

## Transcript

### **GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference 30 May 2012 at 18:00 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 30 May 2012 at 1800 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-20120530-en.mp3> On page:

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

#### Attendees

Jeff Neuman - Registry SG group leader  
Lanre Ajayi - Nominating Committee Appointee  
Thomas Rickert - Nominating Committee Appointee  
James Bikoff- IPC  
Chuck Gomes - RySG  
Stephane Hankins - International Committee of the Red Cross  
Kiran Malancharuvil – IPC  
Mary Wong – NCUC  
Avri Doria – NCSG  
Debra Hughes - NCSG  
Gregory Shatan – IPC  
Wolfgang Kleinwachter - NCUC

ICANN Staff  
Marika Konings  
Nathalie Peregrine

Apologies:  
Osvaldo Novoa - ISPCP  
Alan Greenberg - ALAC  
Brian Peck  
Margie Milam

Nathalie Peregrine: Thank you very much, (Tonya). Good morning, good afternoon, good evening. This is the IOC call on the 30th of May, 2012. On the call today we have Lanre Ajayi, Wolfgang Kleinwachter, Stéphane Hankins, Jeff Neuman, Thomas Rickert, Kiran Malancharuvil, Greg Sutton, Charles Gomes, Jim Bikoff and Avri Doria.

From staff we have Marika Konings and myself, Nathalie Peregrine. We have an apology from Osvaldo Novoa, Margie Milam and Brian Peck. I would like to remind you all to please state your names before speaking for transcription purposes.

Thank you very much and over to you, Jeff.

Jeff Neuman: Thank you everyone. Welcome to the call. I know it's been a few weeks since we met and in between we had a Council call. So I think the agenda for today is fairly light but I do want to get back on track as to where we were prior about a month ago and then talk about a potential meeting in Prague and so - and what our goals are and revised timeline.

So with that let me just jump right into - or actually, sorry, then after that I want to go through the Olympic Committee letter or submission that they just sent in yesterday. And so I'll ask Jim or Kiran to walk us through that. And then we'll talk about action items.

So the Council met last - as of this month, I should say, in May and held a discussion on what the future of this drafting team would be given several things that are going on including the fact that an issue report is being drafted right now by ICANN staff; it should be out within the next couple of days. That is on the protection of International - or IGOs - partially in response to - or I should say in response to the letters that were submitted during the last ICANN meeting in Costa Rica.

So the Council had a fairly lengthy discussion on this subject. Ultimately I won't say that there's a hard conclusion other than at this point the status quo is going to be left alone meaning that this drafting team is still working on providing a recommendation to the Council on a response to the original GAC proposal from last fall, September.

So we're still going to keep - go forward, move forward with the work. And, you know, we'll await to see the preliminary issue report that's drafted by ICANN staff. And ultimately what the Council does with that preliminary issue report - I'm sorry, there's a comment period on the preliminary issue report, then there'll be a final issue report and then whether the Council decides to start a PDP on that issue and how that issue - how this subject gets interwoven in with that will be decided at that point in time.

So just to kind of recap the status quo (unintelligible) that we're going to still move forward with the proposed response to the GNSO Council on the protection of second level names within the (unintelligible) within the - this current new gTLD round.

So Chuck, do you have a question?

Chuck Gomes: Yes, Jeff, did I understand you correctly that the issues reports relates to IGO names as well as Red Cross and International Olympic Committee?

Jeff Neuman: Yes, the preliminary issue report is going to - is - will relate to IGOs. I could pull up the exact language; it'd just take a second.

Chuck Gomes: Well, I'm really bothered by that. If every time a group wants to get special consideration they go directly to the GNSO I think that's a problem. I think they should go through their - either their advisory committee if that's applicable or their stakeholder or constituency like the Red Cross/International Olympic Committee did. Otherwise it's totally unfeasible going forward.

Jeff Neuman: Well let me - Chuck, let me - I'm just pulling it up now on the wiki as to what the actual motion said. I may have - in trying to paraphrase I may not have phrased it correctly because I do know that we did remove the reference to IGOs so it's stated more general. So I won't actually read it before it gets misinterpreted...

Chuck Gomes: Okay.

Jeff Neuman: ...due to my paraphrasing. So I've just about pulled it up right now. And it says - okay it was proposed by the Non Commercial - and I believe this is the most current one on the wiki. It says, "Now be it resolved the GNSO Council requests an issue report to (perceive) the possibility of a PDP that covers the following issues: One, the definition of the type of organizations that should receive special treatment at the top and second level and policies that (all things) required to protect such organizations at the top and second level."

And, you know, I think this version is not quite the final one because now I'm reading I think there were some changes. But, Chuck, it's not (unintelligible) the IGOs even though the headline of the motion is IGOs it's worded as defining - trying to define the types of organizations that should receive special protection at the top and second level.

Chuck Gomes: That's terribly broad.

Jeff Neuman: Yes, I agree with you but I think we didn't want to just limit it to the IGOs.

Chuck Gomes: I don't even think it should involve IGOs but that's my own opinion.

Jeff Neuman: Right. So I think this issue report is due out in the next couple days. It has to be out by the 4th in order to be considered for the meeting. And actually Mary is on the call - not to put Mary on the spot. For some reason, I'm not sure

why, the final motion from that (info) meeting is not posted because I don't think it had - the language that's on the wiki...

((Crosstalk))

Jeff Neuman: I'll have to find what - it may just not be on the wiki right but I know that...

Mary Wong: Jeff, you want me to look it up?

Jeff Neuman: If you could from April - it's from the April meeting.

Mary Wong: Okay I'll get back to you guys.

Jeff Neuman: That'd be great. So - I'm trying to remember where I was now. So the Council basically decided (to) the status quo that we would still be providing our recommendations to the GAC proposal and provide that to the GNSO at this point so nothing has really changed from what we initially - the path forward. Again the Council can decide to change that at any point in time.

Avri, you have your hand raised?

Avri Doria: Yes. I've got my hand up on three points. One is is it possible to have somebody put up the resolution that the GNSO came to regarding this drafting team? I obviously only listened in on that meeting but I had a different impression of things they expected from this drafting team like continuing updating its reporting and stuff like that.

So I'm wondering if anybody could actually post the wording of the GNSO decision about this drafting team. And with the new organizations on the Web page. While I'm sure it's wonderful and easier to use I couldn't find what I was looking for.

Two, I'd like to sort of take question with Chuck's characterization of the way the extent got put into this issues report. Indeed the people within NCSG who were in favor of a broader inclusion on such rights the NPOC did work with the rest of the folks inside NCSG and it was NCSG putting forward.

So unlike previous cases where people went around stakeholder groups and the GNSO directly to Boards and whatever in this case the process was actually followed whether it's too broad or not.

And then the final point about what was actually put in the request for the issue's report is many different groups are saying, you know, if we're talking about special rights for various kinds of groups that in terms of looking at an issues report we shouldn't single out one or two groups but we should indeed be looking at the entire population that believes they have a singular call for such special protections.

And so the issues report was to take a broader look and say well who are those others and what is the basis of their call for these special protections? And then the GNSO or perhaps the PDP process can decide to what extent is it really appropriate? Is it just for two? Is it for many? What are the categories of many if it is many?

So those were my three points. The most important being that the process was proper; people did go through their stakeholder group; the stakeholder groups did bring it to the GNSO and it was all done by the process and not as characterized by Chuck. Thank you.

Jeff Neuman: Hey, guys, I'm sorry about that. I - whatever - I don't know how but I started hearing Avri and then that disappeared and I got disconnected I'm not sure how. So I'm sorry, Avri, I missed everything that you said except for the last part.

Avri Doria: Oh well, what's new?

Jeff Neuman: I will listen - I will look back...

((Crosstalk))

Jeff Neuman: ...Chuck's got a response to that and so I'll go to Chuck.

Chuck Gomes: Yes, just a second, Jeff. I - yes, thanks, Avri. By the way, I didn't mean to imply that NCSG didn't use proper procedure. My concern was if we were responding to the IGO request directly and they didn't go through the channels that are set up I had a problem with that. So I'm perfectly comfortable with the way the NCSG did it.

I do have concerns about the broadness of the request because the...

Avri Doria: Understood.

Chuck Gomes: ...reserve names working group years ago, you know, kind of dealt with this in a broad stroke. But I'm okay with the process. That addressed the concern I had about the IGO request that they sent directly. So thanks, Avri, for that clarification.

Wolfgang Kleinwachter: This is Wolfgang. I have also a less general question. If I remember correctly in the last call we discussed the future of this special working group. And there was more or less the opinion expressed that the future of the working group should be first discussed by the GNSO Council and - which - so that the Council could specify more clearly the mandate for the discussions for the second level protection.

And so far, you know, I'm a little bit confused what we can do now today in this call. So I think we can probably repeat arguments we exchanged in the last call. We can go through the documents which were provided by the IOC and the long lists of cases. I think it's a very interesting material and it makes

sense to look at it and this raises also some new questions in my eyes so this was the first point.

And if it comes to the second point in principal I would be also - feel more comfortable if we discuss first concrete criteria which would justify the introduction of additional protective mechanisms before we go to the number of organizations which then match the criteria.

So I think to have clear criteria makes it much more easier otherwise, you know, you open just a (shop) where everybody can come and buy the privilege. So that means we have to fix the criteria first before we go out and naming institutions which fall under the special protection mechanism if we need a special protection mechanism.

Jeff Neuman: Yes, so - okay let me just jump in. This is Jeff. So this was discussed on the last Council call, the future of this drafting committee. And it was very clearly set forth that the path forward - there was no change to the path forward of this drafting team. We are to continue as we've been discussing towards a recommendation to the GNSO on the GAC proposal. There is no change.

And I'm not going to - I don't want to take this time - I think it's a waste of our time here to kind of rehash that argument because it definitely was discussed. So in fact there was supposed to be - and I don't have an update - there was supposed to be a letter from Stéphane to the GAC clarifying that this drafting team was not - was still moving forward.

Wolfgang Kleinwachter: Okay. Then I missed something, sorry for that.

Jeff Neuman: Right, that's okay. And, look, whether we agree or not - and I know there's people that don't agree, we're not going to take up time on this call to rehash that. But I do want to go - like you said, I do want to go through the Olympic Committee's proposal then talk about future action items and deliverables and what we could do during Prague.

Again all of this could, in theory, change with the GNSO Council but I'm going to proceed on the path that we still owe the GAC a response and that the Council has decided to at least keep our drafting team - or not decided to get rid of our drafting team, I should say.

So I'm just looking at the chat here. Yes, Avri said that now she understands the (call) but that's okay, Avri, you know, again you could disagree but in the end we definitely decided not to stop the drafting team. And the majority of the Council did agree with continuing the discussion. So let's do that for now.

And so I want to turn it over - unless there's any other discussion on this? Okay that said let's go over to Jim or Kiran. I don't know - I guess, Jim, do you want to kind of go through - take us through this letter and your points that were raised in the submission?

Jim Bikoff: Yes. Well, Jeff, can you hear me?

Jeff Neuman: Yes, sir.

Jim Bikoff: Okay. What we did yesterday was simply gather together more information and we attached two other search reports that were received more recently in 2012 to basically show that the levels continue to be very high with folks who are registering domain names containing Olympic and Olympiad.

I just want to say that this report is not submitted to show that everything in the report constitutes an infringement but to show the volume of names that are registered on a weekly basis with these marks.

Many of them are cyber squatters. Some of them are not. And what we do routinely is to go through these reports and we do not take action against those that have legitimate claims to the names. And that's been a policy for a long time.

There is no attempt to license any of these people. There is not attempt to extort money from anybody. It's simply a question of trying to stop those that are engaging in cyber squatting either by parking the names and making money from that process or using the names for activities such as gambling or pornography which dilute the rights of the Committee. So they're submitted basically to show volume not to show that every single one within each report is something that would be or should be acted upon.

And some of the numbers changed because, you know, projecting from now that we know that there's approximately 2000 new gTLDs the numbers go up quite a bit because before we were talking about 500; now we're talking about 2000. It just means that there'll be a consequent increase, we believe, in the volume of these going from the existing TLDs to the addition of 2000 more.

Jeff Neuman: Okay. Jim, did you want to - did you have anything else or that's...

Jim Bikoff: Yes, because much of the material in this letter was already submitted the last time around and the additions are - should be clear. And I've sort of mentioned what the additions were.

The only other thing of note to us was that the URS now there's apparently - I mean, ICANN has proposed having two summit meetings, whatever they're going to be, to discuss whether that system can, you know, be activated at 300-500 per proceeding or whether it's going to be substantially more. Apparently there is a concern that the process is going to be much more expensive.

Jeff Neuman: Okay, yes, thanks, Jim. And does anybody else - does anybody have questions for Jim? I've seen a bunch of (blog) postings and others. Now is the time, you know, we have the representatives from the Olympic Committee

on the phone. Now is a good time if you have any questions for them to ask them - questions about the facts. Okay, Avri.

Avri Doria: Yes, thank you. And thanks for the reports and the reading. I have one question which I didn't quite pick out from what I was reading and that's is there any evidence that what you suffer, and not judging at all what your organization has to suffer with all of this, is there any indication that shows that you suffer it worse than you suffer it worse than other similar organizations that have similar, you know, charitable or whatever scope?

And I'm just wondering if anything in your study shows a differential rate or, you know, perhaps over the course of having events - a differential, you know, curve on the number of instances and such. And just trying to judge sort of that how much worse is it what you're suffering than what the, you know, the other, you know, I'm sure worthy organizations would have to experience? Thank you.

Jim Bikoff: Well let me try to answer you. I haven't made a study of other organizations who may be suffering from cyber squatting. But I can tell you that - a couple of things and that is that in the years when there are Olympic Games, such as this, the amount of activity escalates for probably six months before the event. And there's a noticeable increase in the amounts so that that's one thing.

Secondly the amounts remain high even when there aren't any events because I think it's just a - it's a very, you know, it's an activity that has very high profile. And I think people are very likely in other areas to think that this is something that they can use to make some money either by parking or by sale of the domain names back to the Committee or related organizations.

I think that the volume has been high since the beginning. And it's increased every few years. And I think that's one of the reasons why many nations have chosen to grant Sui generis protection because they want to protect the

events and make sure that the fundings are used to run the games and to engage in the other activities that the Olympic Committee engages in to help folks through sports - the concept of Olympiasm.

And I think that having that protection is somewhat - some evidence of the fact that countries have chosen to do that so that the Committee can engage in its legitimate activities without having to attack every one of these cyber squatters who registers a name, you know, on a regular basis. And many of these are people who have done it more than once and they come back and do it again as different events come up in different years.

Jeff Neuman: Okay, Avri, did you have a follow up to that?

((Crosstalk))

Wolfgang Kleinwachter: Yes, in the meantime probably - Wolfgang - I would also ask a question. You know, I went through around, you know, a couple of hundreds of these registrations and I'm, you know, I was very careful listening when you said, you know, some of them are, you know, illegitimate as have - illegitimate reason to register them because there are all kinds of variations which includes the two words, Olympics and Olympiad.

But, you know, when I was thinking about, you know, what is the driving force behind cyber squatters I asked probably as a quick (unintelligible) for - just for Olymp and not Olympics and Olympiad so that means you have singled out this, you know, do you have any, you know, would you exclude Olymp or for instance the German combination could be (Olympiaschpela).

So this would be also, you know, not fall under your name so that means how you deal with this cases which also, you know, try to get interaction from using the sound like Olympic are always the same and because this is what they want to have in the domain name to attract some customers.

So that means you have singled out Olympics and Olympiad only and not Olymp or Olympus. You sent us a list, you know, with some other languages. I think that's very helpful. German is not included. Then we have 80 million Germans and around nearly 200 million German-speaking people in the world. So that means how you deal with the German question and how - with the other words which are very close to Olympics and Olympiad.

Jim Bikoff: We're trying to do this in a way that goes toward the recommendation that was made so we're only talking about the identical words in the second level in the languages that were indicated. We're not trying to overreach on these and anything that, you know, is done under a name that is not going to cause confusion is something that the Committee would not take a stand on enforcing.

So we look at these - for the identical words. I mean, there's more to each of these because we look at the Websites, we look at who's doing it, how many, you know, some of these people do many, many other marks too. They do marks of other organizations both nonprofits and profits.

So, I mean, we have active cyber squatters out there some of whom own over 1000 names. And there was a case I think it was last year, 2011, in which I can't remember the hotel chain but they had a turnover of something like 1500 domain names that cyber squatters - I think it was Holiday Inn - and that was - I think it was a WIPO arbitration opinion.

But so many of these cyber squatters they're speculators. They go out and they gamble on registering names to sell them either back to the Committee, which his not something that the Committee does, or to make money from them in other ways, sell them to other people. There's a lot of sales going on on auction sites and through private sales.

Wolfgang Kleinwachter: Do we have any figures, you know, what the - could you call this a special market, a black market? And we are talking about thousands or hundred of thousands of dollars?

Jim Bikoff: Well, I can tell you this, I mean, I monitor - we monitor auction sites and it varies but I would say that there's probably hundreds a week being offered up for sale on auction sites.

Wolfgang Kleinwachter: Okay thank you. But no idea, you know, how much is it? Is it just for \$100 or, you know, for \$10,000?

Jim Bikoff: It - these - many of them are for thousands of dollars. Some of them are for hundreds of dollars. I think people are trying to get whatever they can. I mean, we had...

Wolfgang Kleinwachter: Okay.

Jim Bikoff: ...a case where - going back several years there was one offer I think for \$18,000 for one name. A clear case of cyber squatting by somebody who just speculatively registered a domain name. But, you know, we look at each case and it's not the same with every person.

Wolfgang Kleinwachter: Thank you that's very helpful because this brings more light into the darkness. Thank you.

Jim Bikoff: Okay.

Jeff Neuman: Okay, and if you read their submission what the Olympic Committee is talking about which was the beginning of your question about their understanding that (unintelligible) addresses the exact matches. And we had asked a question as a group to kind of pull out something I think, Wolfgang, you were initially getting at which is if you file the draft proposal it's only going to protect

the exact match. Does that really help the Olympic Committee at submitting a response to that?

And I don't know if there was anything else you wanted to say about that, Jim. I think you've pretty much covered that.

Jim Bikoff: Yes, I mean, I think what we did there is just to, you know, the initial projection was that this would stop the registration of at least 2000 domain names. But since the number now has gone up to 2000 new TLDs we're at 4000 so it's, you know, that's still a substantial savings. And I don't discount the fact that we may be able to work out broader protection with some registries similar to what was proposed on the top level by this group previously.

((Crosstalk))

Jeff Neuman: Okay I see Debbie's got her hand raised so, Debbie.

Debra Hughes: Hello? Hi, can you hear me?

Jeff Neuman: Yes. Can you hear me now? Yes.

Debra Hughes: So just wanted to thank everybody on the drafting team for their hard work. And on behalf of the International Federal of the Red Cross Red Crescent Societies and the ICRC as well as the American Red Cross we really appreciate the hard work and collaboration and also appreciate the GNSO Council for its hard work in its resolution.

Just wanted to speak a little bit about the nature of protection afforded to the Red Cross movement. We didn't submit anything in advance of the call so there's no documents for anyone to review.

But just wanted to just quickly make sure we were all on the same page and really understood from the Red Cross movement's perspective the nature of the legal protection and to kind of step through what we're looking for both at the top level and the second level and the legal basis for that so if you could just grant me a couple seconds to just quickly do that.

Just want to bring your attention, again, to the Geneva Convention which did a couple of very important things that we want to bring to the attention of the group.

First the Article 53 of the Geneva Convention, which we'll mention, is one of the most highly ratified conventions - international treaties in the world with more than 180 ratified parties.

What it did was in addition to creating the movement it specifically, in the words of the article, provide protection for the words in addition to any sign or designation constituting an imitation thereof.

And the reason I mention that is that the words of the Geneva Convention themselves not only provide protection for the symbols that you may be familiar with, the Red Cross, the Red Crescent symbol, but also for the words and designations that were existing at the time and that the movement may at any time adopt.

And the Geneva Convention is very clear on that matter. And it's also very clearly stated within the language of the Geneva Convention that protection is extended to any designation constituting an imitation thereof.

And so from the Red Cross movement's perspective that is why we have been very, very, very ardently asking ICANN to protect the Red Cross movement at the top level and second level not just for exact matches but for designations or words or strings that are similar or imitations of because the language we're using mirrors the language in the Geneva Convention.

And so we're not trying to (unintelligible) at all rather what we're trying to do is to marry the obligations imposed upon the signatories of the Geneva Convention with the language that's provided in the Convention. And so that is why the Red Cross movement has been working and is really supportive of the GAC because we'll just remind you again the states that are signatories to the Geneva Convention have an obligation to enforce the Geneva Convention.

So it's entirely proper for the GAC to bring this request to ICANN. And we all know that ICANN in its own articles of incorporation have stated that they have an obligation to conform its activities with all relevant principles of international law and all applicable international conventions and local law.

And so obviously the GAC was concerned with that. And so that is why the Red Cross movement has been participating and has made this request and has provided this information to not just the drafting team but to the GNSO for as long as I've been engaged with the GNSO and also through other relationships.

So just wanted to make that clear. We don't have any other additional information to supplement at this time. Would be happy to take any questions if anybody had any questions.

Thomas Rickert: Jeff, this is Thomas. Can you put me in the queue please?

Jeff Neuman: Yes. So I have - in fact, Thomas, I think you - yes, so actually I have Avri and then I have Thomas so let me go to Avri, Thomas and then I'm sure Debbie, if you want to address you can go back in the queue. So, Avri.

Avri Doria: Yes, thank you. Actually just a quick question. And I actually think it would be good to see numbers, you know, comparatives to what the IOC has given.

From listening to the two explanations, both yours and IOC, I get the impression that the reason you all figure you need the special protection is because you are Sui generis different from everybody else. But I also, in listening to you, see that you're radically different from each other in terms of your bases, in terms of the conditions pertaining to the specific details of, you know, your words or your symbols.

And so I wonder in what respect are you the same other than the GAC (asked) it the same that both has to be considered as a package as opposed to if indeed it is the Sui generis nature of each of you and those natures are radically different then shouldn't we be looking at the cases separately or does that question not make sense? Thank you.

Jeff Neuman: Thanks, Avri. Let me actually go to see if - Debbie, do you want to - or, Jim, do you want to address that or do you want to just wait, let Thomas speak and have a couple more minutes to think about it?

Debra Hughes: You can let Thomas speak. But my quick response is I can't speak to the GAC's rationale for why they put our two organizations up other than our two organizations had been talking with the GAC, you know, for quite some time. And, you know, the Red Cross isn't going to be in a position to try to guess, you know, why they did what they did or why they chose to move forward with these two organizations although we're pleased that they moved forward with the Red Cross movement. But other than that I can't suspect why.

Jeff Neuman: Okay, yes, so I'm going to go Jim and then I'll go to Thomas on his point so Jim.

Jim Bikoff: I just wanted to say that from our standpoint we started working on this project way back probably 2005 or '06. And our discussions were with many of the nations that are active in the GAC. And it was thought that our organization had a special type of protection that, you know, led to this proposal.

I think at the same time the Red Cross was included. And I think you have to understand I think that the Red Cross and the IOC have been included together for many years in US legislation that seeks to prevent counterfeiting and infringement.

The legislation for the Ant Counterfeiting Act when it was passed in the 90s had special provisions for both the Olympics and the Red Cross and no other organizations as well as the Anti Cyber Squatting Protection Act in the late 90s which also singled out these two groups together.

So there is precedent here for putting these groups together. And I think the GAC recognized that and thought both of these organizations were entitled to the type of protection that they proposed be extended by ICANN.

Jeff Neuman: Okay. Let me go to Thomas and then Avri's got a question which I think you probably just answered but let me go to Thomas and then if Kiran or Jim want to answer Avri's question on the chat.

Thomas Rickert: Thanks, Jeff. Sorry I'm not in Adobe because I'm in the car at the moment. I'd like to understand better what the size of the problem actually is because, you know, looking - or I didn't yet have the chance to look at the whole report that Jim submitted. But I've heard (message) that there are a lot of legitimate registrations in there as well.

So I think I would need to learn more about the ratio of legitimate versus illegal registrations because in particular if similar strings should also be blocked from registration there might be a lot of collateral damage that I would be very interested in avoiding.

So I think the questions that I would like to see answered are in what TLDs do these abusive or allegedly abusive registrations take place? Then per TLD

what's the ratio between the size of the TLD, I mean, the overall volume of domain names registered under the TLD and the number of infringements.

Because what we've seen in the past at least from my experience is that certain TLDs are more vulnerable than others. And since we can expect a lot of the new gTLDs to be (unintelligible) TLDs they might not be very attractive for cyber squatters.

Additionally I'd like to learn more about the categories of infringement. How many porn sites are there? How many gambling sites? How many names are parked? How many names actually don't resolve to a Website at all? And how many actually would constitute or have fraudulent Websites? And I would be particularly concerned about those where donors give money to fraudsters.

And finally I'd like to learn how many of these infringements actually lead or have led to actions not only UDRP cases but also informal letters or emails to the registrants or (unintelligible) to see what the ratio between the actual (unintelligible) set by the organizations to take legal action and the existence of the infringement is. Thank you.

Jeff Neuman: Well that's a lot of questions, Thomas. Jim, Kiran, Debbie, Avri, would you able to get some of those questions down or are you in a position to speak to those? Or is that something you need more time - I know there's a lot of them in there.

Jim Bikoff: Well this is Jim. I don't think we can speak - I can't speak to that today. I can only tell you that a large percentage of these are illegitimate registrations. I can just - going through one report I see probably 100 that are parked. And you can tell by the names that many of these were registered for an illegitimate purpose since a lot of them are londonolympicexperience.tel, londonolympics.biz, londonsummerolympics2012.net, rioolympico2016.com and on and on and on. It would take probably a lot of months to go through

the four reports I sent you and try to pick out each one and analyze it as to, you know, whether it resolves and who's behind it and what it's about.

But I can tell you that based on my experience over the last, you know, 10 years or so doing this that the majority of these are, in our opinion, illegitimate.

There are only a few in each report that may be not illegitimate and are - we don't go after any of those that have any merit to them - anybody that's using something like, you know, Olympus or something else that's a small business we just - I don't think the Committee has the resources to go after every little shop that may be selling pizza under a name that would otherwise be infringing.

Jeff Neuman: Jim, just to clarify - this is Jeff again. Can you just clarify what in your mind - obviously not a - it's kind of off the top of your head but what in your mind classifies something like illegitimate versus I guess a legitimate use?

Jim Bikoff: Well frankly, I mean, we're talking about a very narrow group here. Most, you know, we look at whether the word Olympic or Olympiad is in the domain name or a typo-squatting or a, you know, something that has a reference to either a past or a current or a future Olympics.

And we look at how the names are - what they consist of. So we look at each one separately. We don't make sweeping generalizations. And we rule out anything that has any aura of legitimacy.

Jeff Neuman: Okay. And also that there's - so in the - the GAC has proposed a complete blocking of those strings at the second level. But, you know, in the past and I think even in your submission you talk about an ability to - that you'd be open to some sort of process to have an exception or an exempt - yes, it's an exception to that blocking in certain cases.

Jim Bikoff: Yes. And, I mean, we have that now, for instance, with a number of auction sites where we review names up for auction and we seek to have them taken down if they are illegitimate. And we keep our recommendations in that respect only the very clear cut cases.

Jeff Neuman: So, Thomas, to go back to some of your questions; I know one of your (unintelligible) was that you foresee that it could cause harm if there are legitimate uses out there. Does the fact that there could be a proposed exemption or I should say exception policy does that lessen your concerns? Does it not lessen the concerns?

Thomas Rickert: I could hardly hear you. Can you repeat that question please?

Jeff Neuman: Yes, I'm sorry, I don't know if it's my phone. I'll pick up my phone. So, you know, the fact that the Olympic Committee has proposed a - or could live with a - some sort of exception process where, you know, names could still go forward even if they're initially blocked as some sort of exception basis that could be developed.

Does that lessen your concerns or does it not really change the concerns that you expressed because one of them was that you were concerned that legitimate uses of the marks would be blocked.

Thomas Rickert: I can't say that my concerns have disappeared. I think that's - the process to actually allow for those other registrations would be quite cumbersome and it would be special implementation; it would be to set reporting channels for that, provide feedback, to authorize those third parties for that legitimate use.

So in essence I think before we can quantify what the portion of actually infringing names that are of concern would be I wouldn't be in a position to weigh whether that effort is more cumbersome than, you know, dealing with those possibly few registrations be it UDRP or URS.

I mean, the whole industry would need to give special treatment to the exemptions then. And also the question is how much or how do you determine similarities? Would it be enough to have the exact match included in a longer string or would we actually go to completely similar strings? And if so to what extent?

So I still see that - an honest danger of collateral damage for those who have perfectly legitimate use of names that are to a certain extent similar but not maybe in legal terms confusingly similar to the names that we're discussing.

Jeff Neuman: Okay. I see Avri has her hand raised so I'm going to go to Avri.

Avri Doria: Okay thank you. Yes, I think I echo much of what Thomas is saying in terms of concern about a process for doing exceptions, how you would define that. And going back to at the moment any definition seems to rest of the good judgment of the holder of the name, the, you know, whether it's IOC or IFRC or whomever.

And that seems a thing that cannot be baked into a solution. I mean, just for, you know, the normal ICANN, you know, measures of not allowing anything that can be gamed, not allowing anything that could become a direct or indirect licensing vehicle. Not that anyone has stated they would; in fact there's been statements that of course that wouldn't happen. But just you don't want to make a policy that leaves it open that something could happen, you know, since you can foresee it so you want to make a non-gamable.

So then you get back to having to make a set of definitions on why an exception in one case versus why another. And that's the same issue that the GNSO had throughout the history of this, you know, new gTLD process which is how do you build the list? How do you build the definition? Oh what we do is we have objections and we have objection processes.

So, you know, you get yourself down a lane that sort of says if you're going to allow exceptions you've got to build a robust process for doing it. And ICANN knows how to build, you know, we get more experience all the time; they get better - but fairly robust processes both in policy and deployment.

We have to go down that path for this and if we decide to go down the path of protecting with exception. So I just - I echo that it's a concern and I hope I added some different things other than all the things that were said before.  
Thanks.

Jeff Neuman: Okay thank you, Avri. I think you did. I'm going to go to Jim and then Debbie.

Jim Bikoff: Okay, first of all the GAC proposal we're only talking about identical at the second level in the different languages so we're not talking about similar strings so that's one thing because I know - I think Thomas had mentioned similar strings.

Secondly I think that in looking at these reports - and I was actually going through one of them as we were talking - I think the number of sites that could be categorized as possibly legitimate are by far in the minority.

I think the overwhelming number in each report are ones that would be clear to anybody that they are ones that are infringing either because they are - the Websites use the rings as well as the words or because the overwhelming number of parked some are inaccessible and there's a very small number that are ones that would be analyzed to see if they are ones that have any claim of legitimacy.

So I think we're not talking about 50/50, 70/30, 80/20, we're talking more like 95%, 97% being what we would call infringing.

Thomas Rickert: Ninety five?

Jim Bikoff: Yes.

Thomas Rickert: Oh.

Jeff Neuman: Okay.

((Crosstalk))

Jim Bikoff: And I can't give you a precise number because I'm looking at - I'm looking at one report that shows a very large percentage of these are parked. And many of these are words that refer specifically to the event rather than being something that would be maybe some possible legitimate use.

Because if they use like let's take London as an example - if they use London 2012 plus Olympic or if they use Sochi 2014 plus Olympic or Olympic 2012 sports games or something, you know, things of that type they're obviously looking to take advantage of the goodwill in the movement.

Thomas Rickert: This is Thomas. Just to clarify I was speaking of what Debbie said regarding similarity of string. Sorry for that.

Jim Bikoff: Okay.

Jeff Neuman: Yes, I mean, I think Jim's point is important to clarify that the GAC proposal that we are responding to only recommends the exact matches; it does not recommend similarity. That doesn't mean we couldn't, as a group. Propose broader ones or narrower ones but it's clear that at least the Olympic Committee is just asking for what the GAC has proposed.

But I'm going to go over to Debbie.

Thomas Rickert: Jeff, this is Thomas again. Just one question for clarification?

Jeff Neuman: Yes, quickly and then I want to get Debbie. She's had her hand raised for a while.

Thomas Rickert: Sorry, since I'm not in Adobe I can't raise my hand. But then can we proceed to task by the GAC letter restricted to one string or one registration per TLD per name so combine names such as the ones that Jim mentioned wouldn't even be considered because they're not identical matches.

Jeff Neuman: Correct. According to the GAC proposal only two - well for Olympic it's Olympic and Olympiad and for Red Cross I can't remember - there may have been three or more. I'm sorry, I'm doing that off the top of my head. But, yes, it's a very limited amount of strings and it would not include things like London Olympics, it wouldn't include other variations of Red Cross. So that's not in the GAC proposal.

Let me go to Debbie.

Debra Hughes: Hi. And that's what I was - that's where I was going, thanks. Because from our perspective - and this is from - now I'm speaking from an American Red Cross perspective - the fraud and the nature of the fraud that I've experienced and had to deal with were second level domain names that had Red Cross plus another word.

So for example when all the domain names popped up right as the Haiti earthquake and other natural disaster occur it's rarely just the words Red Cross (unintelligible) a lot of those domain names are already taken. It's Red Cross plus another word which is why we have been stating that protection at the second level needs to not just be exact matches.

The other thing that I wanted to just quickly mention is back to Avri's discussion about exemptions and the difficulty or the challenge in creating a system that makes sense and I think it was also mentioned perhaps by others.

For the Red Cross movement the people other than movement components, that's the IRC, the Federation and all the national societies, the list of people who are allowed to use the Red Cross designation was frozen in time when the Geneva Conventions were enacted. And so it's quite easy to create a list that could be provided to whomever that would provide the list of approved uses for - of the Red Cross designations.

However those uses are limited to the uses that they were making at the time and thus even in the commentary of the Geneva Convention when additional protocols were established it made it very clear that these people were allowed to continue the use that they were making at the time so that their use did not become a crime or punishable under the Geneva Convention; it did not expand any use. It didn't provide for granting any additional rights.

Rather what it did was it said that the use of the designations is for the movement only and that if you've been using it you're allowed to continue to use it the way you've been using it. And so the superiority of the rights are very clear in the Geneva Conventions.

And so the Red Cross movement could provide a list of all the national societies, all the movement partners that are allowed to use the term Red Cross.

Jeff Neuman: Okay, thank you, Debbie. I'm going to go to Avri and then we'll try to wrap this up and I'll try to go into next steps and Prague so, Avri.

Avri Doria: Okay. Yes, I just want to make sure I understood because at first I thought I was hearing one and then another. So you're saying that there would be a list of let's say 12 designated people who could apply for a name for their activity or is that what you're saying?

At first I thought I heard that - and those people would be the ones you could consult to see whether a name was acceptable. And I just wondered which of those two you were suggesting. At first I thought I was hearing one then I thought I was hearing the other. Thanks.

Debra Hughes: No, I'm sorry. Hi, this is Debbie. Avri, where you addressing your question to me or to Jim?

Avri Doria: I guess because you were saying that in terms of Red Cross dash Haiti that...

Debra Hughes: Right.

Avri Doria: ...there'd only been - making that kind of decision that that one was okay because that was, you know, the US Red Cross that was making that request. So - but I didn't quite understand whether you were saying that there would be a designated list of 10 people - 10 organizations slash representatives who could use these names and...

Debra Hughes: No...

Avri Doria: ...or that this would be a group of people to be consulted when...

Debra Hughes: No...

((Crosstalk))

Avri Doria: ...was.

Debra Hughes: So there's a couple things so let me just separate the two points. One the list of approved users for the Red Cross designations that are protected by the Geneva Convention could be created - a list that's fixed in time that will never be expanded could be created and given to whomever.

And whether ICANN wants to designate one body that would monitor that; it could be given to every registry, it could be given to anybody that says these are the people who are allowed to use the Red Cross designation. The Red Cross movement can do that.

The second point that I was making was that the reason we were asking for string similarity is that it's not just uses of Red Cross or strings that are exact matches. It's Red Cross plus another word or Red Cross...

Avri Doria: Yes.

Debra Hughes: ...the name of a term or something like that and that's why we were making that. But what we had even proposed in other calls of the drafting team was if the drafting team or GNSO was interested in creating a system where, you know, there was a point of contact we could certainly provide a universal point of contact or assist a universal point of contact with the list of the pre-authorized people who able to use the Red Cross designation.

And explain to that person this list and what the uses are that they're allowed to make - we could do that.

Avri Doria: Thank you for the clarification. Thanks.

Jeff Neuman: Okay. Jim, you have one last comment and then - or is that just a leftover hand?

Jim Bikoff: Okay, no I'm sorry; I already commented.

Jeff Neuman: Oh okay, good. Okay so I want to thank Jim and Debbie for presenting today. But here's what I'd like to do in the future or sorry for the next call. So we do have a call that's scheduled for two weeks from today, that's - if I'm getting my dates that's somewhere around the 13th which also happens to be I guess - it's a reveal day. So we're scheduled to have a call then.

And then I have reserved a session in Prague for us. I didn't know whether we would need it or not. But in order to secure a room I had to make a request. So at this point in time we have a room reserved for I believe it's - I'm trying to get it to be on that Wednesday but nothing in the schedule is final.

It's going to be an early morning session like an eight o'clock session just because there are so many other things that conflict with - if we were to do it later there's a lot of other things that people want to go to so that's the meeting set for Prague.

What I'd really like to do is kind of similar to what we did with the top level is for everyone to go back to their stakeholder groups, constituencies, advisory committees, whoever they're from and I'd like you to try to solicit feedback on second level protections from them. But it's also important to make sure that they're updated with this information that the Olympic Committee and Red Cross has provided to us.

I know there was no handoff from the Red Cross today but there was one before the last meeting about a month ago so if you still need that Debbie can resend that around if you still need it.

But again it'd be great to start getting a feel for where the constituencies and stakeholder groups are just on this issue so that we could get back to - get back to the GAC what would be great - and I just saw Avri - yes, all of these do have transcripts so a transcript of this call will be produced and available shortly so that's a great point and good to hand back to the stakeholder groups or constituencies.

So it would be great if - we do have a meeting scheduled with the GAC - I should say the GNSO Council - have a session with the GAC. This is one of the subjects that they do want to discuss so it would be great to provide them

just a status report of where we are and (unintelligible) how long we think it'll take the drafting team and then figure in some time for the GNSO Council to address that as well.

So on the next call, I know it's two weeks from now, if it's possible to come back with some preliminary feedback as to where your stakeholder group/constituencies are, what issues remain, what things need to be answered that would be fantastic. I know it's ambitious. And then we could follow that up in Prague with further discussion. Does that sound like a workable plan for everyone?

((Crosstalk))

Marika Konings: This is Marika. Jeff, just one point; it would be really helpful if we'd be able to provide an agenda for the meeting in Prague as we're supposed to publish this as well as part of the schedule so just a description of, you know, what is intended with the meeting or where people can go to find further information.

Jeff Neuman: Okay. Let me work on that with - or with you all with Margie and Brian and we'll send it around to the group. It's going to be very, very, very general obviously because - unless - and we could also update it I guess after our next meeting in two weeks? But we'll put something general up there so people know what the session is about.

Marika Konings: Right what we've done for other working groups - and I'll check with Margie if she's done that for this meeting as well to actually link the agenda to a wiki page so it allows as well for further updating closer to the meeting but at least there should be a kind of a general description there.

Jeff Neuman: Okay, that'd be great. Chuck, you have a question?

Chuck Gomes: Excuse me, I was on mute. Just a suggestion. It'd be helpful if either you or one of our staff support people was to send a message to the list specifying

what feedback you'd like from our various groups not only for us who are on so that we're all on the same page on the call but those that aren't on the call as well.

Jeff Neuman: Yes, okay that's a good idea. I will do that in the next day or so. And I think that'll be helpful. And, yes, so I'll do that. And I'm sure if anyone has any issues with how I phrase it they'll bring it up on the list.

Okay thank you, everyone, and I'll talk to you. And sorry for going a little bit over. But we'll talk to you in two weeks.

Wolfgang Kleinwachter: Thank you very much. Good night.

Chuck Gomes: Thank you.

Jeff Neuman: Thank you.

END