# ICANN Brussels Meeting
## Open GNSO New gTLDs Working Session Applicant Guidebook v4
## TRANSCRIPTION
## Sunday 20 June at 0900 local

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is   incomplete or inaccurate due to inaudible passages or transcription errors. It is   posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Chuck Gomes:     Start it, please.

Coordinator:     Our recordings are now going.

Chuck Gomes:     Thank you very much. And welcome, everyone, to this session on new gTLDs. For those who haven't met me yet, I'm Chuck Gomes, Chair of the GNSO Council, and I do, again, welcome all of you here.

I do want to remind everyone when you do speak for the sake of the transcribers and the recording that you would please give your name when you do that, unless your name has been given in advance. Those that are dialing in for this, please remember to unmute your line - or to mute your lines when you're not speaking.

Also, I want to go over the GNSO meeting protocol that we're using for the meetings this week. And some of you I'm sorry have probably heard this two or three times, you'll probably hear it several more times. But our sessions are open to everyone, as was visibly evident in our last session.

The GNSO working sessions are not official council meetings. We don't make any official decisions on these. We will make any decisions (unintelligible) open public meeting on Wednesday (morning).

(You're) all welcome to be there for that. And there will be opportunity in that meeting for comment at various points through the meeting as well, in most cases before we act on a motion.

We'll (unintelligible) the opportunity for councilors to speak first, as I said prior to the start of the meeting. But then as we have time, we will allow comments from the floor.

I would just ask that you come up to the front of the center isle there and take a mic. Do we have the mics now working, Glen? Last session they did not work so you might want to check that out so that when we get to the (unintelligible).

I would ask you to be brief in your comments and to the point so that there's opportunity for everyone, and that goes for councilors too. If we can be as brief and concise as possible, that will help us have opportunity for everyone that wants to speak.

I may at some point limit the time that people speak (unintelligible) opportunity to everyone. And I'll also try and favor those (who have) not had opportunity.

All that said, let me turn it over to someone we know well and have been working with on this issue for how many years, (Curt)? I lost track. Too many, okay, for those that couldn't see it in the back. (Curt), welcome and, (Karen), welcome as well. We appreciate your participation in this and willingness to be here and interact with us.

(Curt):    Great. Thank you, Chuck, and thank you everybody for taking the time to discuss this. The genesis of this sort of meeting goes back to policy development process when the GNSO Council held many sessions to develop the policy for (unintelligible) top level domains.

And consulted with staff regarding the implementability of certain policy positions that is now as during the implementation of that policy, ICANN staff consulted with the GNSO (unintelligible).

That's the goal here, as well as to promote understanding about the process for launching these top level domain. So understanding and raising issues as we continue (unintelligible).

So if we could go through the two introduction slides for this presentation. So I just want to start with I think the big message is really not about new gTLDs specifically. It's more about the ICANN process and the recent successes we've seen.

Okay, so - okay. So I'll continue, I'm sorry. So it's really about a success. The ICANN model in a short period of time over the past months we've convened a significant number of working groups out of the community. Cross constituent to your cross stakeholder working groups with not necessarily identical or parallel views on all these issues.

And convened the groups, developed positions, developed consensus positions that are now part of the new gTLD application process. So, you know, names like (IRT SCI) and GFA, HSTLD, (GGL), IDN, (WT). You know, worked on things like the (PDD) ERP and the RRDRP.

But, you know, we talk about how long it takes to develop policy and how tough the model is because there's opposing viewpoints. But when required to work hard and make a combination in the past few months, the trademark protections and some IDN solutions and malicious conduct mitigation solutions that are in the guidebook really came from places like this.

So I think the big message for - you know, that I get to talk about to kind of deflect attention from the guidebook detail itself is to really talk about the ICANN public participation.

So I think the best way to run this, and I'm very flexible, mirrors what we've done in the past. So we want to talk - I think we can take comments about each section of the guidebook. So kind of parse it up that way so it's not one three-hour session of public - of comments here.

And in addition to the modules, we can also talk about some other publication and the efforts that are going on that are new gTLD related but not guidebook related, such as the new gTLD budget, the applicant support group, and then the resolution of the other overarching issues that aren't part of the guidebook, the economic study (unintelligible).

So what I propose, and I'll stop if somebody has a better idea, is for each of the modules one through five all give a very brief overview of what's in that model - module, I'm sorry. Two, what's changed in that module in this (unintelligible).

And if we could kind of scale our products in question should be those modules. It's really tough for the first module because that's kind of an overview (unintelligible), but if we could kind of tailor it to the topics we discuss. So if that's okay with everybody (unintelligible).

Chuck Gomes:     (Adrian)?

(Adrian):        I just question whether we need to be told what's in each module.

Chuck Gomes:     That was your intent, was it (unintelligible). The purpose of it is to kind of tailor the (unintelligible).

(Curt):          So let's trudge on. Module 1, like I said, is an overview but it really identifies the process stages, who can apply, what the string requirements are, IDN requirements, how much you've got to pay.

And sections that were updated in this module had to do with vertical integration, also refinements to variant management (IDN) process developments. So with regard to a vertical integration, this slide combined with the (unintelligible).

But the vertical integration section in the guidebooks, you know, is who can apply and essentially, you know, co-ownership registry and registrars essentially barred as a default position and we know that there's fundamental work going on with the vertical integration group that's just (unintelligible) meeting twice a week and mailing list is fantastic and then (unintelligible).

I'll say that the provision in the Module 1 in the guidebook and in the registry agreement were very carefully worded, and so if there's questions as to what those mean not clear what's written then that would be a good comment to make for the (guidebook).

Take just some of those comments and try to make (unintelligible). But on this slide is (unintelligible) left the door open (unintelligible). Variant management, there's some clarification there but it hasn't changed much in this round variant TLD string and will not be delegated in this round.

Maybe by not delegated pending the resolution of a development of a technical (unintelligible) summary refinements for the process. So, you know, better definition around timelines, clarification in timing of the public comment process and the role that plays in the evaluation of conduct for evaluators and some more detail about the application systems.

So if there's questions about Module 1, let's start.

Chuck Gomes:      Like I said before, we're going to start with the council and then we'll form a queue in the middle of the room there behind (Curt). And I have (Adrian) to start it off and (Zahid). Well, (unintelligible) to my left (unintelligible). Right now there will be (unintelligible) start it off with (Adrian), please.

(Adrian):          Thanks. (Curt), can I just draw your attention to registrar cost ownership (unintelligible). It's a simple question. I should also say I think the staff has done an excellent job on this version of (unintelligible). So the second to last paragraph on that page starts with further applications where the applicant has engaged in ICANN accredited registrar reseller.

There is a reference made on registry services, a term we see later on in the contract. Should that registry services, just for the sake of consistency, be (unintelligible) and then capitalize it eventually, unless it is your - I'll make a question out of this and is it your intention to (unintelligible) the registry services that is capitalized?

(Curt):            So, (Jim), you're hiding behind that post back there, right, deliberately. The registry services as defined by (final) or should we refine the guidebook to make (unintelligible). While (Dan) is looking at that, he's also sent me an overview of the draft and doing my best, but applicants should rely only on the final written text.

But seriously, you know, we do this in a really collaborative collegial style in an effort to promote understanding and raise issues (unintelligible) and I'm bound to somewhat offer my explanation. So anyway, I'm going to take your point (unintelligible).

Man:              Right, because it is a concern if it's more broad reaching.

Chuck Gomes:    Okay. We have next (Zahid).

(Zahid):          Applications will be selected randomly for each batch, however, measures will be taken to ensure that all contending strings (unintelligible). I just wanted to know how this will work. Does this (unintelligible). That's one question.

The second very short one is, I see in (bidon 1-36) is (unintelligible). You said that no new user registration will be accepted after and it has (unintelligible). So does that mean that if you - even after the deadline expires (unintelligible) before the deadlines or if you can not, can (slot) be transferred?

Chuck Gomes: Just before you respond, (Curt), maybe you want to set the context a little bit for the first question in that if there are an exceptive amount of applications is when that applies.

(Curt): So that's exactly the case for the event that there's more than about 500 applications we think for quality control and consistency reasons that we wouldn't want to process applications in batches greater than 500. So we've done a study of the resources required to process applications in a given (unintelligible) time from couple guidebooks ago.

But I think you know to process 500 would - in the period of time that we advertise, which I think is (unintelligible), we're working toward the potential (unintelligible) the availability they have for evaluators.

We think that having more than 75 evaluators (unintelligible) quality control of (unintelligible). So working with those potential service providers we've (unintelligible) on a dot dash line that says (unintelligible) for consistency across the scoring of all the applications.

So having said that, the guidebook says we want to develop a random way of selecting how the batches are drawn. So (unintelligible) and there are some legal checks to be made (unintelligible).

But we might have contention sets right there might be similar strings or identical strings and it wouldn't make sense to have those in separate batches. So after we do the random selection, then we would say promote all of the applications in that (unintelligible) gone through an evaluation and then it (unintelligible).

And then, you know, I don't know if (Karen) can help me on your second question. But the really short answer is there'll be a really well defined bright line cutoff date for applying.

Because of legal checks that have to be done even before fees are accepted, there has to be sort of a two-stage application process where you apply for a name you get a name (unintelligible). That first stage where applying for access has that bright line cutoff date (unintelligible) you need to (unintelligible).

As far as transferring slots, you know again, if (Dan) has something to add on this it would be great. You know, we see it as difficult to - oh, there you are. So it's either difficult to absolutely prevent some sort of transfers, you know, of firms can apply for a (unintelligible) and then become acquired.

And so there's many ways in which there can be combination after the fact. And so, you know, an absolute prohibition on transfers is really hard to accomplish because (unintelligible).

Chuck Gomes:    Let me remind everyone that you have to be fairly close to these microphones to (unintelligible) remotely listening in that way or in the recording, et cetera. So please be fairly close to the microphone.

Okay, our next person in queue is (Edmond).

(Edmond):    Thank you, Chuck. I have two questions, one on IDN variance. First of all, I congratulate the staff for including it, finally, and taking it into consideration. I sort of hope I didn't - I got it wrong that, (Curt), you mentioned that the variance will not be delegated in the whole round.

I guess you mean that once the (unintelligible) mechanism is there we would be able to still get this variance as well and not that the whole round all the applicants won't be able to do it.

And also I want to bring this up because this is, obviously, a very important issue as we observe from the IDN ccTLD Fast Track it is a critical issue for - well, in the case of China, it was a critical issue. And I think it will be a critical issue for new gTLDs, especially Chinese new gTLDs as well.

So I think it is a matter that needs to be resolved. So I want to understand where we are with the experienced with the IDN ccTLD Fast Track and also whether the synchronized IDN TLD would be applicable for gTLDs as well. And if not, we really need to get it together because it is a critical issue for IDN TLD.

The second item is, I'm sure you're aware of, the discussion about applying a same applicant or a same registry operator applying for a (unintelligible) string.

In the case of contention sets, if an applicant applied for two or more, which could be considered (unintelligible), how we deal with it in the contention set and whether it could be all delegated in whatever form. So I think that needs to be worked on as well as we progress in that particular discussion.

(Curt):         So what the guidebook says is that a variance string wouldn't be delegated to someone else. And if you apply for a string and apply for the variance, your preferred string would be delegated (unintelligible).

And then pending a technical solution, such as (unintelligible) or ensuring that (QRL)s variance resolve essentially to the same (unintelligible) solution is developed and tested that the variance could then be delegated.

So it could happen that technical solution could happen, you know, it's going to be a while before we delegate (unintelligible). But my limited understanding of it (unintelligible) variance are really a subset (unintelligible).

So the way the guidebook is written now is that how confusingly similar names frames causing user confusion (unintelligible) delegated. You know, I know the discussion that's going on (unintelligible) an issue and I think - so frankly, you know, when we talk about that you know (unintelligible).

And so we're trying to determine how to get involved in that issue whether we should (unintelligible) of this is that (unintelligible).

Chuck Gomes: (Curt), just have to clarify something, and (Edmond) I'll let you do it too. So is it correct for people to understand, for potential applicants to understand that if they do eventually want to have variance that they should include that in the application with the understanding that it won't be delegated until some certain point in time, assuming all technical criteria and so forth are met.

(Curt): That's true and I think - that's true. And I think that some additional work needs to be done on variance because to a certain extent variance are self defining the by IDN (unintelligible) but the application process relies on the applicant to identify (unintelligible). I think in either case if they're identified as a variant even if they're not (unintelligible) and if (Dan) wants to clarify.

(Dan): You're giving a high level summary and just what (Curt) was talking about I mean as you've seen it goes on for like two or three pages in the guidebook and it's not quite as simple as (Curt)'s saying.

It wouldn't be delegated or it would be allocated, those aren't guarantees that an applicant might list lots of strings and (unintelligible) might apply for them and get them (unintelligible), but warning that it's more complicated and please look at the actual text and comment on the text and not on the (unintelligible).

(Edmond): I guess a more direct way to ask the question, so if we are - can we assume that the solution taken by (dot) China in this particular respect would be acceptable for details.

(Curt): Right now the guidebook says that variance wouldn't be allocated. The team has different (unintelligible). But the synchronization (unintelligible) and was published there was a lot of comments that was found to be confusing and (unintelligible) way in which the (dot) China variant TLD being considered.

That happens in the delegation request and then after that it's going to really (unintelligible).

Chuck Gomes: Thank you, (Curt). (Christina)?

(Christina): Thanks. (Curt), two questions. I'll make them very short. Under (unintelligible) if it turns out that the initial evaluation (unintelligible).

(Curt): (Unintelligible), yes. So I think the short answer is yes. And the objection period tracks through the evaluation period. (Unintelligible) so, you know, I think the objection period for the first batch would track to that initial evaluation.

But the objection period for the second batch would remain open (unintelligible) of one time but I'm not fitting it up. But I see the negative results of not doing that and being worse than the (unintelligible).

(Christina): The second question is that when a user registers with the system (unintelligible) that they want sent with the application? Is that a one-time possibility or if it turns out that you (unintelligible) and then you later decide you're going to do (unintelligible). Do you have - I mean is there an opportunity to go back and reenter the (unintelligible)?

(Curt): Well, I think again the short answer is yes, but up through the closing date (unintelligible).

Chuck Gomes: Thank you very much, (Christina), for keeping the questions really direct and to the point and brief. I'm going to encourage everyone who comments or asks a question to do that because we're in Module 1, there are six modules and there are a whole bunch of other documents that go with this and we'd like to cover as much as we can today.

Having said that, (Stefan), it's your turn.

(Stefan): I like the way you say that before I speak. I just want to come back to the exact paragraph that (Zahid) was referencing earlier on in 1.1.2.3 just to make sure if you can help me out, (Curt). Make sure I understand exactly what you're proposing.

There is - what's been said all along that there would be no first come first serve advantage within the cycle between the first and the 60th day. That is still the case, you say you get 300 applications and handle them all.

If you get more than 500, say you get a thousand, you randomly select so there's no advantage in being there on the first day. You can come in on the 60th day it's exactly the same thing, except if you're in a contention set then you get in the first batch, is that what you said?

(Curt): Unless it's Tuesday and there's a new moon. So, yes, that's exactly what the guidebook says. Again, there could be some legal reasons for not (unintelligible). You know, and I think the (unintelligible).

Chuck Gomes: I'm not seeing any more councilors at the moment. (Eric), it's your turn. Do you have a mic?

(Eric Brenner Williams):      Is this working? Okay, good. Hi, I'm (Eric Brenner Williams) from (unintelligible). (Curt), I have a question. In the (unintelligible) other kind of application to find in the guidebook (unintelligible) anticipate adding any other type.

There are two types of applications to find in the guidebook, standard (unintelligible). My question to (Curt) is (unintelligible).

(Curt):            Thanks, (Eric). So the application process also allows for identification and (unintelligible). There's a lot of talk about adding categories of TLDs (unintelligible) you know, include other categories of TLDs (unintelligible) the guidebook.

So the short answer is no and the reason - there are several reasons. One is we're trying to follow the policy recommendation that calls for the creation of a community based application.

So and secondly, I think there will be categories of TLDs and it's good to let - the right approach is what the council recommended and that's a market self identify its categories and create them (unintelligible) to create categories. (Unintelligible) some sort of innovative approach there.

Chuck Gomes:     Thank you, (Curt).

Man:             (Unintelligible) any fashioning or batches (unintelligible).

(Curt):            And we talked a lot about that during the policy development process and whether (unintelligible). So again, the first round is thought to be an open round.

The economic study brings up a lot of possibilities (unintelligible) some applications fees in order to realize the maximum social or net benefit or

social benefit or social benefit or social benefit plus private benefit or something like that.

And then because right after that, boy, those things are really hard to do. But I think they're food for thought for subsequent rounds how I can sort of maximize (unintelligible).

But right now I would look at the economic study as a menu of possibilities and then the next step is for those guys to do some data gathering and an analysis to try to quantify what the net benefit (unintelligible).

Chuck Gomes: Thank you, (Curt). Let's go to Module 2.

(Curt): Thank you. Module 2 are the evaluation procedures. In a sense they're the least - it's the least talked about module but probably the most important because every applicant's going to go through that.

So it includes information on background checks for applicants, a criteria in initial evaluation, which are the six evaluations that are performed on each application and information about the evaluation panels.

And the changes here are the augmentation or background checks in accordance with public comment and measures to mitigate potential malicious behavior to what was formally the IDN 3-character requirement now is the IDN 2-character requirement.

And (unintelligible) for one to apply for a geographic TLD (unintelligible). Background checks have been greatly enhanced (unintelligible) coves the individual (unintelligible). I think the background checks are a good example (unintelligible) the IDN 3-character requirement.

The IDN implementation working team was one of those teams actually headed by a couple board members that worked on this and the variance

(unintelligible) developed a solution that allows for registration of 2-character IDN (unintelligible) for gTLDs.

But then decided for 1 character strings that they sell even in languages where there's thousands or tens of thousands of characters (unintelligible) valuable oceanfront property. And so will be considered in - you know, they thought there should be some additional policy work done before those are (unintelligible).

(Unintelligible) so a change here is that country and territory names won't be considered in the first round. So I think that decision, coupled with the ongoing ccNSO work, will point to, you know, provider future direction.

I think it's an important policy question coming up and (unintelligible) question for the entire ICANN policymaking for all of the ICANN policymaking (unintelligible).

And in addition to this change, there's clarification with regard to requirements for city names, and we've also put in a sample letter of government support. And if you sit in some other meetings you certainly don't want to be telling governments what to do or what to write.

But the purpose of it really is to inform governments as to what they're approving so they can use or not use the format. And maybe they (unintelligible) but the goal of it is to inform governments (unintelligible).

So if there's questions about second module.

Chuck Gomes: Thank you very much, (Curt). (Unintelligible) and keep your hands up if I haven't called you yet. I'll get you to go ahead and start, (Christina).

(Christina): Well, my question is on (unintelligible) both to do with the breadth of language or what (unintelligible) sort of breadth of language. So first is that background checks that can include background checks of individuals.

Some say a director officer of the (unintelligible) understand that there will be applicants not the individuals so that's one thing. But that after background checks of individuals, I think we can understand why it might be a problem of a director of the corporation (unintelligible) organized crime. The lab will then point to intellectual property violation.

First, what does that mean? Secondly, intellectual property then comes as more than just trademark so if, for example, that director happened unfortunately to not understand copyright law and got into trouble because he downloaded something from (unintelligible).

Technically that could come within this section, but that may not have been the intent. But that certainly could be the implication. So that was my first question.

My second question goes to the next bullet point about scenarios where the applicant may not have the background checks, including where section liability is found in a series of (unintelligible).

Again, I think we understand the intent of the serial side would cause a problem that all of us have been talking about for over a year. Our question for that is that by this language, this clearly seems to include both default as well as non-default judgment, not just court decision, but also (UDRP) (unintelligible).

(Curt): Those are excellent points and (unintelligible) are that the background check may include but not (unintelligible) background check would inquire into intellectual property violations, which you know as I remember our

discussions being (unintelligible) person or, you know, (unintelligible) violation.

So, that doesn't necessarily bar (unintelligible) these violations sufficiently (unintelligible). Then what I'm hearing you say (unintelligible) the guidebook might attempt to include some effective sort of (unintelligible) to which these violations have to rise.

Woman: (Unintelligible) at the very least (unintelligible).

Chuck Gomes: Now, (Mary), mentioned something that I want to remind everybody of that we talked about in previous sessions like this. And that is it's really wise to submit your comments in writing in addition to in this (unintelligible). So I certainly encourage you to do both, if at all possible.

And next in queue is (Walt).

(Walt): (Unintelligible) background check (unintelligible) heroism and all of these other things. So who is supposed to conduct these background checks? (Unintelligible) what do you have in mind? That is one question.

Second question is regard to the definition, for example, for heroism. So that is for the opportunity what kind of definitions behind those (unintelligible).

(Curt): So who is going to conduct the background check isn't ascertained yet. You know, certainly it's an independent third party that is - that does this sort of work. You can imagine working at ICANN when the background check was performed against me it was an Australian firm and now ICANN employs other firms to do those checks.

So if you have specific ideas about this, you know, I defer to (Karen) or (Dan) to add more about who's going to perform the background checks, but it's certainly not my area of expertise and there are employees of ICANN and

then firms of ICANN employees that are suited to - better suited to answer that question. (Unintelligible)

So I think we'll - you know, we'll supply a form and ask the applicant if they've ever committed acts of terrorism. And if they have, you know, they're (unintelligible).

Chuck Gomes:     Okay, (Edmond).

(Edmond):     Again, two questions. First one, I want to start off by congratulating ICANN staff on the IDN 2-character limitation. I think it's great progress. I'd also like to point out that work on single character IDN TLD is also already underway.

You know, for those who are interested, please do come to the (JEG) meeting Tuesday morning at 8:00 where we will discuss this issue. So the question - well, I shouldn't say a question, but I guess if that work is being done it could be incorporated into (IC dot) so that was the question.

Second one, on geographic names and I spoke on to the question of region or sub region names. I have made this comment before, I'll make it again. And also in the GNSO and (GAC) meeting earlier, I think it was yesterday.

I also brought it up, which is the - we know that there is a very small amount of these continents or regions and I do not think that because of the very - the differences that the large differences between continents, for example, North America and Asia or Africa, again, I stress that I don't think a one size fits all type of approach, which is what ICANN staff is proposing in this.

And therefore, I noticed that the percentage of governments that you're looking for has reduced from 69% to 60%. But still, I think the issue is not of amount of percentage.

The issue is we're talking about a small amount - a small number of possible TLDs and they vary very greatly, 60% of governments in North America versus 60% in Asia or Africa is a very different type of thing, which I brought this issue up at the (GAC) meeting.

And I think (unintelligible) at that point agrees that there are - there is a large difference and that, you know, and that perhaps is trying to use a percentage of one size fits all approach is not the best approach.

And I, you know, bring back to the experience for (dot Asia) and also in our comments in the earlier round is that seeking the (GAC)'s advice on this issue is probably, you know, one way to go and a good approach.

Man:       So I don't' know if it's a good approach, but we thought it was the best approach. So if you think about - and by the way, 69 was a more analysis and reduced the (unintelligible) of that.

But, you know, if you take 60% of each continent the number of countries small and large, it seemed to make sense. You know, we did - you know, we spent a few days (unintelligible).

I would certainly - and then one reason that was developed was at the - you might remember that the board resolved to - for a very - that a specific dilution or a specific criteria be written.

So our earlier version of the guidebooks had a significant number, a substantial number of the countries or something like that. And the board said we want something more specific.

We'd certainly - you know, and almost, you know, having a different percentage for each country, or each continent, rather, each region (unintelligible) as the same size fits all.

So the bottom line is, you know, if somebody has - if you have a different approach or someone has a different approach, we certainly entertain that because we realize that, you know, 60% is somewhat awkward. And, you know, we'd certainly take advice from the (GAC) on (unintelligible).

(Unintelligible) speaking with the (GAC), I guess it's two parts to what I'm suggesting. One is, you know, as we develop the guidebook to speak to them about it.

But also in terms of the profit itself, you know, what I mean by not one size fits all is perhaps rather than putting a percentage in there to actually formally create a process whereby if it's a region then, you know, seeking that chair or through the chair to the board, perhaps, as the process for being, you know, to evaluate this particular (part).

Man:    So a little trouble with that because it kind of goes against the recommendation that there be clear criteria defined for the applicant before the application process.

Man:    You want to let the applicant know the criteria by which his application would be measured. So submitting an application to the (GAC) after the process is published to make a determination if the support is substantial enough. I don't know if that meets the policy objective so I'd have to think about that.

Man:    But, you know, I certainly have no problem with there being different criteria for each region depending on the size and number of members.

Man:    There are already a number of objective evaluation points in the guidebook so I don't think this would (unintelligible) the point that you were trying to make in (unintelligible).

Chuck Gomes:    Thank you. Now, I have (Christina) in queue and followed by (Zahid), (Stefan) and (Wendy).

(Christina): Again, two hopefully quick questions. The first being I am - background checks and the detail as to what's covered (unintelligible). In the hopefully unlikely event that they miss something, what is the mechanism for bringing that information (unintelligible)?

(Curt): (Unintelligible) about halfway through your question and I was thinking (unintelligible).

(Christina): Well, I would think that there might be issues to that.

(Curt): No, I understand why you might not want to publish something or, you know, put your name to the bottom of it.

(Christina): (Unintelligible). The second question is that it seems that there my be - and again, I apologize (unintelligible). It appears that there may be a gap (unintelligible) review with regard to string that may have cleared the examination process, even been the subject of a registered context but not yet delegated.

As it is in both this section and in the attachment to section 3, that analysis applying only to existing top level domain are applications in the same (unintelligible).

So I can certainly see that there might be a potential for a gray area in the middle. In other words, that through no fault of the applicant have not - they've done everything but they haven't actually been delegated.

Man: I don't know. We'll take a note on that and go back in and investigate. I think that's captured because there's an analysis of every string that's been applied for against every other string. (Karen) took the note and we'll...

Chuck Gomes:      Isn't that a very small set? Like right now as far as existing, is what (unintelligible) hasn't been dealt with, is that right?

(Christina):      I'm thinking more kind of (unintelligible).

Chuck Gomes:      Oh, good thought. I hadn't thought of that. Thank you. Okay, (Zahid).

(Zahid):      Looking at the background check (unintelligible) such as (old fact), priority watch list, (UNC) resolutions. How would that sort of impact either an individual applicant or a company (unintelligible)? That's number one.

Panels, it says that it would require each evaluation panelist to (unintelligible) six months. Wondering is that a long enough period.

Last point is about geographics. I see that, although this is not anywhere else in the back here, we see that at 2-6 in geographics it says in the case where gTLD the applicant has obtained the (support) (unintelligible) government or public authorities as opposed to governments or public authorities.

It's the only place where it is not mention. Wondering there could be contending states for things like .(unintelligible) and .(unintelligible) (Macedonia) and things like that.

Are we sort of thinking well they've got to go to auction or something or let's just get locked in to (unintelligible)?

(Curt):      So I think those sorts of checks you are talking about in your first question occur as part of the application project you apply for by four (spot).

And then certain checks are done to ensure that licenses can be obtained. I encourage you to make - if you think six months is the wrong time make a comment and (unintelligible). So rats, what was the third question?

Man:            Geographics and...

(Curt):         Oh yes. Well let me - so I'll answer your question as I pictured it. So if you're representing a geographical place name from a certain area even though if it's a geographical place name from another area you need the approval of that relevant government so the government that you are representing.

                So if it's that sub region in that country, you know, you need to get the one government approval for the region representing. You don't need to get government approvals from all the regions of the same (one). Okay two.

                Well so if there's two applications that are the same they wouldn't (same string). They wouldn't move forward unless they had their government approval. If they both had government approval then they wouldn't be in contention.

Man:            Talking of the government taking files (unintelligible) probably wouldn't go to a panel.

(Curt):         So first there's also an objection process. So if somebody - so I hate to use the word blocking strings, but if somebody applies for a string and you don't have to apply for it in order to stop it. You can object. So that's one part.

                And two is in the (Erin) help me out on that. And (Austin)'s in the back room so she can help me. In the case of geographic names I think - they're not - where governments disagree they're not - they don't go to auction. They're - the applications are suspended. We tell the governments to go work it out.

(Chuck):        One of the things I'd like to ask you to do if you have multiple questions unless they're interrelated ask one at a time and then I will give you opportunity to ask the subsequent ones there.

                (Sam) I have you in the queue. (Stefan) you're up.

(Stefan):     Well I have ten questions. The first one just a specific question on 2.2.1.4. where it mentions the fact that for city names the applicant will have to speak the support or non-objection of the relevant governments or public authorities.

Just to make it clear, if you're a city do you have to seek the support of the local government and the country's government or just the local government?

(Curt):       So it's the local government have to identify the you're - but you have to identify as a (unintelligible). So for example if, what's a good city name that everybody...

Man:         Paris.

(Curt):       Yes, no, not a capital city. In any event, city names are often generic terms too. So the only protection afforded city names are for the (unintelligible) sort of a skinnier protection.

The only - the cities that are afforded protection that require governmental improvement in every case are just (unintelligible).

(Stefan):     National government approval that require national...

(Curt):       Right.

(Stefan):     ...government approval.

(Chuck):      (Andre) why don't you go ahead and share a common on that.

(Andre):      Yes (short note). They're capitals but there are (pivotal) also, not one capital, the federal capitals, certain countries which have a certain federal such doesn't work.

You get to list all the forums of all the countries or you leave a generic (unintelligible).

(Curt): So I didn't understand. Can you make your point again? I didn't understand.

(Andre): Okay. If there is a city I said take for example Samara. We have a capital called Moscow in Russia. Everybody knows it right?

But there are like 60 cities which have federal status. And they controlled by the local citizens like the municipal cities but they also controlled by the federal government. So for those cities you have to go and ask the federal government and the local government.

(Chuck): So if I understand you correctly (Andre) there's actually two categories here.

(Andre): This is only for Russia.

(Chuck): I understand.

(Andre): You understand? Because, you know, there are...

(Chuck): Yes.

(Andre): ...many countries in the world and they all have different (strategies).

(Chuck): Yes let me suggest, hat this would probably a good thing to probably have a little external consultation on this. But I think the point is probably a little more (unintelligible).

(Curt): So yes, so let me be clear that what's in the guidebook now is that government approval is required for capital cities of countries and territories that are listed on the ISO3166.

So that to me it means apply for as far as the government approval. But those other cities - that - well it does not require government approval...

(Andre): Yes they do. That's what I mean.

(Chuck): Are you saying they're on that list (Andre)?

((Crosstalk))

(Chuck): Are they on that list?

(Andre): They're not capitals but they require government...

Man: Wait, (unintelligible) and (Dan) (unintelligible).

Man: They might also be on the 31 (unintelligible). But definitely this is an area that lots of people are going to have (unintelligible) don't want to have to get the national government at the Los Angeles maybe doesn't make sense (unintelligible) federal government might want it.

So (we're going) to put the draft out there. I think people are going to have opinions both ways on that (unintelligible).

(Chuck): Okay. I don't want to spend all our time on this but keep your comments to about a minute okay. And I've got (Andre) and (Jamie). (Tommy).

Man: Can I just quickly? I think that there's two distinctions here. There's one what the guidebook asks you to do is what you're government would require you to do.

The guidebook says you don't need to get your government, that's okay. And you can apply with that. But if your country says you need to have

government, I think that's what the guidebook says you have to and then what you ought to do (unintelligible).

(Chuck): Thank you (Adrian). (Jamie)?

(Jamie): I will just add another couple level of complexity to (you) because there is the city level, the state level, province level and also the federal level. So all of them are governed and wording must be more specific.

(Chuck): I don't think there's any requirement for state level is there?

Man: Just to give an example of (unintelligible).

(Chuck): That's right. So I appreciate there's good discussion here. Sounds like an area that probably needs a little more work (unintelligible). It works in all situations and I think that's clear here. (Wendy)?

(Wendy): Thanks. I have a question about places where the evaluation procedure seems to end without the possibility of appeal.

And I've identified three from this discussion. The spring similarity challenge, the DNS stability, and now the background check.

And it seems that an applicant can fail any of these and have no opportunity to appeal or request extended evaluation within the evaluation process here which would seem to be sort of lacking in failsafe because what's the disappointed applicant's option other than to go file a lawsuit in some jurisdiction?

(Curt): So that's exactly right. There's been, you know, I think especially with regard to background checks would be interested in hearing your opinion on how that process (unintelligible) since that's sort of new in the guidebook. And so might be a little bit abrupt.

We've had a considerable discussion about for example during similarity and if there should be an appeal.

And, you know, if there's an appeal and a different finding is made then you have a vote in either direction.

So how to review those decisions is a little problematic. If you think that there should be an extended review of those situations you should say there should be and say why and, you know, if you could provide some detail as to how that works.

So, you know, again it's one of those decisions that's a 60/40 decision when we're writing the guidebook and we think, you know, it's a 60 approach but...

(Wendy): Follow-up with comments.

(Chuck): Okay (Tim)?

(Tim): Hi. I have two questions. And the first one just forgive me if I missed it or got confused. But is the - in the initial look at the applications when there's more - if there turns out to be more than 500, are those that are reserved for a subsequent batch is information on those strings made public or is that kept for a later time?

(Curt): I think it's they'd be made public right away. I think that approach is that I don't - I think it's awkward for ICANN and should be in (unintelligible).

(Tim): Second question is in regards to the background checks. If that - well I guess either way if it fails or it doesn't. Is that - is any of that information available to the applicant upon request? Or under what conditions can the applicant get results of their background check in particularly if it fails?

(Curt):        What do you think?

(Tim):        You should be able to request...

(Curt):        Red button (Dan)?

Man:        I'm just nodding that's a good question and something we should clarify. It sounds more like you're (right) (unintelligible) wanting to know exactly why because it might've been a mistake or (unintelligible).

(Chuck):        Thank you. Now I'm not seeing any more counselors right now. Is there anyone from the audience would like to make a comment or a question? (Mike), could you come over here to the (stand) where the mics are?

And anybody else that would like to ask a question or make a comment if you line up there so I have a sense of how many there are?

(Mike):        So (Curt), with regard to your initial comment about terrorism is bad, once reminded by (Dril Tarmisi) that one country's terrorist is another country's freedom fighter.

So again including the word terrorism in the DAG as a potential criteria I don't - I see ICANN having some difficulty regarding the objectives.

And one of the other points is when you looked at Module 1 and Module 2 where there were criteria with regard to crime and stuff like that there was a clear definition back in Module 1.

There was no mapping though however with regard to terrorism. It just showed up in Module 2.

I also went back through (unintelligible) I saw no reference of the word terrorism in any (unintelligible).

So I guess my question is how did it get there? What is the criteria for a normalization standpoint that ICANN will use to apply that equally?

(Curt): So they're really good comments. And (unintelligible). Yes so (unintelligible) just bad terrorism.

But and so we, you know, where that list comes from is we consulted with companies that do background checks for (unintelligible) copied from others and not developed ourselves.

But your comment's really well taken. And we don't really - we certainly don't want to play with terms like that because they're big important terms.

(Mike): So just sort of a quick follow-up and this goes to the question that (Zahid) had raised regarding OFAC.

Obviously as a US corporation the regulations of OFAC apply to ICANN. Has ICANN attained any waivers from OFAC to deal with any of the countries that have been - they are prohibited with dealing with or individuals from that country...

(Curt): I don't want to comment on specific (unintelligible) but I will say that it - those tracks are used.

(Mike): And then the way that American entities do business with (unintelligible) all applicants, GTLD applicants will require (IANNA). How will an applicant know?

(Curt): Wow I was trying to lead you along there (Mike) so if...

(Mike): Maybe you could repeat. Maybe it's just perhaps square one?

(Curt): No it's early in the day. So just like any other entity that tries to do business with people or entities outside the United States, if there's an issue along the lines you were describing a license has to be obtained.

(Mike): That requirement then appear in the DAG? It doesn't appear that right now.

(Curt): I think it - I don't (unintelligible). But yes, I'm that the company expert in that believe me. No I'll (unintelligible).

Man: Sorry (Curt), I have a couple of observations. I'll try and speak quickly. The first is on the failing of a background check.

As you can imagine I think you'll get mostly applications of corporations. I think you mandate it. I would love to know if one of my officer or directors failed a background check.

And I certainly wouldn't want it to invalidate the application. I'd like a chance to rectify it by perhaps, you know, discovered something I didn't know firing him for example.

But I certainly, you know, your background checking many people within a corporation because one fails doesn't mean the application should. You should allow the applicant a chance to say I understand. Thank you for bringing the information to me and here's what I'm doing to rectify it.

Secondly I'm curious as to what the territory names are and whether they consider provinces to be territory names.

I've seen a lot of people around definition of territory names. Are you after just countries or do province and states fall into that same category?

And the third comment I have is it dawns on me this whole discussion about capital cities and that is rather confusing.

So if I was going to apply for Ottawa, our capital city, I'd be far better to go into Ottawa, Ohio in the US a little, you know, dumb town in the middle of Ohio and get their mayor - I'm sorry, Ottawa, California. I'm sorry. I didn't mean to get Ohio people (unintelligible).

I'd be better to go down to a little town in the US that, you know, maybe a population of 50 people and get the mayor to sign up there and say yes you've got the local presence.

I mean I would say there's probably a Moscow in almost every major country as well. So I'm curious as to how that's going to be resolved.

Because what you may be doing is driving people to find a similarly named town not as sophisticated and certainly not a capital in order to apply for one.

(Curt):     So do you notice how the bells seem to go off every five minutes? I mean your life just flies by here.

So I - so the guidebook's written and the section about background checks is written to say that, you know, if there's a finding on part of the application.

But from your comment and (Mary)'s comment I, you know, we're taking back that we need to be more specific about the effects of the findings in the background check, what the criteria might be and how (unintelligible) that.

Your second question about territories, does that go to that applications for countries territory's names will not be considered in the...

Man:     Yes.

(Curt):     ...first round? So that is those are countries and territories in the (ISO31) list. So a territory in that sense of (the country).

So correct 31 (unintelligible). Three is national capital cities are require the approval of the relevant government.

So if it's a country or territory in the ISO3166-fund list then it has a capital city. So if you apply for that name it doesn't matter where you're from or who you represent, you require the approval.

Man: That's fine for Ottawa, Ohio but I've got that town saying absolutely, I'm now going to ask a foreign government potentially for their approval for the name?

(Curt): Well I don't know if you would call Canada foreign?

Man: Sorry. Let me use a different example.

(Curt): No so I understand your question...

Man: I go to Moscow Quebec and I get them to approve I'm going to apply for .Moscow I need to now go to Russia and say hey am I allowed to apply for .Moscow when I've got no connection to them?

Man: So the - okay.

Man: I don't want to make a big deal out of it, but I just - I think it's one of the issues that probably you're going to drive people away from the..

(Chuck): (Tim) please if you want to get in the queue? Okay. (Stefan)?

(Curt): Wait I didn't answer the question.

(Chuck): Oh okay.

(Curt):        And then - all right so the answer is that the answer is yes. You have to go to the foreign country. Reasoning is that countries have a reasonable interest in their capital city name.

               They identify with that as part of their national sovereignty, that one city. So that's why it's written that way.

               Other cities, you know, it (unintelligible).

Man:           Still on that point just to make sure we all understand, if you're a capital city applying you don't have to go to the relevant foreign country that has the same name, that has a city with the same name with it. It's not a capital city.

(Curt):        You don't have to go to Paris, France.

Man:           Right.

Man:           (Unintelligible) well enough or do think it's pretty well protected so that United States has a (unintelligible) or something similar with Canada or Russia or (unintelligible) in the way that that's constructed or...

(Curt):        Yes so I feel pretty darn confident but the test is for you to read it and tell me. The text I think states clearly that capital cities of countries or territories listed in the 3166 (unintelligible) I think it's clear but, you know, we'll just take that comment and go back and read it again and (unintelligible).

(Chuck):       (Adrian).

(Adrian):      I think the problematic way - I struggle to see what everyone else is seeing. And I agree with it that I think the guidebook is written appropriately. But I think that the key word that's throwing everybody off is territory.

You know, here in (McDonald) Ireland for example (unintelligible) (3160-1) was therefore they get their own country code. They're a territory. They're not a country. They're actually part of Australia. We don't want them but they're there.

So they're listed as a territory. But the problem is that everybody's general understanding of territory tends to be at state level. And therefore, you know, that's a misleading word I think.

So I don't know maybe there's some way you can address that in states (unintelligible) territory maybe?

You know, when you sit in - if you sit in a ccNSO meeting you don't say countries. You say countries and territories is one word so...

Man: Somebody in the - our constituency wanted me to ask under these guidelines (Curt) is it possible for a Cuban country to get a top level domain? The question might be asked about an Iranian company.

(Curt): Sure.

Man: Sanctions the business sanctions (unintelligible) corporation dealing with them in some way would (unintelligible).

(Curt): Yes so it's kind of the same question that (unintelligible).

(Chuck): (Mikey) use the microphone please.

Man: By clarity right now the OFAC does maintain a list...

Does ICANN not collect money from those domain names when they (unintelligible) names on that (unintelligible).

(Curt):  So ICANN collects money for registrars who collect money from registrants.

Man:  Well just again for benefit of (Dan) who was here, you may want to look at the new (unintelligible) talk about direct and indirect...

(Curt):  Yes, we look at those very carefully. (Eric)?

Eric Brunner-Williams:  Hi (Curtiss), Eric Brunner-Williams. On the discussion of 3166 country codes and territories I wanted to remind you -- because this really isn't a question -- it's just a reminder that (unintelligible) points (unintelligible).

(Chuck):  Comment there? (They're) just taking his input. Is that fine? Thank you. Thanks (Eric). Anyone else?

Okay, just before we move to Module 3 -- and we're going to have to pick up the pace a little bit - (Curt), let me know when you need a break and we'll take a brief break. Others let's hopefully can step out if we need a break during this.

Let's go to Module 3 please.

(Curt):  I'll take my break when (unintelligible).

Module 3, dispute resolution procedures. Not too much has changed here. This includes, you know, objection grounds, standing requirements, standards, how formal objections are processed and dispute resolution processes.

So a lot a lot of work that's been done already. So I think what's there is really clear.

What's been added in response to comment is a quick look for morality and public order objections to ensure that those objections can't be used in a way that blocks top level domains.

You know, it's thought that - is there a another slide? Okay well let's go to that. So, you know, there was some comment that the objection process might be used to block TLDs and stifle competition.

You know, our original thought is those objection processes are loser pays type episodes. And so there's not - there's an incentive not to do that.

But in addition to that for morality and public order we've established this quick look process to determine if the objection, you know, if factually correct would stand on its - would stand that. And that's about it on the objection and dispute (resolution).

Man: Okay. So (Chuck)'s just stepped out for a moment so I'll just take over if I may. Who would like to ask a question?

(Harry) (unintelligible).

Woman: (Unintelligible) for the directions from ICANN (unintelligible) well the reason (unintelligible) must be truly independent. And therefore ICANN (unintelligible) does not in fact (unintelligible).

For example under - on the (unintelligible) highly objectionable.

(Curt): So those are good points. There are some safeguards. I don't know if they'll - they'd fully address your concerns.

For example there's a natural safeguard in that of the independent objector lodges, if the independent objector lodges and objection that, you know, loses

at the end of the day, the applicant doesn't have to pay although they're subject to additional scrutiny and time. So that's unfortunate.

But the objector who files what would be found to be not valid or up holdable objection to the end of the day would lose. So that's one safeguard.

And two, I think in the guidebook there's a - it calls for a process somewhere for reviewing the performance of the independent objector. So he or she is routinely reviewed for performance and checks so he or she can get the boot if they're found to not understanding how the process works.

So but I understand what you're saying and the points you're making. So if you have ideas about how to make it more full that would be great. (That's part of the) problem.

(Chuck): Okay (Adrian)?

Comments from the council on this or questions? Okay (Verner) you're up.

(Verner): Just like to make a follow-up question about the (had) identify with respect to the geographic means. So there's two places that would possibly have representative organizations such as local governments for the same geographic name I think Kashmir comes - there is a clause that we have talked about before which talks about completely (sins) against (unity) objective grounds.

So I would wonder what happens, you know, if one of the representative organizations said look, you know, here we are, we want the TLD. If the other one objects because it could be more than one.

As the language clearly stands I believe that there will be no solution. So if the other representative organization wanted to prevent that from happening

they would have to apply as well and (Sending) would possibly be sent to auction. I don't think that'd be something you want.

(Curt):     So do - so are you - so there's - that's why ignorance is (unintelligible) but that's another 15 minutes (are gone)?

So there - so there's - so there would be - there could be two .cashmere's that legitimately represent two different regions. They're both listed in the ISO (3166) (with it). So one applies and one doesn't.

The one that applies has the support of the local government. It could be a community TLD, has the support of a local community.

I think the way the process would work is that an objection against that one wouldn't stand that it's a single application for a top level domain.

And objection because it's a - it's proof of a relevant government. It, you know, represents our community or it doesn't abuse our community label. But I think (unintelligible) there's two dot Kashmirs applied for.

If they went to string contention the - what do we call component evaluation, priority process does not identify one over the other then as I said before, those don't go into auction in the case of geographic names but rather (unintelligible).

(Chuck):    Thank you (Curt).

(Curt):     No it's not clear. What (unintelligible).

(Chuck):    Okay, that sounds like a good idea. Any other questions or comments? Yes? Mics are up here at the table. Please remember to give your name.

Konstantinos Komaitis:	Hello, Konstantinos Komaitis. Can I ask (Curt) if it is possible to give an example as to when a map or projection will - can be raised? Because under international (unintelligible) the lot lease, I cannot think of any example that a pure domain name registration can (unintelligible) a criminal exhibiting.

So if you can give me an example that would be great. Thanks.

(Curt):	That's a really good question because we're talking about the string inciting criminal activities, violent criminal...

(Amy):	(Unintelligible).

(Curt):	..violent - thank you (Amy), violent lawless activities. So we have some examples over here. Go ahead (Mike).

(Mike):	We're spinning up some examples over here. I mean just - and obviously it's offensive. But I mean you could just have something like, you know, kill - dot Kill Jews or something like that, inciting violence arguably of itself.

(Chuck):	Konstantinos please use the microphone.

Konstantinos Komaitis:	Well not necessarily because you really have to go and check the Web sites to see whether "Kill Jews" actually incites people to go and do what the domain label registration says, what the name says.

(Chuck):	Okay, let me suggest that - okay. Let's not get into too much debate on that right now.

Any other comments on Module 3? All right - oh yes, (Wendy)?

(Wendy):	Yes, a quick question on the opportunities for the denial of service type of task by the filing of morality and public (other) objections.

I see that you've defined now abusive complains and gotten those dismissed with a quick look.

Is there any thoughts for sanctions on abusive complainants or search for the conspiring complainants, for example a - an Astroturf group that might get thousands of complainants to raise similar but slightly varying objections and hold up an application unfairly?

(Curt): Well so the sort answer to that's no. They have to - the - it's a loser pays. So in a sense that's a sanction because they've got to pay money.

And (Amy) so are they barred from the process then if they're found to be abusive?

(Amy): No at present there's not that mix, the program. But I was going to say as you said, that is a monetary sanction because they will lose their money.

If they file thousands of them they'll lose a lot of money.

(Chuck): And that will help fund these meetings for us.

(Amy): So we'll have more coffee.

(Chuck): (Unintelligible) coffee?

(Curt): I have coffee on the way.

(Chuck): Glad to hear that. I think you need it. Not that you're not doing (unintelligible).

((Crosstalk))

(Chuck):        You're doing a great job (Curt). Okay anything else on Module 3? All right, (Curt) still thinks it's early in the day. It seems late in the day for me.

All right, let's go to Module 4.

(Curt):         So we've already talked quite a bit about this slide. Module 4 is string contention procedures. So that's how contention sets are identified and then how they're resolved. So direct and indirect contention. It's gets more complex the more you think about it.

Olof Nordling did most of the work here. And who else? (Patrick Jones) worked on - well identification of contention sense.

And then the resolution is, you know, encouraging the parties to work out the problem, a community priority evaluation in certain cases, auctions as a contention, resolution of last resort.

The most complex of course or maybe in the guidebook is the community priority criteria measuring, you know, if an applicant is a community TLV and we continue to hone and hone and hone the criteria and scoring to try to make that as objective and clear as possible.

And so what's (unintelligible).

(Chuck):        Any council questions or comments? The audience? Okay (Ron) go ahead and then we'll go to (Sutton).

(Ron Andrus):   Thank you very much, (Ron Andrus). Of course the communities come back and forth on the comparative evaluation scoring.

And as that numbers bounce back and forth between 13 to 14, 14 to 13, 13 to 14 everyone has quite clearly said that three points of loss which is some

80% to 90% would show (nexus) to community but (vastly) coming back to 14. Can you clarify that for us please?

(Curt):     Well just to provide clarity, it did go from 14 to 13 once and then come back. That was done after, you know, hours and hours of a bunch of people sitting around a table, you know, and teams scoring out, you know, (Erzog) applications to see (unintelligible).

It's a - you know, I agree it's a close issue. I think I've heard as much comment in favor of the 14 (unintelligible). So it (unintelligible).

I try to think how besides comments like that. Yeah. You know, I try to think how you - you know, because I know where you're coming from. And I wonder how you can contribute to the analysis in some way that, you know, would aid continual thinking that goes on here.

So in your comments, the more analytical you can be or the more examples you can pose where the result might be incorrect would be real (unintelligible) difficult part is really the fact that we're asking for the documentation that requests people to do the review says quite clearly how subjective it is. So that's the issue.

And the point that has been made often is that you have to allow one point for subjectively just for human error. And that's the - I think that's what should be taken in.

I don't think you -you can test it all you want, but until we actually bring the application to the market or to the application phase we'll never know the answer.

But clearly if you say in the documentation where you invite people to come and do the evaluation that this is highly subjective, then you have to allow one point for subjectivity okay?

Man:            Thank you. The concern by community contention which doesn't gets results going to auction because some communities may have lot more money, others may not. Some communities may be in developing countries, others may not. That's one concern. Just a comment.

                Secondly in 4.2 with regard to auction, I think some - we've heard three people talk about probably the issue of (docusmear) or (doc Macedonian).

                It may be useful just in 4.2 to say that auction, some language they're clarifying does not apply to geographics.

(Curt):         I don't understand your first question so but on your second question we can certainly add clarity around that. But sorry can you - yes.

Man:            Well if I read this correctly it says a community priority evaluation and it's still a contention. And if it's direct then it goes to auction.

                But that's through community applications by - to qualifying communities basically one being not so well off and the other being well off you know...

(Curt):         I do but I don't know an alternative. So the - they both have at the end of that they both have something of value that they can negotiate. So there could be a win-win.

                We encourage as opposed to auctions for like spectrum or something like that, we encourage the parties to settle it because they both can gain value out of it.

                I don't know if sending the parties away and saying, you know, until you settle it we're not delegating (at all). So maybe the smaller party could actually act as a (VAR) to anyone having it, you know?

So it's sort of a balancing as to whether, you know, you let it - you encourage them to negotiate but with the idea that if that they can't (control) accommodation there's an auction.

Or if you don't have that auction then it leads to a situation where, you know, one party could bar the name from being (unintelligible). So they're both - there's bad outcomes associated with both of them.

Man: I think that having that gap, that time gap may help. And it definitely is. So what we're saying is both parties have equal rights over it as evaluated by the evaluation panel. But then, you know, it's not somebody just trying to block or trying to be abusive. It's basically they both have a right. And then in that respect you give them some time, maybe that'll help them sort of, you know...

(Chuck): Thank you. Great.

Man: Great (Patrick). Thank you (Chuck). First of all let's give compliments to (Patrick) and all of his staff.

And I think (crisp), making this more crisp, but it seems like (unintelligible) really now is sharp towards the community. For example, the criteria for name, the criteria for community rather than the applicant. That was the sharp distinction that I was bringing in earlier. And I think it's been captured.

Man: And I think it's been captured. Now my comment and question really pertains some of this idea of unique (unintelligible) that if there is contention the question being more than one whereas uniqueness by default means only one.

So, you know, why is there a point trying very hard to be attributed to uniqueness of the plan by default if there's contention and there has to be more than one applicant for that string, one application for that string? And then - all right, let's start with that and then one quick follow-up okay?

Got to lie and wait until I answer that question. So the imperative of - the community priority evaluation could be between or could involve a community string, a community-based TLD and a non-community based one.

So you can - you could satisfy the uniqueness criteria I think and still have a comparative evaluation.

Yes it's - that's a meaning.

(Chuck): Use the mic please (Tim).

(Tim): Saying that the uniqueness applied to the meaning of the string and not the string itself. So the meaning could be different based on the context, different in the context of a particularly community versus another particular community or a context of a community versus a non-community application.

(Curt): I would probably need more clarity (then).

Man: All right, just a real quick follow-up question. The example used in uniqueness is about a - (tennis) club that is globally well-known but local. I'm not sure that that means.

But again, this is example is driving to the applicant, not the community (unintelligible).

I'd also like to say it's been a big improvement in the guidebook to now have examples and definitions from a couple of guidebooks before. So that's very helpful.

But I think the example being used again is about the applicant, not about the community. It would be more helpful to understand uniqueness how maybe a

string does not qualify for uniqueness as it pertains to the community rather than the applicant.

(Chuck): But you'll take a look at that one. Okay, thanks. Steve?

Steve Metalitz: Thank you, Steve Metalitz. I'm just commenting briefly on a point that (Kirk) made in response to (Ron Andrus) about 14 points versus 13.

We read the summary that the ICANN staff prepared for the (acts). Only one commenter called for raising the 13 point standard. Second commenter (addressed) some concerns about lowering the threshold score but suggested that ICANN publish the ICANN staff scenarios to test the scoring method.

Now the discussions that went on around the table at ICANN headquarters that we (unintelligible). So those were the only two that wanted - that even suggested that 14 was a better number than 13 according to the ICANN staff summary.

So I guess my question is to respond to one of those two anyway, considering publishing and building on the examples that would ICANN considering publishing some of the scenarios that it ran through to justify 14 point threshold rather than...

(Curt): So there were those comments in the guidebook. And often we've changed the guidebook based on a single comment.

But I'm also (in for) such as these or other meetings there's been discussions on both sides of the 13 versus (unintelligible).

Boy to publish those scenarios, you know, it's really - you can really get more done when you're (elections) in a room and they're kind of cheap and cheerful scenarios that aren't published.

So I'd have to think about how we could make public different scenarios in a way that sort of were (unintelligible) would stand on their own and could be understood and measured in the same way that others.

You know, maybe there's some - the - I'd have to give it some thought, maybe a better approach is to follow more examples like you said.

(Chuck): Thank you. Avri.

Avri Doria: Thank you, Avri Doria. I'm coming back almost to the same issue but a slightly different tact.

One of the things that's concerned me, I think I've been lazy and only spoken about it and never actually written about it is the granularity of the detail. With such a small scale, this team, all this criteria, everything's being either a binary choice or at most a three-way choice. It's a very course discriminator.

And so basically the notion of only using a integer count as opposed to having whether it's (tens), quarters, whatever between the number.

Because for example, when you look at uniqueness, almost anything that's a normal word even if it's used specially will immediately move a single point. That is a very - the word that came to me was gross, but not gross as in yucky but gross as in, you know, arbitrary sort of scale.

So I wonder if you've given any serious consideration to looking at metrics, especially on something as low as this (team), low skewed discrimination point?

(Curt): Yes so we've given tons of consideration to it. And the - and we've talked some in here some today about the subjectivity of the measurement.

And speaking with experts that develop scales and scoring, giving a few number of choices, the scores actually adds to the objectivity and providing scores with a broader scale, one to five, one to five by tens really adds to the subjectivity of the process.

So I don't know where you went Avri but I entered - this is a (unintelligible). So things are looking up team. So a - so I understand Avri, I understand your point. And the balancing that's occurred is in trying to develop a scale that could be the most objectively (unintelligible).

(Chuck): So (Curt) I was right, you did need that coffee? Anyone else in the queue? Okay.

Man: Just to clarify, have a specific question as to in Brazil there are some states that are usually people from that state are - call themselves a state (Taushu) part of Brazil that I came from, I come from (Tariaca) from Rio De Janeiro.

What is the considered community names or they refer - well I wouldn't say Texan like United States example?

(Curt): Yeah, not Texan. So it - the - I think the right answer is it depends. And it depends on the applicant for the TLD and if they want to identify themselves as a community based applicant associated with that community.

So first of all the applicant gains something by being a community based applicant right? What they gain in the process is a (shift) is there's (string) contention, if two entities apply for the same name.

And essentially that's the only time the community based designation comes into play in the process.

And so if you choose to gain that amount of benefit, you apply to the community based TLD and you have to meet criteria. So it's that, the names

you brought up have a close Nexus with that community and that you have support from that community and no objection.

And, you know, the set of criteria in the guidebook, but it's a set of criteria and it's normally associated with being associated with a criteria, support, identification you know, the long-standing existence of a group. So those sorts of criteria are parts of the guidebook.

Man:     (Unintelligible). If I register, (Rizzo), if I want for Texan would - if they are, that is not a contention. I received Texan and...Would I be obliged to (go to) Texan.

Man:     Oh yes you could - it could be delegated to you, but during the objection process somebody could say now a Texan is the name of my community and you're misappropriating it because Texas or Texans - and you want to use my valuable label for your gain. And so there - I'm not saying that objection would win because, you know, it might be (unintelligible).

So yes, you can be delegated - the name and there (unintelligible). So you need to read the (cards) your in and they (unintelligible).

Man:     Who isn't able to raise a community objection? That is my question. The specific question is who isn't able to raise a community objection?

Man:     Right, so that's - that covers more then one page in the guidebook, the standing requirements for raising a community based objection. So you have to be - there has to be a community around that name and you have to be a representative of that.

Man:     We spent quite a bit of time on this and just maybe bring a little closer to a (curt) so everybody understands it, to make sure I understand it correctly. The community priority evaluation that we've been talking about for the last 10, 15 minutes, really only comes into play if two conditions exist. Number

one, the applicant applies as a community based CLD, first prerequisite. That - if there's contention for that string. Otherwise, none of that is used. Is that correct?

Man: Right. That's exactly correct.

Man: Yes, (Tim)?

(Tim): The question then would be the guidebook as an attempt to (make the) distinction that a community based objection can only apply to a community based applicant. In other words, a community based objection could take place against - could not check the community check box, correct?

Man: Good question. Anyone else? No one. Thank you. I think we're heading to Module 5.

Man: Okay it's a good one. So in Module 5 is the proposed registry agreement or recommendations that an agreement, proposed agreement should be posted as part of the application process and (Dan Halloran) in particular and supported by many others have really been quite a bit. And, in fact, I want to say during the GTLD presentation tomorrow, if we can pull it off, we want to scroll through a redline of the agreement from a version off the guidebook to now and I think there're three (prints) left.

So - and they're small. And - so but it reflects, you know, really that there's been a lot of listening and adjustment. Transition to delegation also includes the pre-delegation procedures such as pre-delegation testing to ensure some of the operational criteria that are met.

And also a section that was added completely in response to (community) comment - what (picks) a registry operator (mixing). So well there's been some updates to the pre-delegation testing, some refinements of that. A

model from the ZFA, the Zone File Access working group is published which addresses malicious conduct concerns.

The trademark...

Man:            (Get any leads)? We're going to talk about trademarks anyhow?

Man:            Oh okay. So the trademark protections are now officially in the guidebook after a lot of work and posting it in an alter ego guidebook as we stated it. And then in the registry agreement, there've been alterations to the change of control procedure, a separate type of agreement for IGOs that built kind of on the agreement we arrived at with the UPU because, for example, IGOs in three organizations have restrictions.

They can't agree to certain things. They don't have the power, so they had to develop a different kind of contract. And then finally the process for amending the registry agreement has been amended itself and after - you know, there's been a lot of consultation on that issue and certainly these trademark issues since the Nairobi meeting.

So testing group, is that it - you know, came together and did a lot of work on that. So an example (for you), there's probably - oh, there's a bunch of slides (on there).

Man:            Okay well (unintelligible).

Man:            So Zone File Access is a standardized model so it's essentially sort of a clearinghouse for coming to requests and if qualified would receive zone file data in a standardized way across all TLDs to facilitate investigations for those qualified to conduct them. But it allows, you know - provides our (economy) with each registry to have that delivered. Next.

The trademark clearinghouse - I think this crowd knows this but it's database for trademarks and so it'll validate trademarks and then it'll support (some rise) in trademark claims off of these that are pre-launched. And there you go.

So we're going on to the next slide. So this says that GTLD registries must offer either a sunrise period or a trademark claims period and even with coffee I don't think I could describe right now which trademarks to registries must honor in each one of those cases but I'm sure those who care about these things read that carefully.

There's been some expansion and I think much better definition and really carefully thought through how to honor trademarks in an appropriate way that are either from jurisdictions that have substantive review or jurisdictions that do not and I think it's done in a way that really provides accommodation and protection for the - all trademarks that deserve them.

The uniform rapid suspension is in the guidebook. It's faster and cheaper then UDRP in cases of - in clear cut cases of infringement only. So, you know, again I could get help from the audience but I think in (unintelligible) (walks) away from the name and that's those kinds of cases.

So those are all pre-launch trademark protections. Post-launch, besides (unintelligible) and well, (actually we) have a post-delegation (the skew) model so that a claim can be made against the registry for abusive use either at the top level where the top level name is held out in the proper way and therefore infringements at the second level but (carefully) awarded (definitely) (wooded) standards re (unintelligible) operates to facilitate that (abuse).

So what's been added here is a threshold review for all these host delegation cases so that the registry doesn't have to get involved in the (pursuit) actively until, you know, a threshold is met. I think is - you know, the facts (are a true statement). You know, this (unintelligible) case and (unintelligible) valid claim.

In the registry agreement itself there's what we call the hybrid process for a future amendment. The word hybrid comes from there were a couple different proposals. There's sort of a hybrid between them.

There're some (essence) to change in control procedure where there's some ICANN (contend) required. And finally the IGO provisions that (unintelligible). I'm wrestling through these but I (unintelligible).

Excellent. (Dawn), sorry if I talk too fast but I think this crowd kind of understands (unintelligible).

Man: Thank you very much for doing that quickly sir. I appreciate that. We have three counselors in the queue. Does anybody else want to be added?

Man: The - I know it's a (extenuating) added entry to the (unintelligible) that's one and the redline (vision) - entry into any registry agreement for ICANN must (first get) through by ICANN. So if you've made it through the (supplication) process essentially as it says - and then you get to the board, if the board (gets) you back are you eligible for a refund? (Unintelligible) for whatever reason. Are you eligible for a refund?

Man: A partial refund.

Man: A partial refund?

Man: I haven't (unintelligible). So I think, you know, it's not well settled yet but I think you - board review is probably not along the lines of the - rather is a, you know, the board can do whatever the board wants to do.

Man: And along the same lines, then, on the (thing) to delegations, once it goes off to delegations, it gets rejected in the (registry). Is that the process?

Man:     So the way the process is written now really doesn't (answer), how you reach that stage of the game. It could be lowest amount of refund.

Man:     But surely if I've met every cri- at a different level. If you've met every criteria that the guidebook said so, I did what you asked me to do, something like I went through and I had a chance to pull out at certain times. I went through with good faith with ICANN. And then from one of two, either on the board or delegation is rejected, it's in a fact in a way out of my hands.

Man:     But, (right), I think what you're assumption there is that the board is - the board or the delegation process has made those (decisions). I would make those (assumptions) if some way criteria (unintelligible) something to (unintelligible) very validly that...

Man:     Yes, so this speaks to certainty of process, right?

Man:     Right.

Man:     Thank you. Secondly, can I ask a question.

Man:     (No), because (Dan)'s looking up the answer to the (first) one.

Man:     Second question. Specification 7 dealing with right to production mechanisms (unintelligible) operators - it basically mentions that the registry operator has to comply with the trademark (in house), the URS and the (D to D).

         The only place where it goes into sort of extended language about what any one of them means instead of just giving a (high product) link is the trademark clearinghouse. The concern is that by summarizing or restrictively defining language within this agreement, would we be overriding the (nexus) of the (that become) annex, you know, the URS - sorry, the trademark clearinghouse document or whatever (intelligible) and (acceptable).

Because here I'll give you an example. It says, "Trademark clearinghouse," and it only refers to pre-launch claims services. So whenever the trademark clearinghouse will do some post-launch would that be (recepted) by this clause or is the - language? And secondly, it talks about identically matched trademarks and it doesn't go into detail as to what that means and obviously that would be in the annexes.

So would we be, by putting this, rendering this language here, be restricting the flexibility that we'll have later within the document that will come subsequently? And that's my second question. And a suggestion to that would be we haven't done it for the URS. We haven't done it for the (CLD). Let's just take it out and lead the trademark clearinghouse (as is).

Man: I just wanted to double check and I confirmed it. There is no what you'd normally see as (unintelligible) when this contract (unintelligible) - ICANN contracts. ICANN's sort of a unique (unintelligible) more slides (unintelligible).

So I'm going to try and clarify. So the contract incorporates by reference I'll say the - when it describes trademark clearinghouses, quite a bit of verbiage and then it incorporates (it). That may exist by just incorporating the process. But, you know, but if we were at work and you'd ask me that question I'd kind of rephrase it and say (we) have language in two different (places), something we should look at.

And then the way the guidebook's written now is that the clearinghouse ha- the contract requires the use of clearinghouse in the pre-launch phase. It doesn't - that does not (oviate) from voluntary use of clearinghouse providing and IP watch service or something like that in post-launch. So that's optional.

Man: Thank you (Curt). (Wendy).

(Wendy): A few questions here, one relating to (Adrian)'s earlier question. I would ask why is the board required to review every delegation of a new top level

domain? It just gets up to numbers in the hundreds. Isn't that requiring board intervention and what should be a more routine matter?

Man: Like registrar accreditations, right? The board does not review (registrars). (That)'s a question I think, you know, a comment on that would be good and I don't think the board has decided finally what - how it's going to exercise its oversight rule. And...

(Wendy): A very specific question on the draft - 7.6E4 defines a working group to review registry amendments to the agreement and while it shall include members of registries, it may by ICANN discretion, include other members. I would say that should include a member of each GNS's stakeholder group but...

Question on (team)'s meaning in Section 2.1.5 of the Zone File Access provision - I'm just unclear what is supposed - what is intended by the revision? It seems to say under no circumstances will registry operator be required to allow user to use the data to enable spamming but the revised text - what appears in my reading, to allow the registry operator to permit the data to be used spamming, et cetera. This is 2.1.5, Page 49 of the redline draft agreement, for Zone File Access.

Man: We'll look at it again. I see the edits you're talking about and there the intent is not to allow users (unintelligible).

(Wendy): Thanks. I think those are my questions for the moment.

Man: (Thank you) (Wendy). (Mike).

Mike Rodenbaugh: Yes, Mike Rodenbaugh. I have two questions. First one, you have on the trademark clearinghouse that no marks can go into the clearinghouse unless they were in effect on or before the 26th of June 2008. (Unintelligible) what's the significance of that date exactly? And then secondly, is that intended to

shift over time in successive rounds I guess? Is it possible also that it will shift now since this process is taking so darn long?

Man: On the cur- the data today when the policy recommendations were approved by the board. So that's that day. And...

Mike Rodenbaugh: Okay, what's the intention of that limitation anyway? Great, because this has been happening for years anyway in all of the other (rounds). (Come on). I guess anyway it doesn't - certainly doesn't make sense to just pick that date for all time obviously. Okay, and frankly I don't think that that really makes a lot of sense - 2008. It should probably be more like now or something, but.

Okay second question is relating to 77 - 7.7 of the registry agreement, third party beneficiary, no third party beneficiary clause which seems wildly inconsistent with the PDDRPs and maybe the RR, the RPs.

Man: Yes so I'm not sure and again I'd ask (Dan) to help me. But for example, now the agreements have no third party beneficiaries but, you know, we have UDRP, right. So these DRPs are disputes between a rights holder and a registrant or a TLD or - which ICANN has an agreement. Right, that's why UDRP is (conducted) by (why po) and NAF.

Mike Rodenbaugh: Yes, P doesn't involve the registry.

Man: Well that's right but...

Mike Rodenbaugh: PDDRP clearly does. The registry is (unintelligible).

Man: Right.

Mike Rodenbaugh: And the registry agreement is clearly putting restrictions on operations of the registry which are breached therefore enable a third party to file a claim.

Man:            No it's - so...

Man:            (Unintelligible).

Man:            Constantly.

Mike Rodenbaugh:     Well anyway I just see it as a pretty stark inconsistency.

Man:            Yes, well to me - so for registrars, registrars are required to follow UDRP
                which is a consensus policy which is a dispute between a rights holder and a
                registrant. This is a dispute between a rights holder and the registry. So
                again, it's a dispute where ICANN really does not have the wherewithal to
                make the adjudication between two parties. That has to be a party entity.

                Yes, I see a parallel there but it's truly the landscape is shifting and these
                additional disputes - dispute resolution mechanisms are put into place to
                provide protections for rights holders.

Man:            Okay we have people in the queue right now. (David), you're next.

(David):        Hi. I have a question that would be recognition of trademarks by statues or
                (future) currently in effect or in effect on the 4-26 in (unintelligible). That was
                my interpretation with that. And my question is, A, I think there's some good
                stuff in the RPM and certainly not (unquery) what trademarks are in house or
                with agents that are developing? (Will) you publish a list of the current
                (unintelligible) that we've got those countries in? Would it lead to the
                trademarks that are in-house?

Man:            So I think that the trademark clearinghouse will - so all the tr- all registry
                trademarks get in the clearinghouse. Well I don't know. So more - you know,
                this is a country with substantive review so that will generate more
                (unintelligible) out of country (unintelligible). I have to do the validation so I'll
                (unintelligible).

Man:             I think it's - I think - well I think we have to think about it to actually know if there's a balance (there).

(David):         So there's not (unintelligible) which countries fall in and fall out. There's (unintelligible). (Jack), I have to leave so let me ask you a question whether you think it's (unintelligible) to now or to the end what to first of all say to the staff that took part in the good fight. Let (unintelligible) nor draft applications guidebooks, that what does - what do we - what do you want from us as a GNSO council to help that forward?

                 You know, I know you guys are a bit (struggling away) for some time now. Is there something that we need to do explicitly that can help this along the way and, you know, (unintelligible) our collective minds - maybe not minds - but, you know, to help out.

                 So just, yes, throw it back on us and ask away because we're, you know, (hawking) to help and support what is (unintelligible) from you so I don't know if you care to speak to that now or you want to do as (unintelligible).

Man:             You want to do it later? Okay and I was hoping to close the session, too, with talking about, okay, a little bit about how the - what the major remaining issues are and what the steps may be for those so we - that kind of ties in. That's all right. No, that's fine.

                 I threw myself in the queue and it's a really brief question so I'll go ahead and do that. In the Zone File Access part of the registry agreement Section 214, it refers to the Zone File Access implementation plan. Unless I'm missing something it's really hard to evaluate that whole issue about having access to that. Do you know when that's going to be available?

Man:             (Greg Schwartz).

(Greg Schwartz): I wouldn't say - there's not a date certain on the implementation plan but work is just starting on that now that the advisory group has come out with this recommendation just with the PDP (unintelligible) away (unintelligible).

Man: I think the question might be how much information is required to give applicants a clear roadmap of what the requirements will be so they could ascertain their costs associated with operating a registry. So there can be some uncertainty, right? So what we're trying to do is get to a position where applicant has (unintelligible).

Man: The proposal that the advisory group puts forward is pretty detailed in terms of its recommendation. It doesn't sound to me like it's a complicated implementation other then deciding who to service. (Unintelligible) question's probably something that we need to get done in (unintelligible). But I think just a pile on (unintelligible).

Man: Right, yes I think is coming (out of America). There might be (unintelligible). Why don't we take your comment (unintelligible) filter that? There has to be (unintelligible).

Man: Thanks. Okay we've got (Wendy) next.

(Wendy): Thanks. I had to jump back in the queue because I couldn't let a public comment session go by without mentioning WHOIS. I do have some concerns about the additional WHOIS requirements in the draft agreement. That's - we've had a long standing disagreement about whether WHOIS is meant to enable IP owners or merely to record information about domain registrants.

So if you can tell us a little bit more about what went into the additional provisions of 1.7 and 1.8 that would be helpful in responding with comments. That specification of the format, of data fields, and of the in order to assist

complain intended, the UDRP. The database should be accessible by search on various fields - 1.7 and 1.8.

Man: Well the first clause has been there for quite some time, right, the requirements for formats I think have been in the (unintelligible). But the requirement for searchability (sic) is new and it's based on public comment asking if that could be included (unintelligible) the agreements I think and (listing) in some registry agreements. But - so I think the, again...

Man: (Danny).

(Danny): I have in fact two questions but not pertaining to the registry agreement.

Man: It's not in regard to Module 5?

(Danny): No.

Man: Okay, let's hold off on that one okay. I'll leave you on my list here and we'll do that. (Liz).

(Liz): Have you (inquired) about the (unintelligible)? Could you explain that? I was wondering if that would (mean) international (unintelligible). Under the (unintelligible) international (unintelligible). Anyway (unintelligible) (they should've) done their job.

So one of the things that I would be particularly concerned about is the very, very clear statement of the expectations (unintelligible) evaluation and then delegation that is an extremely literal process.

So there's a number of reasons for it to be really articulate and one is the point of exactly what (unintelligible). Second piece of the puzzle is that we should be very, very clear that the board's role is to (that search) be sure that

the processed was followed but not that the board have (anything) (unintelligible).

And finally that after the interview should (they) having as (David) pointed out, gone through the process and paid not just the application fee but (unintelligible) the application. If for some reason they were rejected at the end of the process of having (unintelligible) evaluation for some unspecified subjective reason then that would (have to mean) that we'd be at risk of having lost everything at the end of a very long process.

Some of you know that the current timeline for the evaluation on most applications at the minimum eight months, maximum 14 or 15. So I just urge caution there and perhaps there's another piece of work that needs to take - this certain point (in) the process.

And finally the board cannot I don't think, except that it's reasonable (practice), be the final checkpoint for an applicant having the (TLD) delegated that prevents them from actually doing the business for which that applies (unintelligible) actual and operational risk. But if the application has passed on evaluation, (it will) not be able to be delegated to become usable (unintelligible).

Man:                 Thank you (Liz). We're going to - we've got nine people in queue. You have one minute each when I call your name. And (Curt), maybe in this case I don't know if we're going to be able to respond adequately for each one. I have you in the queue. We have another meeting that follows this, okay? So we're not even going to get to some of the attachments or to Module 6 as it stands. There weren't any changes in Module 6. There're still (pretty) comments on that. So let's go to (Jeff).

(Jeff):              (Curt) now that we've got the (Louis Given) study out there and have certain (unintelligible) (comment) studies which have raised certain (unintelligible) focusing more on the latter, it's recommended surveys studies, looking at

past introductions, new methodologies, particular trademark and user confusion clarifications. This is not withstanding the current (RPM) as (that stands).

And it also mentions that there should be either an adjusted feed mechanism put into place or favorable approval process use. My question basically is - and there's a whole list of things basically that (unintelligible) - one, how are you going to be implementing this - how would (unintelligible) go forward, the (unintelligible) it (large) and what, impact would it have on the (back) being finalized?

Man:             This (unintelligible). How will what be...

(Jeff):          How will these surveys be conducted? When and how or if? The economic study asks for ICANN to do studies and surveys. So - and, you know, we're going to look (at obviously) - you have to develop a lot of (soft) - you do - first thing to do is surveys, studies, end up with methodologies, implement that into the bag.

I'm just thinking how long will this process - I mean, first of all whether you're going to use all of those recommendation. If you are, how long would that take? How would you do it? And if (they exist), how would that impact the final (bag) (out there)?

Man:             So what those are are a follow on the economic study that will be (drafted) and in fact I think we'll be able to share more information (about the specifics) of those follow on studies right away.

They're meant to - they're not - those studies aren't going to necessarily affect the guidebook but they are going to identify - attempt to quantify the net benefits associated with the new (JLD) program.

With regard to the specific - some of the specific issues raised in the economic study, for example, subsidy of applications and the like, I think we already talked about this today, didn't we? It (follows that) but this is really hard to try to match the value - you know, try to measure the value of each application and then gauge (unintelligible) in accordance with the value.

And so it's something that should not be dismissed but I don't think, for example, some of those suggestions would be incorporated in the first round where there's...

(Jeff): My reading is it said yes, having flexible (unintelligible) physicals but as an alternative (favorable) processes should be created for what are socially beneficial (unintelligible). That's a process I think should be developed and (engaged).

Man: Okay, let's move on to (Christina).

(Christina): I'm only going to ask questions (unintelligible). Alternate Section 4.5 refers to other circumstances (unintelligible). Section (unintelligible) and if the answer (unintelligible), why? (Unintelligible) by the calculations (unintelligible).

Man: So even back in the IRT days, we (unintelligible) at that - not that much faster after we go (unintelligible) always kind of close in (unintelligible) because the benefit (unintelligible)

Woman: (Unintelligible).

Man: Benefit, you know, I think is (unintelligible). So I don't know. We worked on the clauses. I'm - I think a registry can reserve any names they want to, right? It's just registry. And at any rate, we worked on the sections and your comments and (unintelligible). Sorry to be cutting you short.

Man: (Armadao).

(Luke):        Okay this is (Luke). I did read all the comments and suggestions. Are the clauses for you now having to - relating to IGOs and government entities which are very welcome, perhaps should be extended to the national (unintelligible) to have exactly the same public requirements and public (forums). (Unintelligible) think about in terms of cities, as a complete example that have (registered) this year. So I think about that and more examples and comments in (your public) comments.

Man:           Thank you for being brief (Armadao). Okay your...

Man:           I'll be quick (Curt). In the new registrar - or in the new registry conduct you define the term registry services, I think (unintelligible) by what those are. Earlier in the guidebook - this will be Section 1 where you're talking about the prohibitions of registrar registry separation, you also say no applicant can use any registry services of anyone connected to a registrar.

               It's not capitalized. It's not (in defined) term other then different services are more expanded through you're thinking of or those (unintelligible).

Man:           So we had that question. So...

((Crosstalk))

Man:           So it's a good question. We need to define what it is.

Man:           But it's intended to be the same then?

Man:           Well I'm not saying that.

Man:           Okay.

Man:           In fact, the answer earlier was we're going to look at that...

((Crosstalk))

Man:            I don't think it's intended to be the same or narrower and of course (unintelligible).

Man:            (Pete) and then (Andre).

(Pete):         I have some questions. When will the translation of that four - or four or five members that don't know required by the (unintelligible) - when they will be available? And how much time will it be given to provide it after that before the actual registration (unintelligible).

Man:            Well, we're receiving translations from the translator now and working on them everyday so I would say a matter of days. And then we'll calculate adequate comment times as we've done in the past so that those who want to communicate (unintelligible).

Man:            (Andre).

(Andre):        That's just (unintelligible). Now it took me one day just to read this document. It's amazing how many words, how many hours, how many (cells) from the brain of the people who (unintelligible) this document - was put in this document. It's amazing. I mean, this is like, the document has no brothers and sisters. This is a unique document. However, I could just (unintelligible) a few (unintelligible).

                The country folks here we (unintelligible) but basically this is - the problems we're facing are the same - how to intellect intellectual property, how to protect the cultural things, how to protect government, how to protect God, how to protect the (region), how to protect sexual groups, how to protect the galaxy.

What I'm saying - I give you one example. (Unintelligible) amount and this neighbor in (human) history for a thousand years (unintelligible) people who are (unintelligible) region, I think that this maybe belongs to them. But within a thousand years nobody will remember them but (they) will still be made.

I'm saying that GNSO and ICANN is try- and the community is trying to resolve some problems we have no other solutions. And as far as it goes, these documents will become fat and fat and fat and this is an endless process.

Yesterday (Bertran) - well (Bertran) said, "You know, guys, we have to do something because this is an endless process." The most popular question in all this session is when. My answer, if the same approach will be continued, never.

Somebody has to take (care) of say, you know, jump on a grenade and say, "Okay, do it. Let's launch this," because, you know, this is just a few for people who work to go to the meetings and discuss and discuss it over and over again. These documents are beautiful. This document is unique.

You know, just take it. I mean, take the risk. Run it. Come on. This is maybe emotional but we did it. I mean, we faced it because we tried to resolve every problem that you discussed here. We tried. Well, we decided there's no way. I mean, we just cannot resolve all the problems of the whole humanity. It's impossible. (Unintelligible) we will (live for it). Come on.

Man:        Thank you (Andre) and congratulations again on the dot-R launch as well to the other. Okay, all right, again sorry to have to rush here. Remember there's another session, although it's only two hours. I don't know how that one's going to go (Curt) - later in the week since we had three.

But, you know, I want to compliment everyone for very constructive contributions and questions and comments. I saw staff taking lots of notes. I

hope that (Curt) and (Karen) and the rest of the implementation team found as much value s it appeared to me that this session had.

So - and I compliment you on the nice job that you did in responding to some very challenging issues and where you couldn't, to commit to deal with those. The - (Curt), as an end - we have very little time, but can you give some sort of a feel like in the VI meeting this morning with the council - VI working group, you know, when they were talking about a certain schedule that they had, can you give us a feel for - and I'm not asking for time commitments, but when do the remaining issues need to be resolved to be able to meet the timelines that you're working for?

(Curt):        So - let's talk about that. So the timeline's largely driven by the community and not by ICANN staff and its comments. So I liken - and I probably made this analogy in this group before, but this process is kind of like (unintelligible). It's a spring and I can publish something and there's a lot of comment and noise so we iterate what we published and there's a little less noise, and we iterate that.

And over time, you know, we get to a place where there's either consensus or people are worn out and we launch. And so now here we are in the fourth version of a document where there's also been two sets of excerpts so really six.

And so the results of this public comment period will tell whether we've substantively addressed especially tr - you know, the remaining issues which were going into this round, you know, trademark issues, mitigation and malicious conduct, the IDN issues, three character and (varian) and a couple others I forget, with the idea that the change from this guidebook to the next one would be sufficiently minor that we could say that, okay, calling the next version of the guidebook the final guidebook and give it to the ICANN board for approval.

So to an extent it depends on public comment. I think, you know, we started in Mexico City, we started out with blank sheets of paper for RPMs and have substantial product there and malicious conduct mitigation again, there's ten I think (substantive) steps taken to mitigate malicious conduct in the guidebook. So that's work that people in this room have done and worked so hard on.

So there's that. But, you know, measure the comment from this version of the guidebook and then, you know, we all look at each other and say, you know, we think and we feel good about giving the board advice that we think the final version of the guidebook won't differ that much from this one that everybody will not have been able to give input.

And then there's the outside the guidebook issues, right, which are I think the economic study and the (root) scaling studies. And the economic study, you know, I think what was posted as a survey was the best one yet as far as the guys actually understanding the marketplace, the benefits and detriments of new GTLDs.

And the next phase is a study which will take some months but - so it's certainly feasible - it's within the window of publishing the next guidebook would seek to quantify that there are net benefits to the program and, you know, answer that musical question that - about the program because we think the new GTLDs are more detrimental then beneficial.

But, you know, it's certainly an independent study. So that's one, and then as regard to the (root) scaling study, I can't really answer that. I don't have complete control, but certainly all of ICANN and this (unintelligible) our technical community to provide some answers there (unintelligible) 500 GTLDs.

So I think those are the three - two major - the two tall polls are those remaining guidebook issues and I think that'll be (unintelligible). And then

we've got some other things to do like (unintelligible) plan. The new GTLD budget is posted so we'll have to have that approved by the board at some stage (unintelligible). I don't think those are really on the critical path or (risk) to the program.

Well then think about the period of time it takes to iterate the public comment to an analysis and do another version of the guidebook and so I would say, you know, at the very earliest, you know, the board might consider the guidebook as final would be in the (Cardhangin) meeting (unintelligible).

Man:            No, you probably can't answer this too definitively but when you refer to another version of the guidebook it's hoped that that version would be the final (is my hope).

Man:            Speaking as an individual.

Man:            (Unintelligible).

Man:            Not until we have a final guidebook do you see that (unintelligible).

(Curt):         Well my opinion is, you know, the GNSO asks for a four month communication period for the (launch) and we've been communicating all along as you know. But my opinion is we - you know, we should just hit that over the head with a sledgehammer. There should be no doubt and we should start it as soon as feasible and which would be (unintelligible) and have there be no doubt that there was, you know, more (unintelligible) guidebook and understand it. The goal is that at the end somebody in some region (doesn't), so it's kind of an impossible but it's certainly the goal of the (unintelligible) advertise but to inform.

Man:            (We're going to) formally close this session. I would like to encourage council, if there's anybody else who is interested to (study) for our next session which

is updates for the council on the IRW working group, (unintelligible) that and also the RAA working (group).

An admonition, if you don't mind me doing that, and I think it makes the working group (unintelligible) wonder whether they're wor- all their volunteer efforts are worthwhile when we (unintelligible) circumstances but let's try to support these work teams. And I know we're all tired. We started at 8:00.

So that - we'll start that in five minutes and (unintelligible). So again I wanted to say that before everybody starts disbursing but thank you very much, (Curt) and (Sharon) and the whole implementation team. (Curt), it's yours.

(Curt):        So I understand everybody makes sacrifices to be here and we appreciate that. You know, I get paid for it and to an extent you guys don't. So I want to wish all the dads in here a happy Father's Day and I'm sorry you couldn't be - I don't know which countries celebrate and which countries don't, but those that couldn't be with their kids today, thanks for being here and this sacrifice.


                                    END