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TORONTO – At-Large New gTLD WG Meeting  
Monday, October 15, 2012 – 14:00 to 15:00  
ICANN - Toronto, Canada

GISELLA GRUBER: ...the At-Large New gTLD Working Group meeting on Monday, the 15<sup>th</sup> of October at 2:00 local time Toronto is about to start. Thank you.

AVRI DORIA: Oh, okay. No, actually, I was looking for the agenda of this meeting. Hi, this is Avri speaking. I shouldn't have turned on the microphone before I was actually ready to speak.

We're starting the meeting and the first thing I wanted to do was go through the agenda, which can be found in the place where agendas usually are, which is on the community page that displays agendas for the day.

On the agenda at the moment is first a report of the At-Large New gTLD research group and a discussion on the issues... Review Group, sorry. What am I talking about research group? Then there's a report –

[break in audio]

DEV ANAND TEELUCKSINGH: - India. Both of those issues were deemed out of scope for the review group and are referred to this working group for discussion.

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Essentially, the comments by Internet New Zealand and by IT For Change India was that, paraphrasing, but private close registrations of generic words was not in the community interest or not in the public interest.

The review group has completed a one-page summary of the objection process now that the application comment period has closed. I think that's it.

AVRI DORIA: Thank you. Anyone have any questions on that? I have one question. Have you figured out, if they extend the time, what your time extends to or are you going to wait to do that?

DEV ANAND TEELUCKSINGH: Tentatively. We'll discuss it on Wednesday's call, but yeah, we have a draft timetable in case that happens, but materially, the process will not change.

AVRI DORIA: Okay. Any other questions or issues on the review group? Going once...  
Okay, thank you.  
  
Let's move on to a discussion and report on SARP, so Karla, if you're ready. Thank you.

KARLA VALENTE: Thank you. Hello, everyone. Thank you for having me here. SARP stands for Support Applicant Review Panel and this is related to the applicant



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support program. That is a program that gives some financial assistance to applicants that qualify under the criteria that was posted, and the criteria that was developed and posted had as a foundation the work of the JAS Working Group.

What we have now is five members of this review panel. They were selected based on their background and the criteria that we posted when we called for people to reply. We had quite a high number of people that applied for that volunteer role, which we were extremely happy to see.

We selected only five because we only had three applicants in this round. The five people selected come from different regions. They also have a good combined background—experience with developing countries, diplomatic experience, experience with providing financial aid, experience with the ICANN industry itself, and so forth.

They have been trained with the community member representative that you know is Cintra. She has been part of the program helping us to develop the training documents for the SARP members, so they have been trained.

Part of it was a self-study so they could go and look at everything that was online. We informed them everything that was publicly said and posted. They also had a training session to see how the process was going to work.

We, at this point, also elected a chair, so they self-elected, basically, a chair within the group. They are going through the three applications



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now and they told us that they will have their work completed by November 30<sup>th</sup>.

This is a volunteer group. They are meeting once a week. They are doing a very thorough and detailed review, which is truly appreciated. The community member representative is an observer in this process besides helping with the training materials and et cetera. She replies to questions if asked, but she's an observer in the process. We also have a third-party company that is helping us to ensure that everything moves smoothly and moves through.

The goal that we have is to provide the names of the SARP members after they complete the evaluation process. The chair of the SARP panel is going to be the spokesperson for them and I'm hoping that person can come here and answer questions that are not of applicant private nature of the application so he can answer questions to you.

A lot of people came to me and said, "Why don't we have the names of those individuals published?" The decision was made not to publish the names at this point to shield them and give them the space and peace to do the evaluations until the end of November. It was very short period of time to do that because if you look at the New gTLD Program, a lot of the evaluation panels, they're really shielded by the company names.

We know [KP&G] is doing this, the other company is doing that, but you don't really have the individuals as exposed, but for the SARP they were the individuals so we collectively decided let's keep it like that and have the names reviewed at the end and they can explain exactly how it was. The current thinking is that once we have that cycle of evaluations



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completed, we should as a community come together and look at what was well done, what can be improved, so in subsequent rounds we can have this program more successful.

We also have to decide how we are going to measure this success moving forward. We do realize that one of the pitfalls or one of the things that can be drastically improved in the future is the communication and the timing of how things are done. Not only the timing of the communications, but the methods of communications, how we reach out, to whom do we reach out, how do people receive messages in different countries and their understanding of that opportunity and understanding of the New gTLD Program.

Another issue that was raised to me was that there was some delay in the SARP selection and there was some delay in this whole process. Unfortunately, this delay was all tied up to the delay in the New gTLD Program itself, so some of those things were tied up together.

Until they had the strengths published and all of the application in place, we really did not know how many SARP members we could select and how many groups of SARPs we would need, and so we had different processes and different thinking to address different volumes, but we didn't know until we actually had the publication and that's when we could really implement.

So from that moment in which we had the data that we could select the SARP members and train, et cetera, there was not that much delay. Things ran quite smoothly, and as I said to you and I'm going to give it as a personal opinion, I am extremely impressed about the quality of the volunteers that we got and how they are approaching this process and



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how they are helping into improving things as they can within the criteria and the timeframe that they were given. I'm very confident that we are going to have a very good work outcome from those panel members.

AVRI DORIA:

Thank you, Karla. This is Avri speaking again. Does anybody have any questions, any comments? Also, if anybody's looking at the remote, if there are any comments there, let me know hands up.

I have one, and just one thing I wanted to make sure I understood correctly. The applicants who are being reviewed for support are also currently in the regular review or not in terms of the evaluation process?

KARLA VALENTE:

The timing of the evaluation is that applicant support program evaluates and then they go to initial evaluation.

AVRI DORIA:

So in other words, they're not in any of the evaluation yet?

KARLA VALENTE:

I do not believe so per process, but I will double check that.

AVRI DORIA:

Are they all reviewed for...? Okay, no, that would be... It was just interesting. Okay, thank you.



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Any other questions from anyone? No? Any remote questions from the people that can see the remote? Nope.

KARLA VALENTE: Can I add one thing?

AVRI DORIA: Okay, please.

KARLA VALENTE: I think what would be extremely helpful, if you may, is after November if we could have a discussion or you could come up with some of the things how do you believe we should evaluate this, what kind of things we should take into account for evaluation and what kind of things we should take into account to improve the program in a way that we can measure from that round to subsequent rounds. This is the kind of thing that would be very helpful for us and I think that is extremely important to have the community involvement.

AVRI DORIA: Okay, thanks. This is Avri again. In fact, our next issue is looking at the outreach and the support program and why what worked worked, so that will be a piece of it in a sense.

I'm also wondering as time goes on if perhaps we can get some feedback on, for example, how it's going to work with support programs fitting into the whole drawing things, those applicants. I'm sort of interested in how those applicants will get to fit into everything that's



being talked about now in terms of if there are drawings, how do they fit into that whole process? Are they still the total and do they fit in? Because at some point they were supposed to be in the next round, and so at this point I don't think there's been any clarification of how the support program applicants figure into everything that's going on.

[background conversation]

AVRI DORIA:

Right, all of that. Thank you. So, once again, no questions? Moving on. This is Avri again. I'm supposed to keep remembering to give my name as well as ask you all to give your names repeatedly, so I will and I'll do it repeatedly and repeatedly. I think there's a nice melody that goes with that, but I don't know it.

The next thing is the Developing Regions Support Issue Analysis. It's the new item that was put on the charter. We have not started working on it yet. There was half a prayer in my own mind that I would get something outlined before this discussion, but I did not, so basically we're at a point now where we've got this new item, it's an important item and we convinced ALAC that it was an important item and they all approved it, and now we've got to do it.

It's an item that first called for an analysis of what went right, what went wrong. I don't even want to presume it was all wrong when you start at the beginning of an analysis in terms of the outreach to developing economies, developing regions, developing areas, countries.





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Then what went right or wrong in terms of the support program outreach, what needs to be done, so it's first an analysis.

We started out with some immediate assumptions, our first thoughts on what those causes might be, then we found out that the list started to get a little longish. We had four or five different possible reasons, anywhere from the outreach done wasn't good enough to they've got better things to do with their time and money to they don't have the infrastructure to even be able to start thinking about it, and any number of possible reasons.

So, at that point, it seems like, "Well, okay, we've got to start gathering more possible reasons. We've got to find a way to analyze and differentiate which of these is really operative and perhaps different reasons are the cause in different places for different groups, so how do we do that analysis?"

And then after we have that analysis, look at any suggestions we want to make with regard to remediation or other follow-on actions that we would make to ALAC as a suggestion that they took that forward.

So, having prattled on about that for this much, I'd like to open it to people that... This is probably a 15- to 30-minute, depends on how it goes, sort of blue sky discussion on thoughts on why it happened, thoughts on how we do an analysis, polls, surveys, anecdotal story collection.

Please, who would like to start? Evan?



EVAN LEIBOVITCH:

Hi. This is Evan, for the record.

I think part of the problem is that we barely have any starting points of data, and this is a recurring theme, I'm finding, that we don't know what we don't know. We need to find out, for instance, if there was sufficient exposure in developing countries to people that could have done TLDs but chose not to, or whether or not there was simply a lack of information.

It's really hard to know whether or not the lack of engagement in lesser developed countries was due to awareness and lack of interest or lack of awareness. I think that's a very core point that we need to figure out. Was it a communications issue or simply that the word did get out and was considered and not acted upon because either money issues or lack of registrars in the area or whatever?

So I think it's really hard to even frame a question properly unless we have an idea, and I'm not even sure how to measure this, but to try and get some idea of whether this was a communications issue or a prioritization issue. Thanks.

AVRI DORIA:

Okay, thank you. Edmon?

EDMON CHUNG:

Edmon Chung here. I kind of feel that the way you put it, if we are to do a good job about this, it in itself requires an outreach and to reach those people to get their feedback, so a few things come to mind immediately. How are we going to be able to do this comprehensively?



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How are we going to be able to reach all these people that ICANN used all that budget for and cannot reach?

It in itself is sort of like an oxymoron question in a way. So, my initial response is that perhaps what this group, or those of us here, can think about is to lay out a plan that staff can then implement, but do get anecdotal evidence first. Take a look at what has been there.

Two areas I think would be beneficial for sure, just to get those who have applied and basically ask the 2,000 applicants whether they had thought about it and why didn't they go for it, and those who did go for it, what the challenges were and why did they eventually go for it. That gives you a little bit of information.

The other thing is I'm not sure whether we have from staff or we could get from staff somewhat like a PR report, because you do a PR campaign, you usually get a set of clippings—where the information went, what was done, who it reached, the number of people it should have reached. Perhaps get that information and do an analysis of that to start with, and then lay out a plan perhaps not this group can implement, but it itself would need a little bit of budget to actually get executed.

TIJANI BEN JEMAA:

Tijani for the record. I am afraid I will disagree with Evan regarding how to approach this question of outreach in the developing countries, developing economies. If we try to say we have to know how many people didn't apply and wanted to apply but didn't apply because there



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is a problem of outreach, it is a way to give a reason more or less to the lack of outreach.

First of all, to have this information, we need a paid survey, otherwise you will not have this information. It's impossible.

[background conversation]

TIANI BEN JEMAA

But I think that we need to know why, what was the problem and how we can solve it in the future. This is the positive way to address the question. Thank you.

AVRI DORIA:

Carlton, please.

CARLTON SAMUELS:

Thank you, Avri. Carlton, for the record.

Two things. Edmon gave a kind of framework of how we might approach this thing—to start with what we know and then expand from there. I think that's good advice.

Avri talks about—maybe it was Avri—where the staff had put in the PR campaign, what had happened. They did release a report and the report showed the placements and the various media types. What was glaring from the report is that when it comes to it, I don't think they quite understand how you have a PR campaign in a developing country



because some of the outlets that they use was just wrong. You look at it [as a stream].

This is anecdotal information. We were sitting in the GAC luncheon with people from Romania. Was it Romania? Romania, and we asked the question. We said, “What did you think of...? Was it an important item here?” and so on. The information that came back was all the people didn’t think they had enough money to apply for \$185,000. I said, “Did you know of this applicant support thing?” and they didn’t. This was Romania. They’d never heard of it, and these are the folks who run the ccTLD registry.

That’s just a little piece. So right there you see the gaps and you see that maybe the PR efforts, the channels that they used, were probably not the right ones. So I think we can go back to it. I think Edmon gave us a good idea of how we might begin to start the process and I think we should do that. Thanks.

AVRI DORIA:

Thank you, Carlton. I think so far I’ve heard a couple concrete possibilities. One is to get more feedback information on the PR program and such.

I think you alluded to an interesting one, Carlton, was to check with how many ccTLDs actually knew about it and that should be a relatively finite set of data that could be gotten, especially from our liaisons and other contacts. How many ccTLDs actually knew about this?

Another thing I was wondering about when I heard people speaking was how many of our ALSs knew about it? Were they reached? There was



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always a presumption that the outreach was going to go through the RALOs and reach all the ALSs. Did it? Is there any way to get that kind of feedback?

So already in the conversation we had, certainly one of the things that I've heard say about At-Large is it reaches wider and larger than anything else in ICANN reaches so we can check both the world at its point—the ccNSO. That's kind of the world gathered in one point, and then the world at its diverse with the ALSs, so those are already three data points.

Somebody mentioned surveys, and at the moment, that raises an alarm flag for me. Surveys raises an alarm. We've done several surveys. I think they're great things. We've done several surveys. We're doing a WHOIS survey, we're doing various ones. I haven't had the feeling that we're necessarily getting statistically significant large groups of people to respond to them. A survey that you can't do a sufficient outreach on and get a sufficient answer base and a sufficient diverse population responding is not really a survey.

So you kind of have a problem with surveys and that's outreach. One of the things we're looking at is outreach. I know surveys were mentioned and they're often mentioned because they're a good tool, but I'm not sure that they're an appropriate tool, so that's one of the things I think we need to look at.

Anything else? Did anybody have anything remotely to say? I neglected to say this was Avri speaking again. Sorry, yes, please.



YAOVI ATOHOUN:

Yaovi speaking. I want to reassure that I understand. The point is that we are talking about outreach, but at the same time, we have to, as people are talking about surveys, to know people who knew about that program, why did...

I know that the area where each will reach, where people didn't apply, because if we don't get the right approach for that outreach, we'll reach people, but they will not apply, so I think there is something linked to this new gTLD.

It is a very deep issue because it's not only the fact that people don't have the information. Personally, I don't think that some people have the information as also some people said it's a question of priority, so there are many things like that. We need education and so we'll reach people and they may not be necessarily ready to go for the new gTLD.

So in conclusion, there is something to do after the survey to be linked to that outreach to make this program successful for the developing country, not only outreach. This is my point of view. Thank you.

AVRI DORIA:

Thank you. Yes, please.

GLENN MCKNIGHT:

Glenn McKnight, for the record. A couple of things were brought up. I do entirely agree with Avri on the surveys. After designing and distributing and hounding as many people as possible to do the NORALO survey, I can assure you some of those who were unfortunate to be at our meeting this week will learn more details on the survey and my



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associate across the other side, Dev, has done a survey for LACRALO. He can well tell you how difficult it is to get the numbers to do the survey.

But the thing that I'd like to share with you, I remember, I guess roughly a year ago or six months ago there was an allocation of a budget, I recall, and our former CEO was doing a talk-up circuit, mostly wine and cheese kind of stuff talking to mainly government leaders and different people. I don't think it was properly budgeted to reach out to those decision makers, those influence peddlers, the individuals who, if you recall yesterday our director of communications talked about reaching out to those journalists, those people who actually would salivate at a good story and get those influencers to actually write about the story.

I think it's one of those stories that didn't hit the imagination of the journalists. It just was ignored.

AVRI DORIA:

Thank you. I saw both your hands at the same time, so between the two of you, who goes first?

FATIMATA SEYE SYLLA:

Thank you, Avri. I will speak in French just to make a little difference. Fatimata for the record.

I would like to underline the fact with regards to the proposal made by... I forgot her name. Edmon's. It is true that both proposals presented by Avri are very important, but I think it is also very important to ask why. For example, for Africa, the 17<sup>th</sup> I will propose why didn't any of them





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ask to be supported with this program? They don't know about this program?

It would be useful to know, even if we don't do a survey where we question 2,000 candidates their reasons, but with the new gTLDs today there was 41 that were elected. Why these people didn't use the program if they knew the existence of the program? Why didn't they request it?

These are information that should be important to bring here to progress in our strategy.

AVRI DORIA:

This is Avri again. I apologize if I gave the impression that it was just the one question. There's really two questions and there's actually two questions for both. There's two questions, or at least two questions of, "Did you know? If you knew, why didn't you?" and if those questions apply, if I'm understanding correctly, to both the application in general and to the support program. So if I understand, we've got all of those questions or I'm still missing something?

FATIMATA SEYE SYLLA:

Yes. I was talking about the targets.

AVRI DORIA:

Okay, the targets.



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FATIMATA SEYE SYLLA: Yeah. You were talking about the ccTLD marriages in the country, if they knew about the program.

AVRI DORIA: Yes.

FATIMATA SEYE SYLLA: And also the second was to investigate the PR activities within the staff and I didn't hear you talk about the applicants who didn't go for the program.

AVRI DORIA: Who didn't go for the support program?

FATIMATA SEYE SYLLA: For the support program, yes.

AVRI DORIA: Okay, thank you. Okay, I don't know which hands. Yes, that's right, Tijani. Sorry, I forgot.

TIJANI BEN JEMAA: You always forget about me.

AVRI DORIA: I always forget about you? That's not true.



TIJANI BEN JEMAA:

Tijani speaking. Even if we thought we didn't consult before, she almost spoke my mind. If we don't do a survey, how will we collect the information?

There is two kinds of surveys that we need to do. The first one is a survey for the applicants. All applicants that didn't apply for support, we have to ask them why, especially for developing countries.

Another survey, very targeted survey, is a survey among the ALSs in At-Large. A survey in At-Large is different from the others because every RALO has some number of ALSs and they can follow one and follow up and get the maximum of response.

So I think that we absolutely need to have information. I am not saying that we need to pay for a survey. I know that a survey is very expensive, but we can do a survey at our level if you want.

AVRI DORIA:

Thank you. Yes, I guess when I'm talking about surveys, I'm talking about the online fill in spaces, type in numbers. I think a survey where someone is talking to people or so many people are talking to people and asking a set of preplanned notions to pick up information may actually be more useful.

So if I'm understanding, then, what we're saying is there's another category of people that we need to talk to, certainly about the second question and maybe it's even about the first question, how did Outreach reach you?



Obviously for those of us that are ICANN addicts, it doesn't matter. They knew. But any of the non-ICANN people, how did you find out about this?

And then for the ones that applied also, "You knew about this. You're from a developing economy. You would have qualified for or you would have been in the category of people who might have. Why didn't you?" so if that's the question.

Okay, thanks. Okay, Edmon, and then what I think I'm going to do is then switch the conversation to next steps. Okay, Edmon.

EDMON CHUNG:

Thank you, Avri. Edmon Chung here speaking. The worry about the statistically relevant poll, if we somehow could include a survey into the existing applicants as a clarifying question, then I'm sure we'll get 100%. Not a bad idea, actually.

AVRI DORIA:

Yeah. Excuse me, this is Avri. Does everyone know what a clarifying question is? Okay, great.

EDMON CHUNG:

But seriously, I think one point that I did want to make, and I guess it goes into your next steps thing, is that it's important to understand that we as a group probably will only be able to do a limited number of stuff, but I think we as a group can try to figure out a framework for staff to then implement it and think about what needs to be done. That might be much more fruitful than us going out and trying to do it.



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AVRI DORIA: Okay. I definitely think that makes a whole lot of sense. I guess the first next step is do we pull out of whatever notes, whether it requires... I don't know what notes are kept from here.

[background conversation]

AVRI DORIA: Oh, so notes are really kept? Fantastic. So pull out from the notes the lists of things that have been suggested, get them into a list online and get people to start correcting it, talking about it, adding to it.

What else should we start to do? Is that enough to get started and then take us to a meeting and see what we do with that next? One question I'd like to ask—is it sufficient to do this in regular meetings or would a group of people like to self-form to work on this out of band and bring more to it? I don't know. We can get things done quickly, or more quickly, if we have a small dedicated group that's saying, "This is an important topic to me. I'll work on it out of band and feed into the group."

So Tijani, I see I could call you like a token holder on following through with this. Thank you. You'll help him. Great. There's a shared... Yes, please. Speak in the microphone. Give your name.



ANDREW MACK:

This is Andrew Mack. Thank you. I'm just trying to clarify the mechanism for this. Are we going to broadcast out to just people who are already self-identified as groups that made application or thought about it, or are we trying to go to a broader group of people that we think might have made that application? And if so, would this group like to give some guidance as to how we might reach them because they weren't reached already? Makes sense, right?

AVRI DORIA:

Yeah. I think it sounds right, but I think we've got a problem of cart and horse placement in that I think it's for this first little group that's working with the wiki and working to get the information that's collected is to figure out those questions. And then, indeed, answering those questions is part of the first exercise here.

Okay, anything else that we want to talk about on this now? I will definitely have this on our next meeting's agenda. I'll make sure that we get to the point that there is a wiki page with an excerpt from the minutes here to make sure that we've got the starting place from what this conversation brought out. It'll be a main item on our ongoing agendas until we figure out what we're doing. Anybody else before I move on to the next agenda item?

The next agenda item, then, is the reports of discussions on rollout issues, and with the rollout issues, I'm referring to the table. I think that Trademark Clearinghouse is both the first issue on the table and Hong is also the one that has a paper or has issues to present on it, so Hong, I'd like to turn it over to you. Thank you.



HONG XUE:

Thanks, Avri. It's Hong Xue. The Trademark Clearinghouse is a rolling out issue identified by the group. We identified this issue primarily because there was some discussion on the mailing list stating that Trademark Clearinghouse involved the interest of consumers in domain name industry. That's because of these trademark protection measures that consumers will have to pay more and cover the cost to protect the trademark interest.

It's not really fair, though that's all the beginning part. At the conference call we had quite some discussion about whether we actually are a stakeholder group or if it's necessary for us to compose a comment on this issue. I do remember, and if Alan was here he would also remind me, that he mentioned this may not be a big issue for At-Large community. Anyway, we agree to presume to comment anyway, so I just go along the line as being agreeing in the group.

First of all, the draft I presented is already in the list. I imagine it may not be in the interest of consumers. That's because the high cost of the current implementation model of Trademark Clearinghouse is pretty expensive and we all know who will be the final bearer or these costs.

Also, it could be quite burdensome for the new gTLD registries based in developing countries, in developing world, and whether this should be a kind of additional assistance or support program. Because of the trademark, measures have to be imposed on these operators.

Also, I've mentioned the current implementation model cannot satisfy all kind of trademark protection measures or the registries. Say they



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only want to protect the trademark registered in Africa, they can only implement their own cost. It cannot use the Trademark Clearinghouse. The Clearinghouse only provides standard services for all the registries, so this one-set-fits-all model may not really be in the interest of the registries as well.

Finally, there's the issue of transparency. ICANN still refused to disclose the service agreement with the two providers they designated in June of this year. These are a couple of issues I highlight. There's some discussion on the list. I appreciate all the comments.

Now I have the following updates. First of all, there's a deadline for submission of comments for the Trademark Clearinghouse. It's exactly today. So we may think about as a group whether we want to submit a comment. Of course, it may not be the comment I presented. It could be a revised one or alternative one.

Secondly, in these days after I'm sending out my draft comments, I did further study on this issue. It seems it's more complicated than we thought in the last conference call. To my knowledge, there was no additional, no subsequent discussion on this issue.

Over these periods there's a couple of new developments. First of all, there's a big discussion about whether this is kind of Intellectual Property policy that is interfering the decision of the Trademark Clearinghouse providers. This is a big public policy issue. If this is true, ICANN designates two providers because they claim they have patents or they will have patents. It's really a big issue.





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This has been an issue prioritized by the board to think about a formal policy and this really involves public interest. At issue here is that ICANN still refused to disclose whether this is element for them to make the decision to choose the two providers. I don't know how to comment on that. We can't just submit comments based on speculation.

A next point is that over this period, the new gTLD application groups is actually seriously thinking about to develop alternative implementation model. They believe the current implementation model has several fatal defects such as the data connection and the data communication, and especially for the trademark claim that is one of the two essential functions of the Trademark Clearinghouse.

There's the current model. It cannot really function. They propose a very detailed alternative implementation model. In that model, probably our comments, we missed the target. If this alternative model will be accepted by ICANN, and it seems that, we were commenting something else. It's not really the one in place.

So finally, what I'm suggesting, I'm completely open subject to the group to decide how to proceed, whether we want to make a comment or we just drop this issue or we want to wait and see and make comments maybe later, seeing as this is advice from ALAC with the advisory group. We're not really bound by this deadline of comments.

AVRI DORIA:

Thank you. If I can pick a couple things out before if there's others that want to speak. I actually think I heard several issues and several issues



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that don't necessarily need an omnibus reaction that somehow one letter, one statement, one something that does them all.

It sounds like there's a very discrete issue on, "We need information on..." or, "ALAC requests information on how the two were picked." That's a very simple thing for ALAC to do. It's certainly the kind of thing that this group could recommend to ALAC or ALAC could decide to do it even without our recommendation, but we could certainly inform ALAC that we had this question and we thought this was a question that they should ask more on. That seems to be discrete and different from the rest.

There's the ongoing now comment period. I don't know if you submitted comments and I don't know how things are generally... One of the things that we've found that we've often done is if we haven't been able in other groups and other things I've been in, that if a person had a comment to make, they submitted it, and then later the group that perhaps moved more slowly endorsed the comment. It made for a two-stage process where the person that felt strongly about doing something got it done in time. The comment was there, it was in place, it was in the comment.

And then something like ALAC that has the power to reinforce that and says, "This comment was posted. We include that comment by reference and endorse it," that can come anytime. It doesn't matter, but the content of the discussion doesn't have to wait. Of course, it's you taking a chance to make the comment on your own or with a few signatories, but that's something that always seems there.



I don't personally see any way that we can recommend to ALAC a comment already unless that's what people think we can do, but in which case, which comment do you want us to recommend ALAC make? I'm not sure I know which one it will be, that you would say, "Here, this is a comment I'm looking for you all to endorse," so that we can say, "The At-Large New gTLD Working Group requests of ALAC that you approve this statement." I'm not sure if one of your statements does that. So did I understand where we are pretty correctly without getting into the substance?

So, there's one thing we could do today. We could take the information request that's contained in Hong's comments, phrase those as a paragraph and say, "ALAC, please think about asking this question." I don't know if there's opinion about that. We could also not do that. You could do the request for information any time. There's not a deadline on doing an information request.

Has one of their regular...I forget what the proper name for it was, but the document request? That's been done? That's been done and gotten nowhere, right? I kind of thought that was the case, but I... Right.

So basically, it then remains does ALAC want to raise the profile of that question? I don't know. Does this group want to ask ALAC to raise the profile of that question? I don't know.

The floor's open. I see no comments. Yes, Evan, please.

EVAN LEIBOVITCH:

Avri, given that what you're talking about is a question rather than a statement or specific advice, does this really need to churn through the



entire ALAC process in that direction or can we not just... Now that you've got the chair, the vice-chair is here, can we not perhaps expedite?

If this is a request from staff or this is something internal in ICANN that is a request as opposed to a statement or advice, can we possibly not handle this maybe a little faster or better than otherwise?

AVRI DORIA: Basically, yeah. If this room as this group wishes to pass that question off to...but I don't know, Olivier, whether you're willing to say, "Okay, there's Hong's question requesting more information on how the decision was made on Deloitte and IBM and that the information that was requested in a document request form, right? ALAC is always in the position of escalating a request. Yes, please.

HONG XUE: The registry stakeholder group has already -

AVRI DORIA: Right. I know.

HONG XUE: - submitted a request and they have received a standard answer -

AVRI DORIA: Right.



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HONG XUE: - from ICANN staff.

AVRI DORIA: The point is -

HONG XUE: So we want to submit another request? The same request?

AVRI DORIA: No. No, that's not what I'm suggesting. I'm suggesting that ALAC, which is an advisory committee, which has, in a sense, more requesting ability, one might assume, than just the registry stakeholder group, does ALAC want to look at what the registry group submitted, the answer they got, and say, "We advise you that you gave them the wrong answer. Give them information," is something ALAC could very well decide to do.

This group could ask you, as those that are ALAC, to consider that notion. It is the kind of advice... It's not advice, it's a request from an advisory committee saying, "There was this request from registry. You gave them an answer that we think is inadequate. We recommend that you rethink this."

Yes, please, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Avri. Olivier Crépin-Leblond. I think that if the question is to come from the New gTLD Working Group, it may without the ALAC needing to be involved. If it comes from the ALAC, then it does need to be passed through the process, but since we're all here in Toronto, this



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is one thing that the ALAC could vote on during its wrap up. It really depends on what your timeframe is.

AVRI DORIA:

Right. I don't think the timeframe is immediate. It should happen really soon, but is it immediate? Personally, I think the request coming from the working group is meaningless, except if it's a request made to ALAC. I don't see this working group having any standing to say, "We request, ICANN, that you rethink your answer."

ALAC, on the other hand, does have that standing, so a request from ALAC, and now the process for that is we would have to request it of you or you have to decide to do it on your own, but...you know.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Avri. Olivier Crépin-Leblond. I would suggest that this working group drafts the questions and transmits them over to the ALAC as soon as possible for the ALAC to be able to consider them and to be able to take a decision during its wrap up if the questions are with them early enough, bearing in mind that everyone is very busy. You do need to get that as soon as possible.

AVRI DORIA:

And the next opportunity would be when? And then I'll ask the question of the group. In other words, if we didn't make this meeting with the request, is it a month before the next request?



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OLIVIER CRÉPIN-LEBLOND: No. It's Olivier Crépin-Leblond for the transcript. It can be any time, bearing in mind, though, that the week after the ICANN meeting, most people are unavailable because they've traveling back home and trying to recover. The week after that would probably be okay.

The question being that at that point you do need an online vote, so you would have, in addition to the time given for the ALAC to consider the questions and perhaps to tweak them if need be, so five or six days for them to be able to work on this, plus the five working days for a vote. So you are looking at about, I would say -

AVRI DORIA: About a month.

OLIVIER CRÉPIN-LEBLOND: - three to four weeks. A month, yes.

AVRI DORIA: Yeah. Okay. Yes, Evan.

EVAN LEIBOVITCH: Sorry, Avri. This goes to the point that I was trying to make originally that if all we're doing is asking questions as opposed to making a statement or advice to the board, do we need to go through all of that? If this is simply a matter of asking questions, can we not move this through by a consensus?



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AVRI DORIA: Yeah, if I can add one thing before that. That's kind of what I meant when asking could the ALAC decide on its own. For us to make a request of ALAC is a process. For ALAC to decide on its own, it heard that this was a question and decided, "Gee whiz. This is something we really should do," then it requires no process.

OLIVIER CRÉPIN-LEBLOND: Thank you, Avri. For the ALAC to decide on its own, I still believe, and this is open to question, but I still believe that the ALAC would need to vote on it. It can't be ALAC questions if the whole of ALAC—a majority, sorry, of the ALAC—does not agree to the questions being asked.

AVRI DORIA: Now, I'll go back to the group, then. This is Avri again, and I keep forgetting to say that and I apologize.

Is this, first of all, something we think should happen? Is it something you think should happen, Hong, as the person that's put this on the table? Does this sound like a right first step in terms of this one question?

HONG XUE: Among the cluster of issues of Trademark Clearinghouse, I believe this patent policy is the most relevant part to public interest, so personally, I do believe the question is meaningful.





AVRI DORIA:

Right. Okay. What do other people around this table...? Is there anyone that thinks we shouldn't be asking ALAC to ask for more information?

Then the next question is is this something that we should try? And also, I want to put this out on the list if it's this group. Is this something we could get written up by the end of today and sent to the list as just the question we want to ask? And perhaps you and I can go back and forth with something that we send out to the list and send out to ALAC as a question?

Okay, so that's one thing that we can at least start with. In terms of the other stuff, I don't think we can get a full statement into the hopper. Perhaps you want to consider submitting your own statement on the issue just to get the problem on the table.

Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Avri. It's Olivier. I'm sorry to be procedural about these things. I know sometimes it's a bit cumbersome, but if you do decide to ask for the ALAC to pass this, then you would also have to have an action item so as to notify staff to put this on the ALAC agenda on the first day meeting.

AVRI DORIA:

Right. I've only got as much process as you're going to impose on it and I'm somewhere between Evan saying, "Don't impose too much process on it," to you needing to have something written, so however much process you're going to make us go through.



[background conversation]

AVRI DORIA: That’s right. How high? How high? Excuse me. Okay.

OLIVIER CRÉPIN-LEBLOND: It’s Olivier for the transcript. All I’m trying to avoid is for the question to be asked in response to the question of being, “Is the question asked by Avri?” “Is the question asked by Hong?” “Is the question asked by the ALAC?”

AVRI DORIA: So, is it agreed that we have an action item, that we write something to the board, we try to get it sent to them by the end of today asking the board to elevate the question higher. Yes? I have an action item. Fantastic. We have an action item.

OLIVIER CRÉPIN-LEBLOND: Do you need a motion?

AVRI DORIA: I don’t think I need a motion. This is Avri speaking again. Okay, so we’ll move on, and I think we just have to keep working on how to handle the other issues as time goes on. I don’t get the impression that this group has a strong preference that they want to kick in about whether the old



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clearinghouse process or the new clearinghouse process is the one we like best. Great.

Okay, nothing else on Trademark Clearinghouse? Alan's not here, so I guess I'll skip the vertical integration, although a statement was made, so that was no further action. That's right.

Evan, did you want to go any further at this point with the private generic word larger issue?

EVAN LEIBOVITCH:

Thanks, Avri. This is Evan. I'm more than happy to introduce the subject and to basically deal with it to the extent anybody wants to. It's been talked about a lot online. It's been mentioned in the confluence with you. There's been a lively discussion. The facts that we do know in front of us is that, as Dev has stated, there have been some postings on the review group's wiki that did not meet the criteria for the ALAC formal objection process and the letter has been written to that extent.

Having said that, the discussion did generate enough interest that there's probably an ongoing debate and I'm more than happy, as you mentioned being the token holder, so to speak, to listen to what other people at the table have to say. I have been myself somewhat opinionated and I'm more interested right now in learning what other people have to say than just repeating myself.

AVRI DORIA:

Thank you. Avri again. I guess the question, though, remains for you and everyone else, is this something that we would like to eventually

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develop a statement on? Does anyone else wish to comment on it at this point? Okay, yes, Evan.

EVAN LEIBOVITCH:

Sorry, Avri. This is Evan. One thing that I think I would like to do in the sense of clarity is to separate two separate issues that have been introduced and have been frequently been blended together in a way that's been unhelpful. One issue has been the appropriation of common or dictionary words as a gTLD, especially by large companies.

The second issue, which I consider to be separate and needs to be discussed separate, is the concept of what has been called the private TLD. That is one that in the business case that has been submitted in the application has the applicant saying, "We have no intention to resell these or redistribute these in the conventional registrar reseller sense."

So these two things have both been submitted. They've sort of been mushed together in some of the objections that we've received. Personally, I would prefer to deal with them separately because the discussions and the logic are two different things. We could come up with separate outcomes on the two different issues.

I'm just saying as a matter of my own clear thoughts would like to try and separate these out as two separate things in two separate discussions. Thanks.

AVRI DORIA:

This is Avri with a question for clarification on it. So now I'm not sure whether I hear one issue or three issues. There's the one issue of



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dictionary names. There's the one issue of private names which could be dictionary words or could be brands or could be neologisms or sentences, and then there's the issue of dictionary words as private names, which I thought was the issue.

I didn't realize the issue was dictionary words in general as TLDs or private names, per se, but it was dictionary words as private. But now I'm confused. So there's really three issues. Evan or Carlton, which one? Carlton, please.

CARLTON SAMUELS: This is Carlton. It's dictionary words as private. That's the issue.

AVRI DORIA: That's the only issue? So how do we separate them? Evan?

EVAN LEIBOVITCH: The main reason I'm saying this is having read the logic and the rationale that was put forward, there were multiple, "Well, it's bad because of this and then it's bad because of this," and they were separate arguments that were posted.

I'm happy to deal with them as one big blob issue, but actually, the rationales that were put forward seemed to me to be very distinct from each other. I'm certainly happy to go with the direction of the working group in either treating them separately or together.

AVRI DORIA: Yes, Carlton.



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CARLTON SAMUELS: This is Carlton. To I read it, Avri, it's dictionary words as private. To me, the arguments were like two separate types of arguments being thrown at the wall to see which one sticks. That's how I view it. It's dictionary words as private and the arguments have been mainly in two categories against that. That's how I see it.

AVRI DORIA: Thank you for clearing that up. My recommendation is only deal with the arguments that stick and if there's more than one argument that sticks, then use more than one argument that sticks. Any other comments on it?

So I'm assuming that this group wants to develop a statement. We're getting small at the moment. We're dwindling in size, so I'm not sure that there's much group here, but of the people sitting here, is this something that we think needs a statement from ALAC?

EVAN LEIBOVITCH: This is Evan. I think right now personally I'm taking a wait and see approach to see what's happening, not only within our group, but also within the rest of ICANN. So for instance, the status quo as of this moment is that these applications are being accepted and going ahead. If it turns out that within ICANN there is actually a change to the status...

So in other words, if we made a statement, it would be because we don't like the status quo. If the status quo in ICANN changes, then that might affect whether or not we want to do a statement or the nature of



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that. So my own wait and see approach is not only to try and get more information, more opinions from within At-Large as a whole, not just ALAC, but within At-Large as a whole, trying to bring that together and then weighing that against the direction ICANN is going and seeing if a statement is necessary or what kind of statement depending on whether or not there is...

If it turns out our position is the same as the status quo, I don't know if just saying, "Hey, this is great," statement is that necessarily called for. So normally that would happen if we need to suggest a change.

AVRI DORIA:

Okay, thank you. Hong, was your hand up? No? Okay, thanks. Yes, Carlton.

CARLTON SAMUELS:

Thank you, Avri. Carlton for the record. I am prepared to put the issue up and give it time to have further hearings on it. I don't think we should jump to the conclusion we need to do a statement to this point.

AVRI DORIA:

Okay.

CARLTON SAMUELS:

We should put the issue up on the wiki; we should solicit that and further particulars and we will wait to see what comes of that before we make the determination.



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AVRI DORIA: Fantastic, thank you. I'll mark that one as basically an issue to follow, and between you and I, Evan, we can keep adding information to the wiki as it develops in the community. I'll bring it up at every meeting to ask, "Anything new?"

At a point at which people start to think there's something to be done, somebody will say there's something to be done. Thank you.

EVAN LEIBOVITCH: This is Evan. So if staff comes forward and says, "Okay, we're putting out a call for comments," that would necessarily change the way we react to this, or if some other constituency is saying, "We've started a consultation," that would have an effect.

AVRI DORIA: Yeah.

EVAN LEIBOVITCH: So it's a combination of monitoring internally what we're doing as well as what the rest of ICANN is working on this.

AVRI DORIA: Thank you. Any other comment on that one? It seems a good approach. No? Okay.

The other item on the list is Alan's draft statement on the URS, but Alan's not here at the moment, nor has he made a request that he has something that's ready to be discussed for moving on, so I'd say leave that on the list, then. I'll get back to it next time. Alan's on the list.





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Somebody had a comment they wish to make. Nope. Oh, yes, please. Sorry, Evan, I didn't see your hand go up.

EVAN LEIBOVITCH:

Okay. My own comment on the URS that I will repeatedly put on the record is I have an issue with the way the whole question is being framed. What we had was a URS that the community worked on really, really hard to get done. There were two kicks at this and after the second one, after a lot of wrangling, we finally came up on something that was least bad for everybody, but at least it was a consensus that we could live with.

Now it seems that the issue has been tossed back at a policy level saying we need you to reexamine what can we gut so we can make it less expensive or something along those implicit lines. I'd rather have this turned into an issue of logistics and procurement. That is before giving up on the URS proposal as it is currently worked out, and before going back to the community and saying, "Let's redo the policy."

Can we not find out if there is a way to perhaps broaden the RFP or broaden the procurement and find out if perhaps there's somebody outside the usual suspects, shall we say, that might be able to do the URS in its current format without having to actually revisit the guts of what the URS is intended to be? Thanks.

AVRI DORIA:

Okay, thank you. Yes, please, Hong.



HONG XUE:

I fully agree with Evan's statement. It is pretty wrong to reword the policy that's been set out by the community for some time, and especially the procurement criteria that is set out by ICANN is still very, very high so this actually filters out a number of potential providers.

They ask for world renowned dispute resolution service providers, so it seems that... Say it's WIPO that has refused to provide services and didn't even ask the other two UDRP providers. It's weird. But anyway, let's do the requirement.

Another point of your... As he said], ICANN has actually made a huge budget for the implementation of URS and we wonder what the budget will be used. It is a seed fund for providers or for the other purposes?

Basically, all that UDRP provider or dispute resolution provider should be self-funded, but ICANN made the budget for that, and it's not for policy development. What is the purpose for that?

AVRI DORIA:

Thank you. So it sounds like we need to get together with Alan, need to get to the point of the people that have a concern here, get a statement framed for this group to consider in terms of passing on and follow through with that since obviously the URS is an open item of discussion and it's not moving anywhere... Well, maybe it is moving fast. I don't know.

EVAN LEIBOVITCH:

But, Avri, I just wanted to get a sense of the working group. You've heard from Hong, you've heard from me. I wanted to get a better sense



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of whether or not this particular sentiment of mine is shared in the working group enough or if this is something that's a minority opinion.

AVRI DORIA: Okay, so anyone want to answer? Carlton, please.

CARLTON SAMUELS: Yes, that's my position. I don't think we should open back the policy issue that settled. I think it's kind of a sleight of hand to try to open the policy issue by talking about the cost of implementation when you haven't done anything to map...

From what I see, the budget that was intended for that specific activity based on what was returned. That budget is not exhausted and so I cannot understand why they are saying that we have to go back and find a cheaper way to do this. It's even worse when you didn't even ask the other providers what they could provide.

If you give them an indicative budget and say, "Here's my indicative budget. Tell me what you can provide within this indicative budget," and then if there are gaps to the implementation satisfaction, then you can address it that way. So I am supporting Evan's position. That's where I've always been. Thanks.

AVRI DORIA: Okay, thanks. This is Avri again. Anyone else? I guess, Hong, I got the impression you sort of supported that position also. Anyone else? Huh? What do I think? Yeah. Well, Garth, what do you think?



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GARTH BRUEN: I'm mostly following along. I'm trying to pick up what I can. Some of the things I wonder, and excuse my ignorance of the process, but how hard would it be for somebody to apply to be a registry claiming to be open and then later change their policy? Because we see registries changing their policies all the time. For example, dot org changing their policy of who is able to get a dot org.

AVRI DORIA: Yes, Evan.

EVAN LEIBOVITCH: I don't know if I have an answer to that. I don't know if I'd consider right now -

[background conversation]

EVAN LEIBOVITCH: Yeah. It's sort of tangential to the immediate URS thing, but -

AVRI DORIA: It's one of those issues that's considered in the compliance, and assuming that we're believing, and for the moment I certainly am believing that the compliance of these contracts will be fairly strict.

This is one where I normally stay out of these discussions. Too opinionated because I am part of an applicant, but I'm expecting that



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any contract we're given is going to be forced to be fairly strict, so it's certainly my assumption.

GARTH BRUEN:

Okay. This is Garth again. Well, in terms of compliance, it has come to my attention—well, it hasn't come to my attention; I read them constantly—that Tucows... And I'm only picking on them because they are in breach. They're in breach of their current contract as a registrar and it seems to be a perpetual breach. It's been going on for months and months and months.

I don't know if it's because of something they're doing or something ICANN is not doing and that makes me wonder about their applications and the compliance process of new gTLDs.

AVRI DORIA:

That's certainly yet another issue. But in the long run I think your compliance issue on new gTLDs is probably another line in the table here if that's issues that we really want to look into. I think it's separate from the URS issue that we were speaking of, but I think it may be another issue that we want to follow further down the line.

Again, I'm sort of trying to stay out of deciding which issues. It's if there's sufficient energy in a group to push it up to a completed statement, it's an issue we're doing something about. If it's not, it's not.



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GARTH BRUEN: Okay. This is Garth again. In terms of the URS, has it been considered maybe lowering the requirement for URS provider as a way of lowering the potential cost? Yes?

AVRI DORIA: I don't know.

GARTH BRUEN: Oh, you don't know?

AVRI DORIA: Right, I don't know. We'd have to ask that question. Okay, so I think you've gotten views from here. I think it's something that would continue on the URS, and again, this is Alan's so talk to Alan. Get him to move this forward in whatever direction. It seems to be a direction that people are interested in.

Last thing, and we're already a little over our meeting, but we were fortunately given a little bit of extra time in the meetings. We have been meeting on a monthly basis. My view on it was that this should be sufficient if people are working on the review group and people are working on these other projects in between and we're not actually doing the work in this group, but smaller groups.

Does anybody feel we need to meet more frequently at this point? Or just get people to do work in between and then on a monthly? Okay, so we'll put out a schedule monthly. I'm not sure what the next one is, but that'll come out on the email.



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Anything else anybody wants to cover before I say this meeting is over?  
Nope. Thank you all. This meeting is over.

CARLTON SAMUELS: Thank you, Avri.

AVRI DORIA: Thank you.

[End of Transcript]

