

**SO/AC New gTLD Applicant Support Working Group (JAS)  
TRANSCRIPTION  
Tuesday 28 September 2010 at 1300 UTC**

Note: The following is the output of transcribing from an audio recording of the SO/AC new gTLD Applicant Support Working Group (JAS) Thursday 28 September 2010 at 13:00 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-jas-20100928-en.mp3>

On page:

<http://gnso.icann.org/calendar/#sep>

(transcripts and recordings are found on the calendar page)

Participants on the Call:

ALAC

Evan Leibovitch – Co-Chair

Tijani Ben Jemaa - AFRALO - At large

Carlos Aguirre - At Large

Dave Kissoondoyal – ALAC

Alan Greenberg – ALAC

Sébastien Bachollet - ALAC

Cheryl Langdon-Or - ALAC chair

GNSO

Rafik Dammak - NCSG - Council liaison

Andrew Mack – CBUC

Avri Doria – NCSG – Co-Chair

Eric Brunner-Williams - Individual

David Cohen

ICANN staff

Gisella Gruber-White

Karla Valente

Apologies:

Alex Gakuru – NCSG

Tony Harris – ISPC

Gisella Gruber-White: Good morning. Good afternoon. Good evening to everyone on today's

JAS call on Tuesday the 28th of September. We have Avri Doria, Evan Leibovitch, Cheryl Langdon-Orr, Carlos Aguirre, Alan Greenberg, Eric Brunner-Williams, Sebastian Bachollet, David Kissoondoyal, Tinjani Ben Jemaa, Rafik Dammak. And we have David Cohen on the call as well.

We have from staff Karla Valente and myself, Gisella Gruber-White. And we have apologies today from Alex Gakuru. I hope I haven't left anyone off the list. We're still trying to dial out to Tony Harris and to Baudouin Schombe. And if I can please remind everyone to state their names when speaking for transcript purposes. Thank you.

Avri Doria: Okay. Thank you. This is Avri. At the moment, I'd like to ask the SOI and DOI question - the Statement of Interest and the Declaration of Interest. First the Statement of Interest, does anyone have a change of Statement of Interest to make? And for anyone who's new to the call, do you have a Statement of Interest to make, or does anyone have any changes?

Can I ask - and please forgive me. And Gisella or Glen correct me. David Cohen, do you have a Statement of Interest on file for this working group?

David Cohen: No, I do not.

Avri Doria: Could you quickly state who you are and your affiliation for the record, and your interest? Everyone else has one on file, so if you could make a written - I mean, a verbal statement at that point, and then follow-up with the Secretariat with a written one, I would appreciate it.

David Cohen: Of course. I am solely a registrant with interest to the topic, and if it is an issue for being on the call, I will of course disconnect.

Avri Doria: No. Not asking you to disconnect. Basically, just asking that everyone state their interest, and I would ask you to follow-up with Glen to get one on file.

David Cohen: I will do that. Thank you, Avri.

Avri Doria: Okay. Thank you.

Excuse me. I see Andrew Mack has joined us. Having gone through the Statement of Interest, having a gotten a Statement of Interest from David Cohen, and having gotten no additions to the Statement of Interest, I'd like to ask the question about the Declaration of Interest, which relates specifically to the topics under discussion today, which would be pretty much any subject doing with - well, applying for aide if there were aide to be available. Does anyone have a Declaration of Interest to make at this time?

Okay. Hearing none, I'll move on to the agenda. In the agenda, basically we have...

Man: Eric has his hand up.

Avri Doria: Oh, Eric has his hand up. I'm so sorry. Eric.

Eric Brunner-Williams: Well, thank you Avri. In your response to (unintelligible)...

Avri Doria: I hear some really noisy - I can't understand what's being said.

Eric Brunner-Williams: We have an interesting audio effect. I'll put (it to the side).

Avri Doria: You mean -- okay.

Eric Brunner-Williams: Oh, the sound problem seems to have gone away. So in your response to David, you said Statement of Interest for this group. The Statement of Interest is not specific to a group, it's - we don't have to file one for each group (unintelligible)...

((Crosstalk))

Avri Doria: Actually...

((Crosstalk))

Woman: (Yes it is).

Avri Doria: I think we actually do. What many of have done is file an omnibus one for every group, but I actually do believe the Statement of Interest does need to be filed for every working group that one is a member of.

Eric Brunner-Williams: We'll have to take this up in the...

Avri Doria: Right. Okay. Great. And as I say, this whole Statement of Interest, Declaration of Interest is a very big open topic that's getting bigger all the time, so yes. But, it's certainly not a topic for us.

Eric Brunner-Williams: Okay.

Avri Doria: Okay, thanks.

Okay, so basically, the agenda had basically two items on it. Want to check and make sure. First of all, we've got the Board resolution. I put that up. Make sure - have any conversations we need to in terms of making sure we have a common understanding of it. And then, deciding what if anything we were to do about it.

And then two, and basically it says a discussion of you know, where we are and what our approach to finishing our work is. What I'm suggesting is assuming that we come out of that first discussion with a let's continue doing the work, et cetera, then basically we start going through our document. You know, we have our remaining focus issues list we could talk about, and then go back to the - I'm really confused now. Reading the agenda. I had a two part agenda, but there's a multipart one.

So anyhow, let me go with the agenda that's here. Discussion of where we're at, what our approach should be to do to finish our work as soon as possible,

then talk through any remaining open issues and make sure the list is correct. Then, go back to summary and comment document to confirm that the answers are as they should be and that there's a correspondence between the comments.

Okay, that one actually should be we go back to our final document and make sure it's correct, that it contains what it should contain, and then we would go to the comments document. Any - and of course with 45 minutes left, I don't know how far we'll get in any of this.

Any comment other than one, that we should be more coordinated in getting our agenda out?

Okay, in which case we'll start with the Board resolutions regarding applicant support. And basically, I've got that on the screen now. I think I've got it set up so that everyone can control it themselves. If I've got it backwards, please let me know. I'll change it.

Cheryl Langdon-Orr: Nice scroll control and I can see everything.

Avri Doria: Okay. So, I've got this thing (floating back).

Cheryl Langdon-Orr: Thanks.

Andrew Mack: Avri, this is Andrew Mack. For whatever reason, it isn't letting me into Adobe Connect. So, if someone's on the line...

Avri Doria: Somebody has to let you in, and I don't see where you're request is to be let in. Gisella, could you or Karla look at letting him in?

Karla Valente: I've done -- done.

Avri Doria: Okay. Thanks.

Okay, so the first item was just basically to make sure we all have an awareness of what the Board has said, and then to discuss what -- if anything -- we wish to change in our forward motion based on that. So, there's the new gTLD application support. It says, "Support to applicants will generally include outreach and education to encourage participation across all regions."

"But, any direct financial support for applicant fees must come from sources outside of ICANN. Staff will publish a list of organizations that request assistance and organizations that state an interest in assisting with additional program development. For example, pro bono consulting advice, pro bono in kind support, or financial assistance so that those needing assistance and those willing to provide assistance can identify each other and work together. Owing to the level of uncertainty associated with the launch of new gTLDs, the fee levels currently in the Application Guide Book will be maintained for all applicants."

So, this is basically the response to our proposals. Certainly, all the proposals that this group was in the process of making due to fee levels were rejected. And, I think there's some support for the other types of support that we were proposing, the - sort of the pro bono assistance and the sort of clearinghouse notion for other assistance. Opening discussion. I see two hands up already. Tinjani, please.

Please. Are you mute?

Tinjani Ben Jemaa: I am mute.

Avri Doria: No, I can hear you now.

Tinjani Ben Jemaa: Okay. Very good. So, the first barrier for the applicants is the fees. And if ICANN decided that the fees would be the same for everyone, that means that they reject our work. But with - I think we don't have to care a lot about

that. We have to continue and to give our recommendation to the Board and to the community. And, we have to lobby for that. We have to speak about it in open forum and in any - for anywhere we can speak about it. It is not - we don't have any interest as a person, but we have an interest as a community.

We had a mission and we tried to do this mission. It seems that the Board changed his mind, and I understand. I understand it, because when - in Nairobi when they declared the Resolution 20, I was surprised because I see on the table of the Board people that one day before they were against. So, I sense there was - the balance was the crowd of people who were with the community. Today, it seems that the balance is not in the same point, but it doesn't matter. We have to work. We have to lobby. What we do is for the community, and we have to continue to work with our conscience, not regarding what other says, and even if they are members of the Board.

Avri Doria: Okay. Thank you, Tinjani. I see a check from Eric in support of your statement.

Karla, I see your hand up. Is this - do you want to be in the queue, or did you want to make a specific response to what Tinjani said?

Karla Valente: I would like to make a response to what Tinjani said. Actually, a suggestion to the group. I often hear one of the comments related to the (unintelligible), and that's not specific to Board comments, but I hear from you know, staff and other community people, "Well, if a needy applicant doesn't have money to pay for application fees, how is he going to run a registry, which is you know, a much more higher - is a higher cost, and we need something that is businesses that are sustainable."

So, I think maybe we could add something that would clarify how the fee reduction could really benefit developing countries. And somehow, address this concern about the not having money to run a registry.

Avri Doria: Okay. Thank you. And in fact, I think that contains a larger suggestion, when I look at the document that we need to do explanation as to why these things are a good idea.

Alan, I've got you next.

Alan Greenberg: Yes. Thank you. Notwithstanding the issue that Tinjani raised, I'm a little bit confused about the wording there to begin with. It says, "Staff will publish a list of those who are requesting assistance." We scrapped the expression "of interest". I don't know the mechanism by which staff can get that information? How are we telling people ahead of time, since a fair amount of the assistance might be required prior to submitting the application to be able to both put together the application and prove that you're capable of running a registry.

There seems to be a cart and horse problem here, that it just doesn't make any sense how this can work, and is almost doomed to failure unless there's a separate process going to be going on to solicit these things well before the application period, which means now. So, I'm a little bit confused about how one can actually implement this, even if you take it at face value.

Avri Doria: Okay, thank you. And, I see Sebastian has added an agreeing check in support of your comment.

Okay, Evan, I've got you next.

Evan? It doesn't look like you're muted.

Evan Leibovitch: How's that look?

Avri Doria: Oh, I heard a how's that.

Evan Leibovitch: Okay. I just wanted to let everybody know if you hadn't seen it in email that I was fairly - I was quite concerned by the Board response. And in fact, was wondering upon what basis and what presentation to the Board that the community input was being delivered. And if indeed it was being put through a filter through which our concerns were not be properly expressed, that's important to me. So, I have made a specific request through email as co-Chair to Karla to request the specific documentation, that is any reports, presentations, and other supporting materials that was given the Board upon which to make its recommendation.

I hope I have this Committee's support of it. And, I just want to first of all just be clear about what I've done. I wanted to act quickly because I believe this to be no longer just a gTLD issue, but an ICANN accountability and transparency issue. I was under the impression that the Board Retreat was not itself going to produce any official statements of resolutions, so some of this came as a surprise to me.

I hope I have the support of the rest of the committee, and you know I'll take any flack or responsibility for having done that before this call.

Avri Doria: Okay. Thank you. As I noted on the list, as your co-Chair I endorse your request and add my name to it, and I'll join you in flack received at any point. I saw at least several green checks. I saw Tinjani, Sebastian, Dave, and Andrew Mack did change his hand up to a green check for awhile. Could anyone on the call who objects to this - and Cheryl's check has gone up. Could anyone that objects to this put a red X up?

I see no red Xs, and Alan has joined with a check. So, I think from the list where there has been no dissent, no shout back at you, and from the list of checks I think we can say that you do have the support, and I have joined you, so I would say that we have the support.

Evan Leibovitch: Okay.

Avri Doria: The Chairs are making a formal request.

Evan Leibovitch: Okay. Thank you. And, I would just add one more thing, is that after I put out my letter, I received a private email from a Chair of a totally unrelated Committee who is going to be tracking the progress of this, because he's in the exact same situation of having presented things that did not get received with a good reaction by the Board, and is also interested to see the public visibility of the way that community input is being provided to the Board.

It does you know, sort of go the heart of why were we created by the Board with this mandate only for - only to be rejected this way. And part of me is wondering whether or not we're simply being presented through - I hesitate to say -hostile filter, but at least one that isn't advocating our position in front of the Board, and I'll leave it at that.

Avri Doria: Okay. Thank you. I might recommend that in response to this private communication, you suggest that they make a formal request also so that there's several formal requests to be dealt with. And, I know of at least two groups whose inputs -- other than us -- whose inputs seem to have been ignored. In fact, the only one that was encouraged to continue doing work was the one that said they were deadlocked. (Unintelligible), right, be that as it may.

Andrew Mack.

Andrew Mack: Yes Avri. First of all, I heard the same yesterday. We had an IGF USA debrief from Vilnius, and there were a number of people from other groups that had a similar puzzled response to this, and there's similar concerns. So, I agree with you very much.

I was looking at the Resolution that was posted to the Web site, and one of the things that I noticed was this whole timing issue with the GAC

recommendations and things like that. And, I wonder if that doesn't - the way that it is perhaps cleverly worded, I wonder if that doesn't present us with an opportunity, because this may not be over. They got the GAC recommendations late, from what I understand, and the way that they wrote this, they almost said, "We're not looking at these seriously," which suggests to me that they're going to have to go back and revisit this in any case.

So if anything, it would suggest to me that the people who are saying let's keep pushing forward, I subscribe to that notion because I think if there's - this is just far from over.

Avri Doria: Okay. Thank you.

I see Eric got his hand up, and then Cheryl. Eric, go ahead. And please, also mention the things that you've been putting out on the comment period. I haven't been - I mean the comment space. I haven't been able to include them or respond in any way. So, please include those. Thank you. Eric.

Eric Brunner-Williams: I hope you weren't asking me about the comments.

Avri Doria: I can't hear you.

Eric Brunner-Williams: I said I hope you weren't asking me about the comments.

Avri Doria: No. No. No. I was asking you - you seemed to be making some suggestions or questions in the chat area, so I was just...

Eric Brunner-Williams: Oh, okay.

Avri Doria: ...suggesting you mention those also, just in case like me, everyone's not able to follow it.

Eric Brunner-Williams:       Okay. I have a few things to say. Going backwards, I'll start with Evan. Evan, I believe that there is an accountability and transparency issue here. I urge you to make that case, and that's the reason why I didn't simply give a check mark is that I wanted to point to this issue in particular, that there was an accountability and transparency issue present.

Next to Karla. I think you're point that if the fee is too much then there is the naïve believe that the registry operator will not be able to meet expenses. Clearly what we need to do is point out the difference between the upfront fee costs and the ramp up of revenue as the registry goes into operation. Because, the belief that the registry applicant that doesn't have the initial fee is incapable of actually operating is a naïve belief, probably from parties who have never operated a registry.

Avri Doria:               Right.

Eric Brunner-Williams:       And I believe there's at least two of us on this call who have operated registries and can speak to this issue very directly.

Finally back to the language of the Board's motion, that unfortunate text. If the assistance in the Paragraph 2 is imagined to be post-application, then each applicant which is at need risks the total loss of its fee and all additional resources, including the continuity instrument. So if this is the sense that is intended by the Board, that whatever assistance is possible arises after the deposit of all of the resources of the applicants, then we need to be able to make sure that the applicant can recover some value should they be unable to obtain the assistance they're seeking.

So basically, (unintelligible) is that we have to find a way for applicants to be able to sell their successful applications which they're unable to realize for lack of further resources. I think that's not what the Board originally intended. That they (were trafficking and field) the applications, but it is the only way I can think of offhand to preserve the value that the applicant puts in, who does

not receive the aide that is necessary for them to continue. It's either that, or we simply have failed registries every - (unintelligible) failed registries, and that's probably not what the Board wants either. Thank you.

Avri Doria: And thank you Eric. And while you were speaking, I saw a couple of green checks flash through, but didn't actually record on which point and whatever, but it definitely was support for what you were saying.

Cheryl.

Eric Brunner-Williams: I (didn't) look at the screen, but thank you.

Cheryl Langdon-Orr: Thanks, Avri. Cheryl here. Eric, unfortunately I missed part of what you were saying because the operator was busy asking me to mute because apparently, I have an (unattainably) loud and noisy line that's just driving you all to destruction, so I apologize for that. But once I finish speaking, if I'm being such an incredible distraction, which is going to be interesting when I do Chairing for the next four hours of the evening for other meetings, if I can get Avri or someone in control needing for you to mute me, then feel free to do so.

Avri Doria: I will mute you and unmute you as you speak.

Cheryl Langdon-Orr: Thank you, dear. I appreciate that greatly. Now, so I missed what you were saying, but everything heard you say Eric, I think it was incredibly important. The reason I put my hand up was two-fold. One was to strongly suggest to this work group that the Chairs should formally bring this concern, and I think it's a - quite a reasonable concern to bring forward, not only through Karla, but directly to the Accountability and Transparency Review Team.

It goes across a number of the activities that both the external evaluation -- Burkman -- is looking at, and also some of the internal work teams. So

wearing my ATRT member hat, we can't do something without you complaining about it, so please do so.

Secondly, as Avri pointed out, it's not the only extremely hard working, in fact almost unbelievably hard working work group - cross-community work group in particular that has been operating at a frenzied level, I would like to suggest to try and put a huge amount of consensus building and work together for this Board Retreat, so that they had as much information as possible to look at the wonderful world of new gTLDs. And as was noted, anyone that's got anything positive, that was the one where they're in deadlock and sort of said, "Please get back to us to say you're kind of in deadlock or not."

The one which has got to do with morality and public order, that's a (tri-ka-dyke) model of a chartering organization. And in about eight or nine hours, I think it'll be your afternoon in Eastern Standard Time, or Daylight time, or whatever you're in in America. Hither, the Chair of the GAC has Chuck and myself and (Frank) to have a teleconference with her, because she would like to discuss with us as co-Chairs of at least one of those work groups some of the matters from her perspective from the Retreat.

So, I'd like to ask if you're all wanting me to, if there is something relevant, even though it's not specific to the JAS topic, if there was something more general in the way materials were able to presented at the time that was available for them to go through during the Retreat. I will ask her if it's possible for me to pass that information back on to this, and indeed the other work groups.

Avri Doria: Okay. Thank you, Cheryl. I believe that it would be totally -- and I'll ask the group on whether they accept this -- to pass on any of our discussions, our issues about transparency and such to them, and to lend support to - you know, to inform them of which way we're looking at going, and to you know, be what support we have for common action. I think one...

Cheryl Langdon-Orr: Okay, I think there may in fact be a wider cross-community interest in a number of the outcomes.

Avri Doria: Okay.

Cheryl Langdon-Orr: Thanks, Avri.

Avri Doria: If you want - does anybody object to the basically, carte blanche that I've -- and forgive me for trying to use something that came from French -- to Cheryl, in terms of our support and information from our approach or our distress?

Seeing none...

Evan Leibovitch: Avri, can I say something quick to this?

Avri Doria: Please do.

Evan Leibovitch: Okay. I'm jumping the gun a bit, because the ALAC meeting directly after this is where I was going to raise this. But, I just wanted to I guess mention it now because it's appropriate, and find out what the sense is here. I was actually going to propose at the ALAC meeting that the ALAC endorse a request for information on behalf of all of the working groups in which it's participating. This one, the Rec6 one, the other - of any other cross-community groups in which we're participating. And essentially, to try and get some visibility in the way that the community input is being presented.

So in addition to my own request through staff, I was kind of hoping that the ALAC, in a motion that I was going to make in the upcoming meeting, would make a formal request for this. And, I guess I would also make a suggestion to my GNSO friends on the same call to see if Counsel would be interested in making the same request.

Avri Doria: Okay. Thank you. I guess Rafik is our liaison, so that would be a question to him. So, I'd like to ask the question; does anyone on this call object to Evan making the motion in the name of this group within ALAC in his next call?

I see no red Xs.

The other thing I wanted to mention from Cheryl's -- and I haven't muted her yet, which I said I would do -- is -- but I don't hear any noise at the moment -- is that I think that her suggestion about Evan and I sending something to the ATRT is a good idea, and I might suggest to Evan in the context of ALAC that within your motion, you may want to include passing a copy to ATRT, and thus avoid putting Cheryl in the position of being both Chair and participant in the group and having to say - oh, I don't know how you would say it, but anyway. So, I'd like to make a recommendation.

Does anyone object with first of all, Evan and I sending a - the issue to the ATRT?

I see no red checks. I do think that we should pass the message that we're going to send across the mailing list first, so that the wording can be dealt with if anyone, either not on this call or you know, has concerns about the wording, to let you all see it before it's sent.

Going back now to the list. We've got Alan, Rafik, and then Eric. So Alan, please. And thank you for letting us interrupt in the queue.

Evan Leibovitch: Thank you. You're welcome. Two things. Number one, going back to the - to your comment about maybe we didn't explain things well enough in the report. If you go back to the original Nairobi resolution, there was a whereas saying, "Whereas the whole program is supposed to be cost recovery." So since we were advocating a number of different ways that if cost recovery wasn't being violated, at least it was being mangled a little bit, I think perhaps we did not explain that well enough.

But, we don't of course know to what extent the details - you know, the summaries that were passed to the Board included any of our explanations. But, that's something I think we need to look at in the final version. I note it wasn't a - in the resolved that we come up with cost recovery, but it was a whereas, which means we should be addressing it.

The second issue relates to I guess what Cheryl was saying. And I'm more than a little bit concerned, as I think we all are, that we're looking at a number of different groups that were chartered - effectively chartered by the Board or requested by the Board. And to a large extent, all we have seen out of the retreat has been what has been characterized as a slap in the face. That is, not really acknowledging the work that was done, or the specifics of it.

And, I find that more than a little bit troublesome. And I do that - I say that in the context that this was not supposed to be a Board meeting with resolutions to begin with. As late as a few days before the meeting, it still was billed as a retreat not a formal Board meeting. And, I would've thought that out of the retreat, the groups that it chartered should've got some - a bit more specific and targeted feedback, not just some whitewashed resolutions which are very hard to parse and understand, and don't really give us any guidance as to what to continue to do, if anything. Thank you.

Avri Doria: Okay. Thank you.

I've got Eric.

Eric Brunner-Williams: Thank you.

Rafik Dammak: Avri, sorry.

Avri Doria: Oh, sorry. I had Rafik...

Eric Brunner-Williams: That's Tinjani, I think...(unintelligible)...

((Crosstalk))

Avri Doria: ...but then Rafik disappeared.

Rafik Dammak: I have problem with my (unintelligible).

Avri Doria: Okay. Eric, is it okay. I did have Rafik before you, but he disappeared from the list.

Rafik Dammak: I'm sorry. Okay, so just two points. Sorry that - for that. As working group, we have to continue working, and we have to present our last outcome to the next GNSO Counsel call next week. And then, I think that we are requesting comments from different stakeholder groups and constituents.

The second point, if I understand the Evan request, maybe I will try to send a message requesting from GNSO Counsel about disclosing the - what's word? The document that used by the ICANN Board, just I am - I want some clarification from Evan, and I will be happy to send the message or the request to the GNSO Council. Thank you.

Avri Doria: ...very much.

I've got Eric, and then I put my hand up because I want to make a personal comment, even though I know I'm constantly talking as Chair.

Eric.

Eric Brunner-Williams: Thank you. And I'm sorry; we're (unintelligible) on your (monitor). Just wanted to let you all know that I'm one of the Burkman interviewees, so I too will be (unintelligible) use the opportunity to...

Man: Eric, can I ask you please to speak in the microphone. I can't understand you.

Man: You're very soft, Eric. Yes, please speak up.

Eric Brunner-Williams: Thank you.

Man: Okay. Okay, that's better.

Eric Brunner-Williams: I'll hold the apparatus closer to my mouth.

Man: Thank you.

Eric Brunner-Williams: Because I've been interviewed by the Burkman center and have the opportunity to provide additional input, I'm going to summarize the subject of our call, you know (unintelligible). So, that will also be a component to the ATRT by the Burkman (planner).

Alan, didn't you (say something) about the whereas and the (recover rates), and I've been troubled by this ever since the beginning, or you know, all the way back to the Los Angeles meeting three years ago. Communities (advertising) their application are not in the same - there's a real echo here, so I'm hearing myself a few seconds delayed. Applications which are community-based (advertise or exist) must prevent string collision that makes the likelihood of (spring contention) reviews. Whereas applications which are a close secret by the applicant (unintelligible) entered application, they collide because there may be (unintelligible) applications for (shoe) or things sufficiently close to (shoe) during (conventional) criteria.

ICANN has persistently said that every application has to pay for the string confusion development, or the string similarity software, and so on and so forth. But, this is clearly a cost which is being borne by community applicants who advertise their existence, reducing the likelihood of string contention, or have truly unique names, which there is no contention for it - it will get a

contention for, and yet they're being forced to pay the fee for the development of tools which are intended to - basically, for an entirely different class of application - standard class of applications which are introduced covertly.

So, I think we have been letting ICANN slide on the cost recovery issue by allowing them to charge anything they want to every applicant uniformly, and not tasking them to make cost recovery actually mean something more than a blanket statement. Thank you.

Avri Doria: Okay. Thank you.

Okay, putting - having put myself in the queue, I wanted to bring out two things. First of all, I was also one of the Burkman interviewees, and I think that's an excellent idea, Eric. I think I will try to do something similar and pass the issue on to them. It was an issue I had already spoken about in general, because it's certainly been an issue I've been carrying a banner about for a couple of years now, in terms of secret reports to the Board that have been making decisions that make no sense to anybody, and et cetera. So, I think that's a great idea, and I hadn't thought of it myself.

The other thing I wanted to point out is that while people were talking, and perhaps some of you eluded to it, but I realized that the suggestion that was made in our excerpt about staggering the payment of fees during the application period is actually not one that they responded to. They did respond to a fee level, but - and it may just be an oversight in the writing, but they did not respond to fee payment schedules. So while it's a very small point, it is something that I do think should be brought out when we continue working on the report.

I defiantly am fully in support of, in fact I had realized it when I was working over the weekend on the report, is that we have lost an explanatory section on all of these many questions such as you know, if you're not rich enough to

pay the fee, how are you rich enough to do that? Even though we've talked to people about that theme, and many of us have until we were blue in the face, it keeps coming up; therefore, we should put it in. We haven't you know, gone into depth on the rationale as to why any of these particular fees should be dropped, et cetera. So, I do think those are sections that need to be written before we finish the final report. As usual, I'll be looking for volunteers to write the first chunk of them. I'll certainly volunteer to write some first chunks myself.

So, I'll take myself out of the list. Go back to Chair mode. Evan.

Evan Leibovitch: Sorry, I didn't take myself off mute.

Avri Doria: Okay.

Evan Leibovitch: I just wanted to respond to Rafik's question about specifically about what I was going to suggest to be taken back to Counsel, and that is a request - I mean, we can only speak here on behalf of this committee. But when I go to ALAC, I'm going to be speaking more generally that there be a request from the ACs and SOs involved in here to make a specific request for documents about community input that were presented to the Board during the retreat. Not - I mean, there were a lot of gTLD issues that were discussed. My supposition may not - may or may not be accurate, is that they were all presented in a single presentation with a certain specific set of recommendations that may or may not have been advocating what we were putting forward.

So what I'm suggesting, and it sounds like there's some reasonable consensus within this group, is to go back to ALAC and GNSO so that those bodies actually make requests for - you know, to make the documentation that was presented to the Board on a range of issues, to make that open and transparent.

Avri Doria: Okay, thank you.

Evan Leibovitch: Rafik, did that answer your question?

Avri Doria: Rafik, are you mute? Rafik is mute. No, Rafik can talk. Please, Rafik.

Okay. Well, I'll keep Rafik in the queue. Hopefully, he'll be able to answer - to unmute himself.

Rafik Dammak: Oh, I am here.

Avri Doria: Oh, okay. The question - basically, Evan gave a response to your question and asked whether his answer was okay.

Rafik Dammak: Yes. And so my understanding that this not just committed to our working group. I will be to send a request to the GNSO.

Avri Doria: Okay, thank you.

Okay, Andrew Mack.

Andrew Mack: Sorry. I had to get off mute. Yes, as we are adding in to our explicit - you know, our early acclimation parts of this, or rationale parts of it, one of the things that we've talked about a lot, but I don't know if we stressed enough is just the fact that - but something that I think we all agree, which is that this not a level playing field. And especially when you're talking about parts of the world where there aren't the resources, where the language issues are more substantial, the translation issues are more substantial.

They're - when they come back to us and say that one size fits all, I think that we to be stronger perhaps in saying you know, we're not starting off in the same place, and therefore that - we're not even talking about one size fitting

all. We're actually talking about people starting off with a very big disadvantage.

Avri Doria: Okay, thank you.

Any other comments on this part, in terms of the Board resolution?

Okay, we've only got a - less than ten minutes left, and I know that some of you have to leave within five of those at the most. In terms of going forward, what I heard from people -- and please correct me if I'm wrong -- is that A, yes we should be going forward and we should complete this report. And B is that we need to speak out in a greater number of forums publically, et cetera, about our reasons for this about our proposals and such, as they finalize.

Be that in various venues, we should be making formal and other requests in terms of you know, getting information about what indeed was presented to the Board. How it was presented, such that we understand the full scope of information that the Board had in making its decision.

Okay, where was I? I was at 3 -- 4, that we work with other groups whose reports and such were similarly ignored, and we look at what's happening with that. I don't know if I've let out any steps. I see some hands have gone up. One thing I'd like to add to that list is that we still have to try to get the work done in a very timely manner. And so, I'm recommending that we would keep working on our two meetings a week and try to get working done in between.

Okay, I've got three hands now; Eric, Cheryl, and Tinjani. Eric, you're first. (Unintelligible).

((Crosstalk))

Evan Leibovitch: Thank you. Just a little - to the list of things to obtain, I'd like to add a (whip) count. I'd like to know what the vote was. Was it unanimous? Were there abstentions? Were there any votes opposed? If we're going to imagine that the next Board -- which is three or four seats different from the current Board -- could have a different outcome based on its composition, that belief can't be reasonable if we don't know what the (whip) count was, that is what the votes were at this point. Thank you.

Avri Doria: Okay, thank you. I think that's a reasonable request, even if there wasn't another Board in the future being considered. So, thank you.

Cheryl.

Cheryl Langdon-Orr: Thanks, Avri. And following on from Eric. You keep giving me these perfect segues Eric. Thank you.

Evan Leibovitch: My pleasure.

Cheryl Langdon-Orr: Just while you're very specifically requesting the chartering organizations to ask for very particular things, I have a sudden feel that there might be one of those multi-Chair of AC and SO letters being brewed somewhere in the not-too-distant future. Let's don't forget to get to ask for a prompt publishing of the Board book, which of course even though parts of it may be redacted, it is what the Board has undertaken to make public to the community, which is a copy of everything that the Board members get.

Avri Doria: Okay, thank you.

Tinjani.

Tinjani Ben Jemaa: Yes, thank you. First of all, the new members of the Board will seat after (unintelligible), so perhaps it will be late. It's only a remark.

Now, I come to the main intervention. (Elaine) was sent an email saying that perhaps we were late in giving outputs to the Board, that's why this resolution came. And, I don't think so. But for the record, I think we can go faster in accomplishing our work, because right now we are only working during the calls. Only Avri and some few members are working between the calls, and this is wrong. We have to all to work between the calls. We have all to prepare the call so that we can be productive and we can go faster. Thank you.

Avri Doria: Thank you. I thank you for that remark. I totally encourage everybody to get more active between the calls.

I'd like to make one point on the discussions about next Board. It's speculation at this point, but with a new Application Guide only coming out in November, and the notion that comment and a community comment period will be held after that new Application Guide comes out, which is in December, any decision by the Board that includes the comment from the community will be made by the new Board.

Now, it's quite possible that this Board could decide, "Oh, we don't need to wait for the community response to the new Application Guide," and try to make the decision on its own, and then that would be another accountability and transparency issue that would be a major one. But if they follow normal process, and an Application Guide comes out in November and they have a 30-day comment period in all languages, et cetera, remember that at the end of the Cartagena meeting, the new Board is sitting.

So, I think on the timing I think you're right. If they make a decision in Cartagena, it's the old - it's the current Board. But - and I'm just speculating because I obviously don't have a real timetable.

It is now 55. I see no hands. I do not recommend we start on the Issues list at this point. I recommend to everyone, look at the Issues List. Look at the draft

that I sent out and that Karla sent a clean copy out of. I'll probably take some time in the next day or two and just add a block where we'll be putting the other explanations, and then perhaps put a set of headings for what some of the ones I think we need to provide are, though I won't have gotten very far in content. Obviously if anyone has content, even on the email list, send a paragraph, and two paragraphs. I can cut it in or Karla can cut it in, and then we can use that as a base of text on which to start working.

I totally agree with Tinjani. I want to finish this as soon as we can, and then you know, get into advocacy mode. So, does anyone else - I see Tinjani has a hand up, and then I'll give Evan a final word, and then we'll close the meeting. Tinjani.

Tinjani Ben Jemaa: Okay, thank you. It's just to say that now we have to work on the draft final document and on the response to the comments. Those are the things that we have to work on now to concentrate on. And, I think from now to the next call, which is in three day - or two days or three days, I have to concentrate on one - on (for example) - on the final report, and we have to finish it.

If we manage to finish it, it will be very good. So, we have to concentrate on a single thing for the next call.

Avri Doria: Okay, Tinjani. I think I can support that. Let's concentrate on the final report.

Evan. As co-Chair, any final words?

Evan Leibovitch: No. Just thanks for the confidence of the group in the action that we're taking about trying to make the Board accountable for why it did what it did, and possibly to senior staff for why they recommended what they did to the Board. And, we'll see where we can go with that.

Avri Doria: Okay. I thank you very much. I wish those of you going directly into an ALAC meeting great endurance and patience and success. And, I call the meeting closed. Talk to you all on Friday.

Man: Thanks. Bye-bye.

Avri Doria: Bye-bye.

END