

JULIA CHARVOLEN: I will start the roll call then. Good morning, good afternoon, good evening. Welcome to the New gTLD Review Group call on Friday, the 1st of February. On the call today we have Dev Anand Teelucksingh, Olivier Crépin-Leblond, Eduardo Diaz, Adela Danciu, Yrjö Länispuro, Carlton Samuels, Alexander Kondaurov, Seth Reiss. We have apologies from Marcelo Telez. And from staff we have myself, Julia Charvolen.

May I remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you.

DEV ANAND TEELUCKSINGH: Thank you very much, Julia, this is Dev Anand Teelucksingh speaking. Actually before I continue was there anybody not mentioned on the list who is on the call? You can identify yourselves now. Okay, not hearing anybody, great.

Okay, just to proceed immediately to the agenda, and I have to say and apologize, I realize in the rush of things I updated the wrong agenda page for this call and so I invite you all now to reload the Wiki page as listed. Okay, however just so there are a few standard items as per all our Review Group calls. Does anybody wish to update any statements of interest for the Review Group?

Within the past two meetings the only new information regarding the statements of interest was of course my change in status as myself being an ALAC member, and to date no one has made any potential

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conflict of interest in this regard. Okay, and I see Adela is now joining the AC room.

Okay, there being nobody raising their hand or wishing to make a comment we can now move on to the next agenda item – the review of the last New gTLD Review Group call. On the last call, I think what the review group has been looking at is the community objections criterion, specifically the four tests. And one of the big difficulties was that it was very difficult judging from the comments, and typically there was only like one comment posted formally, it was difficult to determine what is substantial opposition. And one of the action items coming out of that was to reissue a call to the At-Large community to express their opinions on the applications posted on the Wiki, specifically .amazon, .nyc, .patagonia, .health.

And this was done. This was done I believe on the following next day, and various comments were received on the LACRALO list and there was a fairly long comment thread on the NARALO list in this regard. So and the second action item coming out of that call was there was a comment posted on .health and this was agreed to be looked at by the Review Group, and therefore it was placed on the Wiki and a call for comments was made on that string.

So those were the action items from the last New gTLD Review Group call, and I should also... Thankfully, for those who were not on the previous call the transcript is available for anyone to review and follow the discussions. Great.

I'm not seeing anybody raising any hands or asking questions; let me move on to the next one, the next topic which is the discussion of any

comments raised on the New gTLD Dashboard. Now Adela had kindly done a .doc file and that is linked in the agenda. I'll just post the link in the AC room, and this of course looks at the four tests for a community to be considered to qualify for a community objection. There are four tests for community objections, and just to repeat what they are...

CARLTON SAMUELS: ...substantial, (inaudible) must identify community targeting...

DEV ANAND TEELUCKSINGH: And detriment, yes, thank you Carlton. Yep. Very well.

So in terms of, so let's start with, well first of all one of the concerns I had with Adela's, well I won't say concern. I was just thinking perhaps I could improve Adela's comment form and let me just post the link to that proposed...

I suggest just giving things, the document a little more space and clearly separate the four grounds so that there are four separate pages for each of the four community criterion grounds. And the idea would be that we can then, well probably not complete it on this call but go through each of these strings that we have received comments on and then decide whether for each of these strings and each of the applications whether the community criterion are met or not met.

So with that in mind I would just like to open the discussions on the string for .amazon. Okay, I see that Adela says that the version 2 of the template is good. Like I said, it was just trying to make it easier to follow.

So in regards to .amazon, I posted a comment on the Wiki here and I don't know if anybody had a chance to see it. I was doing some research as to the first criterion, which is the community criterion that the community expressing opposition can be regarded as a clearly delineated community. I found out that there is apparently the ACTO, and actually let me just post the link to the comment in the chat here.

CARLTON SAMUELS: Yeah, there is such a treaty organization – this is Carlton for the record. There is such a treaty organization.

DEV ANAND TEELUCKSINGH: Okay. Do you think therefore that would this establishment of this treaty organization which specifically mentions the Amazon Cooperation Treaty and talks about the Amazon Basin, would this not qualify... In my mind this would qualify as a clearly delineated community because it talks about the various territories under which the Amazon Basin is defined: Brazil, Bolivia, Colombia, Ecuador, Guyana, Peru, Surinam and Venezuela. And according to the ACTO, they have been doing various work regarding the Amazon Basin and including signing various memorandums of understanding with various global entities such as the World Bank, IDB, so forth and so forth.

I just want to have anybody to... Does anybody have any thoughts or comments as to whether, in terms of the community criteria and whether this type of organization would qualify? Carlton, please go ahead.

CARLTON SAMUELS: Hi Dev, this is Carlton for the record. Clearly in the context of the attributes of what a community represents this is a community. We can delineate it as a community. It is active in terms of its methods on paper because there are corollary work that is being developed through ATCO and it's all over, you can find them. I actually checked with a colleague who had done some work in Brazil at the Catholic University and I know he was dealing with something in biodiversity, and he actually says yes, that this is an active community working a lot in terms of biodiversity issues in the Amazon. So I would say this is a clearly delineated community, that it meets that test as far as I can see. Thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Carlton. Any other comments or observations then by anybody else?

ALEXANDER KONDAUROV: My comment is in the chat.

DEV ANAND TEELUCKSINGH: Thanks, who is this? Say your name... Sorry, Alexander, just to confirm, before I go to you, what did you say?

ALEXANDER KONDAUROV: I guess that such a community like the Amazonian Treaty is to have priority over the commercial shop, even the big commercial shops like Amazon.com.

DEV ANAND TEELUCKSINGH: Okay, alright. Thanks Alexander. Yrjö, please go ahead.

YRJÖ LÄNISPURO: Yeah, thank you. This is Yrjö Länispuro speaking. I don't want to act as ACTO's advocate here or Amazon's advocate but I think that the word, the actual string that Amazon.com is asking for is amazon, which is actually not the word in Spanish or Portuguese for the region nor for the various administrative regions in those countries which are in this area. The River is of course Amazonas and that word seems to be used also rather than Amazon, which is basically the English translation. Thank you.

DEV ANAND TEELUCKSINGH: Mm-hmm. Okay, thanks Yrjö. But I mean, if you look at this ACTO organization they make reference of the Amazon, like for example the Amazon Corporation Council and so forth and they seem to have a very clearly defined structure that makes reference of the word Amazon. So wouldn't you say that by that definition that there is a clear community for the Amazon?

YRJÖ LÄNISPURO: It's Yrjö Länispuro. No question about that. The only thing I am pointing out is that the actual string that Amazon.com is asking for is not in the name, in the Spanish or Portuguese name of the treaty which is, and excuse my bad Portuguese but I'm looking at the page here

which is Organização do Tratado de Cooperação Amazônica and so on and so forth. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Okay, thanks Yrjö. Well, alright yes, it probably does not exist in the Portuguese version although I do see it in the English version of the website and I think well, how should I put it... There is an English territory in there which is Guyana. Actually I see Carlton is now typing something to that... Carlton, please go ahead.

CARLTON SAMUELS: Thank you, Dev. I wanted to point out that I would consider this part of, almost an IDN because Guyana is (inaudible) to the treaty and I know for a fact that Guyana would refer to all of that as the Amazon Region. So I hear what Yrjö is saying and it's absolutely true, but when you look at what Guyana would read it as then I think you can make the case that it's one and the same. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Thank you, Carlton. And yeah, I agree with that statement. Any other thoughts or comments? Alexander, go ahead.

ALEXANDER KONDAUROV: Yeah, Alexander Kondaurov. I guess if we do not make a final decision about the domain name we can recommend to pass this objection to a group for making decisions. With just so few objections we can decide either to work on it or not, but decisions will be made on another level if I understand.

DEV ANAND TEELUCKSINGH: Okay, thanks Alexander. If I think I understand you what you're saying is that given that you have governments that have filed governmental early warnings and so forth that well, perhaps we don't need to then consider filing an objection. The thing is though there are At-Large Structures in these regions and I think, I do not think that they have not probably responded as of yet to the expression of opinions. But I'm certain they would have an opinion on this. But again, this is when we go through the entire thing and we can then make a decision on this.

Any other aspect of the community... Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thanks Dev, it's Olivier Crépin-Leblond for the transcript record. Just wondering about the fact that we haven't heard from those communities concerned in the territories or the countries which are affected by this application, this .amazon application. Would you take it to be... I'm just very surprised because there were some (inaudible) prior to this and now.... Can you hear me?

HEIDI ULLRICH: Olivier no, you sound like you're about a mile underwater.

OLIVIER CRÉPIN-LEBLOND: Oh really? That's so strange.

HEIDI ULLRICH: We're trying to deal with that.

OLIVIER CRÉPIN-LEBLOND: It must be my phone line over here. Sorry about that.

HEIDI ULLRICH: We're working on that, apologies.

OLIVIER CRÉPIN-LEBLOND: I might be a mile underwater, who knows? [laughter] Let me try and speak right into the microphone. Can you hear me now? I'm standing a [micron] away from the microphone.

HEIDI ULLRICH: No, it's not better. Let me just see what's going on...

OLIVIER CRÉPIN-LEBLOND: Okay, so it must be the line. I'll put the phone down and then you can call me back. And just move on, Dev, no worries.

DEV ANAND TEELUCKSINGH: Okay, we'll sort it out. Thanks Olivier. Sorry, go ahead Heidi.

HEIDI ULLRICH: Adigo is saying now if you can hang up and they'll redial out to him. They think it's just a connection issue. So they'll dial you right back, okay Olivier? I think he's already off, okay. Thank you, Dev.

DEV ANAND TEELUCKSINGH: Thank you, Heidi, for intervening. And while Olivier gets back, let's then move on unless somebody has any further comments? Because of course we have all these other applications to look at.

In terms of the substantial opposition, this is the second test for community objection in that the objector must prove substantial opposition within the community it has identified itself as representing. And there were several factors: the number of expressions of opposition relative to the composition of the community, representative nature of entities expressing opposition, recognized stature or weight among sources of opposition.

So looking at the... I see Heidi, Olivier's back. Okay, Olivier, let's hope the communication is much better.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, can you hear me now?

DEV ANAND TEELUCKSINGH: Lovely.

OLIVIER CRÉPIN-LEBLOND: Is this better? Okay, fantastic. It's Olivier Crépin-Leblond for the transcript record. I apologize for the sound before. I was not aware; I could hear you very clearly.

Anyway I was just asking, sort of being surprised basically that there hadn't been any more noise from the regions affected by .amazon. I had read some emails that had gone around the LACRALO list a few

months ago but it doesn't seem to have been quite understood that now is the time, if they wish to say anything about this, for them to say something about this. I'm just concerned because I'm concerned they will come a few months from now and say "Oh, but we said something," and no, they didn't. And I just don't want it to be a case where we are accused, "we" as in the ALAC and this working group, are accused of not giving people a chance to do something at the right time. That's all, thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Olivier, and we can hear you much more clearly now. Indeed. I think more of the comments when the email called for opinions on it focused more on the [other] string, the .patagonia string which we'll come to later on in this call. I mean I should say that of course there have been lots of comments posted on the ICANN Public Comment Forum as part of the New gTLD Program regarding .amazon and so forth.

I agree with you, it has not been, well, as clearly articulated by At-Large Structures within the At-Large community. I suppose one final thing would be to, as an action item again would be to again issue that call for comments from the At-Large community, emphasizing that this is really to make it, like this is it because we can't really as I say prolong this because we have this upcoming deadline to decide whether to well, to draft an objection statement or not.

So I will report the call for comments specifically on... And what I might do, I might break the subject... How should I put it – make a call for opinions on say .amazon and post that as one separate message so

various persons could decide whether to respond or not. Okay, so that'll be one action item – to reissue the call for opinions on .amazon.

HEIDI ULLRICH: Dev, this is Heidi. Should that be an action item for this group?

DEV ANAND TEELUCKSINGH: Yes. Okay. Now going back to the community criterion, does anybody wish to make any observations or comments regarding .amazon on this point? We kind of touched on it with the sorry, not the community – I'm talking about substantial opposition. I'm sorry, I lost track there. Yeah, going back to substantial opposition, sorry. Go ahead, Carlton.

CARLTON SAMUELS: Yes, thank you Dev, Carlton for the record. Substantial opposition, it would increase the opposition if I see a filing from ATCO itself. If that was forthcoming then I would consider that substantial opposition, but right now I don't think what I see would necessarily constitute substantial opposition.

DEV ANAND TEELUCKSINGH: Okay, thank you Carlton. Well, I agree and I guess the government early warning, I should say the GAC, sorry, the GAC early warning that was issued by the governments of Brazil and I think it was Peru also mentioned there was support from all the other government states that's covered by the ACTO. So I think it is perhaps they're relying on the GAC's early warning and possibly for the GAC itself to then object, too. Go ahead, Carlton.

CARLTON SAMUELS: Yes, this is Carlton again for the record. I was about to mention that the GAC early warning isn't [merely an early state] of any objection process. I would not use that as a basis for our decision because there is still a state as to whether or not the GAC itself, the entire GAC will embrace a formal objection. So at this point I would be wary of taking their early warning as a basis for us determining there is substantial opposition. Thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Carlton. That's a good point. I should also mention that of course national governments also have funding to file an objection formally, although to date there have been no objections filed by anyone on limited public interest or community objection grounds. I suspect everybody's going to wait literally until the last moment to actually file the objection before March 13th.

Okay, anybody have any further comments on the substantial opposition concept? Going once, going twice... Okay, let's go to the third criteria – targeting: the objector must prove a strong association between the applied for gTLD string and the community represented by the objector. Anybody wishes to make any observations or comments?

Okay, well seeing nobody really, well, I'm seeing people typing. Regarding the targeting aspect I think that well, given that the applicant plans to run the TLD as a sort of single registrant and not open to anyone from the community in that aspect, would those statements contained in the application... This would mean that there is an example

of targeting. But as Adela has pointed out this could be supported by possible further comments, and I agree with that.

So if nobody has any further objections let me just go to the next one which is detriment. The detriment one is the objector must prove that the application creates a likelihood of material detriment to the rights or legitimate interest of the community to which the string may be explicitly or implicitly targeted. And again, I'm thinking based on the observation that in my mind there are, the nature of the detriment is that the persons, the community will not be able to have access to that applied for gTLD string. But anybody wish to make a further comment on this matter?

And I see Kenny Huang has now joined the call, welcome, and quite a few other persons have joined the call as well. Welcome to all of you. Okay, well does Yrjö or Seth want to just state it for the record, just so we can have this for anyone to consider? Yrjö, please go ahead. Yrjö?

HEIDI ULLRICH:

Yrjö, this is Heidi, you may be muted. #7 to unmute.

YRJÖ LÄNISPURRO:

Okay, I'm sorry, I was muted. Yeah, there are two totally different target communities here of course. I mean for the governments that have objected or sent their objections so far, the community is there in South America in the Amazon area. And Amazon books have made it a global target community; that is people who buy books from them. So to my mind this is one of the key things we have to resolve. Thank you.

DEV ANAND TEELUCKSINGH: Okay, but Yrjö, just as a quick follow-up the idea is that detriment means not just explicit... The application says it's going to be targeted for Amazon.com's use so yes, it is targeted. Go on, Carlton, I think that was, go ahead.

CARLTON SAMUELS: Thank you, Dev. Regarding Amazon.com, unless you could show me for example that Amazon.com which uses the word "Amazon" at the second level was detrimental to the community I would find it difficult to associate Amazon at the top level of being of any more detriment to that community. I have been hoping for somebody to say "Amazon at the second level is detrimental to the community, and here is the way it has been detrimental to that community and therefore we feel that substantially even greater harm would be visited on this community if Amazon was graduated to the top level." It's the kind of thing that I've been looking for and I don't see, so thank you for bringing Amazon.com into the conversation.

DEV ANAND TEELUCKSINGH: Okay, and I see Adela is agreeing with you, plus one on that. Thank you, Carlton. Okay. I'm just waiting for Seth Reiss to finish typing before I decide to move on. Seth, do you want to just take the floor because again, these are the types of deliberations that will help us make the final call next week. So do you want to just state your...

SETH REISS: Sure, thanks. I don't understand the argument that the second level and the top level can be compared in any respect. There's only one top level for any one word and to me it's a very different valuation. Taking that top level word away from other communities or other uses, that only happens once and in the second level it's, well... In my mind it's a very different ballgame.

DEV ANAND TEELUCKSINGH: Okay, well thank you, Seth. I see Carlton has his hand raised. Carlton, go ahead.

CARLTON SAMUELS: Thank you, Dev, this is Carlton for the record. I'm making the point, Seth, that what we're looking for is the contention that there would be harm, and I'm saying if you could tell me or show me substantial harm from the second level, the same word – it's only used in a different context, but if it describes something at Amazon with the .com on it and it's been shown to harm the Amazon community in any way I said that would be further evidence that having Amazon delegated at the top level would increase that harm. I said I would be very open to hearing that kind of indicative evidence, that evidence that would indicate to me that moving Amazon to the top level would increase the harm. That is the kind of thing I would be looking for, to hear from somebody to show me substantively what the harm is. Thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Carlton. Okay... Okay, I'm not seeing anyone else typing or making any further comments. Okay, great. The idea for this

call is to really just, as I say to have the discussions and then after the call the intent would be to use the PDF and I think for all of us to then mark those things. Hopefully then when we start to do this by say middle of next week, say Thursday to allow for any further At-Large comments to come in so that by the next call which will likely be on the next week Friday, which is the 8th, that we can then look at the final scoring so to speak and then formally make a decision of “Okay, we are going to then draft a statement or not.”

Okay, there being no further comments on .amazon I’d just like to move on to the next string in the list, and I’m sorry, my computer just froze here so I’m now just trying to load it back up. Okay, the next string listed is .nyc. So going back... Now, there were some comments on .nyc but nothing really substantive in terms... Well, I won’t say that. There were some comments on the NARALO list and I’ve posted a link to that in the agenda page. Some of it was quite well, what is the word... A lot of the comments were intertwining the various issues as they relate to community objections so unfortunately it was not easily available to extract pertinent subsections for .nyc on a separate page and so forth.

Does anybody wish to make any initial comment regarding .nyc? And let’s star off again going back to the first page of the community criterion, which is the community grounds, community objection grounds. Does anybody wish to... Ah, that’s probably a good idea. Julia, can you please load up the .nyc PDF? Thank you.

So while that’s being done does anybody have any particular comments regarding the .nyc? There’s been a lot of comments that have been

posted to the Wiki from the person regarding the reasons for why we should object to it. So Carlton, please go ahead.

CARLTON SAMUELS: Thank you, Dev, this is Carlton for the record. Hello? Can you hear me?

DEV ANAND TEELUCKSINGH: Yep, go ahead, we can hear you.

CARLTON SAMUELS: Okay, this is Carlton for the record. If you look at the Wiki you will see that the comments from Thomas have been substantive, and as you go through it the thing that tends to jump out at me is... I don't know if anybody's seen this but the sense I get from the baseline comment is that NYC, the applicant did not... There is an attempt by the applicant to obfuscate the basis for the application. In other words, the applicant seems to be saying that they have the support of the community as best as they could make it out, and what Thomas is saying is there was no such support or the support was assumed without any real community consultation. That's the first thing that I see.

And I would love to have clarification on that because if then that is the case there's a basis to say that the applicant has actually, because it is supposed to be a type of geographic application then the applicant has misrepresented community support. That's the first thing. The other thing that I'm concerned about is it seems to appropriate that NYC as a geographic string, and I am not so sure that that is the case. If we're following ISO guidelines for geographies then it would be a very weak

test of whether or not that NYC is indeed a geography as outlined by some authoritative standard.

I would agree that NYC is a popular delineation for a region and a specific geography, but whether or not it is authoritative is another matter. So I am not so sure. I really am conflicted as to whether or not we can say it is geographic without having an authoritative body saying it is geographic. Those are my two real concerns and if I can get clarification on those then I would be further along in my own assessment, thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Carlton, this is Dev speaking. Actually, going back to that second question regarding what does .nyc as a geographic application mean, one of the things I was thinking about was the nyc.gov TLD which the City of New York operates and so forth, that is something – I could be wrong here, but I think that is something that is delegated by the US government to the various states and whatnot, areas of the United States and so forth. So the fact that they have .nyc by the City of New York representing the five boroughs within New York State is identified in that TLD. If you go to the website it mentions those five boroughs and has an org chart and so forth and so forth.

So that in my mind seems to indicate that there is some recognition, at least at the US government level, and again, I'm just putting it out there that .nyc represents these five boroughs in New York State. I see Carlton, you have your hand raised, so...

CARLTON SAMUELS: Oh, I'm putting it down. I don't need to speak.

DEV ANAND TEELUCKSINGH: Oh, okay. So in my mind to me, the fact that the US government has designated those three letters NYC as representing the City of New York's administration of the various five boroughs in the New York State. But would that be considered, well if the government recognizes it as such would that qualify that as a geographic region? Does it qualify for a geographic TLD and therefore, this concept being raised by the objection that well, it is not including other boroughs within the state... I mean if the US government is recognizing it as such I'm not sure how this objection could really be sustained in any reasonable way. That is my concern there. Anybody wishes to comment? I see Carlton is typing... Yrjö, please go ahead.

YRJÖ LÄNISPURU: Yeah, this is Yrjö Länispuro, thank you. Yeah, Dev, I agree with you. I think that when it comes to geographic names certainly of countries and I think administrative regions and capital cities at least it's pretty much up to the relevant authority to decide who gets the TLD. And the only question to my mind is whether NYC the abbreviation is actually in that category. But if it is then I think that, as you said, this objection cannot be sustained. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Thank you, Yrjö. Eduardo, so sorry – go ahead.

EDUARDO DIAZ: Yeah, this is Eduardo for the record. Now I'm confused by what Yrjö is saying. If you go back to Amazon, is Amazon, are we talking about a geographical area there and NYC is geographical? I'm confused. So if someone can explain to me that difference...

DEV ANAND TEELUCKSINGH: Okay, so the application for .nyc is what they call a geographic TLD, so and the application was made by the City of New York through the New York City Department of Information Technology and Telecommunications. And in that application essentially it says that they will operate the .nyc domain for the New York community and then the application goes into various ways of how it will go to ensure that only persons within the New York City area could register domain names under this domain. Alright.

So does that answer your question? I mean going back to .amazon, the application by Amazon.com for the .amazon is not a geographic application in the sense that it's only meant for Amazon.com as a single registrant.

CARLTON SAMUELS: It's a brand.

DEV ANAND TEELUCKSINGH: For Amazon.com's purposes.

EDUARDO DIAZ: Okay, so it's based on the people that applied that say "This is geographic" and the other one is a business type, right? This is Eduardo.

CARLTON SAMUELS: Correct.

DEV ANAND TEELUCKSINGH: Okay, yeah – that was Carlton for the record. This is Dev speaking. So let's see... My concern going back to this, and again anybody can make any comments and observations on this because I now realize we're going to go, probably going to go over time and I apologize for this. When it comes to detriment, this is the thing that has me concerned here because if you look at the detriment criterion, it says here "Allegation of detriment that consists only of the applicant being delegated a string instead of the objector will not be sufficient for a finding of material detriment.

From what I understand, what the objector is proposing, is raising the concerns that because the applicant has not chosen to apply as a community TLD and therefore... Yeah, I think that is the substantial, and again, I could be wrong and I would encourage everybody to read the objector's comments very closely at this aspect. I find that the criteria for detriment does not pass because it seems that the most substantive aspect of the comments received is what he is asking for in terms of.. Let me see if I can bring it up, the road ahead – "By presenting these comments we hope to steer the city towards activating the proposed community advisory board and hearing from the New York community.

As they do not see New York City’s community desires expressed to us over the years we’ve put them in this application.”

I’m seeing questions on the chat here, and yes indeed, it is not a community-based TLD. The applicant did not apply for it as a community-based TLD. Alexander is asking a question: “Does the New York City Department of Information... represent the community of the New York City?” Well, I’m not sure, I think that was Carlton – you wanted to answer that question?

CARLTON SAMUELS:

This is Carlton. I would answer it by pointing again to what Yrjö said, that as I see it it’s a government department, a department of the government. They were not making this to be a community application as far as I see so they were saying it is actually a quasi-geographic application and as such the government would have some great standing in that. I make the point again that because I don’t have an international [conduct], some authoritative standard that that NYC is indeed geographic. I’m willing to say it’s quasi-geographic and if the government were to make the case then I’m willing to listen to it, but I am perturbed by it. I am still unsettled, and that’s why I was saying that I wanted more clarification as to what the community thinks and whether or not they believe that the application was made with misrepresentation. That’s my reason for saying that – I’m still not sure what the argument is.

DEV ANAND TEELUCKSINGH: Okay. Alright, any further comments on any of the four criterion for .nyc – community, substantial opposition, targeting or detriment? Going once, going twice... Okay. Alright. So okay, well let's then move on to, and again, hopefully there will be more further comments clarifying these types of questions before the next call. Regarding... I see, hold on. I'm seeing... Sorry, just to respond to Alexander, again Alexander, you can just read through the objection comment items that are posted onto the Wiki there. So I don't think we have time to actually read through the entire thing at this point.

So you can take a look at the Wiki page and that's also been posted on the PDF in the AC chat room. Okay. Let's move ahead to the next one, and that is regarding .patagonia, I believe that's the next one. And first of all I want to say I apologize, I don't want to take too much more time. I will try to just only try to go over by about ten to fifteen minutes tops. So apologies for that.

Regarding the next TLD that's under consideration, .patagonia, so again looking at the four criterion I'm actually finding it very much difficult in terms of Patagonia to come up with a clearly delineated community; whereas there's the Amazon ACTO. And my research, and again, if somebody has found research then tell me otherwise – it's very hard for me to find out there is a Patagonia community that is clearly delineated in the sense that... Well, at least on the internet that is claiming to be wholly representing Patagonia.

There seems to be a delineation in the sense that in terms of the countries of Argentina and Chile that the Patagonia region is referenced within those territories, but in terms of saying for Patagonia as a whole

I'm not seeing that type of recognition where there's a recognition that okay, coming from Patagonia means something to these countries. I hope I'm making myself clear. And I also noted that the applicant for .patagonia has a substantial presence already on the web using this name as far as Patagonia.com and on social media networks, Facebook – it's Facebook/Patagonia, Twitter is Twitter/Patagonia, so forth, so forth, so forth.

And I note also that it's not as if the applicant doesn't have ties to the community. It also encourages various activities related to its apparel – climbing of mountains within the Patagonia region and so forth. So I find the first aspect which talks about the community, the clearly delineated community is a little bit harder to prove in my mind but I mean I want to open this up to comments or observations or questions. Maybe I'm wrong in saying that. So comments, questions? Carlton, go ahead.

CARLTON SAMUELS:

Thank you, Dev, this is Carlton for the record. I am looking at this and while we don't have a treaty organization that is linked to the word Patagonia, I really would like to see more discussion or more evidence on... You just laid out the many ways in which Patagonia is used on the internet and social networks, and while I'm very concerned about whether or not people who live in these areas will be shut out by the successful application of a .patagonia gTLD I still would like to see if there are any harms that were accrued to those communities, those areas from the existing situation where you have Patagonia at the

second level, Patagonia on the social networks and what substantive harm if any was experienced.

I really think that that would give me some basis to move forward and say I would be against Patagonia at the top level because it would thus increase the harm to these communities. That's my concern. I mean I need to see something that says there's been harm and it would increase the harm.

DEV ANAND TEELUCKSINGH: Okay, thanks Carlton, and just as a follow-up on that I mean I was trying to find if there was any use of the word Patagonia in the ccTLDs for Argentina and Chile and you know, I couldn't really find any. There is a Patagonia.com.ar and that seems to be run by a group that's doing hotels, you know, for hotels and tours, as a tourist-type thing. The Patagonia.cl is, well, I would best describe it as a domain parking site as such.

But I mean in terms of say the Patagonia which is the word Patagonia on the internet at least, it seems to be very widely used for this applicant. But again, so that's just an observation on that. My concern is that well, in terms of harm, in terms of detriment... This company has existed for quite a while, I think it's been since the '70s, and alright, the internet has now come on since the late '90s but I mean given that it exists in all these social networks using the exact same word, is there.... I mean would there be further harm in this regard? That is my concern reading through these comments and reading through the application and so forth.

Any thoughts? I see Carlton, go ahead.

CARLTON SAMUELS: No, I'm not, I'll lower my hand.

DEV ANAND TEELUCKSINGH: Okay. Well again, if anybody has any thoughts or observations? As I said, this is not trying to make a final decision on this call but again it's what your feeling is regarding the comments made on .patagonia and also what the applicant has posted. I see Seth has... Oh, I think he's talking about the chat, okay. Going once, going twice... Okay. Alright, so any other further thoughts or comments?

Alright, okay. Alright then. Again, when you try to fill out the actual final PDF for going through this and scoring the actual things, by the next meeting this will be the, how should I put it – the last time you can really make a formal decision as to whether to file the objection or not. So again, if you have any thoughts or concerns now is the time to... And therefore possible actions by this Review Group, now is the time to say it. I guess it is homework as Adela put it.

Okay, not seeing any comments and knowing already we're beyond the time, let me just go on to .health. This string, I put it up on the Wiki here, and now actually there's like, I should mention that there are four applicants for .health and a fifth one which is in Chinese which means, which I think loosely translates to .healthy. Now obviously these four applications, obviously only one applicant would go ahead for this, but in terms of whether we have to file an objection we will have to do the homework on each of these applicants. The reason why is because if

we do file an objection, we can decide to file an objection on one of the applicants or for each of the individual applicants.

So in other words there are separate objections for each applicant. You can't just file an objection on a string – you file it against the applicant. So the comment that was received by the International Medical Informatics Association, any observations or thoughts about this? Okay, but no one's taking the floor at this point. My initial concern is what is the clearly delineated community aspect? Unfortunately, the way that the Applicant Guidebook is structured this community definition is big, and it talks about creating a clearly delineated community as in the first criterion. There's a level of public recognition of the group as a community at the local or global level and so forth.

Now whether we want to say that the At-Large community which is I supposed impacted by this TLD, that is the community that could potentially file an objection on one or more of these applicants for .health. Well, perhaps that can be covered that way. There's also whether we can introduce let's say the health community, but then coming up with the second criterion which is the level of formal boundaries and so forth, I don't know. It just seems very vague in my mind, that aspect of it.

And therefore once you have that problem then it's the problem of substantial opposition then comes into play here, and then above expressions of opposition relative to the composition of the community and so forth. It doesn't, if we're going to try to be so broad as to say the entire community, the entire global community then it's going to be

very hard to determine substantial opposition for such a wide community. Any observations or thoughts on this?

I see Adela is typing rather than saying it: “Maybe we should test it for limited public interest” – hmm, that’s an interesting suggestion Adela. I see Carlton has his hand raise. Go ahead.

CARLTON SAMUELS:

Let me to back up [on this]. I have two issues I’m trying to understand. The first one is that it is first do no harm. I believe that the issue of monetizing ordinary words which is what this business is all about has passed, and it makes sense now to have, it would be nice to have a substantive intellectual debate as to whether or not it was the right thing to make words money, to give license to one person to monetize a common word. It would make sense that we have this debate.

In that context the only thing I see that would be of interest here is whether the contention is that the way .health would be used would be inimical to the public’s interest. So I don’t think we have standing to decide whether the string .health, the word itself ought to be allowed. That bus has come and gone. What I think needs to be accessed is whether or not monetizing .health is inimical to some proscribed, some conscribed community or as we say limited public interest.

Unless somebody is willing to show me where if you give .health to this fellow, the other fellow or the other fellow he will use it in a way that would to the benefit of that person alone and it would [screw up] somebody else. I’m having trouble understanding how an objection could stand, I really am. I don’t know what else to make of this because

if I'm being asked now to make the case for health being a common word, on that basis alone it ought not to be allowed, then I have to wonder what happened to the other words like .travel and so on and so on and so on. This is just my thing. I'm struggling to figure out how we go with this one.

DEV ANAND TEELUCKSINGH: Okay, thank you Carlton. Okay, Yrjö, please go ahead. I see your hand raised, go ahead.

YRJÖ LÄNISPURU: Yeah, this is Yrjö Länispuro, thank you. I must agree with Carlton and there are many, many cases like .health actually. If you look at the applications, the 1930 of them there's so many common words of the English language which somebody wants to monetize. However, I think that there are two different cases there. One is like .book which was proposed by Amazon again for their own exclusive use, the same .beauty by L'Oreal which also wants to have exclusive use of .hair and [Johnson], I think they want to have .baby and so on and so forth. This is one.

I mean basically companies that try to get common generic names for their products or services they produce, and then there is the other case where companies want to have .health or .travel or whatever and want to use it as, they want to create a community around it. And I think that these are two different cases and we have to keep them separate. Thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Yrjö. I see, just to note that Adela agreed with Carlton earlier. So to go back to what Adela was suggesting, should we test it for limited public interest, I posted a link to the public interest objection grounds and the way that the limited public interest... That's the thing, it's not really public interest objection grounds – it's limited public interest objection grounds. And as stated here it says that this objection ground allows formal objections to be filed by parties if the applied for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

Now that link talks about, goes into the instruction in the Applicant Guidebook and well, perhaps somebody can make a case but I'm not seeing how .health would fall under this limited public interest objection. I'm not seeing it. If anyone has a case to be made then by all means let's hear it.

So going back also, so I should ask does anybody think there is any limited public interest objection grounds? Adela, you're the one who mentioned it as a possibility – do you think it could be... Okay, she is saying no. Anybody else who thinks that there is a limited public interest grounds for .health? Going once, going twice... Okay Yrjö, please go ahead.

YRJÖ LÄNISPURO: Yeah, thank you, it's Yrjö Läispuro. I don't think there are any cases to be made under limited public interest grounds. As you mentioned this is really about morality and public order and respect for various international treaties and declarations. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Okay, can I take it then formally that we're not going to consider the limited public interest objection grounds for this string? If anybody disagrees, actually let me rephrase this, sorry. Does everybody agree that there is no limited public interest grounds regarding .health? I'm seeing that there is no grounds for it. I'm seeing Eduardo is saying that, Yrjö agreed with that... Seth agrees with that. Adela agrees with that. Carlton agrees with that. Alright, let me ask is there anyone who objects, who thinks there is some sort of public interest objection? Eduardo, go ahead.

EDUARDO DIAZ: No, no, I hit the wrong key. Sorry. I didn't raise my hand, I'm sorry.

DEV ANAND TEELUCKSINGH: Okay.

ALEXANDER KONDAUROV: I'm sorry, I don't see keys. Where can I press the key?

EDUARDO DIAZ: This is Eduardo. That's a translation problem. [laughing]

DEV ANAND TEELUCKSINGH: Ah, my apologies. Okay, so okay, so if anything the only criterion we're going to look at regarding .health would be under possible community objection grounds. And I know we're going past the hour here, I know

we have a lot of homework to look at. Does anybody have any further observations or comments as regards the four criterion?

Actually Fatimata, I'm not sure what you mean by that comment. You said that .health would mean anything liked to it is good. Does that mean that this is a comment going towards... What? Do you want to say or type it out? Okay. While Fatimata is typing it, oh, a comment going towards an objection.

I should also note that there have been early warnings issued on .health by the governments, by the GAC against all of these applications. Olivier is typing that for sure we need to consider the possible relationship between health and the WHO which is an intergovernmental organization. So Olivier, if you wish to take the floor, is it that you think that...

OLIVIER CRÉPIN-LEBLOND: Thank you, Dev, it's Olivier for the transcript record. I'm not going to make any case. I just want to alert you to the fact that the World Health Organization is the coordinating authority for health within the United Nations system, and there is a mention within the limited public interest objections to various international instruments such as Universal Declaration of Human Rights, etc., many of which are also UN coordinated. That's all. Ultimately I don't have a point of view on the matter whether there should be a point to be made by this group on any of these objections. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Alright, okay, thanks Olivier, thanks for this Olivier and yes, I guess we do have to consider that possible relationship regarding the World Health Organization which coordinates health within the United Nations. Thank you.

Any further observations, comments on the four community grounds for .health, whether there's the community criterion of substantial opposition, targeting, or detriment? Going once, going twice... Okay.

Alright, well first of all again, I apologize for taking more time that was regarding this call. Our next steps are going to be the following in terms of the timeline. We have roughly now I would say until mid-February to really decide whether to produce any formal objection statements regarding any of these applications by the 15th. So I would say our next call which is going to be on the 8th, and again a Doodle will go out to pick an appropriate time for this, by the 8th we're going to have to make a firm decision on all of these applicants as to whether "Okay, based on the scoring we think that..." And remember, the thing is that with all these four criterion, an objection must pass all four criterion.

So if there's a consideration by this group that says "Well, it will not pass this particular criterion – the community, substantial opposition, targeting or detriment," then I think the Review Group should... Well, I shouldn't say "it should." Then it's likely that it is probably not really feasible to draft an objection statement. So again, go through the PDF, go through the comments again on the Wiki and that have been raised by the RALOs.

One of the action items is then I'll reissue the call for comments and what I'll do, I will separate each of these strings so that we can then

group them far more effectively than trying to lump it all into one comment on all of these strings. So that will be one key action item. The second action item is of course to work on the, for all of us to look at the PDF and begin to start scoring it; and of course raise any comments or raise any observations about any of these applications. Ideally you do it on the Wiki. If you want to do it on the list, fine, but do it on the Wiki so that everybody can see and the At-Large community can see.

So again, I think that's about it. Any other business? Going once, going twice, going thrice... Very well. Thank you again for this. So I look forward to hearing you on the next call and of course, before the call on looking at this. So the next call on February 8th I'll be asking for final decisions on all of these applications. Okay, so with that if nobody has any further comments the call is adjourned. Thanks again.

[End of Transcript]