations receiving protections under treaty (unintelligible) statutes, under multiple jurisdictions and specifically including the Red Cross, Red Cross in movement and the International Olympic Committee.

And if there are - if there is a need for those special protections to develop policy recommendations for such protections and those could include policies on, you know, how those are implemented but also on things that were discussed within the, you know, the separate IOC Red Cross Drafting Team about whether exceptions and others would need to be made or how things are moved from the reserve, all that wonderful stuff would be inferior to us during the PDP.

And that it's further resolved that in conducting the PDP that Council requests that the PDP Working Group be convened as soon as possible to fulfill the

requirements of this PDP in an expedited manner. That was just - some people felt that that should be in there to encourage us to start the work as soon as we can and to keep the process going.

There's obviously a lot of attention from the community on this issue, from the GAC on this issue, from international governmental organizations and non-governmental organizations on this issue. So this just sort of stressed the importance of it in the community.

So I know that Jonathan's in the queue, Alan. I thought Stephane was going to keep track of this so I'll do it. I'm just kidding. Jonathan, Alan and who else? And Chuck.

Jonathan Robinson: And a brief comment Jeff. I had no concern - I say (Joy) raising the concern of the wording on the list. I don't have a concern over it. To me it's very clear that you haven't precluded the involvement of any organizations but have sought to be sure that at the very least those two are included. And so I don't have a concern of the wording. I'd be interested to know if others still do or maybe that's settled now.

Jeff Neuman: Thanks Jonathan. Alan.

Alan Greenberg: Thank you. There's one thing that I believe is an omission in the issue report. And I only realized it after the final issue report was issued so I'm negligent in that (unintelligible).

But I think it's really important in the Council's consideration of the issue is that although the PDP on new gTLDs did consider the reserved names list as one of the issues it addressed. There is no real history of the reserved name list and all the changes that may have been made to it over the years without a PDP.

And I think the historical context of whether a PDP is required to change it or not should have included that. And I would really like to see that addressed prior to a Council decision. It's obviously not my call but I really think it's an important part of the discussion that we didn't have.

Jeff Neuman: Thanks Alan. Just one point on that. Since the PDP will apply to - let me say it in a different way. Unless an existing incumbent registry voluntarily submits a request through the RSEP process, the registry services evaluation policy. Unless they do that, the PDP is necessary to change the reserved list for existing registries.

So because you're including all of that, you do need a PDP. So that's kind of one of...

Alan Greenberg: I suspect that is true although my understanding is there has been changes to the reserved name list in the past, which will retroactively apply. I don't know if that's for sure. I haven't actually checked.

Jeff Neuman: Okay. Thanks Alan. Next on the list is Chuck.

Chuck Gomes: Thanks Jeff. First of all I want to complement staff for the issues report. I went through it on my flight yesterday. It's quite good although I admit you alarmed me a little bit early on when you start bringing in NGOs. I had this vision of tens of thousands of new reserved names as we broaden the scope.

So fortunately the recommendation was a little bit narrow. But there are two concerns with regard to the motion that I want to bring up. Number 1, why do we have INGOs in there? And Number 2, shouldn't it also be resolved that the charter be developed simultaneously with forming the working group so that we save some time there in that regard? Why are INGOs included in this and expanding the scope further?

Jeff Neuman: So I think the - just to respond to that last part. I think the phrase after that is modifies the INGO. So it's INGOs receiving protection under treaties and statues under multiple jurisdictions. That second part of the phrase actually modifies. There's not all NGOs. It's NGOs receiving protection under treaties and statues under multiple jurisdictions.

Hopefully that allays your concerns a little bit. If not, let's talk about that. And then the second part; on the charter is I don't believe we need a resolution to start working on the charter. In fact just before when we were talking about drafting team stuff, it's my recommendation that -- and we'll talk about it in the wrap up session -- that we form immediately a drafting team to start working on the charter because there's no resolution needed.

It's obviously a resolution needed to improve a charter but to start working on it you don't need to initiate a PDP or anything. You just need people that are willing to work on it.

Chuck Gomes: And Jeff, Chuck again. And I think that that probably alleviates my concerns. Certainly it's critical that the charter be developed right away. And if that's going to happen, fine.

And I think the qualification on INGOs is probably okay. My concern is we need to make this PDP happen quickly. We know that's hard. And so we don't want to expand the scope too much because if it's not a fairly narrow scope, there's no way we're going to get it done in a timely manner.

Jeff Neuman: Thanks Chuck. I have Mason, then John Berard and then Jonathan, sorry. I should have looked over here. Margie, you want to step in real quick, then just comments. All right. I'm going to put Margie up first, then Mason, John, Jonathan and Avri.

Margie Milam: Just on the charter issue in the new operating guidelines it says that in exigent circumstances upon approval of the initiation of a PDP the GNSO

Council may direct certain work to be performed prior to the approval of the charter. So that's in - it's in the operating rules - procedures.

Jeff Neuman: Okay. So that's - that working group can actually start working substantively on it. I think Chuck was talking about the...

((Crosstalk))

Jeff Neuman: ...charter.

Margie Milam: You don't necessary have to wait for the charter in order to start work although you certainly may choose to do that if that's what you prefer to do.

Jeff Neuman: Yes. Okay. Thank you.

Mason Cole: This is Mason. Actually you answered my question. You can take me out of the queue.

Jeff Neuman: Okay. Thanks Mason. John Berard.

John Berard: Thank you Jeff. Following on to what Chuck has said and taking a different view, as much as I hate to be influenced by outside actions, I think it would be imprudent not to expand the discussion or the PDP to consideration of the INGOs. I think that this is correctly stated and we should move forward as quickly as possible.

Jeff Neuman: So just so I understand your comment. So I think Chuck was worried about NGOs that may not receive protections under treaties and statutes in multiple jurisdictions. Are you saying it should be broader than that? Are you saying that the way it's defined here is okay?

John Berard: I'm totally onboard with the way it's defined here.

Jeff Neuman: Thanks. Thanks John. Jonathan. Oh, I'm sorry. I thought I saw your hand. Then was someone else raising their hand over here that I just - okay. So now I have Avri.

Avri Doria: Yes. Thank you. And I just wanted to speak in favor of the - including the INGOs. And it is really a small group we're talking about. It's, you know, maybe in the - I don't know. Dozen is at the most.

But the point is that the set of conditions that are being discussed make it a part of the NCSG which supports those organizations has made that claim that they have as much treaty and other cause for those protections as anyone if there are indeed to be any protections, which of course is the other side of the NCSG.

Jeff Neuman: Thanks Avri. And I will know that there was a process early on in ICANN's history when we were talking about potentially expanding the UDRP to cover IGOs and international government organizations. But I think the World Intellectual Property Organization put together a list and I want to say it was like 160 or somewhere around there of IGOs and NGO - Bingos that were on that list.

So you're right. It's not - in the scheme of things it's not that many but I think it's more than dozens but your point is well taken.

Avri Doria: I was (saying) INGOs was in the area of a dozen. The IGOs is a different kettle of fish.

Jeff Neuman: Got you. Thanks Avri. Any other comments on this? So I encourage everyone, you know, to discuss this motion and the report with their applicable stakeholder groups, constituencies, advisory committees because this is on the agenda. If you have any wording changes or any friendly amendments, you know, obviously willing to listen to it. It is something that people in the community are very interested in.

And if this does get approved at the meeting I will note going back to the drafting team we may want to reflect that in our recommendations because it really says if a PDP is initiated so we can go back and kind of say well now that it has been initiated we'll just changed the language a little bit. Alan.

Alan Greenberg: Just a short comment as an amateur historian. Jeff you made reference to the last time around with IGOs, which was on a completely different subject; it was on the subject of dispute mechanisms. And the Council decided on staff advice to not do things - do anything because it would be handled during the new gTLD process. It wasn't. And these things always come back to bite you one way or another. Thank you.

Jeff Neuman: Well actually there's two different things. The one I was referring to was to amend the UDRP, which was even before quote new gTLDs were considered.

Alan Greenberg: That is the same one. And if you go back and read the issue report and the Council deliberations, it was because we knew...

Jeff Neuman: (Unintelligible).

Alan Greenberg: ...the new gTLDs were handling. We thought it was going to be - going to address the issue so don't waste time on it now.

Jeff Neuman: All right. Well we'll go back and clarify history on that. Or maybe I just like my revision of history better. That was a joke. So all right. Any other questions or comments on this or the drafting team work? Well great.

I think we're ending at noon, which is right on time. I think we have a half hour lunch and then we start up on the next portion, which is - looking for my schedule here, which is - so about 12:30 we'll start the preparation for the GNSO meeting with the board. So is lunch in here? Yes. There you go.

So everyone grab some food and preference should be given to Councilors first and then as common practice anyone else can grab some food that's here. So thank you very much. And operator you can stop the recording for this session and we'll let you know in a half hour when to start the next one.

Coordinator: Thank you. This call is over. Thank you for participating. Please disconnect your lines at this time.

END