

Transcript
GAC/GNSO issues related to International Olympic Committee (IOC) and Red Cross (RC) names discussion group teleconference
04 April 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 04 April 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/gns0/gns0-gac-ioc-20120405-en.mp3> On page:

<http://gns0.icann.org/calendar/#apr>

Attendees

Jeff Neuman - Registry SG group leader
Lanre Ajayi - Nominating Committee Appointee
Thomas Rickert - Nominating Committee Appointee
James Bikoff- IPC
David Heasley - IPC
J.Scott Evans - IPC
Chuck Gomes - RySG
Wolfgang Kleinwächter -NCSG
Stephane Hankins - International Committee of the Red Cross
Konstantinos Komaitis - NCUC

ICANN Staff
Brian Peck
Margie Milam
Nathalie Peregrine

Apologies:
Osvaldo Novoa - ISPCP
Gregory Shatan – IPC

Nathalie Peregrine: Thank you (Tonya). Good morning, good afternoon, good evening this is the IOC call on April 4, 2012. On the call today we have Lanre Ajayi, Jeff

Neuman, Konstantinos Komaitis, Wolfgang Kleinwachter, Chuck Gomes, Stephane Hankins, Thomas Rickert, Jim Bikoff and David Heasley). From staff we have Brian Peck, and myself Nathalie Peregrine. I have no apology for the call today, 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, sorry I was in the middle of a call there, thank you very much, welcome everyone. (This is) our first call in April and I know the first question everyone has for me which I don't have enough (knowledge), I'll put Margie or Brian on the spot. The GNSO Council on March 26, I've approved the motion on protection on the top level. I have not gotten any update, but I was wondering if Margie or Brian have on that to add on that.

Brian Peck: Sure there's - well after the approval (budget of the) Council last Monday, the motion - or the resolution, (doctrine) resolution was transmitted to the Board by staff so the Board has it. I spoke with (Kurt) earlier, they are trying to coordinate - or they are (coordinating) a Board discussion on the motion, it's up to the Board to decide whether they want to have that discussion, so we don't know or don't have a date yet. But (both team and staff) has been in communication with the Board coordinating a discussion of the motion.

Jeff Neuman: All right, is there any other - anybody have any questions on that? Okay so now we start a new chapter on the second level of protections and I want everyone to kind of put out of their mind a lot of the things we did at the top level and kind of just - I know obviously some of you are arguing both pro and against our, you know, (Mike) will be raised with the second level, but you know, we're kind of - we missed that chapter and now moving on.

We, excuse me, there were a couple of lessons that we learned in the top level, you need to account for having some time for public commentary that we often need to account for. Some of the discussions that we've had at the top level with trying to refer to things that are more general on that nature.

The GNSO Council I know will be having further discussions on whether to broaden our look at things or whether to keep it as narrow as we're focused on.

At this point in time given that we have no other direction from Council, our focus is still primarily on the request to the initial proposal from the GAC of last year in September based only on the IOC and the Red Cross marks. That's at this point in time, I'm not saying that that won't be changed or can't be changed, but at this point in time we should focus our attention on only those two organizations until our scope has changed. I think - any questions on that? Chuck?

Chuck Gomes: Yes Jeff just want to give a little background information for those that are relatively new to the changes, so I chaired the Reserved Names Working Group that was part of the new gTLD PDP and this goes back to - I don't know, 2006 - 2007 probably - it goes quite a ways back. And I wanted to let people know that we had fairly extensive discussions on reserving names at the top and at the second level and there wasn't a lot of inclination in the Reserve Name Working Group to reserve names at the second level.

Now again just to say it's similar to what you said, that doesn't mean that can't change, but I think it's important for people to set the context that the GNSO recommendations with regard to reserve names weren't made without consideration. Now did we specifically look at the Red Cross and the International Olympic Committee, I don't remember whether we focused on those, but certainly there was no specific decision to reserve them at that level.

Again I'm not trying to say that shouldn't - should or should not happen now, but I want people to have the context that it was part of the PDP in a special working group that was formed and we discussed it at quite a lot of length. And that doesn't have to necessarily influence what we do, but it is important for people to understand that this is - this whole idea - the general concept of

reserving names at both the top and now the second level was pretty extensively examined, that's why a special working group was formed to look at that. That's all I've got Jeff.

Jeff Neuman: Okay, (Zach Thomas)?

(Zach Thomas): Yes I just wanted to let everybody know that as I had announced during the discussion in Costa Rica, I have today or a couple minutes back I should say send a motion to the GNSO Council to be discussed at the upcoming GNSO meeting for the (utilization) of - for the request of initial report, so that the subject matter can be dealt with in an appropriate way in the PDP process, thanks.

Jeff Neuman: Yes and just on that, I just forwarded that the group, so at some point hopefully soon you should all get a copy of that motion. Again (until Regina) sort of changes direction on the work that we should be doing, I propose that we still move forward at least as much as we can. You know, even if the direction has changed and there's a formal PDP on this process, the work that we do as a group can certainly be used by a subsequent group or, you know, it's also possible in theory that this group may just be converted from a drafting team to an official working group under an official PDP. You know, we don't know what's going to happen, but...

Thomas Rickert: Jeff if I may add the reason why I put in this motion is Number 1, to make sure that at least GNSO Council discussions what route it wants to pursue with the subject matter, but also in case we - the process gets delayed for one - for whatever reason, then the outcome of a PDP would be a (consensus) policy that would even be binding after potential new registries have signed their (visitation queries) that would actually make it possible have sort of an (automation) for protection to be granted, you know, even if we can't get to work done before (delivery first) all our are (aids) are completed.

Jeff Neuman: Right, thanks Thomas that's true and I think, you know, obviously it (conveys) on after contracts are signed and that group will have to consider any transition that for names that may have already been registered or, you know, however those - if those processes had already started or not. So all that said again, our work can be used for an issues report if it passes with the right threshold can certainly be used by a subsequent group or, you know, maybe the two groups will still continue to run in parallel.

So any questions on that before we kind of jump right into the second level discussion? Okay hearing none, let me just go into a little bit of - just to remind everyone where we are, how we got here and what we're looking at. You know, if you look on the screen right now on Adobe - although I can't - Brian is there a way to give everyone control of their own screen?

Brian: Sure, hold on.

Jeff Neuman: So the protections at the second level that (Zach) had asked for specific protection and these particular marks that are listed in that appendix in the Applicant Guidebook are locked or reserved from registration and in all the new TLDs and then limited to the translations of these marks in the sixteen - sorry sixteen, - six UN languages and so we were not dealing again with an issue of an unlimited number of translations or - it's not to say we can't discuss that, but the proposal itself from the GAC is actually limited to six more translations - the six translations of the marks that were in that Appendix.

And so like we did at the - with the top level, the very first thing (we can do with our discussions) were do discuss okay, "Are these the primary questions that arise out of a GAC proposal and are these the options for those questions?" So before we actually dive into any of the substance or answers to these, I want to make sure that we have the questions from the GAC proposal to write and then the options and then to see whether there are

additional options that we have either left out or that people have thought of after reading this.

So the - just to read again with the GAC's proposal was with respect to second level (meaning) the GAC request that ICANN amend the (meaning) of the registry agreements, get out the new schedule, second schedule level reserve needs and new schedules to reserve based on Schedule A attached to the GAC proposal. They recommend that the totally identical terms be protected in the six UN languages with an encouragement to run (sheets) to provide additional languages. Please note the GAC in the Q&A document did not ask to protect similar strings for those in Schedule A, but only identical matches.

So if the word that they ask to be protecting was Olympic, they are not requesting that the Registry Agreement be amended to include Olympic games or Olympic, you know, airlines or anything like that - only the word Olympic, only the identical matches that's in the GAC Proposal. So the first question which I think is probably the overarching question which we'll spend the bulk of our time talking about, you know, is just the generic question, should the Olympic and/or the Red Cross names be reserved at the second level and all (unintelligible).

Again that's the overarching question we'll probably be spending our time on, but obviously there's lots of sub-questions in there. And, you know, the option says that we team up with - or at least that I brainstormed that I think we may have had some discussions on, you know, Option 1 is no, there should be no changes to the Schedule of Reserves Names, second option is yes, we should change the second level reserve names currently in the agreement to include - and then there's a whole bunch of sub-options.

So you conclude - and here I did separate out in the options the Red Cross games from the Olympic games as we had some discussions on that earlier on. So Option 2-A-1 is all of the Red Cross where (crutching name terms) set

forth in Schedule A should be added to six languages, Option B is only a subset of those, Option C is a (QB) one is the Olympic names, all the terms - sorry, all the IOC terms set forth in Schedule A in six languages.

Option 2 is a subset of those names and then 3A is kind of a combination of, you know, all of the Red Cross and all the tech names, Option 3B is all of those terms set forth in schedule - sorry all of the Red Cross names in Schedule A in the six languages but only a subset of the Olympic ones and Option 3C is only a subset of both of them. So that is the first overarching question, which again we'll run through kind of a (theme) with everything else.

The additional notes I put in the options were if we're to select any of the options that involve a subset of terms, we'll obviously need to discuss, you know, the criteria for what goes into a subset of those terms. And all of the options above could be included in the six UN languages, then of course we can consider additional languages or less languages as the group wants to consider.

The third note is that the question above talks about protecting in all new gTLDs, but are there any new gTLDs - this is of course a hypothetical - are there any new gTLDs where we wouldn't necessarily recommend these protections. So although the ICANN Applicant Guidebook does not talk about or distinguish between brand gTLDs as example, you know, we know now or will soon know definitively that there are some gTLDs where these protections may or may not be appropriate and the group can feel free to discuss those if they (feel fit).

Are there any other options of the overall protection? Again I separated Question 1 to two (years), okay if we do protect these, I put them on a reserve names list then Question 2 really gets back to, "How do we remove those names from the list or allow certain types of registration?" But we only get to Question 2 if we've actually answered one in the affirmative and then we only get to two or three if we've answered Question 1 in the affirmative.

So is there any other options that we may have left off with Question 1? Okay we'll have to silence it.

You know, when we talk - we were talking about the options in top level, I had come up with like four and you guys came up with ten more - so you guys are the brain (trust) so I just try to get the discussing going. Okay so Question 1 I want to try to kick off the discussion and kind of borrow from some of the lessons learned from the top level in a sense of, you know, what are the things we have requested although have not got any word back from.

And know Margie, do you know if this request - actually before I say we definitely went over them, Margie are Brian do we know if a formal request has gone over to the GAC to request on the legal analysis as to why these names were chosen to be protected?

Brian Peck: I'm not aware of, I'm not sure - Margie I don't think we're aware of any such requests or transmission.

Margie Milam: Yes I don't know, let me check and send it to the list, I can't remember if (Stefan) had sent something or not, but we'll check for you, I think (unintelligible).

Jeff Neuman: Thanks, because I know we talked about it, so I'm going to figure that that analysis is going to play into our discussion, but again I'm trying to - I've thrown out the option there. Obviously people have discussed some of these within their groups, a lot of people have not discussed these things within their groups, but I know people on this call have certain gut reactions to this. So Chuck, do you want to start the discussion, please.

Chuck Gomes: Sure thanks Jeff, it seems to me that one of the (health) first things or - it doesn't have to be definitely the first, but what we discussed early on is the issue of whether or not the new or all of the protections that are provided in the guidebook for second level rights protection would suffice to address the

needs of the IOC and the Red Cross. I think one of the evaluations we need to do as a discussion group is to come to some sort of a opinion on whether we think additional protections like reservations are needed.

Or could the needs of the Red Cross and the IOC be addressed through mechanisms that - and there're a lot of them, that weren't there in previous rounds of new gTLDs, so is it really necessary and I'm not suggesting an answer to that, but I think we need to carefully discuss that. Again the - one of the conclusions from the Reserve Names Working Group is - was that the objection process that was recommended for new gTLDs and in particular associated with recommendation three on rights protection would have been an adequate of handling concerns like these.

Now whether or not this is an exceptional case and I appreciate you, you know, just checking on whether or not (Stefan) has sent the request to the GAC to get the research information that they obtained because that will be helpful in this decision. So I think that's a fundamental question that we need to deal with in answering question Number 1.

Wolfgang Kleinwachter: This is Wolfgang, may I? Hello?

Jeff Neuman: Oh sorry, I'm talking to myself on mute - yes Wolfgang we'll put you in the queue. We've got Thomas, Konstantinos and then I'll put you in after Konstantinos, okay.

Wolfgang Kleinwachter: Okay.

Jeff Neuman: All right, Thomas.

Thomas Rickert: Thank Jeff, I think in addition to what Chuck said, namely to see whether the existing RPMs provide sufficient protection level. So I would very much like to learn more about current stress scenarios, meaning that I would very much like to learn from the IOC (nationality) whether - what the abuse cases are

that we see now, because, you know, the way that the proposal is now phrasing the question is asked we would be looking for identical matches.

And I'm not sure whether we actually or whether these organizations have actually seen any abuse of registrations with identical matches, because I think, you know, if at all we should shape the counter-measures actually - actual (prep) scenarios.

Jeff Neuman: Right, so your example Thomas is that even if Red Cross is protected, this wouldn't protect, you know, when the earthquake hit Japan, it wouldn't protect Red Cross Japan because that's not an identical match. And so are we defined - if we implement this proposal, are we really solving or even making a dent in the issues (follow-up) by the Red Cross or the Olympic Committee and so I think that's definitely a question that we should be thinking about as a group and hopefully the research will help us out on that. All right, Constantinos.

Konstantinos Komaitis: Thank you Jeff, actually I think Chuck and Thomas pretty much covered the bigger picture - we have a fundamental - we're asked a very fundamental question here, which is whether there are (ten) that needs to be especially protected at the second level name. And as Chuck very correctly said, the biggest question is something that was not answered at the top level, whether or why not the current mechanism are not sufficient for these names. And I think that it's only logical to ask, as I first said from these organizations to produce examples in the list of names and that I think (what's) so much also more or less objective.

In order however to substantiate that we actually need these extra protections, for example you went so far, if another (unintelligible) too far during the creation these RPMs and we will know that the (URX) is very, very cheap for example process and was created for a very specific reason. So before we end some of these discussions (if you) extremely fundamental to

understand this need to be shown tangible evidence that we need to start having (these) discussions, thanks.

Jeff Neuman: Thanks Constantinos, I'm going to go to Wolfgang but I'm going to come back to you on a question that I have for you and the group, so let me go to Wolfgang first though.

Wolfgang Kleinwacher: You know, looking at the language of the two options now I think it's too early to say already yes or no. Because I, you know, like on the discussion - the previous discussions where we ask also for a legal study, you know, which would make clear the (UNIX) data of the two organizations. I think we need no knowledge about both the risks and the, you know, the missing - the gaps and the existing system and all that.

So that means I would feel much more comfortable to have all this knowledge, so that means we have some (anatomical) knowledge, you know, we - about where we are protecting mechanisms in various legislation, including the great legislation. But we - during the previous discussions we assuming (any corrections) in particular to the variations with Olympia - Olympus - Olympic Airways and all this.

So that at this stage, I really do not feel myself in a position to say yes or no to an option. So I'm looking for more details, legal analysis which would then allow to have a more comprehensive and also sustainable solution which could include although, you know, as a name switch have similar dimension like Red Cross and Olympic.

Jeff Neuman: So I think Wolfgang and Constantinos kind of put the bridge to exactly where I want to go, so let me throw this question out and Chuck also actually has a question on the (notice) saying are the Red Cross and IOC allowed to register needs in the clearing house? I think the answer is as Constantinos said, I don't see why not. I think both of these organizations do have trademarks, in fact I know that, so they are able to enter the clearing house

simply by virtue of having, you know, trademarks in various countries - so they will be eligible to get in.

Well my question is for Constantinos and others on the call - Wolfgang, we need more knowledge, we need more information, so in a perfect world, what is the information if you could request - and of course I know the Olympic Committee and the Red Cross has observers on this call so they're not going to be able to and I'm not going to put them on the spot to see whether they can provide this information or not - but if you could get information, what would ideally be the type of information that you would want to see produced?

You know, I drove back out to Constantinos first and then to Wolfgang who specifically mentioned he'd like to see more. So what is it that you guys would like to see?

Wolfgang Kleinwacher: I don't know Jeff this question you know, (unintelligible) for example right now there are people (unintelligible) organizations ask for more protection, so I feel that they need to convince these groups, especially considering that there has been another thing (that 46) five years ago in Jacksonville. But right now, we have rights with (external) mechanisms more than enough, so I don't know evidence for example and these are the main names that have been registered and compiled (in these) organizations (that we can) warrant at least some sort of protection secondary off the top of my head.

Something that would be able to get the discussions going in a real way, because right now we just hear a very general (half) which I understand (it at least), but we need to understand - we need to see whether (this half) actually warrants the creation, you know in a special (unintelligible) for these names.

Wolfgang Kleinwachter: Okay, Chuck this is Wolfgang and unfortunately I (unintelligible) put myself on the list, but can you just register me on the list and tell me when I can speak please?

Jeff Neuman: Sure, I've got Jim next in the queue then I'll go to (Stefan) and then Wolfgang will have a couple minutes to think about it, so I'll put him on the spot after that. So okay, so Jim.

Jim Bikoff: Yes I was just going to say that I've heard several people mention that the organization should come forward with some evidence about the extent of (cyber swatting) in the current TLDs. And we can - we have that, I mean we get reports basically on a weekly basis and there's literally thousands a month that are registered either containing identical names or very similar names. So we have that kind of material and that wouldn't be difficult to produce.

Jeff Neuman: Thanks Jim, that would be very helpful if it's submitted to the group because, you know, obviously we received - we hear the arguments and, you know, our gut tells us this could be an issue but it would be great to see the evidence of that and to get that to the group.

Jim Bikoff: Well I just would say that, you know, we're getting so many now in just the - I'm not even going to say 22 TLDs but for .com, .net, .org primarily and maybe a few others and thinking about how that's going to be translated on the second level if we have a 1000 new gTLDs, you know, makes us quite nervous.

Jeff Neuman: Okay, thanks Jim - (Stefan).

Stephane Hankins Yes, thank you, good evening. Well I just make a few comments on what has been said. My first comment is of course the public policy concerns that, you know, letters or (unintelligible) are subject to make the recommendation for the first level obviously, you know, is a strong for the second level is not

stronger as far as we see it. If the person is, you know, where the practice shows that, you know, misuse of the Red Cross, Red Crescent denominations is only a theoretical question, well it certainly is not. And either there (unintelligible) really shows that, you know, there are very frequent instances of misuse or fraudulent use of the denominations and that, you know, a common occurrence.

I mean whether it's, you know, the (ICLC), the International Federation or national society such as the American Red Cross, we very frequently have to deal with these sorts of issues and in particular when there is a human (unintelligible) crisis, we have instances like this very frequent at the second level at ccTLDs as well as gTLDs. So, you know, I think the notion that, you know, preventative measures need to be enshrined in the system I think is very necessary in our eyes. I have to see a little bit with my colleague, but I think we could certainly try to provide the illustrations of the misuse and illustrate also the implications that that has in past instances.

And with regard to the notion of the unique (spaces) which has been very (familiar) instances and again today - well first of all I would like to refer you to the public comment that submitted in the - during the Costa Rica meeting because there we already tried to outline the two ways of the specific stages of the Red Cross, Red Crescent names, both as denominations of the emblems of protection of medical services of law enforces.

And, you know, of other things that (have) found conflict which is the basis of the international protection of the denominations under the Geneva Convention, but also as, you know, the denominations of the various intelligence of the Red Cross and the Red Crescent movement. I think there is very much trust but indeed, you know, it would be helpful if, you know, we could have a little more (carriage) on what you require.

I mean obviously, you know, we can provide, you know, a much more detailed document which was highlighted for example the International

Committee of the Red Cross or the International Federation have (service stations) in the United Nations and so on and, you know, a certain number of (fractions) which illustrate the, you know, the stages of the organizations themselves.

But I think, you know, it's true that if, you know, we could clarify a little better, I mean, you know, certainly we can do that - but much of it is already in the document. And largely of course I do want to reiterate again (this year) the section doesn't stem from either to trademark registration. Again, you know, these are denominations that enjoy international protection, other international law and that international law regime is then reflected in the domestic legislation which was listed by (unintelligible) and not (fortune). Maybe I'll leave it at that and see whether I can say a few more words later, thank you.

Jeff Neuman: So thank you (Stefan), I think the three questions - the three main questions and that I kind of jotted down as far as to help the group understand and, you know, walk through some issues, is I'm not sure this group has the full - understand the full scope or the full extent of the problem. You know, we've seen the letters that go back and forth and you make these statement that, you know, here's a problem, like you know, as Jim started to kind of provide some evidence of, well it's a problem and here's the backup as to why it's a problem, there's a thousand new cases a month or whatever it is.

So anything that you - the Olympic Committee or the Red Cross/Red Cross (Crescent) can give to the group so that the group has a full appreciation of the problem and what the problem is likely to become with all of these extra names, I think that is the kind of information that people are looking for. But that's the first question, the second one is kind of the theme that I'm hearing is, you know, why can't these big problems be solved with these mechanisms that are being proposed for the new gTLD process?

So what is it about the new mechanisms that you feel are insufficient to address your concern? Whether, you know, and there could be, and I know you stated some of these, you know, the cost to go after all these, I mean there's a whole bunch of things that you all can - have said and probably can reiterate to this group.

And the third overall question that I have is, you know, we have a very specific set of recommendations that have been handed to us - handed down to us by the GAC as far as what they recommend, so the question I have is, you know, to what extent are these limited recommendations and identical matches and only in only the six UN languages really going to address those - the problem, you know, the scope of the problem that we identified in the first question?

I mean those I think when you boil it down at least for me, you know are the three main questions. And Constantinos has posted through the chat which I guess is a subset of the first question which is, you know, what's the scope of the problem. You know, included in the scope is okay, so let's say there are 1000 new registrations a month, you know, what are the actual harm of having these registrations? And I'm sure you all have made these arguments before, I know the case of the Olympic Committee there's been quotations and others where these arguments have been made.

I think providing that type of information to the group will be extremely helpful. You know, so again, it's scope of the harm scope of the problem including, you know the harms that are suffered, what are the perceived problems with the new protection that can (unintelligible) and to what effect would these limited protections being recommended by the GAC - to what extent do we think that's going to address the problem? You know, do we think yes if it is that big of a problem and we all agree with that notion and we all agree that existing mechanisms aren't enough, does the proposed recommendations actually make a dent or not?

And if not - if the answer's no, then is there anything else that should be considered or should be done? Chuck?

Chuck Gomes: Yes thanks Jeff I think you did a really good job of summarizing those. With regard to Number 2 on whether existing mechanisms would work, I think could be very helpful for (her obviously) to understand from the Red Cross and the Olympic Committee, in what ways they don't think that the existing mechanism would solve the problem. But in addition to that I think it would be very good if we got an official reading from the General Council's office with regard to the existing mechanisms in terms of the eligibilities of the two organizations, including in the six UN languages to use those mechanisms.

In other words an official statement so that we know for sure and it's not just our opinions with regard to if they would work, I think that would be very helpful for us to request that very early on.

Jeff Neuman: So Chuck just to restate what you're asking, are the - and you're (and you're not sure what) the Committee Red Cross/Red Crescent are eligible to use the existing mechanisms?

Chuck Gomes: In the six languages.

Jeff Neuman: In the six languages, okay so okay, got it.

Chuck Gomes: Yes, get that from the General Council's office while at the same time requesting from the two organizations what ways they think that the existing mechanisms do not solve the problem.

Jeff Neuman: Okay, Margie do you - Brian, do you understand that question that Chuck asked?

- Brian Peck: Yes I think yes, I mean it basically says whether the two organizations can utilize the current existing mechanisms with regard to at least the six UN languages (unintelligible).
- Chuck Gomes: And this may not be - and it may be that both organizations have trademarks in each of those six languages but, you know, in theory if they didn't - let's say they only had the English version of Olympic (not served again) which I know is not the only language, but let's assume it was, would they be able to use the (URS) in other languages that they may not have registration for?
- Jeff Neuman: Maybe Jim can answer that, you know, for the Olympic Committee and say look we've got registrations in a number of countries and all these languages and it may not be an issue.
- Chuck Gomes: But again Jeff, what I'm suggesting is we get the responses from all sources - both from the two organizations and officially from General Council's office.
- Jeff Neuman: Right, right. Okay, Jim did you want to add something, I'll put you on then I'll put Konstantinos.
- Jim Bikoff: Yes we can provide a response to that - I have not, you know, got a full survey of all - of the different languages, I know there are at least some languages but I can get back to you with the extent at which we have these six languages for the two terms.
- Jeff Neuman: All right, thanks, Konstantinos?
- Konstantinos Komaitis: (Unintelligible) so request if it's possible (unintelligible) I can start to dig up the conclusions of the reserve names at least back in 2007 concerning, you know, what was the conclusions of how the team concluded each discussion, thanks.
- Jeff Neuman: Okay.

Wolfgang Kleinwacher: This is Wolfgang, you asked me already a couple of minutes ago to give more substance to my question, is this the right moment?

Jeff Neuman: This is a great - I was just going to come back to you, so yes.

Wolfgang Kleinwacher: Okay, you know, I think Jeff and Chuck has already summarized some of my ideas. I think generally speaking (unintelligible) decision always better than decisions which, you know, are based on certain estimates. And so far I would be very interested and this would be very helpful to have this (faxed) on a form of a paper from the IOC and the Red Cross to see the dimension of some issues. I think it should be clear for everybody (other) than this group, that we have to do something against cyber (squabbles) and behavior and misuse.

So there should be no misunderstanding that I think here we have a (vehicle) consensus in the whole group. But the question is, you know, if we start to give privilege to, you know, one group then which always to get, you know, a wave of followers who want to have similar privileges. And so far we have to clear, you know, where the gaps are, I think this is the first thing which I want to know where are the gaps in the existing system?

So this is as much as has been tested, so and this (unintelligible) probably we have to wait a moment and then to find out, you know, where the gaps are so that we can close those gaps to stop all misbehavior. I think arguments both by the IOC and the Red Cross are very clear that there are a lot of (squatters) who use, you know, the (unintelligible) and other things, you know, for misuse and this will be stopped.

I think this is understanding I think here we have a clear consensus. But we - if we have to see the facts on the table, I think this would be helpful. And on the other hand, if we would get from GAC or from somebody else, you know, studying would explain us that these two international organizations are

different from all the other international organizations. I think both (unintelligible) because it's a good job to explain that they are very special.

They are protected both the national legislation and the international legislation and they have this various national committees, they have the international committee and all this. This is very clear, but a number of other organizations in the world., you know, can argue in a similar way and I think this is probably not any more the topic for the Red Cross and the IOC because we understand this special status. But, you know, it's now up to the GAC or to somebody else to explain that these two organizations are the only two organizations in the world which have this uniqueness.

So and that no other organizations, you remember the letter from the 28 in the government organizations and, you know, other groups have already indicated that they are looking very carefully how we handle the IOC in which (course case) and they say - draw their own conclusions from that and come back, you know, with their own initiatives and ideas. I think this is the problem for the General Council and then for the Board, you know, to find the right balance, you know, to - if you start to give privileges to one group, then you shouldn't be surprised that others ask for similar privileges.

And those (discussions come respectfully) to the issue which has been already (a way to see them), so it's the exiting mechanism - where are the weaknesses of the existing mechanism which would allow regardless of all the (safe cuts) which are already in the system people, institutions, would behave in bad faith to do their, you know, criminal activities and how we can stop this. I think this is our common understanding.

And here we have to base our final decisions on facts and not just, you know, that we want to serve special interest of special group. I think this is very - this is the point and with regard to the International Olympic Committee, so I - we have wasted so many several times, Constantinos raised this question several times with regard to the top level. And I think this is even a bigger

question for the second level, you know, what to do with all this other institutions in the world which are existing in real life and have variations of Olympics or Olympia in their name.

It starts with the City of Olympia in Greece with Olympic Airways, with Olympic (commarades), with hundreds of Olympic restaurants, even in my city (Lapse) we have two restaurants with the name Olympia which would be allowed to register their restaurant name in (unintelligible).

You know, how you handle all this cases if you give these exclusive rights? And so here, you know, we have to think a little bit deeper and to find a compromise which would satisfy all the needs and in particular to stop the misuse of people who are criminals.

Jeff Neuman: Thanks Wolfgang, in some respects this is a little bit different than the top level in the sense that it's only identical matches so we wouldn't have to worry about Olympus or all those, you know, other things, you know, Olympic Airlines for example.

But, you know, we do need to think about that but I think we need to answer the root question first of whether these deserve - whether the Olympic Committee and the Red Cross deserve special protections that others don't have before we answer the question of okay if we decide that that's yes, then we talk about well how could others that have legitimate life's to names that are named be identical, how do we get them to be - to still be allowed to register those names.

So we have to take this in phases with the understanding that if we decide to apply this (little) protection, how to make sure that we're not getting the mom and pop Olympic restaurant that's allowed, you know, that's been grandfathered in or is allowed to exist or Olympic Airways, you know. We do need to consider that, but I think that's after the overall question. Constantinos do you have - is this an old hand or is it new - I can't remember.

Constantinos Roussos: Sorry no, that was an old time.

Jeff Neuman: Okay, Jim.

Jim Bikoff: Yes, I just want to make clear that at the second level our thought is that there has to be a mechanism and we haven't gotten to that point yet, but there has to be a mechanism as we created in the first level that would deal with folks that do have a legitimate right so that they can register on the second level.

So I'm, you know, we're not trying to overreach here, and I think that clearly there will be cases where somebody comes forward that has a legitimate interest and there should be some - either a panel determination or a letter of consent or both or whatever, some mechanism to allow those folks to register at the second level. I'm talking about people like Olympus and Olympic Airlines and so on.

Jeff Neuman: Right, right absolutely - Chuck?

Chuck Gomes: Yes and in following up with what Jim said there I believe - and Jeff you're probably more familiar with than I am, that the existing mechanisms allow for competing marks to both the clearing house and so at least part of what he's getting at may be covered in existing mechanisms, but that's something we can look at more closely going forward.

Jeff Neuman: Yes, thanks Chuck. So on that note and I haven't, you know, it sounds like we're kind of lying down on this. Our next call is scheduled - we're still scheduled to meet every two weeks which I think would be a good idea. But I'd like to give some time to - for the Olympic Committee and to the Red Cross to kind of just take back what we've asked and see that they can provide something to us. Jim and (Stefan) is two weeks enough time, do we need some more?

(Stefan Hankle): No I think - it should be enough yes.

Jeff Neuman: Okay, Jim?

Jim Bikoff: Yes, it should be enough.

Jeff Neuman: So then let's keep our - oh I'm sorry Margie, do you have a question?

Margie Milam: Yes on a separate issue, it's (not) this issue.

Jeff Neuman: Okay, let me just finish and we'll still have our call in two weeks from today but let me - Margie, let me go to your...

Margie Milam: Okay sure, yes I checked with the secretary it looks like (unintelligible) to the GAC so if you want to as chair of the group send a formal request to GAC under legal advice, you know, we can get that kicked off. So that was just the answer to the question you posed earlier.

Jeff Neuman: Right, what I think I'll do is I'll draft something and send it by (Stefan) because I think he may want to send it as chair of the post-year, it's just coming from a drafting team of the GNSO, so I'll let (Stefan) then (Gilder) to (Stefan) and his group. So I'll draft something, I'll talk to (Stefan) then (Gilder) about it and see how he wants to handle it.

Margie Milam: Okay and then I had a second thing, we're already starting planning for Prague if you can image that - we have to submit requests - the Windows opening now for a request for meetings in Prague and so I just wanted to give you a heads-up to see whether this group thinks it's going to want to meet in Prague when we put in our request for scheduling.

Jeff Neuman: Yes I would say the answer to that is yes, I think we need a separate group meeting on this. Although depending on what happens with the Council if

there is any issue report and, you know, I would pencil in some time on this subject for the drafting team/whatever happens - whatever it's called later on.

Margie Milam: Yes I definitely was thinking - I was thinking there would be a minimum and update on the weekend session, but then I also thought that there probably would be a working session for this group or if there's a PDP (somewhere) on the other issues. But I thought it would be better to at least plan for it, we can always cancel if we don't at this space.

Jeff Neuman: Yes, I think that's a good idea.

Margie Milam: Okay great, thanks.

Jeff Neuman: Okay Chuck -

Stephane Hankins Can I ask a question please?

Jeff Neuman: Sure

Stéphane Hankins: Yes, this is Stéphane Hankins yes I just wanted to ask the best source for - to be fully (grouped) on the existing mechanisms at second level is really the African Guidebook.

Jeff Neuman: Sorry, can you repeat that again?

Stéphane Hankins: Yes, I was just wondering what is the best source, because as far as I'm concerned - I know (Debra Hughes) knows this much better than I do, but is it - the mechanisms in place at the second level, what is the best source to know their extent? Is it it's the African Guidebook.

Jeff Neuman: It's the Guidebook plus the traditional papers that came out specifically on trademark clearing house and some of the other protections. I think - maybe ICANN staff can help you with some links to those. I don't know if they're all

official "part of the Guidebook," but they're all on the page where the Guidebook is posed.

Stéphane Hankins: Indeed, thanks very much.

Jeff Neuman: Sure.

Chuck Gomes: Jeff, just to help Stéphane out a little bit - Stéphane if you go to the Guidebook and go to Module 5...

Stéphane Hankins: Yes.

Chuck Gomes: ...in the Guidebook and then there's a whole list if you look at the left column, there's not only the agreement itself, but there are lists of the - there are links for the particular rights protection mechanisms - the trademark clearing house, the (URS), etc. So they're pretty easy to find, but certainly if you need help on that any of us would be glad to heel.

Stéphane Hankins: Thanks very much.

Chuck Gomes: Absolutely.

Jeff Neuman: Okay, any other last questions or comments? Okay so then at the same time of day, two weeks from today we'll have our next call.

Chuck Gomes: Hey Jeff just one - this is Chuck again, just one thing - I put it in the chat but it would be really nice if we could get the responses back from staff and the General Council's office in terms of the eligibility of the Red Cross and ILC the use the mechanisms including in the six languages two weeks from now, because that's a fundamental question that forms the foundation for everything we're doing.

Jeff Neuman: I agree with that and I'm sure Margie or Brian...

Brian Peck: We're putting the request in today.

Jeff Neuman: Thanks guys, okay thank you everyone and I'll talk to you in two weeks.

Man: Thank you.

Man: Thanks Jeff.

Man: Bye.

Man: Bye.

Man: Bye-bye.

Woman: Thank you.

END