Transcript
GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference
02 March 2012 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference held on Wednesday 02 March 2012 at 1500 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.
The audio is also available at:
http://audio.icann.org/gnso/gnso-gac-ioc-20120302-en.mp3 On page:
http://gnso.icann.org/calendar/#mar

Attendees

Jeff Neuman - Registry SG group leader
Lanre Ajayi - Nominating Committee Appointee
Thomas Rickert - Nominating Committee Appointee
James Bikoff- IPC
Steve DelBianco - CBUC
Konstantinos Komaitis – NCUC
Kiran Malancharuvil - IPC
David Heasley - IPC
Gregory Shatan - IPC
Sam Paltridge - IPC
J.Scott Evans – IPC
Brian Beckham –WIPO (World Intellectual Property Organisation)
Debbie Hughes - NCSG
Alan Greenberg - ALAC
Avri Doria - NCSG
Chuck Gomes - RySG
Krista Papac - RySG
Wolfgang Kleinwächter -NCSG
Osvaldo Novoa - ISPCP
Beth Bacon
Suzanne Radell
Mark Carvell
Matias Dodel - Uruguay

ICANN Staff
Jamie Hedlund
Liz Gasster
Margie Milam
Berry Cobb
Brian Peck
Nathalie Peregrine

Apologies:
Mason Cole
Stéphane van Gelder
Julie Hedlund

Coordinator: Recording has started and all lines are open. Please go ahead.

Glen Desaintgery: Thank you. Good morning, good afternoon, good evening, everyone. This is the GAC/GNSO call on the 2nd of March. And on the call we have Konstantinos Komaitis, Lanre Ajayi, Jeff Neuman, Beth Bacon, Alan Greenberg, Jim Bikoff, Charles Gomes, Debbie Hughes, Steve DelBianco, Wolfgang Kleinwachter, Thomas Rickert, Krista Papac, J. Scott Evans and David Heasley and Matias Dodel from Uruguay.

For staff we have Jaime Hedlund, Liz Gasster, Brian Peck, Berry Cobb, Margie Milam and myself Glen Desaintgery and Nathalie Peregrine. Have I left anybody off?

Kiran Malancharuvil: Yes, Kiran Malancharuvil.

Glen Desaintgery: Thank you very much. He is on the Adobe connect. And Sam Paltridge has just joined with Greg Shatan. Jeff, before I turn it over to you, may I remind you to say your name before you speak for transcription purposes. Thank you very much. Thank you, Jeff. And I will tell you when Suzanne comes on the call.

Jeff Neuman: Thank you. Actually I just got an email from Suzanne. She's saying that the password is not working for her.

Glen Desaintgery: I'll get the - it's IOC.

Jeff Neuman: Right. And she said that that - she's tried that and...

Glen Desaintgery: Okay, I'll talk to the operator about that.

Jeff Neuman: Great. Thank you very much. Well, everyone to this call. I appreciate the time that you're all taking to come out here to join us and the purpose of this call is to present the status of the drafting team that's providing some advice to the GNSO council in its response to the government advisory committee's proposal regarding the protection of Red Cross and IRC domains at the top and second level.

My name is Jeff Neuman. I'm the, I guess, group leader of the drafting team and, you know, I want to express my thanks for everyone for coming on this call. I think it's the first pretty much of its kind where there's a joined call between GAC members and GNSO members prior to official ICANN meeting and I think - I hope this is the first of many and I hope that it's viewed as a productive call.

With that said, and again, I'm just reading an email from (Suzanne) who's still having a tough time getting in. So if someone can - Glen, I'm not sure if you're on those emails, but I will...

Glen Desaintgery: Just did an email with the pass code, Jeff.

Jeff Neuman: Okay. I will - I'm going to forward this to you, Glen. If you could...

Glen Desaintgery: Okay, thank you.

Jeff Neuman: ...just reach out to Suzanne. So again, thank you everyone for joining us and so the agenda for those of you that are able to connect on Adobe is in the

new section below. What I'll do is just the general introduction of who we are on the call, you know, presentation of the status report. And hopefully solicit some comments or questions from those that are on the call and then talk about the next steps, including possibly posting this status report on the mean ICANN site so that's visible by a much larger audience.

I just want to say a couple column disclaimers at the beginning of the call. This is not an official GNSO council call nor is this an official GAC call. So any of the opinions that are expressed by any of the individuals should be taken as those opinions and not as any formal position of the GNSO to GAC or the constituency, stakeholder groups advisory committees that the person comes from.

So again the purpose is to be - have a productive conversation and to move things forward so that we can hopefully come to some resolution at least between the GNSO and the GAC at the ICANN meeting in Costa Rica which is just a few days away now.

Are there any - just a housekeeping, if you have any questions or comments, please feel free - if you're in the Adobe room, please feel free to use the button raising your hand so that we can get to you or if you don't have access to Adobe and just want to interrupt, just let me know and we'll put you to the queue. There's any general questions?

Okay, great. So just go over the status report right now. I submitted the status report as kind of a - as the group leader and the chair of the group and now in any kind of formal capacity. I've really drafted this as kind of a guide to help us through this call and for the next steps. So it's not any kind of official report but I do appreciate the fact that this report has been circulated now on a number of different list and groups are using this report and the recommendations that are in there as they're jumping hopefully for making comments.

And then I think that should continue. The - what we're doing here is trying - as everyone knows, just sort of recap, during the ICANN meeting in Singapore on June 20, the ICANN board adopted a resolution that provides for incorporation of text concerning protection for specific request in Red Cross and (IFC) names from the top level only. Building the application round until GNSO and GAC resolves policy advice based on the global public interest.

That's taking directly from the resolution itself. ICANN staff and views that resolution in order to draft section 2.2.1.2.3 in the applicant guidebook which was first incorporated in the September 19, 2011 version. The version that was presented by staff or staff's implementation of the resolution just to know for the record was not done with any kind of public comment period, was not done with any kind of discussion as to why they did what they did.

ICANN staff and its implementation, essentially proposed a plan which at the top level would protect the exact matches of the Olympix and Red Cross march and a few of the (unintelligible) that were included that with the specific original letter that the IOC and the Red Cross had submitted. The staff went on to say in that section in the GAC 9looking) guidebook that unlike all of the other names that were reserved at the top level, these names would not be - would not go through a string similarity review, now would be things available to the International Olympix Committee or Red Cross if these (NDs) wanted to use these names.

So the very first half that the draft continues to set out to do was to address what we felt were loop holes in the staff's implementation of the board's resolution. The board's resolution only stated that it wishes to provide protection for the top level. It was the staff that decided in its implementation in the guide book to only include these limited protections and not the full string similarity review.

This was pointed out in GAC proposal which was - or I should say the GAC had a proposal that they submitted on September 14, 2011 which contained their proposal for protection of International Olympix Committee and Red Cross-Red Crescent, later on the GAC followed that up with a question and answer document which addressed some of the questions that people have on the proposal but also addressed these points of not at the top level of not going through a string similarity review.

So the first thing that the drafting team decided to do was to address these loop holes and top level, given that the application window at the time that the drafting team started was to open just a month or two away. And we now find ourselves in the middle of that application window. The application window, as everyone knows for the top level closes on April 12.

So while there are still considerable amount of work that the drafting team still has to do with the second level, we decided to focus on with loop holes at the top level initially.

So at the top level, the drafting team discussed a number of different options in response to the GAC proposal and (unintelligible) with the recommendation that's posted in the recommendation report that starts on - there's three recommendations that start on (tape), two of the status report.

So those three recommendations really is to, one, how these reserve names can be treated, the second recommendation deals with, you know, at the high level, deals with the translation issue or how to protect those in multiple languages and the third recommendation deals with how to apply these protections in this round as well as in future rounds. So that's how we broke off the recommendations.

And then go back more specifically, the first recommendation has a number of different subparts but essentially it's creating a new category of reserve names that we, for lack of a better term came up with the term modified

reserve names, meaning that they would be treated in some respects like the reserve names in the rest of the applicant guidebook at the top level but modified in some significant respects to reflect the discussions that they're placed at the drafting team, but also to address the concerns that were raised in the GAC proposal that was followed up by the Q&A document.

The first part of recommendation one, the drafting team decided that it made sense that these names, although they'd be reserved, they should be available, the exact message of these terms should be available to the International Olympix Committee and the Red Cross/Red Crescent Movement as appropriate. So to the drafting team, it didn't - it made sense that, you know, while there needs to be some protection, it is the ICO or the Red Cross or any other component to actually wanted their names at the top levels that they should not be precluded from getting those names.

The second part of the recommendation was that unlike the staff's implementation of the board resolution which states that there would be no string similarity review, it made sense to the drafting team to recommend that these names actually do go through a string similar review. What the group spent some time talking about was that, you know, it somewhat applies to an Olympix with the letters O-L-Y-M-P-I-K-S or O-L-Y-P - I'm sorry, I'm spelling this wrong here. O-L-Y-M-P-I-X, it made sense to the - or didn't make sense to the drafting team that those would go through without any sort of string similar review.

The second part of our recommendation is that those strings that are applied for should go through the string similarity review and if they are identified as confusingly similar to the reserve names, the Olympix and Red Cross names that they not have the initial review. That again is very similar to the way that other terms on the reserve links like ICANN, ITF, GAC, it's very similar to those terms where they do go through a strong similarity review.

The third recommendation - the their sub-recommendation is that if an application does fail the string similarity review and the apply for TLD identically matches one of the reserve names, for example Olympix or Red Cross, that it cannot be registered by anyone other than the IOC or the Red Cross as applicable. So I think that's pretty self explanatory that, you know, if it's an exact match, that we at least for now would say that would sale the initial review and we not go any further. If though the applied first string is not identical but does fail the strong similarity review which is again just to remind people that review is while initially based on an algorithm, it's a subjective determination by a panel, so if it was passed that review, then the drafting team believed that there should be an opportunity for the application to seek a letter of non-objection from the International Olympix Committee or the Red Cross as applicable or if they can't obtain that letter of non-objection, that the applicant has the right to the opportunity I should say to claim that it's got a legitimate interest in the string and provide its detailed explanation of what that legitimate interest is,

And then with an explanation of why it believes that the new TLD is applying for could not be contingently similar to one of the protected strings and it makes it clear that the use of this new TLD would not refer to the IOC, the Red Cross or any Olympix or Red Cross activity.

The drafting team also felt that a determination in favor of the applicants, so let's say it goes to a panel and the panel does find that there's a legitimate interest in the string by the applicant that the - this determination by the panel should not preclude the Olympix Committee or Red Cross from all other interested parties from filing the - an objection under one of the other objection grounds as identified by ICANN in the guidebook.

And then finally, the point that's made in the recommendation is that if there is a letter of non-objection or the applicant is able to pass the string similarity review, that that should not prohibit the Olympix Committee, the International Olympix Committee or the Red Cross-Red Crescent movement from later

applying the - in that round or subsequent round for that mark. So for example, if the IOC gave a letter of non-objection for the marked Olympix with X for whatever reason, that should not preclude the IOC in a subsequent round or even in this round from getting Olympix with the CS. So we just want to make sure that that would not be used against the Olympix Committee or the Red Cross.

One thing I also want to point out while going through these recommendations is that the International Olympix Committee and the Red Cross-Red Crescent Movement have been active participants in the group, we've all welcomed their participation in the group and appreciate and I do think that that also makes this drafting team kind of unique in some respects that we've had active participation by those that have an interest in this. Of course they've disclosed their interest and we're all aware of it. But I do believe that their participation in the group has been a great help to all of us.

I'm going to stop after this recommendation to see if anyone has any questions. I know that was a lot of materials for the first recommendation, but I just wanted to stop and see if there's any questions or comments on the first recommendation.

(Suzanne): Hi, this is (Suzanne), Jeff. Sorry, it took me quite some time to get into the call so my apologies. I just wanted to thank you for the overview.

Jeff Neuman: Great. Thank you, (Suzanne) and I apologize for the technical difficulties in getting in. But I appreciate that you're on the call and so we'll just - I'll just continue on then to the second recommendation that the drafting team had put together was to protect the IOC, Red Cross and the terms in its main languages as feasible. The GAC had proposed - just to look at the GAC proposal that the IOC and Red Cross requesting name should be protected in multiple languages, all translations are the listed names in languages used on the Internet and list of protected names with the IOC and Red Cross-Red Crescent has provided are illustrative and representative, not exhaustive.

The drafting team spent some time talking about the GAC proposal and while the drafting team did understand that the list listed by - the initial list submitted by the IOC and Red Cross-Red Crescent was illustrative, the drafting and that the protections that we recommended shouldn't just be limited to that list. The drafting team also understands the needs that we do need to come up with a list so that that could be applied in the strong similarity review.

So what we've asked the International Olympix Committee to do as well as the Red Cross is to help us produce that list of marks that they seek protection for or I should say on the translations that they would seek protections for. Yesterday, the International Olympix Committee did give the drafting team a list. I don't think that the drafting team has had time to review that list, actually maybe two days ago now. But we do appreciate the Olympix Committee submitting that list to us.

We think it is definitely a comprehensive list and we are still waiting for the Red Cross-Red Crescent to submit that list of the Red Cross-Red Crescent did submit a note to the drafting team that they wanted to be protected in every language that's used on the Internet and again while the drafting team certainly appreciates that and certainly does not wish to deny the Red Cross or Olympix Committee any of the protections that they would have under law. And otherwise, there is a feasibility practicality aspect of this when it does go through string similarity review. And unfortunately, there is a list that's needed at that point.

So while we certainly appreciate the concept and want to adhere to that concept, we still feel we have a list in order for it to be feasible. So I do believe that the drafting team's recommendation is consistent with the GAC proposal but just modified in that feasibility category.

Okay, any questions on recommendation number two?

Mark Carvell: Hello. It's Mark Carvell ringing from London. Just to say I just joined the call actually because I - somehow I was dialing the wrong number. Hello.

Jeff Neuman: Oh, sorry about that, Mark.

Mark Carvell: Yes, sorry. I hope I haven't missed anything too, you know, important. But I'm sure I missed the important stuff but anything that needed input from me. While I'm glad to hear that the IOC had provided a list and did I understand you, you're waiting a similar list from Red Cross-Red Crescent, is that right?

Jeff Neuman: Yes, and let's say it was submitted in the last half hour, but yes, we're waiting for that list. And I do see that Debra Hughes who's from the Red Cross actually has her hand to this so I'm going to yield to Debbie.

Debra Hughes: Good morning, good afternoon. This is Debbie Hughes. And I just wanted to update this group to the comment that we were not going to provide a list, I know there's been a lot of emails, but if you recall in my email to the drafting team on Tuesday when we were talking about reserve names at the end of that email, I did indicate that the Red Cross-Red Crescent is actively contacting all of our member societies and that it is our aim to produce a list before the ICANN meeting in Costa Rica. And I know that's probably got missed perhaps at the end of that email but it's certainly there and wanted to make sure that all members of this call were aware of our intent to provide such a list.

We have over 194 national societies and to do such requires deliberation and some time. So just wanted to correct that statement. Thank you.

Jeff Neuman: Thank you, Debbie, and thanks for that update. And since I came across this representing that you weren't going to submit one, I apologize. You know, you're actually right, you did make that statement and we look forward to getting that list. So thank you, Debbie.

Okay, the last recommendation and, Mark, welcome to the call. All we're doing now is really just going over the status report. So it's everything that you probably have read. We went over the recommendations one and two and we will start a general discussion again on these. So if you do have anything to add or any questions, we'll go back to that.

I apologize for the technical difficulty. You had that issue and (Suzanne) had that issue as well. So I apologize.

Mark Carvell: All right. Thanks very much.

Jeff Neuman: The third recommendation or the third aspect of the protection to the top level that the GCA had proposed was that these protections should apply not only for this current round but for all subsequent rounds of new TLDs. The drafting team spent a little bit of time talking about this and ultimately came out with the recommendation that the drafting teams' intent is to make recommendations that would apply for this round and future rounds but like all other aspects of the new TLD program, they may be reviewed after the first round to see whether, you know, we missed the mark, to see whether additional protections are needed, you know, just to do a general review.

It's not - the drafting team is not mandating that a review take place on this, it's just saying that, one, maybe gone if this was something that the GNSO or the GAC or anyone in the community wants to undertake that review.

So those are the three recommendations at the top level. Just to go back for Mark and (Suzanne) that had difficulties joining the call, the - we focused a lot of our time at the top level because of that fact that, you know, the application round is in less than - or just a little over a month now. And in order for us to, you know, focus on an area at the top level, we need to make sure that our recommendations are in prior to the end of the application window.

This would give at least a little bit of time if we can recommend it to the board and the board would adopt it in Costa Rica. This would give a little bit of time for the applicants that may think about applying to actually have some notice, while not the most ideal amount of notice which would have been prior to the application window opening, it does give a little bit of time for applicants to get noticed of these protections.

The other thing I do also want to go back to which I think is a key point which I'll talk about in a little bit with respect to the letter that the ICANN staff has sent in the drafting team in respect to next steps, the board resolution on Singapore talked about recording the staffs and corporation or text concerning protection of Red Cross and IOC names at the top level. The board did not dictate the implementation of that resolution. ICANN staff on the (tailwind) back, took the board resolution and point an implementation plan into the guidebook. That implementation plan as you could see from our recommendations had some loopholes in it but that implementation plan had never gone out for public comments.

And so this was the drafting team's attempt to resolve those loopholes in order to correct some of the flaws that we identified and also frankly the GAC had identified some of these flaws as well. But I just want to make that point again for Mark and (Suzanne).

Any other questions at the top level before I jump into where we are at the second level?

(Suzanne): This is (Suzanne), if I could just make a little comment.

Jeff Neuman: Absolutely, please.

(Suzanne): Thank you so much, Jeff, and thanks again for - to you and the drafting team for your work on this and for frankly identifying these loopholes in the board's

resolution because we did not, if I may say, just speaking from myself, I certainly didn't catch it.

So - and I'm very, very pleased that you have the benefit of representation on the drafting team from the IOC and the Red Cross directly because I think that's probably made an enormous difference. So I just wanted to thank all of you for having identified and now close proposal solutions to close those loopholes.

Obviously, you know, our proposal of course focus on the second level because we had understood - misunderstood, I should say perhaps that the board resolution had us all covered. So I just wanted to express my appreciation for your attention to the detail. Thank you.

Jeff Neuman: Okay, thank you, (Suzanne). And I too appreciate the participation of the Olympix Committee and the Red Cross. I think - and I think I speak for the group with that appreciation as they were able to quickly respond to some of our concerns and some of our questions and so I think that they've been very valuable in the group.

So as you pointed out, (Suzanne), the bulk of the GAC proposal does deal with protections at the second level. The reason again, we do know that it's very important for us to address those concerns and we didn't potentially pushed those off in either way to ignore the GAC proposal but more as a feasibility practicality of trying to get the top level issues closed before we get to the second level, the reason being is even though the application period closes on April 12th, the second level protections are protections that are incorporated into the registry agreements.

The registry agreements are not going to be entered into until the registries are - you know, after they apply and they go through evaluation and they're ultimately selected, that point in time, these groups will be entering to the

registry agreements which if you look at the current timeline is probably going to be no earlier than the fourth quarter this year or the first quarter next year.

I do want to stop for a second because I see a question on the chat that Wolfgang has a question for the GAC members. So Wolfgang, is it at the top level or is it at the second level?

Wolfgang Kleinwachter: This is posted to top level.

Jeff Neuman: Okay, great, yes. So then I will - why don't you ask the question and again, just to remind - same reminder, I know people joined in after the disclaimers, you know, everyone's participating here in good faith and while you may ask your question and if an individual GAC member would like to speak, that's great. But just keep in mind that they're not speaking on behalf of the GAC, may not even be speaking on behalf of the country they represent but if they do choose to answer it, it's most likely a personal opinion. So just keep that in mind. Thanks.

Wolfgang?

Wolfgang Kleinwachter: Yes, you know, we - the (unintelligible) Red Cross on the IOC's question as two separate occasions. And in the meantime, there was also a letter from other inter-governmental organizations which raise the issues which we are not to discuss by group. But my question goes to the GAC, you know, how do you see this? it's just on very exceptional case the Red Cross and the IOC or is this just a first step and this will be followed by a lot of other exceptions for other intergovernmental organizations which (unintelligible) the same treatment.

(Suzanne): Can I take a crack at that? This is (Suzanne). And Mark, feel free to chime in if I omit anything.

Mark Carvell: Yes, please.

Wolfgang Kleinwachter Okay, yes, go ahead, (Suzanne).

(Suzanne): Well, thank you, Wolfgang. I think and hopefully it should be embedded in the transcripts from the meeting when we made the proposal but we had - I thought we had been clearer. So apologies if we haven't. We do think that the IOC and the Red Cross actually are fairly exceptional, in fact, I think they are exceptional.

And as the only two entities that we are aware of and some research - in fact, considerable research has been done in this regard, they're the only two that actually meet what we consider a very high bar of having two levels of protection and the first is treaty based. So they get - have protection in international legal instruments and in statues in multiple national jurisdictions.

So this is a two-pronged levels of protection, if I may say whereas we've done some research also into the IGOs and to our knowledge, none of the IGOs meet both - meet that standard. Mark, feel free to complement. I may not be as articulate as I would like to be.

Mark Carvell: Mark speaking from London. Yes, I mean, that's basically the position that we discussed in the GAC as to why these were unique exceptional examples that merited protections with reserve list. The GAC has not considered extending beyond IOC and RCRC and all the GAC discussions have been with regard to these two cases and the merits of the case as (Suzanne) has described based on existing national and international protection so that treaty base, the objectives of these two organizations in respect to global humanitarian activities was also highly relevant to establishing that high bar.

The current exchange between in the form of the letter from the IGOs that Wolfgang referred to with the ICANN chair, I think the letter was addressed to the chair if I remember right is not something that the GAC is a party to and

we don't - there's no provision in the current GAC work to bring this issue of the other IGOs into our current work plan. Thanks.

Wolfgang Kleinwachter: (Suzanne) and Mark, thank you very much. This was very, very helpful.

Jeff Neuman: Yes, and thank you, Mark and (Suzanne). And I also want to point out that also in the question-and-answer document from the GAC to the GNSO, I believe, that was in the late October (unintelligible), I think that question was specifically addressed and answered the same way. So thank you.

Konstantinos, you have a question or comment?

Konstantinos Komaitis: Yes, thank you. Just a very quick follow up. Thank you very much, (Suzanne) and Mark and I do appreciate that you cannot speak on behalf of the GAC but it's just - because this group really talked about the potential precedents that these might set, should the international organizations come straight in GAC and ask for that type of protection? Can the discussions in GAC, can this group be assured that these - the work of this drafting team and the new recommendations that come out of it will not be used as precedent in order to justify special protection for YPO, UNESCO, international for example (unintelligible) humanitarian and for the preservation of cultural heritage.

So is it possible, can we assume that this will not escalate to the point that anybody will come in and use this as a precedent if they come straight to GAC and they don't go to the ICANN boards. Thanks.

Mark Carvell: Well it's Mark from London speaking again. Well, from my personal perspective my reaction would be if there was an approach that this would have to initiate another cost of discussion amongst the GAC, entirely separate from what we've been doing in respect to the IOC and the RCRC.

So I would - the position I would take is that there could be no extension from the work that we've been undertaking over the last, what is it, the year and a half or so with respect to IOC and RCRC. So I hope we would be able to reassure you on that point.

(Suzanne): This is (Suzanne) if I could chime in, as well.

Konstantinos Komaitis: Yes, please.

(Suzanne): To my knowledge if I recall properly, there was a representative from one of the IGOs that that was in (unintelligible) but it was the OCD and there was a brief discussion but I think we actually conveyed the same explanation that we conveyed to you to them as well. Nonetheless, I mean, it's entirely - no one should be surprised that there is such a letter, sort of seeking that protection.

Similar of us have been approached in capital by the way because we're all members of this organization. But there are other tools available to the IGOs. Those whom are observers to the GAC and many of them are can certainly use the GAC early warning system and the objection system and they also have the right to file a legal right objection to the extent their name is protected. So there are other tools and other avenues.

Jeff Neuman: Thank you, (Suzanne). Thomas?

Thomas Rickert: Thank you, Jeff. After some discussion in the drafting team surrounding the question or the sort of the fear that by giving special treatment to special organizations that these organizations would be getting right or treatment that would go beyond the legal protection for these things. Now we do appreciate that for the IOC and the Red Cross-Red Crescent, there is this special protection international treaties, international legislation. I just want to seek some reassurance the GAC representatives having in mind the Q&A which said something along the lines of (unintelligible) and it was - there was some

reassurance that this was not the case because in that discussion, also there was the fear of granting extra right that would not legally be there.

So I think in the light of that, the GAC could confirm that they - that the GAC representatives have the same opinion that, you know, the - mustn't create any precedents where organizations are garneted right beyond their legal positions, that would be much appreciated.

Mark Carvell: Well, Mark from London, if I start off. Well, I'm very happy to give you that reassurance that that's certainly not a consequence from this that we would support that this would somewhat empower those two organizations in ways that are unrelated to the specific objective here.

Jeff Neuman: Thank you, Mark. Anyone else have any comments on that?

(Suzanne): I certainly hope this is helpful to the drafting team members.

Jeff Neuman: This is Jeff. I think it is and I think also to the councilors that are on the call as well. So some of the people that have been asking questions may not be on the drafting team but these council is listening in as well.

So going back then, any other questions or comments at the top level?

Okay, at the second level, we - as I started to say, we haven't made as much progress but we have in outline of the questions that we need to answer in ordering between to answer them along with an outline of different options that could be on the table.

So for example, the very first question that the drafting team will need to consider based on the GAC proposal is whether the Olympix or Red Cross names should be reserved to the second level (unintelligible), you know, that's just the general overarching question.

Depending on the answer to that question and (unintelligible), there should be some forms of protection then we've laid put some options that are really just the very beginning stages of discussions. So these are not - the drafting team has not chosen any of these options nor has really comprehensive discussion on the options.

But the options you can see in the paper are they should be treated - they can be treated as forbidden names and no one can ever register those names. I will note that that would include those organizations. So if you reserve Olympix, not even the Olympix Committee can register Olympix (unintelligible), we know that that's' obviously an extreme example and we also note that that is specifically not what's requested by the GAC.

The GAC actually in the Q&A made it pretty clear that this is not the option that they would recommend. But, you know, just to be - to make sure that we covered and checked, you know, all the boxes that that is an option that will be discussed by the drafting team.

The second option is to treat it as sort of a modified reserve name meaning that they can only be registered by applicable organizations. The third option is to treat it as those names as the two letter country codes are treated now where the registry operator could propose the release of those based on implementation as to avoid confusion - in the country code example to avoid confusion to country codes here. It would be to avoid confusion with the IOC or Red Cross-Red Crescent activities as applicable or it can be treated more like country or territory names that's currently in the guidebook which are we basically need to go to that specific country to get agreement with that country that you could use that country or territory name.

The equivalent here would be we'd have to go to the Olympix Committee or the Red Cross to get some sort of - to reach agreement with them on your projected use of those names. Each of those options have unique issues, not only with respect to how they would go about seeking those approvals, but

also how from a practical standpoint that would interact with the real-time registration process that the registries currently have and so there are some technical issues that would need to be considered, as well as the policy issues when we get to it.

That's the different options that are so far on the table. There could be other options that are hybrids of those or that are in addition. So again the drafting team has really just began these discussions on these options. If the drafting team chooses one of those options to protect the names, then obviously the mechanisms of having to implement those will need to discuss. And then the drafting team also knows the proposal by the GAC team, not only include the specific Olympix and Red Cross marks that have been identified but also include them all in the six UN languages. And to note again that the recommendation at the second level or the proposal from the second level from the GAC is not to protect in all languages but the proposal on the table now is just the six UN languages.

Any comments or questions on where we are in the second level?

(Suzanne): (Suzanne) here, and thank you for noting that our proposal of course goes for, you know, complete protection so I certainly appreciate that. My question was, what do you anticipate us taking up in Costa Rica between ourselves or in the GAC and GNSO meeting? Do you - how do you want us to prepare our colleagues for that exchange?

Jeff Neuman: I think in Costa Rica, I think we're going to probably have our hands full at the top level.

(Suzanne): Okay.

Jeff Neuman: Just to be honest and then it will get into the staff's letter that we just received in a couple of minutes. So I think we're - you know, with the limited time that the council has with the GAC, I think mostly the discussions should probably

focus on the top level so that we can make sure that we get to a decision point for the GAC and the council to recommend to the board, you know, the actions that need to be taken.

I think at the second level, the plan is from the drafting teams, immediately after the meeting in Costa Rica, we're going to continue our biweekly calls on the second level protection. There's already been some good dialog that's taken place on the mailing list on these options and it's our plan to present to the ICANN board hopefully in the Prague meeting our proposals on the second level. So that would be well in time before any registry agreement needs to be finalized or even the applicant is selected. So hopefully we can meet that timeline.

(Suzanne): Okay. So the idea is, if I may and apologies to others if they have their hands up, the idea is that we meet on Sunday, I believe, GAC and GNSO. So you would like to get from us a signal that, yes, we agree with where you're going. And then you take it to the council, would that be on Tuesday to get a green-light to then take it to the board?

Jeff Neuman: The council meets on Wednesday, on Wednesday afternoon and we ask that if everything goes well and in the idea world what I would like to see happen and the drafting team would like to see happen is that the council will vote on it on Wednesday to send it to the board so the board to make a decision at the board meeting on Friday. But I will footnote that we still need - we need to discuss what the layer that the drafting team just got from the ICANN staff yesterday on this.

So if I may, if I can turn to that, let me do that and - Konstantinos...

Konstantinos Komaitis: You know, just very quickly in jest, I thought that we also need to discuss the issue of the public comment periods that this was not really resolved. Whether these recommendations and when more importantly will it go out for public comments. Thanks.

Jeff Neuman: Yes, thank you. Konstantinos. Also in relation to the ICANN staff letters. So let me address that now and Konstantinos, please feel free to chime in if I miss anything or if you have any questions. Thomas, your hand is up, is that new or is that left out?

Thomas Rickert: Sorry, I was on mute. That's not new. Next time I'm going to take my hands down. Sorry.

Jeff Neuman: Okay, thank you. So yesterday, although that was our plan again that I conveyed to you yesterday, we received a note from ICANN stiff commenting on the recommendations and although there was no substantive comment on the recommendations themselves, the ICANN staff made a couple of points in their letter. And there's been some interesting dialog on the list already, the drafting team list on the staff letter.

But essentially the staff letter states that the - thanks us for the work. And then goes on to say that they believe the path forward should be one augmenting the written proposal as they understand it with policy reasoning for providing this type and not other types of protection and be a public review of the significant policy addition. They go on to state that the drafting team should state why should be afforded to these organizations in particular and run on others and how the introduction strings likely to resolve the user confusion is acceptable in these cases.

Finally, they should provide, like - I guess there's a misunderstanding with staff that they say that I don't know why this is their belief but it's their belief that we did not recommend any protection at the second level. I'm not sure why that message got out there. We haven't addressed it yet, but we're just starting to address it. So I think that's just a little miscommunication there in the letter.

But then it does state as Konstantinos said that there should be a broader public review that there should be public vetting in the decision after the team submits the report to the council and then a 30-day public comment period opened up by the board before the board can act on it. They point out to the fact that this would be traditionally when the GNSO council deviates from existing policies that this 30-day public comment period is afforded.

So that is what the ICAN staff letter states. Obviously if there's a 30-day public comment period there's really no way for us to meet the deadlines to any protections at the top level which means it would be the status quo, which means that there's these loopholes would stay in effect. I've just - from a personal level, completely personal, I was disappointed with this letter. It's not that I don't believe that there shouldn't be public comment. In fact, one of the things I'm going to recommend is that the status report go out immediately to own up - on the ICANN side so that it's distributed to a broader group.

What I'm a little unsure about and I've sought clarification on a couple of things is, one, ICANN policies or ICANN staff really did this implementation mechanism on their own. It never went out form public comments. Our staff chose to implement it which I don't necessarily believe was consistent with the board resolution. But even so, I don't think the staff's implementation plan is actually a policy. I think it's implementation and I'm not sure whether just because there's really a public comment period and other policy situations that this necessarily falls into that category.

The other thing I do want to note as its share of the drafting team is in November, we made an expressed request to ICANN staff to get its rational for why it chose to implement the board resolution in a manner in which it implemented it including these questions as to why they didn't have string similarity review. We did post that question to ICANN staff in November. To date, the drafting team has not received a response from staff on those questions. And I find it a little ironic that we're being asked to justify our

change to the staff's implementation from the staff's original implementation never went through any kind of public comment period.

So those are again just kind of a - the last part was a personal comment. Again, I do not want to ignore the component to get some public comment. I believe if we can post t now on the ICANN Website that, you know, while not 30 days and while not the most ideal, I think in order to close these loopholes, I believe ICANN should immediately post this on their site and distribute it as far and wide as they can so that we can be in a position to Costa Rica to move forward.

But with that said, let me also turn it to Chuck and Allan who have their hands up too. Chuck?

Charles Gomes: Thanks, Jeff. It's Chuck Gomes. I'm representing the registry stakeholder group on - in the drafting team. Jeff, I'd like to suggest that we open up a comment period as close to immediately as possible on this. And I would also - I also think we should only open up the comment period on the specific recommendations that are going to be considered by the council and hopefully the board too in Costa Rica.

If we make it too broad, it's going to be very hard to get the feedback we - that GNSO really needs on the specific recommendations at the top level. I believe we will have time, subsequently to have plenty of public comment period on other things that we work on such as the second level. So - but if we make it too broad a comment period and considering it's very short, we're going to lessen our chances of getting the feedback that is really needed on the specific recommendations that would be on the table in Costa Rica.

Now that doesn't mean that we can't provide links to the status report and links to everything that the working group has done and we can encourage people to contact their representatives on the group to get more information and so forth. But if we don't narrow our focus on the comment period with

such a shirt window, we're not going to get what we really need, I don't believe.

So I strongly recommend we start it right away and we narrow the focus to the specific recommendations that are going to be under consideration in Costa Rica. Thanks.

Jeff Neuman: Thank you, Chuck. And I think that recommendation makes a lot of sense. And certainly we want to hear from everyone else on that. Alan, you're next to the team.

Alan Greenberg: Yes, thank you. In later - what I'm going to say, I'm not sure that what's Chuck's suggestion is, is something we should do. The letter - the staff letter threw me for a loop on a whole bunch of levels, I'm afraid. And if indeed the board is not going to take any action at the Costa Rica meeting that is before the application around closes, then I think that changes a whole set of premises that we - which we're working on.

If indeed we are only talking about what happens in round two and further and that seems to be the case, then it's - number one, it's not urgent, there's several years in which we can do it. Staff is also saying now this is policy, not implementation which implies a different set - s different type of GNSO action required to formally approve new policy. I would not - the recommendations which are on the table in Jeff's report, I support it. If indeed they are only for round two and following, I don't support them at all. I think they are premature.

I think we could be informed by what happens in round one an awful lot and we shouldn't be attempting to get these approved right now where we can put them up for comment because they believe they were created under premises which may not be appropriate. So I'm not quite sure where we go at this point, but I'm not happy with the situation and how we go into it. Thank you.

(Suzanne): This is (Suzanne), could I join the queue if somebody else doesn't have their hand up already.

Jeff Neuman: Well, Chuck and Konstantinos are in the queue.

(Suzanne): Okay. Go back to them.

Jeff Neuman: Yes. Or Chuck and Konstantinos, do you want to yield to (Suzanne)?

Charles Gomes: Well, no I don't. I don't want to yield to (Suzanne).

(Suzanne): You don't have to.

Charles Gomes: The reason I want to go ahead is because I want to respond to something that Alan said, so I'm just kidding of course.

(Suzanne): Chuck please.

Charles Gomes: Yes, the one reason I disagree with what Alan said s that it would be based - it would be reducing the urgency of what we're doing based on that letter. And like others have said, I think that letter was seriously flawed. It didn't even talk about the time sensitivity of what we're dealing with. So I think that the - we should not base our timing in anything that - based on anything in that letter that we should go ahead with a sense of urgency. If it doesn't - if it ends up not being that urgent, fine, we haven't lost anything.

But I think we could - we should continue with the sense of urgency because the application period is ending on the 12th of April. It would be very good if something happened before then. It may or may not but I suggest we continue with the sense of urgency and go ahead and open a comment period if we can extend it later, that's fine, but let's get people's feedback on this recommendation right now. Thanks.

Jeff Neuman: Thanks, Chuck. Konstantinos is next and then (Suzanne).

Konstantinos Komaitis: Thanks, Jeff. Given the amount of loads of this drafting team that's put into it, I think that - I agree with Chuck, I think that the recommendations need to be very specific. However, we should not compromise the public period or the comment period because of sped and for me the fact that the staff is not put out for public periods or their own recommendations (unintelligible) or not putting these recommendations out for the (unintelligible).

My understanding is for me to be at least 21 days of public comments, also the GNSO council has always made a point of (unintelligible) comment periods sort of upholds during the face-to-face meetings and we need to remember that these recommendations today are informal. You have - you've done an excellent job in drafting them but they have not (unintelligible) by the drafting team officially at least. So before we submit them out, before we submit them to the GNSO or the GAC or for public comments, we need basically to vote of these and make them official. Thanks.

Jeff Neuman: So, Konstantinos, let me - I'm going to go to Suzanne and then Alan and then I'll make some discussions.

Konstantinos Komaitis: Yes.

Jeff Neuman: So, Konstantinos, yes?

Konstantinos Komaitis: Yes.

Jeff Neuman: Okay. Chuck?

Charles Gomes: I'm done. Thanks.

Jeff Neuman: Okay. (Suzanne)?

(Suzanne): Oh thank you. And thanks to everybody else's comments. I would like to concur with Chuck's proposed way forward and then I have a couple of questions and observations. Frankly, I found that the - you know, I find it kind of stunning to have the staff weighing in at this late hour when this initiate has been well underway for several months. So I'm finding it slightly disappointing.

And not just from that perspective but quite candidly we in the GAC and I cannot speak for everybody, but I think I'm fairly confident that my colleagues are likely to agree with me. We have taken the ATRT recommendations. There are five of them that pertain to the role of the GAC in ICANN.

We have taken them very, very seriously and as some of you probably know, there is a new joint GAC board working group on those five. And quite candidly, we have looked - certainly Mark and I have, I don't think I'm putting words in your mouth, Mark, I hope not. You correct me. We have looked to this initiative as well as to the parallel in this work we're doing with registrars and ICANN staff for the RAA as examples, if you will of different ways of working newer ways or working where certain issues and certainly on this issue, the board has already endorsed to a great degree the concept and then they've asked us to go flush out details.

I agree with you, Jeff and Chuck, these are implementation details in our mind. This is not new policy. These are implementation details. So we flag and this is how the GAC sees itself. We flag the concern that had not been addressed and we made the case we thought that these are unique entities that deserve these protection and they have this protection legally and that they we are now trying to jointly work with you and this is a new method of working, if you will. And I just somewhat disappointed that we're being presented with obstacles that would prevent us from actually leaving up to the board's own resolution of offering protection at the top level.

And I just am very (unintelligible) then to building so much more time that we end up kicking this down the road. I think that misses the point and it certainly is completely contrary to what the GAC initiative is all about. It is in fact to protect these names at the top and second level in this round. So I failed to understand why the staff is not being more supportive. And - but we need to talk this through a little bit further perhaps face to face with them in Costa Rica. But I'm prepared to continue to go along with your initial idea and I think we need to stick to that plan. Thank you.

J. Scott Evans: Jeff, this is J. Scott. I'd like - in the queue.

Jeff Neuman: Sure. I got Alan and then J. Scott, I'll put you ahead of me so. So Alan and J. Scott.

Alan Greenberg: Thank you. I can - I have no problem supporting what (Suzanne) said and in fact, what Chuck said. The only caveat I would say is that if the end result is that this does not have any impact on the first level in this current round, then I think we need to go back to the drafting board and rethink that we do for the second round in a different timeframe.

We put this recommendation together to fix the problem in the first round with the understanding it may well be reviewed afterwards and I think it has to be in that context. So if we go out for public comment, it should have the caveat saying this presumes it will alter things in the first round if it doesn't, then I think the drafting team or some other structure needs to come back and look at it very carefully.

You know, there were lots of other things in the staff memo which are disturbing. We were asked to justify why we felt this protection was necessary and didn't apply to others. If the GNSO wants to do that, I think we need the legal staff and that's from people who understand treaties and national laws a lot better than we do.

So we need to in parallel go into what the notes said and try to understand what we're supposed to be doing because some of us may well had a different impression altogether. Thank you.

Jeff Neuman: Thanks, Alan. J. Scott?

J. Scott Evans: I had a few points. One, with regards to Konstantinos' comment that this has been vetted, I supposed he was referring to your summary, not the fact that the recommendation has been fully vetted and I think Chuck's recommendation on the call today and in the email list was that we wouldn't put your summary up for public comment but simply the option that is set forth with the multi-layers.

So I want to make that point. Secondly, we're treating this differently because the GAC has asked us to, so, you know, staff acts as if they are somehow not present nor privy to any of the transparent materials that led to where we find ourselves today, that is not the case. I would simply reflect back to them that they need to read transcripts if they want to know why we're keeping that.

I think that, you know, if this isn't for the first round then everything is useless because it would be so much of a problem especially for the Red Cross that we might not - we might as well not do anything at all ever because the problem is going to occur in the first round and it's too late to talk about second round. We either do it now or we don't do it at all. And I think the GAC has spent out very specifically and very clearly why they believe these deserve to be treated differently.

We were tasked with coming up with a solution for that and I think everyone has worked hard to do that in a balanced fashion. So, you know, I certainly - I am not at all - I'm a little irritated that staff acts as if they weren't a part of the process when in fact they were. And they worked at the behest of the board.

So, you know, they need to go talk to their boss about what we're doing and quit asking us questions.

(Suzanne): Here, here.

Jeff Neuman: Can I say, Scott, I'll put myself in the queue and then I'll have - (Reg) is also in the queue after me. A couple of points I wanted to make, I agree with the notion of putting out the recommendations as for comments and that's what I was referring to and so I agree with Chuck that I believe ICANN staff should do that immediately.

We do have some ICANN staff members on this call so I'm hoping that they heard what we said and will immediately put that out on the ICANN main page with links to the status report, to the mailing list, links to the board resolution. The section in the guidebook and some other things, I think that would be really helpful, at least to get that up today so that we have at least, you know, 10 days before the council will have to - close to two weeks before the council actually votes on this.

I kind of want to echo something that J. Scott has said about, you know, the staff has given us their opinion, the staff doesn't control the activities of ICANN. ICANN is the community and so if we feel that things should be done differently, if we being the drafting team, the GNSO council and the GAC, if we at a multi-stakeholder fashion bottom up process believes that ICANN staff is incorrect in their views, then we can still pass it and send it to the board with or without staff approval.

Of course staff is certainly welcome to present their opinions to the board but I don't want staff's letter to scare us into not even presenting it to the board. I think that would be a mistake to not continue down the path that we had started out.

Finally, I do want to say that I did last night tried to come up with some things that I could put together from discussions that we've had the rational. So I went back to the original board motion and I want to know if there's nothing in the preliminary report on the rational for this part of the (unintelligible) resolution. There's a lot - all the other parts of the resolution but the ICANN board or nor staff posted anything about the resolution about the rational for the Olympix and Red Cross protection.

And I don't think it doesn't exist in the - I think, you know, the GAC and the letters sent in by the IOC and Red Cross I think did a great job in resenting a rational. But if you look at the - interesting to note, if you look at the board papers or (unintelligible) papers that were put online, you have the IOC's letters, you have the Red Cross letters and then you have four or five pages of GAC materials that are listed as privilege and confidential which I'm assuming is the rational for why the board did what it did.

I find it highly disturbing that that's all redacted. I find it interesting that that's redacted but now the ICANN staff is asking us to provide our rational for the similar protections which we're piggybacking on to what the board did. I just think there's a lot of mistakes here. I think this is actually a broader discussion that we just have with staff. But it's just interesting to me that they're asking us to provide a rational when their entire rational is redacted.

J. Scott Evans: And I'm sorry, Jeff, but why are we supplying a rational when it was the board's rational that led to this work? That's the basis of the rational and the GAC has been very clear, I don't think it's up to us to give another - to regurgitate what is already on the public record and what has already been stated.

Jeff Neuman: Yes, I think, J. Scott, that's what - I was trying to be helpful and trying to point out in just to links and references to those materials but I couldn't' even do that because it was redacted. So that's...

J. Scott Evans: In other words, you're a lot nicer than I am. But I mean, I'm a little fed up.

Jeff Neuman: Yes. Thanks, J. Scott. Let me get to Greg and then Alan.

Greg Shatan: Hi. This is Greg Shatan. Some of what I said has already been said, but - or some of what I was going to say, rather, has already been said but it would echo that I don't think it's up to or should be up to us to create kind of an independent in-depth legal analysis that would require a legal staff to produce.

I think that pointing back at the GAC's letter and the concept of the tapestry of - unique tapestry of legal protection, you know, should be sufficient, you know, to answer that request and I think it should be seen as a request, not a requirement. The idea that this staff letter should be seen to, you know, somehow change the game seems to me to be the (anti-thesis) of a bottom up multi-stakeholder process and who, you know, reveals some sort of autocratic methodology that I don't think is warranted here having just seen Star Trek the Phantom Menace, I hope, menaces - sorry the Phantom Menace, hope we're not seeing Councilor Palpatine turning into Emperor Palpatine in terms of what the powers of the board staff are, you know, relative to the constituencies in the communities that make up ICANN.

Jeff Neuman: Thanks, Greg. I'll note for the reference that this is the first time in a number of years I've heard the Star Wars analogy. So I commend you on that.

Greg Shatan: It's just to e released in 3D, so, this not an advertisement. I am not a - I do not work for anybody associated with that movie.

Jeff Neuman: Thanks, Greg. Anyone else have any comments or questions on this?

Mark Carvell: Mark from London. Just briefly to say I think that the approach that (Chuck) described is the right one. It's - my general feeling is this is pretty unhelpful from the staff and it doesn't recognize the situation we're in really to

contemplate a process like this. And I also agree with the sentiments about some of these questions seem to be rather out of order coming from the staff.

And, you know, we've been open and it's been a very public process, you know, so far and it's been all very open in the direction from the board has been very clear and helpful. So I agree with everything that's been said so far on this. Thanks.

Jeff Neuman: Yes, thank you, Mark. And so let me pose a question to the - not to pose the - there's a number of ICANN policies outside. They're not the ones that provided the opinion. But Margie, Brian, Nathalie and Berry, this - does it seem feasible? Can we get a commitment to get this posted on the ICANN? By this I mean, the recommendations specifically posted on the ICANN site as early as today?

Margie Milam: Jeff, it's Margie. I guess a couple of questions, what exactly do you want us to post and is it the view of the drafting team that it should be posted? I just want to confirm that that's - you know, those two were the issues. I can't address the issues in the memo because that's really the - services teams need to respond to all of that.

And then the other point, just so, you are all aware, there's a new public comment process that was adopted at the beginning of the year, so it's a 21-day period followed by 21 days, so it's a total of 42 days. But assuming the drafting team is okay with posting whatever it is you want us to post, you know, we'll get that up today.

Jeff Neuman: Okay, I can - so I think the recommendation is and I've not heard anyone oppose this, so I'm going to - I'll put it out to the drafting team to see if anyone opposes it but recommendation is to post the recommendations which are now in section - it's incorporated into the status report as section - starting at protections at the top level.

There's post recommendations, one, two and three on the ICANN side along with a link to the status report, a link to the original board notion and a link to the section in the guidebook - so four links. The guidebook, the board resolution, the status reports and to the archive, the email archives of this strategy. That's the proposal.

I'm not seeing - has anyone - Alan, your hand is up, does anyone have - oppose that idea of putting that out there for comments?

Alan Greenberg: Jeff, it's Alan. My comment was going to be that I don't oppose it but it should be done with the preface that this recommendation was made with the understanding that it would impact the first round. And if it doesn't, we may need to rethink. Thank you.

Jeff Neuman: Okay, let me go to Greg and then Chuck.

Greg Shatan: I would go a step further or maybe a step different than Alan which is I would want to state that the posting for comment and the comment periods wouldn't prejudice the ability of ICANN to implement these recommendations at the first level, at the top level or at the second level when we get there. Given the timing, it's really the top level that's the concern.

And if we have 42-day comment period and a reveal date that's, you know, May 1 and, you know, various other timing issues, I think, you know, otherwise would be to find some balance between neutering the entire intent of this or a large part of the intent of this group and transparency.

(Suzanne): Thank you.

Greg Shatan: Thank you.

Jeff Neuman: Yes, thanks, Greg. And I think that's an important point that, you know, we're not - by putting it out for comment, we're not saying we necessarily agree

with that 42-day - that this should go out for 42 days. I appreciate the statements from Margie but again, I think our goal is to just get the information out there. In fact, it means that Margie and we don't say this as an official public comment period but we just say we're soliciting input and you word it a little bit differently, that's fine. But I think (Greg's) point is a good one in that we're not intending to prejudice it by saying, well now we put it put for comments and we've agreed that 42 days is the appropriate timing, therefore it wouldn't be in the first round. And I guess that's a very important point.

Chuck?

Charles Gomes: Thanks, Jeff. I just suggest we had one thing maybe at the beginning of the posting and that is that we recognize that this is an exceptional process because of the time constraints that we have and that - and we should specifically say there is the possibility of a council action in Costa Rica so the people are aware of that.

J. Scott Evans: Yes, Chuck, this is J. Scott. I agree with that but I think it should also say that not just time constraints but to acknowledge what (Suzanne) and Mark had talked about a new working relationship with the GAC.

Charles Gomes: Good point.

J. Scott Evans: Because I think, this is a living, breathing organization and everyone needs to get their head around that things will continually change, the circumstances change.

(Suzanne): This is (Suzanne), could I chime in as well.

Jeff Neuman: Yes, please.

(Suzanne): Well, first I wanted to thank you all for this because the urgency is there and I think it is moot if somehow we subject this to a different process. So I like the characterization that it is exceptional. And let me ask, would it help if one of the links is also back to the original GAC request.

Jeff Neuman: That's - I think that's helpful as well. So I have alluded to the status report, alluded to the GAC request, alluded to the guidebook, alluded to the resolution and what is the fourth one? I know I - the fifth one, there's another one there I just missed in my head.

GAC request, guidebook, resolutions, status quo, email archives. Okay, anything else that - Thomas, you're in the queue.

Thomas Rickert: I think together with the link to the board resolution, you know, should state that this is implementing the resolution.

(Suzanne): Excellent idea.

Jeff Neuman: These are recommendations implementing the board resolution. Okay. Greg, is your hand new or is this leftover?

Greg Shatan: It's an old hand; sorry.

Jeff Neuman: Okay. Margie, you - is there any questions that you have on this?

Margie Milam: No, but I think what I will do is after the call, I'll send an email to the list just confirming what we're posting. So we'll try to take stab addressing it and send it to them. Is that all right?

Jeff Neuman: Yes, please and just let us know the timing of when your Web team can get it up there and obviously time is of the essence on this and so letting us know that this will be posted, that was great.

Margie Milam: Okay.

Jeff Neuman: So again, the next is just to recap the next steps. We're posting the recommendations and what we've talked about up in the Website, meeting with GAC and GNSO council and the drafting team in Costa Rica at the scheduled time, hopefully getting direction from the GAC and the council that these recommendations are the way forward.

To also then present a resolution to the council approving these to send to the boards. I will note that I have to - then we have to have a resolution when we say draft (unintelligible) in place by eight days prior to the median which would be by now is right by this coming Tuesday. So I will draft up the resolution, understanding there could be wording changes in between of eight days but at least the main part of the resolution.

We also we do have the - remember we do have the - it should be all three recommendations that are posted, the second recommendation is on the translations. We already have the International Olympix Committee list. We're waiting on the Red Cross list, that's submitted to us before Costa Rica.

Kiran, you have a comment?

Jim Bikoff: Jeff, it's Jim Bikoff. My only comment was do you also want to link to the Qs and As they've been mentioned several times during this conference call.

Jeff Neuman: So, Margie, it would be a link to the GAC proposal and to the - and a separate one to the Q&A document?

Margie Milam: Okay, got it.

Jeff Neuman: Thank you, Jim. That's important because that actually does clarify a bunch of the issues that we talked about.

J. Scott Evans: Jeff, this is J.

Jeff Neuman: Yes.

J. Scott Evans: I just want to take this opportunity to publicly thank you for taking the laboring or nit only with moving everything forward in a very timely manner but also all the drafting that you've taken on from initial process and you are to be commended. Thank you.

(Suzanne): Here, here. I couldn't agree more.

Jeff Neuman: Thank you, J. Scott and thank you everyone. This is - you know, I'm exciting about this because I think it's really the first time that we've engaged in this kind of collaboration with the GAC and I think, you know, I do think it's a model for going forward. And I hope that we can prove that this is a successful way forward. So thank you very much.

Any last questions or comments?

Mark Carvell: Mark from London. The options for second level, what - sorry, I may have missed it. I mean, I presume you've got IOCs and RCRC inputs into the options. I mean, (strikes) me the option four is desirable in allowing some flexibility with the agreement of the IOC and RCRC if anybody speaks some relief from the list. But what is the status of this now? Sorry if I missed something very obvious.

Jeff Neuman: That's okay, Mark. I think the groups have just really started the discussions on the different options. So we've invited everyone to weigh in on them. The International Olympix Committee and the Red Cross are also invited to give their opinions and it's the GAC clause starting the discussion on some of these options as well, that would be very helpful.

If you do have some - everyone still one?

Mark Carvell: Yes, I'm here. Yes, I'm still here.

Jeff Neuman: Okay.

Mark Carvell: Yes.

Jeff Neuman: I apologize for that. So if this is a subject that you have time in Costa Rica to take up or on your mailing list or have any ideas, we'd certainly love input from you all. They're developing - discuss these options in any kind of detail...

((Crosstalk))

Mark Carvell: Okay. So (Suzanne) will take that away and flag this up for colleagues.

Jeff Neuman: And if there's other options as well, this is only the preliminary list of options. Just like we did at the top level, we came out with I think five initial options and it turned out this was option seven. So it was one - the one we came through eventually turned out to be kind of a hybrid and ended up as option seven. So just because we started out at the initial options is it could be very likely that you could have an option five, six, or seven that look a little likely but take elements from each parts. So, this is just really the beginning of the discussions.

Mark Carvell: Okay, thanks for that - clarifying that. That's helpful. Thanks.

J. Scott Evans: J. Scott. Woman: e are only putting out the top level recommendations, correct?

Jeff Neuman: Correct.

J. Scott Evans: I just want to make sure. Good level recommendations are basically just a genesis of a jumping off point that the only thing we're seeking public

comment on are one, two and three related to the top level given the fact that the application with those getting ready to close.

Jeff Neuman: Right. So that's for the official public comment. But my secondary request to, you know, members of the GAC if they wish is to look at the options that we presented in this report and give us feedback on those for our subsequent work after Costa Rica.

Okay? Well, thank you everyone. I know we may have gone overtime but I really appreciate the time that everyone spent on this call. And I think it's very productive and I think will lead to a very productive meeting in Costa Rica. So thank you everyone.

J. Scott Evans: Adios.

Male: Thank you.

Male: Thank you, Jeff.

Male: Yes, thank you.

Male: Thank you very much.

(Suzanne): Thanks.

Male: Thank you very much. Goodbye.

Margie Milam: Thank you.

(Suzanne): Take care. Bye-bye.

Jeff Neuman: Bye.

Male: Bye.

Male: Bye all.

END