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GISELLA GRUBER: Thank you. Good morning, good afternoon, and good evening to everyone on today's New gTLD Review Group call on Wednesday, the 20<sup>th</sup> of February at 17:00 UTC. We have Dev Anand Teelucksingh, Olivier Crépin-Leblond, Kenny Huang, Garth Bruen, Adela Danciu. We have apologies from Fatimata Seye Sylla, Aziz Hilali, Justine Chew and Dave Kissoondoyal.

From staff on today's call we have Silvia Vivanco and myself, Gisella Gruber. And Alex Kondaurov has just joined us as well. If I could 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, and indeed a good morning, good afternoon, good evening to everyone. On the agenda for this call is just to summarize what has happened since the last Review Group call. The last Review Group call on I think it was Wednesday, time is now coming into a blur – on the last call we made several decisions given the ranking of the community template that was initially designed by Adela and which I improved on a little bit.

And well, most of the members responded and ranked each factor of the four criterion. And based on that only .health was there a consensus for that – based on the comments received it matched all four criterion. It passed all of the well four criterion for community objection, and the others such as .nyc, .amazon, .patagonia – while community and substantial opposition did get passed it was the

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detriment criterion which did not pass. And therefore the decision was not to draft an objection statement.

Well, subsequent to that I compiled the notes for what each Review Group member had put for the .health in terms of the factors and for each of the criterion, and I had requested that [Antoine] from the IMIA to help fill out the community template. And actually this was done but literally just sent about I would say twenty minutes ago so I haven't had a chance to even look at it yet. He did send it to the list and I'm trying to find the link to that on the list so we can probably put that up in the chat.

However, what I did do, I asked Adela Danciu, Justine and Seth given their legal experiences and as a way to jump start it, to just work on a preliminary document or a preliminary draft to try to incorporate the objection statements to any of the applicants for .health. This has been done although it's obviously very preliminary, and I've posted the link in the Google Doc. So we have the preliminary Google Doc and we also have to now look at what IMIA posted.

Any initial thoughts or comments from the Review Group members? Going twice... Okay, I see Garth, I see you've mentioned that there's a serious problem in terms of, well, with the document you've received, that it leads with the statement "Objection is filed on behalf of the global public health community." And you're saying that you don't know if the objector can really effectively, well, demonstrate that. You want to just take the floor to mention that?

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GARTH BRUEN: Yeah sure, this is Garth – thank you, Dev. In reference to the documents that Dev was talking about that were just sent twenty minutes ago, I feel like it goes too far as it's written. I don't know if the objector can claim that he's speaking on behalf of the global public health community.

DEV ANAND TEELUCKSINGH: Well Garth, just to take a look, I did draft what I put as the community here in the Google Doc. What are your thoughts about that in the framing of that objection statement?

GARTH BRUEN: I haven't had a chance to read that one. I'm going to open it up and try to catch up.

DEV ANAND TEELUCKSINGH: Sure. Let's see... Well, Adela, since you're saying you have to leave in about 20 minutes now do you have any initial thoughts or comments on what was sent my IMIA?

ADELA DANCIU: This is Adela. Sorry but I haven't had the time to read through all the documents that were received so I can't really comment at this moment. I will read it tomorrow and maybe incorporate some of the ideas expressed in the document within our objection statement.

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DEV ANAND TEELUCKSINGH: Okay, thanks, and I think this has always been the challenge of the Review Group – sorry, this is Dev speaking – that whenever we try to say, ask, request for comments or something it literally comes in I would say like an hour before the call. And of course it makes the call difficult because now most members simply have not had the opportunity to have read it and then come to the meeting better prepared.

One of the other things that I thought was interesting that's happened overnight was that there was a post on Circle ID that was posted, and I'll post the link again; and it talked about how the community objection, well, what needs to happen for an objector to prevail in a community-based objection. And actually I would say that it agrees I think a lot with how the Review Group has approached the process. It's a very stringent test set up that needs to be applied to both the community, substantial opposition, targeting, and the detriment.

And again, it was very interesting to read the part about the material detriment, and this is the same criterion which is giving us the most difficulty in defining I think as to what exactly is the material detriment to the rightful interest of the significant portion of the community to which the string may be explicitly or implicitly targeted? So that was also something interesting that I think we should all take a look at.

And at this point I think I'd like anybody's first thoughts in terms of what was done by Adela, Justine in the Google Doc and also what was posted by Antoine. Given that we just only now got most of this information together maybe this call doesn't have to be a very long call, but I think if there are any red flags that we need to look at or any concerns, seeing

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this information for the first time is there something that we have overlooked or we should be cautious about?

CARLTON SAMUELS: This is Carlton, Dev. I can't get into the AC room so I can't see what's on there. I'm having some difficulties this morning getting onto that stupid thing.

DEV ANAND TEELUCKSINGH: Oh dear.

CARLTON SAMUELS: My thing is you know, if we agree to look at the new information then we need some time to look at it. So I would suggest that if the agreement is, the consensus is that we should embrace the new information as part of the decision profile we should then conclude this call and take it up some other time.

DEV ANAND TEELUCKSINGH: Understood, I agree. Yes, again, this is the problem when we have the information now coming in. It's really hard to process it in time for this meeting, to really look at it carefully and then come up with the appropriate answers. And this might be a very short call.

There are two other aspects I should mention. There is of course our next conference call would be on Friday, and by Friday I think we need to have some sort of statement ready for proper review. And the reason why is because our timelines are now very, very tight because of

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the amount of extra time we've taken to try to get additional comments from At-Large and so forth. The normal time that we would have normally taken to come up with a statement – two weeks – is now literally well, just about a week instead of the two weeks. Oh, I'm sorry Garth, go ahead. You may be muted, Garth, \*7 to unmute.

GARTH BRUEN:

I'm sorry, Dev. I didn't mean to interrupt what you were talking about, I was just putting my hand up in the queue. If you want to keep talking and come back to me, finish your statement that's fine.

DEV ANAND TEELUCKSINGH:

Okay, sure, thanks Garth – this is Dev speaking. So if you look at the timing the objection period is ending on... The ICANN deadline for the objection period ends on March 13<sup>th</sup>. That's when all objections must be filed with the dispute resolution service provider using the form prescribed which is a doc file, and that link has been posted on the list before; and also more importantly, as part of the filing that they get the payment fee of €5000. So it does take, I mean I imagine it'll take ICANN some time to actually coordinate the actual payment so we can't leave it until the very end for ALAC to do this.

My thinking of the timeline is this: by Friday, on the Friday call we look at the objection statement and we should have one completed. And there's been again, some great work already done by Adela and Justine. They have put in some work on the substantial opposition part and the targeting part, and now we have this new information from the IMIA. We can then look at bringing that in and putting together a statement.

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So perhaps even before we can try to have some comments on the list before then so that by Friday we'll be better prepared.

By Friday, if we get the template of the generic objection statement approved we can then apply it to all of the five applications for .health including [.jiànkāng] which is the IDN application for, well I believe it translates to “healthy” rather than “health.” Once we take the generic objection template on the 22<sup>nd</sup> we'll have literally until the 25<sup>th</sup> to present to all the RALOs: “These are the final objection statements and you need to review them and notify the ALAC whether you support the objection statements by the 5<sup>th</sup> of March.” So that leaves literally about eight days for the RALO review.

Then that would be the ALAC a conference, which I will recommend a conference call rather than an online vote, to have a conference call to then look at the RALO advice and then decide whether to file the objections. And that can happen like say either the 6<sup>th</sup> or the 7<sup>th</sup> of March. And then based on their decisions then file the objections or don't file the objections based on the RALO review and the ALAC review. So as you see the time is now very, very difficult. So if you're unable to accomplish a statement by the 22<sup>nd</sup>, I'm thinking... Well, perhaps we'll cross that bridge if we have to cross it. So the thing to do is to really try to have that objection statement finished by the Friday call.

Right, so now that I've finished outlining the timelines and the critical deadlines, Garth, now you can take the floor.

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GARTH BRUEN: Thank you, Dev, you're doing wonderful work – this is Garth. I was just wondering, and I dropped these items in the chat: I didn't realize until I read some of the most recent meeting notes that the objector would be involved on our next call. And I was just wondering if the applicants have been contacted, given an opportunity to rebut anything or if they will; or if that's something that's just not going to happen in this phase or if they have declined. Thanks.

DEV ANAND TEELUCKSINGH: Okay, thanks Garth. Well, I mean the intention was if an objection statement would be drafted we would work with the comments from the community to come up with this objection statement. And in terms of really contacting the applications directly, that's not really happening in this process as such. Again, because I guess the problem would be what exactly would be... Well, the process didn't allow, we didn't develop the process for that, to communicate with the applicants and to well, "These are our concerns, etc., what do you want to do about it?"

The process really didn't have that kind of dialog happening, mind you there's nothing stopping them from actually commenting on the statements on the Wiki and so forth; and in fact, that's precisely what happened with .nyc, where the applicant noticed the comment and made its own comments on the Wiki and so forth. So there is that mechanism for the applicants to actually respond and let the At-Large community know what is happening. But there's no formal letter being sent to them and so forth.

Okay, I hope that answers that part of the question. Let's see... I see your hand still raised, Garth, did you have a follow-up?



GARTH BRUEN: This is Garth. I do and unfortunately my Adobe has been crashing all morning and I can't put my hand down, so I'll just make this comment and then you can ignore my hand. So I mean forgive me, but it seems like we're getting into an area where we've kind of given the objector a second opportunity to add more comments to an objection they already submitted. I mean that's just my take on it. And I know that the applicants are free to comment and whatnot, and I'm just wondering if any of them actually have – if any of them have reached out to the objector as they did in the case of .nyc, and how they would know about it unless they were actively following it. Thanks.

DEV ANAND TEELUCKSINGH: Thanks, Garth. In terms of .nyc, I think because they were on the global... I mean and that's part of the notification system, where we notify the global At-Large list and all the RALO lists and so forth. That's how .nyc, the applicant for .nyc responded on the Wiki and so forth. So again, there is no formal negotiation because then the problem then becomes what exactly do you negotiate until you have something definitive to put down as to what it is we want to object to and so forth.

It may be by the time we publish our objection statements, hypothetically, right – if we publish our objection statement to the application, by the time the RALO review happens and so forth perhaps the applicants can then respond to it. And then the ALAC itself can then look at those responses and decide whether to, if the advice of the RALOs were to accept the objection statements, well based on any new information to actually accept the RALO advice or not. And the problem

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is of course, I mean the problem is of course on March 2<sup>nd</sup> through March 4<sup>th</sup> I think the initial evaluation results will be released, the GAC advice or potential warnings against applications will also be published in terms of “We want the advice to go in on these applications.” All of that will be coming into play, and of course the independent objector may also then be wanting to publish some information.

So it’s all of these factors that are taking place and of course all of these unknowns. So by the time the ALAC looks at it all of this information may be available to the ALAC, and then the ALAC can then take the appropriate steps on whether to actually continue with the filing of the objection or not. So there are a lot of unknowns in this objection process, because I mean there’s the GAC, there’s the independent objector. And the independent objector doesn’t communicate with the applicant. They actually have to publish a statement first and so forth.

So and I think, I’m fairly certain that... I’m just fairly certain that the applicants are aware. I think it was even mentioned on the website, or the [domain in site .com] regarding the ALAC and the applications, the potential for rejecting to the applications for .health. I see it’s already updated on the ICANN Wiki which is also a third-party site. So I would say that a lot of people who are in the ICANN community anyway are informed, so I would say it’s highly likely that the applicants are aware.

Okay, so let’s see... Okay, so now that that’s... Well, so anybody has any concerns or questions regarding the timelines? We have to have the statement ready by Friday, which is the 22<sup>nd</sup> in time for our call, and then by Monday we should have all the statements ready for RALO review by Monday, which is the 25<sup>th</sup> of February. And they would have

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up until let's say the 5<sup>th</sup> of March to formally approve or disapprove, and then the ALAC will then have its review on say the 6<sup>th</sup> or the 7<sup>th</sup> of March so that any possible actions to file objections can happen before the 13<sup>th</sup>.

And just to answer the question Adela posted in the chat, yes, separate objections have to be filed, separate filing fees have to be filed for each of the applications. So we will be applying to the four applications for .health and the one for [jiànkāng] which is the IDN for “healthy.”

Okay. Alright, anybody else who wants to raise any questions or concerns? Carlton, sorry? Okay. Okay, well then if nobody has any further questions or thoughts then that link, that Google Doc link, I'll email that to the Review Group members so that everybody's aware of it. The reason why I'm using a Google Doc is because it's easier for multiple people to edit the document at the same time as opposed to a Wiki where, well a Wiki is once somebody edits that page it's locked. So I will post that Google Doc to everybody, and I will allow persons editing access to that they can make editing suggestions and so forth, so that we can have hopefully by Friday a statement incorporating all of what the IMIA has posted and all of the comments that we are putting in.

And then on Friday we can look to see whether this meets our approval or not, okay... To answer Adela's question, is there another application for .healthy? I think if there's any other application, if that's what you're asking, I don't believe there are. I could be wrong but I don't think there are any other calls for, any other applications for .healthy in the regular ASCII script so to speak. Yeah, okay. Okay, well good, well so we do have... So does anybody have any comments to make? Again,

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this is your call here. So going one, going twice, going thrice... Okay, great.

I think that there being no other concerns or questions, so our next call is on Friday. Do make an effort to attend and obviously before, let's take a look at this Google Doc and then see if we can do our editing, our homework and see if we can come to an approval statement for RALO review by Friday. And thanks, Gisella has posted the time for the call – Friday, 22<sup>nd</sup> of February, 16:00 UTC. Okay. Alright then, in that case I will adjourn the call. And thank you very much, and one more major milestone to accomplish and I'm confident we can do so. Okay, thank you. That's it.

OLIVIER CRÉPIN-LEBLOND: Thank you, Dev, very efficient.

DEV ANAND TEELUCKSINGH: Well the timing is on, as I say.

[End of Transcript]