
PRAGUE – New gTLD Objection & Dispute Resolution
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Amy Stathos:

Thank you for being here, I know it's the first session of the morning, and I appreciate your interest in this process. As everybody know the GNSO passed 19 policy recommendations, which the Board adopted back in 2008, and out of those policy recommendations, through the implementation process, there were four grounds for objections that were established, and with those grounds for objections, we identified what we're shorthanding them as the string confusion which GNSO recommendation number two, the legal rights objection which was GNSO recommendation number three, what is now called the limited public interest objection, which is GNSO recommendation number six, and then finally the community objection which was GNSO recommendation number 20.

Once those recommendations were identified as grounds for objections we submitted – we put out an RFP and sought some interest from various dispute resolution providers, and we have the honor of having three folks who are here who are going to be the administers of those objections and I just wanted to introduce them to you, and then I'm going to ask them to go through a presentation about the specific process that each of them have put in place to manage those objections. And at the beginning I just want to make clear however is that what we're talking about here is the predelegation objection and dispute resolution process.

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As many of you know, there are other dispute resolution mechanisms that are going to be part of the new gTLD program, but these are the ones that are going to happen at the outset and before the TLDs are in fact awarded and delegated. So the first group is the International Center for Dispute Resolution which is the ICDR they are doing the string confusion objections. Then we've got the Arbitration and Mediation Center of the World Intellectual Property Organization or WIPO who are managing the legal rights objections. And finally there is the International Center for Expertise of the International Chamber of Commerce and they are administering both the limited public interest as well as the community objections.

Just to remind you all of what the objections are, the string confusion objection indicates that the applied for gTLD string is confusingly similar to an existing TLD or another applied for gTLD string in the same round of applications. So if somebody believes that there is a string that's been applied for that is confusingly similar to one of these then they can file an objection with the ICDR.

The gentleman who is here to my left is Tom Ventrone. Tom is a Vice President of the ICDR who is responsible for management and oversight for all international arbitration medication and dispute resolution cases for the ICDR. He serves as a facilitator for the ICDR arbitrator symposium training session, and he's been involved in the dispute resolution business for 20 years or so. So he's got a lot of experience in administering these types of matters.

The second set of objections which is the legal rights objection which is basically you can object if you believe that the applied for gTLD string

infringes the existing legal rights of the objector. And those will be administered by WIPO. I would say most of you are probably very familiar with Brian who is a member of the community here. He's involved in the trademark and domain name case administration and policy work, and is substantially responsible for the ICANN's new gTLD program Dispute Resolution process here for the legal rights objections. He's also part of the team that authored the 2009 UDRP paperless filings or e-filings as we like to call them. And he's assisted in the administration of two of the largest patent arbitration cases that have been heard under the WIPO rules.

And then finally with the ICC the limited public interest objection. This is where the applied for gTLD string is contrary to generally accepted legal norms or morality and public order that are recognized under principles of international law.

And then finally the fourth objection, the grounds is the community objection where someone can object if there is substantial opposition to the gTLD application from significant part of the community to which the gTLD string may be explicitly or implicitly targeted.

Hannah Tümpel who is the manager of the ICC's international center for ADR. She's responsible for the dispute resolution services including mediation there. She's the manager for the objections that the ICC will administer as part of ICANN's new gTLD program. She has also initiated the annual ICC international mediation conference and previously Hannah was Deputy Council at the Secretariat of the ICC International Court of Arbitration.

As I said we're honored to have these three here to share with you how their process is going to work and at the end you can see we have created an objection page on the ICANN website that provides much information about each of these processes and with that I'm going to turn it over to Tom Ventrone.

Tom Ventrone:

Thank you Amy. And good morning everyone, we're very happy and honored to be here. Again, my name Tom Ventrone, I'm Vice President with the ICDR. But first I'd like to remind everyone just so you know the ICDR is the international division of the American Arbitration Association. The American Arbitration Association based in New York which is where the home office of the ICDR is as well is an 86 year old institution, a not for profit institution is that of service and education. So as you see on the bottom of the slide the ICDR is one of its main divisions along with AAAU which is the educational arm of the American Arbitration Association. And although this area of expertise, those expertise are in the arbitration and mediation field which is our primary role in terms of case administration and education as well.

But let me tell you a little bit more about ICDR. The International Center was established in 1996 as a division of the AAA with the idea of giving the special needs attention to international disputes. We are a recognized provider of dispute resolution services in the world, and we've had the largest number of international arbitration filings for the past five years of all the institutions. I manage the ICDR case management center, based in New York, we manage all of the disputes filed, all the international disputes filed within our Center. And

currently we speak about 14 languages in the Center to accommodate the needs of our clients.

Just by way of numbers so you know last year we managed around 980, 990 international arbitration disputes and mediation disputes. By contract the AAA managed nearly 140,000. So we do have some extensive expertise in handling all types of disputes where they arise. We have four international offices and the ICDR specifically has a worldwide panel of mediators and arbitrators numbering around 650, now that is not who is going to be hearing these cases, but I'll get to that in a little bit.

So I know Amy just went through a slide and we talk about string confusion. That is what we've been brought on to administer and the new main areas of those, the gTLD operator asserted confusion between applied for gTLD and the TLD it currently operates and any gTLD applicant in the current round purporting asserted confusion between applied for gTLD and the gTLD for which it has applied, and that's after they have both passed that initial valuation that goes through ICANN.

How will this all be done? I'm going to take you step by step through the process so everyone is familiar. According to the Guidebook everything needs to be done electronically. So we have in place, and have had in place for quite some time a system we call Web File. And Web File is the electronic filing of documents. It's a secure proprietary system, there is a registration required so any objector who comes in to file a case must register and provide all their information. There is 24/7, 365 availability, we're able to process payments through there and

allow for all the document uploads which is obviously important in this case load, because here it is anticipated and I'll speak more to that in a moment, that the cases will be done as we say on documents for the most part, no live hearings are anticipated, available but not anticipated.

Parties can then go in at any time and check the status of their case. And that is important if there is an objector with multiple objections to different strings or if there is an applicant who has been objected to on more than one occasion, they can track all of their cases, if you will, by signing on the one time.

So how do they go about doing that? Filing a new objection. We have a dedicated page set up on our website, it's ICDR.org/ICANN. And there they can enter the web file system. They simply need to select a specific rules and there are supplementary procedures that we have put in place to manage these cases. They enter their information as the objector, the applicant information of what they have, the string they are objecting to, they upload all their documents. Another requirement just to mention here, all the objections and the matters are to be done in the English language. You'll see the limitation on words or pages that need to be submitted, and they submit their filing fee, which would be done via credit card. And it's \$2,750 US filing fee to be initiated to be paid at that time of the filing of the objection. There may be additional fees later on and that if an expert is engaged, if a hearing takes place, but at this time it's simply the filing fee for the filing of the objection.

We will then undertake once that objection is filed our administrative review, which is required under the Guidebook, and we'll acknowledge

receipt to all parties, including the applicant at this time, just to let them know that an objection was filed. We'll perform our review, we'll advise the objector if it's been incorrectly filed, allow time, I believe it's five days, for the correction of any deficiency, there is possible administrative dismissal of an objection and that is if a deficiency is not corrected within the timeframe. That dismissal is without prejudice, meaning that objector can then come back later on if they don't correct their deficiency within the five days and they wish to refile later on during the objection period obviously, they're more than welcome to refile that case. And then again, we'll notify the applicant of a completed objection once it's ready to go.

As this occurs, we will enter on our website, the information you can see here, I don't know how clear it is on the screen, but it will just contain our case number the date we received the objection, the ground for filing would be string confusion. We may narrow that down between one of the two options under string confusion, who the objector was, what the string was, who the applicant was and then the determination obviously would be filled out at the end.

This will be a running report; it will be updated continuously, so you would be able to go through our website directly or through a link on ICANN to see them as they come in. It will run throughout the objection period, we won't enter them all at once. As we get them, we'll enter them.

So as I said, the report is continually updated, do it for the seven-month objection period, but we'll take no further action beyond acknowledging receipt of the objection filed at that time. Once ICANN publishes the

dispute announcement, 30 days from the close, then we will officially or re-officially, if you will, since we've already put that applicant on notice that something was filed to say okay, the clock is now ticking on your file. You need to respond.

We're also hoping at this time and I don't want to jump ahead of myself, the parties might be conversing here, negotiation and mediation is important under the Guidebook. It's strongly encouraged. As a dispute resolution provider, we'd rather not have anyone make a determination; we'd rather not engage that expert. We think it's always in the best interest of parties to negotiation, to mediate, which we can do for the parties at no additional administrative fee; they'll pay a fee for the mediator, but to mediate this dispute to try to resolve it amongst themselves.

We realize being in this for so long, the parties walk away much happier when they can agree to some kind of outcome than an outcome being put upon them by a neutral expert.

As I said the notice to the applicant will initiate right after dispute announcement. The response itself would be due within 30 days from the applicant, also has a timeline for allowing for the correction of deficiencies, failure to timely respond is considered a default and the objection will be sustained. The information that needs to be contained in the response is there. Again at the bottom bullet, talk about negotiation and mediation, we are always available to talk with the parties to get this accomplished and that can occur prior to the filing of the applicant's answer or response or after they've officially responded.

And then there is consolidation and consolidations could occur during our administrative review depending upon the strings that are in place and our review and the terms of economy, of time and money if we see there is a possibility that two cases can be combined and heard by a single expert, we will do that.

The panel itself, these panel of experts, as I mentioned the ICDR has 650 plus worldwide neutrals as we call them. These are professionals who are experienced in all types of dispute resolution.

Domestically in the United States, the American Arbitration Association has about 7,000 of these neutrals. However, here we've narrowed, we've searched our database to look for experience, and we've come up with a panel numbers right somewhere in the 75 range, and we'll see where that takes us once we start to get going. With a minimum of 15 years' experience, a senior level of professional experience. They have experience in one of the areas of domain name disputes, WIPO disputes, internet, intellectual property. They have training and substantial experience in arbitration, mediation and other forms of dispute resolution. There is always a freedom from bias and prejudice, an ability to evaluation and apply legal business or trade principles, and located in 21 different countries as you'll see on the bottom. And the AAA Code of Ethics which is important to us.

We pride ourselves on our neutrality and our ethics. This is what is the basis of the AAA and of the ICDR, and we take it very seriously. So we know our neutrals are in a place that they hear, understand the concepts being brought before them and make a decision without any outside influences.

What will that expert do? They'll review all the documents submitted, they'll decide if they need further information, that's their prerogative. They will decide the issue as I said earlier based on documents. And the ICANN standards, rules and principles that the expert determines is applicable.

The Guidebook states that to decide that an objection is sustained, that is it's likely to result in string confusion, it has to be probable, not possible that confusion will arise in the average reasonable internet user.

There could be a hearing, parties can request one but it is the expert who will determine if a hearing is to be conducted. That hearing can take place in different ways, most likely video conferencing, since we expect parties to be from different parts of the world.

The objector has the burden of proof and then the expert will issue a written reason determination which will again be published on our website in addition to on the chart I showed you earlier. And here the prevailing party, both parties will make a deposit of the cost of the experts – or if it's a consolidation, but we won't go there because not to confuse the issue. If there is just a single objector, a single applicant, both will forward or pay their fees for the expert compensation. One of them the successful party will get their compensation deposit back.

And I think that's what our process is, start to finish. So I'm sure there time at the end for some questions.

Amy Stathos: Thanks Tom, I think let's go through the other two presentations, and then we'll take questions after that. Brian.

Brian Beckham: Right, thank you Amy. Thanks for coming out and I will apologize in advance for the panelists here not coordinating the slides because I'm afraid there's quite a bit of overlap in the information that's in my slides and in what Tom has just covered. The reason for that though is that the procedure that actually governs all of the procedures is the same procedure, so there's different substantive criteria that govern each of the different types of procedures, but the overall procedure; the timelines, and the various procedural – the administrator review, et cetera are the same throughout all the various types of procedure, so I again apologize for some of the overlap that you are going to see.

So again this is a brief introduction into the legal rights objection, where a panel would look at whether an applied for string infringes existing trademark rights or an IGO name or acronym. So I believe Amy mentioned earlier that we're actually now in a live 60-day public comment period where anyone can file public comments on the basis of one of these different types of objection grounds, and there's a facility on the ICANN website, where folks can search by the various indicia there on the screen; the applicant, the string, the application status, et cetera.

So if you were to go on that website now and look for legal rights objections, public comments you would see that several have already been received by ICANN and these are not to go into the merits or discussed, just to sort of flag for folks that they're out there and there is

something that that you could file comments individually, or you can also look at those comments, and react to those.

So what is a legal rights objection? I think Amy covered this, but we'll just go over it very quickly again. The legal right objection is a process by which trademark owners or intergovernmental organizations can file an objection where they believe that the applied for string would be likely to infringe their trademark or IGO name or acronym and the legal criteria for this is based on a WIPO joint recommendation on protection of trademarks on the internet from 2001 which was endorsed by our member states. So that's just to understand a little bit the legal foundation for this.

And a question that's come up with a fair degree of frequency is whether the legal rights objections or the other types of objections preclude party court options and our understanding is that is not the case. The parties are required to submit to the applicability of the various objection procedures by either filing an objection or lodging an application in the first place. But as we understand that does not preclude parties from filing court actions if they feel that's more appropriate.

So again, Tom covered I think in some good detail the various procedural phases that the providers would actually undertake in terms of administrative review, et cetera. So this is just sort of give an overview of where we stand in terms of the timeframe going forward, and we understand on the current timeframe, the seven month objection filing period which is now open is anticipated to end

sometime in mid-January of next year, and if that changes we'll certainly update that information on our website and make that public.

So that puts us in terms of timeline is looking into the future a little bit, the middle of February next year, the dispute announcement and the notification of objections, the response period being 30 days and then mid-April the panel would be appointed.

So on the current timeframe it looks like about this time next year, we should have the panel determinations and again that runs for the various types of objections since the actual procedure is the same for all of the different types of objections.

And this is just to sort of give you a sense, graphically of where we're at in the overall objection process. As you can see we're very much at the beginning phases, so objections can be filed now, but they're obviously a number of procedural steps that are still yet to come.

I think I shouldn't need to cover this slide in too much detail since Tom already did a fine job of covering this, so this just sort of gives you an outlay of the various procedural steps at a very high level. One thing that I'll just highlight which was already mentioned is that these objections are filed electronically so they are to be done on the pleadings, and of course there's the possibility of parties request leave from the panel to submit evidence in non-electronic form if that's necessary or appropriate.

And again as was mentioned these cases are intended to be heard on the pleadings without conferences, but if there is a need for a conference, we would work with the parties and the panelists to try to

do that by teleconference if possible to primarily keep costs down and keep things as efficient and streamlined as possible for everyone involved.

So the criteria that the panelist would actually apply, as I mentioned earlier, this is based on a WIPO recommendation on the protection of trademarks on the internet and what the panelist would actually look to is whether the applied for string would take unfair advantage of unjustifiably impair or trade in impermissible likelihood of confusion with the objectors trademark or IGO name or acronym.

And there's a list of eight consideration factors that are in the Applicant Guidebook, it's Section 3.5.2 and this is just a very rough overview and I would refer you to the actual language of the Guidebook for more precision on these. This is just to sort give a high level overview of what the panelists would be looking at and again for IGOs as is mentioned on the bottom of the screen there are five consideration factors which are substantially similar to the consideration factors which are there for trademark panelists to look at. And these are the guideposts that the panelists would look at in determining whether there would be a potential likelihood of confusion between the applied for string and the objector's mark.

An important point to raise is the filing fees. The filing fees are a necessary element of the process, and failure to pay the filing fee by an applicant or an objector would result in the respective dismissal of their claims, so it's very important for parties to bear in mind, and those are required to be paid at the outset. At least in WIPO's case the way we've undertaken to operate the fees is similar to what we've done in our

arbitration cases, so in a typical case which is one objection against one application, the filing fees would be \$10,000 US and that's due on filing of the objection or the response.

That fee is apportioned to the center for its administrative role in the amount of \$2,000 US and the expert fee is \$8,000 which is if you like held in escrow while the case is being processed and a determination is being rendered. And in the event of a determination, the prevailing party would have its panel fees refunded, so out of that \$10,000, \$2,000 stays with the center for its administration fee and \$8,000 of that goes to the prevailing party by way of refund of the panel fee.

And an important point to mention is that in cases of consolidation, there are cost efficiencies that we are looking to pass onto the parties, so the idea is that if there are multiple objections to an application, those objections can be put in front of a single panel, so the panel can benefit from sort of a streamlined set of evidence before it.

The idea though is that the panel would actually issue individual determinations for each of those objections so that ICANN has information on each of those objections at its disposal. So in terms of filing fees the important point to make is that the \$10,000 US is due on filing and that's regardless of consolidation scenarios that might play out later, the reason for that is that we don't know whether cases would be consolidated until the objection window actually closes and any pro rata refund would be given to the parties after the determination is made and the case runs its course.

Again, I think Tom covered this and there is no need to go over it in much detail. The only thing that I'll highlight here is that while the

language of the proceedings is English, there is a provision in the Guidebook whereby parties can submit evidence that's not in English where it's accompanied by a certified translation and of course if there's other compelling reasons that they'll be on there where there is certain evidence or documents in language other than English, the parties are of course free to request leave of the panel to submit that type of evidence.

So again as was mentioned by Tom like the ICDR, we take the panel appointment process very seriously, and the panelists are required to affirm their neutrality and independence from the parties by signing a statement of acceptance and the declaration of impartiality and independence which we make available for everyone to see on our website. And in the case of a single member panel, the WIPO center would appoint the panelist in its discretion.

For the legal right objections, I think this is unique for the legal rights objections where all of the parties agree that the center would appoint a three-member panel. So if there's cases where there's an objection all of the applicants or all of the objectors would need to agree on the appointment of a three-member panel. And that panel appointment process would run similar to what is done in the UDRP cases which in effect each party is permitted to appoint one panel of its choosing and then the center would provide a list of perspective panelists for the lead panelist for the parties ranking and then that panelist would be appointed based on the parties' respective ranking and obviously subject to the panelists' availability for appointment.

So who are the experts? The experts are a list of about 100 of our most experienced UDRP panelists collectively they have decided over 11,000 UDRP cases and their average transfer rates is slightly lower I think on the order of 80% than the normal UDRP transfer rate of roughly 85%. So that's just to sort of indicate that jurisprudentially these tend to be some of the more conservative and considered panelists. So these are some of our most experienced panelists who have significant experience in not only UDRP cases but in their private practices in trademark and ecommerce and internet law.

They collectively represent over 30 countries and languages, so even though the pleadings themselves are to be submitted in English, we understand that there applicants from around the world and so we've really undertaken to try to appoint a broad set of panelists who can actually look at cases in different languages and with different regional diversity and backgrounds.

And just an important point to mention is that obviously this is a list that we've preliminarily put together but if the need should arise because of case volume or conflicts or other unforeseen circumstances, obviously it's important to retain the discretion to expand that list in the future if the need arises.

So the remedies in all of the different types of objections are limited to either the success or the dismissal of the objection. And strictly speaking there are no monetary damages awarded but the party who is prevailing is entitled to a partial refund, I think some folks like to call that a partial loser pays model so if that's how you like to look at that

then that's one way where the prevailing party actually gets their money back, but there's no monetary damages award.

And the experts' determination is given over to ICANN and rather than try to reinterpret what's done with these determinations, you can see a guide from the Guidebook where the expert determinations would be considered an expert determination, an advice that ICANN would accept within the dispute resolution process.

And that is obviously the legal rights objection or a string confusion objection or one of the other two types are independent to the four types of objections that are possible, so it's possible that an application could have different types of objections filed against it on the different grounds.

So in cases of consolidation, and again this is something that's actually encouraged in the Guidebook and in order to benefit the parties in terms of cost savings and in order to make things easier on panelists if these situations arise, we would certainly look to consolidate objections and if the WIPO center decides not to do that, the parties are free as well to actually request that that be done and we would look at that and the consideration factors, these are actually spelled out in a bit more detail in the WIPO specific DRSP rules for the legal rights objections, but they're there just to give you sort of a very high level overview of some of the factors that we will look at and whether a consolidation scenario would be appropriate.

So again, as Tom mentioned in terms of the information about these cases, which is made public, once the objection is actually lodged, each of the different provides would post some very basic information about

the existence of the dispute and some information about the actual parties. And then in terms of the actual determination itself, once the determination is made by the expert that would be made publically available on our website unless there was a reason for the panel to redact portions of that determination.

So the information that's been covered here is all available on our website. We've put together a sort of FAQ which has a series of questions that cover some of the more detailed procedural elements as well as the model objection, the model response, the fee schedule, and we have sort of put together a bit of a toolkit of what we think are the most useful bits of information for parties who are interesting and this is just a screenshot. As you can see in the sort of core of the screen there, there are the FAQs and then over on the right is what we're calling the LRO toolkit. So that's some of the sort of more useful information and obviously if there are questions that we haven't covered, do feel free to reach out to us. We have a dedicated email address lro@wipo.int, so if there are things that we haven't covered do feel free to reach out to us and ask for clarification.

Amy Stathos:

Thank you Brian. And now Hannah from the ICC.

Hannah Tümpel:

Good morning, it's a pleasure to be here today, thank you very much for the invitation. In German, I'm originally from Germany as you will be able to tell both from my name and my accent; we say all good things are three. So this is the third institution and we will have the honor and

pleasure to administer some of the cases file and the new gTLD dispute resolution procedure.

Let me maybe start by saying that I think the process was quite along one until we got here, all three institutions were involved in the draft of the new what I'll refer to the ICANN rules, so the attachment to model three, the dispute resolution procedures set up by ICANN and I'm just happy that we are finally here today actually to present those rules and to get going. It was of course in a way a challenging process to come up with a set of rules which can be applied by different institutions and for different objection grounds. And I do think we've achieved quite something and it is good to now finally see it in practice.

So I'm here on behalf of the ICC, the International Chamber of Commerce as you many of you will know, the ICC is an almost hundred year old institution, the World Business Organization entire independent from any states. The headquarters of ICC are based in Paris, but it has national [committees] and over hundred countries all over the world.

One of the main activities of ICC is dispute resolution. And many of you will know that as well, at least the lawyers among you because ICC is very known for the ICC International Court of Arbitration, which is a department at ICC which administers as the name says all arbitration cases. But then there's also a second department, the ICC International Center for ADR, which you also see on the slide, and a subsection of that is the International Center for Expertise.

I point this out to you because it is the International Center for Expertise which will administer all proceedings for ICC under the ICANN rules, and let me accordingly say a couple of words about the Center.

The Center was founded in 1975, so it's also a relatively long-standing institution already, and it administers usually all cases filed under the ICC Rules for Expertise which you find in this little green booklet which you should have found on the table or your chair in front of you. And as for all ICC dispute resolution, the same applies for the cases filed with the Center, they usually are cross-border cases about 80% of our cases are international cross-border cases and around 20% are domestic cases.

All cases filed at ICC are administered under a specific set of rules, so the arbitration cases under the arbitration rules, and the expertise cases under the expertise rules, they are administered by ICC as I said in Paris, but most of the cases don't take place in Paris. So that is maybe also something important to keep in mind apart from the fact that many of these proceedings will take place on document basis only, and if there is a hearing by the day of conference, that the actual location of each of our institutions will not have any effect on where the cases take place. So if you have a case which will be administered by ICC, it doesn't and that is maybe unfortunate news for you, doesn't mean that you have to travel to Paris, but they will purely be administered out of Paris.

Who administers these cases? As for the other institutions, we have an international team of lawyers in charge of these cases. I think again this is relevant because many of these cases will be obviously international or all of them will be international, and it can be an added value for the

parties and the council involved in the case to have lawyers dealing with the case who do come from your home jurisdiction possibly or at least speak your mother tongue.

As it was mentioned before, ICC will administer all cases based on two different objection grounds so we don't only administer on one ground but on two grounds. And the first one is the limited public interest objections, and the second one are the community objections. And I will come back to a bit later on during the presentation.

As it was already mentioned before, one of the challenges of these dispute resolution procedures is that we have one combined set of rules, what I call the ICANN rules, so the dispute resolution procedure for the new gTLDs set up by ICANN which is the attachment to model three of the Guidebook, but then additionally you have specific rules by each of the institutions. For ICC those specific rules are the expertise rules as I just said before, the ones which govern the work of the Center.

Additionally, there is a new practice note which you have also found on your chairs and which supplements the expertise rules for these specific procedures. And finally there is a new appendix three to the rules which deals with the costs of the procedures. You have also found a printout on your chair.

This is the last time that we have killed any trees for the ICANN procedures, because as from now on, everything will only be electronically provided. So enjoy that you have hard copies from now on it's only all on the web page.

So these different documents will supplement the ICANN rules, and sometimes specify how ICC will deal with specific questions. There are some things and they have been mentioned before which are common to all the procedures independent by whom they are administered.

The general procedure and I will actually jump over these slides, I wanted to go chronologically through the process, but I think Tom has done that in sufficient detail. So let me maybe just focus on some main points again because the chronology of what follows when and within time limits is the same for all the institutions, so I think there is not necessarily a need to repeat that.

As you know objections can be filed since the 13th of June. I think I speak for all of us that no objections have been filed yet, that's correct, okay. But since the 13th of June you can. And you need to use a model form provided by the providers; in the case of ICC, you'll find that model form on our web page and it's not an online filing, it's an actual Word document which you can fill in.

Then there is the administrative review, the others have talked about that, then there is the publication of ICANN's dispute announcement at the end of the period which will probably in early 2013 after the delay of the start of the objection period, and then the other 30 days for the filing of the response.

What I would like to remind you is that is I think very important to keep in mind, that many of the time limits foreseen for these proceedings are not extendable. So for example the time limit for filing of the objections will [intersect] within those seven months and equally will be the 30 days for the filing of the response. I point this out because there is a

consequence if you do not file a response and that is the objection will prevail.

I point this out because I think it's quite important and it's quite different to some other dispute resolution procedures where you don't necessarily have the results coming from the pure fact of not participating. So that is something you might certainly want to keep in mind if an objection is filed against an application having been filed by you.

A second point I want to point out and I will quickly go through this regards the costs. Brian has already said before one of the specificities of these procedures is that all parties have to make full advance payment of the full costs which is also different to some other dispute resolution procedures. So usually in an arbitration, if the institution tells you the cost is \$10,000 each of the party has to pay \$5,000 in advance.

However, in these proceedings, we will invite both parties to pay the full \$10,000 as an advance payment and the losing party will then have that paid and the prevailing party will be fully reimbursed at the end with the exception of the registration fee. So again that is something you just need to keep in mind with regards to the costs of the proceeding in these cases that you will need to advance the full payment.

And finally one point which hasn't been mentioned yet and which I would like to underline quite at the end of the process is that under the ICANN rules each of the institutions unless they're specifically excluded will come back to scrutiny of the draft expert determination. So the experts once they have draft the expert determination will send the draft of their decision to the institution, so in our case to ICC and we will

do a quality control of that draft with regard to the form, not with regard to the substance of the questions, but with regard to the form.

So is everything necessary in the expert determinations, are the party names, are the dates correct, are the amounts correct and which law has been applied, have the correct laws been applied, have the correct questions been answered and so on. Again, that is something which is specific to these procedures and which for those of you who are acquainted with ICC dispute resolution in general is something very common and known to ICC because we are one of the institutions which conducts scrutiny proceedings for all [eventual] awards which are done under the ICC rules as well as for all expertise proceedings, so this is a process we are quite familiar with and which is nothing new for us, but I think it's something important for you to understand.

And finally of course there will be the notification of the expert determination to the parties.

A couple of things are similar in all of the proceedings, we talked about it they will all be administered, they will all be only in English, although with regards to any documents you submit in support of your objection, there might be as Brian already mentioned an according waiver of the expert panel if they don't need a translation of those documents, but can actually deal with them in the original language.

You need to use certain model forms. I would like to point out a couple of possible specificities of the ICC procedures, under the expertise rules you will see that usually a requirement under these rules is the setting up of a so-called expert mission which are the so-called terms of reference in the way of the expert. These are waived for the ICANN

procedures they are not necessary. We will accept documents in electronic form only except again specific waiver from the Center, the panel. The filing fee can be refunded to the prevailing party at the discretion of the Center, usually it's complete nonrefundable but for the ICANN cases it may be refunded under specific circumstances.

We will appoint the experts and I will come back to that in a second. There may be the constitution of a three member expert panel for the limited public interest objections. I say this because if you look into the expertise rules, you will see that these just assume that there will only be one expert for all cases, so again that is something different for the ICANN procedures. And in case you want to try in the course of these dispute resolution procedures to find a settlement which is acceptable to all parties and I do think there is probably in the community quite a bit of talk about the importance of negotiations and settlement actually in these cases, then ICC ADR rules which are the ICC mediation rules can be of use for you as well as the ICC's knowledge of mediators and mediation proceedings.

A couple of thoughts about the two specific objections, so as I said the first ground of objections we will administer are the limited public interest objections. The grounds is that the applied for gTLD string is contrary to generally accepted legal norms of morality and public order, that are recognized in our principles of international law.

I will not go into all details of this but the document I want to refer you to where there are more details about those possible grounds is the model fee and it's page 321, where you have a list of those possible general principles which could for example include the Universal

Declaration of Human Rights, the International Convention on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and so on. This is not an exclusive list, but that gives you an idea on the possible legal grounds on which these objections can be placed.

There will be a three member expert panel with two co-experts and one chair. And different to all three other grounds for objections with regard to the standing, so with regard to the question who can file such objections, there is no limitation, but in order to ensure that this is not the catch all objection grounds so if you can't file on any other grounds, then you file on this one. There is something specific to these proceedings which is again specific just for these, it doesn't apply for any of the three other grounds, which is that once the expert panel has received the file, the first task they have is to come back a so-called quick look procedure to exclude any frivolous and/or abusive objections.

If they find following the quick look procedure that there is no standing that it is a frivolous and/or abusive objection, then they can dismiss the objection on the basis of the quick look process and that will take the form of an expert determination. So then you will already have your decision, which will be binding, but is just based on the quick look, so something you want to keep in mind in showing whether you have the standing to file these. One of the examples given for abusive objections are for example numerous objections on the same grounds to the same application by the same objector.

And the substance of course what the expert panel will look at is a breach of general principles of international law as mentioned before.

The second ground are community objections, the ground and Amy has mentioned this before is that there is a substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted, there will be a one member expert panel. There is a specific definition with regard to who has standing to file on these grounds and it must be an established institution associated with a clearly delineated community, and ICANN has set up a four-step test with regard to the substance, which again you find in module three with further explanations, so I'll refer you to that document.

How will ICC find the experts? As those of you who know dispute resolution procedures know ICC different to many other institutions does not have a closed list of experts or mediators or arbitrators. Instead we conduct an individual search for each case based on the specific requirements for each case. Why do we do this? Because as I said 80% of our cases are international cases. They often require people with very specific background and experience and qualifications, and we want to make sure that we always find a person who specifically fits the requirements of those parties in that case.

However, as you also know we have a very strict time limit for the ICANN procedures, so the experts have 45 days and we have 30 days to appoint them. So in order to be sure that we can always stick with this time limit we will establish an open pool of experts for these cases, and in due course based on the proposal of our national committees and on

our own initiative. What is also important to notice is that the ICANN rules only provide exact qualification criteria with regard to the experts who will handle the limited public order objections. Because in that regard the rules say that they must be experts recognized as eminent [juris] of international reputation which already as you can imagine excludes quite some people as possible experts.

Of course we will confirm the independence impartiality and availability of each expert for each specific case and that will also be then communicated to the parties.

Coming to the costs as I said the costs are regulated in Appendix B to the rules so in this one sheet, green document you also have in front of you, the costs are in Euro, not in US dollar which is unusual because ICC dispute resolution usually calculates in US dollars, but we have decided to change it for this case. It was decided quite some time ago, so you can of course question whether it was a clever decision, but anyway we're in Euro. So the filing fee is 5,000 Euro, the expert's hourly rate shall usually be unless decided otherwise be 450 Euro. The ICC administrative expenses shall normally be 12,000 Euro for one member expert panel, and 17,000 Euro for three member expert panel. The experts will be reimbursed for these member expenses which would be relatively low because as you know there shouldn't be any hearings, or there shouldn't be any travel expenses or similar, and the division of the expert's fees in case of a three member expert panel shall usually and unless agreed otherwise be 40% for the Chair and 30% for each expert. ICC will estimate the total cost, and then as I said before invite each party to advance the full payment and then reimburse at the end.

We also have of course have online resources and this slide is outdated since last night at I think half passed nine or something when ICC's new back page went online and I didn't manage to get an updated screen shot, so this is the old that page, the new one is much better and much more beautiful, but what is important is that address stays the same, so all information is on ICCexpertise.org, all general information you can find links to all 11 documents there, and of course this is also the place where we will A publish the list of cases, so objections filed with ICC as we get them, so it will also be regularly updated and will publish the expert determinations, once they have been finalized.

And finally ICANN has opted for three-experienced institutions to administer these cases and I think I can speak for all three of us that I think one of the enormous added value of administered dispute resolution is that you have an institution behind. Why is it an added value? Because you have lawyers in each of these institutions who can actually help you and advise you and give you information on the specific procedures, so I can only invite you to contact all of us if you have questions.

And if it doesn't relate to any of the objection grounds administered for us, I'm sure they'll be happy to refer to the other institutions. Use that resource and contact us, we are happy to help at any time by email, telephone or in whatever other form. Thank you very much.

Amy Stathos:

Great, thank you Hannah. So just to sum up as you can tell that there are similar procedures that all three of the providers are required to use, and those procedures were developed through the ICANN

community discussion process over the last few years, but each have also instituted some of their own rules that are applicable to the particular proceedings and the particular providers processes. I now at this point ask if there are any questions in the audience, please feel free to come up to the microphone. As you do, please make sure to state your name before, so we can have it for the record. Thank you.

Werner Staub:

My name is Werner Staub, I work for CORE. I have one question as to why all the – even though the objection periods have started, the process will then only start seven months later, meaning that if there are any objectors to a given application, they would have to object whereas if the first one had been sufficient than the other objections would not be necessary. Furthermore, it is a process where everybody has to wait in order to hurry seven months later.

And finally all the evaluations of these TLDs and we have a great many that are in contention, and they're likely to sustain objections, all those will have to be evaluated, whereas if the objection had been able to go through earlier, then this waste of effort in terms of evaluation would have been avoided.

In the design of the process of course it was not yet known what kind of applications we would have, so when the process was designed a certain hypothesis had to be used and I think we all know that the statistics that we have now on the applications are slightly different compared to what we have expected. For instance we have many more portfolio applicants, you know the same cookie cutter application for a large number of TLDs, which of course has also a greater likelihood of

communities for instance to have to sue or to respond by way of objections.

In this specific case the costs can be relatively high, you know if you saw the costs that we have for community objections. If they wanted to do this, they would all have to file, and they would have to give the applicant a relatively long time until response would have to take place. And the applicant itself of course has no interest to withdraw before seeing at least the filing. So I wonder if you can do any update to the process in this respect.

Amy Stathos:

With respect to design of the program, as I said the process and the timing was designed as you did say that obviously it was before the applications were received before we knew how many applications there were; the concept was to allow all of the objections to run simultaneously, so that everybody had the same impetus in order to when they file the objection and when they respond. The idea is also that the objection period does run 14 days past the initial evaluation. So in some circumstances if the individuals did want to wait until they at least determine whether an application has satisfied an initial evaluation, they could do so.

Of course as we all recognize and has been discussed at great length already during these meetings, some of the issues have been complicated a bit with the concept of batching. We are working towards and working through those issues with the community and trying to figure out where we are and we are open to try to figure out the process, but the goal is to have all of the objections run at the same

time so that everybody has some certainty in terms of which applicants have been objected to and which ones have either prevailed or not prevailed throughout the objection process.

Philip Corwin:

Good morning, Philip Corwin I'm asking this question in my individual capacity, I was curious on community objections we have a – for community applications are subject to a very stringent scoring system where they must score at least 14 out of 16 possible points to pass evaluation as a community objection.

What is the relationship between a community objection and the community evaluation? If a community objection is sustained, does that mean that regardless of the scoring a community application cannot qualify as community and conversely if an objection fails does that in any way count towards a positive mark in the evaluation process?

Amy Stathos:

There are two separate processes, the scoring and the evaluation process based on a...

Philip Corwin:

But there must be some interrelationship somewhere.

Amy Stathos:

They are two separate processes.

Philip Corwin: All right.

Amy Stathos: Michele.

Michele Jourdan: Hi, I'm Michele Jourdan; I'm reading for the remote participants. The first question is under a string confusion objection, where the two parties are nonidentical strings, can you describe a settlement option which seems unlikely given that there cannot be a settlement based on co-existence.

Tom Ventrone: I'm sorry; I'm going to have to ask you if you could repeat that.

Michele Jourdan: No problem, under a string confusion objection where the two parties are nonidentical strings can you describe a settlement option which seems unlikely given that there cannot a settlement based on co-existence.

Tom Ventrone: Well, I assume, it's hard for me to answer as the administrator, as the neutral administrator, as we're only involved in the process, and this is getting more to the merit, if you will of the dispute. But I think regardless of the statement, it's unlikely, there is always a possibility for some kind of settlement to be reached between parties. We think it's important to have a conversation, and maybe at the outset that they're

so far apart in their position on that string, and the diversity of those strings that no settlement, no agreement can be reached and then we'll proceed to an expert who will make that determination. But it is encouraged in the Guidebook, it is encouraged by us as an organizations that the parties do converse, talk and possibly mediate to reach some kind of conclusion.

Amy Stathos: [Christina].

Female: Hi, two questions in a personal capacity, I'll ask them both. The first is, and this is kind of a follow up to a question that Phil had asked. One of the four point criteria in the community priority evaluation includes the extent to which there is opposition to the application. And my specific question is, is that in order for a community priority application to get the maximum number of points which oddly enough means that there's no opposition, can that only happen if there has been no community objection?

Then the next question is, I was hoping for a little clarification as to when the objection period ends, because I thought I had just heard you say that it was initial evaluation plus two weeks, which is the formulation that has been quite some time, but I had a pretty length exchange with Kurt during the new gTLD session the other day in which he made it very clear that it was seven months. So I think it would be very helpful for all of us to get some clarity on that.

Amy Stathos: Thanks Christina. In terms of the first question whether or not there was an objection in terms of if the evaluation panel would take that as opposition, it's certainly something that they would consider. If the objection had occurred during the initial evaluation period. I don't believe that it is something that it's an automatic outcome that is deemed that it's an opposition; I think it's something that they can weigh as part of the process.

In terms of the 14 days and seven months, as I said you know that is something that we've been talking about, the seven months is also something we've been talking about. I think we do at this point with the issue of batching, you know single batches, whatever, I think there is something that we have to focus on there and that really try to understand exactly the end date of what that will be and it's something that we're working on and trying to get done very, very quickly.

Female: Okay. And especially on that speed point, I think it would be particularly helpful if the community could know what deadline applies before the public comment period ends.

Amy Stathos: Thank you, Paul.

Paul McGrady: Paul McGrady, I'm asking these questions in my capacity as an author. I have a question for each of the panelists and Brian; I'll ask mine to you first. Are WIPO decisions final? And I apologize I came in late you may

have already covered this. Are they final in the sense that people can't access the courts, or is the approach more like the UDRP where if you don't like the outcome you can still go to the courts. And if you can still go to the courts will WIPO decisions be considered arbitration under the American Arbitration Act or is it *de novo* like the UDRP.

Brian Beckham:

Thanks Paul. I think our understanding is that has always been for all of the different types of objections, these are not considered arbitrations, so there's no invocation of the New York Convention.

In terms of the question about the actual determination and where it stands vis-à-vis the courts and the ICANN process, the determinations are handed over to ICANN for its consideration in terms of its evaluation process, but our understanding is that would not preclude the court options. As was mentioned earlier, the filing of an objection would not preclude party corruption so I don't see a reason why the fact that the decision making process would have run its course would somehow change that scenario.

Paul McGrady:

Okay, great thank you. For string confusion and I think I know the answer to this already, but is the string confusion mechanism – so let's say for example you are an applicant and you believe you've been lumped into a contention set that you really shouldn't belong to. Is there any mechanism to try to get unlumped through the string confusion analysis or go on like you would do at court for a declaratory judgment, asking the judge to decide nonconfusion? Or is it only if you

were trying to bring somebody into a contention set with you? And if you can't use the string confusion mechanism, maybe this is directed at Amy, does ICANN have an interparty's appeal process not an automatic administrative recheck, but some way where the two applicants can present evidence or their position that they really are not going to be causing any confusion to consumers.

Brian Beckham:

Yes, in terms of the first part, I don't think there is any preclusion that says you can't bring that before the expert, what the determination is and what's under their authority under the Guidebook to rule on, I guess that's dependent on the arguments put forth. But in terms of the initial response by the applicant, we're not going to limit that.

Paul McGrady:

Great, well Amy, now you don't need to answer, unless you want to. I mean is there another mechanism, an additional mechanism to being able to do that?

Amy Stathos:

There isn't one that's part of the process at this point in time.

Paul McGrady:

Okay, and then lastly for Hannah, and I apologize for even asking, but I see that the ICC is also the neutral for disputes between applicants and – well, between new gTLD registries when they get the contract and ICANN. How did the ICC sort of handle the issue of being both a vendor and a neutral?

Hannah Tümpel: That's why I showed you, if you remember the second slide on my presentation, I tried to explain to you the different department of ICC, one of the things ICC did when increasingly offering non arbitration services was to found the ICC International Center for ADR, of which the Center of Expertise is one part and then tireless effort of the arbitration unit. So in none of our cases is there any exchange of information between the two departments, the case managers are entirely different, and there is a Chinese wall so to say between both institutions. We don't have access to each other's case management systems, so they're entirely separate proceedings both with regard to the set of rules which are applicable as well as with the people in charge, as well as obviously with the people ultimately also deciding, which are not ICC arbitration people but then external experts, so that both parts are entirely separate.

Paul McGrady: Thank you very much I appreciate the detail of the answer, and I hope you understand the spirit in which it was asked.

Hannah Tümpel: Of course, absolutely.

Paul McGrady: Okay, all right.

Hannah Tümpel: But it's a very important question, I think it's good to clarify that.

Paul McGrady: Thank you.

Dev Anand Teelucksingh: Thank you, Dev Anand Teelucksingh from the At-Large community and interim chair of the review group that is coordinating ALAC's ability to file objections. I just wanted to ask a couple questions to clarify how the objections are disclosed. Is it that as the objections are received during the seven month objection period it is then published on your website, and is it that the entire objection statement is also published during that objection period, or does it only happen when ICANN – there's a dispute announcement 30 days after the objection period.

Tom Ventrone: I'm not sure if we envision publishing the entire objection at the time filing was complete, but as they received, once the objection is complete and there are no deficiencies, we were going to update that chart ongoing, it wouldn't be at the end, it would be ongoing, but I'm not sure, I'd be curious to hear others in terms of the publication of the actual objection itself.

Brian Beckham: Yes, I think for us the answer is that we have no intention of publishing the actual pleadings. The only information that's published when the objection is lodged is the proposed string to which the objection is directed, the names of the parties, the grounds for objection and the

date of the DRSP's receipt of the objection, and then once the determination is actually rendered by the expert that determination would be made public but not the pleadings themselves.

Hannah Tümpel: Same applies for us, actually under the ICANN dispute resolution rules we are obliged to publish them online the information Brian just mentioned as soon as our administrative review is conducted which and the cases which are filed now, we of course before ICANN's dispute announcement and you see that there is actually Article 9e of the ICANN dispute resolution process where it is exactly detailed that those four things needs to be published on each institution site.

Dev Anand Teelucksingh: Okay, thank you.

Michele Jourdan: Hi Michele Jourdan reading for the remote participants again. I'm going to read two questions. The first one is Hannah mentioned that the objection can be raised if the applied for string is contrary to generally accepted legal norms of morality. Is the ground only based on the string or its use as per the public portion of the application?

Hannah Tümpel: I also look to Amy to answer to this. As you will know in the application there is already quite a lot of information about the potential use as well, so I mean that is something which I can't be purely excluded, but first of all the actual dispute resolution will be about the string itself,

because everything else also is something we don't have actual objective information about yet. But of course will probably be something that the experts will take into consideration. Amy maybe you want to add anything.

Amy Stathos: I think that's exactly right, thanks Hannah.

Michele Jourdan: Okay, the next question; if the parties to an objection reach a settlement during the course of the proceedings after they both paid their required fees, will there be a refund of fees and if so, how much?

Hannah Tümpel: It will depend at which stage the settlement is reached. So as you can imagine if it is reached within one day after receipt of the response, of course I mean actually by that time we have to refund monies, but that will be very early, while if it is at the time when we already conducted the scrutiny of the expert examination and they have finalized their work already, of course that's something different. So I think there is generally not one answer to this, it would depend on at what stage the settlement is reached and according the case is withdrawn. But I think generally as in all dispute resolution procedures we administer, all institutions will of course try to take into account the fact that the parties have settled and accordingly reimburse as much as is possible depending on the stage.

Michele Jourdan: Thank you.

Tom Ventrone: Yes, we concur.

Eric Pearson: Eric Pearson from starting dot. My question goes exactly back to disclosure as well, so I well understood the disclosure elements and the timing of that. Is there any mechanism by which someone objecting would actually – who would seek to make public entirely his own objection, what mechanism would you see prevailing here? What would you suggest?

Amy Stathos: Well, if somebody files an objection, I don't believe that there is any prohibition from that person from making the objection public.

Eric Pearson: Would that be within the specific instances of ICC or others, or would that be just a public statement?

Amy Stathos: That would be a public statement by the objector.

Eric Pearson: Okay, thank you.

Jim Prendergast: Hi, Jim Prendergast Galway Strategy Group. Question just going back to the posting of the objections as they're received and the information that is disclosed. Will the applicants themselves get the full objection and know the nature of the objections when they're notified in a real time basis about the objections being filed or will they just get a name type of objection and the objector?

Tom Ventrone: Well what we envision was just a notice that it was filed, they would not get the full objection at the time of filing, and it would not be until the end of the objection period, the dispute announcement that they would receive the entire...

Jim Prendergast: So an applicant who collects over the course of seven months a series of objections would then have 30 days to respond to all those objections?

Tom Ventrone: If they're not consolidated that's possible.

Jim Prendergast: Wow.

Brian Beckham: Sorry to chime in here, but actually Article 6b on communications and time limits requires that the applicant and objector provide copies to one another of all correspondence, so I think naturally that would include the pleadings themselves.

Jim Prendergast: And would those flow through you guys or would that be direct communication?

Brian Beckham: There is a requirement that the parties actually copy each other on the communications, but obviously in the event that didn't happen we would undertake to make sure that that did.

Jim Prendergast: Okay. And then the communication to the applicants about the objections, that will be via email what form will that take?

Brian Beckham: Yes, that would be in our case email...

Tom Ventrone: Yes, electronic.

Jim Prendergast: Thanks.

Flip Petillion: Good morning Flip Petillion from Crowell & Moring. I would like to reiterate a concern that was expressed earlier this morning. It's in everybody interest to know as soon as possible when the deadline really ends within which an objection can be filed, because in the rules there is really a contradiction between two rules, one saying seven months, and the other one saying two weeks after the initial evaluation is ended.

But here is my question. To the three centers is it correct to say that all cases will be handled in let's say the same period of expected to us for 45 days and the second question would be, that would mean that we would have different panels that could be confronted with the same or similar questions and that we would miss a chance to build up some case law on these identical or similar questions. How are you going to face that? And I'm asking this as a lawyer, as a panelist and thanks.

Brian Beckham:

I think that the answer is that if the cases come in there is obviously the objection window which has to run its course and so like you're rightly raised the procedures would sort of run in parallel, so I think there is the possibility the expert determinations are rendered quicker than the allotted 45 days that are provided in the procedure, but as we all know if you an attorney 45 days to make a determination, they'll take 45 days usually. So I think to you question about the jurisprudence, it's something that we have to just sit back and see if that potential actually develops, but it's not something that we can know at this moment.

Tom Ventrone:

I don't have much to add, I mean it's the same process for all of us, the 45 days are in place and if it goes to different experts to decide a similar issue, that's what will take place at least in this first round of applications.

Hannah Tümpel:

Yes, I there's also – it is not the role of the institutions to ensure then cross-communication between the panels you know I mean every, as

long as they are not consolidated, every panel will stand for its own with its own specific questions. So the process being set up as is by ICANN where there is a uniform timelines as to when the proceedings start, that is definitely something we might face.

Amy Stathos:

So I don't see any other questions, no other questions here. So unbelievably I think we might end this session as the only one early. Oh, Paul, please.

Paul McGrady:

Yes, hi, thanks very much. Sorry I was late arriving this morning but I was with the IOC and the Red Cross discussion in the smaller rooms. One of the comments came Jim Berkhoff I believe is the guy's name, who is actually on behalf of the IOC. And his comment was that the current problems we have with the internet are going to be a drop in the bucket compared to what we're going to have in the future.

Now given the number of the new gTLD applications, and not just the number, but the number of brands and the fact that the world's biggest most respectable companies now have got their own gTLDs or will have their own gTLDs, anybody who believes or claims or argues that the new gTLD will not simply replicate at the top level what we already have at dot com is quite frankly in my opinion guilty of willful blindness.

Now given that and given the protections that you guys are introducing, protections of string confusion, we're actually going to exacerbate problems of competition right now, given that – what we're talking about is when somebody goes on the internet, they put in an address

and they go to the wrong page, they go to a site that's administered by someone other than the people they believed the site they were going to, and as a result that enables fraud.

Now we have had ten years apparently during which ICANN has been creating a system that reduce that problem, and instead we find ourselves at a point where the problems that we have currently existing as acknowledged by a member of the intellectual property community are a drop in the bucket compared to what they're going to be in the future.

Now you guys have stood here, sat here and you are in a position where you're going to have an incredible level of authority in the future. At what point does your future role in deciding who has the right to object and have their objection heard, at what point does that represent a conflict of interest?

Amy Stathos:

So what I can tell you is that if I can discern the actual questions that you identified in there, everyone who has standing has a right to have their objection heard. And if they satisfy the requirements in completing their objection process, and they have satisfied all the administrative criteria, they have the right to have their objection heard.

Paul McGrady:

Are you satisfied that all the people who are going to be affected by this are aware yet of what is going on? And are you satisfied that they're

going to be able to afford the amount of money it's going to cost to register an objection?

Amy Stathos: Well, I'm not sure I'm – what I can tell you is that ICANN has as the community taken great efforts to ensure that people around the globe are aware of the program, are aware of the objection procedures and processes, and they are available to anybody who has standing to file those objections.

Paul McGrady: Might I ask that you carry out a street poll, you know when you return to wherever you're from, walk down the street and ask 100 people if they know what the new gTLD program is. And I reckoned that I'd be surprised if one out the hundred knows.

Amy Stathos: Thank you for that recommendation.

Paul McGrady: My pleasure.

Amy Stathos: Okay, one final question.

Male: Yes, it's just a last one, a similar question that [Nick] had asked between the relationships of the – but between the relationship of the

community evaluation and the community objection. You've got the similar thing with the string objection and the string evaluation. So you just said you use separate processes, but time wise is there an order in which they are going to be handled, one before the other, both at the same time, you know what is the relationship in the process, just administration of the process between these two actions.

Tom Ventrone: There will no coordination between the two institutions they'll be handled separately and distinctly.

Male: And at the same time.

Tom Ventrone: And within the time period from the period closest.

Male: Okay, it probably will go into all the discussions that we would have in the context of batching and the revision of timeline, thank you.

Amy Stathos: Thank you, well now we are actually right on time. So I want to thank everybody for participating and certainly if you have any additional questions, the folks will be around for a few minutes, if you want to come, otherwise thank you and have a wonderful rest of the day.

[Applause] [End of Transcript]