DEV ANAND TEELUCKSINGH: Okay, well I think let's start the call now then. Nathalie, can you begin the recording and do the roll call? Thank you.

NATHALIE PEREGRINE: Of course, Dev. The recording has been started. So good morning, good afternoon, good evening. This is the New gTLD Review Group call on Tuesday, the 12th of February, 2013. On the call today we have Dev Anand Teelucksingh, Olivier Crépin-Leblond, Eduardo Diaz, Garth Bruen, Kenny Huang, Alexander Kondaurov, Dave Kissoondoyal, Robert Pollard and Seth Reiss. We have apologies from Fatimata Seye Sylla, Adela Danciu, Yrjö Länispuro, Aziz Hilali and Carlton Samuels.

From staff we have Heidi Ullrich and myself, Nathalie Peregrine. I would like to remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you, Dev.

DEV ANAND TEELUCKSINGH: Thank you, Dev Anand Teelucksingh speaking, and just to confirm is there anybody else that Nathalie has not mentioned in the roll call? Please say so now. Going once, going twice… Okay, with that silence I assume that the roll call is accurate.

So the next item on the agenda is a standing agenda objection, a review/update on all the Review Group statements of interest. To date there has been no new changes. Those following the previous Review Group calls have noted only an update in change of status, that being

me – since I've now become an ALAC member since the end of the Toronto meeting although no one has raised any concerns that this is a possible conflict of interest. Does anybody wish to update any statements of interest from the Review Group members? Going once, going twice, going thrice… Very well.

Okay, thanks. So the next agenda item is the review of the last New gTLD Review Group call. Well, on the call on Friday we attempted to go through the community objection template and tried to do the ranking, and this took a lot longer than initially thought. There was also some discussion on certain factors of the community objection criteria. So what I asked as Chair is for all the Review Group members to post their templates onto the Wiki or onto the New gTLD Review Group list by 16:00 UTC Sunday. And I have to say a huge thank you to everybody who responded. We got a lot of responses and we'll go through the rankings later on in the agenda.

I also posted a summary of the Review Group's Friday call and I had originally scheduled this call to be on Monday but I had forgotten I had prior commitments, and so wanting to do a proper tabulation of all your submissions I rescheduled it till Tuesday. So I'm glad that a lot of the Review Group members were still able to attend this call even though it was already on short notice.

Okay, I think that's about it in terms of the summary. I can go through the entire last call but I don't want to spend too much time. Does anybody have any thoughts, comments, questions from my summary? Going once, going twice… Okay, excellent, so that was the summary from the last Review Group call.

EN

Okay, so with everybody submitting their templates – and I have to thank Adela for initially coming up with the idea; I only just really refined it – a lot of members have posted their scoring of the various factors for each of the four criterion for community objection grounds. The first one was for .amazon – let's take each one in turn. So and actually, Nathalie, is it possible to put up the scoring for .amazon? I'll post the link there so that it can be put up in the AC room. Of course people can open it from the link.

Okay. So while the link is going up let me just run through what I did. I gave each Review Group member initials, and then for each of the community objection grounds pages, the four tests, I put each of the factors in the table and have on the right-hand side the column for each Review Group member and whether they passed the factor, gave a grade of fail for the factor or put "unclear" or not applicable.

So let's look through the first community objection grounds for .amazon, I have to say there was mostly consensus that… In fact, I think it was only Alexander having unknown for the number of people or entities that make up the community was the only difference, but everybody else had ranked level of public recognition as a pass, level of formal boundaries around the community a pass, the length of time the community has been in existence pass, and most ranked not applicable the global distribution of the community; and ranked pass for the number of people or entities that make up the community.

So I think that this is fairly clear, so most of the Review Group members believe that this first community criterion has been met. Anybody has

any questions, thoughts, comments? Going once, going twice, going thrice… Okay.

So let's move on to the second one, substantial opposition which is the second community objection grounds test for .amazon. I would say most people ranked the first three factors as pass, meaning the number of expressions of opposition relative to the composition of the community; representative nature of entities expressing opposition and the level of recognized stature or weight among sources of opposition. Where we have some differences, let me just see if that is truly correct here… In terms of distribution of diversity, more members expressed a fail on this part whereas only Eduardo and Seth Reiss expressed a pass on this factor. But I mean in terms of the number of members ranking it as a fail grade were seven, seven to two with two unknowns.

In terms of historical defense of the community in other contexts there was also I think consensus on this – only Justine Chew had ranked it as unknown in this regard. All the other members gave it a pass grade. And then we come to the cost incurred by the objector in expressing opposition. So there was a discussion already on the Review Group list about this topic. My observations were that I think the intent here was for the costs incurred by the objector was in terms of what they did in the form of objecting, in that did they hire paid lawyers, did they set up a website – so therefore there's costs incurred with that; you have to pay lawyers in most cases, you have to pay website hosting, you have to pay for a domain name. Maybe they did a door-to-door campaign and that requires people to be paid to go around with the clipboards, tablets, whatever and capture opinions and so forth.

And my observation, if it's the ALAC/At-Large that is going to be doing the objection the strict financial cost to the dispute resolution service provider is financed by ICANN. Of course there's the volunteer time that all of us have been putting into this process and I think that's a cost that could be mentioned. Oh sorry, Eduardo, please go ahead.

EDUARDO DIAZ: Yes, this is Eduardo for the record. When I was answering these forms I did really look into some (inaudible) to support, fail, pass, and it concerns me that other members in other forms that I have seen say pass or fail, but I didn't see a reason for either one. And I would like to understand for my own sake and to understand the process, based on what they fail or pass? It gave me the impression, and this is just my personal impression, that they just answered a question based on I don't know. It was hard for me to understand whoever didn't put a specific reason – who only had pass or fail – because in this case for substantial opposition I found some historical defense of the community in a different context. And I say well, that's why I passed this based on that, but I just want to add that, thank you.

DEV ANAND TEELUCKSINGH: Okay, thanks Eduardo, this is Dev Anand here again. Is there a particular factor you wish to raise a query on now in the substantial opposition?

EDUARDO DIAZ: No, no, maybe later. Thank you, this is Eduardo.

DEV ANAND TEELUCKSINGH: Certainly. Certainly, and we have some members here so they can explain any rationale as to why they chose to pass it or not. So where was I…   So in terms of the cost incurred by the objector I was saying that yes, all of the ALAC, the actual fees that are being paid to the dispute resolution service provider are being covered by ICANN but I would say that the volunteer time and the several hours for these calls and so forth is probably a cost incurred; and of course, the time it takes to get opinions from the At-Large community and so forth and so forth. I don't know if you can attach a financial figure to it but I think it can't be denied.

In terms of the targeting criterion, most people I would say gave it a fail in terms of the factors statements contained in application, other public statements by the applicant – and for those two factors. And in terms of the association by the public most persons gave it a pass grade there. Eduardo, go ahead.

EDUARDO DIAZ: Yeah, this is Eduardo. Like for example in this case for targeting, we have statements containing the application – I believe statements are contained in the application of the company. I mean the way I looked at it is the statements are contained in the application by the people who are requesting .amazon. And if you look, .amazon is a [straight], there is a straight decision between that name and that region of the world, it's called The Amazon in Latin America. So I don't see why, it's very old, so that one within that respect. I'm just curious. I just want to hear from

other people why they gave it fail just so I understand where they're coming from, thank you.

DEV ANAND TEELUCKSINGH: Certainly. That's a fair question, Eduardo, and does anybody wish to answer Eduardo, why in terms of the targeting test the factor statements contained in application – why a majority of persons gave this a ranking of fail rather than, and only Eduardo and Adela gave it a pass? Let's see… I guess I'm going to just have to call on someone. Okay, Seth Reiss, you gave a fail to this. Would you like to take the floor to answer?

SETH REISS: I'm sorry, my attention was diverted. Can you tell me which one we're looking at?

DEV ANAND TEELUCKSINGH: Sure, under the third one, targeting, for .amazon, the statements contained in application – Eduardo is questioning why did other persons… He gave it a pass for this factor, statements contained in application whereas you ranked it a fail. Would you like to take the floor just to say why you felt that…

SETH REISS: Yeah, it's probably because I interpreted the criteria as statements in the application directed to the region as opposed to directed to the word. And you know, I will also acknowledge that I haven't read the

application.   I would assume that the application doesn't direct statements to the region of the Amazon, but I may be wrong on that.

DEV ANAND TEELUCKSINGH: I see, okay. This is Dev, thanks Seth. Okay, Eduardo, well you've heard Seth's explanation now, so…

EDUARDO DIAZ: Yeah, I was curious why somebody else gave it a fail. Thank you, thank you Seth.

SETH REISS: I mean I don't know what was intended. You know, Dev, these criteria were extracted from the Guidebook, I understand…

DEV ANAND TEELUCKSINGH: Correct.

SETH REISS: So if we're misinterpreting this criteria then of course we're giving the wrong answer.

EDUARDO DIAZ: This is Eduardo again, Seth, I'm sorry to interrupt but when I look at it I look at the end, it says a [proposition] by a community determined where there is no strong association between the community and the applied, but I see a strong association between the community and the string because it's all the same - .amazon.

SETH REISS: Right, I agree with that. So I may be, I may be misinterpreting the question. I think the issue is what was intended by the criteria and I'm not sure we know. Dev, can you shed any light on this?

DEV ANAND TEELUCKSINGH: Okay, this is Dev. Well, I have to admit that I interpreted it more closely to I guess what you said, Seth. It has nothing to do with the application, just setting aside .amazon for this example – the applicant is saying they're going to use these characters for this particular purpose. It has nothing to do with targeting this other community or whatever. It's not intended to even remotely mean that. It is meant for this particular purpose and it's not really intended to be targeted toward this community. I would lean more towards your interpretation of it – that is how I interpreted it. Go ahead.

SETH REISS: So .patagonia would be the same – they're using it as a trademark and not to target the community. .nyc would be intended to describe the community. On the other hand, I'll jump to the chase. I know that that's not the intention here, but basically if you go through these criteria and answer them honestly or objectively nobody wins but I'm still in favor of lodging objections to certain strings including this one. So there's a dilemma here in terms of manipulating answers in order to reach a result. I'm very clear on the result I want to reach; on the other hand if I interpret this criteria objectively I think I have to fail it the way I understand it. And so to that extent perhaps the process is flawed

because it's fairly clear to me that simply because the applicant doesn't intend the string to focus on the community should not be sufficient reason to not lodge an objection. So it is my feeling that the way the criteria is created it creates a somewhat flawed process. So for what that's worth I'm still going to be in favor at the end of the day of voting an objection but I know that's jumping the gun here.

DEV ANAND TEELUCKSINGH: Yeah it is, but thanks, Seth. And I mean I think obviously a lot of these observations need to be passed to the New gTLD Working Group because I think, and then perhaps again, as it is regarding like for one example, the closed generic TLDs which is now undergoing a public comment period, all these types of issues could be brought up that the criterion that's stated for this in the Guidebook is just too strict or it needs to clarified.

SETH REISS: Yes, too restrictive.

DEV ANAND TEELUCKSINGH: Too restrictive, okay. And that could be up for discussion but I guess after the process, well after this objection period process because this is the criterion that's going to the dispute resolution service provider. They are going to look at this and I'm quoting from this, so if the dispute resolution service panel I should say, sorry, the provider does evaluate it he's going to evaluate it precisely to this and not on any other grounds. So I guess we have to make sure we are following the community objection grounds clearly, as directly as much as possible.

SETH REISS: Perhaps, but if you look at the statement on the bottom of this section, opposition-

DEV ANAND TEELUCKSINGH: Yes, [opposition by a community].

SETH REISS: And it's determined that there's no strong… I would argue that there's a very strong association notwithstanding that the first criteria may not be met. In other words I still find the conclusion to be a pass.

DEV ANAND TEELUCKSINGH: Okay.

SETH REISS: I mean I'm not so sure you need 2 out of 3 or 3 out of 3 to pass it. I would argue that you have that strong association which is obvious notwithstanding the no targeting by the applicant.

DEV ANAND TEELUCKSINGH: Okay, fair enough. And I guess ultimately after going through all of this… And again, it's good to have these kinds of question and thoughts here. Eduardo, your hand is raised, sorry.

EDUARDO DIAZ: Yeah, this is Eduardo for the record, thank you Dev. Seth, I thank you for the clarification. When I looked through the forms I answered some of these questions from a different point of view, so it's good were having this discussion – it makes a lot of clarification. Like if we're talking here, we look at the application and are they targeting the Amazon Basin, clearly they are not doing that. But then again, when you look at the end, the last question "Is there a strong association?" then you say yep, there is a strong association there – it's the name. They're using the same name as the Amazon Basin. So like you said I think the process is flawed but [it's who we are], thank you.

DEV ANAND TEELUCKSINGH: Okay, thanks Eduardo. Yes, so let's see… And again, thanks for this because I mean does anybody else want to take the floor to explain their rationale, the Review Group members? Okay, not seeing anybody, okay, not seeing anybody raising their hand or saying anything, okay. So let's look at the final, the fourth test which is detriment and actually there's some trends here. Most, many of the members gave this a fail in terms of the nature and extent of damage, the evidence that the applicant is not acting or does not intend to act in accordance with the interests of the community or of users more widely; interference with the core activities of the community resulting from the applicant's operation of the applied-for gTLD string; name and extent of concrete or economic damage to the community; and the level of certainty that alleged detrimental outcomes would occur.

So there is the difference here. I think that just looking at this carefully it seems that Eduardo, Seth Reiss, Alexander felt that this was a passing

grade and for others like Aziz, Fatimata, Justine, Dave Kissoondoyal, Kenny Huang and Carlton Samuels and Adela, sorry, as well – I missed the counting there – felt that this was a failing grade as such. Any thoughts or observations or comments on this?

SETH REISS: So Dev, nobody enjoyed my cartoon I think.

DEV ANAND TEELUCKSINGH: [laughing] Well, I enjoyed the cartoon – this is Dev – but again, are there any thoughts or comments on this?

EDUARDO DIAZ: I have a comment.

DEV ANAND TEELUCKSINGH: Okay, Eduardo, go ahead. Sorry, Eduardo.

EDUARDO DIAZ: This is Eduardo for the record. In this case I went around and looked at a couple articles that were written about this controversy and I just gave it a pass based on some of the things that were mentioned in these articles. I just wanted to mention that. But you know, it's difficult to determine and I've seen some of the people have said unknown, unknown because there's some fear that we don't really know how to interpret that. But anyhow I just wanted to mention that, why I gave it a pass on this. Thank you.

DEV ANAND TEELUCKSINGH: Okay. And I mean obviously... Okay Seth, go ahead – I see your hand raised, go ahead, Seth.

SETH REISS: Yeah, it seems to me that we're answering based upon on the one hand a perception of future harm and on the other hand evidence of past harm – at least that's where I see the distinction in answers. And I guess a plug for my position is that you know, courts and administrative tribunals worldwide will make decisions on things like antitrust and competition based upon economic theory and future harm, and those decisions are just as important as the decisions that are made based upon historical evidence of harm.

And so I would argue at least my justification and perhaps for those other who answered the way I did would have a firm theoretical or economic basis; although quite obviously there is no historical evidence of harm because these communities have not taken advantage of the internet the way the developed countries have. And that in itself is a big issue and so to ignore that is to kind of doubly disrespect those areas.

DEV ANAND TEELUCKSINGH: Thanks, Seth. But I guess the thing is, is this though – it seems to me the way this process is set up is what you can actually prove through the dispute resolution service provider in a sense that it's... I mean I take your point and I think actually this is also another thing that, something that should also be documented when after the objection period has

ended that the issue of detriment in terms of future detriment as opposed to past detriment, and not demonstrating past detriment – if I could state it like that. But I mean is this something that you think could be proven, for example the nature and extent of damage to the reputation. Go ahead, Seth, sorry. Sorry, I'm switching back and forth between these windows…

SETH REISS: No, I didn't take down my hand. But yes, I think it can be proven to the same extent as those other things I mentioned as well as if you look at the UDRP and you have a famous brand, but that brand has never registered the .com that doesn't mean others with no claim to that brand should be entitled to… I mean there is an argument that that's harm simply because you've taken away the opportunity of the entity most deserving of using that string, you've taken away that opportunity for all times. So I see somebody wants my cartoon…

DEV ANAND TEELUCKSINGH: I can probably find that link and send it to you, Thomas, after the call. Let's see. Anybody has any other thoughts or observations they wish to make? Dave, Kenny, Garth? Going once, going twice, going thrice… Okay, it's unfortunate most of the other members who wrote no are not on this call and they themselves have probably yet to see this since it was published just before the call. But just to read Garth's comment "Yes, the last series of questions are difficult to [guide] the information for." I think, Garth, most members have expressed their concern about establishing the proof on this.

Very well. So that is the summary for .amazon, so we have a clear one for community but in terms of substantial opposition there's some mixed ranking of the criteria there. Many persons ranked number of expressions of opposition, representative nature, and stature with a pass but then quite a few persons… Actually, I would say substantial opposition is most members gave it a passing grade except for the distribution or diversity among sources of expression of opposition, which I don't think is… Nathalie, can we, is the document unsynched so that people can scroll it themselves?

This is Dev, just to say for me I am able to scroll it but I don't know if that's because I'm the host.

HEIDI ULLRICH: Yeah, this is Heidi, are you able to scroll it now? I've just unsynched it. Oh Nathalie, we may have doubled ourselves out there. Can you let us know please if you can scroll? Okay, now it should be.

SETH REISS: Now it works.

DEV ANAND TEELUCKSINGH: Okay. Okay, alright, sorry about that – I didn't realize that it was not. Let me know if that is happening when we go through the other documents. Sorry, going back to the substantial opposition I would say most persons gave this a pass, let me just double check the rankings here before I make… I would say six persons to three persons gave it that more substantial opposition was passed for this, in terms of the

substantial opposition. In terms of targeting there was most persons ranked it was a fail, because I think Eduardo was the only one that responded it did pass and we had that discussion as to why persons treated it the way they did.

And finally in terms of the detriment, most persons ranked it as a fail. I guess an observation here, just looking again at the rankings, it seems more – I don't know if this is something important or not; in terms of the perspective, Eduardo and Seth Reiss from NARALO, from the North American region were the ones who passed it while the other members from the other regions felt it was not, that not enough detriment was proven. So just an observation, just looking at that.

So since all of these four tests have to be passed and the fact that detriment seems to indicate that given that most persons have ranked it as a fail that most of the Review Group members feel that this community objection ground is not sustainable to prove, and therefore we probably should not attempt an objection statement on .amazon. Does anybody have a different interpretation of the results? And I mean obviously what we have to do is post it to the list and then ensure the people agree on it. There's not enough persons here to really do a vote or anything or to test for consensus at this point, but that's my observation based on the results here.

Okay, so I'll be posting this summary to the list afterwards and for persons to really, well confirm or deny this. So tentatively, based on the fact that most persons did not pass the detriment criterion for community objection grounds for .amazon we should not draft an objection statement. Okay. So does anybody else have any further

questions, comments, thoughts regarding .amazon? Going once, going twice, going thrice… Okay.

Okay, moving on to the second one regarding .patagonia, so can we just post the link. Can the .patagonia PDF be put up on the Adobe Connect, Nathalie? And I'll just post the link in the chat here. Again, same structure. I just went through all of the, everybody's responses and tabulated it pass, fail, unclear, not applicable. So while the PDF is being put up let me start up with for community objection grounds for .patagonia now we're looking at. I would say most persons ranked this as a passing grade. The only factor where some persons expressed a fail was the distribution and diversity among sources of expression of opposition.

So Seth Reiss and Eduardo Diaz also gave it a passing grade as well as Kenny Huang and Adela Danciu. Okay, I see .patagonia is up and I hope everybody is able to scroll it normally. So any thoughts or questions or observations on this from any of the Review Group members? Okay. Just to note that Eduardo's comment, he gave it a pass grade – this is the distribution or diversity among sources of expressions of opposition – because he was looking for targeting from the perspective of close association. Anybody else wishes to ask anything? Again, this is for the Review Group members to make sure that they're clear in their mind about this. So going once, going twice… Okay.

Alright, okay, so in terms of looking at the third one, targeting, in terms of community objection grounds for .patagonia the targeting criterion, in terms of the three factors, the majority of Review Group members gave this a fail grade in terms of statements contained in the application

and other public statements by the applicant. Well, Carlton Samuels gave it a not applicable and Eduardo Diaz gave it a pass for those two comments. I imagine, I could be wrong but Seth, you could also take the floor to explain – I imagine it's the same thinking regarding the .amazon in that the statements contained in the application did not target the community that is expressing opposition.

Okay, and indeed you are consistent, okay. Okay, any other… Okay, just to note that point. In terms of associations by the public most people gave this a passing grade though, this factor. So let's see… Anybody have any, again, any thoughts or questions please raise your hand or say something from the Review Group members. Okay, I see Garth is typing… Okay. Okay, well I see Garth has sent his template of his rankings and so forth. Well, after this call I'll update this scoring afterwards but just to confirm, obviously Garth you can raise your hand if you have any particular points you want to make based on what other Review Group members have said.

Going to the detriment, again there seems to be a similarity here in terms of how .amazon and .patagonia are treated. Most members gave a failing grade to the detriment aspect regarding nature and extent of damage to the reputation, evidence that the applicant is not acting or does not intend to act according to the interests of the community, and interferes with the core activities, dependence of the community represented by the objector on the community's core activities. Most persons gave this a failing grade on this aspect whereas Seth Reiss… Well, Eduardo passed all of the detriment criterion and Seth Reiss passed all and left certain ones unknown in terms of interference with the core activities, dependence on the community represented by the

objector and the level of certainty that alleged detrimental outcomes would occur.

So any observations or thoughts on this? Eduardo or Seth, or Kenny or Dave?

EDUARDO DIAZ: This is Eduardo.

DEV ANAND TEELUCKSINGH: Go ahead, Eduardo.

EDUARDO DIAZ: Yes, I just want to mention I looked at this like the same as .amazon, so like Seth said we're consistent in a way. I tried to put my rationale there. It might be wrong, like I said, and I might be looking at this from a different point of view. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Alright, thanks Eduardo. Somebody is having a conversation that we're unfortunately hearing so you might want to mute their line. Let's see, so looking to the .patagonia, in terms of rankings it seems to be very similar in terms of how members ranked it as for .amazon. In terms of the community criterion we can probably say that this criterion was met, that the community criterion has been met. In terms of substantial opposition, in terms of many of this has been passed. There has been in terms of number of expressions of opposition, representative nature of entities, level of recognized stature.

The only query probably is the distribution and diversity among sources of expressions of opposition – that factor is mixed. There's probably four persons that gave it a passing grade, five persons gave that a fail grade and with one unknown there. So Eduardo, go ahead.

EDUARDO DIAZ: This is Eduardo Diaz for the record. I'm curious again, why if somebody is on the call from a different region of the world, why they have selected to fail on some of these because it's curious that myself and Seth are from North America and have been passing this and the rest mentioned fail. I'm just curious, so if somebody can talk about why they put fail on that. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Well, this is Dev, thanks Eduardo. Well, I was trying to do but it was quite hard to do was to try to copy the notes and put it in… I was trying to see if somehow I could put the various notes of why persons did do so, to put that under the criteria. But then it just got a little bit messy to do so. I probably can put that as a second document and put that out for immediate discussion about this factor. Let's see…. I see Kenny had agreed with you and Adela had also agreed with you. Let's see, Dave, are you on the call? I see Aziz gave this a fail grade but he didn't really give any notes on it. Would you like to take the floor to explain your rationale or as to the reasons why, or… *7 to unmute.

Oh then, maybe Dave has disconnected. Okay. Oh I see, alright, well okay… Well Dave, if you are hearing this then you can of course type something in the chat for the record so that this will go towards the

discussion on this factor on that. But continuing on with the .patagonia, there seems to be consensus in terms of targeting – most of the Review Group members felt that in terms of the targeting this was a fail grade on that aspect. And also on the detriment, again most Review Group members, eight Review Group members felt that the detriment criterion was not met, was not established enough and gave it a fail grade versus two persons who gave it a passing grade.

So in terms of the possible outcomes of this would be that given that the targeting criterion and the detriment criterion, a majority of members expressed that the comments received so far did not meet the threshold to satisfy those two criterion and then we should probably not draft an objection statement for .patagonia.

So any final thoughts or comments on this before I move on to the next one, the next string? Going once, going twice, going thrice… Okay. Alright, so that's it in terms of .patagonia.

And the next string that we looked at was .health, so can the .health PDF be put up in the AC room, Natalie? Okay, and I just posted a link to the screen for .health. But just while it's still being loaded up I hope that people are able to open the link in the AC chat there and are able to scroll the AC room. I see the screen is being cleared and it's being uploaded.

So let's look at the four criterion for .health. I should mention that there are several applicants for .health. There are at least, let me just confirm this – four applicants for .health and a fifth string, which is [.yankin], and I apologize for anybody listening to the audio that I probably mispronounced the Chinese string but it is the IDN, the

internationalized domain name translated to "healthy" in English. So if you group these applicants together they are applicants from .health, [Goose Best], .health Limited, Afilias Limited, and Stable Tone Limited. Stable Tone Limited is the one that is applying for the IDN of [.yankin]. And what this also means is that if we do decide to do any objection ground statements on this we'll have to do one for every single applicant since we would have to file separate objection statements on each of these applicants.

Okay, so with that in mind and now opening the PDF in question here, most persons ranked this with a passing grade for community objection grounds. So the community criteria was passed. The only inconsistency I saw was that Seth had put unknown in the level of formal boundaries around the community and what persons or entities are considered to form the community. Olivier, please go ahead, sorry about that.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier for the transcript. You just mentioned that the ALAC would have to file a separate objection for each one of the applicants. Would that be a cut and paste same objection to all of them or would it have to be targeted for each one of them separately giving different reasons, etc., etc.?

DEV ANAND TEELUCKSINGH: Well, I guess – this is Dev, thanks Olivier for the question. Well yes, each objection has to be separate – separate filing fees have to be filed for each of the applicants. I would say you could say yes, it's a cut and paste because I believe most of the comments were, most of the notes

posted by Review Group members applied to all of them. I think there was only a breakdown in terms of the targeting – I could be wrong here – because most of the applicants are trying to do the same thing. For the .health, the English versions I'm saying, one is like completely open to anyone in a sense that there's not going to be any checks whereas the other three applicants say they would look to establish certain criteria and/or claim support by various health-related bodies.

The one for [.yankin], the one for the IDN is a Chinese IDN and it is targeted I guess for the Chinese community. I don't quite recall whether it's open to everybody to register under that proposed TLD or not, but I would say yes it's a cut and paste but obviously we have to look at any specific differences if only to prove our point. I hope that answers the question, but yes, it does mean that separate statements have to be published and then again, if we decide to go ahead with this. And each objection statement has to be published separately and the RALOs have to then consider them separately, and the ALAC would therefore have to consider the advice from the RALOs.

Let's see… So yeah, I hope that answers the question, Olivier. Going back to this tabulation PDF, I hope everybody's able to scroll the PDF on the AC room. Everybody gave this a passing grade. Seth gave an unknown to the factor of level of formal boundaries. Seth, you want to take the floor to just explain why you decided to give this unknown?

SETH REISS: Yeah, I'm not sure it really matters but I think in the area of generics there's more debate about what's in and what's out as compared to geographic regions. And so people on the periphery of health, you

know who may have a profession that has a health aspect but concentrates in other ones may… I just think the edges are more blurry than in geographic but again, I'm not sure it matters to the outcome.

DEV ANAND TEELUCKSINGH: Okay, thanks for that. Okay, so in terms of substantial opposition, the second criterion for .health and the various applications for .health and [.yankin], again there was mostly consensus in terms of substantial opposition. Well, actually Seth, you had given a fail grade to the factor number of expressions of opposition relative to the composition of the community as well as a fail to the distribution and diversity among sources of expression of opposition. Again, do you want to make any observations or comments on this?

SETH REISS: Yeah, I'm not sure. I guess you know, I think just an assessment of how many comments our Wiki page got but I'm not sure that's an appropriate criteria. So I don't have strong feelings on that.

DEV ANAND TEELUCKSINGH: Alright. Anybody else, any Review Group members who wanted to say anything at this point? Eduardo, Dave, Kenny, Garth? Well I mean, Garth, just to note your comment. Well, it's not very… Alright, I'll read the statement but it's not quite directed towards this. But "There's considerably historical evidence of abuse in the DNS specifically of the medical and health fields paired with a lack of proactive action by registrants, registrars, registries and ICANN in this area. Consumers are also heavily impacted by health-related fraud."

Okay, thanks for that statement although it's not quite directed at this particular criterion, but at least it's there for the record. So okay, so going now to the third criterion – targeting, and does somebody want to say something? I thought I heard a noise... Okay, alright, not seeing anything I'll just continue.

In terms of targeting, some persons left this blank actually but most persons gave consensus in the sense that everybody agreed. Those that did put opinions on this gave it a passing grade; most persons gave this an unknown in terms of the other public statements by the applicants. Most persons ranked that as unknown with the exception of Eduardo who gave it a passing grade. Any comments you want to make, Eduardo? I see you have raised your hand, go ahead.

EDUARDO DIAZ: Yeah, this is Eduardo for the record. I just gave it a pass because for example I found the .llc, which is one of the websites which is tied into one of the applicants for .health – they mention that they are doing something with the pharmacies or something like that. So to me that's another statement by the applicant that's targeting that community. Thank you.

DEV ANAND TEELUCKSINGH: Okay. Okay, thank you Eduardo, and fair assessment there. Anybody wishes to respond or have any other bit of follow-up? Okay, not seeing anybody else raise their hand or clear their throat to say anything, let's move ahead then.

In terms of the detriment, well, it appears that there's a lot of persons, I the majority – I would say there is near consensus on this. Most persons gave the detriment criteria a passing grade in terms of the six factors for the criteria for detriment. Seth, you had put unknown for the first three – again, just to say any observations that you want to make? I guess my question is do you understand the rationales that were posted as to why they passed?

SETH REISS: Yes, and I think the historical evidence that Garth is pointing out, I hadn't considered that and so I think yeah, I think that I would probably be inclined to pass that. Am I allowed to change my vote?

DEV ANAND TEELUCKSINGH: Certainly, certainly you can, yes. I mean this is the idea, to see each of our observations and "Okay, I understand that rationale, maybe I will now change my opinion," yes. So you can change it. So okay, so based on that you would then change the first factor to a pass?

SETH REISS: Yeah sure.

DEV ANAND TEELUCKSINGH: Okay. Any thoughts on the other factors at this point, which is the evidence that the applicant is not acting or does not intend to act in accordance with the interests of the community, and what was the third one… Interference with the core activities of the community that would result from this applicant's operation of the applied for gTLD string?

SETH REISS: Yeah, I think I would leave the second criteria unclear. I would pass the third criteria.

DEV ANAND TEELUCKSINGH: Okay, so just the first one you would change that to pass.

SETH REISS: The first one and the third one, the first and the third.

DEV ANAND TEELUCKSINGH: And the third one, okay. Okay, fair enough, let me just make sure I note that… So Seth Reiss has changed his ranking for the first and third factors of the detriment criterion to a pass, okay. Okay, so well based on this tabulation I think we have consensus here on that the, in terms of the community objection grounds the community criterion is met, substantial opposition has been met, targeting has been met and detriment has been met. So based on this I think we should say that the Review Group feels that an objection statement for the various applicants for .health and [.yankin] should be done.

                               Okay. Any observations, conclusions, questions with that? Alright. Seeing no hands, but alright – so obviously there's a significant next step that needs to be done on this aspect. I guess, and I apologize also that we're probably taking a little more time but this does require some time to really go through all these documents – I apologize for that. But in terms of the next steps regarding since we are agreeing to draft an objection statement that we need to then have these objection

statements ready very soon. I would estimate the most time we would have to help put together the statements, and of course we can collaborate with the At-Large community in coming up with these statements would be like the 19th of February.

And the reason why I say the 19th is because that would give, and just to explain the process again – what has to happen is once the final objection statements have been published according to the format specified by the dispute resolution service provider, 5000 words or 20 pages, whichever is less. If we aim to have the documents published by the 19th that would give all five RALOs about nine to ten days for each of the five RALOs to then go through their consultation and decide whether to approve or not support the objection statements.

Okay? And then after March 1st or March 2nd which is about 9 to 10 days then the ALAC will have to consider the RALOs' advice if more than three RALOs express support for filing the objection against one or more of the applicants for .health. Okay? So I hope everybody's clear on that.

So alright. Any other… Sorry, Heidi, go ahead.

HEIDI ULLRICH: Yeah, this is Heidi. Are the next steps that I've written in the pod, are those correct, please?

DEV ANAND TEELUCKSINGH: Okay, yes. So an objection statement to be worked by the Review Group and the At-Large community and must be ready by the 19th, you

can say around the 19th – maybe we might take an extra day or something but around the 19th. And the RALOs would then have nine to ten days to review them and decide whether they approve or disapprove of the objection statements. And on March 2nd, from March 2nd until obviously before March 13th the ALAC will then meet to consider the advice of the RALOs if three or more RALOs approve.

So okay. Alright, so what you have in the chat, Heidi, is yeah good, the next steps on that, thanks. So any other final observations, thoughts before we move on to the next string? Going once, going twice, going thrice… Okay.

The next string was .nyc. Now I mean I had started to do the tabulation for .nyc; however, most persons that submitted comments and gave their ranking as of Sunday the 10th of February, 2013, essentially said that based on the comments received and especially given Thomas' comments indicated that many of his concerns were being met – and I see, well I see two Thomases but I see one of them is the accurate one. Given that the objection concerns were being met by the establishment of this community board for .nyc that the applicant is establishing, that there is no need to proceed further in terms of objection grounds.

Those persons that did fill out the Review Group forms failed it on, and let me just confirm this… Let me see, yes, in terms of the scoring for .nyc, of those persons that did post it – Seth Reiss and Justine, actually let me export this as a PDF first and I'll share the link in the chat.

HEIDI ULLRICH: This is Heidi. Robert has his hand up.

DEV ANAND TEELUCKSINGH: I see Robert has his hand up, yes. Robert, I just want to take some time to just go through what was submitted as such up until Sunday and then I'll look at the additional comment that was posted the next day. So I will be getting to that comment later on in this call. So let me [summarize] the… Okay. I just posted a link there to the PDF for .nyc. Like I said, only two persons formally filled it out. Okay. So Seth Reiss, for the community grounds for .nyc Seth Reiss gave it a passing grade whereas Justine gave this a failing grade. And well the majority of members did not fill out – Carlton Samuels, Adela Danciu, Dave Kissoondoyal, Kenny Huang felt that given the objector's concerns appeared to be moot therefore there was no reason to proceed with this any further.

Unfortunately Justine is not on this call so unfortunately I can't have a discussion as to why well, unless Seth, you have read Justine's comments and wish to make a comment on it?

SETH REISS: I'm not familiar with it, no. I'm not sure it's relevant…

DEV ANAND TEELUCKSINGH: Go ahead.

SETH REISS: I thought we were passing on this.

DEV ANAND TEELUCKSINGH: Well correct. Based on the comments as of the 16th, and just formally for the record most persons on the list said they would be passing on this given the latest comments from Thomas as to the objection concern in his earlier comments that triggered this whole .nyc objection process review by the Review Group appeared to have been met then there are no objection grounds worthy to really state any formal objection statement on. This is again based on the comments that we received as of Sunday, February 10, 2013.

So based on that, so in terms of the comments received as of the 10th of February, 2013, there is no need to proceed with any objection statement on .nyc. Now, that being said yesterday a comment was submitted on the .nyc Wiki page by Robert Pollard. I don't know if anybody has had the chance yet to read it – it was just posted to the Wiki about an hour ago. I don't know if anybody has had a chance to read it or then to review it. Let me post the link to the .nyc Wiki here.

Okay. So and the particular comment is this one here, let me post the link to the comment… It's this one. So my question to the Review Group is if anybody has any initial observations on this comment then you can say it now. And if not then I would say the next steps would be for us to just review the comments and give our opinions on this given that it only just really occurred within the past 24 hours and nobody has had a chance to really review it carefully.

Okay. And just, okay… Robert, I see you have your hand raised. Let me just ask the question, do you plan to say anything different to your statement or that you posted on the Wiki, and thanks for doing that?

EN

ROBERT POLLARD: No, I think I say that there but I'll also say with all respect to Thomas I am not in favor of withdrawing the objection. I believe it's a critical issue in terms of .nyc, New York City's overall digital policy represents a major defect in the process. And as I've elaborated in some of the points I make it raises serious questions as to the extent of New York City's aim to allow for meaningful participation and that would be essential I believe to making .nyc a really world-class TLD. And I think New Yorkers deserve that and not something that's basically a promotional image but really it serves as a unique [way of raising]… I don't think that there's much to say but perhaps it should be used more than a promotional means of the government.

DEV ANAND TEELUCKSINGH: Okay, thank you Robert.

ROBERT POLLARD: If I could mention there is a meeting tonight of an Open NY group lead-up that is among other things addressing the road map and if possible I'll try to get some comments tonight at that meet-up.

DEV ANAND TEELUCKSINGH: Okay, just to confirm – who was that speaking?

ROBERT POLLARD: I'm sorry, that was Robert Pollard.

DEV ANAND TEELUCKSINGH: Okay. Okay, well alright, Robert, I should say that this is Dev speaking. Well, as I mentioned for the timelines as I mentioned for .health, it's obviously a very, very difficult time to actually look at that. However, as one of the action items from this meeting I will post the link to your comment that you have placed on the .nyc page – thanks for that – and get some feedback from Review Group members as to whether your comment merits any limited public interest and/or community objection grounds as per the criterion established by the Applicant Guidebook and so forth.

And I agree with your comment but it is still obviously, like I said this is literally coming at the very, very, very last stage here on this. So just as an observation here, the type of last-minute comments when the Review Group is under very tight deadlines makes it very difficult for the Review Group to really work on these things effectively. But alright, one of the action items going forward I will ensure that everybody on the Review Group list gets to see the comment and whether any Review Group member thinks that there's any limited public interest and/or community objection grounds that the new comment raises.

Eduardo, you raised a question: are we on schedule to evaluate NYC at this time? In terms of right now, as of now, no, because as per the original comments on the tabulations we are not going to be drafting an objection statement based on the comments received as of Sunday, 10 February, 2013. The immediate thing is to really decide, and I have to say it has to be decided very soon, within a day, whether any limited public interest and/or community objection grounds are being met by Robert Pollard's new comment at this time? Okay, I see Eduardo, go ahead.

EDUARDO DIAZ: Yes, this is Eduardo for the record. So then we are evaluating it then if we are going to look and decide.

DEV ANAND TEELUCKSINGH: Well, this is Dev, thanks Eduardo. I would say that we are just going to well, evaluate the comment late as it may be and it's up to the Review Group whether it wants to do so at this time after we've already put in so much work and so many conference calls on this. So that's, okay Eduardo? It's just to raise awareness of the comment and whether any limited public interest or community objection grounds are being raised by this new comment.

EDUARDO DIAZ: Dev, this is Eduardo again. With all due respect to Robert we have deadlines so we can do this work accordingly, but it depends on you. If you want to go ahead we can look at it and if we have the appropriate time then we will do that.

DEV ANAND TEELUCKSINGH: Okay, so can I ask, Eduardo, this is Dev – are you saying that we should not consider the statement by Robert Pollard at this time given that the deadlines for commenting had passed?

EDUARDO DIAZ: That's what I was trying to say, yes, but we can take consensus from everyone. But you know…

EN

DEV ANAND TEELUCKSINGH: Okay. Let's see, well let me ask the other Review Group members. Seth Reiss, any opinions on this?

SETH REISS: No. [laughing] I'm not sure.

DEV ANAND TEELUCKSINGH: You want to take the time after the call to respond, okay. Well alright, anybody else from the Review Group members, does anybody wish to make a comment about this at the time? Going once, going twice, going thrice… Okay, well there being no other comments from the Review Group members, okay.

So one action item coming out of all of this is that one, I'll be posting to the list that for the four strings – for .amazon, given that the criterion most Review Group members did not give a passing grade to the detriment criterion, and also to the substantial opposition we will not draft a statement on .amazon. Regarding .patagonia, given that the detriment criterion was not met, was I should say the Review Group members found that the detriment criterion conditions were not met and therefore we will not draft a statement on .patagonia.

Regarding .health, given that there was consensus on all of the four criterion for the .health applicants, including [.yankin], the IDN string that translates to "health" we would proceed to work with the At-Large community to draft an objection statement on .health. Regarding .nyc, given the statements up to Sunday, February 10, no objection

statement will be filed however Robert's last minute comment will be made aware to all the Review Group members. Eduardo suggested that because it is now past the Review Group's deadline and given that we have a significant deadline to try to publish the documents for .health by the 19th or 20th of February, that it should not be considered at this time. So with nobody else giving any expressions or opinions on that at this point in time we will then, well seek confirmation of this suggestion by Eduardo on the Review Group list – whether to treat it or not.

Okay, right. So any other order of business? And again, I thank everybody for actually taking the time to really work on this. I know this has been a very tough schedule and we have now crossed one hurdle and we're now going to have to do one more significant hurdle by next week. Anybody else? Going once, going twice, going thrice… Okay. Okay, I see no other further comments at this point.

I would like to thank everyone for again, really a huge thank you for everyone here for really coming through and posting the community objection templates very quickly or within the weekend. I know everybody has been working very hard here and we've crossed one hurdle here and know we have to just run across the other hurdle. So what I might do, I might set up a Google Doc to at least start working on the community objection statement. We could probably do it on the Wiki but a Google Doc might be good to just get the rough draft out and then we'll post it to the Wiki. I will think more about that and I will post it to the list accordingly.

Okay, that being said I think this meeting has gone on for 96 minutes which is quite long. So this meeting is now adjourned, have a good evening, good afternoon, good morning.

[End of Transcript]