

**GISELLA GRUBER:** With pleasure, Dev, it's Gisella here. Welcome to everyone on today's New gTLD Review Group call on Friday, the 25<sup>th</sup> of January at 16:00 UTC. On today's call we have Dev Anand Teelucksingh, Olivier Crépin-Leblond, Tom Löwenhaupt, Eduardo Diaz, Fatimata Seye Sylla, Adela Danciu, Justine Chew, Yrjö Länispuro, and Kenny Huang.

We have from staff Silvia Vivanco and myself, Gisella Gruber. I don't have any apologies noted and I hope I haven't left anyone off the list. If I could also please remind everyone to state their names when speaking for transcript purposes. And also staff will be taking action items – if you would please clearly state them, and a transcript will be made available within 48 hours. Thank you, over to you, Dev.

**DEV ANAND TEELUCKSINGH:** Thank you, Gisella, this is Dev Anand Teelucksingh speaking. And good morning, good afternoon, good evening everyone. So we have just done the roll call. There is probably one suggested change to the agenda. About a few hours ago we received a comment, the gTLD Review Group received comments regarding the .health string. I posted a link in the chat as to the link to the comment that was made. I suggest we probably take a look at it after we've looked at the existing strings that we are going to be looking at today.

I'm not expecting to have any detailed discussions since the information is so new, so that's probably the one change to the agenda. Obviously, if anybody has any questions or objections please raise your hand.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Okay, so the next item on the agenda is a review/update of the Review Group's statements of interest. For those who were not on the last call, just one update to the Review Group's statements of interest was related to myself. I'm now an ALAC member. I don't perceive any conflicts of interest as such but of course, again, if anybody wishes to raise any concerns or comments you can do so.

If anybody has any other updates in terms of statements of interest you can do so now... Okay, I'm not seeing anybody raising their hand or saying anything so I assume there's no further updates on that.

Okay, so the next item on the agenda is the review of the last New gTLD Review Group call. This call was done on Monday, January 21<sup>st</sup> and thanks to the availability of transcripts, I'm sure most persons would have read the transcript and I also posted a summary of the outcomes from that meeting. And I'll just post the link there for those persons in the AC room.

To summarize, in terms of the comments on multiple strings by RJ Glass, since it was not directed at any specific application we're going to refer it to the New gTLD Working Group and acknowledge his submission. Regarding the comments on .africa by Baudouin Schombe, since it was an expression of support for an applicant for .africa there was no objection concerns raised, either limited public interest or community so no further action needed.

Regarding .cba no public interest objection concerns raised, and as CBA is an acronym which has multiple significance the comment does not raise sufficient community objection concerns and therefore we will not look at drafting an objection statement. I note that there was also an

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additional comment on the Wiki regarding .cba, essentially reinforcing that fact. I think the comment was from Evan Leibovitch.

In regards to the rest of the strings - .amazon, .nyc, .patagonia – we are now going to try to look at the community objection test and see what’s the best way to proceed regarding these strings. Does anybody have any thoughts, questions, comments, concerns? Let’s see... Okay, okay, very well.

So let’s now then move ahead to the discussion of any comments raised on the New gTLD Dashboard. So we have, so let’s look at the first one which is .amazon. Now, I should note that Adela has very helpfully come up with a doc file that was posted to the list earlier today which breaks down the four tests for an objection to be considered under community grounds: it must be a clearly delineated community, there’s substantial opposition within that identified community, targeting a strong association between the applied for gTLD string and the community; and detriment – there is a likelihood of material detriment to the rights of legitimate interest of a significant portion of the community.

So we are now going to look at .amazon, and I’ll just post the link to the .amazon...

EDUARDO DIAZ: Dev, this is Eduardo.

DEV ANAND TEELUCKSINGH: Sure, Eduardo, please go ahead.

EDUARDO DIAZ: Are you connected to the Adobe or not?

DEV ANAND TEELUCKSINGH: I am connected to the Adobe, yes.

EDUARDO DIAZ: There is a document there – is that the one that you are referring to?

DEV ANAND TEELUCKSINGH: Yes, this is what Adela has, yes, the table. Sorry, can staff give scrollability to the document so that everybody can scroll it? Thank you.

EDUARDO DIAZ: Right, that's what I want, thank you.

OLIVIER CRÉPIN-LEBLOND: Dev, it's Olivier. You can, too. You're also running the show here so you can also press the "synch" button that will unsynch and allow scrollability to everyone.

DEV ANAND TEELUCKSINGH: Oh, okay, I see. Okay, I can do it – oh, okay. Yes okay, I think everybody should be able to scroll it now.

Okay, so let's do, going back to .amazon... I noticed Justine had raised two points regarding the .amazon. Justine, would you like to take the floor to just simply go over your questions or your concerns?

EDUARDO DIAZ: This is Eduardo again, Eduardo Diaz. Can you repeat what you just said because I missed something? Thank you.

DEV ANAND TEELUCKSINGH: Okay, Eduardo. I see Justine is typing, maybe she's connected on the AC and isn't connected to the audio. Alright, Eduardo... Okay, well alright, I can narrate it. Justine's points asked the following questions: "Regarding targeting, is there not a strong association between .amazon and Amazon customers all around the world? Does and should the association with the South American region of the Amazon prevail over the association Amazon customers have with the applicant?" And then the other question was on detriment: "Can anyone point me to an existing effort by any entity or person involved in developing, promoting or protecting the Amazon region? If yes why have we not had any objections from such an entity or person?"

So those were the questions. So to answer the second part of the question, "Has any entity raised any concerns?" the GAC, the governments of Brazil and Peru have issued advice on this and I'll just post the GAC advice in the chat here stating, well... Essentially the GAC advice is saying the Amazon region lies within several territories – Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Surinam and Venezuela. And it's noted that the application did not receive support from these governments and therefore this is the reason for their early warning advice. But the possible remediation steps by the GAC members was that the applicant should then withdraw their application.

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So that's the answer to Justine's comment. In regards to the first one regarding targeting, "Is there not a strong association between .amazon and Amazon customers around the world?" Yes, I would say; tentatively I would think yes. I'm not sure though whether the association should prevail over the association to the Amazon community as some have raised the objection comments on over the Amazon.com community, the commercial entity.

I just want to open this up for questions here because I want to hear what other people think about .amazon and looking at the four tests regarding community, substantial opposition, targeting and detriment. I would like to open the floor to anybody to make a comment. Eduardo, please, go ahead.

EDUARDO DIAZ:

Yes, this is Eduardo Diaz. From the community standpoint and looking at the GAC early warning, I think the community is clearly designated by these countries as mentioned in the GAC early warning. I'm not looking at each bullet myself; I'm dealing in the general opinion on the community side, the community column. And there's a (inaudible) like Carlton I think mentioned in the last meeting: this is something subjective in saying there's no definition of what something substantial is. So if I look at the GAC early warning advice I can see a substantial decision if you look at all the countries that are included in that warning.

Targeting and detriment I have to think about. I only had my true opinions on the first two so if I come up with something else on the other two I will definitely raise my hand again.

DEV ANAND TEELUCKSINGH: Okay. I don't know if this makes it... Thank you, Eduardo, this is Dev Anand speaking. You know, I was trying to research this and I realized that Amazon itself operates... Amazon.com, I'm going to call Amazon.com the commercial entity here. The Amazon.com commercial entity operates in Brazil, in fact – in fact, it has Amazon.com.br. So I don't know if this really changes that well, if it's recognized by Brazil – do you think that really changes anything in terms of detriment? I mean the fact that it's operating in Brazil without any how should I put it, perceived objections? I just wanted to ask people these questions Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier for the transcript record. Do you know whether there are any objections to Amazon having the name amazon.com.br in Brazil? I think that might be the first question you might wish to ask. The other thing, thank you, the other thing was I'm not sure – this is just a question here: do you think though that the fact that an organization runs under a certain name in a certain location makes it any better or any worse for the community itself? Because I think that a community objection would basically be looking at whether the use of that name would be better or worse for the community itself that is affected by the use of that name.

DEV ANAND TEELUCKSINGH: Okay, alright. Thanks, Olivier. Eduardo, you have the floor.

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EDUARDO DIAZ: I'm looking at the bullets – this is Eduardo Diaz for the record, sorry. I'm looking at the bullets and you know, I think the thing here is the fact that the application for .amazon is restricted in the sense that they will not allow second-level domains; just it would be only for the business, which in that respect I think it would be a detriment because all of those countries and people who live around the Amazon Basin will not be able to link any of their businesses or whatever to those .amazon domains even though they are in the Amazon.

DEV ANAND TEELUCKSINGH: Okay.

EDUARDO DIAZ: Now, when you look at the nature and extent of damage, how can you define the extent of damage? And in the event that the applicant is not acting or does not intend to act in accordance with the interest of the community, the only thing I can think about that one is it is being restricted at the second level. That's my opinion.

DEV ANAND TEELUCKSINGH: Yes, thank you Eduardo. This is probably why there was a table, actually, it probably is a good way of scoring these things. I suspect that going through each of these tests is going to be the real challenge in terms of coming up with whether this objector meets all four tests in the standard for the objection to prevail. I see Garth is now entering the chat room; hello, Garth.



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So going back to what Olivier was saying, well, I think that the Amazon.com company does operate in Brazil and in fact it is, I think it offers new services and so forth in Brazil – I think in December it did announce new services and that’s how I found out that it had a domain there and so forth. But you’re probably right; it probably does not really match this. The existence of the domain name, and especially under .com which is a commercial entity probably means that it doesn’t affect material comments regarding the community objection test.

So I would like to figure out... Does anybody have any particular comments regarding the table? Because I’m thinking possibly the next steps regarding this is for all of us to actually score .amazon in terms of the comments received and go through each of these points. For example, I think that if you look at the clearly delineated community, I am thinking yes, it is a specific territory and has particular borders, and it overlays several countries. So I think in terms of level of public recognition, that exists. The level of formal boundaries around the community – I think that also exists. Length of time... Well, that has been around for quite some time. I don’t think the global distribution applies, and the number of different people or entities that make up the community... Well, I would guess it’s really the population there in that territory, and therefore the other countries that have persons in that territory there that the Amazon region covers.

So I think from the comments received that yes, there is a clearly delineated community. I don’t know if anybody has... Ah, I’m seeing questions being raised here. Olivier, please go ahead.

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OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier Crépin-Leblond for the transcript record. Another question or just a point of detail: you referred to Amazon but actually the company name is Amazon.com Incorporated. It's shows as Amazon.com, so Amazon.com.br could be taken as being the full name Amazon.com under .br. But Amazon by itself is a questionable thing because even in its share value it is Amazon.com Inc. Thank you.

DEV ANAND TEELUCKSINGH: Thanks for pointing that out, Olivier. So yeah, so Adela, please go ahead. You have the floor.

ADELA DANCIU: Hello, can you hear me?

DEV ANAND TEELUCKSINGH: I can hear you, Adela. Please go ahead.

ADELA DANCIU: Okay, thank you. This is Adela Danciu speaking. Actually I was hoping, sorry for the question but I was trying to figure out Justine's second question about the scope of...

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ADELA DANCIU: Yes, if this gTLD was addressed in the GAC warning are we still looking into it deeply and are we still considering raising an ALAC objection on it? Or if it's let's say almost certain that the GAC will advise against and would actually raise its own opposition to this gTLD? I'm asking this because I don't know all the details of the process. And for the sake of efficiency, what is actually our further [angle], what's this working group leading to? We need to, yes, as far as I understand we have to pick up a couple of comments on this gTLD; raise an objection that will further go to the dispute panel, right?

DEV ANAND TEELUCKSINGH: Okay, thanks Adela, a lot of questions there. Okay, let me see if I can tackle them, thanks.

ADELA DANCIU: Yeah, sorry for the...

DEV ANAND TEELUCKSINGH: I hope I'm able to answer them but let me know if I miss one. Okay, so thanks Adela. Okay, in terms of the GAC advice the intent is to notify the applicant that governments in the GAC, some governments in the GAC have concerns about the application – and that's where the link about [gac.icann.org](http://gac.icann.org) refers to. The applicant can choose to respond to the GAC directly and/or partially make a change in their application to allay any concerns as such. To date I don't think there has been any changes from the applicant in this regard.

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Now the advice means that if it continues then potentially the governments can do certain things. They can of course file the objection directly and formally file it with the dispute resolution service provider, and you're right, it is a complex process. But from what I understand it's that if the GAC gives advice to the Board the Board will then have to, the ICANN Board itself would then have to respond as to if it accepts the advice and rejects the application – because I think that's what the remedial solution from the GAC advice is saying; or if it decides to ignore the advice it has to then provide its reasons for doing so.

So and yes indeed, the applicant can withdraw unilaterally on its own and receive a refund of most of its application fee. So that's the one thing. The second thing is regarding the substantial community and actually I was going to lead into that. The substantial opposition within the identified community – this is I think the big concern and the on the first call it was “How can we define substantial opposition?”

And I just want to put this suggestion out there: given that it is the ALAC that is formally filing the objection, the fact that the process required a demonstration of support by the global At-Large community, would that qualify? And if you remember, the objection statement process must be supported by at least three or more regions of the At-Large community and then the ALAC then has to support it. Would the expressions of support by at least three regions be considered to be defined as substantial opposition? I'm just putting that out there. What do you all think about that?

Okay, I see Justine saying she thinks so.

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EDUARDO DIAZ: This is Eduardo Diaz. I think that I need clarification here. Let's say that this group decided to submit this to the ALAC as an objection, a community objection – this, I mean we're using this, the comments that came to us, the objection that came to us we are discussing that right now. But eventually are we going to put together a statement, like an objection coming from ALAC? [Is this the end] of the work?

DEV ANAND TEELUCKSINGH: Thank you, Eduardo. Yes, the idea would be that we would then look at the, if we decide after we publish a score for the community objection test... Once we determine after we score it that the objection meets all the four tests – community, substantial opposition, targeting, detriment; once that is scored then the Review Group then tries to work presumably by dealing with the person who made the comments to come up with an objection statement which is of a particular format: 5000 words or less.

Okay. And then once that statement is published, by mid-February at the very latest because the RALOs, all five RALOs have to then look at that statement and decide whether to approve or disapprove of the statement. And then the ALAC then takes that advice from at least three RALOs... If three RALOs say "We support this objection" then the ALAC has to consider it to accept the advice from the three or more RALOs. So do you understand, Eduardo?

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EDUARDO DIAZ: Yes, I understood that. So let's say we decide to go ahead and move this forward to the ALAC, and the ALAC supports that, I mean that's a major substantial opposition right there coming from the community.

DEV ANAND TEELUCKSINGH: Actually I didn't quite catch that, Eduardo. Can you repeat that again?

EDUARDO DIAZ: Yes, I'm talking about the substantial opposition. The .amazon, I feel like if it should go through and be submitted to the GAC and the ALAC supports that objection then that's a substantial opposition at that moment from the community. That's what I was trying to say.

DEV ANAND TEELUCKSINGH: Okay. So you're saying that... Go on.

EDUARDO DIAZ: This is what I'm talking about, because here we have one statement for an opposition, right? And when you look at the number of expressed oppositions you say "Well, I have only one" – in not looking at the GAC warning, "I just received one." So is that a correct number versus if this goes through the ALAC and it gets approved, then it's not only one but it's the ALAC which is composed of the At-Large – it would be bigger. Does it make sense what I'm trying to say?

DEV ANAND TEELUCKSINGH: Alright, I understand what you're saying. You're saying just looking at the one comment on the Wiki that's on its own doesn't signify a large

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enough number of expressions of opposition. But I mean you could take, I mean if – and again, this is an “if”: we can take the comments that have been published by what the governments of Brazil and Peru have stated and that’s an indicator of the number of expressions. And we can then, would that be then increasing the number of expressions of opposition; and it also quantifies the representative nature of entities expressing their opposition. Eduardo? As a follow-up?

EDUARDO DIAZ:

I’m sorry, can you repeat that? I was reading some of the chat here and I couldn’t hear.

DEV ANAND TEELUCKSINGH:

Okay, what I’m saying is that we can also look at the GAC advice as also an expression of opposition relative to the composition of the community. So the thing is, and this is going to be the dilemma. And unfortunately the way this is structured is that we can decide that okay, if... We can do several things. We can score it and say “Well, is it really worth objecting?” as Olivier is typing it out there, I’m seeing. Is it worth filing the objection, because at the time of March when the ALAC has to then review any RALO advice, by then the initial evaluation results would be published regarding what the panels have looked at and so forth and so on. And then the ALAC has to decide well, is it worth doing it?

We can also make that determination now, and I admit it’s a very hard thing and there’s no, I don’t think there’s an easy answer. So obviously I want to get some feedback here. I’m just looking at the comments...

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Alright yes, to answer Justine, even if ALAC were to consider objecting the Review Group still has to consider the tests, because any objection still has to meet the four tests. Yes, the Review Group would have to consider that because if we don't prove it, if we can't prove it then the objection would fail. I mean we can draft a statement of course, file the objection but the dispute resolution service provider will then look at the objection statement and based on the evidence presented say "This fails the tests and therefore the objection is denied."

The GAC advice I think is a slightly different thing. It doesn't go to the dispute resolution service provider; it goes more to the ICANN Board for the advice to be considered by the ICANN Board and the ICANN Board then agrees with it or disagrees with the GAC advice. The individual national governments can file an objection directly with the dispute resolution service provider. So Fatimata, sorry, please.... Oh no, she's not.... So.

So Eduardo, please go ahead.

EDUARDO DIAZ:

Again this is Eduardo Diaz. So the thing is you know, if we decide to go to support .amazon what we need to do is come up with a statement that's similar to what the [draft .nyc] did that went through each one of those, and then write something that would support these four tests. Because if I look at the objection that we received I mean I don't if it's a target and meaningful detriment. I can assume from things but that's like a general thing that's said, and really they didn't answer all of these questions in the objection that we received. The question is if this Subcommittee thinks that we will be able to write something that will



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support this for this test when we submit it to the ALAC. If the ALAC decides to go ahead and approve it then we want to ensure that we can pass this test in whatever we decided to write.

DEV ANAND TEELUCKSINGH: Correct. Yeah, this is going to be a difficult challenge here. Unfortunately, and this is the problem: if there were more comments... See, ideally what should have happened was that the concern is raised early on and then a lot of the At-Large community can get involved in the discussions and so forth. And then once you have a wide body of expressions explaining “Well I think this, yes or no” whatever, then it becomes easier for us to evaluate. When it’s only a small comment it become extremely difficult to apply the four tests as we are now finding it difficult to do.

Let me suggest a way forward here. Regarding .amazon, let’s try to score, use the table that is now provided; and then see whether we can score all of these things. And by say the next meeting... Oh, I’m sorry – Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you, Dev. I wasn’t going to ask – it’s Olivier here. I wasn’t going to ask that you stop in the middle of a sentence, but since you’re going to consider this table I was just going to say exactly the same as you. Go through the table, find out if you can answer those questions before assuming whether you can or can’t. But then there’s nothing wrong also with you going to your community.

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You're part of At-Large – go out there, email those ALSes that are affected by this and ask them the questions. I would think that would be a fantastic way actually to make use of our network. We have a global footprint so we can reach those communities that might be directly affected by this. If those communities come back to you and say "Absolutely, heck yes! We are affected by that; we don't like it," then go ahead and make your decision on that. If those communities come back and say "Actually, we're not really bothered about this" then at that point you can make your decision accordingly as well. Thank you.

DEV ANAND TEELUCKSINGH: Thank you, Olivier, thank you very much, Olivier. I think that's a good suggestion and I see Eduardo had agreed with that. Fatimata, please go ahead.

FATIMATA SEYE SYLLA: Yes, this is Fatimata for the record. I just wanted to say that I completely agree with Olivier and would suggest that for example, LACRALO should provide a kind of advice after consulting with the ALSes. That will at least help us to see how large the community is involved and how much the community also feels that it will be affected by .amazon for example. I also know that it is quite difficult for us as RALOs to get sometimes feedback from the ALSes.

For example, for .africa I know that Baudouin sent a very short comment supporting .africa, even though we don't know which applicant it was about as we had two applicants. And Dev, you know

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that I sent several mails to Baudouin but I didn't get an answer so it's sometimes quite difficult for us to get the answers from the ALSes.

DEV ANAND TEELUCKSINGH: Okay, thank you Fatimata and indeed I do recall those messages. Yrjö, please go ahead and then I will come up with the action item for this. Go ahead, Yrjö.

YRJÖ LÄNISPURU: Yeah, this is Yrjö Länispuro for the transcript record. I'm sorry to repeat what I said last time but I think that the four criteria are great in distinguishing between applicants and applications and objections when there is one community we talk about; that is to say, in this case which we are discussing that would be the Amazonian geographic community in South America. However, the community targeted by the Amazon.com is entirely different – it is the users of that book shop around the world. And here we come to the difficulty that in principle is the same thing – it also applies to .patagonia. .Patagonia is not targeted to the people living in the southern tip of South America but users of outdoor equipment and clothing and so on and so forth. And there are many, many more cases if we open this sort of Pandora's Box. Thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Yrjö. Indeed. Okay, nobody else has raised any further comments... So let me continue on the way forward for this, and I'm going to do this regarding .amazon and I guess for .patagonia. Actually I think I'm the only one from the Latin American and Caribbean region on

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this call. So the action item will be for me to forward the four tests to ask the At-Large Structures in the region whether they agree, what do they think about the comments regarding that and try to get more documented support to say whether they object or they do not object or they're not that interested. I think what Olivier has suggested is the way to go. And hopefully by the time of the next call, and I know we have to talk about that comment.... Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier for the transcript record. And I guess you could also find out if anybody in our community is an Amazon.com customer and they would be part of the Amazon community as far as the commercial entity is concerned and get their point of view if you wanted to go that far. We've got people in both communities.

DEV ANAND TEELUCKSINGH: True, okay. Okay, so I think that will be the action item for .amazon and .patagonia. I think we'll be using this table, I think we'll just need to go through it again and hopefully by the time of the next conference call which I'm anticipating is going to be next week Friday – I'm jumping ahead in the agenda there – but we will have some more definitive answers from the At-Large community. And then we can make a final decision, "Okay, we're going to try to draft something" or not. Okay? So I'll work on that email and send it out to the LACRALO list, and of course I should broaden it – I should probably send it to all the RALO lists actually come to think of it, so I'll undertake that.

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Yes, thank you – and yes, get the objector to help substantiate the objection further based on the tests, thanks Justine. Eduardo, please go ahead.

EDUARDO DIAZ:

This is Eduardo Diaz for the record, just a quick comment. I think going forward, I think what Olivier is suggesting – which by the way is a great idea – but going forward I think we should ask a question to ourselves: instead of trying to answer these questions based on the objection that we received we should ask the question do we view this as something that has merit and we as a group, can we put something together to support these tests to submit to ALAC? That's a better... Because you know, what I have seen is only one objection for some of these things and it will never pass these tests if you look at what people sent. So it's very hard to go through all this and see if this applies and this applies and this applies to the objection that was received. That's only my comment, thank you.

DEV ANAND TEELUCKSINGH:

Thank you, okay. Thanks, Eduardo. Okay. Can I then move on to the next one, .nyc, because I think there's actually been a lot more substantive comments provided by Thomas actually, great. Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much, Dev, it's Olivier for the transcript and I wanted just to respond to Eduardo's suggestion here. I understand that it would be an easy thing or it would make certainly this Review Group's work slightly

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easier if it was going to give the final say to the ALAC. However, I think that the way that we've done on this one is this Review Group does need to make recommendations. So it cannot just say "We're not sure about this one, you decide." That's all, thank you.

DEV ANAND TEELUCKSINGH: Mm-hmm, thank you.

EDUARDO DIAZ: This is Eduardo Diaz again. That's not what I really wanted to say. I mean I agree with you, Olivier, where we cannot go with the line "You decide yourself." What I'm saying is this Subcommittee, the way we should look at this is we receive an objection and we go through this attempt with this objection and say "Do we agree as a Subcommittee that we can put together a statement that will pass all these tests?" And then whatever statement we submit, we send that recommendation to ALAC to support or not. I wasn't saying that we should send whatever to the ALAC for them to decide to recommend it or not. I hope I am clear.

DEV ANAND TEELUCKSINGH: Okay Eduardo, thanks. Okay. I think we've spent quite a bit of time on the two things here, so let's... Can we now look at the .nyc? Thomas has actually provided a lot of comments regarding .nyc and I just well, let me just see if Thomas himself has actually posted a link to the comments here.

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So and I see Thomas has actually done a lot of the groundwork I must say and I must commend him for this. He has tried to address the four tests as such in the comment. So has anyone had a chance to read any of this stuff, any of the comments regarding .nyc and wish to then make any observations or comments? Or do we need to study this further? I see Justine is typing. Okay.

Okay, well I guess there's something about this that I'm trying to understand here. The .gov TLD is something that's administered by the US government, am I correct? And if so, the fact that .nyc is used by... Sorry, I should say there's an nyc.gov website which refers to the five counties – the city of New York and the boroughs of the Bronx, Brooklyn, Staten Island, Queens, Manhattan. So I'm trying to understand more clearly as to what Thomas is referring to in terms of the community opposition in the sense that okay, the city of New York is applying to run this TLD. This is what the application is. And in the application they talk of "Well, we're going to apply various tests, we have a policy of ensuring that only entities, persons within New York City can apply for a .nyc domain."

So I don't know if anybody wishes to answer this, but what exactly is the material detriment here? I guess I'm not seeing the material detriment because I note in the application the NYC.gov says it is planning to establish a Board to help... I'm trying to find the link here. It's just a roadmap. They say here on page 51 of this "The city of New York will establish a community advisory board and convene public listening sessions to encourage meaningful input into the development of the .nyc strategy." So I don't know if Thomas, if nobody else from the

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Review Group wishes to say anything how is this a detriment to the New York City community?

THOMAS LÖWENHAUPT: Alright, you can hear me?

DEV ANAND TEELUCKSINGH: Thomas? Yes, go ahead.

THOMAS LÖWENHAUPT: Okay, well there has not been a formal process of creating that community advisory board. There has not been any listening sessions by city government in preparation of that application. So and what is the detriment of that is that the application will go forward, the development will go forward. Let's presume for the moment that doesn't happen – there's going to be a new election in November in New York. There's nothing in the application to ICANN that refers to any outreach of any sort. There is no commitment there; there is no requirement for that. So this community advisory board, while I hear it's going to be formed and I'm very much looking forward to it, it has been six months at this point since it was announced in the Digital Roadmap and nothing has happened.

And with this filing they have gotten a little more, with this objection filing they have spoken to connecting .nyc and have indicated that oh, they surely are going to form this – it has not happened. And I think the idea of how a TLD will affect a city, how a city can change its central nervous system essentially by implementing an organized naming



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structure will be a significant factor in the viability of different cities over the years. So if New York City doesn't do this well, if five years down the road .chicago and .whomeverelse who has not yet applied for a TLD learns from the mistakes of these existing TLDs – who may not adequately have taken into consideration the needs and the voices of individual internet users – those cities will be at a disadvantage.

So it is essential that the city of New York participate in a listening session with a community advisory board and engage the individual internet users, its residents, its citizens in figuring out how this works – not just go out and speak to a contractor and have an IT agency come up with a plan of this sort.

DEV ANAND TEELUCKSINGH: Okay, thanks Thomas. There's quite a bit to digest there. Does anybody from the Review Group have any thoughts or comments or questions regarding .nyc or is it that we now need more time to review the comments a little bit more in-depth?

THOMAS LÖWENHAUPT: My apologies for running on so long on this but...

DEV ANAND TEELUCKSINGH: No that's fine. This is Dev. Not a problem. I think more information is better than less information. This is Dev still: one quick follow-up question then. If I am to understand this, the way that the city government decided to operate this is it did a request for proposals for operating .nyc and then I think, correct me if I'm wrong, it received only

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one proposal which I suppose this application is the manifestation of this proposal to run .nyc in this particular manner. Am I correct? Or was there an application to do a community, to operate this as a community TLD?

THOMAS LÖWENHAUPT: The city has not announced that process. I would have to file a form – there’s no transparency on the process they followed in that regard. I know for example that Core has stated that they applied for the .nyc top-level domain as well to be the agent for the city in that regard, and I’m told, and I have not seen this in hand, that they submitted two applications as was required – that the applicant had to have two applications, one for a standard TLD, one for a community TLD. Now Core submitted both applications I’m told. I don’t know whether NeuStar did and the city chose this one, or this was the negotiated one. There’s no transparency at all on that. I have no idea how it came about and I don’t know whether someone else might have applied as well beyond Core. VeriSign was at one point planning on applying; I don’t know if they did or not.

DEV ANAND TEELUCKSINGH: Okay. Okay, thanks Thomas. Let’s see... Anybody have any comments on this? I suspect that the way forward would be for us to review all of the comments that you posted; at least there’s a lot of information there that can be looked at. Justine, you want to ask a procedural question – please, by all means you can do so. Do you have audio, Justine, or you can only type it? Thank you, okay Justine, I’ll repeat the question for Thomas. Thomas, I’m not sure if you’re in the room or not

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but Justine has asked a question: “Are you as the objector asking for forbearance of the application or are you asking...” Sorry, let me start again. “This .nyc application is stated as a geographic name and not as a community-based TLD. Are you asking for a [variance] of the application or are you objecting to .nyc being created at all?”

THOMAS LÖWENHAUPT: I would think that if they have a community advisory board and they have a public listening session they will conclude that .nyc or .newyork... I am in favor of having a TLD for New York City, for the New York City region hopefully, and that might be .nyc, .newyork or .newyorkcity. They submitted the application as .nyc without having engaged the public at all or any part of the multi-stakeholder process. This was a government developed proposition. They should discuss with the people in the affected community and make a decision, and decide on which name to go forward with. Does that answer the question?

DEV ANAND TEELUCKSINGH: Thanks. I see Justine is typing, so...

THOMAS LÖWENHAUPT: And what we’re saying while she’s typing, I don’t want to be too distracting here, is that we’ve supported this. We started out twelve years ago supporting the idea but we want it to be a TLD that develops with the city. And they haven’t really gone and they haven’t listened to the public. They’re going ahead blindly at this point without having engaged the public in any hearings at all, and that needs to be done and should have been done before the contract was signed. What can be

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done considering the fact that they signed a contract with NeuStar to operate this thing, that's another difficult issue and that's one of the big questions that will arise in the community advisory board hearings, which again have been promised but there's been no announcement of membership, the support for it, the type of meetings they'll have or such. But we do support a city TLD – any one of those as long as the public has engaged in the process.

DEV ANAND TEELUCKSINGH: Okay, Thomas. Okay, thank you. Just to answer Justine's question, "So can the Review Group make a recommendation to call for an abeyance of the application or just whether an application should be allowed to proceed or should be rejected?" the Review Group can't make a recommendation to halt the application as such or to hold it in abeyance. The objection process is exactly that – you object for the TLD to be created or approved to go into the root. So I hope that answers the question, Justine.

THOMAS LÖWENHAUPT: This is Tom Löwenhaupt for the record. So just to clarify for my own purpose here that if we are calling for an abeyance that's outside the rules and we would have to, our only choice would be to all for a rejection of it under the current circumstance?

DEV ANAND TEELUCKSINGH: This is Dev, yes, that is it. There is no way that we can, how should I put it – alter the application as such. It's only to object, that we do not

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approve of this TLD being created and being put into the root by this applicant.

THOMAS LÖWENHAUPT: Alright, very good. Tom Löwenhaupt for the record. We will then look at the application, our comments and the application and we'll have to clarify that then since the abeyance is not a potential outcome. And we will provide some additional information to you prior to your next meeting.

DEV ANAND TEELUCKSINGH: Okay, thank you Thomas. Thanks Thomas, and thanks Justine for the question. I know we're jumping ahead in our time here and I wanted to wrap up within the next ten minutes tops. So Thomas, if you provide more information thanks for that, and I think by our next call we'll have some more information to really decide as to what to do in terms of the scoring of this community objection, whether the threshold is met by the four tests. And I suggest the recommendation will be for the Review Group to then obviously review the comments and then looking at the four tests here and doing a checkmark on each of these tests to see whether the comments really will pass the four tests.

Okay, moving on to the next agenda item, and apologies for overextending this, for going over time a bit. But as this is something new for the very first time I think we're all trying to figure out how to do this the most appropriate way. We received a comment regarding .health by... I'm trying to find the originator of the comment here, hold on. I posted it at the very beginning, ah, here it is – from the

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International Medical Informatics Association. If no one objects I would probably like to then put this comment up on the Wiki and then have the At-Large community comment on it. Does anyone object at this point or have any concerns with doing that?

I'm seeing lots of people typing: "Okay, not a problem," I'm seeing "Yes" from Fatimata. If anybody objects put an "X" or raise their hand at this point. Indeed, Adela, yes – the comment was received after the 16<sup>th</sup> of [January]. Well, indeed – so "Are we considering it?" I would like to say yes, perhaps we should make the effort to consider it but again, this is the choice of the Review Group whether to consider it or not. So that's why I'm asking if there's any objection to this, so for considering the comments made on .health.

So okay, so can I ask all the members then, do you wish to then, even though the comments received on .health came after the deadline do you wish to then consider it formally as to whether to draft an objection statement or not as we are doing with the other previous strings - .amazon, .cba, .nyc, .patagonia, and so forth? Does anybody object that action? Can I see therefore ticks on whether to approve the comments, to look at the comments on .health? I'm seeing Fatimata is not against it. I'm seeing a tick from Fatimata. Justine is indifferent, okay. Eduardo Diaz says "Okay." Kenny Huang says "Yes." Who else... Adela.

Okay, I'm seeing Adela still typing. Who else is on this call... Actually Garth, "I abstain. I'm not sure this will affect further proceedings or not if we decide to consider filing an objection based on it." Okay, so Adela's abstaining. Well then if there's really no objections as such I will put the comment up on the Wiki and again, as an action time I'll inform

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that a comment was received and will therefore be considered. So that'll be the action item regarding this comment on .health. Olivier, please go ahead. Hello, Olivier, I'm not hearing you so you may be muted.

**OLIVIER CRÉPIN-LEBLOND:** Thank you, Dev, it's Olivier for the transcript record. I had misheard; I thought you had called someone else to the floor. You are speaking of course about the latest note which was received by the Working Group. Have you also informed the Review Group of the note by [Rosa Delgado] regarding .health?

**DEV ANAND TEELUCKSINGH:** Well, the email was... I don't think that was... I understand that what happened was that Rosa contacted EURALO and then EURALO forwarded the comments to me. It was not really published as such, so they have now gone ahead and formally posted this to the New gTLD RG list at that link and I will post it again. I have not even read this link or read the comments yet as such, so I have no idea and I don't expect anybody to have an opinion on it either way given it just came in within a few hours before this call. So given that no one is really objecting to it, most approve, there was one abstention and Justine was indifferent, so I assume that also means abstain in a sense; given that therefore we'll go ahead and put it up on the Wiki and start the comment process. And then by the time of the next call we'll look at the comment itself and whether it really falls under community or limited public interest grounds.

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Is there anybody here who disagrees with that action item going forward? Going once, going twice, going thrice... Okay. So I think that is an action item then, which I'll do myself and put it up on the Wiki. Okay, so final agenda item – the next Review Group call. Given that we're going to have to get some feedback from the Latin American/Caribbean communities and the At-Large community on .amazon and .patagonia, and also to give time for a transcript of this call to be produced in time for I think Tuesday at the latest, may I suggest that the next call be next week Friday? And this obviously does not mean that we cannot continue of course to email each other on the list and so forth and have the discussions on the Wiki. Is there any objection for that?

So the next call would be February 1, and Gisella would send out a Doodle poll for the timing of that on that day. Okay? Any objections? Well to answer, Eduardo, no, a Doodle will be sent out. It may be but it may not be, but you can respond to the Doodle accordingly. Okay, any objections, any thoughts, any comments? Eduardo, go ahead.

EDUARDO DIAZ: No, no, this is Eduardo. I mistakenly hit the wrong key, thank you.

DEV ANAND TEELUCKSINGH: Sorry, Eduardo, I didn't quite catch that.

EDUARDO DIAZ: This is Eduardo. I didn't raise my hand, I just hit the wrong button, sorry.



DEV ANAND TEELUCKSINGH: Oh I see, okay. Alright, any other business? Does anybody have any comments or questions or thoughts? Going once, going twice... Okay. Alright, so just to summarize quickly we have several action items. I will draft an email regarding the comments regarding .amazon and .patagonia and to try to get some more documented support or indifference from the community. And the reason why we want to do this is to try and get the objector to help substantiate the objection further based on the test.

Okay, secondly we will review the comments on .nyc and look at the four tests again, so I would like to say by next week Friday we will make some more definite statements as “Okay, we are going to proceed with this” or “We are not going to proceed with this.” So the expectation is by the next call on February 1<sup>st</sup> we’ll make a final decision as to whether to go ahead and draft a statement or not. And I would like to get also to finalize that in time for the next call, so hopefully we’ll get enough comments on .amazon and .patagonia.

And I think those are the key action items, then. Great. Okay, thank you so very much for your time and your dedication to this. This is going to be I think an interesting challenge for all of us and I’m looking forward to the next call to sort this all out. So thank you all again for this and apologies for taking longer than the one hour on this, and you know, send your comments on the list, post them on the Wiki and let’s continue the discussion so we’ll be ready next week on February 1<sup>st</sup>. Okay? Thank you all, this call is now adjourned.

[End of Transcript]