ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 16 October 2013 at 16:00 UTC

Note: The following is the output of transcribing from an audio recording of the IGO-INGO Protections Policy Development Process (PDP) Working Group Teleconference on Wednesday 16 October 2013 at 16:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

http://audio.icann.org/gnso/gnso-igo-ingo-20131016-en.mp3

On page: http://gnso.icann.org/calendar/#oct

Attendees:
Griffin Barnett – IPC/IOC
Jim Bikoff – IPC/IOC
Chuck Gomes – RySG
Catherine Gribbin – Red Cross Red Crescent
Stephane Hankins – Red Cross Red Crescent
David Heasley – IPC/IOC
Judd Lauter – IOC/IOC
Osvaldo Novoa - ISPCP
Christopher Rassi – Red Cross Red Crescent
Thomas Rickert – NCA –Working group chair
Greg Shatan – IPC
Joanne Teng - WIPO
Mike Rodenbaugh - CBUC

Apology:
Wolfgang Kleinsachter – NCSG
David Maher - RySG

ICANN Staff:
Berry Cobb
Mary Wong
Julia Charvolen

Coordinator: This is the conference coordinator. Today's conference is being recorded. If

                 anyone has any objections you may disconnect at this time. Now you may

                 begin.

Julia Charvolen: Thank you (Rebecca). Good morning, good afternoon, good evening everyone and welcome to the IGO/INGO Working Group Call on Wednesday, 16th of October 2013.

On the call today we have Jim Bikoff, Chuck Gomes, Catherine Gribbin, Stephane Hankins, David Heasley, Judd Lauter, Osvaldo Novoa, Christopher Rassi, Thomas Rickert and Mike Rodenbaugh. We have apologies from Volker Kleinwachter and David Maher. And from staff we have Berry Cobb, Mary Wong and myself Julia Charvolen.

May I please remind all participants to please state their names before speaking for transcription purposes; thank you. And over to you Thomas.

Thomas Rickert: Thank you very much Julia. My name is Thomas Rickert and I'm chairing this working group. I'd like to welcome everybody to this call. And I'm sure that you also felt this emptiness on a Wednesday when we didn't call but these days are over, so we have reconvened and we will continue our work.

Looking at the first item on the agenda, I would like to ask you whether you would have any suggestions for altering the agenda or whether there are updates to Statements of Interests. Hearing and reading none on the chat we can proceed to the next agenda item and that is for me to give you a quick update with respect to the status of our discussions.

As you know, the public comment period has closed now and we're currently in the reply period, so we are still waiting for more public comments to come in. But nonetheless, while we are waiting for the reply period to be closed to be able to have a full view of the incoming comments, we took the time or I took the time to give an update during the GNSO Council during its last meeting.

The purpose of the exercise, and I would like to underpin, was not to present to the Council the results of our deliberations as depicted in the draft final

report as given results of our work, but I clearly attacked those as our current results and I presented where we are to the Council encouraging the Council to discuss with their respective groups the content of our draft final report to be ready to deliberate the final report that we're going to submit to the Council hopefully in line with our plannings, and then be ready to vote in Buenos Aires.

The reason for that is that usually the Council leadership would grant requests for deferrals if individual groups did not have sufficient time to take a look at a draft motion and to get to the Council with an informed decision and position of their respective groups.

Now as you know, the reply period will only end on the 31st of this month which will not allow sufficient time to only update the Council with the, you know, with sort of the status of our work including the review of the public comments which is why I gave an update to the Council on the basis of what we have now, and we will have another opportunity to talk to the Council, give them an update, and then there will be another opportunity too during the weekend session prior to the formal GNSO Council Meeting in Buenos Aires.

All this is done to make sure and to sort of get the buy-in of the GNSO Counselors to help us stick to our ambitious timeline because I think it would be very frustrating for all of us having worked so hard on this, if we did what we can do to deliver to the Council in time, and if then the deferral was being asked for.

Now that's as far as the update to the GNSO Council is concerned. Also, I guess it's quite encouraging to see that we have received public comments not only from working group members although certainly their input is also very much appreciated. But also from groups and individuals that have not joined us with our work so far. And as we proceed with our work, we will take a look at all those comments.

And the final remark is that obviously there is some confusion with respect to the legitimacy of our work. You know, people are challenging why we are - why we sort of dare to deal with these issues since everything's been working fine for the last couple of decades. So there might be room for us to clarify what we're doing that we've actually been chartered to do our work, to look at certain aspects that are now reflected in the final report, to sort of make people understand better why we did what we did.

Also there seems to be some confusion surrounding the protection of acronyms. I would like to specifically highlight one letter that has been drafted by Phil Corwin for the Internet Commerce Association. There's a blog post and I'm sure that we can provide the link to that blog post on the mailing list or on the Adobe Chat where allegations were made that, you know, we as a group granted protection for IGO acronyms which, as you know, does not accurately reflect the current atmosphere inside the working group and the assessment of the consensus level.

That certainly takes us back to the discussion that we had earlier with respect to the question of whether there is something like consensus against. You will remember that we had a quite lengthy discussion about how to present the recommendations to the group during the consensus call. And there was requests made that we should phrase the recommendation dealing with IGO acronyms differently so that people could say that they were against this and that the report did not sufficiently depict that was one group basically that was in favor of IGO acronym protections.

At the time, I have explained to the group why I was not in favor of altering the way we phrased the recommendations because people have all ready started responding during the consensus call and I thought it would not be appropriate to change the request or change the language during this process. Certainly that does not preclude that while analyzing public comment prior to the submission of the final report, we sort of conclude that we need to change the language for this specific recommendation.

I would like to welcome all of you to get back to me and ask me questions regarding this very aspect so that you can sort of answer all the questions that your groups might have because I think that it's important for us as a group, you know, whether you agree or not, that we are all in sync with respect to what we're doing and why we are doing it.

And I would like to add one reasoning for not having suggested or supporting the idea of changing the language of the specific recommendation with respect to IGO acronyms, and that is that we ask all questions in a way where we ask the recipient or the participant of the consensus call whether he or she supports a certain recommendation. So they can say yes or no.

If we or had we changed the language only for one recommendation, to do you not like, that would have given special treatment to one recommendation and I think this might have been perceived to be biased against a certain recommendation as well.

Now I guess we should not reopen the discussion on this very aspect at this point in time unless you wish to do so. And if you do, please indicate this in the Adobe or give me a sign by speaking up and I would be more than happy to discuss. But this is just a piece of information that I wanted to share with you because that seems to be an item that is being discussed in the community.

Just for transparency reasons, I know both Phil Corwin as well as David Goldstein who has been the poster of this blog post for quite some time. And I have sent a note with some additional information linking to the transcript or MP3's of our discussions to them to sort of give them some additional information on this very topic.

Now unless you have more questions with respect to this, I would like to move to the next agenda item, and that is actually the review of public comments.

You will remember that Chuck Gomes has kindly provided a suggestion on how we could better structure and more efficiently go through the public comments that we've received. Usually there is a public comment review tool which is a document following a certain format that Berry was kind enough to fill out and send to the group.

So usually we would go through the contents of the public comment review tool and read out all the comments line by line and then give the working group the opportunity to discuss them to make absolutely sure that all public comments that have been received are being considered by the working group and appropriate action if required is taken by the working group to take into account the new thoughts in the course of our deliberations.

Now with the complexity of our work and with the huge number of recommendations that we do have in our draft final report, Chuck suggested that we should take a different approach, and I will ask him momentarily to explain that directly to you. But just before you ask the question, I want to share with you a piece of information that I've been working on with Berry and Marika and that is to see whether we can actually do what Chuck suggested.

And before handing over to Chuck, let me just say that according to the working group guidelines, we could theoretically take such approach. But let's hear Chuck first and maybe briefly present his suggestion to the group. Chuck, over to you.

Chuck Gomes: Thanks Thomas and I apologize to everyone for sending this so late, but I actually didn't refine this until this morning considering I woke up really early.

So as I started trying to review the comments, and as I said in my message, I was trying to figure out how are we going to deal with all this and make sure that we, you know, consider every comment when we make our decision in terms of final recommendations. And there are so many recommendations, that our particular challenge is orders and typical set of recommendations in PEP. And as you could tell, I used a technique that we used in the Registry Stakeholder Group with regard to the use of a spreadsheet to detail the recommendations.

And so I really thought it would be helpful for there to be a summary of the number of comments in support of each recommendation, opposing each recommendation, and even identifying where there are comments that don't fit either one of those categories. And then I also recognized that, okay, it would be helpful, at least for me when I'm weighing comments, to know whether it's from an individual, a group, whether it's from a GNSO group or not, all those kinds of things all factor into the decisions, not that any of them are determinative or that we have an established policy or procedure for handling comments like that. But I thought it would be really helpful, at least for me, if I saw that kind of data all summarized.

Now I recognize that that's a huge task. And so I suggested an outline of procedures. Now first of all, if you haven't seen it, and unfortunately it's really small in the screen - can we reduce that to just the first one, two, three, four, five, six, seven, eight columns? Is that possible? That would help me go over the little spreadsheet idea.

Now while we're waiting for that, this is only one category of recommendations. I didn't do it for all of them because I didn't have time but it would be applied the same way if the group thinks this is a good idea, for all the different categories. I happened to pick the IOC recommendations just because there were only four of them, not that that really matters in terms of applying this idea. But that's why I chose the IOC.

In this particular spreadsheet, if the - and I'm guessing that probably had to be converted - it did have to be converted to a PDF which makes it very different to just show part of it probably. I don't know. I'll let Berry solve that problem.

But if we went with this approach or some form of this particular spreadsheet to summarize our data, what would happen, at least the way I envision it, is there would be - in a spreadsheet, for those who aren't familiar with Excel, a total spreadsheet or worksheet can be divided up into different workbooks. And what you're seeing would be just one workbook, the one for the IOC or one tab in the spreadsheet, and of course we'd do the same thing for the other recommendation categories.

Now what I did, since it appears that we can't make this more readable in Adobe, I'm going to go over to my own Excel copy to talk through it.

Now the way this spreadsheet is designed, just to give you a quick overview of it, it's got the recommendation number, it's got text of the recommendation to make it really easy to follow, it's got our draft working group level of consensus so that's the level of support that we've put into our draft final report.

The next three columns are the total number of comments in support of the recommendation, total number of comments opposed, and then total number of other comments if we can't fit them into one of those categories. And then the next column is the final working group level of support, so that's a placeholder. Once these - each of the workbooks would be completed, if we go this route, then we would discuss based on the data and based on other factors that we can consider, what our final working group level of support is.

Now my hope is that some of them will fall out and be really easy. You know, if there are some that don't have any opposition and their comments and

support, we're probably just going to go with our draft level of support I would think. But anyway, we can work that out later.

And then there's another column where everything is blank where we would provide our rational for our final level of support. I think if we go this approach with the data that we accumulate and summarize, I think it will be relatively easy to explain why we kept our recommendations the same or changed it or whatever.

Now the rest of the spreadsheet is divided into three parts plus a comment column. There's a section, and this is going to the right in other words different columns, you can see them barely in the Adobe. First of all, the number of comments in support and so I divided that into two categories; GNSO groups and others.

And the reason I did that from my own personal perspective, not that others are as important as GNSO groups, but the reality of the matter is ultimately this thing is going to go to the Council. So in cases where we may not have an obvious solution in terms of our final recommendation, we may want to take a look at what it looks like going forward to the Council based on any comments that came from GNSO groups. We don't have to do that; that will be something we will discuss so don't read too much into that.

So the GNSO groups are just divided into the constituencies and stakeholder groups and then also the ALAC. Now we could add a column for the GAC, whether or not they submit comments because we basically have their input. I didn't know what we wanted to do on that but we could decide that if we go this route again.

For Others, I put an individual column so comments from individuals, comments from a single organization, a company or a not-for-profit organization, whatever, comments from a small group and a large group. We

could break that out finer - we can do that however we want. But I thought it might be helpful to distinguish those four areas at least for the Other section.

So in those cells then for each recommendation, if we determine that, for example, the NCSG opposed recommendation one for the IOC, we wouldn't put anything in this cell. We would go to the next section and under number of comments opposed under NCSG, we would put a one.

Now the reason a one is because, and this is my limitations with Excel spreadsheet; there may be other ways to do it. But then back over in those total columns that I all ready went over, there are formulas there that would just automatically add up the ones whether it be the ones for support, the ones for oppose or any ones for others. And then there's last of all a place for comments. So the third section to the right is number of other comments with the same groups listed, and then finally we have the section for comments.

So and let me stop there, and let me go back and look in Adobe to see if there's anything - oh I did leave out the NCUC, thank you. That's very important; my mistake. So obviously there needs to be a column added under each of the three groupings for NCUC; that's pretty easy to do and I can do that after the meeting.

So the - any questions on the format of the spreadsheet? Is that clear? I don't see any hands raised or other comments or questions in Adobe.

Thanks for scrolling like that. Why don't you go back to the beginning, that's helpful I think. So you can see - everybody can see that this part of the spreadsheet that's in view right now for each of the categories would be the main thing that we work from, but we would have the raw data in the sections to the right it would feed into this and that we could refer to if we needed too.

Scrolling to the right then, the next section after the rationale column, keep going until you get all of the number of comments and support - that's fine

right there. Again, keep in mind the NCUC column is missing under GNSO groups, but I'll just allow a few minutes for people to look at that. The total column, of course, is just a simple sum of all the ones, okay. If there's not a one it wouldn't be anything in there.

And then scrolling to the right so that you get the next section which is for comments opposed, and then scrolling again to Others - to number of Other comments, same thing except for number of other - and then comments.

So the idea is to make this really easy to use and that will make more sense probably when I talk about the one approach we could use if we decide to go this direction. Now again, let me pause.

Any questions before I go on? And I'll try not to be too lengthy but want to make sure that everything's understandable.

Okay. So going then - how would use this, okay? And I outlined in my email message - I don't know if it's possible to bring that up or if it's fine just to talk about it, whichever way works because we may want to come back to the spreadsheet; I don't know.

In my email message, I suggested an approach that we could use for going forward on the comments using this spreadsheet. And the first step I suggested is we need to decide what categories or recommendations we want in our final report.

If you look at the registry comments, what we did to try and be as complete as possible in our comments was to - we added some categories of recommendations. Not that they were necessarily formal recommendations in the draft final report, but that we thought it was important to give feedback on them.

So we used four - excuse me - seven categories or recommendations in our response, and so our spreadsheet that summarizes the details had seven tabs - seven workbooks. They were the four obvious ones; the RCRC, the IOC, the IGOs, the INGOs and then there's also, you know, the general recommendations. But then we added the suggestions or discussion we had with regard to how this would all impact existing registries, and we also added the two exception procedures were mentioned, and then left another category there.

So we used seven categories. The working group may decide to only use the five, but then we have to decide how we're going to handle existing registry issues in the report and then also the exception procedures.

So my first step then is just to - once we decide that, the step two is simply to modify, and I think this works. Berry, tell me if you don't think this works, or Mary, either one. Is to modify the public comments review tool which I think is basically a spreadsheet I believe, it's in PDF form and what Berry sent us, to add some columns. Add a column for the source of the comment so we take one comment, and we have a column that says source of comments and we would either say GNSO Group or Other.

We would add another column that says Type of Comment Source, and there's where we would identify whether what the GNSO group is or what other category we think it fits in. And then we'd add a bunch of columns very similar to what you just saw in the spreadsheet we just looked at except it would be for the RCRC - I said similar but I guess it's really not except that there's a lot of columns - for RCRC, there would be a list of I think there's 11 recommendations. They are numbered 1 through 11, then a column for - and then a group for the IOC and etcetera.

So this becomes a really easy data entry tool, not one easy to look at because it's going to be really wide. But it will be easy for input.

So those are the first two steps that we can follow. And then the third step would be solicit volunteers to review and analyze subsets of the comments and fill in the data in that spreadsheet that comes out of number two; this modified spreadsheet with the additional columns.

Now I think, that in cases of comments submitted by any of us that are participating in the working group, it probably makes sense for us to do that for our own although we don't have to do it that way because it's probably easiest for us.

And then we would then find volunteers that would break up all the rest of the comments and assign small groups, it could be two or three, I guess it could even be one if we're okay with that; I don't have any strong feelings there. And we would - those people would review those comments, fill in that public comments - that modified public comments review tool, and then for whatever one's you're assigned too.

And then we could divvy up all of the comments, the ones we have now and the ones we'll get in the future, and hopefully spread out the workload so it's a much more realistic task. Okay? That assumes of course we get enough volunteers. But I think if we do it that way, none of us will have too many comments to review and do this exercise.

Now I added step four and I don't know whether we want to do this or not, but I said, "Well maybe it's good to have kind of a quality control review of what came out of that step of analyzing the comments and see if there's - if everything looks okay."

I don't know if we need to do that or want to do that. I threw that in there, we can talk about that.

And then last of all, it's just a matter of entering the results from those previous two steps into the summary spreadsheet in the appropriate tabs.

Now I understand that there would be, in the comments that I reviewed, some of them only talk about IGOs for example. So the only thing that we'll be entering for those comments are things under the IGO category. Some of them, the registry stakeholder groups comments for example, will have entries for all the recommendations.

But anyway, let me - I think - just a couple more general comments and then let me open it up for discussion. I think the first three steps we could begin right away including getting volunteers to start analyzing the comments and doing this, they would need step 2 to be done with the spreadsheet modification first.

But we could actually start reviewing the comments and analyzing them and going through the first three steps, and even probably Step 4 which if we want to do a QA test of deciding how we're going to do that. So in other words we wouldn't have to wait till the end of the reply period to get this going. We could really start it right away.

And then once we've done all these steps, we should be ready as a full working group to start talking about our final decisions for our final report, what is our level of support for each recommendation. And some of them will be easier than others, but we'll have some data to work with that I think will facilitate that even though it's going to take a lot of work to get there.

The alternative is to try to do kind of a subjective analysis of the comments and general thinking and so forth. I'm less comfortable with that because I think this is a little more objective and little bit easier later on to explain our rationale.

Now let me stop there; sorry to take so long. But what questions or comments do people have? I'm open. This may not be the approach the working group wants to follow; don't feel any obligation to do that. I was grappling with how

to do it myself and I would find this useful. Don't know if other people would or not.

Thomas Rickert: Thanks so much Chuck. And with this I would like to open it up for questions. Not yet seeing any hands in the Adobe. And while you are thinking of questions you do want to ask, I have one question for Chuck.

And that is I certainly do like the information gathering bit. What I'm not sure I'm comfortable with is the counting bit because that makes it look like a voting scheme while we should only be voting as sort of a last resort.

So do you think this concern is valid given your experience or do you think we can also do it without counting because I think it would be almost as good without the counting part in it?

Chuck Gomes: I don't see how it would be as useful without the counting first of all, so I'd like you to respond to that. But secondly, we're not voting. All we're doing is trying to determine whether a comment is in support of a particular recommendation or opposing it or something else.

We're making an assessment which we have to do on the public comments anyway, so how do you see that as voting? Now it's true we have to make a judgment call in terms of whether we think it's in support or opposition or other, but we would have to do that anyway.

So first of all, why do you think it would be useful without the counting?

Thomas Rickert: Because it's very nicely and transparently displaying the outcome of the public comment period because you have everything in one place and it's well structured, and it's in my view it's better structured than in the public comment review team. I would just wouldn't do the add up part of it.

But the way you describe it and if the working group feels the same that we are just sort of categorizing and that we're leaving the assessment to a later stage, then I would be okay with it. I just don't want to make ourselves vulnerable by, you know, not having unanimous sorts of buy-in by the working group that we should actually use this methodology.

Chuck Gomes: Yes and I would say - this is Chuck again. I would say that counting shouldn't be equated to voting. It's not as if we as working group members are voting. We're not saying whether we disagree or agree with a particular comment, but we're trying to better from the comments.

And again, looking at the portion of the spreadsheet that shown right now on Adobe, if we sum them like I've suggested right, and for example for recommendation one for the IOC, if there were ten comments of support and two comments opposed and maybe a couple others, okay, that's pretty strong support just looking at the summations for our position of consensus.

But we may then want to say, "Okay, let's go look at where those comments came from. Okay, are the ten individuals in support not associated with any organization? Are they all from one particular type of organization? And are the two comments opposed, are those from groups that represent a lot more people? Well that might affect our decision so we still have a judgment call to make there.

But seeing that data - now if we get one that's really clear, we got 15 comments in support, none opposed, well in that case that we probably have pretty good confirmation that our consensus position in group one wouldn't be changed based on public comments.

So again, let me be quiet.

Thomas Rickert: No, that's much appreciated and I guess it's important for us to have a common understanding of what we're considering to do. And I would like

those who are not in favor of this type of fact finding to speak up and share their thoughts and concerns with us.

I see Berry's hand is up; Berry.

Berry Cobb: Thank you Thomas, this is Berry.

You know, I'm in supportive of the approach especially the divide-and-conquer aspect of it because we do have a fair amount of comments to review. Also taking note that I suspect we'll at least get three or four more before the end of the month as we move through the reply period.

In terms of the tabulation component that we were just discussing, essentially this is kind of the same issue we ran into when we held the formal consensus call. And before I make my point, I should - the working group should take note that for the final report of each recommendation or recommendation block or however we choose to structure it for the final-final report, we will be listing the groups that supported or didn't support any particular recommendation.

That wasn't included in this draft final, and that's probably more my mistake than anything else, but I have been informed that support levels for recommendations will accompany the recommendations themselves. And perhaps that may or should have or perhaps that could have cleared up some of the confusion especially regarding the acronyms.

But the point I want to make here, and this is what we struggled with the formal consensus call, is when we're tabulating these, Chuck you mentioned that there's support, no support or other, that automatically doesn't make it a binary tabulation.

And the concern I have, which we definitely encountered in the formal consensus call is that a number of responses only touched on only one set of recommendations and

didn't touch upon the rest. And so this tabulation method that we're proposing here can be tainted if no response is equal to a blank in the cell.

And so that's how - I guess that's where the concern comes in in terms of trying to tabulate this up which again something that we encountered when, for example, during the formal consensus call, we were absent the registrar and the BC position on a particular recommendation. And so we were kind of left guessing or also asking another question.

If Stakeholder A submitted a response for just IGOs and didn't submit a response for RCRC, IOC or any of the general ones, does that mean that they accept them or does that mean they're not interested in them or could it mean that they're against them? You know, we can try to extrapolate subjectively that it doesn't mean that they're against them, but does it mean that they are for them or not?

So I guess that's really the only concern I have about some of the tabulation here and definitely not the first time we've encountered it.

Chuck Gomes: This is Chuck, thanks Berry.

Well personally, I don't think we can extrapolate. In our final report, we can only use and try and incorporate the public comments we receive. For us to try and extrapolate and think what a lack of response means I think would really be stretching what we're tasked with doing.

So we solicited public comments according to the guidelines, we get public comments. For us to try and conclude things that aren't in the public comments I think would be faulty.

So I understand the problem, but frankly I'm not going to know whether it's a support or a not support or not interested or whatever if people don't respond.

They're probably responding to the ones that are most important to them; that's probably a fair conclusion.

Do they oppose or support the others? I'm not going to know, I don't think we're going to know nor should we do any guessing.

But we have a responsibility to take the comments where we do get them and see if it impacts the level of support that's going to be in our final report for those. And all we can use is the data we get. To try and go beyond the data we get is I don't think we're tasked with that and I think it would be wrong of us to do that.

Does that make sense?

Jim Bikoff: Thomas?

Thomas Rickert: Yes, let me get back to Berry first and then Jim.

Berry Cobb: Definitely Chuck, that makes perfect sense. And I wasn't trying to suggest that we as a working group extrapolate anything. I was really trying to reference towards the exercise we went through in the consensus call as to, you know, the example - and I'm not trying to call anybody out - but we didn't get a submission from registrars. We only got a verbal but that wasn't really good enough to put down on the tool we used for the consensus call.

And so you're absolutely right; we shouldn't be extrapolating anything. But my concern is in reviewing all the public comments as I have, you know, there's a good chunk of them that are completely opposed to the recovery of identifiers in existing GPLDs. And they didn't mention recommendations on any of the other groups. So when we go to tabulate those through this tool, all of their non-responses for RCRC recommendations, for example, will be shown as no response which is equivalent to a blank cell in this form that when you start to tabulate means a zero in the total column.

So that's my only concern and you can go from there.

((Crosstalk))

Chuck Gomes: And this is Chuck. And Jim, I'll be really brief here to let you talk.

I agree. Now keep in mind that we should not just use the data we get here. There are going to be cases where we need to look, okay, if we got one where there was very few votes and support but a lot of others for that category, we probably should go back and look at those others and see what they're saying.

So this tool is not designed to be everything. We're going to have to go back, and in some cases more than others probably, and look at some of the things in the comments and things that working group members suggest and so forth as well as just using this data.

I probably didn't say this but I'm not suggesting that the only thing we use are these numbers, these counts; absolutely not. In some cases, we may not have to do too much more, but in others we're going to have to do a little deeper digging.

Sorry Jim, go ahead.

Thomas Rickert: Jim, please.

Jim Bikoff: Okay, I've read the comments and I might throw out a suggestion not to, you know, take away anything that Chuck did. I think that's a nice job that he's put together this chart.

But I think as an initial matter, wouldn't it be helpful to have Berry to take all the comments and try to, you know, include them in the current recommendations so that, for instance, the comment on free speech by (Joseph Peterson). It seems to me

it doesn't respond to any of the recommendations specifically, but maybe it should be interpreted as no protection for anybody. Whereas, you know, seven or eight of these comments just deal with IGO acronyms.

So in other words, the ones that just deal with acronyms could be correlated to what we have now on the recommendation sheets, any that relate to, you know, the idea of going out and trying to cancel existing TLDs that have all ready been issued. There were two or three that mentioned that. Those could be under the general comments.

And then we could see - we could have a picture first of how these comments, all of them, affect what we've all ready done and then go from there maybe into more detail.

Chuck Gomes: This is Chuck. You make a really good point Jim, that we're going to have to identify recommendations that really don't fit - or excuse me - comments that don't fit into any of the specific recommendations but might generally apply to all of them or some set of them and we'll have to decide as a group how to deal with those. And show - that's a very good point that this particular tool doesn't really address.

Jim Bikoff: And Chuck, I guess my feeling was if that was done as a first step, it may make any more detailed findings easier because we would know what was affected and, you know, what we'd have to be looking at in terms of what the comments are geared towards.

Chuck Gomes: Chuck again. My question there would be how long would it take that first step to be done and is it fair to have staff do that individually? I don't know the answer to either of those questions but I'd like some discussion on it.

Thomas Rickert: Yes this is Thomas. The working group guidelines give us a certain degree of flexibility with this. Let me quote just a quick expert from it.

"The PDP Team is expected to deliberate as appropriate to properly evaluate and address comments raised during the public comment period. This should include careful consideration of the public comments explaining the rational for agreeing and disagreeing with the different comments received, and if appropriate how this would be addressed in the report of the PDP Team.

Following the review of the comments received, and if required additional deliberations, the PDP Team is expected to produce a final report," yada, yada.

And so we really have some flexibility on how we approach this. I think that it would be difficult if not dangerous to leave all the analysis to staff. I would be much more in favor of having sub teams as we did in the initial phase of our work taking look at the public comments and categorizing them so that we are sure that nobody claims later that sort of the group hasn't done a thorough enough job in reviewing public comments and that comments have been misrepresented or suppressed.

I'm not sure whether that answers your question but I guess that, you know, we should make sure that the working group sort of has a say in it and participates on all levels.

Berry Cobb: Thomas, this is Berry. Just to carry on with what Jim was saying, the current version of the public comment review tool that I sent out to the list yesterday makes a small attempt at trying to categorize some of the comments by, not necessarily each recommendation, but certainly a general topic that it applies to. And as you will see, rows 27 through 30 sometimes are all involved in comments that were received in regards to incumbent gTLDs and how any policy changes would affect them, but they weren't necessarily targeted to any one particular recommendation.

So in some regards, I did try to categorize them by a higher level of topic. At least by my initial review of this, there were very few that were targeted

specifically to any one particular recommendation. And personally, I loved the registry's response because it was thorough enough that, you know, it correlated to every one of the recommendations. And ideally, that would have been, I guess, nice to have with regard to this public comment forum.

But at any rate, some of the categorization is there. But they definitely do not align to any specific recommendations within the draft final report.

Thomas Rickert: Thanks Berry. Chuck, I guess this is your hand right?

Chuck Gomes: Yes it is. The - my first comment is really a general one for the GNSO working group process.

I think we can learn something here in that if public comment periods are structured in a more specific way to elicit more clear responses, we probably could save ourselves a lot of time after we get the public comments. But that doesn't help us in this working group okay. But those of us that continue to be involved in the GNSO, we might remember that going forward to try and structure public comment processes in a way that helps us in assimilating all the comments and using them.

So my concern with regards to Jim's suggestion is simply timing. If we wait, if it takes very long to do that prepetory step, we're going to all ready be at the end of October and heading into November and we're really going to be under the gun.

So if it can be done quickly, I think doing that first is fine. I don't object to that at all. If it's going to take awhile though, I would suggest that we start the other processes, if we're going to use them, I'm not - the working group has to make a decision on that whether to use them or not. I'm not going to be offended is my approach is not agreed to by the group; let me make that clear.

The - but if it is going to take a while to do Jim's step, then I would suggest, we in parallel, start the other process so that we spread out the time that we have and also spread out the workload.

Thomas Rickert: Thanks Chuck. And now after having taken like 50 minutes to discuss on how we approach this challenging task, let me suggest that we use the remainder of this call to actually start reviewing comments. We might see that the areas where we need discussions by the working group can be, you know, duplicated for multiple comments and we make some time there.

I would like all of you to think about which approach you would like to use. And after this call I will, on the mailing list, ask everybody if you - how we should proceed with this, and maybe then form sub-teams that take care of populating the spreadsheet suggested by Chuck if the group chooses to do so.

Okay, so I guess that with this, I would like to suggest that we start working on the public comment review tool as presented by Berry. I'm not sure how many of you have actually gone through the exercise of reviewing public comment all ready, but let's take the remaining hour to do it the traditional way to see how fast we are.

And I guess this will also help you to determine whether you want to proceed on that basis or whether you want to sort of task subgroups with taking a different approach or moving to Jim's approach whereby we sort of make the system that Berry has suggested with this tool, even a little bit more sophisticated. But let's get back to that as we get there.

So Berry, can I ask you to sort of guide us through this. And I heard prior to the call that you're going to be the one volunteering to read out to us.

Berry Cobb: Yes Thomas, thank you. This is Berry.

So as I just kind of briefly mentioned, within the public comment review tool that we have right now, it is divided into general comments, top-level protections, second level protections, I think there was a section that brought up eligibility criteria. There is a section for exception procedures although that hasn't been flushed out yet.

Most of the comments really did seem to focus on the existing gTLDs and mostly hardly even mentioned anything on the new gTLD front. And then there was a couple of comments surrounding the minority position as well as a new minority position statement submitted via the Registry Stakeholder Group as well as a few reply comments that were submitted.

In terms of - of course everybody recognizes there's still several blank rows in this tool as it exists now. There are placeholders as we get more comments that come in and as each one does get posted I'll be sure to update into the latest version of the tool.

In terms of how we proceed, typically we go from top to bottom although maybe we could spend more time talking about some of the responses for any policy changes for incumbent TLDs because that definitely seems to be where more of the confusion is centered around. Or if the working group prefers, I can start up at the top. Either way, I'll be able to keep track of which ones we've reviewed and which ones we haven't.

Is there any preference, top or start with the incumbent TLDs?

Thomas Rickert: Yes, why don't you proceed with this?

Berry Cobb: Okay so we'll go ahead at the top. And Chuck, I put the registries up at the top not necessarily because they are general comments, and definitely don't want to reduce it to the word general. But because your group did such a great job of being very precise, it was going to be more difficult to break them apart for each one of the recommendations.

The substance of the comments I believe are more aligned with the spreadsheet that was provided which I'll post up into the working group or into the AC room here in just a second.

I'm not going to read through the exact comment that's listed here because Chuck all ready talked about it. But in short, their comment submission was divided into basically seven different groups; four of which are the organizations under consideration for protection as well as general recommendations plus some comments about the existing gTLDs implementation there and also touches upon the exception procedures.

Within their comments, they also outlined the number of support for each particular recommendation within their stakeholder group, and then they also provided extra comments where they deemed necessary which I think is what it's worth going through.

Let me bring up their spreadsheet. Unfortunately, I don't think you'll be able to view it too well in the Adobe Connect Room. But it was sent out to the list last - or yesterday evening that includes all encompassing PDS on their comments.

So Chuck, I'll definitely defer to you as being the authority in terms of how the registries submitted their comments. What I was maybe going to suggest that we do is I'll just run through each of the seven tabs of the spreadsheet, we'll highlight what recommendations were supported and which ones were not within the (RYSG). And as we encounter a more detailed comment in your column of comments, then we can stop and read through those more specifically and open it up for discussion amongst the working group if that's satisfactory.

Okay. All right, so the Registry Stakeholder Group, as I mentioned, submitted comments per each of the seven - their seven groupings. The first one being the Red Cross/Red Crescent.

So in terms of the first recommendation which was top-level protections of exact match full names Scope 1 identifiers, there was support for protections for all Scope 1 identifiers according to our recommendation matrix. However, there was not support within the Registry Stakeholder Group for protections of Scope 2 identifiers.

And Chuck, please correct me if I misstate anything that - from what I'm reading from your spreadsheet. I'm actually working from the spreadsheet instead of the AC room version.

Chuck Gomes: Okay, you're doing fine.

Berry Cobb: All right, great. So as I mentioned, you know, if - the Scope 2, there was no support for protections of Scope 2 identifiers which were the 189 recognized National Red Cross Societies as well as five or six acronyms that were included in Scope 2.

However, there was consensus support for the Scope 1 identifier protections that were outlined as well as I think there was support that if these identifiers are protected in the guidebook and/or through the Specification 5 of the Registry Agreement, that an exception procedure would need to be created which the registries have outlined in more detail.

And Chuck, I see your hand is raised.

Chuck Gomes: Yes, I want to ask a question and I guess make a comment first.

If we go through all of the comments like this, it's going to take us forever. I'm not opposed to going through them, but I think it's going to be very time consuming.

Now if it's valuable for other people in the working group, I'm willing to go through that exercise. Now ours, the Registries, is obviously probably longer than all of them. But still, there are some fairly lengthy comments that have been submitted. And if we go through each one in that kind of detail, we're going to be here until the end of the year; that's probably a little exaggeration.

But - and I'm okay with that if that's what everybody wants to do. But that's the frustration I ran into when I started going through the comments.

How are we going to do this in a time efficient way? So I just through that out. But again, if that's what the working group and the Chair wants to do, I'm with you, okay.

Thomas Rickert: Chuck, this is Thomas. Let me quickly jump in and maybe explain why I suggested what we're currently doing.

I get the impression that when you presented your alternative approach that, you know, we didn't get any feedback from the group in the one or other direction apart from Jim's suggestion. So I thought it would be worthwhile, you know, actually starting the exercise for everybody to better see and understand what the exercise would take.

And as I said, I've intended anyway to reopen the discussion on how we would most efficiently proceed.

Now given your comment, I'm not sure whether others do want to speak up to see how we should better proceed. You know, I guess it's vital for the group to have 100% buy-in on how we do this so that everybody is happy with the approach and nobody questions it.

Berry Cobb: And this Berry. At least getting through, you know, the spreadsheet here, it's
                 not my intent to read through any of these, but really provide just a quicker
                 summary or what was submitted. And if I do misstate anything then please
                 correct me.

But at a high level, again, I think it's very clear from the Registry's perspective, they support
                 protections for Scope 1 identifiers, there is no support for Scope 2 identifiers
                 for the Red Cross/Red Crescent. And there is support for utilizing the
                 clearinghouse and the 90 day claims, and then I'm ready to move on.

                 You know, for the IOC, from the Registry Stakeholder Group perspective,
                 there's full support for the protections outlined here. And if there's any
                 opposition or anybody wants to discuss the Registries' position or public
                 comment on their position, please raise your hand and we can stop and
                 openly discuss.

                 Okay, for the IGO protections, I think that this still falls in line with what the
                 Registries had stated in the past, that there is support for full names Scope 1
                 protections, the different types of protections that are offered. However, there
                 is no support from the Registries for the acronyms which are labeled as
                 Scope 2 identifiers. Except - and in fact that there's not even support for the
                 Scope 2 identifiers being - listed into the trademark clearinghouse and use of
                 the 90-day claims.

                 Okay. And then lastly for the INGOs, as I understand it, there is support for
                 protections of Scope 1 identifiers which was the general consulted status
                 from the ECOSOC list at the top level. But there is no support for the Scope 2
                 identifiers which was the special consulted status.

And in terms of the Scope 1 protections is that there is no support for adding those for second
                 level protections to the Specification 5 agreement of the Registry Agreement
                 as well as no support for any of the Scope 2 names being entered into the

Spec 5 of the Registry Agreement. Further that there is no support for Scope 1 or Scope 2 names being entered into the clearinghouse and/or 90 day claim notification.

Chuck, I see you have your hand raised?

Chuck Gomes: Just a quick clarification. You're saying there was no support in some of these when in fact there was some. If you look at Recommendation 2 under INGOs where you are, there was actually one member who voted in favor of that. So there was certainly super majority opposition to that, but there was one person. And so following our practice, we try to indicate that, just a slight clarification there in terms of what you're saying.

So the Registry Stakeholder Group position is against it but there was one member who supported it. And you can take it from there; thanks.

Berry Cobb: Great, and thank you for clarifying my bad language sometimes. Chuck is definitely correct. The Column G of their spreadsheet states the level of support within their stakeholder group and I did misspeak in terms of clarifying the support at the group level versus individuals within the group that did or didn't support, and those can be found out in more detail within Column G of the report.

I guess a further example would be Recommendation Number 8 on Row 23 for INGOs is that second level protections of exact match acronyms Scope 1 names unless otherwise protected, and Scope 2 identifiers for INGOs are both added as a single list under the clearinghouse. There is well over 50% support within the stakeholder group that that should occur, but I think it still wasn't enough to equate to super majority or even majority support within the working group.

And I think overall, in terms of these first four tabs and the Registries' overall position on the recommendations, are in line with previous positions that have

been stated by the Registry Stakeholder Group. So I don't think there was
any real major change from any previously announced position through our
formal consensus call or from prior notions mentioned in the working group
deliberations.

Chuck Gomes: Berry, this is Chuck again. Probably there was a little bit of - there has been
some movement in the INGO category because I think previously we were
pretty much opposed to INGOs getting protection at all. And that has modified
so depending, I guess, on what point in time you're going back to, I think this
is one area where there has been some movement in the Registries.

Berry Cobb: All right, great. Thank you Chuck. And please feel free to interrupt me
anytime if I do misstate.

Okay, I think the remaining three tabs of the stakeholder group positions is
where we probably want to spend just a little bit more time on because it
looks like there's a little bit more substantial comments associated with the
level of support within their stakeholder group.

So within the general recommendations, I'll kind of go through these one by
one, at least up until we get to the fee waivers component.

So the general recommendation about the UDRP URS launching other PDP,
there's support for that. I would like to make one side note with regard to this
recommendation.

Since it does seem to be that we have consensus support for initiating an issue report to have a
PDP created on this topic, I do have a side form that I will provide, at least an
initial draft to the working group, but the working group will need to help fill
this out. And essentially, it's a form that we like to use to help better inform
the GNSO Council as to the reasons why this PDP should be initiated. And
the hope there is that it provides much more direct focus and information
when the Council deliberates on whether a PDP should be initiated.

It's about a series of six or seven questions on what's expected to be reviewed and just some more high level details to better substantiate the recommendation being put forward. And I hope to have the first draft sent out to the working group by the next call so that we can start to review that as well and send that along with these final reports to the GNSO Council.

The fee waivers at top level protections, I think that's in line with the working group's level of support in that there was divergence and very little support within the RYSG. The same way in regards to the sunrise period in the identifiers that were entered into the PMCH as well as fee waivers for entering into the TMCH.

There was a specific comment just to post for the record. They do not - the general comment from the Registry Stakeholder Group is they do not support using the TMCH while models similar to the clearinghouse is possible for notification purposes using the actual trademark clearinghouse is an insufficient protection. The TMCH is temporary and sites defensive registration that costs the governments and public which is one of the main policy reasons for why preventatives protections in the first place.

One non-voting member said, "This is up to the TMCH provider, if registries are expected to subsidize this then no." One non-voting member supported this and one opposed it.

And Chuck, do you want to add any commentary to that particular comment or is that good?

Chuck Gomes: No, I think that's fine. Again, most of the comments that you'll see to the right are from individual members that we wanted to make sure that their comments were reflected somewhere in our response. So no, I don't have anything to add.

Berry Cobb: Okay, great. Thank you Chuck.

As well as in the last two recommendations under the general tab which I think was in line with the working group level of support about permanent claims notification and fee waivers for any URS UDRP action.

So I'll move on to the existing TLDs from the Registry Stakeholder Group comments. And these weren't - the recommendations I guess, they weren't even really recommendations in the draft final report. They're really more principles to help guide implementation of any policies that were created. And perhaps maybe that's something that we'll need to take note as we prepare the final report to make that more clear to the GNSO Council as well as the Board if they were to ever see this.

I think in general, it looks like there was more or less super majority support if not near super majority support from the Registry Stakeholder Group about the various principles that we outlined for deploying this on incumbent gTLDs. As Chuck mentioned, there is some comments mentioned over in Column J - sorry, I wasn't keeping up on my Adobe Connect - where there was a little bit of discussion from a few of the members of the stakeholder group. But in general, the Registry Stakeholder Group seemed to support the principles that were outlined here.

And then lastly...

Chuck Gomes: Berry, this is Chuck. Just one more brief comment.

It's easy enough to - obviously we just - I used the same format, the same thing for each tab. So for existing gTLDs and probably the exceptions as well, we could call them, for the working group we could call them something different than recommendations; principles or whatever you want so that's probably an easy fix in terms of the working group approach to this. Thanks.

Berry Cobb: Okay great, thank you Chuck.

And lastly is the last group that the Registry considered was the exception procedures. And pretty much I think these were - there was not really - there was no support within the registries for the first outline of the exception procedure. And it looks like there was at least a near majority within the registries for the second procedure.

I think ultimately the takeaway comment here is that there probably needs to be more work done around the exception procedures themselves. And I think that this is something that the working group should discuss a little bit further is how far do we go at trying to actually create the exception procedure versus just the policy that an exception procedure should be created and provide some sort of flexibility around the implementation of an exception procedure versus trying to not necessarily create one here within the final report.

So I definitely welcome more comments from the working group members about how we should proceed in this regard.

Great, hearing none...

Chuck Gomes: And Berry, just Chuck again; just one final comment.

In the case of the Registry Stakeholder Group, 68% of our members, and it's usually active members although we didn't distinguish that here, makes a super majority vote. So anything over 66 and two-thirds percent or our members support would qualify in our charter as a super majority support.

Berry Cobb: Great, thank you Chuck and thank you for the reminder there about super majority.

Okay, so I think that pretty much encapsulates the Registry Stakeholder Group's public comment in terms of updating the public comment tool. You know, the working group response overall, I would pretty much say it that it's noted. In terms of any terms of any recommended actions, and Chuck please help me in terms of word smiting this.

But I think of in terms of any recommended actions that the working group needs to do is that we should try to finalize any of the exception procedures that are going to be documented in the final report.

And does anybody else in the working group see any other actions that we may need to make changes to the final report in regards to the Registry's public comment response?

Okay, hearing and seeing no hands - hearing none and seeing no hands then, we'll go ahead and move on to the second public comment. This was submitted by (Charles Christopher) as an individual via as a PCF.

And he states that, "ICANN is demonstrating that it has lost track of what really matters. It's actions have become misaligned with the public domain they oversee. Trademark law has been involved over thousands of years.

"Today's embodiment of those ideas includes the notion that no person or entity may have exclusive rights to a mark across all goods and services unless that entity is so vain that the use of the mark by any other entity would be confusing to the public. This allows multiple holders of the exact same market code as this and here we're only talking about in one country as this in true nonetheless in multiple countries because they are obviously different.

"Redo, do not - R-E do not cause confusion. In fact, the very nature top-level domains are the difference between the names sharing second level string. You can't have it both ways. The mission creep of ignoring the unique value of a string may provide an unrelated entity is unacceptable. I consider this proposal to be

institutionalized, reverse the name name-hijacking. Any entity able to get their string on the list and having the right to take or (keep his own) unrelated entities domain."

"Saying that this policy is limited to, for example, the Red Cross is foolish as any reasonable person can see the door is being opened for others who have influence and take their domains for others. The more politics like this are implemented, the less innovation we'll see, and it has a chilling effect regarding investing in unique Internet businesses when ICANN one day may feel the domain is someone else's property."

"The Red Cross and those using INT for example have their own special place through the Internet and unique addresses is different than all others. People who can't figure out they are or are not at the right Web site will not be saved by any level of guidance. They are lost from the start."

"With 4% world GDP now on the Internet growing, naming seems to work just fine. Please stop (unintelligible)."

Are there any comments or responses to this public comment from (Charles)?

I think in general this is probably more focused towards any implementation of any policies here to the incumbent gTLDs, while he doesn't explicitly call that out, but I think more important this does align with some of the other comments with regards to acronyms being protected or suggestion of any acronyms being protected in existing gTLDs.

So if there are no comments, I'm not so sure - oh Chuck, please.

Chuck Gomes: Yes, this is - I just thought I'd call out that this appears to be one of those like was brought up earlier. The kind of things that don't really answer any of the

specific recommendations but it broadly covers them all on what we're doing, so this is one of those that I think fits that category.

Berry Cobb: Great, thank you Chuck. And the way we structured our recommendations now and like it's association with the were outlined within the existing gTLDs, you know, I think more of the preference here within some of these comments is focusing more on the acronyms as opposed to the full names that are being considered and supported on by the working group. But that's not to say that it's solely on the acronyms alone, but at least where the recommendations show consensus today is that those full names, the bearing scopes that we defined, would be somehow implemented within the incumbent gTLD.

So what I have listed here for Row 2 is that the working group notes the response and thanks for the contribution, but I don't see any actions that are required to adjust any of the recommendations that we have thus far. And if no one objects, then I'll move on to Row 3.

Okay, moving right along, the third comment is from (Ed Leeman). I think he was also an individual.

"It appears that you who are in charge of an organization who is to protect and serve have possibly made an error in judgment allowing confiscation of acronyms for IGOs and INGOs seems to the least unfair to the general public. We are trying to preserve peace and live in a fair and non-violent world. This action seems to just take from those who have and to give to those who desire. It seems unreasonable to take acronyms and short generic names for any gTLD or ccTLD."

I think in general this comment probably aligns to what the general notion was made in the previous comment. Are there any discussions in respect to this comment?

All right, hearing and seeing none, and we can move on into the top level protections section. This was an extract from the Internet Commerce Association public comment, but it most specifically seems to be associated with the top-level protections and why it was isolated into this section.

"In regard to top-level of new gTLDs, we generally favor full protection for exact matches of full names of all IGOs and INGOs addressed by the report by barring the registration by third party. But we oppose such blanket registration blocking protection of exact matches of their acronym. We doubt that any party would make a various substantial time and monetary investment to apply for a dot acronym registry with the intent of confusing the public in regard to its ownership, sponsorship or purpose. But in the highly unlikely event that such a situation were to occur, it could be readily addressed by existing objection processes for new gTLDs as well as by the GAC and by."

And I think that in general we can state that this is noted by the working group and does align with our current recommendation. Right now it shows that I think we have no support for protecting acronyms at the top level but there is support of protecting the full name.

Any comments or suggestions counter to what I mentioned?

Okay, then we'll move right on to second level protections which is also from the Internet Commerce Association.

"In regard to the second level of new gTLDs, we generally favor full protection through registration blocking for exact matches of the full name of all IGOs and INGOs addressed by the report. But we oppose blanket protection of exact matches of their acronym as any misuse could be addressed by existing second level arbitration procedures."

"In regards to the TMCH which is only relevant to new gTLDs, we would support inclusion in the TMCH of exact matches of the full name of all IGOs and INGOs addressed by the report, but only if the trademark noticed generated by an attempt to register such name differentiates between trademark rights and the rights held in such name by an IGO or INGO that has not trademarked its name."

"We oppose inclusion in the TMCH of exact match acronyms of all the IGOs and INGOs addressed by the report. We do not oppose allowing affected organizations to utilize (curative) rights of the UDRP or URS to dispute arbitration mechanisms if they believe that a particular domain name using such exact match has been registered and used in bad faith. That is in such a manner as to deceive and mislead the public that the particular Web site as being operated by or has been endorsed by these relevant IGO or INGO."

"As the UDRP currently exists solely to protect trademark rights and URS as the narrow supplement to the UDRP with a similar focus on trademarks and a higher burden of proof, error must be taken in the implementation of such expansion of their utilization to precisely define the exact nature and scope of rights that are eligible for such arbitration action and the factors to be considered by arbitration panel."

And I think that there's a couple of good nuggets in this particular comment. The first is that it sounds like there is support that aligns to the current working group's level of support on recommendations such as support for full names being loaded into the trademark clearinghouse. However there is no support for acronyms being loaded into the clearinghouse. And finally it sounds like there is support for access to the curative rights mechanism such as UDRP or URS, but that should be carefully considered in any PDP.

Any other comments or suggestions or responses to this comment submission? What I will take note of in terms of any recommended action that the few statements around the UDRP URS could be informative to that

template that I was mentioning earlier in regards to the initiating or the approval of an initial report for the creation of this PDP.

Okay, that takes us down do eligibility criteria, Row 17. And I've completely been neglecting everybody in the Adobe Connect Room not that it's easy to read anyway, but I have now freed this for participants to review that way.

All right, the next comment is from (Sergio DeGregory) which was submitted to the public comment tool, and it seems that the most named - or the primary focus around this comment was more towards whether the organizations had the rights to access to any protection. And I'll start off by reading.

"IGOs represent a wide range of essential public interest. For this reason, they enjoy a special status under public international law which clearly places them in a different category than other DNS stakeholders. IGOs work towards cooperation between governments on vital issues and humanitarian causes. IGOs are created by treaty, they are subject to have international law like states and they deserve the same treatment."

"IGOs are funded primarily by public funds provided by their member state. Abuse of registration of IGO names and acronyms impose a serious enforcement burden on IGOs which should not have to divert their public resources for this purpose.

IGOs in the public interest which they represent are particularly vulnerable to misuse, fraud and confuse with respect to their identities on the Internet. And IGOs enjoy certain immunity from legal process in order to protect their neutrality and partiality from national influence."

The names and acronyms of IGOs are protected by international treaties with the scope of Article 6 of the Paris Convention for the Protection of Industrial Property as further extended by Article 16 of the Trademark Law Treaty in Article 2 of the WTO Agreement on trade related aspects of IP rights."

As a result of overwhelming majority of jurisdictions in the world, protect the names and acronyms of IGOs either by direct application or their treaty obligations or by enacting national legislation."

"Governing bodies of some IGOs have also adopted decisions requesting their member states protect their identifiers of those organizations from unauthorized use. And protection of the names and acronyms of IGOs is also consistent with ICANN's mission which includes enter (alias) protecting consumers from abuse in connection with the new gTLD program."

"Furthermore, ICANN's founding documents require ICANN to carry out effect and even conform to relative principles of international law and applicable international convention and to cooperate with relevant international organization. Articles of Incorporation Article 4, and to duly take into account, government and public authorities' recommendations recognizing that public authority are responsible for public policy."

"Abuse of registration of IGO names and acronyms harms the causes which IGOs represent; public health, labor, food, peace keeping operations, containment of weapons, proliferation, defames rule economic and social development and reconstruction and several others."

"It is incumbent on ICANN as the mandating agency of the domain names to implement appropriate policy measures to help mitigate the (affirm). ICANN's development of the domain names must therefore demonstrate a capacity for serving the public interests within existing legal norm."

And I'll open this up for any comments. I think overall - and I'm not seeing any hands raised. I think overall, this has been discussed and deliberated by the working group. We discussed the various legal components that have suggested that provided protection, and in fact, some of it has helped define the scope of identifiers protected and which organizations qualify under some

of those legal clauses that have been provided either through (sixter) or other treaties.

Is there any discussion or any comments in response to this public comment that would require us to update our final report or any of the recommendations?

Thomas Rickert: Berry, this is Thomas. I think that we might actually wish to just acknowledge that we have dealt with these questions during our deliberations and we might choose to do the same for the previous comments that we've reviewed.

You know, I guess it would be good for us to at least, you know, note that the topics of the questions have been dealt with previously rather than saying nothing.

But maybe we should pause here for a moment, and as indicated I wanted to get back to the overall approach of the question of our overall approach. Now that we've gone through a couple of the comments and we do not know how many comments are going to come towards the end of the reply period, let me repeat my question to you whether we should try to find volunteers to sort of prepare and populate the spreadsheet, you know, maybe this one or the one that's been proposed by Chuck to sort of make it less time consuming effort for the whole group to review individual comments.

Chuck? Chuck, it's your turn. Maybe you are on mute.

Chuck Gomes: No, can you hear me?

Thomas Rickert: Yes.

Chuck Gomes: I just took myself off mute, okay.

I think that this spreadsheet that Berry is going over right now needs to be populated whether or not we decide to use the spreadsheet that I proposed. So because I think we do need to document our response to these and any recommended action specifically to the comments so that the commenters know that we considered their comments and see our response and any actions if there are any. Thanks.

Thomas Rickert: Thanks Chuck. So Osvaldo is not favoring this. Osvaldo, can I ask you to maybe elaborate on that maybe a little bit?

Osvaldo Novoa: No, I was just stepping away for a minute. I thought this was the symbol.

Thomas Rickert: Okay sorry for that. Anybody else willing to comment?

Because I guess we should make a decision as a group on how we do want to proceed with this. And again, it's not appropriate for the Chair to make that determination because review of public comment is a vital exercise of the group and I guess I need more responses from the group as to how we should proceed with this.

So let me phrase my question differently. I guess that we are all conscience of time. We need to have this concluded in the next few weeks. The question is whether it's likely for us with the time given to do this as a group exercise or whether we trust individuals enough to go through public comment and sort of prepare everything for the group to review individually and discuss.

So let me ask you this. Are you or do you object to splitting the work and letting volunteers do the first step of our work? If you object to sharing this responsibility a little bit, please make yourself heard or indicate that you're willing to speak in the Adobe.

And I see Greg's hand up. Please, Greg.

Greg Shatan: Thank you, it's Greg Shatan. Can you just clarify who the volunteers would be? Are you looking for volunteers from the group or are these volunteers from the community or from the (Unintelligible) Rescue Mission? I'm unclear.

Thomas Rickert: We haven't yet identified volunteers. It's just the general approach whether we are willing to sort of task individuals or subgroups with analyzing public comments as a first step and prepare for the whole group.

Greg Shatan: I guess somebody has to do it, but I guess what are the alternatives other than these volunteers?

Thomas Rickert: Well the alternative would be to go through all public comments as we did in the last half hour.

Greg Shatan: Right, just slog through.

Thomas Rickert: What's that, sorry?

Greg Shatan: Just kind of slogging through them all.

Thomas Rickert: Yes, that would be the usual practice. The discussion was whether we wanted to take a different approach to analyzing public comment by using the spreadsheet for example that Chuck has suggested, but under no circumstances do I want to shortcut a group deliberation and the due-diligence that is required to review public comment.

So I guess we need to agree that we do want to task individuals or subgroups with preparing the documents for us, and as a second step we'd need to identify volunteers to do that.

Berry, please.

Berry Cobb: Thank you Thomas. You know, I mean my concern with divide-and-conquer, and believe me I would love to do that. But my concern is that in that in the divide-and-conquer approach, one, we may not get enough volunteers but more importantly is that we don't - to me it increases the risk that we aren't considering all the comments collectively.

And I would probably agree with some that it's boring as all get out for me to read through each comment like we're doing, but I know at least in that way we are for sure considering every comment and nothing is getting swept under the rug, and that's the last thing that I would want to have happen from this process expedited all that it may be.

Perhaps what we can do for the next two sessions is continue with the similar format that we've performed in the last half hour with the exception of me reading line-by-line, and in terms of trying to guide the working group in considering the comments, I can provide a very short summary of what that particular comment would be or what they're trying to convey, and that we introduce the summary of the comment, who it was commented by, and then open it up to the working group to discuss.

But the critical aspect is that every working group member participating needs to read these line by line offline so that they're prepared to provide any comments to that particular response - to that particular comment that was submitted. So I guess that's all I have to say.

Thomas Rickert: Thanks Berry. Chuck, please.

Jim Bikoff: Thomas?

Thomas Rickert: I have Chuck first and then you're in the queue Jim.

Chuck Gomes: Thanks Thomas, just a couple of responses to what Berry just said.

Going through them like this, it's true that the people on the call are going through them but those not on the call are not. So just keep that in mind. So it's important to recognize that they are not on this call and that aren't going through this exercise.

So you're right Berry, everybody needs to read them themselves and go through this. But the fact that we didn't get, you know, many comments so far and obviously didn't get any from those who are not on the call.

Thomas Rickert: Thanks Chuck. Jim?

Jim Bikoff: I just want to second Berry's recommendation. I think having a short summary of these instead of reading them fully, for instance the last one on the IGOs, it's clear that they're favoring protection for IGOs at all levels.

I think, you know, if we have some summary language added to Berry's worksheet on what the recommendation is or what the comment is and then we can go through them quicker, and I think that's probably the way to do it is to go through all these individually.

Thomas Rickert: Thanks Jim, and I guess we should by all means use that as a first step. Nonetheless, I would like to encourage everybody of you to consider Chuck's suggestion and let's talk about that more on the list to make a determination on how we wish to proceed rather sooner than later.

Because I guess it would - it would shed a gloomy light on what we're doing if we are doing this with a great level of diligence for the first couple of comments, but if more comments are coming in, you know, we start to get sloppy or at least that would be the impression that the outside world gets, that you know, we see just too many comments coming in and then we change the mode of reviewing them.

Okay, we are seven minutes to the hour. So we need to leave this without a final determination on how we're going to proceed. Nonetheless, we should continue our discussion on it, that's now moved to Item Number 4 which is the review of the work plan.

You see that we're now on the 16th of October. On the 21st of October, the motions would be due for the Council Meeting. As you can see, we can't do anything at the moment because the reply period is not yet over.

We have planned to have two more meetings before the next GNSO Council meeting and then I will give another update to the GNSO Council on that very date, and hopefully we'll be able to also report on interim results of our analysis to the Council so that they know where we stand.

On the 10th of November is the motions and documents deadline, so we need to have our motions submitted and the final report submitted to the Council at that point in time so that the motion can be voted on during the Buenos Aires meeting. And we hope to get to (Geva) that and then have the motion ready to be decided on by the Council on the 20th of November.

What this work plan doesn't say is that actually there is going to be another meeting during the preparatory GNSO Council weekend session where the Council sits together and discusses with the whole GNSO community the subject. And I guess, if I'm not mistaken, we have 45 minutes during that weekend session to discuss. So there are multiple opportunities for Councils as well as community members from the GNSO to ask questions and seek clarification with us.

Do you have any questions with respect to this? If not, I'd like to hear Berry who has his hand raised.

Berry Cobb: Thank you Thomas. I'd just like to point out for the working group, our next meeting is scheduled for the 23rd at the same time, 16 UTC. However, the

meeting scheduled for the 30th will be starting to migrate through Daylight Savings Time changes. And so what I'll propose for the schedule is that we'll stay with the current UTC time of 1600 up until time that the U.S. switches to its winter time, and then we'll adjust the UTC time plus one so that it's the same time.

I probably did a poor job of explaining that. Anyway, I just wanted to let you know that there will be a slight disruption to our normal schedule as both zones or both regions migrate through the DST.

Thomas Rickert: Thanks Berry. And with this, I'd like to give you the last opportunity to speak up and make any final comments. Greg, please.

Greg Shatan: Apologies if this was brought up earlier on the call before I joined, but I wanted to note to the group that in the NGPC's first of October meeting according to the announcements on the ICANN Web site, the IGO and Reduction Cross acronyms, it says, "That the NGPC is working on an implementation plan for the advice, and will inform the GAC of the details upon approval by the NGPC."

I'm wondering how this is going to ducktail with our work if they're going to, you know, turn the lights on for a few weeks or months and then turn them back off again or are we going to be ignored? It just seems like an odd - they've pulled certain other things kind of over to the side while developments elsewhere took place. But this one they seem to be going on yet again as if we don't exist.

Is there any thoughts on that point?

Thomas Rickert: I guess there are certainly thoughts on that and I do have mine which I'm going to share with you momentarily. But let's hear Mary first.

Mary Wong: Thanks Thomas. Hi everybody. So Greg, I think that's a good point and while I'm not privy to the deliberations of the NGPC, they are aware of this report and the public comment period. They have a report and a summary of what the working group is recommending. And I'm in touch with some members of the NGPC that are with dealing with this issue as well as the staff supporting them.

So that's as much as I can tell you at the moment because that's as much as I know. But as far as staff can, we are going to be working together and coordinating as much as possible.

Thomas Rickert: Thanks Mary and let me add to this, and this is sort of what I mentioned to the GNSO Council as well.

I guess we should all bear in mind that the ICANN Board has granted provisional protections, and certainly those provisional protections need to be implemented.

I have no reason to doubt that the ICANN Board means what they said when these protections would be granted temporarily until such time as the GNSO Council comes up with policy advice. Now some in the community have claimed that are exercises are mute now, that the Board has even, you know, published an updated Specification 5 to the Registry Agreement.

But those who do think that our exercise is mute should know that certainly there is a possibility that the ICANN Board will perpetuate protections now granted and their approach to it, even in the light of the GNSO Council outcome. But if you do want to make this probability a certainty, then we should not continue our work.

So I guess it should be in everybody's interest that for the relevance of the GNSO work, that we keep up our work at full speed that we deliver to the GNSO Council. I do what I can to encourage the GNSO Council to not defer

the subject and actually have it voted on in during the Buenos Aires meeting so that we actually remain relevant to the outcome of this policy matter.

Greg, I'm not sure whether your hand is still up or whether that's an old hand.

Greg Shatan: Old hand.

Thomas Rickert: Okay. So unless there are more comments, it's one minute past the hour now. I'd like to thank everybody for their participation and patience. And I will send a note to the list very shortly so that we can hopefully continue our discussion how we approach the review of public comment.

Thank you everybody and have a great day. Bye-bye.

Chuck Gomes: Thanks Thomas.

Jim Bikoff: Thanks, bye-bye.

Greg Shatan: Bye.

Mary Wong: Thanks Thomas and everybody, good bye.

Coordinator: Thank you all for attending today's conference. You may now disconnect.

END