
SINGAPORE - At-Large New gTLD Working Group
Tuesday, February 10, 2015 – 16:30 to 17:30
ICANN – Singapore, Singapore

EVAN LEIBOVITCH:

Okay, the New gTLD Working Group is being called to order, please. If you're not involved with the working group, please take your conversations out of the room. Otherwise, please, we need to start soon.

Anyway, my name is Evan Leibovitch. I'm chair of the working group. You may have noticed the agenda for this meeting is particularly sparse. There are actually only I believe three items on the agenda and they're all like three or four word sentences.

One of them is update on the PICs, and the other one is next steps. They're very, very brief lines, but they lead to very, very complex and extended situations.

At this point in time, I'm trying to get a free and open dialogue that will pick up on where things have been going over the last, in fact, 24 hours. Going back to the end of the LA meeting, At-Large called for a freeze of new gTLDs in the sensitive areas that were identified by the GAC as being basically in the fields of health, finance, and gaming.

The GAC identified a small number of TLDs, of which upon examination may be even less than a dozen are really, really serious. We got the attention that we were hoping for. We used the desperate measure of calling for a freeze in order to get it, but we've been able to engage with various parties – the GAC, the board, and the registries and registrars, which until yesterday refused to believe that there was even a problem.

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So we need to move forward from this. We need to see what is constructive that we can do about this. A couple of things that came up that offer some opportunity for creative ideas.

We have some challenges about this in that some of these strings have already been delegated and there's not much we can do about them after the fact, at least regarding the contracts.

And those that are yet to be delegated, if ICANN stops those after having delegated others, they probably risk some liability and exposure of getting sued for not being able to treat them fairly and equally.

So, yes, this is happening way later than it should. The fact that it's happening at all is an achievement. But what I want to try and do is open things up.

As has been mentioned by Alan earlier, he'll be joining us in a moment, but Olivier, myself and Alan were in this meeting last night where we heard and were surprised to hear assertions from contracted parties. And even just getting an acknowledgement of a problem has been a bit of an achievement, but we still have something to go from there.

A couple of things. First of all, an update on where things are. So as of right now, there is no freeze. The NGPC has said that they're not going to be freezing things. They've never shut the door, but they've never implemented it either.

The call for it got what we wanted, but we're not going to get the freeze. So the question is what do we do from here? Olivier, please go ahead.



OLIVIER CRÉPIN-LEBLOND: Yeah. Thank you, Evan. Actually, correction. I think they've just turned on the freeze in the room, because it is actually getting a lot colder. I don't know whether that's . . . Just kidding. No, there is no freeze. The option doesn't appear to be on the table as such for the time being.

However, there appears to be room for discussion. The ALAC I think being in a position where we are able to be nimble and try and find solutions I believe should be able to at least propose some solutions, rather than digging heels in, which is what appears to be happening elsewhere. Thank you.

EVAN LEIBOVITCH: Thanks, Olivier. Holly, go ahead.

HOLLY RAICHE: I finally get better recognition in this corner. I particularly liked two suggestions. First, a comment from our meeting. I think it was just the alt meeting with GAC. The word "credentialed" kept coming up, which means something that has to be proven [as an above] the fact that you've got .DOCTOR. That went further apparently in last night's discussion, which is some kind of mark.

Now, this is something that is used in Australia. I'm not sure it's terribly effective, but what it does is an industry gets together and says, yes, we do what we say we're going to do and it creates pressure to then, if nothing else, either you engage in the PICs or you engage in something that says this is not just a commercial enterprise.



I also liked the suggestion from Fadi which is proactive compliance testing. Not just waiting for the complaints to come in, but going out and saying, “Are you doing what you say you’re doing?”

Now, all of those things are actually positives – yes, coming from a pretty negative place. Oh, I can hear myself. How stunning. She’s speaking very loudly.

I just think those are the sort of things that we ought to be putting forward saying we would like more information around what GAC was saying. What do they mean by credentialed? Because that’s the word that was coming from the top table. Then, plus support for some of the other things that were brought forward. Thanks.

EVAN LEIBOVITCH:

Thanks, Holly. I want to pick up on that because what you said is exactly right. The term that was bounced around a lot last night was the word “trust mark” what they were credentialing. It was being handled in a different way. It wasn’t like a certification thing. It was sort of like, “Well, let’s archive the data and maybe if we crunch the data, then we can find out who’s doing what.”

In my previous life, I was heavily involved in a certification program. There’s some components of things that perhaps we might want to tackle, and this is one of the reasons why I think having this meeting is going to be important, because I think there’s things that we can do and be proactive and creative in a way that doesn’t require changing the contracts.



This is the big stumbling block. We got into arguments about is it in the picket fence and does it require a PDP and do we have to go through this process? How long is it going to take retroactively changing contracts? And then the lawyers get involved and then we're lost.

UNIDENTIFIED FEMALE: We don't like lawyers.

EVAN LEIBOVITCH: I love lawyers, just not the ones here. Well . . . long story. Some of my best friends – never mind. It's late in the day.

What I'm trying to get at, though, is the concept of taking this concept of what you call the credential, what last night was called the trust mark and maybe taking it to the next level.

Earlier in the day, I alluded to an initiative that had happened within ICANN called the High Security TLD Program. There might be a few people – Tijani, were you here when they were doing that? It happened about five or six years ago. It wasn't even a formal working group. The board had created a team to define something called a High Security TLD (HSTLD). It was a team – Mike Palage I think was the chair and there were some other people involved with it.

Their thing was to try and determine whether or not there was a possibility of doing some kind of a credential – a gold star, if you would – that would define a set of criteria, best practices, what have you and says, "Does this TLD meet that?" It could be technical issues. It could be



are they doing DNSSEC? Are they doing IPv6? In other words, here's a checklist of things – some technical, some policy. Did a TLD meet that?

If they met that, it wasn't a guarantee that they were going to be free of abuse, but it meant that they were going to be resistant from it both for technical and policy reasons.

I was heavily involved in that working group at the time and there were a lot of discussions. The contracted parties that were in there wanted to be able to pick and choose the line items that they could be satisfied or not, which basically meant the idea of a comprehensive credential almost meaningless. So it sort of devolved.

Then for no reason that I could discern, the board just unilaterally disbanded it, as a vote. Okay, doesn't exist anymore. The board brought it on. The board took it away.

Edwin, do you remember the HSTLD program at all? Okay.

UNIDENTIFIED MALE: [off mic]

EVAN LEIBOVITCH: Okay.

HOLLY RAICHE: He used the term "vaporized."



EVAN LEIBOVITCH:

But Holly said it, so it's not on the record. Can you tell we're late in the day?

I want to move along on this. The question that I want to put out to this group is would ALAC like to take it upon ourselves to try and revive this effort, to try and go back into the archives, because the e-mails were there and the web pages were there and it was all done, and I myself have archived an awful lot of the material that was generated back then.

There were a lot of discussions and a lot of it was very useful before the effort was disbanded. Do we want to raise the issue of advocating within ICANN some kind of certification mark? Is it done by ICANN? Is it done by a third-party? We're not even there yet. But even the idea of should something exist?

Olivier, I'll get to you in a second, but you were saying yesterday about how Facebook and Twitter and other bodies themselves have now put in their own certification. If you go to a Twitter site, it will say, "This is the genuine celebrity," as opposed to somebody trying to fake that celebrity. So there's a trusted Twitter mark within Twitter. There's a trusted Face mark within there.

So the question is do we want to be advocating this within ICANN as a way to try and do some kind of a trust-building thing for domains that doesn't affect having to effect the contracts?

Okay, Olivier, the mic is yours.



OLIVIER CRÉPIN-LEBLOND: Thank you, Evan. We've suddenly jumped into this working group's work I think a little bit fast. I'm not sure everyone was here earlier when we discussed the matter with the board this morning. I think it was this morning. And discussed this last night in the small group that was convened by Fadi Chehadé. There were actually several options which were discussed – potential options, open.

As the At-Large community, I think we're able to act quite nimbly, so we could actually even decide here or within the next week or so which options would be good for us, or good with us. I don't know how quickly the GAC will react. We probably have to wait another two or three years. But it has to go all the way back, the travel and so on.

Anyway, so far what we have here on the table is a circulation of the strings and then a kind of triage of the strings, so as to go from the 39 that are currently on the list down to a smaller subset, and that would of course include any current mitigation that some of the registries are proposing.

Certainly I think we got an e-mail from .BANK that included a number of safeguards that they were unilaterally saying they were going to engage in. I don't think we've discussed this, but I certainly looked at it and thought that sounds like something which really takes away my fears regarding .BANK.

Also, I think there's a concern with a number of strings at the moment, 39. Some are particularly risky. Some of them are not. You mentioned that a little bit earlier. So, that's one.



The other one, as you spoke about just now, a trust mark. Actually, every time I've come out of the room I've been approached by another registry, just bumping into them in a very friendly way saying, "You know that there are actually organizations used to there already thinking." Basically, organizations that will be able to allocate such – perform such services to check a bit like credit references, agencies out there. You'd have a reference agency or organization that would be able to provide details of registrants or check on registrants so as to a registry not to have to perform this in-house, and for that registry to also be able to be in a scheme where they could self-allocate each other with trust marks, bearing in mind that the real push out there – the political push out there – as far as the registries are concerned is "leave us alone, we want to self-regulate."

But it is in their advantage to be pretty tough on self-regulation, and that there is some acknowledgement, and there has always been some acknowledgement, that there are still some bad players out there. So they could provide checkmarks on the ones that qualify to a certain criteria and not checkmarks on others. And that would of course get the whole industry to promote itself up as far as confidence is concerned.

Having a checkmark that is allocated by ICANN I think it's been said on numerous occasions has been pushed back. And I did hear last night that ICANN was not a regulator, but then on a Monday we hear ICANN is not a regulator, on Tuesday it regulates its contracts, on Wednesday it's not a regulator again. It's a really touchy word and so on.

I'm not quite sure if there would ever be even a slim chance of ICANN being able to allocate checkmarks on registries. That's one thing where I



see such pushback. We might be wasting our time if we want to create such a thing. Thank you.

EVAN LEIBOVITCH:

I'll give the mic to Alan in a second, but just to answer what you're saying, one of the possible options was not necessarily ICANN doing it themselves, but working through some third-party. It could be the Domain Name Association. It could be some other group that could be partnered with. Just something that if, say, ICANN may not [bless] it, but if ICANN is supporting third-party group, maybe that's a way to try and deal with it.

If it's in the industry's interest and if it's within ICANN's interest, then you could have a situation where, say, ICANN and DNA could be supporting a third-party thing jointly that might carry some weight without ICANN having to bear the brunt of doing it themselves. So that's one possible option, the kind of thing we could explore.

You mentioned before the triage and you mentioned that kind of thing. So we got into issues of compliance, and of so what happens then? But even when we get into the triage and we say, okay, we've narrowed it down from 30 to 12 or 5 or whatever, it's what then? Are some of them delegated already? If they are, fine. If not, what can we do about them? Picket fence, blah, blah, blah. Then we have to go through that all over again fighting over PICs, and then going with the compliance folks.

Whereas the idea I was suggesting is if you go through this kind of external verification, then you don't have to muck with the contracts. The compliance can happen and you still have this.



Go ahead.

HOLLY RAICHE: Could you first list if you have it, the options? I think, in all fairness, we should go through all of them.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thank you, Holly, I've actually sent a couple of e-mails to the gTLD Working Group mailing list and I've listed the ones that I recall just from memory and from what was read this morning by Cherine Chalaby during our meeting with the board.

The first one was circulate the string list and engage in the triage, which effectively would mean some are very likely to be used for fraudulent activities and some are less likely, much less likely. Hopefully being able to shrink that list to a smaller number of them.

One thing that I did not put in my message is that I always find it amazing that in ICANN it seems the way things work is for things to really stink up the room before a solution is found, whilst in the rest of the world you threaten to sue, and then you find an out-of-court settlement as early as you can. I'm not quite sure whether it's because it's a different system here.

But I would imagine that if we end up five or six or seven that are remaining on the list, the first thing would be to go and speak to them and say, "Hey, do you wish to voluntarily perhaps provide further details or maybe enhance the way that you actually are going to run that



string?” And if you provide guarantees that you are going to do such a thing, then maybe you can be off that list.

I don't think that we have to start engaging to PDPs and things like that to go to that level. We've certainly seen that .BANK – and I'm naming them because they have replied and they have sent details - .BANK has provided many details of what they're going to do to make sure that the people registering a .BANK domain name are not just mafiaheaven.bank – not that I have any problem with Mafia Heaven, of course, if they're listening.

It's a case of first trying to find out if there's good will to find a solution rather than invoking some really heavy lifting that will personally waste my time as well, and waste everybody's time, waste their time. I don't know how much they're paid per hour, but if they want to engage in a PDP and spend days and days and days on it, then it's going to cost them more than just saying, “Yes, we're going to do that.” We have to get back down to Earth. So, that was the first one.

The next one was create a database, disclose information that will help the semantic of the TLD. That's the trust mark thing, which we just discussed.

There was a proposal for PIC DRP or PIC resolution fast track that was put forward. I'm not exactly sure what a fast track means. When you have a domain name that engages in phishing, a fast track that takes six days means potentially tens of thousands of victims. On the other hand, a registry running its business well can take down a domain very fast, and fast track means three hours or less.



EVAN LEIBOVITCH:

When the issue of fast track came up, I think it was a matter of, well, compliance sometimes has a way of getting deluged with individual complaints. So if you have getting deluged in saying, “Well, we’re backlogged,” and all of a sudden a regulatory agency or consumers’ association or law enforcement somewhere says, “This is a problem. This is a problem right now,” can they go to the top of the queue? I think that’s what the issue of the fast track was.

We essentially – things in that level got broken down into two. What were the domains with the issues? Then how do you deal with the – sorry, three things. What were the domains in question? What were the PICs or regulations under which they could be held accountable? And the third one, what was the quality of the compliance and the enforcement afterwards.

One of the things that came out of last night was this supposed letter coming from Alan that was going to outline specifically here’s how we are going to enforce complaints related to PICs. We’re hoping things will not get to PIC DRPs and we’re going to make it easier for individuals to launch complaints about PICs just as they could launch about inaccurate WHOIS or whatever. It was suggested it would be almost the same kind of queue.

OLIVIER CRÉPIN-LEBLOND:

There was also suggestion for proactive rather than reactive monitoring of the PIC enforcement.



EVAN LEIBOVITCH: Right. So the idea is, number one, which domains? Number two, which safeguards? And number three, what compliance? So all three of those need to be tackled at that level.

Alan, you've got the mic next.

ALAN GREENBERG: I don't think I remember what I wanted to say anymore. A number of things. The term "fast track" – this may not be what I was going to say, but I'll say what I remember now.

The term "fast track" was coined by somebody else and attributed to us. What I was requesting – and I believe what we were requesting – is assurance that should complaints come in from regulatory agencies [et al], that they would be acted on quickly.

Now, complaints of violation of PICs is different from "please take down this domain." Taking down a domain would likely be done at the registrar level, and barring registrar agreement, might go to the registry.

But that's different from not following contractual issues. Let's not confuse them. The issue of – remember, there are PICs there which says you have to work cooperatively with the regulatory agencies in the countries in which you operate. If they are claiming that we gave you advice, you agreed to do it, you're following it, that's the kind of issue that we're talking about.

Don't conflate taking down a domain name with a complaint on compliance. It's not necessarily the same thing. They may be overlap on occasion. May I continue? Thank you.



OLIVIER CRÉPIN-LEBLOND: It's just an escalation.

ALAN GREENBERG: It might be an escalation or it might be completely unrelated to taking down TLDs. Okay. At this point, to be honest, us coming up with a list of what all the potential remedies are is a duplication of work. Cherine is going to be coming out with something. At this point, I cannot see us disagreeing with anything which takes us further down the line.

So they are almost surely going to put up a list of TLDs and an indication of what level of verification are they doing on these. They'll be very few that do pre-verification, but fine. Remember, it's not that .BANK volunteered to put all of these restrictions in. Yes, they did. They are agreeing with the GAC safeguards. They're a community TLD. The reason they got the support of their community was because they proposed to put up a trustworthy TLD. It's not just they saw the value in the TLDs. It's a community TLD the banks would not have supported if they didn't have that kind of model, regardless of what GAC safeguards were. That was in their business model from the application time, not necessarily purely associated with the GAC safeguard requests.

So it's a different beast. We talked a lot about community TLDs in the ALAC. There are not many community TLDs. They're one of them and they're there for a real reason, because their community said, "Fine, that's the reason that we can go ahead with this kind of thing."

It's a confusing issue, but we're going to end up with Cherine coming out with a summary of what he thinks came out of the process last



night. That will be public. There will then be a follow-up call and one of the issues is what are we going to do on that call? If what we're going to do is go around the room again and everyone is stating what their belief is, I'm going to stay home. I have better things to do with my time. If we're going to say, fine, we disagree whether there is potential harm, but let's figure out a way that we can at least go to the next step, then it may well be productive.

I think I've said everything I planned to, but I can't remember.

HOLLY RAICHE:

I think that's what we're doing and I think the reason I wanted to go over the list is I think do we not want to have a quick run-through what are the things that we think are really productive and how would we flesh them out?

So the next conversation is at least a committee of ALAC has had a look at what you've said, and these are the things we want to pursue. Isn't that where we're headed right now?

ALAN GREENBERG:

My suggestion was that it's a more productive discussion to have once we know what's on the table. And if Cherine leaves something off that we believe should have been there, then we can try to get addressed.

HOLLY RAICHE:

Disagree, disagree. I think we put stuff on the table. We don't wait for somebody to tell us what's on the table. If he's already said something is on the table, in whatever inarticulate form, why don't we actually get



a march on everybody and say, by the way, we understood this is what you meant and we think it's a good idea, and this is how we think it should look?

So often the way you actually get something on the table and actioned is that you've thought it through beforehand, and it looks good and everybody goes, "Oh, thank God somebody's done the hard yards."

EVAN LEIBOVITCH:

I'm trying to think in my own mind how to match what Holly's asking for with what's come out of the last day or two, because what we had is a couple of action items coming out of Chérine saying, "We're going to do this, we're going to do this, we're going to do this." And what I heard Alan say is, well, it's really hard to make analysis of that until we see what he actually puts forward.

We have been told we're going to get a commitment on a refinement of how they're going to do enforcement and compliance. So we said we're going to get that on paper because it's been very, very vague until now. So there will be some clarity on that.

It's going to be hard to be proactive in talking about clarity with them until we know how they're going to reinterpret what they're doing.

HOLLY RAICHE:

Why can't we interpret for them?



ALAN GREENBERG: I can't speak on Cherine's behalf, but if I were him, I would send a draft out to the people before making a formal statement in saying, "Did I leave anything out? Did I get this wrong?" I don't think this is something passed down from on high. They are showing exceedingly goodwill in having these discussions. I don't think this is a we're going to use the ruse of having meetings to pass down what the law is. I really don't think we have a problem here.

HOLLY RAICHE: I don't think I was saying that. I was saying if we come prepared with what we think something would look like – and Olivier, I will recognize you next – let's think it through first.

EVAN LEIBOVITCH: Okay. Olivier, you've got the floor next. But please, we've got other people at the table, most of whom have not spoken. So if anybody else has something to contribute, we really want to hear from you. So far, there has been four people dominating the conversation. We've got a table that has a lot more. Please, if you've got something to add, I'm desperately looking around the table. Okay, thank you. Okay, Olivier, and then Tijani.

TIJANI BEN JEMAA: [inaudible] No problem. I am waiting.

EVAN LEIBOVITCH: Thank you for your patience, Tijani. Olivier, go ahead.



OLIVIER CRÉPIN-LEBLOND: Yeah. Thank you, Evan. I hear what Holly has suggested, which is that we should take the list and start the work on it. The first problem is we don't actually that list. That's the first problem. The second problem is we don't actually know what the mitigation of these organizations currently is.

Now, if we want to do the job ourselves in going into the PIC list and going to the website of these organizations and try and do some work on that, I suspect that by the time we've done this, the list that Cherine has said we'd put out will probably be out by then. It wouldn't be too great to launch it.

But I certainly do agree that we need to define our strategies on this and what would be acceptable to us. I have voiced my own opinion as to whether first doing a triage is acceptable or not. I personally believe that that would be excellent way forward to start with as a first step.

Also, some of the other positions that were brought forward I think, as Alan said earlier, anything that can actually ease the tension to start with and find a solution that ultimately will minimize the potential for fraud that will affect Internet users out there is a position considering.

Avoiding a PDP, my personal opinion, yes, because that's just going to delay everything. It's going to waste our time. It's going to waste everybody else's time. And it might come down to nothing, etc., etc. So get something that will be agreeable for everyone. That's it. Thank you.



EVAN LEIBOVITCH: Tijani, then I have a comment.

TIJANI BEN JEMAA: Thank you. Our At-Large community, we have a working group on the new gTLDs. So this group – yes, this group; yes, I know – since it isn't meet since very long, that is why I am reminding us that we have this working group. I think that this working group has to list all the problems related to the new gTLDs. [There are the PICs], but there are a lot of other problems that you mentioned and I mentioned this morning. We have to list them to be sure that we have listed all the problems.

We have to, in my point of view, to try to revive the working group that you spoke about at the beginning, and to try to update the charter so that it will be a working group addressing problems of the new gTLDs that are now raised.

And since it is a cross-community working group – Alan don't like this – since it is a cross-community working group, it will have the value that will bring all those problems to the whole community, and it will be better heard.

And I think that all the solutions you just mentioned have to go through this cross-community working group so that it will be better considered. Thank you.

EVAN LEIBOVITCH: I think I would have been in [inaudible] agreement with you if this had been raised six to eight months ago. I think right now we're in a

situation where we're desperately trying to claw back some things from a process that is now so far down the line that doing what you're suggesting is probably going to (A) meet with the resistance from the other communities, half of whom think there's nothing left to do, as we found out yesterday.

Also, if you're talking about going forward with future rounds or whatever, absolutely. So that was another next step I wanted to get to towards the end of this meeting, to see if lessons learned, things to be fixed and so on. But the immediate thing is right now for the ones that are being delegated in round, what can we do? And that was the immediate thing of the last 24 hours.

I'm going to make a suggestion of a couple of things that we can do in the short term. Do we have a couple of people at this table that are interested in doing what Olivier called the triage, taking a look at the list of the specific TLDs that the GAC identified and whittling that down to the ones that we believe – we don't have to be dependent on the GAC for this enumeration. We can actually go and say, "These are the 12/8/5/whatever. These are the ones we believe are in serious jeopardy of being abused in such a manner that could cause . . ." I hesitate to use the word, but I can't think of anything else this moment "catastrophic abuse scandal to ICANN.

As was mentioned in the meeting last night, this is not just a reputation of a couple of TLDs. This is potentially the reputation of ICANN and the entire concept of memorable domain names. One big viral scandal to do with this could really damage the entire DNS, including the legacy ones.

Go ahead, Edmon. You're next.



EDMON CHUNG: Just a quick note on that. I think, in a way, it's a noble undertaking, but I kind of caution us against that because the first thing he's going to say, "On what basis did we make that decision?" That will probably be a very difficult question to answer. And it could dilute some of the strength that we want to bring into the conversation, actually.

EVAN LEIBOVITCH: Edmon, in answer to that, the first thing we have to work with is what the GAC has defined. What has been the GAC's criteria arguably is totally arbitrary because we identified that there are a couple of ones in the GAC list that on cursory examination seem to make no sense. Olivier, did you want to expand on that?

OLIVIER CRÉPIN-LEBLOND: Yeah. Thank you very much, Evan. I don't have the actual strings in mind, but just take two arbitrary examples – .BANK, imagining that there were no safeguards where we receive, or at least I receive on a daily basis, phishing e-mails from whatever banking provider from Lloyd's bank and from Citibank telling me, "We've changed our systems. Please click here and log into your account." Basically, a way to steal your e-banking information. That's, I would say, a very high risk. A very high-risk string.

Let's take another one arbitrarily, .DENTIST. So you look for a dentist on the Internet, and usually what you would do – or at least what I would do if I don't know a dentist. First thing, I wouldn't look for a dentist on the Internet – first thing. Secondly, I would make sure that this dentist

would be registered, and usually there are more credentials. I mean, a website does not give credentials to a dentist; I'm sorry. If I go and get some work done on my teeth, I would make sure that they are registered with whatever association it is in the country that I'm in. And I would definitely not be looking at certification of a dentist on the Internet. That's the sort of thing.

So I would say this is a lower – I would certainly say this could be a lower-risk string than the bank one for online fraud.

EVAN LEIBOVITCH:

But just to continue on Edmon's question in saying if we're making that, it's sort of like an intuitive judgment as opposed to an objective here's a criteria of what makes this one high risk and this one not.

OLIVIER CRÉPIN-LEBLOND:

I don't think we're dealing here with exact science. This is always going to be down to the appreciation of [every person]. I just saw Raf move in his seat when I spoke about the dentist. Maybe he has a different idea. Obviously, I would rate it in one way and he would probably rate it another way.

There will be some that we all agree with each other. When I say "we" it would be a case of not only the At-Large community or the members of this working group, but you have to remember that if there is such a thing as a triage, that would be undertaken by everyone including the registries that are inside whatever group would be performing the triage.



EVAN LEIBOVITCH: Okay. A reminder that we started late, but technically we have three minutes. But since we started 15 minutes late, I feel no remorse about going over here. In the queue, I have Tijani and then I have Raf. Tijani, go ahead.

ALAN GREENBERG: Is this payback from Holly?

TIJANI BEN JEMAA: No, no.

EVAN LEIBOVITCH: Okay, Alan. After reminding me how little time we had, go ahead.

ALAN GREENBERG: All of this is arbitrary. It's all judgment call. Tough.

[laughter]

Well, the list the GAC [gave] is an arbitrary list. It's ones they believe there is harm. Personally, I believe if I was in the business of selling dental supplies and I wanted to register supplies.dentist, I think that is a completely rational thing to do, even though I don't have a dental degree.

Now, if there happens to be a dentist called Dr. Supplies, we have an interesting situation perhaps.

I don't see any way of going forward other than doing some level of triage. To be quite honest, I would defer it until we get the list, do a first cursory look at it and say, "Do we have egg on our face?" because none of this is really relevant, and we should have just kept our mouth shut, or do we indeed have some issues that we think we need to go ahead on?

The last GAC letter said some of the TLDs have in fact put things in – and they said many, more than just .BANK and .INSURANCE. I don't know those facts. I have not gone to look at the 40-odd or 30-odd whatever TLDs and try to delve into their application forms, in some cases where the contract isn't signed.

I would say we don't need to make a decision on the exact step going forward until we get the information. Then I think we'll be able to make a decision moderately quickly. It's so much easier making that decision if we know what we're talking about.

EVAN LEIBOVITCH:

Okay. As we're running short of time and I want to get into next steps, I'm closing the queue right now. We have Tijani, Raf, and then Edmon. So after that, we're going to go into hopefully getting some concrete next steps going into the mailing list and going beyond this meeting. So, Tijani, go ahead.

TIJANI BEN JEMAA:

Thank you, Evan. Any immediate action you are speaking about will be under which form? What are the legal forms we have to make any



impact? It is only an advice to the board. We don't have any other form. What is the weight of this advice after the meeting of yesterday?

EVAN LEIBOVITCH: There's answers to that, but we'll get to that at the end of this queue when we start talking about what we do next. Raf, go ahead.

RAFID FATANI: Yeah. My point was really to the example I've heard today twice – once from Alan, once from Olivier – about dentist. Again, going back to Edmon's point about formalizing something or not formalizing a system, I think we represent a much wider public than the people who sat on this table today and I think we need to consider that it will be very difficult to have any sort of formula that is going to be agreeable to a wider public, as I on this table don't agree with the fact that I would probably check a website first before I go to a dentist, and if the dentist doesn't have a website, I probably won't go there. It doesn't matter if [inaudible]. Maybe it's a generational thing. Maybe it's an age thing. Maybe it's an education thing. People coming from different backgrounds, a cultural thing. That's [only] to be considered. So, a formula I would be very weary of.

EVAN LEIBOVITCH: As of this moment, the only thing we actually have in front of us is the GAC list, so anything we do we'd sort of use that as a start and whittle down. But we'll tackle that in next steps. Edmon, you have the last word.



EDMON CHUNG: It's just a short comment. I understand that it's arbitrary, and I guess it is because the arbitrariness that, at least the GNSO and then the NGPC is pushing back so much. I mean, that was part of the weakness of that original GAC list.

So if we're going to do something about it, then I think some rationale behind it – I think you described some of it – would be useful. I think that's the bigger point that I really want to make.

EVAN LEIBOVITCH: Okay. I'm going to arbitrarily close that part of the meeting at this point and now move onto what it is we need to do next. I'm going to make a couple of suggestions. And Tijani, going into what you were saying about what are the legalisms or whatever, we've already talked about the fact that we all have in common we want to desperately avoid things like PDP and getting back into that swamp of a process that, in fact, when we've talked about internally we say a PDP will either go nowhere, work against work, or just stall like the vertical integration one. So it's not likely to give us a good result even after we spend time and effort and resources into it. So I think we have great agreement, at least amongst the people I'm aware of, that's not a path to go.

So the issue is if we're not going to a PDP, what can we do? So based on the conversation here, I think I've come out with one input that I'm going to suggest and that is the creation of a shared document – Wiki, Google Doc, I don't care – but something in a spreadsheet form that will start with the GAC TLDs. And for each one of them, basically come up



with an evaluation of do we agree with the GAC that this is strong and worth protection at a strong level and why?

So rather than just a gut feel, can we elaborate of why this particular string would be sensitive and subject to abuse?

Another column in that spreadsheet is what has the registry applicant promised to do, and do we consider it sufficient?

So even just by enumerating that and coming up with that, I think that gives us a good starting point going forward. It doesn't involve legalisms, but essentially is our evaluation of what the GAC has said.

Okay. So out of the 40 or whatever, here are the ones – and we've said 20 of them we don't think they're subject to abuse, but [why], we've given a rationale to them.

So I'm going to suggest that perhaps we start up a collaborative document where we can have this ready so that proactively when Cherine and the NGPC come out with something, we're ready for them on these are the ones we think need action, and this is why. It's not just a subjective thing. We've gone around the community.

I also don't want to let the concept of the trust mark and the credential totally drop. Holly, since you say you've got some interest in it, is there an interest in having a couple of people just exploring the idea of just right now starting with no presumptions or whatever, perhaps looking at the earlier work that was done and seeing what can be done. If ICANN pushes back and doesn't want to do it themselves, maybe we can identify a potential partner, but just start some work on that.



HOLLY RAICHE: I say you've got the expertise and I'd say you would be a good leader for just putting your thoughts on what's involved in a trust mark, what makes it credible or not.

EVAN LEIBOVITCH: Okay. Edmon, go ahead.

EDMON CHUNG: Just on that, I'm happy to help, but also, besides the HSTLD, whatever it was called, there was a body of work that earlier on when Fadi joined, he started a few [president's] committee of some sort, and one of them focused on this particular issue. There was I think a little report and there were some materials created from that as well. So [you] can dig up that.

EVAN LEIBOVITCH: If I can make a suggestion, then we have the makings of a small team – that's myself, Holly, and Edmon – basically to do a little bit of research and try and put up something that the rest of the working group can do.

Olivier, can I put you in charge of that triage spreadsheet?

ALAN GREENBERG: Can I say something, please?

OLIVIER CRÉPIN-LEBLOND: Olivier speaking, but I defer to Alan.



ALAN GREENBERG: We don't have the list of what the TLDs are. We're waiting for it. That's one of the things we're waiting for.

EVAN LEIBOVITCH: Sorry. We have the GAC list as a starting point, do we not?

ALAN GREENBERG: No. That list is a superset. We were told that a significant number of them are no longer there for one reason or another. That's why we're waiting for the list of 39. That list will include I believe a summary of what the protections that the TLD are doing. Then we can look at it.

But I will remind you what we asked for. We asked for a community group to be formed to review those. Are we now saying forget the community, ALAC is doing it alone and then we're going to demand some answers? We did suggest a community-wide group be formed. And to answer Tijani's question of a long time ago, what legal force does it have, it has no legal force. We were hoping to receive the coordination of some of the TLDs in doing this voluntarily. We don't have an ability to do anything legally. That was the purpose of this whole thing. Let's not forget how we started this.

And whether those category one TLDs are the right ones or not, those are the ones we complained about, those are the ones we gave advice about. It's a bit late to say, "Oops, we meant a different list."



EVAN LEIBOVITCH: Okay. I need to cut this off, because the bell sounded in my ear because we've got folks behind me. Tijani, make it really quick.

TIJANI BEN JEMAA: Yes, very quick. I agree 100% with what you said, Alan, but for the future, we don't have to stop here. For the future, we have to do the work for the future and we have a lot of problems now. We have to think about the community, something about the community.

EVAN LEIBOVITCH: Tijani, I was hoping in this meeting to actually have a part of this meeting dealing with learning from mistakes and getting into the next round. Is the staff trying to make me run longer? Okay, I have a comment from staff. Go ahead.

SUSIE JOHNSON: Is there an action item? I'm confused now.

EVAN LEIBOVITCH: Okay. First action item: Holly, myself, and Edmon are going to create a small team to work on the issue of fleshing out the idea of the trust mark, the credential, and seeing if there's action that can be made going forward. This will be a shared document or something like that. We will work together. We are trying to work right now on the second one.

Okay. So, Alan, what you're saying is we have to wait for Cherine to come out and say, "Here are the ones that are finally being under consideration, and these are the ones that are being looked at, at which



point we can convene the community.” I’m suggesting that we can take a leadership position in this because we’re the ones that called for the community consultation in the beginning, and that we invite the rest of the community to participate in the collective evaluation. Is that reasonable, Alan?

ALAN GREENBERG:

We don’t have to wait for the list. We can do a lot of work on our own if everyone has spare time on their hands. I don’t. So my preference is to wait for the list. I think once we see the list, there will be another call. That’s what we’re going to be discussing at that point I would think.

If we go into that call with a position saying the ALAC has decided this and this is what our demands are, we’re setting the tone for that call which I don’t want to participate in.

EVAN LEIBOVITCH:

Olivier, as I see you’re sneaking away, but before you do – oh, he’s coming here. Olivier, would you be interested in working with some other people here including myself on working on that part of that. When they do come out with the list of TLDs to evaluate, could you take the lead on at least making sure that it’s all collected in one spot?

OLIVIER CRÉPIN-LEBLOND:

Yes.

EVAN LEIBOVITCH:

That’s our second action item.



ALAN GREENBERG: Before we leave, could I have action item to have my pen back?

EVAN LEIBOVITCH: No. I like this pen.

ALAN GREENBERG: I would make a suggestion, by the way, on the trust mark issue to, in addition to looking at the merits of it, look a little bit into the industry. It's an industry which had its heyday a few years ago. It's almost disappeared, and the ones that are still in the business apparently, from what I'm told, are not doing all that well. It's not clear trust marks have a real future. So just look into the business. I don't know what the answer is.

EVAN LEIBOVITCH: Fair enough. Okay. Having come up with the two action items coming out of this going forward to the group, are there any last comments from anyone? Going once, going twice. Okay, adjourned. All yours, Olivier.

[END OF TRANSCRIPTION]

