

**ICANN
Transcription
IGO-INGO Protections Policy Development Process (PDP) Working Group
Wednesday 30 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 30 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-20131030-en.mp3>

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

Attendees:

Jim Bikoff – IPC/IOC
Avri Doria - NCSG
Elizabeth Finberg – RySG
Alan Greenberg - ALAC
Stephane Hankins – Red Cross Red Crescent
David Heasley – IPC/IOC
Judd Lauter – IOC/IOC
Thomas Rickert – NCA –Working group chair
Greg Shatan – IPC
Claudia MacMaster Tamarit – ISO
Val Sherman – IPC/IOC

Apology:

Oswaldo Novoa - ISPCP
David Maher - RySG
Christopher Rassi – Red Cross Red Crescent

ICANN Staff:

Berry Cobb
Mary Wong
Julia Charvolen

Julia Charvolen: Thank you (Tonya). Good morning, good afternoon, good evening everyone and welcome to the IGO INGO Working Group call on Wednesday 31st of October sorry, 2013 at 16 UTC.

On today's call we have Jim Bikoff, Avri Doria, Elizabeth Finberg, Chuck Gomes, Alan Greenberg, (Judd Lauter), Thomas Rickert.

We have (David Hissy), Greg Shatan and Claudia MacMaster Tamarit.

We have apologies from (Alstado Novaop), Christopher Rassi and David Maher. And from staff we have Mary Wong, Berry Cobb and myself Julia Charvolen.

May I please remind all participants to please state your names before speaking for transcription purposes. Thank you, and over to you Thomas.

Thomas Rickert: Thank you so much. My name is Thomas Rickert and I'm chairing this working group. And I would like to welcome all of you to this call which is scheduled to take two hours. And let's see whether we have to fully exhaust this time budget.

As usual I would like to ask whether there are any requests to change the agenda or whether there are changes to statements of interest?

Hearing and reading none in the chat we can move to the next agenda item. And that's the chairs update.

Actually, I don't have that much to update you on. As you know, the reply period of the public comment period is going to end tomorrow.

So we do not yet know if and if so how many further public comments we're going to receive. So I guess that we will only be able to discuss comprehensively and in an exhausting manner the public comment after the public comment period has closed.

However we've seen some activity on the mailing list. And ICANN staff in particular has been very busy updating documents that you've seen on the list.

Also ICANN staff has discussed with the ICANN general counsel with respect to the question of how we could best present the recommendations that make it to the final version to the GNSO Council so that the council can actually deliberate and take a decision.

And we will discuss these items. I guess during this part of the agenda before we then move to the review of the public comments that we received in the review tool.

Now I would like to start by giving both Claudia and Greg who have written to the list the opportunity to explain their comments to the group. Because I - I'm not sure that all participants of this call have actually had the opportunity to read and consider their submissions.

So Claudia would you be prepared to explain to the group the concerns that you voiced on the mailing list?

Claudia MacMaster Tamarit: Hello Thomas. Yes. Yes, thank you for that opportunity. It's the same position that we've held on for a couple months now I think regarding the issue of characterizing our level of consensus for recommendation of blocking acronyms.

And we say for any international organization in particular I think it's IGOs that has a - have a particular resonance because they are - they're asking for a block of their acronyms whereas where there are other international groups or not.

We are very deeply concerned that a block of - that excuse me, that the characterization of our consensus level as divergence which means no consensus, that there is no strong opinion about whether or not to block the acronym can be very misleading particularly since this is, quite frankly, one of the most controversial and important topics that have come up in our deliberations.

We feel very strongly that it's important to clearly word what our feelings in this particular group.

And they have been shown and I think it's also reflected in the public comments as others have repeated that most if not the consensus is against a block of acronyms.

So we would like to recommend either that we remove this recommendation since it did not get enough support other than a minority opinion from the list of recommendations that we are putting forth and allow of course for the minority positions to fully explain their positions as (ISO) has done in other cases like this, as OIC has done or we reword the recommendation.

Now I understand that there is a bit of a difficulty with rewording the recommendation and we don't need to do this. But I do think that we need to address this issue.

Then I'm afraid that the last if you would like to call it solution which is shown, you know, the levels not supporting or the individual groups that we're not supporting this recommendation it is not clear enough.

I don't think that a person reading this recommendation or familiar with our deliberations will see from the, you know, five or six or how many organizations have not supported this recommendation will get really the actual gist of what has happened which is there is a minority position supporting it, but that's it. It's not enough even for strong support. So that's basically our proposal.

I think that Greg has chimed in as well and I'm sure that he's much better and more clearly state his sentiments.

But we would like to recommend that this recommendation be stricken from the recommendations because it does not have enough support to be a recommendation and that it be left to the minority view holders to elaborate what they'd like to elaborate in this report. Thank you.

Thomas Rickert: Thanks very much Claudia. I would guess - I guess that we will discuss this a little bit later in this call. But first, let's hear from Greg.

Greg Shatan: This is Greg Shatan. Thanks for the opportunity to, you know, talk through what I put in my email.

As a general matter, I agree with what Claudia has put forth. And for the purposes of discussion, I set out a couple of other options.

In the - in my email the first that's consistent with Claudia's which is just to move these "unsupported recommendations" all together, since they are not recommendations. They're just discarded recommendations or failed recommendations.

At one point I think we had a list of things that we considered but that fell, you know, short of becoming recommendations that seems to have disappeared for better or worse.

If it was still there I would say that this should be added to that list. But since that list doesn't exist striking it seems to be the option.

Another option perhaps too creative with regard to the consensus levels is to change the consensus level to minority view since that's defined as a proposal where small number of people support the recommendation.

That would seem to be an accurate representation of the level of consensus. It does, you know, open a couple of issues up.

First, should all the other sales recommendations be put back as minority views assuming that somebody supported them along the way.

Also the description of minority view takes the position that it should generally be stated in response to a positive consensus level or at least of divergence or above, or as the position of a small number of people with - where there's neither support nor opposition by the remainder the group.

Somehow it left out the idea of it being supported by a small number of people where there's clear opposition by the remainder the group. Maybe nobody thought that a working group whatever end up in this dilemma. But we have.

And it's also not clear whether these are intended to be exclusive circumstances in which the statement of minority view can be expressed or whether those are only exemplars.

And if they are only exemplars then I think we do have - it is within our purview to take on and put a minority view as an expression of these positions if we want to keep these in their recommendation matrix at all in which case we probably should put into the introduction to the recommendation matrix that this includes, you know, things that are not in fact recommendations per se of the working group because they did not get at least a level of divergence support from the working group.

For that matter query whether or ask whether divergence level of consensus is sufficient to characterize a potential recommendation as an actual recommendation of the group.

But I did not put that in my email and maybe we - if we did answer that question in the negative we'd have to remove quite a number of these from the matrix.

And the matrix is useful in showing the conclusions of the group, even if they are not all recommendations as such.

Another result which I think is an absurd result would be to have a minority view or a series of minority views, which would add up together to a majority of the group in a position to this falsely divergent characterization or perhaps a single minority view by, supported by a majority of the group, which in fact would be a majority view, which I guess is not formally a level of consensus except if it is considered a level of consensus against.

This would not only be absurd, make work but would slow down the group. Nonetheless, I put in the list as a possible outcome, you know, that because for divergence levels that the protocol seems to call on the chair to strongly encourage minority views to be put into the group. It's to be put it in response to divergence.

But without the minority views being tallied it's not clear to the reader except for the exceptionally close reader that in fact the minority views in opposition to a divergence add up to a majority of the group.

You know, furthermore, the IPC has not seen fit to put in minority views. And I, you know, which is fine. But, you know, we don't - we're not saying it is such so it, you know, wouldn't be quite as clear.

But I don't think it should be necessary to put in a minority view every time one takes a position that is, you know, in counter to the consensus position as stated.

The last suggestion I have is a drop of a footnote that essentially explains what our true view is of consensus against it that somehow we've gotten here, we shouldn't have gotten here, perhaps. But due to the nature and complexity of the recommendations that we were dealing with we took the

matrix path which unfortunately ended up with us perhaps not having a formal choice available to us to properly reflect this - the will of the group.

And furthermore, asking that perhaps be considered in the future that consensus against or some other, a methodology be developed to deal with this situation or that individual working groups find a way to avoid finding themselves in this kind of paradoxical situation.

There's a block of text in my email which I will not be read out. I can paste it in the chat. It will be quite long, but I'll paste it into the chat for consideration.

But essentially it says this isn't really divergence. Don't look at this as divergence. This is really is not supported. You know, vote against this and keep moving if you, you know, presuming that you want to take our recommendation which is don't take this recommendation. Thank you.

Thomas Rickert: Thanks very much, Greg. And before I respond to both what you and Claudia said I would like to give both Alan and Chuck the opportunity to also chime in. So Alan, please.

Alan Greenberg: Thank you. I'm not sure I would've put up my hand if I knew I was going to have to follow Greg. I'm not sure I can follow that.

I guess I have two comments to make and I'll try to keep them brief.

Number one, I really do not see what the problem is of - with inserting a knot in the recommendation and saying don't to this. And there's a strong consensus that it - this not be done.

You know, because we happened to word it in a positive way as there's nothing to say we can't change the wording. So I really don't understand why.

And I think that would convey the message that this working group is trying to give to whoever has to implement the results that we're somehow passing on then being silent on it.

Because being silent on it with someone having a minority report does not convey the strong belief that the majority had to not implement this. So that's number one.

Number two I'll, I guess Greg made reference to it earlier. But I'm really having a hard time getting my head around us issuing recommendations where we're saying most people didn't agree or this very strong divergence.

The vast majority of PDPs end up with for better or worse virtual unanimous or close to unanimous support within the working group of the recommendation - of the things they call recommendations.

And I think we almost need a new definition of the word recommendation here because it's not conforming with what - the way it's normally used. So I think we have a possible for great confusion because of how we're doing this. Thank you.

Thomas Rickert: Thanks Alan. Chuck?

Chuck Gomes: Okay thanks. For some reason I got out of Adobe Connect so I'm getting back in.

A good discussion. To me the simplest thing to do is to not include any recommendations where there was divergence which was Greg's first suggestion. And certainly I think Claudia was suggesting that at least in the case of acronyms. If we do it for one, we should do it for all.

I think it's very clear for the public comments that there was confusion in what we were recommending and what we were not. That's a message I think we should get from the public comments.

An awful lot of people thought we were recommending things we weren't so they talk - tried to talk us out of that. And part of the problem, I believe, is this very issue that Greg and Claudia are talking about.

Now that said, in a totally different part of the report than the recommendations part we need to show -- and maybe it's through the matrix again -- the recommendations where were considered but there was not enough support.

So but again needs to be totally separated from the recommendations part to try and minimize the confusion with regard to that was created in the public comment period.

Some of the other options that Greg mentioned, I think they're workarounds. And I think the simple - that are complicated. Getting a whole bunch of people to submit minority reports is going to be a challenge.

Practically the other options I think are more complicated. And the simplest option is to just not include those.

And by the way, I think it's consistent with the working group guidelines.

The category of divergence still applies to our work. And we did not reach consistent consensus on the recommendations we would move to another part of the report as non-recommendations.

So I think - I don't think we're going against the working group guidelines at all. So that would be my recommendation and I'll stop there.

Thomas Rickert: Thanks very much. Chuck. Let me briefly respond to what all of you have commented on.

And, you know, those of you who are attending all these calls will surely notice that I've said some of what I'm going to say at least once.

But I think given the emotional debate at times that we have surrounding the subject I think it's still worthwhile saying it one more time.

Greg said that we're in a dilemma. Are we in a dilemma? I guess we're not.

Have we stated things sufficiently clear to avoid confusion of the reader of the draft final report, certainly not.

I guess we should have done a better job explaining what we're at as a working group. And I'm more than happy to take my share of - if not all responsible for that for having caused the confusion.

However I think that the approach which I have sort of defended earlier is the correct one.

The working group guidelines have a scale of consensus levels. And we've used that vocabulary when we started the consensus call.

And it was only after we initiated the consensus call that we have identified that some of you would've liked to phrase the question in a different way or to phrase the consensus level or to use a different term for the consensus level which is the consensus again against (IDM).

And at that time I said we can't change potential answers while the consensus call is going on. And I stick to that.

I think it's not appropriate to change the rules of a game while you playing it. That, however, does not in any way prevent us from drawing our conclusions from the subsequent comments and from the deliberations that we have.

So I - I'm - I will also state that the outcome, i.e., the strong views against support were noted. And this should go into the report that for sure. I think the genesis and the history of the recommendations that we're discussing should be reflected in the report.

I also recommended and ultimately I share sort of had to guide the group and that one and I did not note any severe objection to my decision that we stick to the vocabulary also for the reason that we phrased all the recommendations in a certain manner.

We asked the community do you support this? Do sport that? Do you support the other?

And in order to meet some of the commenters' concerns we would only have phrased the recommendation about the IGO acronym protection in a different way, which is do you not support. And then certainly the outcome could have been full consensus or rough consensus.

But I think that it would have been a discriminatory approach to only phrase one of the recommendations in a different way than we phrase all the other recommendations.

So I think that the approach that we took from the methodological approach was the correct one.

Now having said that what we make out of that for the report as well as for the recommendations?

For the report I guess we need to be very clearly describing what has happened and that actually the outcome of our consensus call unless there are changes to that in the reminder of the public comment period is that there are strong views against those protections and that in fact only the organizations benefiting from these protections themselves that to ask them to be protected. So that should go into the report.

As far as the phrasing of the recommendations is concerned I know that ICANN staff has consulted with general counsel earlier this week and I said that earlier in this call already. And there have been some recommendation from general counsel on how we should phrase our recommendations.

And in order to fill us in on the latest developments there. I would very much like to welcome Mary to give an update to the group.

And Mary I know that you've been patient for quite a while raising your hand in the chat. But I hope that you forgive me for making you weight because I thought that I should make some introductory remarks before reaching this stage of my statement where I think your comments will perfectly fit in.

Mary Wong: Thank you Thomas and not at all. I think it was very helpful for everyone to be caught up on this discussion since it was started a while ago.

So I'm not sure that I'll be actually answer the question that Claudia and Greg have been addressing.

But in an effort to maybe help guide this process through to what for us as a working group would be the ultimate outcome which is a vote in front of the GNSO council in talking with our legal colleagues one approach that we thought might be helpful that might minimize at least some of the confusion is going back to what Alan said in one of his comments in this call which is that when pretty much in order for the council to vote on something they're - you're really voting for the most part on consensus, full consensus or near

consensus recommendations. That's generally been case and that makes a lot of sense.

So the recommendation here is that while we have this report that lists every single recommendation, more or less chronologically, the package to go up to the council for voting would package the recommendations according to which were consensus recommendations and which are not. So strong support significant opposition and divergence and so forth.

On the basis that the council in its usual fashion would of course that the working group, adopt the report and vote on the recommendations where there was consensus.

So that's sort of the broad recommendation in terms of packaging the recommendations. You have a package of consensus recommendation and a package of the others or several packages of the others. You could put the strong support ones together, the divergent ones in another package.

The understanding would also be that the council should and presumably would of course discuss some of the consensus - some of the recommendations that did not get consensus either for further action or for further clarification and so forth.

And particularly this would apply to the ones that have strong support but did not reach consensus.

On the point Claudia and Greg have been discussing and something that staff has been thinking of doing is if the Working Group agrees with this package recommendation that we're talking about now that specific recommendation on the discussion right now could have a table - well it wouldn't only be a table, it'll be a single entry and essentially a little table of his own.

And we could indicate in the column the consensus against that how could we word it that Claudia and Greg are talking about.

We can say that there actually is strong support to do something the opposite in a separate column. And that way we think that that might minimize some potential confusion over the classification of that particular recommendation as divergent.

So it seems as Thomas said a good point to throw that out to the group in terms of an approach going forward, both for the general recommendations overall as well as for this specific one that's been quite troubling for some members.

Man: Thomas, you may be on mute.

Thomas Rickert: Sorry, I was on mute. I have invited Chuck to speak. And then I said well Chuck you might be on mute but actually, he hasn't heard me inviting him. So Chuck please fire up.

Chuck Gomes: Thanks Thomas. Well, first of all some of what staff recommended I think is fine. But I think it is a level of complexity that I'm uncomfortable with.

Certainly separating the consensus recommendations and the strong support recommendation seems okay. I don't have any big problem with that.

But again, as far as all the rest, the things that did not reach at least strong support really think they need to be in a different part of the report to minimize confusion. And as soon as we start mixing them all together, the ones that didn't receive at least strong support I think we create confusion. And that's what we saw in the public comment period.

So I don't know if I heard all of what Mary said correctly, but that's my response to that.

Thomas Rickert: Thanks Chuck. Greg please.

Greg Shatan: The problem I have here is that we seem to have ended up in some sort of bureaucratic Wonderland or perhaps through the looking glass.

And I think that this is that the result of calling something divergent which is not in fact divergent is a result that only George Orwell and Alice through the looking glass could find acceptable. I don't.

I think the truth here is rather simple. In all of these complicated workarounds and other solutions, you know, are far more complicated because we seem to have somehow become embroiled in a situation where the truth is a slave to bureaucratic complexity when indeed all of this should be a slave to expressing the truth which is that divergence doesn't accurately reflect the position of the group and that even those where divergence does accurately reflect the position of the group and that we all kind of rode off in different directions with no strong consensus evolving in either direction that neither of those are in fact recommendations.

And I do support Chuck's position that those should not be in the table along with the real recommendations that we have labored so long and so hard to come to a positive level of consensus for.

I just think, you know, we've seen - I do - I disagree with your statement that we're not in a dilemma. I think a number of us feel we're in a dilemma.

And I think we can't just resolve this by saying that we are not in a dilemma because, you know, this is kind of another way of avoiding the truth which is that we either have to find a way to express the truth or we've failed as a working group and the report fails.

And whatever our timing is and I would like obviously to get this in front of the GNSO council. Because one of my other concerns here is that, you know, we're sitting in this virtual room debating. Meanwhile, the world is moving on with the GAC and the board dealing with all of, you know, many of these same concerns without our input.

And by the time we get to the station the train will be gone and we'll be in the position of, you know, stating or demanding that the GNSO council call the train back to the station. And that, you know, will be no fun at best, regardless of the result.

It'll be interesting. I enjoy train crashes, you know, on the model train table, but not in ICANN, not too much, at least.

So I think that, you know, what we need to do is to find with speed a way to reflect what the true position of this group is. And whether it's inserting not or putting things out for another consensus call or taking everything out that's not a recommendation and, you know, tagging appropriately those things that are not really divergent so that they can be distinguished from things that really are divergent so that it's clear on its face to a reader of not necessarily a native English speaker reader as well, since we have to be considerate of them and, you know, until this thing is God forbid translated to other languages. Sorry, it may not be possible to transcribe the sound of disdain and amazement that I just made.

But I really think that we need to get past this in a way that the group can agree that we've expressed the agreement or lack thereof of the group.
Thank you.

Thomas Rickert: Thanks Greg. And before I moved to Alan and Chuck let me briefly respond to your response with respect to the dilemma issue.

I guess that and due to business travel I haven't been able to properly consult with staff. But my thought on this is that actually we should only include those recommendations in the recommendation section of the report that are recommendations to act.

So this Working Group recommends that certain action is taken. We do not recommend certain actions not to take. Otherwise, you know, the cynic participants of this group might wish to add recommendations not to cross the road when the lights are red.

So we should only include those recommendations that actually should be implemented in our view, while the other recommendations that did not reach consensus level should be in another section of the report.

And certainly in that section of the report there should be the full history and also the rationale for why these are not or why these have not made it to the recommendation section.

And that certainly will include the views, the various views against others but also this very recommendation that was in the draft report with respect to IGO acronyms. Alan please?

Alan Greenberg: Thank you. I guess I have to agree with Greg on the Alice through the looking glass surreal part of this.

Our whole purpose in life here is to provide some clarity as to what the community believes should be done.

And in this particular case, if there is a strong consensus not to do something - and this happens to be one which is being discussed widely in the general community and is a very strong consensus among large parts of the community that acronyms should not be put into restricted lists, that there are too many valid uses of them.

So a negative recommendation I think is quite appropriate because it does echo what the community believes.

The community believes that the board put acronyms into the restricted list -- or at least many in the community -- that they would be doing something wrong.

And so I don't think it at all it's wrong to put something in the negative. To phrase the question in the negative would be - would have been discriminatory. To simply reverse it as a semantic measure to be able to reflect the results I think is reasonable.

Remember, as, you know, as one of the people who was around when we came up with these consensus levels the intent was to be able to identify things that did have consensus. And we weren't trying to come up with definitions at the other end of the scale. You know, if we had foreseen this we might have. But that wasn't the target.

So I think our whole game aim should be to clearly put through messages as to what the community believe should and should not be done. And whatever mechanism we need to do to do that I think we need to get on with it. Thank you.

Thomas Rickert: Alan just a little follow-up question. So removing that from the recommendations section with a response to the acronym question in another section of the report would not suffice and according to your view?

Alan Greenberg: I could probably live with it if that's what we're doing with everything. But I believe we're emitting a significant part of our final results and messages which, it turns out, is not just the trivial one that no one cares about, but it's one of the more substantive discussions that's been going on. So I think we're doing a disservice by doing that. So be it.

Thomas Rickert: Thanks Alan. Chuck?

Chuck Gomes: Yes. And I don't think anybody's suggesting omitting it, just putting it in a different place so there's no confusion. We should be very clear.

Now what - the reason I raised my hand is to say I think we have a new recommendation. I'm sure everybody's excited to hear that. But it doesn't have to do with IGO, INGO acronyms.

I think we should make a recommendation in our report separate from our on-topic recommendations that the Working Group guidelines be reviewed with regard especially to the term divergence.

And in the case where we do reflect the strong opinion against certain recommendations we should stay - say more than divergence like several have advocated.

We should say if it's the case consensus against. We can use the term divergence and stay with guidelines. But really, what in some cases, it really wasn't divergence as Greg and Claudia have said. It was consensus against or at least strong support against.

And but again, I maintain that that should be in a separate part of the report. But not to hide it, just to minimize - make it very clear what we're recommending in one place and then fully report what we found in the other cases elsewhere in the report. Thanks.

Thomas Rickert: Chuck thanks. But just to be clear, I had at least intended to make exactly the recommendation that I thought you'd now have described, i.e., having recommendations that are carried in the recommendation section certainly not sweep anything under the carpet but explain or put the other

recommendations that didn't make it to that very section of the report in another area or in another section of the report and explain the history to it.

And certainly that would also be a place where we can put our struggling with the terminology of the Working Group guidelines.

And in fact this is something that I would have brought to the attention of council anyway with the recommendation to take this to SCI.

Chuck Gomes: And Thomas this is Chuck again. I'm in agreement with what you're saying and what you said before.

Alan made a comment that kind of indicated he might be okay with them being mixed. And I'm - I just wanted to be clear, I don't think they should be mixed. So I'm in agreement with you.

Thomas Rickert: Thank you. Greg?

Sorry Greg did you have your hand up or was that...

Greg Shatan: There is a hand under that checkmark.

Thomas Rickert: Okay. So please go ahead.

Greg Shatan: I'll take down the checkmark so you can see the hand.

The - you know, my - I just believe in - I'm not sure who I am agreeing with at this point, but just state that I think it does make sense to take the diversions and beyond "recommendations" out of the recommendations table and put them in another table of not recommendation.

And I do agree that this should be, you know, brought to the council and to the SCI for consideration.

I think also should consider whether, you know, another possibility is that minority view can be a position independent of being in opposition to another position.

But I think that it's also important if we do put the not recommendations into a separate table to further distinguish between those things that are authentically divergent where the group essentially cannot state that it has a position to which enough people agree.

And then what we are talking about here, which are the consensus against position need to be, you know, separately brought out. Otherwise we somehow muted or hidden the will of the group as being in opposition or the majority of the group or a consensus level of the group to be in opposition.

And let me state also for the record that I'm not arguing this because I have a strong position against acronyms personally or for the IPC. The IPC's own view on this was divergent.

Rather I'm looking at this as a matter of process and as a matter of expression of the will of a working group.

So even if I were madly in favor of acronym protection. I would still be saying exactly what I'm saying because I think that, you know, I'm not a sore loser if I were in fact a loser in that case.

I believe in the process and I believe that the process, that the results need to fairly reflect the results of the process. Thank you.

Thanks very much Greg. And while we're talking I think I should emphasize again that we're still in the public comment period.

So things that or plans that we're now discussing are certainly subject to potential changes to what we're doing and what our thinking is pending the outcome of the public comment period.

But certainly if we put the recommendations or the draft recommendations that don't make it to the recommendation section into another area of the report that we're - that is the place where we should actually describe the group's difficulties where the terminology and actually the support level, i.e., the lack thereof for the specific recommendation. Alan please?

Alan Greenberg: Yes two points. Before I think you said and you've just reiterated again that we should put our thoughts on the difficulty with the terminology in another section. And then you said we should make a recommendation to the council to - and the SCI to do something.

There is completely within our rights to make a recommendation which has nothing to do with the subject and is not passed on to the board for implementation.

We can make recommendations to council. And if we want council to be bound and act - to act on it we should make a recommendation even though it's not on the subject matter. There's nothing forbidden on that. That's on the terminology thing.

But I want to remind everyone that there are many, many people and that may include board members who only read the executive summary with the recommendations.

And if we are putting something where there was a strong consensus, not to do something in another section. It is essentially taking it out of the public view to the last majority of people who are not going to read the 100 page report. Thank you.

Thomas Rickert: Thanks Alan. I - let me state as a interim result that I think the group is now arguing to agree that we - the recommendations on substance on topic should be limited to those that actually have been carried by the group that the recommendations that did not make it should be placed elsewhere.

I also understand that there is the proposal of some of you, including Alan to have an additional recommendation bringing the consensus scale issue to the attention of the council. I guess we will need to find the proper wording for that.

And I guess that we might be even be able to phrase that very recommendation in a way that either in the resolved clause or in a draft whereas clause sort of give some of the history so that your aim Alan is accommodated that we bring this to the attention of the reader in the recommendation section that we - that the group sort of had difficulty with the divergence and then we can even mention that very recommendation.

So maybe that's something where we can work together on a set of words. Alan is that something that can sort of address your concern?

Alan Greenberg: I'm not - in terms of the terminology and the fact that we from the workgroup rules insufficient to meet our needs as I said I think that's something we should bring up as a formal recommendation. It's not on the subject matter, but it's a recommendation.

I guess I can't pass judgment until I see what we're talking about. But I believe that if the workgroup discussed an issue and we came to general agreement on it and it is an important substantive issue as this one is it should show up in the recommendations. But, you know, I may be in a minority on that.

Anyone with views on that?

I see Avri's supporting it. Chuck?

Chuck Gomes: Yes, thanks, Thomas and Alan. What if we were to - now, first of all in chat I suggested - I don't think we're going to be able to put the recommendations in the executive summary, as is usually done.

But I think it would be a good idea to put the recommendations right after the executive summary. And then we could follow with a section of considerations that were not - did not achieve sufficient support.

And so still early in the report we have what Alan is suggesting there that we make clear that for example there was strong support against acronyms.

So but again, as long as they're separate I'm okay with that. And so we would have an executive summary, a recommendations and then our - a section. And somebody may have a better idea.

And there's a section that shows positions that were seriously considered that did not receive sufficient support. And then that's where we could put that there was strong support against acronyms, et cetera, and some cases of actual divergence. No, but I'll leave it at that and let others talk.

Thomas Rickert: Well thanks Chuck. I see some support for your suggestion in the chat. Let me ask Berry who's the main drafter of this report whether you think that this restructuring is feasible?

Berry Cobb: Hi Thomas. This is Berry. I'll give it a shot. With the draft final report we tried shifting sections around and it really messed up all the numbering of the template itself. But I'll give it a shot again. And if not, then maybe we can just move it to a whole the document.

Thomas Rickert: Okay thanks Berry. So unless I hear concerns or oppositions from the group I guess that we will try to implement as Chuck recommended in terms of

structure and in terms of the presentation of the recommendations we will try to work along the lines that we discussed earlier.

Certainly I should also bring to your attention that with respect to the draft recommendation on opening up UDRP and URS we will need to slightly rephrase that according to general council's suggestions or recommendations so that this will read something along the lines of that the Working Group recommends that an issue report for a possible PDP on UDRP URS access for IGOs is written.

So that's just for the sake of being complete. And now let me go back to the queue and it's Greg's turn.

Greg Shatan: Thank you, Greg Shatan again. I just wanted - I think that that approach is a good one. I support Chuck. And I just want to underline a part of what I heard Chuck say was that the cases of true divergence should be distinguished or segregated from those cases that we may have felt forced to label divergence but which are in fact a consensus against.

And maybe if they're no longer recommendations per se we can call them consensus against it.

In any case we need to make sure not to blend those cases where we couldn't find a position. With those cases where we found a position that was not in favor of a recommendation. Thank you.

Thomas Rickert: That's well understood. Thanks Greg. Chuck?

Chuck Gomes: Okay so I have a totally new question. In the registry comments we treated the ops that were considered for implementation like an exception procedure and the - also the some other cases as recommendations.

But I'm curious, how are those going to be portrayed? Like, for example, how to deal with existing registries? Are those going to be considered as part of the recommendations? Are they implementation issues that were discussed and here's what we talked about?

That's important because that's - those were handle a little bit differently in terms of the consensus call and then so forth.

So it's important that we know how and where we're going to put those things.

Thomas Rickert: Thanks Chuck. That's a very good question. And actually while I was putting my brain at work to find an answer for you berry gave me an easy way out by raising his hand. So fire away Berry.

Berry Cobb: Thank you Thomas. It's Berry. Chuck it's a very good question, especially some of feedback that we received from the public comments in regard to how this will affect the incumbent gTLDs.

Up to this point, we've only position the, you know, how the incumbent gTLDs are affected, not as necessarily it was more to do with implementation than necessarily policy changes that needed to be approved or adopted by the council and the board separately.

Although, you know, having said that, I've highlighted in the current version of the report that we really need to take a much more closer look at what we've listed there to first alleviate any confusion that may have been interpreted in terms of how some of our recommendations would be implemented.

But more to the point I'm curious if some of what we have written there aren't, you know, maybe they should be positioned in a way that they are recommendation.

But whatever the outcome I do agree we need to promote that section so that it is, you know, clearly visible by the council and the board and those that are considering it from this point forward. And I'm not sure exactly how what the best approach of that should be.

Thomas Rickert: Thanks Berry. Chuck I'm not entirely sure whether that's in your hand that...

Chuck Gomes: It is Thomas because I want to throw out an idea in response to what Berry just said.

What if we were to add a fourth section right, that's implementation considerations and combined with that recommend that an implementation review team be established?

I'm just throwing that out for people's consideration. That's one way that we can approach it.

Thomas Rickert: Well I think that since implementation oversight is in my personal view too much neglected that's, you know, the door's wide open as far as I'm concerned.

I see support from Avri. And I'd like to open it up to the group to respond. But I think that's an excellent idea to ensure that our thinking sort of is accurately implemented.

Because as you know what some of the recommendations that we've made have been very specific others don't have a level of granularity that guarantees an implementation that can't be criticized by some. Mary?

Mary Wong: Thank Thomas. So Chuck taking up your point I think what you're getting at is some of the newer developments that have happened particularly in relation to council votes. I'm thinking specifically of the last vote of the Working Group

for locking of the domain name where there was an implementation review team if I'm getting the terminology correct.

I don't have the language in front of me but it seems to me as staff that we can certainly have that. I mean how we do that an important question, but certainly that should be something that the counselor should be able to include in its motion, vote on and adopt.

Thomas Rickert: Thanks Mary. Any further comments on that? Alan?

Alan Greenberg: You know, it has become standard practice to not only have implementation review teams but for the Working Group to recommend that there be one. So it certainly with - again within our standard process for us to make that statement.

Thomas Rickert: Good. So I guess there's not much more to add to that so we will include that.

I'm virtually looking at Berry whether I've omitted anything and that should be discussed in this section of the agenda. And if it's not the case I would like to ask Berry to actually take over for a while and discuss the latest changes to the public comment review tool with the group.

Berry Cobb: Thank you Thomas. Alan is that your old hand? I just want to make sure you recovered before I move on.

Alan Greenberg: Sorry old hand all over.

Berry Cobb: Okay. Thank you.

So yes, I'd like to just touch upon real quick two comments that were submitted by Chuck with regard to the public review tool.

You'll notice we sent out to the list last night some suggestion that Chuck had made. And I incorporated those into this version of the review tool.

But I was confused about one and I just wanted to make sure that I highlighted - or highlighted it for the group to review before I made the update into the tool which is in regards to Row 10.

And this was the public comment that was submitted by the ICA. Again their abstract was that they support reservations and/or trademark claim protections of exact match full names at the second level. But they don't support any recommendation to reserve acronyms or the use of claims notification for those acronyms. And then of course they could support the possible use of curative RPM.

I just wanted to highlight - so Chuck had included for Comment 10 stating that he didn't think that all the comments aligned with the Working Group recommendations so that some rewording to the Working Group response seems like a good idea.

And what he offered up as a suggestion is that they align with regard to blanket protection of acronyms blocking full names and distinguishing between trademarks in the TMCH. But I don't think that they align with regards including acronyms in the TMCH.

And I think what confused me here Chuck was the first part of the statement about with regard to blanket protection of acronym. Should that be the no protection of acronyms if I understood that...

Chuck Gomes: That's fine.

Berry Cobb: Or I should say...

Chuck Gomes: I was a writing this - that on my flight back from Bali so...

Berry Cobb: Okay great. I'll be sure to update that appropriately. I just wanted to confirm. And then I think that there was a second comment that I highlighted here.

Oh yes. And Chuck again, this is a question for you. And I think that this is a really good response to include here.

This is in regards to Row 26 about the - one of the common submitted around incumbent gTLDs. And it was submitted by George Kirikos.

You know, in short I think he made it clear that he was against recovery of names in existing gTLDs based on existing property rights, et cetera.

And Chuck had included a response that basically stated that in our discussions of implementing recommendations for existing gTLDs we have not recommended changes that could impact existing registration but rather possible grandfathering approach that has been used in the past.

I just wanted to ask the question out there is - can someone Chuck or anyone point me to issues that have been resolved in the community where we have used grandfathering?

And I think that that would maybe be at least a good footnote to include in the report, especially this section around how incumbent gTLDs should be addressed.

Chuck Gomes: This is Chuck. You put me on the spot. I know as a registry there have been cases where we've done it. They don't pop into my head right now. I see Alan's hand up. He might remember a specific case.

Thomas Rickert: Please Alan.

Alan Greenberg: The name such as IANA have been in use prior to ICANN. When ICANN wrote the rules they put IANA in the reserve list, but did not attempt to recover it. It is a reserve list. It cannot - it is a name that be allocated. But it's - the existing usage of it continues. icann.org is another one of those.

You know, obviously, the name was reserved before all the rules were written associated with ICANN.

And there's a whole bunch of them. Well, maybe not a bunch but there's certainly a number of them that the rules were written after the fact and they were written with the clear knowledge that the domains exist and will continue to exist.

Whether there are other consensus policies that we have implemented and those names entering into the reserve list predate consensus policy where the other consensus policies that ha the concept of grandfathering in I can't think of one right now but there may well be some. Thank you.

Berry Cobb: Thank you Alan. Chuck you might have response?

Chuck Gomes: Sure just I - just kind of following-up with what Alan said looking at the reserve name list you'll find lots of examples where there are reserved names that are in existence because they were prior to that.

I'm like Alan, I'm not sure there was actually a consensus policy where that was specifically advocated.

But if it's easier Berry to reword that a little bit so that you're more comfortable with it. I don't have any problem with that.

The key point is we didn't make any recommendations that existing registrations be removed.

Berry Cobb: Okay thank you Chuck, very good. I'll update that accordingly. And perhaps may be some Working Group members can, you know, I guess I'm thinking about the term grandfathering had been used or can be used in several different fashions and may be confusing to some.

I guess I'd be looking for ideas on how we can phrase - how we would - or how the implementation of this would go about recovering names without infringing on the existing rights, which I think for the most part or we at least tried in our first draft was that, you know, typical domain name lifestyle would be in existence up to the point that that name would never - or that it would not be registered again.

I guess up unto the point right before that it would reenter the zone for being available. Alan please?

Alan Greenberg: Yes. I made a point when we were discussing this and I hope it made it into the final report. And to be honest, I'm trying to remember as I read it whether it was or not.

But the current practice among registrars allows a name to be effectively reallocated without being deleted.

And I made a strong statement that I believe we need to explicitly forbid that. Because that bypasses the process and could allow a name that is now on the reserve list to go into a completely new use with a new owner without the involvement of the previous owner.

There's - we're saying that the previous owner can sell a name. That's the standard domain lifecycle. But right now there's a possibility that it could be repurposed with a new owner with now involvement from the old owner. And that I believe we must be explicitly forbidding.

Berry Cobb: Thank you Alan.

Alan Greenberg: I don't know whether that was capture in the report or not. But I think it's crucial because otherwise it may - it defeats the whole purpose.

We're taking a name that we're saying is going to be reserved in the future and allowing a new user to start using it because of a technicality in the rules. And I think we must be careful about that. Thank you.

Berry Cobb: Great, thank you Alan. I think we did try to incorporate a statement of something to that nature in our current draft.

And I would just ask Working Group members to review through that. I have it highlighted that we need to review that whole section of the report. But to take a specific aim at that particular statement, make sure that we've got it worded correctly.

Chuck I see you've got a response?

Chuck Gomes: Yes, just following up to Alan. I think he's right, we need to make that clear understanding that what we're talking about here I think is an implementation consideration that the Implementation Review Team would deal with. But we should make it clear so that that team does do that.

Berry Cobb: Great. Thank you Chuck. Thomas?

Thomas Rickert: Thanks Berry. I just wanted to make sure that we don't forget talking about a comment that has been made by Avri in the chat.

She says that selling the names should also be forbidden. And I guess that I would like to hear from Avri how she thinks or let made directly address you Avri, how do you think that could be implemented?

Because if we want to interfere with the normal domain lifecycle both trades as well as transfers are possible. And how could a registrar possibly identify whether a trade of a domain name is actually, you know, just due to a renaming of a company or whether that's actually a sale?

So I guess that could cause huge issues or huge problems for registrars to actually be compliant with something that might turn out to be a consensus policy.

Avri Doria You want me to (sell)?

Thomas Rickert: I would like to invite you to do so, yes.

Avri Doria: Okay my thoughts were. I thought that we had various well - ways to lock names from any transfer.

So I would basically be suggesting that these names once assigned appropriately to their proper entities are indeed locked and not transferable.

You know, now you're right, we may need to wait a transfer from one registrar to another while keeping the same honor. That should be an exceptional thing. And I'm not quite sure how we can remove the lock for that transaction. I expect it's possible.

But basically they should be locked from any transfer.

Thomas Rickert: Okay just to get the terminology not - I'm not saying right but that we have used common terminology to me a move from a registrar to registrar would be a transfer.

So I guess the transfers of domain names should be possible anyway so that registrant has the possibility to have the domain name supported by the registrar of his choice.

The change of the owner is something that I think should be called trade. And for trades that one might consider to make a distinction between trades that are a result of a commercial transaction.

But if I rename my company from A to B it's still the same legal entity. However, technically, that would be a trade. And I'm not sure whether that's something that we want to bend.

Okay, so Avri's responding in the chat. I - you know, I don't want to spend too much time on this. So I guess we will digest what's in the chat.

Avri Doria: Yes.

Thomas Rickert: Berry let me get back to you for moderating purposes. Oh was that you Avri trying to speak again?

I've that I heard a little...

Avri Doria I was going to but I don't need to. But we're talking here about institutions that are so important that they have to be protected because then say that we're going to use the logic of the marketplace and trading on names to sort of set the conditions under which they work just doesn't make sense to me.

So that's what I when I say we're not talking about companies here. We're not talking to the Red Cross (changing) from one owner to another and then the name being traded away.

We're talking about things that for some reason you all have a consensus that says these things are so important they need to be protected to say I'm not part of that consensus. But you all have that consensus saying that these things are important they must be protected.

And then to say that we're going to treat them like company names that can be - that should be either traded away on the marketplace just doesn't make sense to me. Thanks.

Thomas Rickert: Thanks Avri. Maybe we take that conversation off-line. Maybe the example of using the renaming of a company, but was a bad one, but was just to illustrate the change between or the differences between trades and transfers.

Please Berry take back over.

Berry Cobb: Thank you Thomas. Alan you have your hand raised.

Alan Greenberg: Yes I do indeed. Thank you. First to Thomas, you may think trade is a good term. But the term transfer is being used with regards to changes of registrants. So we can't necessarily change the terminology.

It's caused a fair amount of confusion that we're using the same term and it needs to be clarified. But that's not something that we can unilaterally do.

I don't disagree with Avri. But if we're talking about not impacting the rights of someone that someone has acquired by registering a name in the past one of those rights currently is to be able to sell the name or trade it or whatever.

And yes we can venture into saying that's not allowed. It's going to be very difficult to implement and perhaps violate some of these acquired rights that we've been talking about.

The issue I raised was changes of owners where the registrant, the original registrant is not involved in the process. And those are the ones that I definitely feel we have to make sure don't happen.

The kind that Avri's talking about it's an interesting concept. I suspect it's out of our range. Thank you.

Thomas Rickert: Alan just for the sake of completeness I guess I'm not trying to change terminology, but I'm trying to use terminology that's used in the industry and if you look at the IRTP for example it uses trade for changes of registrars. But again, let's this off-line.

Alan Greenberg: And I spent a good part of the last year on the locking domain PDP. And there's been lots of discussion of the term.

Berry Cobb: Great. Thank you Alan. And Chuck you had your hand raised?

Chuck Gomes: Yes. I think this discussion has been good and I think it reinforces the need for us to recommend that an implementation review team be established and that there be careful consideration of these issues with input from the community because it needs careful consideration not something that we're going to be able to solve here at least if we want to get a report out.

Berry Cobb: Great thank you Chuck.

((Crosstalk))

Alan Greenberg: Berry can I make a comment on that? It's Alan.

Berry Cobb: Yes, Alan go ahead real quick.

Alan Greenberg: Yes I don't disagree that need an implementation review team. But I think our words need to be crystal clear because I would expect registrars to strongly defend their rights to be able to do what I'm suggesting they shouldn't be allowed to.

So our words need to be clear or the community will speak and they will maintain that right for the now lock names. So we need to be careful on our wording. Thank you.

Berry Cobb: Great thank you Alan. Greg I saw your hand's raised but it looks like you took it down so it's probably Alan said what you're going to say.

Greg Shatan: I will take briefly the opportunity to say that, you know, I agree with Avri that, you know, these are not companies and I don't think that, you know, Red Cross or IOC, you know, other than some sort of reorganization is likely to somehow, you know, transfer its names away. And same thing for IGOs.

INGOs can sometimes split. I've been - I've done, you know, not pro bono work for NGOs that have, you know, split because, you know, multiple missions ended up being put into different separate groups over time.

So there is the possibility that if, you know, an advocacy group, you know, piece of a group decides that it needs to be a separate that it should still be allowed to transfer as long as it's, you know, consistent with the mission of the group.

God knows, you know, that's definitely implementation level stuff. But I do want to point out that we're talking about several different types of organizations. And, you know, some are more likely to end up, you know, mutating and morphing over time. Thanks.

Berry Cobb: Thank you Greg. Alan?

Alan Greenberg: Yes, remember we're also talking about Olympic Paint that's currently owned by Pittsburgh Paint or Pittsburgh Plate Glass or something selling it to some other corporation and they have Olympic.com.

You know, so if Olympic ends up being a restricted term we're not only talking about the IOC or the Red Cross or an IGO changing their organization.

But the commercial or noncommercial entities that currently have rightful uses of these names also being able to do this. So it's not just the IGOs and INGOs we're talking about. Thank you.

Berry Cobb: All right great. Thank you Alan and thank you everybody. I think that was a good dialogue.

So with that I think that just concludes the two highlights that I put in the public comment review tool.

I invite members to take one last glance at it for any of the working group responses and/or the proposed actions.

What I have done up to this point was highlighted in comments within our draft final report those actions that we need to take based on the public comments.

As Thomas mentioned our public comment period closes tomorrow. I suspect that we'll at least get one or two more that are submitted by the 11th hour that we'll need to review next week's call although hopefully we can try to accomplish some of that review or dialogue about any new additions over the list that - so that we can spend more time on the report.

So with that again if there any suggested changes to the public comment review tool, please post them to the list and I'll be sure to incorporate them in.

And certainly after the period closes I will send up any - or I'll append any new additions to the review tool and send that out to the list so that everybody can take a look at it. So Thomas that closes out Agenda Item 3 I believe. And if you want we can move over to Agenda Item 4.

And I think at a high level we have discussed much of one way or another much of what I have included in here. And hopefully it'll paint on the screen.

Thomas Rickert: I guess Berry one question we should discuss with the group is whether or not or if so how we identify individuals that have commented right?

Berry Cobb: I'm sorry, I don't think I understood. Can you repeat?

Thomas Rickert: We - there was a - the request by the Working Group that we would include in the recommendations section what groups actually supported and who doesn't support the various recommendations.

And did since we did have several individuals responding the question was how that should go into the report if at all?

Berry Cobb: Yes all right, thank you. That is definitely something that I had highlighted in Section 5.1. It really applies to all the organizations but I highlighted it with the first section for the Red Cross.

And based on our discussions from our call last week it was determined that at the very minimum we needed to include those groups that didn't support a particular recommendation whether it be consensus, divergence or whatever the outcome was.

In this version I took a first draft chance or status including the groups that didn't support the particular recommendations, you know, noting that, you know, these charts will change as we remove divergent recommendations out of them. But even the consensus level recommendations will still contain the groups that didn't support it.

One question that I had is how do we incorporate or should we incorporated in terms of the highlighting the groups that didn't support?

Should we include individuals as well? And that was something that was kind of contentious when we were performing our consensus call is how do you weight a group versus an individual submission? Should we include individual submissions?

What will be added to this section of the report is a reference to our formal consensus call document so that readers can see in detail what was submitted by individuals and groups.

And then the question here to the Working Group today is with respect to how we portray those persons or groups that didn't support a recommendation here should we include the individuals as well? And hopefully we can get that answer. Chuck I see your hand is raised.

Chuck Gomes: Yes I have a suggestion in that regard. I think we have to be careful for of making the recommendations section too complicated. I think what you've done here is fine.

But what if we were to just have a comment before Section 5.1, in other words, kind of an introductory for Section 5 that refers people to our analysis of a public comments?

And I'm assuming and I guess this is a question that we will include the matrix that shows, in fact, probably the full matrix of the comments. That's fine with me. It's going to make it long. But as long as it's in an appendix or something that separates it from the main body of the report that our analysis of the public comments and review of them with our comments and so forth is one of the best ways I've seen happen in a working group with regard to public common analysis.

So am I correct that that will be included in the report as an appendix? And if so, then I would recommend that we at the beginning of Section 5 we make

reference to that and maybe say that in the matrix below we show groups that participated in the Working Group and are in the GNSO in terms of where they work, their level of support was different. For individual comments please refer to the matrix and whatever appendix it is or whatever.

Does that - any of that make sense?

Berry Cobb: Right yes Chuck. Thank you for that. I certainly did at the very minimum plan on creating links to the public comment review tool and as well as our documents that outlines our formal consensus call.

I can certainly add those as appendix or appendices to this report.

We're at 84 pages now. That would easily move it into 190 pages by including both of those documents into the report.

So I'll go either way. But in terms of trying to keep the report, concise I was really just going to link to them. And we can highlight it in multiple places if need be. But if the will of the group wants me to add them as appendices I'll be happy to do that as well. Chuck your raised your hand again?

Chuck Gomes: Yes I don't like really long reports but I guess my own personal leaning -- and I'll go with what the group's position on this -- is that showing responsiveness to the input from the community is so important that I lean towards having it in there. But again, I'll defer to the majority opinion on this.

Berry Cobb: All right thank you Chuck. Alan?

Alan Greenberg: Yes, what's been done a number of times is to take the appendices or some of the appendices or attachments -- whatever -- and package them separately so they're not downloaded as part of the report but they're available at the same place the report is. And that sort of serves both purposes.

I strongly favor things that can be downloaded versus pointers. Pointers, especially pointers to the wiki, you know, a year later they change. And someone who wants to look at the historical record find it's gone or they can't find it. It happens continually. So I really worry about just pointers. Thank you.

Berry Cobb: Great. Thank you, Alan. I - that's a perfect solution in my mind. And I think most people will sign on to that. So yes, I'll - we'll make them sub attachments when we present the final report and then mention it within the report that please refer to the secondary or tertiary attachment.

Okay we've got about 30 minutes left. I think what I would like to draw several of these other comments that I have listed within this version of the report I think we more or less touched on in, you know, especially as we reorganize how these particular recommendations are presented.

And so I'm going to fast forward just a little bit to one of our general recommendations that I just want to highlight for the group.

And I would love to have appropriate feedback from everyone. And this relates down to what is now our just our general recommendations table. And we have one recommendation loaded in there that did receive consensus, which is regarding initiating a PDP for the - for IDO INGOs to possibly have access to the curative rights protection.

As Thomas mentioned earlier, you know, I think that this is certainly one recommendation that may not need to be modified here within the report. But I would see that the language would change at least for the resolution that's being presented to the council.

And it's been very specific in the past that, you know, the Working Group recommends that the GNSO have created an issue report for possible PDP

on the utilization of curative rights protection of UDRP and URS for IGO and INGO for recommendation.

I'm using that off the top of my head. We'll come up with more appropriate language as we start to write the draft resolution.

The reason why bring this up is that I've included a new annex in the report which is now label as Annex 4.

And what this is a template for requesting an issue report. And I would like the working group members to take a look at the first draft answers that we've included in here and make sure that that that's appropriate. And please offer up any suggestions to improve the statements that we've included here.

The intent here is to provide the council with a little bit more information as to why an issue report should be created.

I think the original intent of the template was at the council level if a particular stakeholder group wanted to initiate an issue report based on other deliberations or discussions about various issues that they could and that this would help inform the council better as they went to deliberate on it.

Certainly a recommendation stemming from the Working Group is a little bit more informed as to why that recommendation's being posted. But I thought that it would still be good material to not only provide the council with information but also to help provide a little bit of scope for them to consider and certainly when or if staff is assigned to create the issue report that it gives staff a little bit more guidance as to what should be created here.

So I just wanted to draw your attention to it when you review the report please pay attention to that particular section and see if there's any wording that should be changed.

The only other thing that I'll mention also, I haven't updated the members' participation list in Annex 3. I'll take another slice of that. A few members have asked me to make a few small changes just to - I'll ask that you also confirm that want your name listed here and your affiliation. Just make sure that that is correct as well.

And I think with that let me scroll back through. Sorry if I'm making you dizzy with scrolling through the PDF here. I just want to make sure that touch on a couple of other small comments that I made that should warrant your attention.

Chuck Gomes: Hey Berry, this is Chuck. Are we going to have a table of contents? We really should.

Berry Cobb: Yes.

Chuck Gomes: Oh, it's there. I'm sorry. I missed it. Ignore me.

Berry Cobb: Yes, it's there. It's unfortunately it's at a higher level and not so glandular. That's again kind of one of the limitations to this template that I'm using.

Chuck Gomes: That's probably okay in my opinion.

((Crosstalk))

Chuck Gomes: This is Chuck.

Berry Cobb: (Unintelligible). And of course, you know, based on the feedback from the Working Group today I'll definitely take the action of promoting our recommendations up to Section 2 and then creating a new section for the recommendations that weren't supported.

So this is - this version's going to look quite different. Over the next couple of days if you do have input to the report, please just send it to the list and not necessarily updating the Word document. And I'll be sure to incorporate them into the next version.

Because what I'm going to have to do is accept the changes that we have here. When I start moving these sections around it's going to be unbeatable again just like when we transitioned from the initial report to the draft final report.

There is one thing that I wanted to highlight which is again in response to the public comment that we received which is Page 34. And again, this kind of goes back to our principles of implementation on incumbent gTLDs.

And I just wanted to highlight what the ICA had submitted.

I think Chuck you are the one that had originally mentioned that, you know, if there were going to be any protections applied into incumbent gTLDs we need to make sure that we tried to do what we can to avoid any front running of those protections.

And this may have been a confusion about some of our recommendations. But again, I just wanted to highlight it, make sure that they'll be covered as appropriately.

The ICA had submitted, "Finally, in regard to any incumbent gTLDs, while we appreciate and support the recommendation that any currently registered domain matching a particular IGO or INGO identifier shall be handled like any existing registered name within the incumbent gTLD regarding renewals, transfer of sale, change of register and et cetera, we strongly oppose the adoption of any policy that would one, define or create a mechanism against the specious and completely speculative possibility of front running of the domain registration or IGO or INGO identifier to exclude such a domain from

any add, drop activities by the registrar in the event that it becomes eligible for deletion or make such deletion domain ineligible for future reregistration in many ways sanctions that involuntary or deletion of any identifiers that match acronym domain that is registered now or maybe in the future at any incumbent gTLDs."

Now the way I took these comments is that the ICA opposed any blocking of any identifier within incumbent gTLD. Is that what - I know that we touched on this last week. And Greg helped us highlighting the use of the word specious if I even said that correctly.

I just want to make sure that we understand this. Alan please?

Alan Greenberg: I think your analysis is correct. They're saying don't touch anything an existing gTLDs. And that was not the wisdom of this working group.

You know, the comment says don't do what you said you want to do. And I think unless the position of this group has change radically than the answer is thank you for your input. The Working Group believes that that's not the way to go. I don't see how we can do anything else.

Berry Cobb: All right thank you Alan. I appreciate that. And I think this kind of touches on what Chuck had mentioned earlier though, when I think when the Registry Stakeholder Group was formulating their public comments or their position around the current recommendations.

We really haven't - the principles of implementation were not a part of our formal consensus call. And perhaps maybe we should try to do something like that over the list to see where the level of consensus may exist on this.

I - my own interpretation I think that most are supportive of how these policies would be implemented in the incumbent gTLDs. But again, and we haven't really made a formal consensus call against it.

And I guess my first question should be is should we do it or not? And because this - the ICA's comment is saying don't do it. And I think there is the general understanding that we should do it in the working group, but again, we haven't done a formal consensus on it and comments. I see your hand is still raised?

Alan Greenberg: No sorry.

Berry Cobb: Okay. Chuck please?

Chuck Gomes: Yes and this is on a different topic. Going back to the, I think it's Annex 2 where the list of the working group members are, have we gone out to the members that we haven't seen or heard from hardly at all and asked them whether they want to be included on this list?

Because most of the names on there I recognized as having participated at least in an email or something but there's some that I'm not sure really ever participated.

And I wonder if we ought to send them an email and say do you want to be included in that if they want to. I don't care if they're there. I just, you know, it seems to be a little bit inflated by people who ended up, you know, saying they wanted to be a part of it in the beginning and then backed away.

Berry Cobb: Thank you Chuck. We did do that exercise for the initial report, but I will send out a note again to the list to confirm for the - this final report.

Okay, seeing no other hands raised so let me - we've got about 20 minutes left. Let me just check to make sure that there's any other comments that I added here.

Okay, yes, that- now I recall. There is one more - this will probably be the last item that I'll touch on with the Working Group for the call today.

And this is in regards to the INGO protections, the recommendations that we have and more specifically is stemming around the scope one scope two identifiers that we have listed.

So what's listed here is that the ECO SOC) list in the general consultant status of scope one. And then scope two identifiers for the (ECO SOC) list and the special consultant status.

And I think everyone recalls the quantity of names that are listed between the two general consultative I think is approximately 120 or 130, maybe as many as 200 names whereas the special consultant status is 2000 plus which may be multiple identifiers for the same organization. But we haven't really done a whole lot of research as to the sheer quantity.

The reason why I'm mentioning this is what we have listed in our recommendation is that, you know, these organizations be bulk added to the trademark clearinghouse, mostly in the nature of trying to minimize costs.

However - and this is kind of wearing an implementation hat but it's something that the Working Group should be thinking about is how do we manage a 2000 plus organization list being bulk added into the trademark clearinghouse from a cost savings perspective?

So there's really kind of two possibilities here. The first is there's some kind of centralized coordinator that goes and collects all the contact information that would be required to be bulk added into the clearinghouse or the secondary option is that it's on a voluntary basis by the INGOs that are listed on the special consultative list.

However, there would have to be some kind of eligibility validation on the back end. And we've been advised that that is typically a more costly avenue of in terms of getting them lured into the house, into the clearinghouse.

So I'm not sure how the Working Group wants to handle this, but and maybe it is more an IRT issue than necessarily a policy defining issue. But I do see this as a possible issue when we get to implementation. Chuck I see your hand is raised?

Chuck Gomes: Yes, just a question. Do these either or both of these lists include acronyms?

Berry Cobb: Well that's a good question. The general consultative list I haven't looked at it in a month or so. But the shorter list, the general list I believe does have AARP listed as the very first one. And I believe we discussed this before that AARP is chosen in terms of their identity. They no longer use their full name. It is strictly just the four letter word AARP.

That could potentially be construed as an acronym. But I think in terms of the general consultative list it wasn't considered. And there may be one other entry that may be confusing like that on the general consultative list.

As for the special consultative list with the 2000 plus organization I'm not so sure whether acronyms are included in that or not.

First glance it looked to be full organization name or full names of organization. But I can't say for certain that acronyms may or may not be included in there.

Chuck Gomes: Yes, this is Chuck again. I - the only reason I ask it is just to make sure we're not inconsistent by including all of those. I just want to make sure we're not inconsistent with other recommendations with regard to acronyms. And we may not be, but I - that's why I ask it.

Berry Cobb: No it's definitely a valid question. And if you'll notice Recommendation 8 here specifically touches on the acronym of scope one, scope, two and of course that we have divergence on this particular which is more in line with just the no support for protecting acronym.

And Chuck...

Chuck Gomes: Yes. And so what - this is Chuck again. So what happens if there's an acronym on the - I think the general consultative list is okay based on what you described there.

If the scope two includes some acronyms of organizations different than the ones you mentioned is that going to be inconsistent with the fact that we're not recommending protection for acronyms?

Berry Cobb: And I think in terms of implementation we'll have to highlight that if there are acronyms in the special consultative list that they wouldn't be included. It would only be the full names.

Chuck Gomes: And that's - you're getting at exactly where I was going so thanks.

Berry Cobb: Alan?

Alan Greenberg: And I think we have to be just a little bit careful here. There are lots of corporate names that are in use that started out their life as an acronym. And the acronym and the meaning as long not been in use and is not part of their corporate structure.

And I don't think that we can forbid someone from having - I mean, if I decide to create a brand-new company called ABC X it looks like an acronym but, you know, I invented that out of full cloth. And I don't think we can prejudge that.

So it may be unfortunate that an occasional name looks an awful lot like an acronym but I think that's life.

Berry Cobb: All right thank you Alan. And, you know, I guess since we're on this topic I should take you back up to Section 5.1 one about the Red Cross Red Crescent.

And this may have bearing on, you know, the key recommendation or non-recommendation here in the Working Group about protection of acronyms.

But I will highlight that come you know, there seems to be near full consensus that at least consensus level that acronyms should not be protected.

And what you'll find here within the scope two and the identifiers that we have listed within the Red Cross they had listed out six acronyms that they were seeking to be protected.

And what conversely what has been implemented within the Specification 5 of the new registry agreement four of those six acronyms were added.

So if the recommendations were for not protecting acronyms that carry forward it would seem that those would likely need to be removed. Again, this is really more an implementation issue. And it certainly a comment that I had a while back as to whether we should flush out a third scope level to separate the full names from the acronyms for the Red Cross scope names here.

So I just wanted to bring that to your attention because I think that that will be a change down the road if all the recommendations are adopted by not only the council but by the board.

So I think for now that encompasses the - some of the questions that I had for the report. As I mentioned there's going to be significant changes between this version and the next, partially because of the rearranging of the sections

as well as rearranging the recommendations matrix that we have now and creating a separate section for recommendations that didn't have support as we discussed today.

So Thomas that's all I have for the review of the report right now. And I'll turn it back over to you.

Thomas Rickert: Thanks very much Berry, excellent work and thanks everybody for the vivid discussion.

So we will now wait for the public comment period to expire. As you can see from the document that's now up in the Adobe Connect Room there are further opportunities for the council to actually be warmed up to having its face to face meeting in Buenos Aires.

So tomorrow I will give a brief update to the council and also encourage the council to start a discussion on the recommendations that will likely make it to the final report. So that will take place tomorrow.

Berry I'm sure whether you want to say something now or whether it's an old hand please.

Berry Cobb: I'll wait till you finish, but I do have a statement to make please.

Thomas Rickert: Why don't you just move on?

Berry Cobb: Okay. So as you see here in the AC room is our work plan. We've obviously finished today's meeting. The council meeting's tomorrow for what Thomas mentioned as well as our reply period closing tomorrow.

We have only one scheduled meeting between now and the deadline to submit motions and documents which is next Wednesday.

And that would essentially give us Thursday, Friday and the weekend of next week to finalize the final draft of the report so that we can get it submitted.

I'm curious with the amount of changes in the reports and our short timeframe to have it completed and approved by the Working Group.

Should we tentatively try to schedule any time for Thursday or Friday of next week approximately at the same time, in case we need to come together as a Working Group or does everybody believe that we can try to tie this all up on the list after we meet next week in time?

Thomas Rickert: Berry that's actually an excellent suggestion. So any issues with tentatively setting up another call for next Thursday or Friday?

I guess that we should at least offer to the group to have an extra discussion. So Berry if you could try to set something up for Thursday.

You know, we will have our discussion on Wednesday and then we will see on Wednesday whether we need more time as a group to discuss so that I guess it would be good to have a fresh memory of our Wednesday's discussion continue on Thursday.

I see Chuck's hand up please.

Chuck Gomes: Yes, just a quick question Thomas. If we need to do a Doodle poll could you start scheduling a meeting on another day and you're liable to have a lot of conflicts. I respect your judgment on that.

Berry Cobb: Yes Chuck...

((Crosstalk))

Thomas Rickert: Didn't get that acoustically.

Chuck Gomes: Okay. Do we need to do a Doodle poll on that special meeting because you set a meeting on a day that we don't have on our calendars. There may be lots of conflicts.

Berry Cobb: Right. Chuck this is Berry. There's a ton of conflicts for next Thursday because there's definitely two pre-Buenos Aires GNSO policy Webinars that will be going on in addition to I think one or two other scheduled meetings.

I'm going to - I'd like to do a Doodle poll although I don't think that that's possible. I'll try to schedule an hour in-between the Webinar sessions and other meetings that I see in the calendar.

And I guess it's kind of a come if you can opportunity. And perhaps I can even try to do it Friday, very early like maybe perhaps 13 or 14 UTC so that perhaps any people in Europe that wish to participate can.

But I think Thursday we're just going to have to set a time and schedule it and kind of the same for Friday. And hopefully we won't need them, but at least they'll be there if we have to.

Thomas Rickert: Well I guess Berry Doodle polls are fine. But let's just say we set up times for both dates to at least give the group the opportunity for to discuss. And who can make it can make it. You know, I think it's such short notice that we won't be up to get everybody's agreement on the dates.

Berry Cobb: Agreed. I'll get that going. Thank you.

Thomas Rickert: Good. So time is of essence. So Berry has taken away a little bit of weight off my shoulders and asking you for more time.

I would have an additional request for you. Please to make sure that you get the buy in of your respective groups to be in the position to sort negotiate or give green light for whatever we will then submit to the council.

I guess there will be no time for you to actually have the final, final version of what we're producing to them properly rebound with your respective groups.

So try to get a robust mandate to speak on behalf of your groups and to avoid any additional detours, well detours is too negative of a word for a very democratic approach.

But I guess that you will understand that we need to have all of you being in a position where you can say yes or no to change changes that we might need to apply to the report as we move on.

So I hope as or I guess we will say that we will make the submission deadline for the council and then another opportunity for the council to deliberate the recommendations will be in Buenos Aires. And that would be during the weekend session.

Something that sometimes misunderstood is that the weekend session on Saturday and Sunday is not a GNSO Council session. It's a GNSO session. Everybody is invited to come join these public meetings.

So please come see us. There's also remote participation. Please come and try to attend these sessions. I guess that your assistance will be greatly appreciated when the council discusses this so that we can assist the council in making up its mind and making a decision.

And then hopefully the council will decide on this during its ordinary session and at the Buenos Aires meeting.

So I have sort of said what I wanted to communicate to you today, but I see Chuck's hand's up please.

Chuck Gomes: I haven't - Thomas I haven't seen the GNSO schedule for the weekend other than a draft version. How much time is allotted for the IGO, INGO session?

Thomas Rickert: If my memory doesn't fail me we have 45 minutes during the weekend session.

Chuck Gomes: That's going to be really pressed. But okay, yes...

Thomas Rickert: But we have...

Chuck Gomes: I'm glad it's not a half-hour. There's so many recommendations that it's really - 45 minutes is really minimal.

Thomas Rickert: Which is true. But at the same time you will remember that I already did a council briefing three weeks back. I will do another council briefing tomorrow. Hopefully the, you know, while the last council briefing was more heads-up that there's something to comment that people should sort of allocate results to that.

I hope that we will be able to discuss that during tomorrow's call so that we will identify those areas that need further discussions and maybe sort of take those areas out of the discussion and off the table that are not that controversial.

I hope that answers the question. Chuck and...

Chuck Gomes: Fine thanks.

Thomas Rickert: Great. Now and with that it's two minutes to the hour, I would like to thank everybody for their participation and for staying in being with us. And I'm

looking forward to talking with you further and corresponding on the list.

Thanks everybody.

Chuck Gomes: Thanks...

Man: Thank you.

Chuck Gomes: And Berry.

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