Vertical Integration PDP Charter Drafting Team
TRANSCRIPTION
Wednesday 17 February 2010 at 18:00 UTC

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http://audio.icann.org/gnso/gnso-vertical-integration-20100217.mp3

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

Present for the teleconference:
Stéphane van Gelder – Registrar Stakeholder Group – Drafting Team Chair
Jothan Frakes - Registrar Stakeholder Group
Jeff Eckhaus - Registrar Stakeholder Group
Brian Cute – Registries Stakeholder Group
Tony Harris - ISPCP
Kristina Rosette – IPC
Berry Cobb – CBUC
Avri Doria – Non Commercial Stakeholder Group (NCSG)
Milton Mueller – NCSG
J. Scott Evans - IPC

ICANN Staff
Margie Milam
Marika Konings
Glen de Saint Gery

Absent apologies:
Jean-Christophe Vignes - Registrar Stakeholder Group
Olga Cavalli – NCA

Coordinator: The recordings have been started.

Stephane Van Gelder: Okay. Thanks very much. Welcome everyone to this second call

                for our VI Drafting Team. Glen could you give us a roll call please?

Gisella Gruber-White Stephane it's Gisella. I'll do that with pleasure.

Stephane Van Gelder: Oh sorry Gisella.

Gisella Gruber-White Good afternoon, good evening to everyone. On today's call we have Stephane Van Gelder, Berry Cobb, J. Scott Evans, Jeffrey Eckhaus.

From staff we have Margie Milam, Marika Konings, and myself Gisella Gruber-White.

And I do not have any apologies. And Avri Doria will be joining us shortly. But please remind everyone to state their names when speaking for transcript purposes. Thank you.

Over to you Stephane.

Stephane Van Gelder: Thank you very much. Right so we have an agenda that I sent with the second item being--which I suggest we do now before getting into the heavy stuff that we're obviously going to get into judging from what's been happening on the list--do we want to have a meeting face-to-face in Nairobi? Now I guess that depends on how many people from the Drafting Team will be there. I think it would be useful. I don't know what the rest of you think.

Jeff I think you'll be there.

Jeffrey Eckhaus: I'll be there and...

Stephane Van Gelder: J. Scott...

Jeffrey Eckhaus: ...I think that it's a good idea just my - I was going to - hold on my - yes but I think it's a good idea if - whoever's there to have a face-to-face.

Stephane Van Gelder: Okay. What about the others? J. Scott I know you won't be there will you?

J. Scott Evans: No. I don't think anyone from the IPC. I put out to the list a couple of times and requests and I've gotten no responses back that anyone is going to be attending.

Stephane Van Gelder: Okay.

J. Scott Evans: (Unintelligible) participate remotely. So if you have remote participation we will try to have someone there.

Stephane Van Gelder: Okay that's good. So what about the others? Berry?

Berry Cobb: Yes I'm planning to be there.

Stephane Van Gelder: Okay. Well that's - I suggest we keep that on the GNSO Council agenda for the moment. And I think it would be useful for us to have a meeting. We'll try and get remote participation for that. I'm sure that will be possible. And if it turns out to be very difficult then we'll cancel it.

I'm just looking on the draft agenda that I'm also in charge of. When that meeting is scheduled for if anyone sees it before me, staff...

Margie Milam: Yes. Stephane, it's Margie. We've got it scheduled for Wednesday at lunch. We'll be serving lunch at 12:30.

Stephane Van Gelder: Okay. Good. Thanks Margie. Well let's do that then.

So let's move on to the draft charter. Now there's been - there was - when I wrote the agenda there was a few comments and they've come fast and thick since then so it may be more difficult to try and sort them out.

There is an obvious debate around Objective 5. Perhaps the best way - and Margie has put the draft agenda as it stands at the moment on the Adobe for those of you who are connected to that. So do you want to - perhaps we can

just check whether Objective - I don't think Objective 1 really poses any problems. I'm going to proceed on that assumption.

Now there was an alternative proposal for Objective 2 which seems to have the support of well at least Jeff and (Mike). And that objective is shown on the screen at the moment in italics.

Is everyone on the call okay with that? Are there any worries there? Please feel free to let me know if you want to be in the queue.

No? Okay. I'll...

Jeffrey Eckhaus: Stephane it's Jeff here. I - just - I'm just quickly looking through this that I think part of it was that we were going to use the term - that we were going to put in "previous" and I don't see that in there.

Stephane Van Gelder: So "previous" is - sorry. "To review current gTLD registry contracts and policies to identify the current...." You would like to add "and previous restrictions"?

Jeffrey Eckhaus: No. I think my whole point on that was - for number two was that I wanted to say - was that previous registry contracts, you know - or either I think we could say, you know, "previous ones that are expired, have been replaced but ones that were in effect in the past" those allowed for, you know, some of the cross-ownership vertical integration and that we should be looking at those as well. I think that was my point. And then that was what (Mike) had agreed to.

Stephane Van Gelder: So what extra wording would be needed compared to what is shown in italics on the screen at the moment?

Jeffrey Eckhaus: Right. Give me one second to think - I'm not a lawyer so...

Stephane Van Gelder: I mean I didn't see anything on the list so.

Jeffrey Eckhaus: That's what I had written down. Give me one second to...

Stephane Van Gelder: Okay. Okay.

Jeffrey Eckhaus: ...think of that. But yes...

Stephane Van Gelder: Okay that's fine.

Jeffrey Eckhaus: ...that was the only thing that I had.

Stephane Van Gelder: Okay well while you're doing that...

J. Scott Evans: Stephane? J. Scott.

Stephane Van Gelder: Yes.

J. Scott Evans: How about "to review current and previous ICANN gTLD registry contracts and policies to identify the current and past restrictions"?

Stephane Van Gelder: Would that be okay with you Jeff?

Jeffrey Eckhaus: Yes I think that's okay. Yes. I mean you guys saw from the list that, you know, what we were looking for and what (Mike) had agreed to. I think that encompasses it. Yes.

Stephane Van Gelder: Okay. Margie you getting this?

Margie Milam: Yes.

Stephane Van Gelder: Margie?

Margie Milam: Yes I'm getting it.

Stephane Van Gelder: Okay good. Okay. Has anyone got any other comments on Objective 2 or can we proceed with that assumption then that the objective will be reworded that way which would read then to review current and previous ICANN gTLD registry contracts and policies to identify the current and past restrictions and practices concerning registry-registrar separation and equal access in place"?

Okay good. Let's move on to Objective 3 then which I didn't see much debate on the lists about this. So I think there's not much problem with that one. Please correct me if I'm wrong or if you would like to say anything on Objective 3.

Man: Stephane would you mind reading it out?

Stephane Van Gelder: Oh yes sorry. "To identify and clearly articulate the changes to current cross-ownership arrangements contemplated by the options described in DAGv3 and considered by ICANN staff in connection with the planned introduction of new gTLDs."

Man: Thank you.

J. Scott Evans: Stephane this is J. Scott.

Stephane Van Gelder: Yes. Please go ahead.

J. Scott Evans: My only question would be is there anything ancillary to DAGv3 like a memorandum or some supporting memorandum also that should be - you know, what I'm saying is what - is it all articulated in DAGv3 or are there some supporting memorandum...

Stephane Van Gelder: That's a very good point J. Scott. Perhaps we could add - we could either rephrase that to say, "By the options described in something like

ICANN's official documentation" or something although that's a bit vague or say - because one of the things...

J. Scott Evans: "DAGv3 and...

Stephane Van Gelder: "Plus..."

J. Scott Evans: ...any supporting memorandum."

Stephane Van Gelder: Yes yes.

Woman: That works.

Stephane Van Gelder: Top supporting documents I'd say.

J. Scott Evans: Okay.

Stephane Van Gelder: Would that be okay for you?

J. Scott Evans: So if this has come out in fits and spurts we need to make sure we're not missing something.

Stephane Van Gelder: Absolutely. So - sorry?

Margie Milam: Stephane it's Margie. I'd like to be in the queue.

Stephane Van Gelder: Yes go on - go ahead Margie. Sorry.

Margie Milam: Yes the other thing...

Stephane Van Gelder: I didn't see your hand.

Margie Milam: Sure sure. DAGv3 was quite some time ago and I believe there will be a proposed registrar-registry separation model. I don't know when it's going to be released but I just want to make sure that the drafting of this objective covers, you know, whatever that new current thing would be as well. So I just wanted to highlight that.

Stephane Van Gelder: Okay. So right now we have "DAGv3 plus supporting documents." Perhaps we could have "plus supporting documents and any further additions." Something like that.

I see Jeff maybe you have a suggestion. You have your hand up.

Jeffrey Eckhaus: Actually no sorry. I'm going to make it more confusing. I have a question. Sorry. This one's toward - directed towards Margie and staff. Could you, you know, let us know - maybe you could tell us now or on the list what are the relevant documents that are planning to be released and the schedule of dates so we could work those in and know what's going to be coming out because I'd hate for us to be working on something then to be, I hate to use the word "blindsided," but blindsided by, you know, new documentation or whatever it is that we somehow have to work in or it works against or it doesn't meet up with what, you know, our objectives are. Because I'd hate for the two sides to be working in parallel but on separate paths.

Margie Milam: Yes. And I think Tim Ruiz raised the question on the Council list earlier today as well. I have an inquiry to Kurt and his team because I don't know specifically what documents or what the timeline is for that. But I'll get - I'll send something to the list and I'll try to encourage one of them to participate on our calls.

Jeffrey Eckhaus: Okay thank you.

Stephane Van Gelder: So - and J. Scott I see your hand but how about this. "DAGv3 plus supporting documentation and any subsequent documentation"?

J. Scott Evans: How about just saying, Stephane...

Stephane Van Gelder: Yes.

J. Scott Evans: ..."by the options described in the most recent version of the DAG and/or all supporting documentation"?

Stephane Van Gelder: Yes. Sounds good.

J. Scott Evans: So that means...

Stephane Van Gelder: Most recent version.

J. Scott Evans: ...(unintelligible) the DAGs change they can still consider them.

Milton Mueller: This is Milton Mueller. I just want to let you know I just been able to join the call.

Stephane Van Gelder: Thanks Milton.

Kristina Rosette   Hi. I've just joined to.

Tony Harris: I'm here too, Tony Harris.

Stephane Van Gelder: Sorry who else was that?

Tony Harris: Tony Harris.

Kristina Rosette: And Kristina.

Stephane Van Gelder: Hello Tony. And Kristina. Hi to all you - to you all. Thanks for joining us.

Sorry I was in the middle of writing that down. So J. Scott your suggestion is "describe in the most recent version of the DAG and supporting documents."

J. Scott Evans: Yes.

Stephane Van Gelder: Good. Is everyone okay with that? We're on Objective 3 for those of you who've just joined us. And that would read - let me read this out again with that edit: "To identify and clearly articulate the changes to current cross-ownership arrangements contemplated by the options described in the most recent version of the DAG and supporting documentation," or documents, "considering - and considered by ICANN staff in connection with the planned introduction of new gTLDs."

Now is that okay for everyone or would anyone else like to make a comment on Objective 3?

Kristina Rosette: That...

Stephane Van Gelder: Okay.

Kristina Rosette: Sorry. This is Kristina. Can I...

Stephane Van Gelder: Go on.

Kristina Rosette: I am fine with that language and I - the only thing I would note is that I know that (Mike) had expressed some concern about whether or not that was strong enough to essentially mandate the staff to turn over the work product that's been generated in connection with their consideration of the issue. I think it is but I'm just leaving that open.

Stephane Van Gelder: Now that's a good point. And (Mike) if I recall what I read on the list suggested that we include another objective which we had in one of the

versions of the documents and which has disappeared since then. I'm happy with, you know, whatever you want to do. If you want to include that in this objective if you think that's - I'm just trying to find while I'm speaking his objective which was we had an objective at some point which said, "We call for further analysis from ICANN staff as to their reasoning within the Issues Report as discussed in this thread" - no that couldn't have been the objective. Sorry I'm mixing up two things.

But in any case the call was for staff to produce the documentation or any documentation that they might have which would be pertinent to this. So this Objective 3, you know, does seem to address that. If that's not strong enough then what could we add?

Kristina Rosette: I don't know. I'm just inclined to say let's go with it and if (Mike) has other language that he thinks is stronger then perhaps we can leave it to him to put that on the list and deal with it that way.

Stephane Van Gelder: I'm fine with that. Is everybody okay with that?

J. Scott Evans: Fine by me. It's J. Scott.

Stephane Van Gelder: Thanks. Okay Objective 4. Let me read that out. "To identify and clearly articulate the differences between the current restrictions and practices concerning registry-registrar separation and equal access, on the one hand, and the options described in DAGv3"--and we need to update that the way we have for Objective 3 I'd say--"and changes considered by staff on the other hand." So the first edit I'd suggest is "described in the most recent version of the DAG and supporting documentation" for that as well.

J. Scott Evans: I agree. J. Scott.

Stephane Van Gelder: Okay. Jeff.

Jeffrey Eckhaus: Yes I just have one quick question just about logistics on this. Does this then make it sort of a moving target because as - or, you know, do we say "as the most current" and that's it or "as new" - you know, "as new ones get released"? I'm just - I'm just sort of contemplating that in my head just conceptually now that I'm just thinking about this objective in the previous one.

You know, as new ones get released how do we account for those or do we just draw the line somewhere? Because I don't want this to just keep rolling as new ones and new versions and new documentation come out. So I just want to think about the logistics of that.

Stephane Van Gelder: On the other hand it would be difficult not - to ignore any new documents that would come out.

Jeffrey Eckhaus: Oh no. I agree with you. Yes I agree with you. I'm just trying to think how do we reconcile that. I'm not saying, "Hey let's cut it off and that's it." But I'm just saying how do we reconcile that. Because I agree we do need to take into the documents and everything that's available into effect. I just - I don't know maybe some suggestions.

Stephane Van Gelder: Kristina may have one.

Kristina Rosette: I understand your concern Jeff. I'm just wondering whether it's even an issue only because I know that in several places on the new page that has the new gTLD documents there's a number of references to the final draft being released in June. So I don't know as a practical matter how many more versions there will be other than the final.

Jeffrey Eckhaus: Well from what I was told - sorry this is just, you know, listening too much but that there would be a four and then a final.

Kristina Rosette: Oh alright.

Jeffrey Eckhaus: I believe that's what I was - that's - unless somebody says differently I think that's what I was told that four would be somewhere around Brussels and then final would be sometime around Thanksgiving time before the final meeting of the year wherever (unintelligible)...

Stephane Van Gelder: Yes.

Jeffrey Eckhaus: ...that may be.

Stephane Van Gelder: That was more or less what Kurt told us in one of the Council meetings. I think it was the last one so I think that is correct. That's my understanding as well that we have a v4 and then a final. But if anyone from staff wants to correct us. J. Scott.

J. Scott Evans: I suggest that we just put a footnote in that's set next to that language that says that we understand that the DAG is an evolving document and they are - they should conclude the work based on whatever existing documentation is in existence at that time. You know, just put a little...

Stephane Van Gelder: Yes.

J. Scott Evans: ...direction on there. In other words, you shouldn't wait on version 5 if there's rumors there's going to be a version 5 or a version 6. You need to complete your work based on the documentation that exists at the time. Because...

Stephane Van Gelder: Okay.

J. Scott Evans: ...there's a very good chance that some of this work may inform the final version.

Stephane Van Gelder: Yes. Okay that seems like a sound suggestion if - does anyone disagree with it? I see Avri you have your hand up.

Avri Doria: Yes. I don't disagree with that but one of the things I wanted to point out is if, you know, all those who say it's impossible aside, there is a chance that this work does get completed or at least parts of this work gets completed in time then, A, it shouldn't be an issue; B, this is what it means by should things pass that the work is not done and DAG the next comes out then the charter gets updated and basically the Working Group says, "Another DAG out" and sends a thing to the Council saying, "Hey, you know, we have to update because we got to do such and such with DAG the next."

I don't know that we have to solve every one of those possible issues now because that's why there's been the liaison and a mechanism for going back and saying, "Things have changed, you know, we need to change."

Stephane Van Gelder: Yes I would tend to agree with that. I don't think the group should try and solve every issue right now. I mean is the footnote that's been suggested by J. Scott okay with everyone and if so Margie did you get it?

Margie Milam: Can you repeat it please?

J. Scott Evans: Just there be a note that states that - you know, that we understand that the DAG is a fluid document and that they are to complete the work based on the documentation that exists at the time that the work is completed.

Stephane Van Gelder: Is that okay Margie?

Margie Milam: Yes.

Stephane Van Gelder: Good. Thanks. Any other comments on Objective 4 before we move on to the big stuff?

Okay good. So let me read Objective 5 and then take a show of hands I guess. "To determine what, if any, effect that the potential changes to the

current restrictions and/or practices concerning registry-registrar separation and equal access contained in the options set out in DAGv3"--and we would update that as we have the others--"and considered by ICANN staff will have on the retail and wholesale markets for domain names and on consumers of domain names."

Who would like to speak to that objective?

Now it's been suggested on the list and you're all being so shy that this objective should be stricken. And that's obviously a view that's not shared by everybody. Avri you have your hand up.

Avri Doria: Yes. I'm certainly not on the side of those that think this should be stricken. I think it should remain there. One of the things that I mentioned that I think is missing from this one is a recommendation, you know, when they've just determined that there are effect changes also a recommendation to the Council about what if anything should be done about those changes.

Now the other thing that comes up and this is a recommendation I made a long time ago is that if people really believe that this will take longer than the 16 weeks allow then you do have an option of having two-stage delivery where a delivery is made on the new one and this thing goes on longer.

I don't think that should be necessary. I think if we put STI-style effort behind this we could get it done in the 16 weeks. But the next objective, six, allows for some consideration to be made of, you know, staging delivery.

Milton Mueller: This is Milton.

Stephane Van Gelder: Okay.

Milton Mueller: I hear you saying so and so has raised their hand. I don't understand how to raise my hand on the telephone. Do you have some other...

Avri Doria: I'm in Acrobat. It's in Acrobat.

Milton Mueller: Okay. I'm not on Acrobat and I'm not going to be on Acrobat so...

Stephane Van Gelder: Well in that case just speak up Milton when you want to be in the queue and I will put you in the queue.

Milton Mueller: Okay. I'll speak up now.

Stephane Van Gelder: Okay. Please go ahead.

Milton Mueller: Those who support this objective let me just ask a simple question. What do you have in mind when you say "effect" - "determine the effects on the retail and wholesale markets or let's say on consumers? Tell me how you're going to answer that question.

Stephane Van Gelder: Who wants to wade in there? I mean the question is exactly that. The people that seem to be in favor of striking this objective are saying that it is just too wide basically and out of scope of the work that the working group for this PDP would be tasked with.

                   Kristina do you want to address that?

Kristina Rosette: Sure. I think - there's two ways to really go about it. One would be if there's a concern about breadth - and I should say at the outset that I do believe pretty strongly that this is within scope just on the face of the resolution. But if there's concern about breadth I mean I'm certainly amenable to pages that would add greater specificity to that last clause.

                   And in terms of - Milton your specific question I think that there's a number of ways to go about it. I think there's - and I think frankly the work that would be done in connection with number two--two?--could help inform that in terms of

identifying where you do have for example exceptions to current ownership restrictions is there any measurable impact on a consumer's ability to register a domain name? Is there any issue with regard to the pricing for that domain name in terms of - I think there's really kind of a whole host of ways that you could look at it.

Again the thinking that we had when we put this forward was this is broad, we know it's broad, but we want to make sure that this general idea is captured and we're open to specification.

Stephane Van Gelder: Thanks. Kristina. Now J. Scott.

J. Scott Evans: Well I...

Stephane Van Gelder: Or Milton did you want to just come back to that specific point.

Milton Mueller: Yes I - so you're saying we're going to find, I don't know, four or five contracts in which you think there's some kind of deviation from the normal standard of registry-registrar separation and then you're going to ask a bunch of questions about the consumer's ability to register a domain and the impact on a variety of other economic factors. And again you're not answering the question, How are you going to do this? How are you going to collect the data? Are you going to conduct surveys of consumers? Are you going to be looking at market data about the - are you going to be doing cross-correlation - you know, a statistical validity tests of the impact on market share of - I mean tell me what you're really going to study here and what conclusions you're going to draw.

Kristina Rosette: I don't - Milton I don't think at this point we need to make those decisions. I mean we certainly have the flexibility to call upon outside experts. And certainly that - it may be that once the working group looks at this objective and we narrow it down that that is the decision that's made.

Milton Mueller: So outside experts are going...

Kristina Rosette: But again if you're willing to...

Milton Mueller: ...to be doing the studies?

Kristina Rosette: ...identify kind of, you know, specific modifications that if you are concerned about looking at particular areas or you think that there are any particular aspects of this broader concept that you would agree is something worth at least considering what the potential effects are by all means put them forward.

Milton Mueller: No I think...

J. Scott Evans: I think...

Milton Mueller: ...this objective should just be stricken and that we...

Man: Yes.

Milton Mueller: ...don't talk about effects. We talk about whether the DAG arrangements are inside or outside of the - do they constitute deviation from policy. If they don't we're basically done. We - the DAG can go ahead as it is. And if it does then we have to determine what modifications need to be made.

But I don't think we're in a position to conduct research to actually make definitive pronouncements on the market structure impact or the consumer impact of these various contractual things. I think we have to kind of rely on the economic studies that have already been done and what we know about economics and the industry and say, you know, "This is out of bounds or this not out of bounds."

Stephane Van Gelder: Kristina is it your feeling that as (Mike) said on the list that staff has more information about this than they have been willing to give us or that we have been given. I don't want to make any accusations obviously of staff withholding information because I don't believe that's true. But is that the feeling that you have that there's more information there than the stuff that we've seen so far?

Kristina Rosette: You know, I don't want to sound paranoid but I kind of have to think that there is if for no other reason than that this has been an issue that as I understand it has taken out a significant amount of staff time, a significant amount of ICANN resources. You know, there's clearly something that's in the pipeline and about to come out and we haven't seen that.

So, you know, the answer to that is yes. How much? Couldn't even say.

Stephane Van Gelder: Okay thanks. J. Scott.

J. Scott Evans: Well I think Objective 5 - I'm okay with a little more specificity if that would make others more comfortable. I think that's the whole crux of the entire inquiry. From having attended the presentation in Seoul that certainly was the greatest argument from the floor and from people who are opposed who said it would have a great effect and those who are pro who said it would not. So I think that that is the crux of the entire inquiry.

I think that how this is gone about is not for us as a chartering group to decide Milton. That is for the working group to decide. And if you have points on that you certainly are willing to be in the working group and inform it there. And if it's something the working group believes that it either does not have the expertise or cannot acquire the expertise through outside experts to inform this they can come back to the chartering organization and request modification or striking at that point.

But I think that this is the entire crux of the inquiry. And I think that that needs to be looked at. I think that's what the community is wanting to hear about. And I think it is our obligation to empower this working group to have the ability to look into that.

Milton Mueller: If I could respond. Is anybody else in the queue?

Stephane Van Gelder: Yes there is. If I can just - Kristina have you still got your hand up? No it's...

Kristina Rosette: No no no.

Stephane Van Gelder: ...just gone down.

Kristina Rosette: Sorry.

Stephane Van Gelder: Okay. Thanks. Can I go to Jeff and come back to you Milton?

Jeffrey Eckhaus: I'll defer. I'll let Milton respond. Go ahead Milton.

Milton Mueller: Well I think based on what J. Scott just said I think there's actually less difference in our views than he might think. The issue for me has always been the short-term versus the long-term issue.

The issue of whether vertical integration should be allowed, whether that is - you know, what will be the effects of that on consumers and on market structure, is an important long-term issue that indeed requires all kinds of judgments and possibly more investigation into the effects.

What I'm concerned about is the short-term issue of holding up the new TLD round. And I'm simply totally convinced, and I would laugh in the face of anybody who suggests otherwise, that the kind of studies that you're calling for J. Scott could be done in 16 weeks. I think that is just crazy. I mean I do

research for a living. I know what policy research is. I know what it requires. It's not even a matter of access to expertise. It's a matter of gearing up, determining a methodology, collecting data. This cannot and will not be done in - well it's not even 16 weeks anymore. It's what, 13, 12, I don't know.

So yes, of course J. Scott, those issues should be explored and we should make long-term policy determinations about this kind of vertical integration. What I'd like to see is that we make a very short-term, very quick determination of whether the DAGv3 contracts are outside the bounds of current policy. If the answer is, "No," if they do not constitute vertical integration or an important deviation from current policy then those contracts can go forward and the new gTLD round can go forward. That's my concern.

Stephane Van Gelder: Okay thanks Milton. I see other people have put their hands up. At this stage I would like to ask you to - I think we've heard the arguments and I think we need to move forward with specific suggestions on what that Objective 5 could become because that's what we're here to do. Obviously if your suggestion is just to strike the objective I think that's going to be difficult because we're not going to reach consensus on that. Is there any way this group can reach consensus on a rewording of that objective? Jeff.

Jeffrey Eckhaus: Well I don't want to - you already know my position on this but I wanted to discuss was about what J. Scott has mentioned and that's about the process which I really would hate to do which is draft something, send it back to the working group, have them do - work on it, and then say, "It's not possible," then ask for a new draft and - you know, to go back to the drafting team and say, "Oh we need to change this because it's impossible."

I think it's our duty at this level of the drafting team is to put forth objectives that are possible or can be looked at versus making something, you know, into a working group process that is - you know, that nobody can accomplish and then it would have to go back and it becomes a long, long drawn out working group which is something I've seen on a previous working group I'm

on right now . So I just want to hesitate from just saying, "Hey let's throw stuff out there, see how it goes, and if not we can always go back to Council and ask for a new draft to the - a new charter."

Stephane Van Gelder: Thanks Jeff. J. Scott.

J. Scott Evans: Stephane I guess my frustration here is I see the tension here but this is created because ICANN in its inevitable wisdom put out all this stuff without doing all the work up front. And now they're trying to rush it on the backend before - and everyone can - we don't want to delay anything but this is important and we need to know how this is going to be but we don't want to delay anything.

And I'm just telling you, okay, then I can solve this entire thing. Just have the Council pass a resolution that says, "There will be no changes in anything until the necessary work is done." We can move forward under the current structure as it exists. Now we're going to create a working group to see if that structure can be amended at some other time but it won't be amended in round one.

But that's not what everybody wants. That's not what, Jeff, your company wants. So if you want to have a real robust discussion about what really concerns the community then we have to keep Objective 5 in. If you think it's too broad I'm willing to consider specificity to it...

Stephane Van Gelder: What would you add? What specificity would you add?

J. Scott Evans: Me? I think it's fine as is.

Stephane Van Gelder: Okay. Jeff.

Jeffrey Eckhaus: Well let me, you know, think about it because, you know, my point is that I think it's too broad. If you want me to think about - you know, I'm just

concerned that my - if I make changes to it it won't fit. But let me - if you want to give me a chance I can.

Stephane Van Gelder: Yes...

Jeffrey Eckhaus: I might not be able to do it on the fly.

Stephane Van Gelder: ...of course.

Jeffrey Eckhaus: But let me think about it because I'm really - I still think it's too broad but let's - I mean maybe we should just put it to the list on specificity if - but I'm still thinking it's still - to make everyone happy it's going to be very difficult. But let me just...

Stephane Van Gelder: Okay.

Jeffrey Eckhaus: ...maybe take a pass at that or somebody has they could...

Stephane Van Gelder: Jeff and Milton you both have disagreements with this objective as stated. If there is something that you can suggest to make it more palatable to you both...

Milton Mueller: I've got...

Stephane Van Gelder: ...I think would...

Milton Mueller: I've got some wording here that I'm working on but, you know, one - not to be flip but you say we have to have it because there's no consensus on removing it but there's no consensus on having it so I would think we're in pretty much the same boat here.

Stephane Van Gelder: No I didn't say we had to have it. I said we had to have consensus or we have to submit a charter that says on this objective there's no

consensus which doesn't seem like much of a charter to me. So my preference would be to reach consensus. I don't - I didn't say we had to have it. All I'm saying is that there's a few people that are saying they want. So saying, you know, either we want it or we don't won't reach consensus. And I've heard from the people that are saying they want it that they're willing to adapt so I'm hoping that the people that don't want it are as well so we can reach consensus. That's all I'm saying.

Milton Mueller: Okay how's this? As a proposed modification of Objective 5 and I'm kind of doing this on the fly but here's how I would - here's what would make it acceptable to me. "To determine whether," and then delete "what, if any, effect," "whether the potential changes to the current restrictions and/or practices concerning registry-registrar separation and equal access contained in the options set out in DAGv3 will have an" - "will have a deleterious effect on consumers."

Stephane Van Gelder: Reactions?

Kristina Rosette: Milton...

Man: We're leaving out...

Kristina Rosette: ...out of curiosity why would you want to take out the retail and wholesale markets?

Man: Yes, that was my point too.

Milton Mueller: Well ultimately the consumer is our primary concern. And actually let me take that back and say - to make it even simpler to say whether - "to determine whether the changes to the current restrictions and/or practices concerning registry-registrar separation and equal access contained in the options set out in the DAGv3 constitute an unacceptable deviation from current policies regarding registry-registrar separation." In other words, we're making a

simple judgment about whether it's a policy change, an unauthorized policy change. We're not trying to research the effects.

Stephane Van Gelder: Is that okay for Kristina for example or J. Scott? I mean we may not be able to - it may be too much to ask to reach - to come to a decision on this in the couple of minutes that we have left on this if we're to try and work through the rest of our agenda. So perhaps we can just ask Milton to send what he's just said to us on the list and just give ourselves 24 hours to review it and - I mean my aim would still be to try and get a finalized charter out - you know, out this week so that we can - you can all take those - that charter back to your groups and get approval on it.

But perhaps we can do it that way. Jeff I see you have your hand up.

Jeffrey Eckhaus: No I lowered it. I lowered it. Sorry I just...

Stephane Van Gelder: Okay sorry.

Jeffrey Eckhaus: After what you - I'm agreeing with your statement about putting to the list.

Stephane Van Gelder: Good. Okay. So Milton would you mind very much just sending that to either just Margie or the list so that we can start the discussion on that one?

Milton Mueller: I will do that.

Stephane Van Gelder: Thank you very much.

Jeffrey Eckhaus: Stephane I did have one comment if I can just add to it and then - sorry this isn't about Objective 5 but if I could - if we could - I would love that - this is something I brought up before that this is I guess for Margie and for staff if they could please really to let us know and to say, you know, what the documents are because I know that we all have these conspiracy theories

and there's, you know, secret memos and documents going around and if somebody could really just be straight with us and say, "Here's the information that we have. Here's what we don't have." Let's - you know, let's put it all out there because if not we're working on this feeling that there's secret meetings and secret studies going on and I - you know, I don't know if it's true or not but let's - at least let them just say that it is or that there is information they can share or there's not information - that everybody has everything...

Stephane Van Gelder: Okay.

Jeffrey Eckhaus: ...so we can move on from that.

Stephane Van Gelder: Okay. Yes point taken Jeff. I'm sure you don't want to put them on the spot right now so perhaps we can let them answer...

Jeffrey Eckhaus: Not at the moment, not at the moment. Yes exactly. Agreed. Give them a chance.

Stephane Van Gelder: Alright. Can I just ask those making points that seem to be worthwhile on the chat to actually raise their hands and ask to speak up because I'm not able to - I don't' know if the others are to follow on the fly those comments and manage the call as well. So Avri please.

Avri Doria: Okay. I basically just thought of a lead-in sentence to what Milton had proposed which is something like, "Using all of the information that has been collected to date, determine..."

Stephane Van Gelder: Okay.

Milton Mueller: Can you repeat that?

Avri Doria: "Using all of the information that has been collected to date, determine..."

Milton Mueller: That's fine with me. That'd be a friendly amendment. I just sent the proposed rewording to the list. I don't know if you have gotten it.

Stephane Van Gelder: Okay. Well let's not look at it now but Margie can you just make a note of what the - Avri's suggestion so that we don't lose that and add that to...

Margie Milam: Can you say it again?

Avri Doria: Okay I said it but I also did write it in the thing. It's...

Margie Milam: Okay.

Avri Doria: ..."using all of the information that has been collected to date, determine" then dot, dot, dot, going into whatever Milton wrote for "determine," dot, dot, dot.

Margie Milam: Okay.

Stephane Van Gelder: Avri can you just send that to the list? That would be helpful I think. I understand what you mean but it may not be clear to all.

Jeffrey.

Jeffrey Eckhaus: Oh I'm kind of parodying what Avri's saying. You know, I think if we strike that there be research performed but rather include what there is it will, you know, help move things forward and it also, you know, I think addresses what's hoped to be addressed by this Objective 5.

Stephane Van Gelder: Okay. Thanks. Let's move on to Objective 6 which I don't think poses any problems. Am I wrong?

Good. So let's move on to the third bullet point in the agenda which was discussing the - sorry Berry did you have a comment there?

Berry Cobb: I'd just like to - this is Berry. I'd just like to add that these documents that we're referring to I just posted a link for the lasted Board minutes and they talk about an economic study in relation to vertical integration. Thank you.

Stephane Van Gelder: Okay (unintelligible).

Man: Hey, very fast. Jeff Eckhaus brought up and I think it's a very good point that anything that we request or direct, you know, for drafting, etc. that we make sure that it's reasonably accomplished material that we request. So in essence I don't know if that would be part of a nuance to Objective 6 or if it would be a separate objective would be that any research we request or efforts we request must be something that can be reasonably accomplished.

Stephane Van Gelder: Okay. Thanks. So discussions on the timetables. I suggested that the 23rd of February would be a cutoff date for getting comments back from your different groups.

Now in light of our discussion tonight and the fact that we still don't have a finalized charter and we may have that in a - you know, in 24 hours but we may not do people still feel that that's attainable as an objective or would you rather we pushed it back to say the end of that week which would be the 26th?

So let me just ask the question this way. Is everyone okay with the 23rd as a cutoff date?

J. Scott Evans: For...

Stephane Van Gelder: Or would you rather push it back to later, say the 26th or the 24th or the 25th.

J. Scott Evans: I'm sorry Stephane. I mean - I said "for..."

Stephane Van Gelder: Oh for what. Well the cutoff date...

Milton Mueller: He's playing golf.

Stephane Van Gelder: The process that I - or you're - sorry J. Scott. Did I understand
                    what you were saying?

J. Scott Evans: Yes I want to know...

Stephane Van Gelder: Are you asking...

J. Scott Evans: ...what the cutoff day is for.

Stephane Van Gelder: Okay. I suggested that after this call we might have a final charter
                    that would then need to go back - to be taken back to each group by
                    yourselves, the representatives on this team, for final approval or comments
                    so that we could then, and I suggested that that would - that date would be
                    the cutoff date for those comments to come back to the drafting team. And at
                    that point we would consider we have a final charter that is - that represents
                    consensus in this team and we can then put that forward to the Council.

J. Scott Evans: Okay.

Stephane Van Gelder: So the question I'm asking now is is the 23rd still realistic to do
                    that. I mean I guess what I'm really asking is that would leave like a couple of
                    - well four business days say left for you all to go back to your groups and
                    that's assuming that we get consensus on this Objective 5 by tomorrow. Is
                    that long enough for you to get responses from your groups? Do you need
                    more time? That's what I'm asking.

J. Scott Evans: I think the 26th is the more realistic day.

Stephane Van Gelder: And Jeff says the 23rd so now we're in trouble.

Kristina Rosette: Stephane, it's Kristina. Is the 23rd - I mean is that driving something else?

Stephane Van Gelder: No it was just my suggestion because at the time I made the suggestion it was a week.

Kristina Rosette: Oh okay. I mean I think J. Scott may be suggesting the 26th only because, you know, not the entire IPC but a good chunk of it is meeting in New York on the 26th. So we could have it to our agenda and get what is more likely to be a fuller discussion than we would if we just threw it out to the list. So that would be, you know, the only - the only risk is if we go with the 23rd that I could be coming back on the 23rd and saying, "Okay, here are the changes we want."

J. Scott Evans: And (unintelligible) that, this is J. Scott we are one of the faster moving constituencies and we can make the 23rd. But having dealt with the (BC) on a couple of issues I think they would be hard pressed.

Stephane Van Gelder: Okay. So...

Kristina Rosette: Well Berry I mean is that - I mean is the 23rd doable?

Stephane Van Gelder: Berry says that he'll - Berry says that he could make the 23rd.

J. Scott Evans: If they can we can. We don't have...

Kristina Rosette: Alright.

Berry Cobb: It's Berry. I'll do everything in my power to make sure we get it done. We need to get this done.

Kristina Rosette: Alright.

Stephane Van Gelder: There is - to come back to your question Kristina there is - once we move way past the 24th, 25th, 26th we will run into a problem because I certainly want to get this - I mean my hope being the one - the ambitious person that I am and optimist I am, I thought we would be able to get this to the Council before the next - their next meeting which was on the 10th of March in Nairobi. But this is looking a bit more difficult now.

However if we run much further than the 26th then we will run into that problem of being past the standard deadlines for submitting documents. So I wouldn't like to go beyond that - if you all feel - maybe we can just, you know, come to - cut things in half and do the 24th if that's okay with everybody.

J. Scott Evans: I'm fine with the 23rd. We can make it. I was thinking of other groups.

Kristina Rosette: Yes, we'll do it.

Stephane Van Gelder: Okay.

J. Scott Evans: We don't have a problem.

Stephane Van Gelder: Right. Okay so good. Well let's keep to that then. Next step then...

J. Scott Evans: Stephane what about...

Stephane Van Gelder: Sorry.

J. Scott Evans: What about the issue that we put forward about having definitions?

Stephane Van Gelder: Absolutely. You're right. I've missed...

J. Scott Evans: I mean because I'm just concerned - I don't have a problem with having definitions. I have a problem with the fact that I don't see them cross-referenced to anywhere to know that these are actually the definitions that have been used by Board and staff as they have gone through this process over the years. And I don't want to provide a false environment definitionally for something that is either different in our minds. I just think we need to - somehow this has to be informed by what's out there not by what we're creating.

Stephane Van Gelder: I agree. I see what you mean. I think - Avri will perhaps correct me seeing she started the definition thing and I believe that the intent there was to put in definitions because there was a feeling that there weren't any. I asked staff on the list if we did have definitions or if the Board did have clear definitions. Is that the case Margie or not?

Margie Milam: Yes. I checked internally and no there's no standard definitions for this. I don't think they've gone into the kind of detail on cross-ownership versus vertical integration. And so the answer back I got was, "No there are no definitions."

Stephane Van Gelder: Right. So it would be useful for us definitely to provide some in that case I would expect. Jeff, you have your hand up.

Jeffrey Eckhaus: No I was just - I wanted to say that I agree with J. Scott that we should look at that - we do need to look at the original or previous documents but I think that we had done so and that's why we started with the definitions because somehow they never - they were never actual definitions at any of them so that's why we started to do it so we could set a point - you know, a stake in the ground and say, "These are the definitions now going forward" because it had never been done in the past.

Stephane Van Gelder: Okay thanks. Avri.

Avri Doria: Yes (unintelligible)...

Brian Cute: This is Brian.

Avri Doria: ...basically people were using words very much at cross purposes in almost all the discussion. There were no base definitions. So when we're trying to peg down what the policy is on these things we need to have, you know, base definitions to build up from otherwise we would end up in the same state we're in where we're using words that aren't rooted anywhere.

Stephane Van Gelder: Someone else was trying to speak but I didn't catch who that was.

Brian Cute: Yes this is Brian Cute. I just want to again reiterate that I think precision here is very important. And while maybe there aren't definitions certainly in the contracts there are provisions that state clearly certain prohibitions. Maybe they're not definitions in the English sense but certainly they are words that we could use as a basis to begin the definition exercise.

And again I think with regard to some of the definitions proposed in here on vertical integration and then the relationship between vertical integration and CO or cross-ownership again I would stress when we combine elements - there's different elements here, there's cross-ownership, there's a restriction on distribution, there's minority ownership, there's equivalent access, and if everyone looks back at the documents it is equivalent access when you find registries making declarations with regard to providing equivalent access so there I point out one error.

That precision is important and when we combine these elements in proposed definitions they can take on the character of a policy statement. And hopefully what became clear in Seoul is that over time in the 2001 contracts and the 2005 contracts we have seen a different joining, a different combination, of certain elements of this to basically prohibit certain types of behaviors.

So that I firmly believe that if there are going to be definitions, A, they need to be accurate; they should be rooted in what's in the contracts; they should be rooted if there are equivalent access documents that we can refer to so that they are precise; and I would strongly argue that if there are to be definitions that they be stand-alone definitions and not mixed element definitions.

Stephane Van Gelder: Are you suggesting Brian that as written right now the definitions should not be included?

Brian Cute: I would - I say - see the definition of "vertical integration" and the relationship between VI and CO as effectively policy statements and not (unintelligible).

Stephane Van Gelder: Okay. Thanks. And J. Scott you are also of the mind that these should not be included.

J. Scott Evans: I'm...

Stephane Van Gelder: Kristina...Sorry, yes, please...

J. Scott Evans: ...concerned...

Stephane Van Gelder: J. Scott.

J. Scott Evans: ...by defining them that at least maybe having ICANN's attorneys say that this is an understand that they drafted contracts with or something that we're creating a false universe.

Stephane Van Gelder: Wow. I think you...

Milton Mueller: (Unintelligible) get in the queue.

Stephane Van Gelder: ...make a strong point.

Milton Mueller: This is Milton.

Stephane Van Gelder: Sorry. Who was that?

Milton Mueller: This is Milton.

Stephane Van Gelder: Okay. Kristina I think you were next.

Kristina Rosette: Well that's okay. I'm on Adobe. Milton go ahead.

Milton Mueller: Oh okay. I think you have to include the definitions in there because that is
                    what so much of the debate and confusion is about is what we're talking
                    about. We had - we went through the entire Seoul process, you know, using
                    the word "vertical integration" to describe cross-ownership and the policy
                    implications of the two are different.

                    I think I want to strongly disagree with Brian that these definitions are policy
                    statements. They are completely neutral. They are academically grounded
                    and they are basically an important part of defining the scope of the working
                    group because they are giving them clear distinctions between different
                    elements of the policy decisions they have to make. But they are not saying
                    anything about the policy value or allowability of different things.

                    So for example if we know that there's a distinction between cross-ownership
                    and vertical integration and when, you know, if we have this objective about
                    what kind of things are allowable you will need to draw on that distinction.
                    And if we make a determination the DAGv3 the contracts are allowing
                    something that was previously not - that conflicts with prior policy then we will
                    need to have these distinctions well established.

                    Remember that a bunch of new people will be coming into the working group
                    who have not been privy to our discussions and unless we set down very
                    clearly what we are talking about in these terms they're going to have to go

through the same exercise and they're going to waste several weeks doing that. So I think it would be incredibly foolish not to have these definitions in the actual charter of the working group.

Stephane Van Gelder: Okay thanks. We've run out of time and I think we're in a situation where to a certain extent we have less certainty than we had going in.

On the definitions my assumption was that actually we had pretty much reached consensus on those which doesn't' seem to be the case. Let me first of all say that if we are not able to resolve these issues and we may not be realistically able to resolve these issues within the next 24 hours then I think we'll have to expand that 23rd, February the 23rd cutoff date because we'll just have to give people more time. We can't give people two days to go back to their groups.

What I suggest is that we try - I mean the areas that we still have to reach consensus on are Objective 5 then we have a method for going forward on that and the definitions. We don't have a method for going forward on that. I - once again it doesn't seem like we would be able to just remove them because some people do want them in.

I don't know if anyone is willing to suggest alternative - an alternative draft. Yes, Avri has just said that we had worked through the definitions in the last meeting and she thought we'd made the changes that had been required and that was my assumption as well which is what I was saying earlier on. So, you know, I did have the assumption that we'd moved on from that. But I don't think we can ignore that - the fact that some people seem to not be happy with the definitions as we have them.

Perhaps I could ask Brian to suggest alternative wording if you're willing to do so just to try to move us on from here. I don't want to spend...

Brian Cute: I'm not unwilling...

Stephane Van Gelder: ...obviously every week, you know, going back and forth on stuff that we've already decided the previous call is okay but there again I do want to try and get as much consensus as we can on this. Perhaps that's one way of going forward. Brian I don't know if you're okay with that?

Brian Cute: Stephane I would be happy to take a stab at it but I really think particularly in this exercise staff is probably in the best position to undertake the exercise. I'm more than happy to talk to Margie off line and see if we can't together identify looking at contracts and certifications and other documentation in this space that provide at least a little more precision and clarity for some of the basic concepts.

Again I recognize that we're not looking and finding whole definitions in the documentation that exists but I'm happy to do that. I'm leery about providing my own definitions. Since there isn't a clear universe of definitions out there I wouldn't want people to - I think it's better if staff is involved and has a hand in it.

Stephane Van Gelder: Okay thanks. And Kristina is saying that staff should provide us with the definitions they've been using. (Unintelligible) agrees. I'm just worried - I mean I appreciate what you've just suggested Brian I'm just worried about the time that it will take for you to work with Margie to produce those. I don't think certainly that it can be done in the next 24 hours.

Is - Margie do you have definitions that you could provide us with that are ready-made as it were?

Margie Milam: No. I already explored this with the legal department. I mean essentially what - you know, the current rules are contract terms and Brian's right. I mean there's provisions in the contract about not - you know, not holding more than 15% ownership interest in a registrar, that sort of thing. And it isn't defined in the way that we want to define it.

And I don't have the history of the contracts. I mean, you know, I'd need to go and talk to (Dan), you know, whether the - you know, what they've been considering in both the past contracts and in the implementation process. So that's going to take some time too.

I'm not saying that I'm not willing to do it. I'll certainly do it. But I think you...

Stephane Van Gelder: (Unintelligible).

Margie Milam: ...(unintelligible)...

Milton Mueller: Could I get in the queue. This is Milton.

Stephane Van Gelder: Yes go on Milton.

Margie Milam: Yes I think what Margie said is exactly right. The contracts are irrelevant here. We're dealing with a level of analysis that is in policy terms. Vertical integration is a well-known concept in public policy and in economics. Cross-ownership is too. We're talking bout the degree to which these things are allowable or the degree to which our policies towards them should change. We are not talking about specific contract terms. Those contract terms are meant to implement and perhaps embody certain ideas about vertical integration but to search for workable definitions for - in the contracts is - strikes me as a very - an unwarranted idea. I just don't know where it comes from other than...

Stephane Van Gelder: So what are you saying? That we should not...

Brian Cute: That's absolutely nonsense Milton. I can't disagree more strongly. The contracts...

Stephane Van Gelder: Who is that speaking?

Milton Mueller: It's Brian.

Brian Cute: This is Brian. Contract provisions are contract provisions. Vertical integration
                    is a well understood antitrust and competition law concept...

Milton Mueller: Yes.

Brian Cute: ...as applied across a number of industries...

Milton Mueller: Yes.

Brian Cute: ...and the way - manner in which it is applies in industries varies. Concepts
                    remain the same but the manner and mechanisms that are used to prevent or
                    allow vertical integration vary. So the terms and the mechanisms that ICANN
                    have used are specific to this industry, are specific to the contracts.

                    I can't disagree more strongly with your statement. That's just - that's
                    ludicrous.

Milton Mueller: I don't think you are disagreeing. I think - you're not making a case that we
                    need contractual detail in the charter of a working group. What we need is a
                    general concept that differentiates vertical integration from cross-ownership
                    and other kinds of...

Brian Cute: No what...

Milton Mueller: ...things which...

Brian Cute: No...

Milton Mueller: And then when we're doing Objective...let me see, Objective 3 and Objective 2 that's when we get into the details about the contracts. I don't see why we need them in the definitions other than to, you know, delay the process.

Brian Cute: You just - delaying the process has nothing to do with this. You used the phrase "general concepts." There's a difference between "general concepts" and a definition and the wording in the contracts I'm saying should be used as a basis for any definitions that are developed so that we are precise because these are mechanisms that have been employed by ICANN in the contractual setting.

So if we're talking definitions, not general concepts, I strongly believe that's the way that we should proceed.

Stephane Van Gelder: Brian are you almost satisfied with the definitions that have been offered up and that we thought we had agreement on or are you far from being satisfied with them?

Brian Cute: I think with regard to the two I pointed to, vertical integration and the relationship between VI and CO I think are very problematic. And very - one simple point. Equivalent access. Equivalent access, which is what registries have to certify to in terms of providing equivalent access to registrars to the SRS platform. There is a difference, meaningful difference, between "equivalent access" and "equal access." I think anyone, any non-lawyer, would recognize the difference between those two phrases.

So again my point of being precise and referring back to contract language and other language that's been employed in the ICANN setting is quite important.

Milton Mueller: So all you're saying is we should replace the word "equal" with "equivalent."

Stephane Van Gelder: No that's one of the suggestions that he's making.

Brian Cute: That's one of the suggestions I'm making and example I'm using to underscore my broader point.

Milton Mueller: Well I'm...

Stephane Van Gelder: Okay.

Milton Mueller: ...just curious as to why these broader points weren't made over the last three weeks when we were debating these definitions.

Brian Cute: They have been.

Milton Mueller: I think that's a relevant question at this stage.

Brian Cute: Milton I've made these by email. I've made these verbally on the earlier calls. I've made it on the call that you didn't attend. If you are implying...

Milton Mueller: I haven't seen any written proposals for definitions from you. Maybe I'm not getting your emails. Are they going into my - I'm not joking here. I'm not - I haven't seen a single intervention from you on this working group on the email list.

Brian Cute: I...

Stephane Van Gelder: I thought we had concern on this as well. I - maybe I've missed some too. I don't know. Anyway because we're over time and I'd like to make sure I don't keep anyone, you know, from other stuff Brian can we move with the suggestion that was made earlier on? You've obviously got some strong feelings about changes that could be made. I think we have to take those into account. I don't feel comfortable with moving ahead without taking your points on board so is there anyway - I mean do you feel that there's anyway you

could in say 24 or 48 hours come back with something or is that just too short?

Brian Cute: Let me - if I - I'll speak with Margie off line. Again I think it's best if this comes from staff. Let me speak with Margie off line and if we can speak with (Dan) and see if there's a way we can pull together some of the basic points here, provide them to the group within 24 hours. That's something we'll endeavor to do. Margie is that something we could take off line?

Margie Milam: Yes we can.

Brian Cute: Okay great.

Stephane Van Gelder: Okay. With that thanks for doing that. I think we'll bring the call to an end at this stage. Now if we're able to move forward at least with Objective 5 and the - maybe the definitions in the next day or two days then I think we can still make our objective of, you know, producing a final charter sometime next week. Let's not be more specific than that at this stage. So it really is up to Milton and Avri for Objective 5 which I think they sent their - proposed their list to the list already.

Brian you're working on the definitions. Let's try and make sure that we don't, you know, miss anything and then don't spend our time going back and forth on stuff that we may have missed and I hope we can make some consensus, you know, at least by the end of this week.

Thanks very much everybody for your involvement and I'll speak to you all very soon. Unless there's any other business sorry that anyone would like to raise.

No? Okay. Thanks very much everyone.

Woman: Thanks. Bye.

Man: (Unintelligible) Stephane.

END