SO/AC New gTLD Applicant Support Working Group (JAS)
TRANSCRIPTION
Tuesday 24 August 2010 at 1300 UTC

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http://audio.icann.org/gnso/gnso-jas-20100824.mp3

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

Participants on the Call:

ALAC

Evan Leibovitch – Co-Chair

Cheryl Langdon-Or - ALAC chair

Baudoin Schombe – At Large

Alan Greenberg – ALAC

Tijani Ben Jemaa - AFRALO - At large

Carlos Aguirre - At Large (beginning of the call)

GNSO

Avri Doria - NCSG

Rafik Dammak - NCSG - Council liaison

Andrew Mack – CBUC

Alex Gakuru – NCSG

Eric Brunner Williams – Individual

Elaine Pruis - Mindsandmachines

ICANN staff

Karla Valente

Glen de Saint Gery

Apologies:

Olof Nordling – ICANN Staff

Tony Harris

Sebastien Bachollet - ALAC

Glen DeSaintgery: Thank you (Jen). Good morning, good afternoon, good evening everyone. This is the Jas call on the 24th of August.

And on the line we have Alan Greenberg. Andrew Mack. Eric Brunner-Williams, Evan Leibovitch, Avri Doria, Baudoin Schombe, Avri Doria, Alex Gakuru, Cheryl Langdon-Orr, Rafik Dammak, Tijani Ben Jemaa.

And for staff we have Karla Valente and Glen DeSaintgery myself. And may I ask everyone to say your name before you speak for the transcription purposes?

Thank you very much. Over to you Evan.

Evan Leibovitch: Hello everybody.

Glen DeSaintgery: I'm sorry. Sorry, we have apologies - excuse me, we have apologies from Michele Neylon and Sebastian Bachollet. Thank you. Sorry.

Evan Leibovitch: No problem. Okay well hello to everybody and welcome to this week's first call.

What Avri and myself have decided to do is since we are now have merged the two workteams, I will do the Tuesday calls and Avri will do the Thursday calls. And so you're mine for the rest of the hour.

So essentially what I would like to do first is just to do a verification of the statements of interest. So amongst those who have identified themselves, please if there is anybody on this call who has an updated statement of interest since the last call, please speak up now and indicate the change.

Silence indicates that your SOI has unchanged since the last. So has anybody got a change in their statement of interest since last meeting?

Okay I will take that as an understanding that everybody's statement of interest is intact and identical to what it was on Thursday.

So based on that we...

Avri Doria: Can I make a quick comment? This is Avri?

Evan Leibovitch: Go ahead.

Avri Doria: Okay yes, I just wanted to point out that I did request a ruling as it were from our two liaisons on the method of doing this.

I fully support Evan's change in doing that. However I just want to make sure that we're following legitimate procedures. So I have asked and I did that on the list but I want to make sure people knew that I asked our liaisons to confirm that this practice that Evan has initiated is fine and it's up to them to check with their chartering organizations or not as they decide. Thank you.

Evan Leibovitch: Okay. I - who's the liaison from GNSO?

Avri Doria: Rafik.

Evan Leibovitch: Okay so Rafik and (Carlos), do you have any comments - is there an
                 opinion from your group on this practice?

                 Rafik?

Avri Doria: Yes, I wasn't necessarily asking them for a ruling on the side.

Evan Leibovitch: Well I just - I'm just checking with both to see if there's been any
                 comment or (unintelligible) on this.

Rafik Dammak: Yes, Evan it's Rafik.

Evan Leibovitch: Yes?

Rafik Dammak: So I am - I think to have - to (bring) if you - to the GNSO council this -
                 in this Thursday conference call.

                 So we have GNSO conference call so I will bring the issue in that day
                 to confirm.

Evan Leibovitch: Okay. Are you okay with the way we're doing it (today)?

Rafik Dammak: Personally I am okay but I reconfirm on this Thursday.

Evan Leibovitch: Okay, perfect. (Carlos)? Actually I think the ALAC call is today isn't it?
                 It's a little later.

Man: Yes.

Evan Leibovitch: Right after this if I think...

(Carlos):   Excuse me?

Evan Leibovitch: Okay so...

(Carlos):   Hi. Hi. Can you hear me?

Evan Leibovitch: Yes I can (Carlos). Go ahead.

(Carlos):   Oh thank you Evan. No, I have no comment in this point. It's okay for us.

Evan Leibovitch: Okay. So we will go right ahead. And thanks to my little laptop I actually have full Adobe Connect access today.

                So without further ado we have a lot of work to do and I would like to go right into it.

                So if you have Adobe Connect up Karla has wonderfully put on line numbers on to the document in Adobe Connect. And we are on Line 197.

                So if everybody is there. Okay so this is under the section who should receive support. This is where we left off last time. And...

((Crosstalk))

Cheryl Langdon-Orr: (Unintelligible). Wonderful.

Evan Leibovitch: Okay. So what I'd like to do is Tijani, I'm going to give you the floor first because you sent out some revised changes. Tijani sent out an email on Thursday and a follow-up that was sent out two hours ago to the list. Tijani would you like to talk to that right now?

Tijani Ben Jemaa: Thank you Evan. I adopted it in this way. Who should receive the (call)?

So the first paragraph is the same. I didn't touch it. The second paragraph based on this criteria and third review of the comments, the working group recommends that the main criteria for eligibility should be the need.

And applicant from one of the following categories that the working group recommends wouldn't be selected for report if he, she is not in need of such support and then the categories A, B, C, D.

Evan Leibovitch: Okay. Does any - okay Avri, go ahead.

Avri Doria: Yes, I guess I had two questions. One I had a question just of parsing the comment. And when I read it it left open, you know, the thought. And so I think it just needs to be restructured a little. But if you're not in one of those categories A through D you don't have to proof need.

Now I know that wasn't the intent, but in my reading of it all of a sudden that seemed like a possible interpretation. So I think we probably need to tighten up the language.

But second, I'm still -- and even though I listened to the recording last night -- I'm still confused as to why - what this wording achieves that the previous wording that you also diligently had worked towards in the meeting, what it achieves that that one didn't. And that still confuses me. Thank you.

Evan Leibovitch: Okay, I see a checkmark from Andrew. Any other comments on Tijani and what Avri said? I would interject myself. Tijani I agree with Avri that the wording itself, I understand what you're trying to say. The actual wording itself probably could use a couple of words of wordsmithing.

But is it safe to say that what we're trying to get across is like for the primary criteria is need and the...

Tijani Ben Jemaa: Yes.

Evan Leibovitch: ...other issues are secondary based on the nature of the application?

Tijani Ben Jemaa: Exactly.

Evan Leibovitch: Okay. So what does everybody in the group want to do? I mean we have wording in the existing document. Tijani has proposed some replacement wording. What does everyone thing? Andrew go ahead.

Andrew Mack: I've got to say I think we - okay, I'm not a disinterested party since I wrote the initial text or part of it.

But I think it's actually less clear now than it was before. I understand Tijani's goal. And I think a statement that needed a primary criteria, I

think we agreed last week that that statement should go at the beginning of whatever we have when we describe who should receive.

But I think actually the other test is a little bit more descriptive. That's all.

Evan Leibovitch: Okay. So would we accomplish the same thing by simply adding a sentence at the beginning of this that the primary criteria for - the primary criteria regardless of the nature of the application is the need of the applicant?

Do we need an explicit wording of that nature here to make that clear and try and get across Tijani's point?

Okay, no comment. We'll we're - okay Avri go ahead.

Avri Doria: Yes, don't you already have that in the text that's in front that has - and I think this was partly what you guys wordsmithed last time was it is agreed the initial focus should be on finding a relatively limited identifiable set of potential applicants that would not be controversial of support? And I think controversial of support is an awkward phrase itself.

The main criteria for eligibility should be need. An applicant would not be selected for support unless the need criteria was met.

So I mean that's a very definitive strong statement. And I think then going on from there to list the, you know, the other secondary criteria after need is - and you haven't wordsmithed those yet, but is there. Thanks.

Evan Leibovitch: Okay Eric, go ahead.

Eric Brunner-Williams: First can you hear me?

Evan Leibovitch: Absolutely. Go ahead.

Eric Brunner-Williams: Oh good. Yes, I'm a little concerned about the limited and the avoidance of controversy. I don't think those are - well unquestioned good made that point I think in (mail) earlier. That's all I had decided at the moment.

Evan Leibovitch: Okay. So somebody is shredding. Okay one thing that Avri pointed out on Line 190 I'm going to suggest changing not controversial of support to not controversial to support.

Eric, I understand - I think I understand your point. But I - there's an awful lot of pressure to try and have a process that does not hold up the - you know, the ability for ICANN to process TLDs.

And so the idea here is that supposedly those that would need support would be clearly identified as such.

Eric Brunner-Williams: Yes I understand.

Evan Leibovitch: Now okay, so essentially there's two issues here. Tijani has put forth some amending text. Avri has made the point that the text that we've got pretty well brings that point clearly already. And so what's the view of this group? Okay don't everyone talk at once.

Is the current wording okay or does Tijani's wording - okay, Tijani go ahead.

Tijani Ben Jemaa: I am not - I don't stick to my proposition. It's only a proposition and it's a proposition for wording. Because I found that the position of the primary criteria wasn't really in the right place. That's why I reworded it.

But I don't stick to it. If everybody is okay with this wording I don't mind.

Evan Leibovitch: Well let me just ask you Tijani. The wording that is between Line 193 and 195, the main criteria for eligibility should be need.

An applicant would not be selected for support unless the need criteria is met. Is that not really clear as Avri says in terms of saying that if you don't meet the need criteria the others are irrelevant?

Tijani are you - is that sufficiently clear for what you're trying to get across?

Tijani Ben Jemaa: Did you ask me a question Evan? I didn't - because I was between mute, un-mute also I didn't...

Evan Leibovitch: Oh sorry.

Tijani Ben Jemaa: Okay, excuse me.

Evan Leibovitch: I'm saying the wording that is between Line 123 and - oh, 193 and 195...

Tijani Ben Jemaa: Yes...

Evan Leibovitch: ...appears to be very clear in saying that if an application does not meet the (criterion) of need then the others are irrelevant.

Tijani Ben Jemaa: I - that's right. I find it very clear. But I propose to put it after this on this criteria. I propose to put it just before the bullet point.

But if it is - if everyone agree with this manner I don't mind. It's not a problem.

Evan Leibovitch: Okay. The other issues were going forward is that we have a couple of paragraphs that talk about the nature of the group. I guess there's the also the issue of do we want to be as complete and explicit as we are in the existing paragraphs or Tijani did you have also the intention of making the bullet points very short and clear as opposed to the ones that are currently in the document?

Tijani Ben Jemaa: Yes. In fact it was my intention. But I have a bigger concern about those bullet points. If we begin to discuss them and if we leave Bullet Point A, Bullet Point B and Bullet Point C the conclusion will be we recommend support for linguistic and ethnic communities only, only, only.

And we give some priority to among those communities for those who are in the developing countries full stop. And I - if it is this I don't agree.

Evan Leibovitch: Okay I have Avri and then Andrew. Avri go ahead.

Avri Doria: Yes I hesitate to mention this because I think we already made it past it. But I would - could recommend to meet Tijani's last concern from the

previous issue as opposed to based on these criteria is once the need criteria has been established, you know, and for review of comments we recommend the following.

So in other words, just reinforcing one more nail in the sign of need. And I'm not commenting on the other issue, thanks.

Evan Leibovitch: Okay I have Andrew but Karla you have your hand up. Is it a procedural issue or can I let Andrew go first?

Karla Valente: Yes go - let Andrew go first. I have a question for you about the first line...

Evan Leibovitch: Okay.

Karla Valente: ...the second...

Evan Leibovitch: Andrew go ahead.

Andrew Mack: Okay just to Tijani's point, I think that the - we've been pretty careful to make sure that the language is clear enough that it says that it's not just - that it's not just open to ethnic and linguistic groups and that it's - that there is some preference for emerging areas but that it's not limited to emerging areas.

If you believe that that is not clear then let's work on that specific aspect of the language.

But my sense of it is that was the intent that we had. So if you really believe that that doesn't come through clearly if you can point us to

exactly what's unclear about it I - we'd be happy to change any part of it.

I don't think that having it just with the bullet points though gets us as much detail actually as you're looking for.

Evan Leibovitch: Okay. Okay Karla go ahead and then Eric.

Karla Valente: Yes on Line 190 based on your conversation Evan with Eric, do you want to change at the end of the Line 190 not controversial to support or do we keep it all support?

Evan Leibovitch: Personally I think it's clear to say to support. But if people disagree that's okay. I'm just thinking of the wording. I'm thinking of the flow of the language.

I'm suggesting changing controversial to support if only because it reads easier. I'm seeing two checkmarks three on that.

So unless I see a - unless I see any Xes I'm going to assume that there's reasonable support for that one word change.

Okay, Eric, go ahead.

Eric Brunner-Williams: Thanks. Well the initial and pilot phase in the first clause, the first, you know, Bullet Point A...

Avri Doria: You're breaking up.

Evan Leibovitch: Yes, you're getting harder to hear Eric.

Eric Brunner-Williams: Sorry. I'm actually trying to swallow the mic. The initial slash pilot phase that occurs in the first clause of the first sentence of both Point A and Line 197...

Evan Leibovitch: Yes.

((Crosstalk))

Evan Leibovitch: We haven't even started that yet.

Eric Brunner-Williams: Okay, then I'll wait.

Evan Leibovitch: Okay. I just want to - I'm - I want to make sure that everyone's okay. Up until 196 Tijani had proposed that other wording. And I think the consensus on the group so far is that what we've got here is strong enough providing that what we do moving forward is going to be sufficiently embracing.

Okay and having said that I want to then move to that paragraph between Line 197 to 202 which is the first bullet point of the kinds of organizations, the kind of applications that will be - that we want considered, again assuming that the needs criteria is met.

So let's see, Tijani has suggested a statement simply saying community based applications such as cultural, linguistic and ethnic, the potential applications have the benefit of being relatively well-defined as groups facilitating community on the Web is one of ICANN's core values.

So essentially what Tijani's suggesting is just taking out the specific examples in the brackets.

What's the view of everybody on that? Do we keep in the examples or just leave it as is? Eric, since you were commenting you go - you've got first and then Tijani.

Eric Brunner-Williams: Oh thank you. Actually I was commenting on the first clause in that phrase which comes before the example which is the suggestion that there is a subsequent phase or that our recommendations might be different for a subsequent phase.

So to put the question as awkwardly as I can, at what point would we stop identifying linguistic and ethnic applications as being - that meet a needs criteria as being qualified for assistance? Do it on the second phase or the third phase?

If our - if the policy we're suggesting is limited to this initial for pilot phase that assumes A that there's going to be a subsequent phase and B also that our advice, our policy suggestion is also changing in each phase.

So I'm - I would suggest removing the temporal qualification that this begins with.

Evan Leibovitch: Okay. In that case you're agreeing with Tijani's recommendation which also takes out that mention. Alan go ahead. Oh sorry Tijani go - you - you're first, sorry. Tijani and then Alan.

Tijani Ben Jemaa: You hear me?

Evan Leibovitch: Yes. Yes...

Tijani Ben Jemaa: Okay. Okay, if we read those paragraphs the first paragraph says that at this initial pilot phase that means at this round. And I explained last time that we don't have to speak about rounds because we are not sure there will be another round or other rounds.

Perhaps here will be other rounds. But in ten years, in 15 years I don't know because the spirit wasn't of similar rounds. It was for one round for a limited number. So this is the first point.

And when we say that, that means that for this first or for this round we recommend - we (unintelligible) the ethnic and linguistic communities because of a lot of advantages.

And the Paragraph D - B excuse me, Bullet Point B says that we will address support for other groups like NGOs (unintelligible) at a further point but means at further rounds.

As the idea of who constitutes the community, a lot of problems in these groups you want to say, the idea of who constitutes the community is at this space is less clear. And the test for which groups might need support would be (tricker).

Evan Leibovitch: Trickier.

Tijani Ben Jemaa: Moreover, moreover, the number of applicants could be very large. So it is impossible for this group. We will not give them attention in this round.

And the last, the Paragraph C says that we will give certain preference for applicants from the Paragraph B from the Bullet Point A who are in developing countries. I find this idea really not acceptable.

Evan Leibovitch: Okay. I have Alan first and then Avri who had her hand up. Karla is it a procedural point?

Karla Valente: No it's a clarification point Evan. And maybe Avri is the one that can help me with that as well since she was at the GNSO when that policy was actually approved for new gTLD.

But my understanding from the policy recommendations is that we would do the new gTLDs in rounds until demand is established and then a continuous application but that when we launch the first round we actually have to say when the second round is going to occur.

Evan Leibovitch: Okay. All right I have Alan first and then Avri and then Andrew. Alan go.

Alan Greenberg: Okay. I'm getting more than a little confused about exactly which wording we're talking about. But I'll try to make my statements general.

I agree with most of the previous speakers that saying at least in the initial phase is obfuscating it best and saying the wrong thing at worst.

Yes there will be other phases. We don't know exactly when. We may know at one point. There's a whole issue that after the first phase there may be a huge pile of money available due to auctions or things like that which will change the landscape completely.

We were asked to do something for the first round by the board. And I think that's all we need to address.

I don't like referencing the specific communities in the example. I think it gives them a particular precedence that they should have.

Tijani's revised version does do another change, not only leave out the examples. It adds the word cultural which is not in the document on Adobe right now which I think is an important one.

I'm not now - I - it also leaves out the non-controversial issue. I don't really - I'm not much concerned about that.

Evan Leibovitch: So are you speaking in favor of replacing the Bullet Point A in the document with the Bullet Point A that Tijani has proposed?

Alan Greenberg: Well it adds cultural which I believe is important. It's not just linguistic and ethnic we're looking at. And...

Evan Leibovitch: See...

((Crosstalk))

Alan Greenberg: I don't want to try to define which is which and I don't think that's our point.

But I thought we were defining a set of criteria any of which would be applicable. And therefore we shouldn't be saying target just A which

essentially relegates B, C, D and E or whatever the rest of the numbers are to the garbage bin.

Evan Leibovitch: Okay. So if I hear you right you're speaking in favor of Tijani's point...

Alan Greenberg: I certainly support Tijani's over the stuff that's highlighted in blue green.

Evan Leibovitch: Okay. I have - I can't see on here if Andrew was before Avri. But Avri you had a check - an X mark for a while. Avri...

Avri Doria: Right. Yes I'm...

Evan Leibovitch: ...goes then Andrew and Alex.

Avri Doria: So I missed. Am I - I'm brief.

Evan Leibovitch: So Avri go and then Andrew.

Avri Doria: Okay yes. I have no objection to what Tijani wrote down. And that's for the rest of the group to deal with.

I'm sort of objecting to the notion that we remove all notion that there's a second round. It really isn't for us to presume whether there is or not.

I think the declaration, the intention is that there is another one. And I don't think we should preclude that there's another one because I think after we get these initial ideas going there will be a longer term process to see what we do for a second round.

I think it's okay if you want to leave out at least in the initial phase because yes that is ambiguous. If you wanted to say at least in the first round that would be okay with me. But I think also Tijani taking it out is not necessarily a problem.

One question I ask about Tijani's list is that an ordered list? In other words is it there's priority to A and then if there's not enough As there's Bs...

Tijani Ben Jemaa: No...

((Crosstalk))

Avri Doria: And you should probably make that clear if you're going to use the list to sort of say that it's not in any priorities. That's all. Thanks.

Evan Leibovitch: Okay. So just before we go on then, Avri are you suggesting a wording, an addition to the end of Line 196, the working group recommends the following in no particular order?

Avri Doria: If that is indeed the case yes.

Evan Leibovitch: Okay.

Avri Doria: You know, it's up to the group to decide whether we are giving priority to one or the other. But yes, if that is the case then that should be noted.

Evan Leibovitch: So in other words once the need criteria has been met there's no priority of any of the following bullet points over the other?

Avri Doria: That's a question.

Evan Leibovitch: Okay. I have Andrew then Eric and then (Alec) you - Alex you had had your hand raised and then you lowered it and went to the bottom of the queue.

Alan Greenberg: Evan it's Alan. Could I get one sense of clarification in?

Evan Leibovitch: Go ahead.

Alan Greenberg: Yes what I was objecting to at least in the first phase I wasn't objecting to it as an overall statement. I was objecting to it being an A only.

Evan Leibovitch: Okay understood. But I think we know they're - we can't predict what's going to happen there. So I don't even think we need - I agree with the general feeling that we don't even need to refer to phases here. Okay Andrew, go ahead. Actually...

Andrew Mack: Yes.

Evan Leibovitch: ...you had your hand up. Was - is that a new point?

Andrew Mack: (Unintelligible).

Evan Leibovitch: No. Yes. Karla you had your hand up. Is that for a clarification?

Karla Valente: I just want to make sure that I captured the changes. You're going to review that at the end?

Evan Leibovitch: Yes.

Karla Valente: Okay.

Evan Leibovitch: Okay Andrew go ahead.

Andrew Mack: Yes I just want to bring everybody back to the reason why we have the language the way that it is because we're making some changes that I am not - I'm not objecting to as long as we make them consciously.

The part about the initial pilot phase absolutely it's a little bit vague. It was intended to be a little bit vague because we were trying to avoid talking about one round or another.

It was the initial pilot phase of this program. And that's, you know, again our focus was on trying to make - to create an initial system which we will have the ability to review and revise.

The - you know, I have no problem with the idea of taking that out but that was the reason why we had it. And I think that we want to make sure that we're - if we want to keep something like that is that kind of referencing that we do?

Second of all the targeting, we discuss this on almost every call. We keep coming back to it though.

The idea of having some targeting was simply to make it possible for us to have a narrower universe in the first round.

Because we recognize that the chance that there may be a large number of applicants that we won't be able to service is great.

And there's no, you know - so yes there was some ranking notionally put in there. I kind of thought we had gone past this. But nonetheless if people feel strongly that we should take it out that's okay. My concern is that we'll be just - we'll just flooded with potential applicants.

I have no objection to taking out the different communities if people feel strongly about it. That was just for our own illustration so that it had some sort of guts to it.

I like the idea of including the cultural community. And what, I don't - outside of that what Tijani mentions, the different - the other different categories, I don't believe that at any point in time we had a ranking of them in terms of which one was more important or less important. So I agree with that.

The only ranking that we had was that we were going to have some sort of a narrowing of the field in the very first round and that there was some preference for on the basis of geography.

And if I understood Tijani correctly you're suggesting that we should no longer have that. Is that correct because that's what I thought I heard?

Evan Leibovitch: Tijani, quick answer? Okay what I'm going to ask for right now is in Adobe Connect please indicate with a check mark or an X whether or not you favor adding the words in no particular order to the end of Line 196.

Can I get a show of check marks or Xes to get an idea whether or not this group wants that or does not want that?

Andrew Mack: Is there a way to clarify that? I'm not sure in no particular order tells me I don't think it's as clear as...

Evan Leibovitch: Simply that the bullet points about to - that the bullet points about to come are not ordered.

Cheryl Langdon-Orr: Prioritized would be a better word...

Evan Leibovitch: But A doesn't mean - A is not more important than D.

Andrew Mack: I assume that means we're not going to be saying target the support for A but not use the same words in B?

Evan Leibovitch: Yes.

Andrew Mack: Okay. So no targeting in the initial phase?

Evan Leibovitch: I'm just trying to get a feel for this group whether or not there is a preference to say AB, you know, one, two, or three in order or ABC or D in no particular order once the needs criteria is met.

Okay I'm seeing more Xes than check marks. So what I'm getting a feel for is that having an ordered list actually is okay at this point.

All right I have Alex and then Eric and then Elaine. Okay Alex go.

Alex Gakuru: Thank you Alex speaking. Now I generally - I'll generally agreeing (sic) to the need to avoid holding back the roll out of new gTLDs by trying to avoid anything controversial avoiding also the issue of round and faces.

I have a bit concern because the controversial will always arise. That's my concern at this point in time.

And even if you go to the cards generally we think there always going to be examples where some controversy may arise.

If I could just speak one example that you may decide to give Gakuru where I come from in Kenya maybe some (lens).

And then it's the same (lens) it's similar to another language or it's language somewhere else in the world.

And maybe this on the first beat there is a trademark owner who has that who - are we really sure that there is there is some non-controversial - 100% non-controversial we are going to guarantee or what I'm raising here should we not consider maybe making some recommendations on how maybe when those controversies or controversial situations arise what this program will do to address them?

Because they are going to arise in view of the fact that people that word - same word can mean many different things in different countries and different trademarks, et cetera.

So I'm just wondering maybe you're recommending or proposing that maybe we think of giving a recommendation of the criteria to be followed when assessing what is controversial and not controversial. Thank you.

Evan Leibovitch: Okay I mean I have my own opinions on that but I'll leave it for others in the group to answer. Eric your hand is up and then Elaine.

Eric Brunner-Williams: Thank you this is Eric Brunner-Williams. I was surprised when I first ran across the text by the absence of the word cultural.

(Was this) thinking cultural to me was the way everyone has approached the subject matter (terms) with it.

So I would really like to see cultural added to the linguistic and ethnic characterizations that are present in Paragraph A. That's all I had to say just supporting the idea of putting cultural in there.

Evan Leibovitch: Okay. Okay (Elaine), go.

(Elaine):   Good morning. I have a couple of points. The first one is or suggestions perhaps we can write a sentence or a paragraph somewhere else that says the working group recognizes that our suggestions or (work) is a pilot program and that as the new gTLD system evolves that we would like the board to consider that there might be changes to the way we recommend things or the type of applicants that might need criteria.

So remove the initial pilot phase out of Bullet Point A if we recognize that idea somewhere else. So that's the first thing.

And the second thing is it seems that by using A, B, C, D we are indicating a preference for order. And I'm just wondering why we can't just use bullets as paragraphs?

Evan Leibovitch: So take out the A, B, C, D and just use bullets?

(Elaine): Yes or just make them paragraphs

Evan Leibovitch: Only because it helps give clarity to what - to the colon that follows at the end of Line 196. But...

((Crosstalk))

(Elaine): But so...

Evan Leibovitch: Sorry?

(Elaine): So we can rewrite that sentence.

Evan Leibovitch: Well it just says the working group recommends the following. And since we just had a turning down of the idea of explicitly saying in no particular order I think maybe just changing even the letters to bullet points might also help clarify that there is no specific ordering.

(Elaine): Beautiful.

Evan Leibovitch: Is everybody okay with that, changing A, B, C and D simply to bullet to unlettered, unnumbered bullets?

Avri Doria: Yes.

Evan Leibovitch: Show of Xes or checks please?

Man: I'm clear on this. Didn't we just do a show of Xes or checks to (retain) the suggestion that there was ordering that A came before B?

Evan Leibovitch: Simply to say...

Cheryl Langdon-Orr: Just using as bullets.

Evan Leibovitch: Okay...

Man: I thought in the last check or cross poll that you asked Evan you were asking us - I think we choose to (retain) prioritization. That is linguistic, cultural, and ethnic came before it NGOs and those came before geographically located...

Evan Leibovitch: I was asked...

Man: ...otherwise undistinguished?

Evan Leibovitch: I was asking for specific wording if the paragraph should say in no particular order. That did not meet the consensus of the group.

But the suggestion of changing the letters to mere bullets for whatever great value that is has the consensus of the group. So Karla if you could possibly change that from A, B and C, D to simple bullet points?

((Crosstalk))

Man: (Unintelligible) against it then.

Evan Leibovitch: And also we still have the issue on the floor right now of Tijani's simpler wording replacing what is currently in Bullet Point A.

So that's saying take out the specific references to (Housa Tammel) et cetera, and to replace that with Tijani's simpler wording which is community based applications such as cultural, linguistic, and ethnic. These potential applicants have the benefits of being relatively well defined as groups. Facilitating community on the Web is one of ICANN's core values.

So we have a proposal to change the current A that's in the document to Tijani's simpler wording. And based on the comments I've heard so far it appears to have support within the group to take out specific references to specific groups as well as taking out the issue of noncontroversial and the fact that it's just simpler overall.

Does anybody want to speak further to replacing the current A with Tijani's wording?

I'm okay with the current - with Tijani's wording.

Evan Leibovitch: Okay (Elaine) go.

(Elaine):   The only concern I have with removing the examples is we're leaving it up to someone else to define what is an ethics, linguistic, or cultural community and are we okay with that?

Evan Leibovitch: Do you really think putting in three specific examples is going to change people from trying to define it the way they want?

(Elaine): As I noted it in the chat room I am a first generation English-speaking Latvian. And there are many, many of us. So do you want to expand support to something as wide and ill-defined as that sort of group?

I - we've talked about this on the mailing list, what about, you know, Irish speaking New Yorkers, that - there's a reason why we have the examples in there.

If you want to remove them great but I think we'd then be okay with the idea that someone else will figure out or decide what is an ethnic and linguistic cultural community and the reason that we're putting parameters on this conflict is so we don't have some gaming going on.

Evan Leibovitch: Okay. I guess my personal view is that putting in three examples does not equal defining what means ethnic, linguistic, and cultural but, you know, okay. Cheryl, go ahead.

Cheryl Langdon-Orr: Thanks Evan. And specifically to (Elaine)'s point, (on for) using Tijani's paragraph which is now bullet points the initial bullet point in the list, the old A and that doesn't have the particular examples.

I would to Elaine's point in a matter where you are claiming support and a greater degree of community need being (mixed), if you are a linguistic and ethnic one that simply strengthens. And the presence of - so now you sort of get two ticks rather than one. And the presence of

the three examples doesn't make any difference in my reading to that at all.

Evan Leibovitch: Okay so we have a proposition on the floor right now to replace the wording of A which is between Lines 197 and 202 with Tijani's wording as we've read out multiple times.

What is the feeling of this group in doing the replacement? Most of the people who have spoken up have spoken in favor of Tijani's wording.

Can I get some checks or Xes, get an idea of if we have consensus to replace the existing Paragraph A with Tijani's wording?

I see two checkmarks, that's - okay I see four. Is there anyone very opposed to putting in Tijani's wording to replace?

Okay (Elaine) you've still got concerns?

(Elaine): I don't have strong feelings on it. I'm just trying to point out the reason why that wording was in there initially.

So if we don't care that someone else will define what and ethnic linguistic or cultural community is then we don't need to address it.

I'm not saying that giving examples is the best way of doing that but we certainly shied away from the idea of trying to define it in previous conversations.

And the same with the at least in the initial pilot phase meeting the idea there was that we would try to reserve the right to modify our

recommendations as the new gTLD program evolves into its further round.

So those are the reasons why that (wouldn't be) fair. And if we don't want to address those things in this particular paragraph I'm fine with that. But I still think we should consider addressing that somewhere else.

Evan Leibovitch: Okay. The other person I didn't see on the list making a check or a plus was Baudoin. Do you have any concerns at this point?

Baudoin Schombe: So it's okay now. Yes I vote for (consistent) (unintelligible).

Evan Leibovitch: Okay. All right so Karla, based on the consensus of the group I'm going to ask you to change...

Karla Valente: Okay.

Evan Leibovitch: ...that point (unintelligible) 197 to 202 with the wording that was in Tijani's email that is now just slightly under three hours old.

Avri Doria: Can I...

Karla Valente: Do you want me to read the changes that I've done so far?

Avri Doria: Can I make a comment before you get to that? I put my hand up.

Evan Leibovitch: Go ahead Avri.

Avri Doria: Okay I was just wondering if there's perhaps a space between the not explicitly listing communities and the saying nothing.

And in terms of inserting some phrase that sort of says community based applications such as cultural, linguistic, and ethnic but putting in something there about especially from underserved community or something like that.

Because that I think feeds into what Elaine was saying was we don't really mean the Irish speakers of Boston -- and not to put down the Irish speakers of Boston -- but we mean underserved communities.

And now we're still leaving it to someone else to decide what's underserved. So I think even an explicit list of like these still leaves it open to some interpretation.

And I think we're going to need something later that we put in the work to be done later is how determinations are made.

But is there any value in sticking underserved community based or, you know, application - community based applications from underserved communities. Is there value in that? Thank you.

Evan Leibovitch: Does anybody here with a recollection of what's actually in the DAG know that whether or not the DAG started to go into these definitions?

Because personally I would really, really like to refrain from redefining things...

Avri Doria: No they don't.

((Crosstalk))

Evan Leibovitch: (Unintelligible).

Avri Doria: This is Avri again. The DAG in terms of community only defines -- and that's the problem with a community -- it only defines the community based on a test of a certain number of questions and a scoring that's only done when you get to the point of having two applications in the same contention set.

So up front at the point at which we're talking about you can claim to be community but it's only defined by getting 14 out of 16 points on a long list of questions. So there's no real definition I would argue.

Man: Make a minor clarification. Any application may self define its community base. If the (client)'s (involved) in a contention set and if it's an elected (for it), then let's evaluate whatever it's called to change from the third DAG to the fourth DAG. It used to be called the (area) of evaluation.

And if the score is 14 out of 16 then it has precedence over other applications in the same contention set.

But other than that - oh and there's one other aspect of the - of community based which is the that the registry operator must follow the registrations, the restrictions which it proposed in its application it must actually execute when it's - after delegation it becomes operational.

So anything they felt that designates in the case of contention sets if score of 14 is (positive) and whether or not it scored 14 or not there may be applications community base which don't find themselves in contention sets.

The community based application must as a registry operator maintain the policy in which it committed to when it submitted its application and asserted that it was a community based application. Thanks.

Evan Leibovitch: Okay, Andrew go ahead.

Andrew Mack: Yes I just wanted to try and think we can clarify. I like Avri's idea but I'm not sure that the wording is as clear as we - it might have some unintended consequences.

When we were initially talking about this and we were talking about underserved communities I took that to mean that we are talking about communities that are largely financially in need as well as underserved in terms of lack of either access or presence or those kinds of things on the Web.

And my concern is that almost anybody from almost any place could make the argument that they are underserved if there isn't a - you know, there's clearly a lack of Boston, Irish on, you know, gTLDs on the Web and so because there isn't one right now, right?

And so everybody could make the argument that they were underserved.

Do we want to we want to come up with a stronger wording for underserved or a little bit more descriptive? Because I like the idea but I'm thinking underserved is probably too mushy for that reason.

Evan Leibovitch: Personally I would tend to agree with you Andrew. I mean and to me underserved is in the eye of the beholder and it's going to be very, very hard as a test...

Andrew Mack: And (manipulable) I think too realistically.

Man: Yes.

Evan Leibovitch: Okay can we at least agree to put - can we at least agree with the replacement of the wording with Tijani's wording and we could possibly come back and tune that?

Because I'd rather start with that because it's cut it down and it's put in - it's taking out the word cultural and it's taking out a lot of (crop) we seem to agreed that we don't need.

Can we at least there with that as a basis to work with? If somebody's got an idea of how to frame this in a way that makes it more useful than what's already in this document or in the DAG, you know, maybe we should take this to the mailing list especially since we've got only four minutes left in this call.

Can we at least come to a closure on replacing existing Paragraph A with Tijani's proposal and then on the mailing list seeing if people can thrash out an appropriate definition of either deserving or how they'd

like to define the communities? Because I mean this could go on for quite a bit?

Can we get a consensus at least to replace the Point A with Tijani's Point A? Is anyone strongly against that?

Man: I thought we already agreed to that. But...

Evan Leibovitch: Well we I thought we had also but then we had a couple of last minute interventions.

Okay I've got check marks okay. So Karla are you okay with that?

Karla Valente: Yes. So the changes, can I say the changes that I have?

Evan Leibovitch: Go ahead.

Karla Valente: Yes so on Line 190 I changed to support at the end. Then instead of having the bullet, the A, B, C, D I have only bullet points. And what is now A is changed to the wording that Tijani had on his email.

Evan Leibovitch: Okay.

Karla Valente: Those are the three changes that I have.

Evan Leibovitch: Okay. So we've been on this call for 57 minutes and we have worked on exactly one paragraph. We're really going to need to speed this up a bit as we go forward.

Hopefully we've got enough progress going to date we do further ones. Perhaps we can simplify the others.

I can just tell you from working other - in other ICANN committees that trying to define what is a community is something that I - if we get stuck on that we're going to go nowhere. I really think we've got to get past that.

Is there - I mean with two minutes left do we even dare try starting on something else?

Andrew Mack: Evan this is Andrew. Since you brought it up maybe is there something that other committees have done to successfully address that issue?

Evan Leibovitch: I remember being part of a group in Nairobi that was trying to - that was I think potentially the genesis of this particular working group.

And one of the things they constantly got bogged down was, was how does the committee get defined? And I don't think there was any resolution of that. And my fear is that we could blow our brains out arguing this same thing.

Man: So can we based on your experience and in the interest of trying to make sure that we come up with something that's useful and will be used what do you recommend?

Evan Leibovitch: Frankly go for simplicity. Even if we put in a recommendation if, you know, higher bodies than us are going to start mucking about with implementation details, changing the wording here or adding the word camel there is not going to make a difference.

Man: Fair enough.

Evan Leibovitch: Okay on that note we have one more minute in the call and I have a hard stop. Does anyone in the group want to go further or are we okay trying to thrash this out in email and seeing if maybe we can't start Thursday and go a little bit quicker through the other bullet points given the discussion we've had today?

Avri Doria: This is Avri. I'd like to say one thing. I don't think we should despair at the pace we're going through as long as people are keeping in mind comments that have been submitted.

                You know, we are making progress I think. I know it seems like a slow (slog). I think we are making progress. But people should use the mailing list more. I totally second that and thanks.

Evan Leibovitch: Okay on that note we are into the hour. Do people want to go on or is there okay with us stopping here which seems to be a logical point trying to see if we can thrash out if - have a look at - have another look at Tijani's comments because he's made proposals for the other bullet points?

                Let's pick this up on Thursday and see if maybe we can get through this with the help of a little work on the mailing list and see if we can't plow through these a little faster?

Man: Is it...

Tijani Ben Jemaa: Evan?

Man: ...Thursday or Friday our next meeting?

Tijani Ben Jemaa: Evan yes.

Evan Leibovitch: Sorry when is the next meeting is scheduled Karla?

Karla Valente: For Friday.

Evan Leibovitch: Okay. So the next, yes. So the next...

((Crosstalk))

Avri Doria: (Unintelligible) I believe it was. But confirm that on the email but I believe that's what it was.

Evan Leibovitch: Okay so the next meeting we will pick up on Friday. Avri will be chairing that meeting and so we will pick up where we leave here which is at Line 203 which I'm sure that numbering will change as of Tijani's wording.

Okay so based on that thank you all for the call and we will see you on Friday.

Avri Doria: Thank you.

END