
TORONTO – At-Large New gTLD Review Group Meeting
Wednesday, October 17, 2012 – 15:30 to 16:30
ICANN - Toronto, Canada

MATT ASHTIANI: Welcome everyone to the At-Large New gTLD Review Group meeting on October 17, 2012. Please be sure to state your name before you speak and to speak at a reasonable pace. Thank you.

DEV ANAND TEELUCKSINGH: Thank you Matt. This is Dev Anand Teelucksingh. Good afternoon everyone. I am the Chair of the gTLD Review Group. The gTLD Review Group is the group that is a working group that coordinates the ALAC At-Large objection process as part of the New gTLD Program. We have a short agenda because a lot of this stuff has been discussed on previous conference calls and on the meetings, but after this introduction I'll just do an update of the review groups statements of interest, a discussion of any comments raised on the new gTLD dashboard regarding any applications and a discussion of the timeline of the gTLD RG activities, then any other business.

Anybody want to add, any review group members want to add anything to the agenda? Going once, going twice. Thank you. So, as part of the standing Action Items on an agenda for every review group call, there is a call for any review or update of any review group members statements of interest in case there's any potential conflict of interest with any applicant that is in the gTLD Program, or with any potential conflict of interest with any application.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

To date I have not received any as of now, but I just want to give the opportunity for those review group members either listening on the bridge or in the room if they have any such conflicts of interest to report. Going once, going twice. Okay, just for the record, there's only been three conflicts of interest reported by the review group since its formation soon after Costa Rica. There was one, Rudi Vansnick, just for the record. Rudi Vansnick identified a potential conflict interest with him being accepted under ISOC Board of Trustees.

And he decided to avoid any potential perception I should say, not that there was any conflict, but to avoid the perception that there was a conflict, he stepped down from the review group. And since Rudi Vansnick was selected by EURALO, EURALO selected Yrjo Lansipuro, who is in the room here, thanks. And the second conflict of interest was that Dave Kissoondoyal was on the ISOC Board Committee – I can't remember the exact name. But he has stepped down from that ISOC Board or Committee, and he still remains on the review group.

Finally, also Kenny Huang who sent his apologies for today's call and is not attending, has an interest in one of the registries, providing backend services for one of the IDN applications. And it was decided that he could stay in the review group, but obviously if there was any objections or anything to do with that IDN application, he will have to them recluse himself from the review group.

Very well, so moving on now to the discussion of any comments raised on the new gTLD dashboard. To date we have only had two sets of comments. One comment on the dashboard related to dot book by the applicant dot book, which was applied for by the applicant Amazon EU.



That was a comment filed by Internet New Zealand. And this was filed just before, for consideration for comments to be submitted during the application comment period. The review group decided that because the issues were raised by Internet New Zealand were out of scope for the review group, but since it has policy implications for the individual end users, it was referred to the New gTLD Working Group for discussion and possible policy recommendations to be sent to ALAC that way.

To summarize what Internet New Zealand's comment was it was that private closed – let me rephrase it carefully – that private closed TLDs which is not open to the public for that generic TLD is not in the community's best interest. The second comment that was received on the new gTLD dashboard was from IT for Change India. And that comment was not really targeted to any application or applicant, but was direct towards the policy of allowing generic words to be possibly, again in a similar fashion, that generic words should be open to all at the second level and should to be closed to a single registrant or closed or private registry.

I'm not sure what the official term is in the new gTLD program. And again, since it was not targeted at any particular application or applicant, it was also deemed out of scope and referred to the New gTLD Working Group, which has taken it on as a policy discussion for possible policy recommendations to the ALAC. And now that I've summarized all the comments that have been received does anybody have any thoughts or questions or comments? Seth Reiss, please go ahead.

SETH REISS:

I feel compelled to voice my opinion. I find it very striking, the two objections that we've received. I agree that generic words are a commonly owned resource just like oceans and outer space and should not be auctioned off to a registrar that's going to regulate them, not share them with others who might have an equal need for that generic word. And it strikes me as economically monopolistic. It's interesting because ICANN giveth and then taketh away.

Until there was a dot book there was not resource commonly owned. Once the dot book is introduced then all of a sudden there's a resource that can be shared, and if it's going to be a closed domain than others with an equal interest in using the ending will not have that opportunity. I know there is those who argue that this has happened on the second level already and so it's too late to be making rules for the top level. I think the response to that is that obviously the top level is extraordinarily more valuable and potentially important; otherwise we wouldn't have people spending hundreds of thousands of dollars to apply and secure them.

And I also understand that this is not directly addressed by the guidebook, and to that I respond that this is an emerging process and this is just one instance in which not everything that can happen was necessarily anticipated and fully debated. All that being said I also appreciate that our remit in this review group probably does not enable us to take an objection on this ground. I think the objection that this goes to a variety of applicants and as a single applicant I think that's just a procedural defect, but I do agree that, and this is something I think I



helped draft – I do agree that it certainly doesn't fall into public morality and that it would be a long stretch to suggest that it applies to a specific community although again that argument can be made.

So I do feel compelled to make those comments, but I also understand the narrow remit of the review group and that it may not be possible to take those concerns beyond this point. Thanks.

DEV ANAND TEELUCKSINGH: Thanks Seth, and indeed your comments are indeed welcome. And I think obviously when the New gTLD Working Group is going to have this policy discussion, it's already started in Toronto and it will most likely continue in subsequent calls after Toronto. And again, you're welcome to present these, all this for the record. And I imagine the excerpt can be placed to the New gTLD Working Group. But obviously the thing to do is participate in the working group and come up with a possible policy recommendation on this issue.

Any other comments and I'm so sorry I don't think I introduced myself. This was Dev Anand Teelucksingh speaking. Okay thanks. With regards to the discussion of the timeline of the review group activities during the remainder of the objection period, as you know now that the application comment period has ended. That means that all the comments are now sent to the initial evaluation panels and no further comments can be sent to the initial evaluation panels.

One of the review group activities was then to simplify our activities. Before we were running two activities parallel – comments for the application comment period, comments for the objection period. And

now based on the timeline, thanks to Seth Reiss and Adela Danciu as well as myself, we came up with a one page summary. And the one page summary just talks about the objection process. Just to point out what it is right now, the review group is going to be seeking comments from At-Large up to November 7th for consideration of comments on objection grounds before limited public interest or community grounds.

Around November 7, 2012 the review group will then review those comments on the dashboard, and for each gTLD application with At-Large comments the review group will then decide whether or not to draft a formal objection statement directed to that gTLD application. Then for those applications which the review group determines an objection statement is appropriate, the review group will then draft an objection statement and this will all be conducted on the dashboard so all of At-Large is kept informed.

And then around December 7th the review group will then publish the final objection statements to gTLD applications in a format ready to submit to the dispute resolution service provider. The dispute resolution service provider has particular standards, I believe it's 5000 words or less or 20 pages. And it follows a very specific page on the dispute resolution service providers website.

After December 7th all five RALOs will then have to consider the statement and then vote whether to support it or not. And the RALOs have to give the advice on the statement by the end of December. And remember, the reason why it has to be by the end of December is because then the ALAC has to then consider the advice by the RALOs. And if once an objection statement has support of three or more RALOs,



than the ALAC has to decide whether to accept the advice or not, and then file the objection before January 12, 2012.

Any thoughts or comments regarding the timeline of this? I mean the only thing I have for concern, just throwing it out there, but I don't see a way to really resolve it easily is that there's not much time for the At-Large to really comment on applications; it's only till November 7th and we're at October 17th already, so that's not that much time. But I'll just throw it out there for any thoughts or comments. Fatimata please, go ahead.

FATIMATA SEYE SYLLA: Yes thank you Dev, this is Fatimata speaking. I think your concern is really justified. We know how difficult it is for us to reach out to our ALSes to have them react to propositions or whatever. So November 7th is a short time for us to have people react. But I don't know if we have any means of extending it.

DEV ANAND TEELUCKSINGH: Well let me put At-Large staff on the spot. When does At-Large would be able to conduct RALO conference calls and so forth, up to what time in December roughly?

HEIDI ULLRICH: This is Heidi from ICANN staff. I believe it would be the 21st of December, Friday the 21st.



DEV ANAND TEELUCKSINGH: Okay, so I would say then based on that it's just really hard to do it because the fact that it requires a bottom-up process to approve any objection statements, the only thing I can say is if the review group would be willing to work on a tighter schedule – instead of one month between November 7th and December 7th, whether they would be willing to try to develop any objection statements in three weeks instead of four weeks. That will give up to November – let's go back to the calendar. That will give up to November 14th which will be roughly one month from now.

Any thoughts or considerations or ideas about this? Do you think three weeks would be enough to draft an objection statement? Okay, I think there's actually a question from remote participation. Can somebody from staff read it out?

HEIDI ULLRICH: Hi this is Heidi Ullrich from staff. There is a question from “guest” and the question is “Why ALAC would file an objection before reaching out to the independent objector. If the IO sees merit in the objection ALAC can provide a rationale and on the grand fact gathering while the IO handles fees, paperwork, lawyers and combined forces.” End question.

DEV ANAND TEELUCKSINGH: Thanks, that's a good question. Well the ALAC itself has the funding to do so and the conditions, as specified in the application guidebook said it had to be, I'm paraphrasing here, but it had to demonstrate a bottom-up process. In other words the ALAC could not unilaterally file an objection on its own and get financial support from ICANN. It had to



demonstrate that it was a bottom-up process, meaning it got comments from At-Large, it was considered by all five RALOs and got the support of the RALOs and so forth. So that was the reason for this process.

Regarding the independent objector, the thing is that there's no way really to communicate formally with the independent objector. There is no way to collaborate with the independent objector and thus we'd have no idea if the independent objector agreed or disagreed with any of comments that were submitted to the ALAC. And in a sense that was what the timing of the comments was for submitting to the application comment period, it was two-fold – one to send any comments to the appropriate initial evaluation panels and also possibly for the independent objector to consider those comments.

So it would just be too difficult to try to come up with two separate processes like that, to try to get RALO support for comments and so forth. I hope that answers that question. Okay I've just been told that the bridge may have temporarily cut out there, while I was giving my explanation. If the person can just leaves his – well he can listen to the recording, but is he provides an email to the staff I'll be happy to communicate to him the explanation I just gave because I don't really want to repeat it and go back on that right now.

So, I see several review group members here, so let me ask a question. Would you consider extending the comments from At-Large to go to like November 14th and then that would give from November 14th to December 7th time for the review group to consider and then draft any objection statements. Floor is open.



FATIMATA SEYE SYLLA: Yes Dev, this is Fatimata again. If you want where it makes sense, if you want the community to participate to make their voice heard, I mean we don't have much choice but put the pressure on us and give them more room to react. Thank you.

DEV ANAND TEELUCKSINGH: Thank you Fatimata. Maybe I should poll some of the review group members just for their initial thoughts. Eduardo, do you have any ideas or thoughts or opinions?

EDUARDO DIAZ: This is Eduardo Diaz for the record. I will support what Fatimata says, we should put the pressure on us and not on the people who are objecting. So I would suggest if we can move it to the 14th let's do it.

DEV ANAND TEELUCKSINGH: This is Dev, thank you. Well I have to say we have done this in the past simply because the new gTLD schedule changed so often so many times because, well starting with the flaw in the gTLD program that caused the delay, what was it – the bug that caused the application platform, the TAS system to be shut down and then the application comment period was extended. So we adjusted to accommodate these new shifting schedules and in both cases it resulted in comments being submitted, so I think perhaps it is appropriate.

Let's see, who else is in the review group? Seth, any particular opinion on whether to extend it to the 14th?



SETH REISS: Yeah I think we should give At-Large the maximum opportunity to communicate with us and right now it doesn't look like our burden is going to be too great, although that could change but.

DEV ANAND TEELUCKSINGH: Thanks. Who else is in the room from the review group? Yrjo Lansipuro, do you have any thoughts or comments or do you wish to say what extended it to December 7th, to the 14th is adequate or appropriate or...?

YRJO LANSIPURO: Thank you. Yrjo Lansipuro for the transcript record. I think that it would be good to extend it. Thank you.

DEV ANAND TEELUCKSINGH: Okay, since there doesn't seem to be any objection from the review group members here, I think I'll take it to the list to inform everybody who wasn't available for this call, but I suspect the sentiment will be the same. And then we'll adjust our comments to say that At-Large comments will be received up to November 14th. And I think ultimately that will be it. I should mention though that there's been a new twist in this in that ICANN has announced a new gTLD prioritization scheme.

Thankfully this new gTLD prioritization scheme was to replace the digital archery that was used to determine which applicants would be first introduced into the root once they passed the initial evaluation and executed their contract agreement with ICANN. This policy is out for public comment, but one of the things is that the objection period will



end not on January 12th but on – let me double check it for the record – yeah so it would end March 13, 2013 with still the initial evaluation results posted afterwards.

If ICANN does adopt that scheme then I guess we will just simple adjust our schedule again and the policy steps will still stay the same. It will mean that the comments will be received by At-Large by the first week of January; the review group will then have time to look at the comments, draft objection statements till the end of February and the RALOs then vote to support the statement or not by early March. And then ALAC considers the advice of the RALOs between March 1st and March 13th.

So I really don't see any issues or problems with changing the schedule if that policy is adopted. And I know that there's been community discussion on this prioritization policy and some concerns were already raised about the extension of the objection period till March 13th. So it remains to be seen whether ICANN adopts it or not. So I guess it's just something we have to just keep monitoring.

Let's see, well I think that is about, almost the last item on the agenda other than any other business. Anybody wishes to add any other business, because I do have one idea in mind, but I'll just open the floor for 20 questions. Andrew Mack, go ahead.

ANDREW MACK:

Thanks Dev. You may have jus covered this, I'm not sure, and I know that Tijani was mentioning that you had a meeting about it this morning, but as part of the new process for the replacement of digital



archery some of the earlier preferences for geographic and community that the way I understand it were in part of the digital archery have now flopped out of that. I know you've discussed this, has ALAC had come down on that in terms of...because I know there's a tremendous amount of work that's been done by ALAC to try to support some of those communities.

DEV ANAND TEELUCKSINGH: Thanks. Well it's not really a review group question, but I can probably try to answer it. This was one of the Board questions as well, and I think it's on us to try to come up with a statement on it. We have not really decided on a statement other than I think we support the principle of IDN applications going forward, but as to issues like geographic, should geographic go in combination with that or those types of details have not been decided on. Sorry Eduardo, you had...? Oh, great.

Well the only one thing I just want to reemphasize is even now that we are extending till November 14th, like I said it's up to the review group members to work with the RALO and communicate that you have the ability to comment and have your comments being discussed by the wider At-Large and so forth. So again, just a reminder to all of you group members to again touch base with your RALO leadership, post something regarding of any applications that may be of importance to the RALO or something like that and see whether you get any discussion or feedback on that.

So I've actually been told that we may get some comments actually. The person said he'll be filing comments after the Toronto meeting, so we may get to actually see comments on two applications. I won't



reveal them right now because I'm not – until it's actually filed. We may still see some comments by November 14th if so. Great. Well I'm not seeing anybody raising hands or questions or comments – oh sorry Seth, go.

SETH REISS:

If we're done I just wanted to take this opportunity to thank Dev. I know that he's singlehandedly done about 98% of the work and he's been very knowledgeable and very helpful. And so as a member of the review group I want to acknowledge all that he's done and how much he's helped us along the way.

DEV ANAND TEELUCKSINGH:

Well thanks Seth. And I will just say that the review group activities is not over yet as they say. But I have to say it's really great working with everybody in the review group. And again, I think we still have some work ahead of us. And there being no other comments – sorry, I should ask, is there any further comments from staff, and are there any more comments on the remote bridge? Just to double check. Oh there is a comment from the bridge.

HEIDI ULLRICH:

Sorry. This is Heidi from staff and we have a question from Josh Leslie. Question: "Is anyone on the review group able to provide background on why ICANN thought this new gTLD program was a good idea, or is this better raised with ICANN itself and if so, with which arm of ICANN?" End of question.



DEV ANAND TEELUCKSINGH: Okay this is Dev Anand Teelucksingh, thanks Heidi. Well I think a lot of review group members; well I should say the At-Large has had opinions regarding the new gTLD program ever since the 2009 At-Large Summit. The new gTLD Working Group Three released a policy statement regarding this, regarding the new gTLD program. So I think, well the things is I don't thing I want to say anything on behalf of the At-Large right now to be quite honest. But as to where the comments could be directed – one, the New gTLD Working Group deals with policy issues relating to the new gTLD program.

So if you want you could submit comments regarding the new gTLD program that you think as an individual internet user, that you think ALAC should consider. You can submit that there. Regarding the actual new gTLD program, at the Toronto meeting I would say probably the public forum would be the best thing to really let the ICANN Board know about your concerns. Any other questions Heidi, or is that it? Okay great. And we just have time to get coffee before the next meeting, beautiful.

Okay I think at this point, being no further questions, I thank you all for attending the call, the working group conference call. And I now adjourn the call. Thank you all, have a good day.

[End of Transcript]

