

GISELLA GRUBER: Thank you. Good morning, good afternoon and good evening to everyone on today's New gTLD Review Group call on Friday, the 8th of February. We have Dev Anand Teelucksingh, Olivier Crépin-Leblond, Yrjö Länispuro, Adela Danciu, Eduardo Diaz, Thomas Löwenhaupt, Robert Pollard, Jose Arcé, Seth Reiss. We have apologies from Kenny Huang, Alexander Kondaurov, Cintra Sooknanan, and Carlton Samuels.

From staff today we have Heidi Ullrich and myself, Gisella Gruber. I hope I haven't left anyone off the roll call and if I could also please remind everyone to state their names when speaking for transcript purposes. Thank you, over to you Dev.

DEV ANAND TEELUCKSINGH: Okay, thank you very much, Gisella. This is Dev Anand Teelucksingh speaking. Okay, on this call we are going to be going through the comments received on several applications that have been posted to the Wiki and to the Review Group. These were comments on... Sorry, just trying to pull up the dashboard here – on .amazon, .patagonia, .nyc, and on .health.

Before I continue as part of the standing items is there anyone who wishes to say anything regarding any potential conflict of interest regarding these applications? You can say so now... Going once, going twice, okay, great.

Okay, well thanks to the templates that Adela had created, I just tried to improve on it and posted the template for everyone to help them fill

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out as we are now looking at all of these applications on community objection criterion. But this PDF is now on the AC room, and so let's start off with .amazon. So my idea is to really go through each of the applications, look at the scoring for each of these and hear your comments, and well at the end of it I'll make a determination as to the next steps, as to whether we have enough consensus or not on whether to consider drafting an objection statement I should say, not filing an objection but to draft an objection statement for the RALOs' and for ALAC's consideration.

Okay, so now to start off with the .amazon community on community grounds. This is the first one where the community expressing opposition can be regarded as a clearly delineated community. So would anyone wish to start by, let me ask the question for the level of public recognition as a community at a local or global level – can I see anyone either saying they pass or fail from the Review Group members, obviously, not from the guests and observers? Okay, I see a pass from Eduardo. Let's see, who else is on it... Seth Reiss, Yrjö, Adela. This is regarding the first criterion, the level of public recognition of the group as a community at the local and/or global level.

So I want you to indicate whether do you consider this based on the comments received and our past discussions whether this is a pass or fail? Okay, okay, so I see pass's from Adela, Eduardo, Seth. Yrjö? And does... Pass, okay. And let's see, who else is there? Aziz? Does anyone wish to state for the record why they consider this a pass? Yes, and thanks, Adela, for pointing that out, I was going to mention that – thank you very much. There were also passes from Justine and Alexander. Okay, so...

HEIDI ULLRICH: Dev, this is Heidi. Can you please restate the question for Aziz?

DEV ANAND TEELUCKSINGH: Okay. Aziz, for .amazon the first criteria for community is the level of public recognition of the group as a community at the local and global level. So based on the past conversations regarding the comments received on .amazon, the comments themselves, do you consider that there has been enough proof established for it to either pass or fail this criterion? This is going to take quite a while...

HEIDI ULLRICH: Dev, this is Heidi. Aziz has asked to write it and I've written what I believe is the question, so is that correct?

DEV ANAND TEELUCKSINGH: That's fine, yes, for the first factor. Yes, for the first criterion – level of public recognition. Okay, great. Moving on quickly to the next criterion, level of... I'm going to ask you to just put a tick just to say yes or no whether it's a pass or fail, yeah. Second criterion – level of formal boundaries around the community and what persons or entities are considered to form the community.

Okay, I see Seth Reiss saying pass. Adela is saying yes. Okay, [pass boundaries are the five boroughs identified] by all comments received and Yrjö has said yes, okay great. I'm going to move ahead now to the length of time the community has been in existence – pass or fail? Actually Seth Reiss has also indicated pass, Adela pass, yes, yes, okay.

Okay, now regarding the global distribution of the community, to me I'm going to mark this as we don't need to complete this because as the Guidebook says this may not apply if the community is territorial, and I believe that this community is territorial. So I'm going to just skip that criterion and now move on to the number of people or entities that make up the community. So this is also a pass or a fail? Okay, pass; Adela says yes, Seth Reiss says yes. Yrjö says yes, okay. Oh, Olivier please... Alright, I see Olivier has raised his hand. Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Dev, it's Olivier for the transcript record. I'm just listening in. As you know, I'm not part of the Working Group so I can't say yes or no or whatever, but I do note that although you mentioned the people putting the ticks, the green and typing you have missed some of them. And I'm not quite sure how this is going to be recorded – whether we're recording it in the chat, whether we're recording it in the minutes. I don't know if Heidi is making a note of that or whether the recording will actually be the transcript which is what you are actually saying.

So if the recording is a transcript then I do urge you to also list all of the yes's and the no's and the pass's, meaning that pass is I guess – is that an abstaining vote or is that a yes? I'm not sure. I just want to make sure about that, that's all, thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you. Well, the pass means that is also a yes. On the template we had we have for each criterion a pass or a fail, so that's what that means. I am noting the person's that have written it so as for one, two, three, and now the fifth one – all the persons on the Review Group: Adela, Aziz, Eduardo, Seth Reiss, Yrjö – have indicated that the criterion has been met for the one, two, three, four factors. So but thanks for reemphasizing that, that I should restate it for the record. Thank you.

Does anybody wish to make any comments on this in terms of anything, any of the observations or anything of that sort before I move on to the next one for the next criterion which is substantial opposition? I see Eduardo... Yes. This is Dev here again. Eduardo, I'm not sure whether Justine has indicated fail to all of them. This is regarding, at this moment we are looking at .amazon – let me just make sure I'm looking at the right document.

EDUARDO DIAZ: This is Eduardo for the record. I was looking at the paperwork that she sent in an email to you and I was looking at the document .nyc.

DEV ANAND TEELUCKSINGH: Okay, well we are not touching .nyc at this point. We are going to treat each application separately.

EDUARDO DIAZ: Okay.

DEV ANAND TEELUCKSINGH: Yeah, let's not confuse it.

EDUARDO DIAZ: This is Eduardo. Are we doing .nyc or .amazon? I'm confused now.

DEV ANAND TEELUCKSINGH: Sorry, so Eduardo, sorry – so we're looking at .amazon which is the first one.

EDUARDO DIAZ: Okay.

DEV ANAND TEELUCKSINGH: Okay, so Justine has said pass for all five of the criterion as well. Well, let's see. Go ahead, Olivier, I see your hand is raised again.

OLIVIER CRÉPIN-LEBLOND: Thank you, Dev, it's Olivier for the transcript record. I just agree with Seth who mentioned that maybe we should reconfirm and go through the whole list again because there appears to have been some form of confusion as to who was saying yes for what. So there was a concern on that. I also do note that there are some people who have submitted their comments via email to the Working Group – Alexander Kondarov is one of them and Justine Chew is another person who have both written. I'm not sure whether you will include this afterwards? Are you going to add them to the list afterwards or whether you're not? That's really up to you but you do have to remember that they have sent in

their [views on these things]. That's all, thank you. But if you can maybe restart on .amazon, thank you.

DEV ANAND TEELUCKSINGH: Okay, I was hoping to move things forward but okay, let's just to make sure everyone is fully aware of what they are doing, for .amazon.... I should do .amazon community. So from the top, the criteria for community, there are five points: level of public recognition of the group as a community at the local and/or global level. Can I see tick marks to indicate whether you agree that this criterion has been met? Yrjö, please go ahead.... Oh sorry, I see Yrjö.... Yrjö, please go ahead.

HEIDI ULLRICH: Yrjö, this is Heidi. You've been muted; *7 to unmute. Gisella, can you please unmute Yrjö's line? Okay, he's unmuted now.

DEV ANAND TEELUCKSINGH: I see Yrjö has just put a check.

YRJÖ LÄNISPURU: This is Yrjö, can you hear me now?

DEV ANAND TEELUCKSINGH: Yes.

YRJÖ LÄNISPURU: Yeah, I'm just trying to put the green tick mark, not asking for the floor, thanks.

DEV ANAND TEELUCKSINGH: Okay, thank you very much. So we're still on the first criterion, level of public recognition. So Eduardo, just formally for the record, and Aziz?

EDUARDO DIAZ: I'm sorry, I'm just putting in a green... Okay, it's just slow.

DEV ANAND TEELUCKSINGH: Okay, thank you very much. And I am just waiting on Aziz to say "Okay," alright. So for the record, the first criterion, level of public recognition everyone has indicated a pass, from Adela, Eduardo, Seth Reiss, Yrjö Länispuro and also from the comments received by Alexander – he has indicated pass for this as well, and also from Justine Chew. Just making absolutely sure here... Okay.

So for the second criterion, the level of formal boundaries across/around the community and what persons or entities are considered to form the community. Again, with tick marks, can you confirm whether it is a pass or fail for this second criteria listed under community – the level of formal boundaries around a community and what persons or entities are considered to form the community.

HEIDI ULLRICH: This is Heidi. Could everyone please clear their tick marks and then I'll see them come up again, please? So thank you, and now go ahead, Dev.

DEV ANAND TEELUCKSINGH: Okay. For the second criterion, the level of formal boundaries around a community and what persons or entities are considered to form the community; and I see tick marks or cross for if it failed, obviously. I see Adela has confirmed yes, Seth Reiss has confirmed yes, Eduardo has confirmed yes, Yrjö has confirmed yes.

HEIDI ULLRICH: Dev, Yrjö has his hand raised?

DEV ANAND TEELUCKSINGH: No, no, well, I think he's... Yrjö, if you have your hand raised by all means you can say something.

YRJÖ LÄNISPURU: I'm sorry, somehow the Adobe Connect doesn't seem to be working for me. Okay, there must have been some delay here. Okay.

DEV ANAND TEELUCKSINGH: No problem, okay. And I see Aziz has also said...

HEIDI ULLRICH: Dev, this is Heidi. Did Justine comment on that one?

DEV ANAND TEELUCKSINGH: Yes, Justine did comment on it and she said yes to that, pass.

HEIDI ULLRICH: Okay, thank you.

DEV ANAND TEELUCKSINGH: And also Alexander indicated yes as well.

HEIDI ULLRICH: Okay, this is Heidi. Did Alexander say anything for the first one?

DEV ANAND TEELUCKSINGH: Alexander said yes, he indicated a yes for that as well.

HEIDI ULLRICH: Okay, thank you.

DEV ANAND TEELUCKSINGH: Okay, thanks everybody, everybody's getting the hang of this. Okay, the length of time the community has been in existence, and I see either a pass or fail by indicating a green or an X accordingly. Okay, I see ticks from Adela, Eduardo, Seth Reiss, Yrjö Länispuro. And from Aziz, can you confirm yes or no whether this criterion – the length of time – is a pass or a fail?

HEIDI ULLRICH: And again, Dev, this is Heidi. How did Justine and Alexander vote, please?

DEV ANAND TEELUCKSINGH: Certainly. Alexander said yes and Justine said also yes.

HEIDI ULLRICH: Okay, thank you. So I just need Aziz, if you can write, Aziz, how you vote please?

EDUARDO DIAZ: I'm sorry, this is Eduardo. In which criteria are we now, on number three?

DEV ANAND TEELUCKSINGH: The third one, length of time, correct. Okay. I'm not seeing anything from Aziz at this point. Okay, yes, okay thank you.

Alright, so can everybody now clear it, clear their check marks. Again, skipping the fourth criterion which is the global distribution of the community – the reason why is that this may not apply if the community is territorial. So unless anyone objects, and by all means they can raise their hand and say so, to me this criterion is not really one to be sort of assigning a pass or fail to.

Okay, I'm not seeing anybody objecting to that. So now let's look at the last criterion which is the number of people or entities which make up the community. Olivier, please, I see Olivier is partially raising an objection. Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier for the transcript record. And don't fear me when I put my hand up. It was just to note in, I think it was Justine's that she mentioned that there was a global distribution of the community – there was Bolivia, Brazil, Colombia, Ecuador, Guyana,

Peru, Surinam, and Venezuela. I've just learned something today, so there you go.

DEV ANAND TEELUCKSINGH: I see. I'm just looking at Alexander's – he did not put anything as such; he left it open and didn't give an opinion on that. And Justine as you have indeed mentioned actually, now looking at what she said here, yes – she did indicate that there was, that for global distribution this was a pass and that the countries you mentioned: Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Surinam, and Venezuela, which I guess... I mean these are the territories, so... Okay.

So going on to the fifth criterion, the number of people or entities that make up the community. Now Eduardo, please go ahead.

EDUARDO DIAZ: I'm going back to number four. So what's the result? Are we considering number four or not – it doesn't apply here?

DEV ANAND TEELUCKSINGH: Well... Well, to be quite honest I don't think there's any harm in doing it. So alright, so let's since Justine has indicated. Given the knowledge that Justine's comments were the global distribution of the community is a pass, and she says in her notes that Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Surinam and Venezuela show the global distribution of this community. Can I ask whether persons were consider the fourth criteria? So this is the fourth criteria – the global distribution of the community.

I see Aziz has to leave the call; okay, well I note that for the record. So the fourth criterion, number of people that make up the community.

EDUARDO DIAZ: This is Eduardo again. So are we saying that this is territorial, right? I mean... Or that it doesn't apply?

DEV ANAND TEELUCKSINGH: Let me ask, let me phrase the question again: do you think that regarding this criterion, the global distribution of the community, is a fail? So I mean that's, I'm asking if this criteria either does not apply or you agree with Justine, that it is part of the community of these countries and so forth. So Yrjö, please go ahead.

YRJÖ LÄNISPURU: Yeah, thank you. I think that these criteria is just not applicable because it talks about global distribution and we talk here about a region, thank you.

DEV ANAND TEELUCKSINGH: I see, okay. And I see Adela is also saying that it does not apply. So Eduardo and Seth? Go ahead.

EDUARDO DIAZ: Yes, I agree with Yrjö. I looked at it like if it's an organization like the Internet Society then I might consider it as a community in this sense here, but we're talking about a territorial community. So I think it doesn't apply.

DEV ANAND TEELUCKSINGH: It doesn't apply, okay. Seth, can I get your opinion on this for the record? Okay, it does not apply, okay. So the fourth criterion, global distribution, does not apply.

Okay, fifth criterion – the number of people or entities that make up the community. Can I see either tick marks or crosses for that this is a pass or fail? This is the number of people or entities that make up the community. Eduardo is a pass, Adela is a pass, Seth Reiss is a pass, and I see Yrjö which I'm going to assume he's not raising his hand, he's going to indicate whether he agrees or disagrees with this criterion pretty soon... Okay, Yrjö, I see Yrjö has said yes, okay. And just a note for the record that Justine indicated pass and her comment was that the "Amazon Cooperation Treaty was signed on the 3rd of July, 1978, by the various countries in that promoting joint actions towards the harmonious development of the Amazon Region." Alexander has also indicated, well, he left it blank, indicating he did not have a particular preference.

So with that in mind I think it's now, based on the comments received that for .amazon the community criteria, the first one... Sorry, who was that? Okay, just to continue, for the first of the four criterion, the community criterion has been met for .amazon. So now let's move on to the second criterion which is substantial opposition. So to read this, just to read what it says, "The objector must prove substantial opposition within the community it has identified itself as representing." Okay, and "A panel could balance a number of factors in determining whether there is substantial opposition including but not

limited to...” Let’s start with the first factor: number of expressions of opposition relative to the composition of the community. Can I see either, well, I see Adela has raised her hand. Please go ahead, Adela.

ADELA DANCIU: Hello, can you hear me?

DEV ANAND TEELUCKSINGH: We can hear you, Adela, thank you. Go ahead.

ADELA DANCIU: Okay. I was wondering about this criterion of number of expressions of opposition. And my question was does it refer to the comments we received and the opposition that we received within ALAC, or we can consider as Justine has in her assessment the opposition expressed by governments? And to rely on these comments and this opposition in an ALAC potentially filed case or filed opposition – what do you think?

DEV ANAND TEELUCKSINGH: Thank you, Adela, and actually this is good to have some discussion on this. I would think that, well, Justine I think has pointed out what is said by the GAC early warnings by Brazil and Peru. And actually that GAC early warning it also noted it had the support of the various governments of the other aforementioned eight countries: Guyana, Bolivia, and so forth. So in terms of the expression from the At-Large, I notice Jose Arcé is on the call. Jose Arcé is, I don’t know if Jose Arcé is either on the call, but... Okay, is this – well, just for the record Jose Arcé is the Chair of LACRALO. Do you have a comment to say whether

LACRALO or whether persons in LACRALO were planning to put a statement for this in terms of expressing anything? I see Jose is typing rather than taking the audio.

My question is were there any other persons from LACRALO given that this application is within, well I should say the objection comment is referencing a region within the Latin American and Caribbean region? Were there any particular expressions of opposition as such within LACRALO? I am thinking that other than what was already mentioned in the Wiki by Vanessa, to date there haven't been any. I'm seeing Jose is still typing.

To date, Adela, actually no. We have not received any formal comments from a RALO as such. I don't know if Jose was wanting to confirm that for the record; I could be mistaken. And there were some comments on the North American RALO list, and there was a discussion on this topic. I think Eduardo or Seth could probably say something. Okay. So in regards to this, Adela, I would say it is what Justine has said – GAC early warning from the various countries that have received support from the various governments, and the comments that have been placed on the Wiki as of now.

So now with that answer do you think you want to, do you have any further thoughts or observations then in terms of saying the number of expressed oppositions relative to the composition of the community?

ADELA DANCIU:

This is Adela speaking. Well, I would like of course to have more comments or at least support for the expressed comments on this

application but under the circumstances I would say let's try and support Justine's argument and consider the GAC early warning as another proof of opposition within the community. I don't think that somewhere in the Guidelines or in another document that it's specified that we need to have substantial opposition from within RALOs, ALSes or other individuals. I don't think there is any specification in this respect. So yeah, Justine's idea is good for me.

DEV ANAND TEELUCKSINGH: Okay. I see Yrjö is also saying that if only governments are objecting then that's not really substantial enough as far as we are concerned. Go ahead.

ADELA DANCIU: I think I missed your last question, before.

DEV ANAND TEELUCKSINGH: Sorry Adela, I didn't quite catch that, what was that?

ADELA DANCIU: No, I thought you asked another question and I missed it. Sorry if I interrupted you.

DEV ANAND TEELUCKSINGH: No, I was just repeating what Yrjö was saying, that if only governments are objecting then that might not be substantial enough as far as we are concerned. And Eduardo is also agreeing with that statement. So I'm seeing Robert Pollard is asking for the floor. Robert, please, you can

make your contribution, go ahead. Robert, you may be muted - *7 to unmute. Okay, well Robert, unless you can type your question or comment... Okay Robert, can you go ahead?

ROBERT POLLARD: Can you hear me now?

DEV ANAND TEELUCKSINGH: Yes, Robert, yes we can. Thank you.

ROBERT POLLARD: Okay, you can hear me now, it's my first time on Adobe Connect. I think the fact that we lack a substantive expression of opposition has a lot to do with the fact that this has to do with an issue that in many areas the opportunities are simply not appreciated. The day-to-day challenges certainly bear a recognition of the value, and a growing recognition of the value of digital communications and whatever but there's very, it's not something for which there's been much public information widely available. So I think that those who are in the area I think can reasonably be understood to realize the importance of this issue and to also be able to convert... The process is even missing in the comments – it's a cumbersome one to not fairly post due to how it's not able to have the capacity, etc.

So I think that it seems to be a very basic issue of sort of geography. This is recognized so I don't know if that makes any sense but I mean I've been listening and observing the process so far and it seems that as important as the At-Large issue is I don't think in the absence of any sort

of public media awareness of this, and this applies to New York City, that anybody knows about and that if one tenth of 1% of the people in the Amazon knew what the issue is I'd be surprised; in New York it might be 1%.

DEV ANAND TEELUCKSINGH: Okay, alright Robert, for that comment. And I'm seeing well, at least we can have a little discussion here at least on this factor, on number of expressions of opposition relative to the composition of the community. Okay, well thanks for that Robert.

So I am just reading the comments here. So Seth, just to say we're still on the first factor – number of expressions of opposition relative to the composition of the community. If you're reading the chat you would see that what Adela has raised is what exactly qualifies as counting the sufficient number of expressions of opposition. To date there's only been the one or two comments on the Wiki and the GAC early warnings from the various, from Brazil and Peru which according to the GAC early warning advice they have the support from the various other governments covered by the Amazon geographic region.

So alright, so since there doesn't seem to be any firm idea on this first factor, I'm just waiting for Olivier to finish typing... Eduardo, go ahead.

EDUARDO DIAZ: This is Eduardo for the record. The result of this criterion number one, it will depend if we define the number of expressions as the expressions we received or what they represent. You know, like I said if a government opposes, it's not the only one that is opposing – like I said,

the government represents everybody in that country. Now if that opposition we count as only one, then two oppositions that we received – I mean we have to define how we're going to answer this. Because if we define that then it will be easier to do it, thank you.

DEV ANAND TEELUCKSINGH: Okay, well if you look at the other factors here, there's the representative nature of entities expressing opposition; the level of recognized stature or weight among sources of opposition; the distribution or diversity among sources of expression of opposition, including regional sub-structures of community; and a historical defense of the community in other contexts. So I mean if you look at the first three – the number of expressions of opposition; two, the representative nature of entities expressing opposition; and the level of recognized stature or weight among the sources of opposition.

So I mean what you are going to is I think whether, well, given that the representative nature of entities that have expressed their opposition, I guess the question would be... Ah, well I see Adela is also raising her hand. Go ahead.

ADELA DANCIU: Yes, this is Adela speaking. I was thinking about making a suggestion as a matter of principle for all the other say controversial criterion that we might have a discussion, like this. Since we are here in a let's say trial phase, this is the first time we are confronted with these Guidelines in this case, with this procedure and so on; maybe now it's the lawyer part in me that speaks – I was thinking that if there is let's say a margin of

passing that criterion we should go with passing it unless there is something manifestly not compliant with it. I don't know if I made myself clear or not. So if we can let's say force, or push this, push a criterion into considering it compliant let's try to do it. If the comment or the opposition is clearly not complying with the criterion then of course we have to fail it.

DEV ANAND TEELUCKSINGH: Okay. Well okay, thank you Adela, and I guess if I understand, to follow up on what you said, given that this objection statement would have to be supported by the At-Large community in the first place, well by at least three out of the five RALOs at least for the ALAC to then consider it – I suppose that even if we decide to... So what you're saying is we should pass it if I understand you correctly.

ADELA DANCIU: Yes. If there is a possibility to pass it let's try to pass it. If what is there is obviously against or it doesn't comply with the criterion then of course we have to fail it.

DEV ANAND TEELUCKSINGH: Okay, I see. Okay, I think that actually is a reasonable suggestion. So okay, if I were to try to summarize this and thanks, Adela, for your intervention and for the discussion on these points because this is precisely why I wanted to have this call, to raise this discussion on these points so that everyone is clear. So the thing is, the way forward would be to say that in terms of representing the number of expressions of opposition we say pass and ultimately the RALOs, when it comes to – at

the end of this we decide to draft an objection statement and have it ready for the RALOs to consider, the expressions of support from the RALOs would be documented support for the opposition. Do I have that? Is that, Adela, what you're suggesting? Yeah, so that there will be another check, indeed, because if it's not supported then the RALOs will say no and that will be that.

Any thoughts or comments from Eduardo, anyone? I'm seeing Eduardo typing...

EDUARDO DIAZ:

Yeah, this is Eduardo. I'm confused. I mean we're going to pass this based on what? I didn't get it. If you can rephrase what you said then maybe I can understand. Thank you.

DEV ANAND TEELUCKSINGH:

Okay, maybe I can try to explain it, try to summarize what Adela was saying. Given that this is a new process for the At-Large and the objection process, given that there have been some expressions the ultimate thing to do would be to say pass it; and if the RALOs were to disagree with this assessment, well, if the RALOs were to support the possible objection statement, let's put it that way, then that will be an affirmation that there were more expressions of opposition supporting this objection statement. Do you understand?

So in other words, if we say pass to this there is another check by the RALOs as to whether they truly oppose this application or not. Sorry, go ahead Eduardo.

EDUARDO DIAZ: So are you implying, or are we implying here that the RALOs are going to go through this process when they look at this?

DEV ANAND TEELUCKSINGH: They are going to look at the objection statement. Yes, they are going to look at any possibly objection statement that we decide to draft or not and then either support or not support it.

EDUARDO DIAZ: Okay, well anyhow I am in the category of passing this so I'm okay with it, thank you.

DEV ANAND TEELUCKSINGH: Okay. Yrjö, what do you want to add? Sorry, Yrjö first and then Robert.

YRJÖ LÄNISPURU: If we look at this thing from the At-Large perspective, the fact that only governments have objected to it and there is no indication, no great rage from the part of the other stakeholders – in that case I think that we, representing At-Large, we don't really have much business of supporting that because after all, governments have other channels to make their voice heard. I of course, governments represent their country in a way but why do we have this multi-stakeholder structure of ICANN and of things in the internet as a whole? I think we have to beware that we are still the voice of the At-Large and not just subscribe automatically to everything that governments are saying. Thanks.

DEV ANAND TEELUCKSINGH: Okay. Okay, well there certainly seems to be... Well thank you, Yrjö. Actually, before Robert I'm going to have to say, I need to move on to hear from only Review Group members since ultimately the Review Group members are the ones who need to make a decision on this. Well, I'm thinking here we do have... So let me ask the question. So persons like Yrjö, yeah, let's take the tally. I'm sorry, Robert, so again, you can't really speak to this right at this point in time because I really want to move forward with this thing.

So for the Review Group members, how many want to pass the criterion based on what Justine has put and what Adela has suggested? So the thing is, I'm seeing Seth is saying yes to that, a pass from Eduardo Diaz, and okay. Now, okay, and Adela is also saying pass on that as well. Okay, Yrjö, for Yrjö's suggestion – so everyone please clear their ticks now because I'm asking now a separate question. For what Yrjö is suggesting, that given that the community is different from state governments and therefore should not really be counted as considerations of expressions of opposition, can I see if anyone wishes to support Yrjö on this? Apart from Yrjö...

HEIDI ULLRICH: Dev, this is Heidi. Can you please repeat very clearly the two objections?

DEV ANAND TEELUCKSINGH: Sure. Yrjö has said that we should not pass, sorry... I'm sorry, you're right – perhaps I am confusing it. Yrjö's suggestion is that it should be a

fail, correct? Perhaps, Yrjö, you may want to just restate it for the record, thank you. Can you restate it?

YRJÖ LÄNISPURO: Yeah. In cases where we have only one stakeholder group expressing opposition, in this case governments, we should fail it especially with governments because governments have other channels to make their voice heard. Thank you.

DEV ANAND TEELUCKSINGH: Okay. So Yrjö, let me ask you a follow-up question. So what you mean therefore that this would be a fail – am I correct?

YRJÖ LÄNISPURO: Yeah.

DEV ANAND TEELUCKSINGH: Okay, alright. So let me note that down. Alright. So in terms of the first factor, number of expressions we have a fail on that from Yrjö; while others – Adela, Eduardo, Seth – have said pass. Okay. Okay.

Well, I'm just trying to think of a way to somehow speed this up because let me break down what has to happen here. I was hoping on this call to really decide that everyone had filled out their forms and were ready to just quickly give either yes's or no's to all the four factors for community objection. Now, given that we've reached an hour already and we only have half an hour left, at this rate we're not going

to be able to really go through all... I'm thinking we're not going to be able to go through all the four applications at this speed.

So this means one of two things – one, either we, the Review Group members raise any points they want to make in terms of discussion... I see Seth, you want to... I see, okay, well yeah, I'm coming to that Seth, thank you. So the thing would be this: if everyone was willing to formally submit the template.... But I have to say that's not much time. It'll be literally working through the weekend here. People would have to submit I would say by mid-Saturday, say 16:00 UTC, okay? So if I was to say 16:00 UTC by mid-Saturday I will then tabulate all this information and make sure it's all available to everyone.

No staff, [at 8:00 tomorrow] and let me explain why – the reason why is because in terms of the timeline for the process here, the objection period is going to be until March 13th. That means that if we are going to decide to draft any objection statements it has to start between now and I'm tempted to say by the end of next week, which is the 15th. Possibly we could stretch it to the 18th at the most, but then at that point... I'll answer the questions in the chat when I finish this – possibly up to the 18th at the most.

The reason why I would say the 18th is probably the last point at which we could even consider publishing an objection statement – that would give the RALOs about ten days, so that by the 1st of March they can either express support or not. My concern here is of course, if we do decide to write four objection statements there's going to be a lot of work between now and say the 15th or the 18th. So with that in mind,

I'm seeing Seth, you wanted to give us one more date – can you clarify the one more date?

Alright, how about can you suggest another appropriate time? 16:00 UTC Sunday? Okay. 16:00 UTC Sunday? Alright, I'm willing to give the Review Group members some time to do this. 16:00 UTC Sunday, Seth, is that okay? Okay. Alright, any objections to this? So the attempt is for everybody to submit their templates by 16:00 UTC Sunday and then we're going to probably have to have another call on Monday to go through and yeah, a call on Monday. So staff will then have to issue a quick Doodle to suggest an appropriate time on Monday. But I mean at that point there's going to be really no discussion as such. It's really just to... Everybody needs to have really made up their mind on these criteria and to raise discussion in the remainder of this call as to clarifications or things you want to raise up, or on the mailing list before Sunday 16:00 UTC. Eduardo, please go ahead.

EDUARDO DIAZ:

This is Eduardo for the record. So if you get everything by the 16:00 UTC Sunday will you be able to put it in the tables so we can see what the results are for the Monday call?

DEV ANAND TEELUCKSINGH:

Well, I will certainly... Well, I guess I have my weekend cut out for me. Yes, I would like to do that. I'm trying to think if we should just create a Wiki page and then put all the comments on the Wiki page, but I'm just thinking now that this would be very, very difficult to do and might potentially be very confusing. Let me [hold onto that], but I'm thinking

the best way to do it is for everybody to get their comments in by Sunday 16:00 UTC and by then I will then put all the documents together and then put up a table. I'm just thinking trying to do a Wiki page on this would be kind of very short notice at this time because then I'll have to create it and then give you time to then do it. So this was the intent of having the templates published before so that it would already be filled out.

So I would suggest let's, and it goes in both .docx and .odt. Everybody just fill it out and then send it to the list I think for others to also review.

EDUARDO DIAZ:

Okay, and this is Eduardo again for the record. And when you put this table together, is this going to happen like a vote – like the majority wins if it passes or fails? Or is it by consensus or what are we looking for, a unanimous vote or...

DEV ANAND TEELUCKSINGH:

I would like to look for consensus, obviously – this is Dev, sorry, this is Dev speaking. I would like to look for consensus on this, but obviously if... Because remember, the idea here is that this then has to reach support of the global At-Large community via the five RALOs and then for the ALAC to then consider it. So if there's lack of consensus I'm thinking and by that I mean we are split over a particular issue, it probably indicates that it would be very difficult to draft an objection statement in my mind. So I would like to see a consensus, but perhaps Olivier can give advice on that matter? Thank you, Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier for the transcript record. And I think that you've actually got the correct end of the stick on this. You have to remember that any objection statement that gets drafted by this group will then go through the ALAC itself – that's 15 members, 15 people who will be voting on this. And if there is no consensus in this group here, the chance that there will be consensus and that the vote will pass in the ALAC is also quite weak. So you do have to keep that in mind.

DEV ANAND TEELUCKSINGH: Exactly, yeah.

OLIVIER CRÉPIN-LEBLOND: That's all, thank you.

DEV ANAND TEELUCKSINGH: Thank you, Olivier. It's exactly that as well. So if we're not able to find consensus really on the way forward then it probably indicates that we should not really draft an objection statement because the likelihood of it first passing the RALOs and then for the ALAC, knowing the lack of consensus to actually then pass it would be very, very remote. Eduardo, you want to respond?

EDUARDO DIAZ: Yeah, this is Eduardo for the record. I certainly agree a lot with Olivier's assessment on consensus, so I suggest for the Monday call that if you

are able to put this table together that we just focus on those specific criteria for each one of the ones that we received and try to get consensus on the ones where we do not agree in the sense of pass or fail; so just to make the call more focused. Thank you.

DEV ANAND TEELUCKSINGH: Okay, this is Dev speaking. Just to clarify, Eduardo, so what you're saying is if we put together the table showing everybody's comments – is that what you're saying? I'm trying to understand what you're trying to say here.

EDUARDO DIAZ: Not everybody's comments. Let's say we have "Criterion #1" and then everybody says pass, we don't have to discuss that again. We just talk about-

DEV ANAND TEELUCKSINGH: Understood.

EDUARDO DIAZ: Okay, thank you.

DEV ANAND TEELUCKSINGH: Okay, I get you. Right, so on the call on Monday, once it's a pass by the majority of the Review Group members then we don't have to have an extended discussion on it or a re-expression or have anybody explain it or anything like that – okay, I get you. Alright. Okay, so we have about twenty minutes left and again, so let me just ask the Review Group

members, in your course of going through the template do you have any particular concerns that you want to have brought for discussion?

So let's start off with .amazon; let's just stick with .amazon first and then I'll move over to the other applications in mind. So and did anybody have any particular comments for .amazon in terms of still in substantial opposition, targeting, and detriment? Let me just ... And while everybody's thinking about that, let me just... Justine was probably most complete in this, in that – and everybody has her comment for the record.

So if you look at the detriment consideration for .amazon, she has indicated fail for all of them and so I just wonder does anybody have any observations to whether they support it; or when they read that they agreed with that or not? I just want to get a sense of what people are thinking and what are their opinions of that, and again, just also so we can be sure because once we submit the forms on Sunday there's not much time for any extended discussion after that point on Sunday.

And I'm just... Ah, Eduardo, so sorry, I didn't see... Sorry, go ahead.

EDUARDO DIAZ:

It's okay, this is Eduardo Diaz for the record. The hardest part I have with this form is this last part, detriment. When I look at the first one, at least from the Amazon's point of view it's hard for me to find out in the comments how this is going to damage or the nature of damage to the reputation of the community. I'm not sure where it is, thank you.

DEV ANAND TEELUCKSINGH: Okay, Eduardo, okay, thanks for that. Did somebody else have their hand raised? Yes, Seth, my comment was what Justine has posted for the detriment, under the detriment criteria. She indicated fail and gave some explanations, and I just wanted to hear people's thoughts and opinions on that. So yes, we are talking about the detriment criteria for .amazon.

I see Seth is typing and Robert, at least your comments are... You're typing into the formal part of the record for everyone else to review, so thanks for putting the comments on the chat. I'm just waiting on Seth to finish typing about detriment. Ah, okay – do you want to take the floor, Seth?

SETH REISS: I appreciate it. I'm still formulating my thoughts but it seems to me that you know, that it's not simply a matter of thinking, of considering whether the community has demonstrated an interest in using a top-level domain in the past. It's also considering whether as communities become more sophisticated and technologically adept they will be missing out because they won't have the string as a top-level domain to rely on in the future. And I think it may be our obligation as an ICANN constituency to preserve that economic and non-economic opportunity for them going forward if it's clear they should have that opportunity as being the [string] name of an important and legitimate community.

DEV ANAND TEELUCKSINGH: Okay. Thanks, Seth, and I think that's something for us to really consider. Any thoughts, Eduardo?

EDUARDO DIAZ: This is Eduardo for the record. I hear what Seth is saying and I agree with that, but are we to debate our comments and the results of the comments we have received? Or are we thinking ahead and that it might happen? That's where I'm getting confused. It's like the previous one – are we looking at the number of comments we received or are we looking at the number of people who are represented in those comments?

DEV ANAND TEELUCKSINGH: Okay, that's a good question, Eduardo. So okay, well if you read what was said in the Applicant Guidebook it says here that the objector must prove that the application creates a likelihood of material detriment to the rights or legitimate interest of a significant portion of the community to which the string may be explicitly or implicitly targeted. So I guess I would say, Eduardo, as something, I would say I guess it is based on what you consider to be the community, how you recognize the community that has expressed opposition and the criteria for substantial opposition. But I think I agree with you and I agree with Seth here as well – this detriment part I think is probably going to be the hardest one to resolve clearly.

But let's hear some other thoughts or opinions and a discussion on this. Adela, do you want to say a few words on this? I'm seeing you're typing in the chat, so I'm just thinking so we'll be faster. Okay. So the key word, just for the record Adela has posted that the key word here is being "proved." So alright. Well let me ask a question here. Now, this call was supposed to be 90 minutes so I just want to regretfully extend

this a further ten minutes just so we can at least try to cover any comments or concerns on the other criterion for the other applications.

So okay, and I'm seeing some comments here from Seth Reiss who states that "For example, in trademark law a generic word is not eligible for ownership by any one person. The detriment is proven by economic [theory] – one need not award the generic word to a commercial firm to find out what happens." Hm... I'm glad this discussion is happening, I must say, but I mean and well wow, Olivier is on the ball there and has pointed to the recent public comment period opened up by ICANN on the closed generic gTLD applications – thanks for that, Olivier. I think that what your comments are against what's considered to be closed generic strings, and as you know the public comment period as just been announced and ALAC has also now posted a link for person's to make their comments in that on this aspect.

Okay. Well, can I ask a quick question? Let me ask a quick question on... Does anyone have any particular comments on the other applications? I mean I think we wanted to spend about ten more minutes again on this call, and apologies – I'm sure there's some observers wanting to hear some discussion of their strings but unfortunately we have not quite had the long time. So can I ask if anybody wishes to state for the record and I'm asking the Review Group members, I should say, I'm not really asking the observers as such. Does anybody from the Review Group want to mention any other questions or concerns regarding the .nyc, .patagonia, the various applicants for .health?

If you had gone through the evaluations that raised the question that you wanted to hear other Review Group member's opinions? I'm seeing lots of people typing which is good for the chat record, so... Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: If I can unmute myself, hello?

DEV ANAND TEELUCKSINGH: Yes, you have unmuted yourself.

OLIVIER CRÉPIN-LEBLOND: Okay, fantastic. Thank you very much, Dev, it's Olivier for the transcript record. It's interesting – I'm just going to comment on the fact that there is a question with regards to generic words being used as TLDs, and the question has actually been asked by the Board. So in addition to what you have here this somehow is also, might also take into account any discussions that are made in the New gTLD Working Group with regards to names which are not TLDs, not our common words. Unfortunately for those of you who thought there was going to be an easy answer to this one, there isn't because the opinion is divided also in the New gTLD Working Group with some people saying that battle is long past; some saying there needs to be something done – not a clear point at all.

DEV ANAND TEELUCKSINGH: Indeed.

OLIVIER CRÉPIN-LEBLOND: So we are somehow stuck, and there is a question with regards to registered trademarks and trademarks. I don't have the details. I don't know if Amazon itself would be a registered trademark or whether it just is a trademark that Amazon basically considers to be a trademark; or if the trademark is actually Amazon.com – in which case, if Amazon.com was to apply for .amazon it would really have to go to apply for .amazon.com. But hang on, it's already got amazon.com.

DEV ANAND TEELUCKSINGH: Exactly. Yes, you've touched on very eloquently the difficulty and the dilemma of sorts.

OLIVIER CRÉPIN-LEBLOND: So since Seth is an expert in those matters I gather that he's not going to sleep for the next 48 hours or so and find a universal answer for that. Thank you.

DEV ANAND TEELUCKSINGH: Yes. [laughing] Oh no, you can't sleep now. Okay, so going back to the questions here. I'm glad to see that people are typing in and having the discussion on the chat but I just want to ask again, does anybody have any initial observations or thoughts regarding, let's move on to the other applications, just to briefly... Like .nyc, the City of New York responded which is the applicant for .nyc, and also I believe there's also been several responses by Thomas – and sorry, I'm just trying to find the page with .nyc here.

So there's been two comments within the past 48 hours on this, so I'm just going to point that out to the Review Group members so that they can review it and if you have any questions... I see Olivier, sorry Olivier, go ahead, I was just switching back and forth. Go ahead. Olivier? Oh, is this the hand from your previous...

Okay, Olivier, in case you're probably muted again, or so *7 to unmute. Or I can make the assumption that you haven't... Oh I see, Olivier dropped. Ah, well, okay. Well while he tries to come back in, thank you Gisella, I noted that well like I said, for .nyc there was a comment from the applicant and I believe Thomas has also posted a response to this. Does anybody wish to ask any comments or questions on .nyc? Let's see, one, two, three...

Okay. No problem. Okay. So any other comments? Let me ask Yrjö, please go ahead. *7 to unmute.

YRJÖ LÄNISPURU:

Yeah, Yrjö Länispuro for the transcript record. A question to Thomas: I read your latest statement on the Wiki where you said that you are considering favorably joining the advisory board of this .nyc. Does that mean that you are dropping your objection?

DEV ANAND TEELUCKSINGH:

Thomas, you can reply if you wish. *7 to unmute. Okay, I see Thomas is thinking, and thank you, Yrjö, for the question. The question from Thomas – “Is it possible to rescind an objection?” Well, first of all, Thomas, this is Dev Anand speaking. Again, there's no real decision here as yet to even begin to draft an objection statement so the answer

is there's nothing to do, there's no objection statement to rescind or anything. We haven't made a decision whether to draft an objection statement or not. So is it that you would then wish to withdraw your objection comments? You could say based on the circumstances you have changed your comment and then you can say you're no longer interested in considering it.

So the answer is Thomas, you can of course obviously state for the record that if you're planning to now have no further grounds for objections or something like that. But I don't want to put words in your mouth. This is up to you to say. Thomas is typing in the chat. Well, okay Thomas, well this is Dev. Let me just say that we're already running on a very, very tight deadline here, so if you are considering I would like to have a response before, I would say, I'm tempted to say within the next 24 hours. The reason why is because if we are submitting all of our comments, we are filling out the template by Sunday 16:00 UTC it would be good for us to have that information before so that the Review Group members can take that into account or not. If not we'll be going with what the comments that have been made on the Wiki as is. Okay?

Alright. But so your comments still stand as is on .nyc. So again, for the Review Group members take a look at the applicant's response and Thomas's, well not really a follow-up to that but an additional comment. So does anybody have any particular comments they wish to make regarding the other application for .patagonia? I do want to end the call at this point here because it is now going beyond ten minutes beyond the 90 minutes we originally allocated for this call. So if anybody has any particular comments or any questions they want to ask regarding

.patagonia and .health now is the time to do so before I then formally close the meeting.

Does anybody have any questions, comments, or concerns? Adela, Eduardo, Yrjö, Seth? Going once, going twice, going thrice... Okay. Any questions or comments from any of the observers before I formally close this call and outline the next steps and action items? Okay, going once, going twice, going thrice... Okay. There being no comments here, first of all I know this is going to be a crunch time for all the Review Group members but this has to be done.

So the action items are everyone, all the Review Group members are to fill up their templates, and I posted on the list in both Word .doc files and [Open Office], whichever files you wish to use by all means use it and indicate whether... And go through all of the applicants that we have received – the one on .amazon, the one on .nyc, the one on .patagonia, and the five applicants for .health unless you wish to group them, I'm talking about the five applicants for .health, whether you think the community objection should be sustained for each of those applicants.

But the thing is we only have until Sunday, 16:00 UTC. If there's not enough comments or people haven't filled out the templates at that point I would say therefore that we don't have enough agreement to move forward and we will not consider drafting a statement, if there are not enough people filling this out. Again, we've been going through this for the past few weeks now so this is really the key crunch time to actually put this in writing, to fill out that template for each of the applications.

We're going to have a call on Monday but by then I will have tabulated everything and then the decision will really be to then literally say we are or are not going to proceed with drafting any statement. Is that understood or does anybody wish to make any further questions or comments? Going once, going twice...

HEIDI ULLRICH: This is Heidi – how long? A 60-minute call?

DEV ANAND TEELUCKSINGH: Sorry?

HEIDI ULLRICH: Will that be a 60-minute call?

DEV ANAND TEELUCKSINGH: That will be a 60-minute call yes, because at that point we'll just be looking at the scoring from the templates that everybody has filled out and based on that we are going to just make the decision to draft the objection statement and then look at next steps... Well, whether we decide to do so or not and then the next steps and the timeline for trying to finish that objection statement or potential objection statement I should say. Okay? So a 60-minute call.

Okay, so now that we've been on this call for an additional 15 minutes beyond our 90 minutes, any other business that anybody wishes to raise or questions? Seeing no other response other than saying... I'll just wait for Eduardo to type in. Right, good.

So there's just one final observation. If anybody wishes to make a chat or discuss any matter with me I'm on Skype. I will make extra effort to be online most of the time and answer any questions or anything of that sort. So again, the key action item is please submit, please fill out the template for all the applicants for the various four strings by Sunday 16:00 UTC. Okay?

With that, and I thank you all for attending the call and for everyone to... And hopefully we will have some final decisions on Monday. Okay then, thank you all and have a good evening and I look forward to seeing all the templates by Sunday 16:00 UTC. Thank you very much, the call is now adjourned.

[End of Transcript]