

YESIM NAZLAR:

Let's please start the call recording, and I will go ahead with roll call. Good morning, good afternoon, and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group (CPWG) Call taking place on Wednesday, 5th of December, 2018, at 13:00 UTC. On our call today, we have Olivier Crépin-Leblond, Jonathan Zuck, Holly Raiche, Abdalmonem Galila, Gordon Chillcott, Maureen Hilyard, Hadia Hadia Elminiawi, Lilian Ivette De Luque, Marita Moll, Alan Greenberg, Avri Doria, and Joel Thayer.

And I would like to note that Cheryl Langdon-Orr, Tijani Ben Jemaa, and Alfredo Calderon are expected to join a bit late. We have received apologies, Nadira Alaraj, Sebastien Bachollet, Bastiaan Goslings, Christopher Wilkinson, and from Yrjö Länsipuro. I just want to record that Eduardo Diaz is on the call, as well, as well as Maria Korniets, who has just joined. And from staff side, we have Evin Erdogan, and myself, Yesim Nazlar on the call. And before we start, I would like to remind everyone to state their names before speaking for the transcription purposes, please. And now I would like to leave the floor over to you, Jonathan. Thank you very much.

JONATHAN ZUCK:

Yes, thanks everyone. Thanks for joining the call. We're planning to spend the lion's share of this call on the subsequent procedures discussion with Justine, that we will hopefully have when she is able to join the call. But it seems to me that it makes sense to skip ahead and cover some of the items right away. Presumably the agenda is in front of everyone. Is there anyone that objects to the agenda as it stands or

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has anything else that they would like to add to it? Alan, please go ahead.

ALAN GREENBERG: I don't object to it, but we do have a few EDP issues, targeted issues we need to discuss, I'm not quite sure 10 minutes is sufficient.

JONATHAN ZUCK: Okay, thanks Alan. Why don't we just jump right in, then? Alan, why don't you start on those issues right now?

ALAN GREENBERG: Okay, thank you. The first issue I believe we have agreed to, but I am not 100% sure, and I want to make sure that we have. The issue is on one of the Who Is fields, that under the temporary spec is published, and that is Organization field. Filling in the field is optional, so you are not obliged to fill it in, you can leave it blank, and many people do right now. But we have taken the position that it is important that this be published. If the Organization field is not published, then there is virtually nothing in the Who Is record which tells an internet user whose domain it is.

Now, if it's published and it's empty, it doesn't help, and if it's published and it says it's a privacy proxy provider, it doesn't help, but at least for someone who wants to tell people who they are, that field is there. The arguments that come back, as well, it could have private information in it. If it says, for instance, the Organization is Alan Greenberg, Incorporated, that is technically private information. Why I would name

my company after myself if I didn't want anyone to know, is an interesting question, but it is what it is. B

ut since it's an optional field and since we also are recommending that we make sure the wording in the registration forms that registrars use makes it clear it will be published, we feel it's very important that this field be published. And it is in the temporary spec and as far as I know, there have been no complaints in the fact that we are still publishing it. So I guess I'm looking for confirmation or specifically is there anyone here in this group who feels that this would be a wrong move? Marita, please go ahead.

MARITA MOLL:

Yes, good morning, thanks Alan. My question is just why is there opposition to this if it is optional? I don't see a problem if it's optional.

ALAN GREENBERG:

Part of the reason is, from contracted parties, some people already fill this in, in interesting ways. It's not necessarily the organization name that people use, and because they have filled things in they say, ah well, there's a liability to us, and I will power phrase, some stupid registrant put their name in that field, and therefore we are going to be sued, because they put their name in the organization field. I personally believe this is completely spurious, but that is the argument. NCSG's argument is it could contain personal information, better be safe, better not publish anything. So that's where it stands.

I will say, by the way, that this was a field that everyone, registrars and NCSG at the beginning, when we did our triage study, said is okay. And then they did a 180-degree reversal halfway through the process. Hadia?

HADIA ELMINIAWI: Okay, thanks Alan. I think that it's really the people's responsibility who are listed there to make sure that they're not listed in a way that they don't want it to be. So if it's optional, they should take it out if they don't want it there.

ALAN GREENBERG: We agree. Hadia seems to be muted. Jonathan, are you in a position to talk?

JONATHAN ZUCK: Yes, can you hear me?

ALAN GREENBERG: Yes, we can.

JONATHAN ZUCK: I think your logic is sound here, Alan, and I think that we should be supportive of this. I guess the question is if there is substantial opposition to it are we just making symbolic support for this...

ALAN GREENBERG: No, I personally think it's important. Sorry Jonathan, I'll let you finish.

JONATHAN ZUCK: I was just trying to ask a practical question, is this one of those things we're going to be just outvoted on?

ALAN GREENBERG: If it's a die in the ditch issue, I don't think so, but on the other hand, everyone including NCSG agreed to it at the beginning and then changed, because I think, well, I don't know why, I'm not going to try to impose, put motive on it, but they have been called out on the fact that they changed their mind after agreeing to it. So I don't think they have a strong case and I think ultimately this is one that will move forward. I do not believe it's symbolic, at all.

JONATHAN ZUCK: Okay, thanks.

ALAN GREENBERG: Hadia, do you have something to add?

HADIA ELMINIAWI: I was just going to quickly thank you for noting that actually it was there and it was agreed upon and only at the end there was this kind of objection. Again, it's an optional field that gives an opportunity to the organizations to state their existence, which is actually required by a lot of registrants. And another thing, all this information, the registrars

usually, in the contract with the registrant, they put many terms related to the data provided. And the organization could also provide a line or two about the organization field and how it's optional and how it's going to be published. So I don't even find it adding anything to the liability of the registrars and registries.

So I think we should stick to keeping it. In addition, right now, also we don't have differentiation between legal and natural persons, and that's another reason for having the organization field in there. Thank you.

ALAN GREENBERG:

Thank you. We have a number issues that I want to raise today that are far more difficult than this one. So unless someone is disagreeing, then I would prefer to go on to the other issue. Tijani?

TIJANI BEN JEMAA:

Thank you very much, Alan. So, you are proposing that we keep this field as an option.

ALAN GREENBERG:

That's correct.

TIJANI BEN JEMAA:

Okay, I support it.

ALAN GREENBERG:

Thank you very much.

OLIVIER CREPIN-LEBLOND: Alan, Olivier speaking.

ALAN GREENBERG: Yes, Olivier, please go ahead.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. Olivier Crepin-Leblond speaking. If the organization field disappears, what is there left to put in?

ALAN GREENBERG: Nothing, in the public Who Is.

OLIVIER CREPIN-LEBLOND: Okay.

ALAN GREENBERG: I'm sorry, that's not true. The name servers will there, the registrar will be there. Nothing at all potentially identifying the registrant.

OLIVIER CREPIN-LEBLOND: We're basically making domain names completely anonymous.

ALAN GREENBERG: Yep. As I said, if you're agreeing, let's move on.

OLIVIER CREPIN-LEBLOND: Yes. Well, I don't even think it should be optional, I think it should be there and if people want to remain private, they should arrange privacy proxies

ALAN GREENBERG: It is optional right now, you do not have to fill it in.

OLIVIER CREPIN-LEBLOND: Well that said, it would need to be. At the moment, it's optional.

ALAN GREENBERG: It is optional, you do not need to fill it in.

OLIVIER CREPIN-LEBLOND: Okay, I didn't know that, alright, thanks.

ALAN GREENBERG: Okay, thank you very much. Tijani, is that a new hand? Then we'll move on to the next issue. We have already made a strong statement that we believe we should differentiate legal versus natural persons. The other question is should we distinguish between geographic presence. Now the situation has changed a little bit since we last discussed it, and I'll tell you why. A paper was published by the European Data Protection Board on the impact of geographic presence.

Until now, we have been told that GDPR applies, and this is shorthand, I'm not pretending to get all the if's, but's, and and's into it, the GDPR applies if there is processing done within the European Union, or if the subject is within the European Union, that is, the data subject, the registrant in this case. It turns out that is not quite the case. There is what some might consider an edge case, which I believe changes the perspective completely. As I said, we have been told that if, for instance, you are a Canadian company with no presence in Europe at all, all of your processing is done within Canada or within the US, let's say, but you have a European customer, the GDPR applies.

It turns out that is not the case, according to the Data Protection Board. They have ruled, and it's a very clear statement, and I would be glad to forward it to anyone who's interested, that just because someone in Europe can access your website and use your services, that does not make you subject to GDPR. If on the other hand you explicitly target customers in Europe, and have an ad campaign which is aimed at them, for instance, then you are subject to GDPR for those customers.

But if they just happen to wander upon your website and use your services and say, yes, I happen to live in Belgium, or in France, then that does not make you suddenly required to follow the GDPR regulations. So even presence in Europe for the status subject is not a critical issue, unless you as a business are deciding you want to do this explicitly. And they gave an example, if you are a US company selling tours of South American, even if you happen to have a Spanish, German, and French version of your website, you are not subject to GDPR unless you are explicitly going after customers in those areas.

So I believe, given that, I believe it is both reasonable and important for registrars and registries to differentiate between geographic regions. The arguments are strong. One of the issues that is being raised continually by registrars and registries is we have risk. If we publish data, it will be deemed to be subject to GDPR personal data, and there are risks. But there are other risks in the world, also. There are very significant risks that the cyber security community cannot do the job they have been doing of attempting to minimize the harms associated with cyber security threats, malware, phishing, and things like that. We worry about privacy of the internet users and phishing is probably one of the largest single ways that their privacy might be violated.

So allowing registrars to not differentiate means we have registrars who are known to be involved and welcome business from domain name abusers, from those who use domain names for abusive methods, and we are allowing them to redact all information, where that information could well be useful to the community who is trying to protect us. So I believe it's important to make that statement. The cyber security people, the SSAC is now making that statement, finally, as are the GAC, and I think we have support from the BC and IPC, and I believe it's something we should push, and I would like to open the floor to this one. Tijani, please.

TIJANI BEN JEMAA:

Thank you, Alan, Tijani speaking. You said that last time, and I thought about it, and I would like to tell you that what you are saying is that a registrar located outside of Europe can reach the European people if he is not targeting them, if he is not making advertising to have customers

in Europe. But why the registrars are pushing back? It is especially because they are targeting everyone all over the world. And I think this is the main problem. I don't mind if GDPR don't prevent us, but is it the case for internet registration? I am not sure. Thank you.

ALAN GREENBERG:

Well, as I said, this is a new ruling from the Data Protection Board. It rather surprised me. It surprised a number of other people, because this has never been mentioned before. But they made some very, very clear statements about the applicability of GDPR if you're not targeting, and that is the word they use, a particular audience. But in any case, that just, I think, strengthens our case that geographic differentiation is something that we could do. Marita, please go ahead. I think Marita must be muted.

YESIM NAZLAR:

Yes, Marita, you need to unmute your microphone.

MARITA MOLL:

Thank you, thank you. I have to remember that, it's 8:00 in the morning. When you use the word targeting, that's a pretty vague word. If you happen to be a business who sets up, oh, let's say, like you used the holiday thing, you're renting a house or something in Europe. If you happen to pick up more European clients than you do North American clients, does that mean you're targeting? I'm not asking you to answer the question, but I'm asking myself, does that mean you're targeting or

not, and how would they know? My question was actually on -- sorry, go ahead Alan.

ALAN GREENBERG: No, no, I'll let you finish, sorry, I thought you were finished.

MARITA MOLL: My real question before you used the 'targeting' word, was on geography. If the location is listed and it's a phishing, those kinds of things we're worried about, could they not be anywhere, could they not move anywhere? Does it really help if the locations are listed? Those are my questions.

ALAN GREENBERG: Okay, on location, the country and state or province, under the temporary spec are published, and at this point they will continue to be published. So, when Olivier asked is there any semblance of identification, the country and state of the registrant, if a state exists in that country, are published and at this point we are expecting the EPDP to maintain that they be published. So there is information that you as a registrant must provide about where you are located, and that is published. So it's pretty easy to identify what country you're in and whether you're subject to GDPR or not.

The registrars say oh yes, it's not that simple. But they've never explained exactly why it is not that simple, and other organizations seem to be honoring GDPR factoring in the self-declared. Remember, we are expected, and they tell us when we talk about accuracy, which is

another issue, they say, oh well, we have to believe the registrant. The registrant is deemed to be accurate. Well, if the registrant is accurate, then they're accurate, then so be it. Okay, on targeting, that is the word they use, and I think it's moderately clear. If you simply have a website and someone can access it from around the world, you are not targeting them. If on the other side I say I have a special deal for Germans, or I do something else, I give you German airline miles for subscribing, or something like that, yes, it is a vague word, but that is the word they are using.

MARITA MOLL: Okay, thanks, Alan.

ALAN GREENBERG: If you happen to be registrant in Canada and someone wanders in to your website, that doesn't mean you're targeting them. Eduardo, please go ahead.

MARITA MOLL: Thank you.

EDUARDO DIAZ: Thank you, Alan. So I do have another question. If I am a European company running a website, but all my website runs on US servers and I'm not targeting anyone, so even though I'm a European company, I don't have to follow GDPR as long as I keep my servers in the US?

ALAN GREENBERG: No, you're a European company, you are subject to GDPR, period, no matter where your customers are. If you're an American company that has a service provider, that your cloud provider is in Europe, then you're subject to GDPR.

EDUARDO DIAZ: Thank you.

ALAN GREENBERG: If you have a presence in Europe, a sales office in Europe, anything like that in Europe, you are subject to GDPR, there's absolutely no way around that.

EDUARDO DIAZ: Well, I don't have a sales office, I have a website, period, and it runs in the US, but it's okay.

ALAN GREENBERG: Yeah, but if you are incorporated in Germany, you are subject to GDPR regardless of where your website runs.

EDUARDO DIAZ: Okay, okay. So you have to a non-European company, having their servers outside of the European Union, for this to apply.

ALAN GREENBERG: That's correct.

EDUARDO DIAZ: And no targeting.

ALAN GREENBERG: That's correct.

EDUARDO DIAZ: Thank you.

ALAN GREENBERG: So, are we basically saying, are we agreeing that we should be pushing for geographic differentiation if it applies or not? The last time we had this discussion the group was somewhat divided. I'm going to do this on email so we're not relying purely on the people in this group, but it sounds like the people in this group are comfortable with saying let us differentiate geographically, assuming that obviously the law has to be followed. None of this allows GDPR to be violated. So that's an absolute given.

Maurine, please go ahead. Maurine just made a tick mark, okay. Jonathan, thank you for your flexibility in giving us some more time. Those are all the issues I wanted to discuss today. I will be following up on email on this, and I thank this group. Jonathan, back to you.

JONATHAN ZUCK: Thanks for bringing up those points. Justine has now joined the call, so I'd like to hand the microphone directly over to Justine to go over the key issues associated with the supplemental report for subsequent procedures. Justine, take it away.

YESIM NAZLAR: Justine, this is Yesim speaking. Are you able to speak through your mic? We'll be trying to reach out to you on the phone bridge, if that's okay, as well.

JUSTINE CHEW: Can you hear me?

YESIM NAZLAR: Yeah, I think it's loud and clear. Thank you.

JUSTINE CHEW: Is that clear enough, okay, great, I'm using a different mic from the last time. Okay. Do we have slides up?

YESIM NAZLAR: Sorry, just putting them up, sorry for the delay.

JUSTINE CHEW: Is someone dialing out to me?

YESIM NAZLAR:

Yes.

JUSTINE CHEW:

Okay, it's gone now. Okay, let's just stick to the mic because I won't be able to hold the headset, okay. The first thing, I'd like to thank Christopher Wilkinson for his input, actually his is the only one that I've received so far. But I noticed that he's not on the call, I think he sent his apologies, so it looks like I'll be flying solo tonight for this presentation. In any case, I may not have captured everything that he put forth, so I would suggest that if anyone is so inclined, they can read the notes that he sent through the list.

Okay, second thing is that I hope most of you, if not all of you are somewhat familiar with this presentation in Adobe Connect. That would mean that you have at least read it or have at least heard me present about four weeks ago I think it was now, when I attempted to frame the key issues regarding this report. So this version that's in Adobe Connect now is the second version, I've updated it recently, I think it was yesterday if I'm not mistaken. It seems a bit long, because it's 24 pages, but it's actually an enhancement of the earlier version. It was a bit of a challenge to distill the supplemental report. So forgive me if there is still a lot of text in the slides, but I'm going to concentrate on ten of them, because the others are really background information, which I went through last time in November.

Okay, so moving on, so these were the five key issues that were raised in the supplemental report which I tried to frame earlier on, about four weeks ago. And based on the input from Christopher, as well as my

own, I have now come up with this. I know that the text might be a bit small, so this presentation is available on the Wiki space, you can download it. Perhaps Staff might want to put a link in the chat to the Wiki space, so that people can download the presentation if they want to.

Okay, I'm going to look at my own version, which is larger. Okay, so I'm going to jump straight into the proposed positions. Again, you see on the left column is all the preliminary recommendations, options, or questions. Again, they're not necessarily the full text, because otherwise you would be looking at too much text. So again, it's an attempt to distill what the Working Group is actually trying to ask us. So just bear with me, okay?

So the first one was whether there should be continued use of auctions to resolve string contentions, and I suggest that we may not want to object, but it's not necessarily the preferred option because of the points stated there. The auctions by nature favor applicants with more resources. But the thing is, unless there is a new and better mechanism of last resort, what can we fall back on except for ICANN approved auctions?

There might be a greater desire to concentrate on facilitating voluntary resolution, because you note before that I mentioned about 90% of contention sets were actually voluntarily resolved. So not all contention sets ended up in the auction stage. So we might want to consider advocating for greater effort to be put to facilitate voluntary resolutions so that people can avoid going to auctions as a mechanism of last resort.

And a point to note that we did sort of discuss for the initial report, is that ICANN-approved auctions do generate funds, which can be potentially used for end user's benefit, and this is the subject of the Cross Community Auction Working Group and the report is out, and I think we're commenting on that. So, those are the points that I've come up with for whether we should continue to use auctions to resolve string contentions.

The next one is Preliminary Recommendation 2.1.C.2, whether there are additional options for voluntary contention set resolutions, and this has got to do with Topic 2.4, which is Change Requests.

JONATHAN ZUCK: It's Jonathan, I wanted to talk about the last subject, I had my hand up, but maybe your can't see in Adobe Connect.

JUSTINE CHEW: Okay, sorry. Am I chairing the session? So I have to look out for hands, as well?

JONATHAN ZUCK: I'm happy to chair it if you prefer, because you're looking at your slides, you don't see the Adobe Connect perhaps.

JUSTINE CHEW: I would appreciate it if someone else could chair. Go ahead now, Jonathan.

JONATHAN ZUCK:

Okay, so I'm calling on myself. On the last slide, there is this notion of the Victory Auctions, and apologies that it took me a while to get through your slides and then go back and read the background material. But I think the idea behind this is that people would submit a bid for a domain at the point of application. In other words, here's the most that I'm willing to pay for this. And then the process would go through, but it would remain confidential.

The process would go through applicant support issues, community priority evaluations, all of that would take place first, and only if that didn't resolve the contention, would this come into play. But it would resolve the contention at the outset, it would do so in a public way, with the proceeds going to ICANN, and I think do a lot to prevent some of the speculative applications that we saw quite a bit of in the first round, and I think as a group believe will only expand in a future round, because of the success that people had of buying things almost with the intention of trying to sell them to other applicants and doing all this horse trading among the wealthy portfolio registries.

So I guess I just wanted to come back and you have support in principle, I think, or advocate, you have advocate here for different auction type victory auctions. But I guess I wanted to draw a bright line to it, because I think it has the potential to eliminate a lot of gaming of the system, as long as we have other safeguards in place to protect applicants from underserved regions and community applications. This seems like it has a lot of potential to eliminate a lot of the sort of speculative applications

that we expect in the subsequent round. So that was the thing I wanted to draw people's attention to. Go ahead Justine.

JUSTINE CHEW:

If I could just quickly pick up on what you said, and before that, can I ask Staff to take notes on what is being said so that I don't have to. I note your point, Jonathan, which is why I didn't outright say that we should be against the victory auction. And you can see on the bottom half of the slide, look at alternatives. So the Working Group has actually presented a couple of options or alternatives to pure auctions, or the auctions that we've seen in the past, for us to consider.

So one of them, as Jonathan has mentioned, is victory auction. I'm not going to get into what victory auction is, I think you guys have to read up if you don't understand it, but in essence it is people putting secret bids and the person with the highest bid wins, but they pay the second highest bid. Now the reason why I say that we could consider it, but we still need to advocate for due consideration for applicant support and community applicants, because it is still a form of auction, which means that ultimately it's monetary value that wins out, even though it's second value, so to speak.

So we're still looking at the position of possibly favoring applicants with more resources. So, point taken, but I would like to also get people to consider the other alternatives like Option 2.1.D.2.123, which is the request for proposal random draw and graduated fees. I noticed that Marita had her hand up, I don't know whether she still wanted to speak or not. But yeah, Jonathan, I think you should chair, thank you.

MARITA MOLL: I took my hand down because you answered all my questions.

JUSTINE CHEW: Okay, cool. Jonathan?

JONATHAN ZUCK: Great, thanks, Marita. Yes, I guess I'm just a fan of it because it takes a lot of the guesswork out of it and that we could do a lot, you know, there's this question of a multiplier, and again this is getting in the weeds of this a little bit, but there's this question of a multiplier that could be given to applicants who are in underserved regions to participate in such an auction, and I guess it doesn't need to happen to the exclusion of other mechanisms of evaluation, but all these private auctions and all this payoffs and things like that, that people did, horse trading of these things, where a lot of people made money just by applying for a TLD, I think could really be put to rest if you had to put your commitment on the table at the outset.

And if you had to do that, it would also mean that you would be limited in the number of applications that you would post, because you had to state up front what's the maximum that you would be willing to pay. So anyway, I found it very intriguing when I finally had a chance to dig into this notion of victory auction and resolving these contention sets really at the outset of the process and after things like community priority evaluations and applicant support related functionality had already taken place. So I think only after those things should you even go back

and look at those things. So, I'm a fan and I encourage you to read about it.

GREG SHATAN: This is Greg, could I get...

JONATHAN ZUCK: Yeah, Greg, go ahead.

GREG SHATAN: Thanks, Greg Shatan here. Justine has asked us to consider the options and just to consider them very briefly, and the random draw to issues, it kind of takes us back to digital archery, which is one of the great failures of the prior round. The idea of deciding ownership completely based on chance, and I would feel very uncomfortable endorsing that idea. As far as request for a proposal, I think you looked at the community priority evaluation and the idea, the whole thing, though is very successful in the sense that there are still some of them that are under review, so the idea of possibly evaluating hundreds more applications qualitatively and trying to decide which one is better, that would just magnify that level of failure.

It would be nice to think that it could be done well. I just have absolutely no place that we could put together a method that would really pick the better application in that sense. I do think that there could be some positive effects. There are a lot of boiler plate applications even by the wealthy portfolio companies. And I don't remember what the third alternative was, but like Jonathan, while I was

initial skeptical of this process, I do see the appeal. So I'm kind of tentatively leaning in that direction. At least that's my two cents. Thanks.

JONATHAN ZUCK: Thanks, Greg. Alan, go ahead.

ALAN GREENBERG: Thank you. I also like the idea of the victory auctions. It strikes me that we would have to set it up excruciatingly carefully to make sure that the bids, for instance, and not held by ICANN in such a way that it is conceivable that the values could become known, but there are plenty of chartered accounting firms and other ways of making sure these mechanisms are done in a way that's risk free. But interesting concept. Thank you.

JONATHAN ZUCK: Thanks, Alan. Thanks everyone. I just wanted to draw attention to it. Thanks, Justine, for the time. And there are no other hands up, so contract on to your next section, thank you.

JUSTINE CHEW: Okay, moving on. So these were series of questions related to auction as a mechanism of last resort. So things like, are there other aspects that could be introduced in terms of nonfinancial aspects that could make auctions more fair? Are there any other measures that would enhance fairness per se? So the way I look at it, in terms of fairness, the

downside of auctions is as I said before, it tends to favor the applicants with the greatest resources. So how do you overcome that particular weakness?

That would be the biggest question. So, would it be a big enough question to consider replacing auctions with other comparative evaluation processes, such as request a proposal, or draw, or some other mechanisms that the Working Group hasn't thought about yet, which one of you might have a great idea on.

And if you look at Question 2.1.E.5 at the bottom, they went to the extent of asking whether they should be a limit on the number of auctions that one particular person is allowed to enter, so as to make it fairer. Because there was allegation that applicants were entering multiple auctions, hoping to fail in some of them, and getting some financial benefit in order to fund the ones that they were really interested in winning. Okay, so I open it up to the floor. If anyone has got comments based on the notes here, or if you have your own notes or thoughts?

JONATHAN ZUCK:

Thanks Justine, Alan has his hand up. Alan, go ahead.

ALAN GREENBERG:

Thank you. The concept of comparative evaluations, which is the best, is always attractive. After the first rounds in the early 2000s when ICANN actually made value judgments, we have shied away from that and said we shouldn't be deciding which ones may likely succeed or may

be best, because we have different values, and I tend to agree with that. Although I like the concept of judging value, I have no confidence that whoever does the judging will have my values and I think ultimately there's no way we can try to evaluate the best one, or the one most likely to succeed, or the one that has the most public interest in it.

So I agree, I think we need to make sure that for the evaluations where we are putting value judgments in, specifically community and perhaps ones requiring funding and things like that, I think we have to make those rules that are both strong but not so strong because we're afraid of gaming, that no one passes the barrier. And I suspect some form of auctions are all we're going to be left with as a mechanism for selecting among those who are left. Thank you.

JONATHAN ZUCK: Thanks, Alan. Holly, and then we'll close the queue on auctions so we can move on. Holly, go ahead.

HOLLY RAICHE: Yeah, I largely agree with Alan, but I think the challenge is to come up a few things that are really important, whether it's community, whether it's diversity of allocation by type or by geography, or whatever. The challenge is to come up with something so that auctions remain a last resort and some realistic criteria up front.

JONATHAN ZUCK: Thanks, Holly. There are a no more people in the queue, Justine, go ahead.

JUSTINE CHEW:

Okay, so let's move on to the next topic, which is 2.2, Private Resolution of Contention Sets, Including Private Auctions. Now again, I want to stress that when they talk about private auctions here, they're talking about auctions which are not endorsed or not conducted by the ICANN appointed auctioneers. These are auctions which the parties in contention have gone privately to do it themselves, which means that no ICANN or the committee doesn't see any benefits of the winning bid, so to speak.

So the options that were put forward were three. One is to consider whether to state it up front expressly in the program terms and conditions and in the registry agreement. Whether to disallow resolution of string contentions by private resolution where the party is paid to withdraw. So what they're getting into is not actually private auctions, per se, but where for example two applicants are in contention, one pays the other one off in order to get them to withdraw, so that's also a form of private resolution where there is financial benefit that is gained by the losing party.

We had sort of touched on this area of potential abuse of private auctions before in the initial report and basically our comment was that we didn't know enough of whether abuse occurred within the 2012 auctions, both the ICANN endorsed ones and the private ones. So we were recommending the possibility of a study on this. The Board has actually come back to express concern, as well. Not to say that they had any evidence either, but the fact that the notion of potential gaining or abuse has been mentioned and has been going on among the

stakeholders. And then we also said that the legality of private auctions was still in question, we didn't know whether it is in fact legal, or not.

So I proposed to say that we do not have evidence, we have not seen evidence, in fact the Working Group is actually trying to touch base with the ICANN appointed auctioneers to see if there is some data to support one way or the other, but the Working Group hasn't secured an appointment or more data yet. So in the meantime, what I propose to say is if evidence of abuse is found, then we should support a proposal to disallow private auctions or private resolution mechanisms where the loser actually gets a financial benefit. So that's one level of private auctions, per se.

Then there was an issue of if you start with private auctions and then you go into not auction, but you're still paying someone off, so, private resolution, where do you draw the line? And that's the option of 2.2.D.2, whether there is a need to ban all forms of private resolutions unless you can say this is allowable, this is not allowable. Okay? Which is option 2.2.D.3, the last one at the bottom. Okay, so I open it up again to the floor.

JONATHAN ZUCK:

Thanks, Justine. The first person in the queue is Olivier.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Jonathan. Olivier Crepin-Leblond speaking. I always look at these systems by thinking does this serve the end user? I guess that any type of auction puts up the price of a string of a top level

domain, and ultimately will be somehow paid back by the people that will register domain names under that string. When it comes down to auctions that are run by ICANN, this benefits ICANN because obviously the auction funds end up in ICANN, and I think I would say that this has a benefit to the end user at the end of the day, because it does support ICANN.

When it comes to private auctions, the only people that it actually benefits are the people that go and speculate on these domain names, and this to me is a very big red light. I think that the speculation is the part of the TLD rounds that we have seen that is not abuse, because you can't define abuse, and the whole thing of saying, well, we have to find whether abuse has occurred, to me, is a red herring, another thing to say, well, there's no such thing as abuse, it's just a practice, exactly, and at the end of the day, speculation is something which does not serve the end user and I believe therefore we should be for banning any type of private auction.

That being said, we should be careful about our wording for this, because if there is another mechanism by which a string contention can be fixed, perhaps by two applicants coming together or doing a deal that does not include money, then that's a different story and we have to perhaps look at that. But I'm not quite sure how to word it, but private auction as such, no thanks.

JONATHAN ZUCK:

Thanks, Olivier. Next in the queue is Marita. Marita, you might be on mute. Okay, Marita I'm going to jump over you for a second.

MARITA MOLL: Hello?

JONATHAN ZUCK: Yes, okay, go ahead.

MARITA MOLL: Can you hear me?

JONATHAN ZUCK: Yes.

MARITA MOLL: Oh, weird. Okay, it's Marita, I don't know if you can hear me or not.

JONATHAN ZUCK: Yes we can hear you. Please go ahead.

MARITA MOLL: Sorry, I had to mute and unmute. Alright, I'm totally opposed to this kind of private resolution. However, enforcement would be an issue. Anybody, two parties can go in a back room and pay each other off. So we need to say we're opposed to this, but I would say coming out strong for this kind of blind auction, or whatever you call it, would basically, it would be a pretty hard sort of thing to go on, unless two parties were in

collusion before they even put in their application. So that's my comment.

JONATHAN ZUCK: Thanks, Marita. I agree. Tijani, go ahead.

TIJANI BEN JEMAA: Thank you very much, Tijani speaking. Thank you Justine for all the work you are doing and for this work. I agree with you about the ICANN auction. I want to remind everyone that from the beginning in 2010, I think it was in Mexico, I was opposed to the auction because I think that any other method of resolving the contention is better than the auction, because the auction would give priority to the rich, not to the best.

So even if it is withdraw, a horrendous way, it is better than giving advantage to the rich. But now we have it, and we had it for the first round, and it was ICANN auction. Now for private auction, I agree with Olivier absolutely, and I don't think it is of benefit at all for the end user. Thank you.

JONATHAN ZUCK: Thanks, Tijani. We seem to have consensus on that. The issue with those things is enforcement. So Alan, go ahead.

ALAN GREENBERG: Yeah, well other people and you have just said what I was going to say. I think our position should be against private auctions. How do you

prevent some sort of nondefined back room deal which effectively becomes the equivalent of an auction, or if not an auction, then some dealing. There currently were lots of discussions in the first round which ended up resolving the contention by people backing out, whether they merged with the groups and did it jointly, or whether they were bought out, is not clear. So how do you differentiate that from auctions?

And I don't think we want to outlaw completely the concept of applicants working with each other, so how do you differentiate between working with each other and coming to an agreement and buying it out, which effectively ends up being the same as an auction, the functional same as a private auction, I have no idea, and I think that has to be resolved. Otherwise we end up with a situation which I don't think is dependable.

JONATHAN ZUCK:

Thanks, Alan. Marita, go ahead.

MARITA MOLL:

In response to Alan, I would think that group them together, or putting their applications together is something that would happen before we hit the auction stage, right? That is not the auction. The auction would be the total last resort, but people can still work together and make arrangements without hitting the auction stage. That's how I would understand it.

ALAN GREENBERG: It's Alan, my point is I'm not sure you can differentiate, you can recognize one from the other.

JONATHAN ZUCK: Thanks, Alan and Marita. And to be clear, obviously we saw you can also just buy someone out after all the contentions have been resolved. So I think it's possible to get around this for money to prevail at a certain level, but I think if you have a system that makes you commit to what you're going to do up front, then there's going to be a lot less likelihood of suspect behavior. I think it's just a question of what is the best service, and nothing is going to end up being perfect. No more hands are up. Justine, if you want to continue.

OLIVIER CREPIN-LEBLOND: There is a hand.

JONATHAN ZUCK: Okay, I don't see it, I'm sorry.

OLIVIER CREPIN-LEBLOND: Abdalmonem.

JONATHAN ZUCK: I see him muted, I don't see his hand up, but if he wants to speak, then he should unmute.

OLIVIER CREPIN-LEBLOND: Okay, go ahead, I don't see that he is speaking, so go ahead, please. Sorry.

JUSTINE CHEW: Okay, moving on. Now the next slide has a series of six questions which pertain to the same topic. So some of them overlap with what we discussed just now, things like the first one, whether private resolutions should continue, and if they do somehow get hold of the funds generated from the private auctions, how should they distribute that, amongst the remaining applicants or charity or ICANN? So I think what we came around to earlier was that there is some support for certain types of private resolution, but definitely not private auctions.

I think no one in this group, at least, is in support of private auctions that I've seen, which is good, because as I said, in the 2012 round, over 90% of contention sets were self resolved. So we should continue to support some form of private resolutions, so long as they help avoid getting to the auction. There are challenges in determining what should be allowable and what should not be allowable, and how are you going to monitor it, and how are you going to enforce or penalize someone if they are found to have undertaken something that is not allowable. Those are challenges which I suppose we could put up, but I don't see any immediate solution to overcome those yet.

The second one talks about whether the type of TLD should be a factor in determining whether private resolution should be allowed, or not. So I think Christopher thinks something like TLDs may be more easily

resolved, whereas gTLDs will need intervention by government or public authority, or even the community.

The third one was back to the question of whether just expressly prohibiting private resolutions, in that tripartite platform is good enough to prevent what we want to prevent. So if it comes to that, then legally I think it's necessary, even to provide for cancellation or forfeiture as a penalty. But the difficulty is I'm sure there are likely ways around those, especially if we cannot exhaustively describe what is allowable and what is not allowable. So the challenge again comes back.

Then there is the consideration of maybe financial disincentive, the suggestion that financial disincentive might work better in terms of using an increasing graduated fee scheme, which means effectively like one applicant submits three separate applications, the second one is 185,000 plus a percentage, for argument's sake, 10%, and then the third one becomes 185 plus 20%, that sort of scenario, that's what they're talking about when they say increasing graduated fees.

The fourth one is if we think that private resolutions are in general problematic, then how do we prevent it? Do we just issue a complete ban?

The fifth one, if we allow some and we don't allow some, this is back to the challenge again. What is allowable, what is not allowable? Who decides, and how?

And the last one comes back to the issue of increasing graduated fees, even increasing the base application fee, is that going to be enough to deter gaming, and if it is, then how much should we consider increasing it to? So I open to the floor for comments.

JONATHAN ZUCK: Tijani, go ahead.

TIJANI BEN JEMAA: Thank you very much, Jonathan. If we will agree with private resolution, we should make a difference between kind of application. Of course any community application cannot go through private resolution, because there will be absolutely disadvantages. So geo names is one kind of community application. So I agree that the geo names should be excluded, but also any other kind of community application. Thank you.

JONATHAN ZUCK: Thanks, Tijani. Alan?

ALAN GREENBERG: Thank you. In regard to what Tijani just said, it's fine to say community applications have precedence over non-community applications, but that doesn't address what happens if you have multiple community applications for the same string or geographical whatever other classifications there are.

TIJANI BEN JEMAA: If they are both community, we should not go through a private resolution, we should do it otherwise.

ALAN GREENBERG: Well, Tijani, make a suggestion of what the 'otherwise' is, because it's not obvious to me what it is.

JONATHAN ZUCK: Thanks, guys. Marita, go ahead.

MARITA MOLL: Yes, on the geo names issue. We don't actually know, we haven't defined what geo names are or where they stand, so that would be pretty hard in include or exclude geo names.

JONATHAN ZUCK: Thanks, Marita. Hadia, go ahead.

HADIA ELMINIAWI: This is just a quick one. I would also like to ask Tijani, if we have two community applications, what are the other possible means to resolve the issue?

TIJANI BEN JEMAA: Any kind of way of resolution. That means, first of all, if they are both community applications, there must be a difference, because we evaluate, the applications are evaluated according to elements, and one

of the elements, for example, is approval of all the community components, or the community stakeholders. I don't think that you will have the same amount of support of all stakeholders of the community in both applications, so there must be a difference. But at the end, if there is no other way, I would make a draw. It is less harmful, it will be random, but it is not giving advantage to one over the other.

HADIA ELMINIAWI:

I just want to apply quickly, I just want to make sure that it does not also lead to a popularity contest where the more popular one actually gets the string.

JONATHAN ZUCK:

This is Jonathan, for the record. The irony, I think, is that a popularity contest is specifically what we are talking about, it's just a question of how better to define that. So we've got to be careful with the words that we throw out, because at some level, if we're trying to make a choice on the merits, those merits need to be as objective as possible. I don't see any more hands. Justine, if you want to move on.

JUSTINE CHEW:

Okay, topic 2.3, which is the role of application comment. I think this one should be pretty easy to handle. The first preliminary recommendations, they cited two enhancements to the system for application comment. I see no reason to reject or object to them. I think it's self explanatory so I'm not going to spend time going into that. The second one, 2.3.C.2 suggests that the applicant guide book should

more explicitly state how public comments are to be used or considered by relevant evaluators, especially on scoring, and that applicants must have opportunity to respond to the comments.

So I would support this on the basis that it provides greater clarity in the application process and also allows for the needs and avenues for remediation and possibly voluntary additions in avoiding objections. The applicant's ability to respond will also help possibly to alleviate any objections or concerns that other parties may have to the application.

The next one, this one pertains to CPE. One of the Working Group members was involved in an application in 2012 for community, and he commented basically that for his organization's application, because it went all the way to CPE, and I'm sure some of you realize that when you look at the application, it has to go through a few stages of evaluation before it goes to CPE. So that in effect draws out the application for people who are going through the CPE process, it goes up to possibly even nine months.

The concern that he put forward was that those who were not going through the CPE process, their application comment period was shorter because they would close and they would go to initial evaluation and that was it, and they either succeed or they go to contention, or whatever. But the CPE, because the process drew out for a longer period of time, there was no clarity as to when the application comment actually closed. So he was saying that even at the stage of eight months, or whatever, people were still making comments and the evaluators were responding to the comments. So he said it was unfair for CPE applicants.

And then the last one, 2.3.E.2, I didn't quite see the issue around this, but it was posed in the report, anyway, is that whether there was less incentive for applicants to respond to all input received through the forum, which impacts scoring. And I thought, well, I'm not quite sure what the issue was. Applicants are free to choose whether they want to respond to all or not, some, or none whatsoever, if they think it's going to harm their scoring. But on the flip side, if they don't attempt to address some of the concerns, it could also be seen as negative. But it's an applicants choice.

And the last one is should the applicant be given extra time to respond to public comments before they are sent for consideration? The point being here that say for example the application comment period is open for 60 days and someone puts in a comments on the 59th day, does that give the applicant enough time to respond to that comments if they chose to respond to that comment. So the suggestion was that if we stick to 60-day public comment period, but we allow flexibility for applicants to have a fixed period, like 7 to 10 days, to solely respond to the late comments. Okay, I think that's all the questions from this section, so I'll open it up to comments.

JONATHAN ZUCK:

Thanks, Justine, Marita has her hand up. Go ahead Marita.

MARITA MOLL:

I totally want to agree with the suggestion that the comment period should be the same for all applicants. I think it really is unfair that communities have to deal with comments for a whole lot longer.

Communities have few resources to deal with those comments, and that really is unfair. But on the very last point, I think that could be resolved by saying that everybody had a certain amount of time. You had to have at least 7 to 10 days, as you were saying here, Justine, to respond to comments. So if the comment came in on the third last day, you would still have 7 to 10 days from the third last day.

JUSTINE CHEW:

No, Marita, the current position is that the public comment period is fixed for 60 days, so nothing is supposed to happen after the 60 days. The issue was that if someone commented on the 59th day, there isn't time for applicants to respond.

MARITA MOLL:

Yes, I'm agreeing with you, Justine, I didn't explain it correctly. I think that everyone should have at least 7 to 10 days, whether or not the comment came late in the commenting period. So there is a minimum amount of time you need to have to respond to a comment.

JUSTINE CHEW:

Okay, so the thought that we are coming up now is people can make comments for 60 days, and then we close that, but the applicants have extra time to respond, right?

MARITA MOLL:

That's what I think you're suggesting, and I agree with that.

JUSTINE CHEW: Okay, anybody else?

GREG SHATAN: This is Greg Shatan. I agree with that as well, and I think we can call it a reply period, just to give it name...

YESIM NAZLAR: Greg, sorry, apologies for interrupting, this is Yesim speaking. Could you please speak louder? Your audio is really faint and it's hard to understand.

GREG SHATAN: What I was saying, I was agreeing with Justine and Marita and just suggesting we should call it a reply period, and either have it be a standard period of a week afterwards, or we could just trigger it, as Marita said, from the last comment that was put in, that would probably be a little more efficient, if there were no comments close to the end of the period. Although in ICANN comments always seem to land close to the end of any comment period. So I think a limited reply period is a good idea.

JUSTINE CHEW: Jonathan, how are we doing for time, because I know it's already 10:20 and there are two more sections, although 2.5, I don't know if you want to comment on it substantially.

JONATHAN ZUCK: Yeah, I'm definitely not, as well. You are the main attraction of this call, Justine. So I would forge ahead and let's just try to be as efficient as we can. So people don't need to raise their hands if they're in agreement.

JUSTINE CHEW: I'd like to get at least through 2.4. Okay, 2.4 deals with change requests. Bear in mind, this ties back to the issue of private resolutions, also in a sense that it could involve applicants maybe apply for a new string as a way of getting out of a contention set. Of course there has to be criteria, but you can imagine what change requests, the width of change requests that could be considered. So the first one was Preliminary Recommendation 2.4.3.1, suggesting operational improvements through the criteria base change request process from 2012. And they specifically listed four bullets, but the fourth one is tied to the next slide.

So the first one is that ICANN can provide guidance on changes that will likely be approved versus those that are likely not to be approved. They should also set forth changes that are required to be posted for public comments, and those that do not require, the same. Also, for ICANN to set forth in the applicant guidebook the types of changes that require reevaluation of some or all of the applications versus those that do not have to go through reevaluation. So I see no reason not to support these operational improvement suggestions. Anyone object? Hearing none, I shall move on.

So, this one has to do with considering the types of change requests that can be allowed under certain circumstances. Some of the examples were given, for example if the parties decide to create a JV instead of going straight to auction, they collaborate and they form a JV to merge the two applications. Also where the changes allow the limited ability to select a different string that is closely related to the original string. Some of the implementation guidance considered were as follows, in the left column, point 1 and point 2, they're similar, I will focus on point 2, which is in allowing the selection of new strings, there is suggestion that ICANN must perform reevaluation for the new string.

Secondly, they are subject to string-related objections, and thirdly, they still need to be subject to risk assessment, to be put out for public comment. So I don't see any reason not to support the points on the right column. They refer back to mostly what I stated, except just highlight the distinct criteria that is already in place, which ICANN refers to in deciding change requests, whether it's acceptable or not acceptable. Also the last point being that it should be the applicant that should bear any additional costs if they were to go through change request. And of course there could be delays. Okay, any comments?

JONATHAN ZUCK:

Marita just raised her hand. Go ahead, Marita.

MARITA MOLL:

Justine, is this a situation in which two applicants are trying to get the same name, they make a deal, and one of them changes their name,

agrees to do so. But that person to do so has to pay ICANN again, in order to change that application, right?

JUSTINE CHEW: There is no question of additional fee at the moment, so I haven't come across a situation, not that I've been around that long, but I don't think there is a fee involved, and anyone can correct me if I'm wrong. It's just a way for people to get out of contention sets in a reasonable fashion.

MARITA MOLL: Right, I was just wondering if this impacted our saying well, you can't have private things going on in the back and paying each other off to do this. It could be a conflict, that's all I'm saying.

JUSTINE CHEW: Yes, the aspect of paying off or private auction is something that we disdain, but if there is transparency in the way they do it, should we not allow it?

MARITA MOLL: Oh yes, totally. I'm just pointing out there could be an issue there. But yes, we should allow it.

JONATHAN ZUCK: I was just going to back you up, Justine. Marita, it's just a way for someone, and this could very well be used by an applicant that doesn't want to fight it out financially, can make a small adjustment to the

string and it still works for them and then still be a part of the round. That's what that particular thing is about. So change requests of this sort could very well benefit community and underserved region applications that want to sidestep what otherwise might be a more expensive contention process by making a modification to their string. So it feels like something that would be willing to support.

MARITA MOLL: I agree with that Jonathan, I'm just suggesting that money could change hands in this thing and do we have a problem with that?

JUSTINE CHEW: Okay, can I pick that up, Marita, on the next slide? Because it sort of goes into what you're saying.

JONATHAN ZUCK: Justine, Olivier has his hand up. Go ahead Olivier.

OLIVIER CREPIN-LEBLOND: Thanks very much, Jonathan. Olivier Crepin-Leblond speaking. And actually I'm already looking at that next slide. Regarding the gaming, is there any potential gaming to allowing change request. The one that I can think of is you have strings that you think might be close to something that others have applied for, and then you use it to create string collisions, in the case that they allow private auctions. So you know the reverse thing, basically looking forward to collide with already applied string.

JUSTINE CHEW: How would you prevent that, Olivier?

OLIVIER CREPIN-LEBLOND: Well, the string request, I guess it should allow string requests only if the change does not collide with another application. There's a level here which basically talks of a change to the string so as to avoid a collision, that's fine, but a change to create a collision should not be allowed.

JUSTINE CHEW: Sure, someone can put in an application for change request to a closely related string, but that application is not immediately approved, it still has to go through the evaluation including name collision. So we're talking about potential for gaming.

OLIVIER CREPIN-LEBLOND: String contention, not collision, sorry.

JUSTINE CHEW: So to get to change request, purposefully to create a contention with someone else...

OLIVIER CREPIN-LEBLOND: Should not be allowed.

JUSTINE CHEW: Is that what you're suggesting? I'm trying to understand.

JONATHAN ZUCK: I don't think as proposed it would allow that, Olivier. But I think part of what we may do is just outline the core principles. This is always Holly's recommendation, outline our core principles at the top of our comments, so that we make clear what our intentions are, even if we don't have all the specific answers on how to enforce everything.

JUSTINE CHEW: Okay, I'd appreciate some help there, Jonathan.

JONATHAN ZUCK: Of course, of course, I'm in. Go ahead Justine, let's keep things moving.

JUSTINE CHEW: Okay, to risk mitigation gaming done, 2.4.E.1.3, the criteria for considering limited ability to change request for new strings. They ask whether there should be any change to the set in existence, and examples of what change should not be approved. So I don't know whether this addresses your comment, Olivier, sorry to not have noticed it earlier. Perhaps, if it doesn't, then if you could drop me a note or put it in the list, and I'll try to pick it up from there.

OLIVIER CREPIN-LEBLOND: Justine, Olivier speaking. There's 2.4.D.1, allowing several types of change requests under circumstances to create JVs or have limited

ability to select a different closely elated to the original string. It says here gaming, it is difficult to envisage how these type of change requests are games, well, there might be one, which is the gaming to basically create a string contention.

JONATHAN ZUCK: That's what I was talking about, thanks.

JUSTINE CHEW: Okay, yes, I understand. The point about gaming actually came from Christopher. What I was addressing or alluding to is the right hand column, the second blue text header, if you see the second bullet, any change request for new string name collision risk is present or if a new string is not clearly closely related, should be not approved. That is an example of what should not be approved. My question to you is does that point address your concern. If it doesn't, could you drop me a line or put it in the list, and I'll pick it up from there.

OLIVIER CREPIN-LEBLOND: Olivier speaking, it does, thanks. Sorry, I hadn't read that, so that's good, thank you.

JUSTINE CHEW: Okay, I was alluding to the second bullet on the right column. Okay, so moving on, the role of public comment in determining a change request, whether a change request should be granted. I thought that public comments are actually good for most things, anyway, because

they provide an opportunity to raise concerns to change requests or even for someone who has raised a concern to withdraw that concern if the contention no longer exists because of the change request. And the last one was should there be any specific changes to the existing criteria? I couldn't think of anything specifically, except, and this could be controversial.

Criteria 1 talks about whether a reasonable explanation is provided. I thought potentially a letter of support or a word of support from interested stakeholder that's outside of the applicant, might be useful in supporting the change request. And I thought that the timing, whether it interferes with the evaluation process, would be least important of all the seven criteria. So any comment, any objections, any major issues with these? Okay, hearing none.

This one has got to do with registry support. I prefaced the presentation with this note to say that we did not comment on this area which is to do without relationship between the registry, operator, and registrar in respect of vertical integration. That is something that we did not comment on in the initial report, so I don't know whether we want to take the same position in not commenting, or we do. Christopher has made some points in his notes. I put together some thoughts in case we do want to comment. I think it's self evident in the interest of time, if people can just quickly scan and see if there are any issues.

JONATHAN ZUCK:

Justine, it's Jonathan. I guess I'm in the crew that believes that this isn't necessarily for us, and that ICANN shouldn't be meddling in what

domains, registrar style, and things like that. I think the availability of vertical integration means that there is always a place for a domain name to be sold.

JUSTINE CHEW: But do you think we show comment on any of the options or questions?

JONATHAN ZUCK: I don't think we need to.

JUSTINE CHEW: Olivier has a green tick, I don't quite know what that means, oh, okay, that we don't need to comment.

JONATHAN ZUCK: Gordon is agreeing as well. Okay. So we seem to be all in agreement for silence.

JUSTINE CHEW: Okay, is there anyone objecting to the position not to comment? Okay, Holly agrees, as well. Okay. Then we're done.

JONATHAN ZUCK: Great, thanks. Thanks so much for all your work on this, Justine, we really appreciated it.

JUSTINE CHEW: I'm not done yet.

JONATHAN ZUCK: Oh, I thought you said you were done.

JUSTINE CHEW: The presentation is done, but the work is not finished yet. I need to then transpose this into a proper Word document like we did the last time, so yeah, I'll come back to you guys.

JONATHAN ZUCK: Thanks, and Alan wanted the floor briefly, before we move on.

ALAN GREENBERG: Thank you very much. Ever since I've been involved in ICANN we've always had the issue raised of how difficult it is to get up to speed and to start working. And I just want to say that the amount of effort and success at it, that Justine has put into this in being able to master this very, very wide ranging and complex set of issues and presented so concisely to us, I think is just amazing, and I want to thank Justine for both the effort she put into it and for demonstrating that you can get up to speed quickly and can start working at ICANN if you really want to.

JONATHAN ZUCK: Thanks, Alan. Okay, are there any other issues that people feel compelled about? I know one of the issues is there are other public comments that are up for review, so please look to the policy page to

see those and give your last thoughts on those, as well. Is there anything that anybody wants to raise, as we've reached the end of our call. Holly, go ahead.

HOLLY RAICHE: Just really quickly, what's the IRT? The Inter-Registrar Transfer policy? I haven't had a chance to read it. Is it just implementation or is it something that they raise new issues? And I trust this is about IRTP, A, B, C, and D?

JONATHAN ZUCK: I haven't looked at that yet, and will get back with you offline. Any other questions? Alright, Evin has just posted the page for the IRTP. Evin has her hand up, Evin, go ahead.

EVIN ERDOGDU: Sure, thank you Jonathan, this is Evin. I can turn it over to Heidi first, if you would like to say something, Heidi?

HEIDI ULLRICH: Yeah, just really quickly, Jonathan I believe you have a meeting with Goran today? Is that correct?

JONATHAN ZUCK: That's right.

HEIDI ULLRICH: I know that some people had some comments for you to raise with him. Will you be giving an update on that meeting on next week's call?

JONATHAN ZUCK: Sure.

HEIDI ULLRICH: Okay, thank you.

JONATHAN ZUCK: Evin, go ahead.

EVIN ERDOGDU: Thank you, Heidi and Jonathan. I just wanted to note, maybe we can put this on the agenda for next week's CPWG if that's better, but there is a new public comment form being utilized for the EPDP report public comment and so I just wanted to bring everyone's attention to this, that it has been created to clearly link comments to specific sections of the initial report and encourage commenters to provide reasoning or rationale for their opinions, and to enable the sorting of comments so that the EPDP team can more easily read all the comments on any one topic. If it's successful, it may be used as a model for other public comment forms. So we're welcoming community input on this.

And right now I just wanted to note that so far the process is more or less the same as before, in terms of the ALAC developing a statement and staff submits it to comment, but the main change is that the format

is different and more specific to the comments. So maybe we can provide some time on next week's call for community comments.

JONATHAN ZUCK:

Sorry you've been Matt Damon'ed on this call, Evin, but let us in fact bring it up on next week's call. But folks, if you get a chance to take a look at the new form in the interim, do take a look, and Evin will discuss it on next week's call. Olivier?

OLIVIER CREPIN-LEBLOND:

Thanks Jonathan, Olivier Crepin-Leblond speaking. As you know I've already expressed my concerns about this new form for several reasons. One being that it does require the form to be submitted online. Secondly because it actually frames the responses in such a way that it makes things very, very tight, and the ALAC has in its mandate the ability to comment on everything and anything. So our mandate is being able to comment quite widely on issues, and the form, to be formatting our responses to reduce its breath.

So what I would suggest is really for people to have a close look at the process that might be used for submitting responses. Because it looks like the form is good for individuals to respond, but for the ALAC to respond, much more difficult, it certainly takes us completely out of the way from having our formatted pages with the rationale, et cetera. I have real concerns. Please have a look at this, because if we are against this, we need to say it as early as possible, rather than waiting for it to be implemented ICANN wide.

JONATHAN ZUCK: Thanks, Olivier. And we'll definitely go over it next week, and right now it's not on the table to make it ICANN wide, so let's just make sure we keep careful track of that process. Any other issues? I've got to jump off the call myself to get going. Alright, thanks everyone, thanks for the call and will pick up some of these on next weeks' call.

YESIM NAZLAR: Thank you, this meeting is now ended. Have a lovely rest of the day. Bye-bye.

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