

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Gisella. Well, good morning, good afternoon and good evening everyone. This is the ALAC meeting, the Special ALAC Meeting to consider the RALO advice on the objection statements to the New gTLD applications. We are today the 8th of March, 2013. The time is 18:06 UTC and basically this call is going to be doing exactly what it says on the [TIN], however what will happen though is there is not going to be a vote taking place during the call. We will have a, I think it's a four-day vote that will follow up after this call.

The reason for this call is to discuss and have an open discussion on the RALO advice and also for Dev to be able to provide us with real better details of the work of the Review Group but also the responses that were received by some of the applicants. I think it's particularly important that the ALAC members are absolutely clear about how they're going to vote – whether they will vote to support an objection or they will vote to not support an objection.

I also believe that it would be an absolute pity if not an absolute shame for ALAC members to not be able to make up their minds. This process is one of the most, if not at the moment the most important process that the ALAC is doing; and any ALAC member who has not followed this will have four days to review the information and to say “Yes” or “No.” Having abstention basically means that you're not bothered and I'm really sorry, but this one is a very, very important process. Being unable to choose one way or the other... I know it's very hard but it really would be letting down our communities out there with regards to us being able to act on their behalf or at least act in their best interests.

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So I really hope that all ALAC members will be able to vote and will be able to vote “Yes” or “No.” If you do have a huge problem about making a choice and decide to abstain I respect that choice as well of course but I would be pretty sorry to hear that. And I know it’s a hard one but such is life – sometimes we have to be quite clear about what we’re doing.

So with this start I think we can move on to the roll call if we could please, Gisella.

GISELLA GRUBER:

Thank you, Olivier. On today’s call we have Olivier Crépin-Leblond, Alan Greenberg, Yaovi Atohoun, Titi Akinsanmi, Dev Anand Teelucksingh, Rinalia Abdul Rahim, Evan Leibovitch, Oksana Prykhodko, Yrjö Länispuro, Seth Reiss, Avri Doria, Ron Sherwood, Cheryl Langdon-Orr. On the Spanish channel we have Aida Noblia. Apologies noted from Natalia Enciso, Tijani Ben Jemaa, Maureen Hilyard, Julie Hammer and Wolf Ludwig.

From staff we have Matt Ashtiani, Heidi Ullrich, and myself Gisella Gruber. Our interpreters today on the Spanish channel are Sabrina on the Spanish channel, and on the French channel Camila. And if I could please also remind you all to state your names when speaking not only for transcript purposes but also to allow the interpreters to identify you on the other language channel and to please speak at a reasonable pace for accurate interpretation. Thank you, over to you Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Gisella, and have we left any names out from our roll call? I don't see anyone putting their hand up so thank you. We might actually have quorum but as I said we're not going to make a decision on this call for the simple reason that this is not a lightheaded decision. This is one that we need to consider, we as members of the ALAC need to consider very carefully and I would therefore urge everyone to take their time and take the weekend to read through the documentation; and have a thought about the discussion that will take place here and possibly if you have any questions then be able to ask the questions.

I invite you all to look at the agenda, the agenda page which was very kindly built by Dev and by Matt a few moments ago to sort of expand on it and have access to all of the information that you do require. And I will therefore now ask Dev Anand Teelucksingh who is the Chair of the At-Large New gTLD Review Group – the group that is tasked with reviewing any objections that are filed – to take us through the summary of RALO advice; and perhaps first through the process quickly, just a couple of minutes and then the summary of RALO advice, and then take it from there. So Dev, you have the floor.

DEV ANAND TEELUCKSINGH: Thank you, Olivier, this is Dev Anand Teelucksingh speaking and good morning, good afternoon, good evening to everyone. Just to summarize what we are doing here, the New gTLD Review Group has been coordinating the At-Large/ALAC ability to file objections, and as part of that process we received objections from the At-Large community, from At-Large. We then considered the comments and then the Review

Group tried to evaluate whether the comments raised raised any limited public interest concerns or community objection concerns.

And several comments were received on several strings but ultimately the Review Group decided to draft a community objection statement for five strings – that was four applicants for .health and one applicant which was an IDN for .jiànkāng, and again, I apologize for probably mispronouncing this name. Because the comment that triggered the review had referenced all five of the applications we did initially treat them in terms of looking to try to draft an objection statement against all five.

During the course of our deliberations some concerns were raised as to whether the IDN really was in scope for it, was in scope for the other four because there were concerns regarding the translation of the characters .jiànkāng, as to whether it meant “health” or “healthy.” So just to emphasize that it’s been separated – it was separated for when it was posted to the RALOs for review. So once the objection statement was readied and was posted to the RALOs for review, the RALOs had the option of saying “yes,” “no,” or “abstain,” and there was quite the substantive discussion especially in the NARALO and the APRALO lists.

But the RALOs have responded that, well, just to clarify before I go into the RALO advice, the way the process works is that the objection statements need to be supported by three or more RALOs in order for the ALAC to then consider the objection statements. So what happened was that by March 6th the RALOs all gave their advice and the advice was for three out of the five RALOs supported the filing of the objection statements by the ALAC against the four applicants for .health.

Regarding the IDN, only one of the five RALOs supported the filing of the objection statement and therefore that [objection statement] is no longer for consideration by the ALAC at this point.

So what the ALAC has to do is now consider the filing of the objection statements against applicant DotHealth LLC, the applicant Goose Fest LLC, applicant dot Health Limited and applicant Afilias Limited all for the .health string. So just to look back, if you go back to the Wiki pages here there's a lot of links here, and the reason why is because there's a lot of material to review. But I think I will just stop there and make sure everybody understands so far what's been stated.

OLIVIER CRÉPIN-LEBLOND: So any questions? Dev, do you wish to run this part of the call by yourself or should I jump in?

DEV ANAND TEELUCKSINGH: Oh, by all means jump in but I see Yaovi has a question.

OLIVIER CRÉPIN-LEBLOND: Yeah, so go ahead then. You can continue running it and you can call the questions, etc.

DEV ANAND TEELUCKSINGH: Oh, okay. Okay, thanks Olivier, this is Dev. Yaovi, your hand is raised. Go ahead.

YAOVI ATOHOUN: Thank you, Yaovi speaking. I think it is clear what you've said. So far what I've seen on the Wiki page you put [two question marks], my understanding is just you wanted to say or to know... Just the meaning of what you want to say there because you talk about .health but why did you put .?? – that is my question, thank you.

DEV ANAND TEELUCKSINGH: Ah, okay, thank you Yaovi. Well, I think it's more of a limitation of... What the two question marks here signify is the IDN characters for .jiànkāng. It's in Chinese so if you go to the Wiki page, and it depends on whether your operating system supports the character set being displayed. If you don't see it displayed you probably will just see square boxes if you don't have the support. However, I think it's just more of a formatting and we can just simply edit that. Okay? Any other questions? Okay.

Okay, well I see Evan has a question about the [PICs]. Well, I'll probably now delve into the material that's been prepared, that's been received on it. Okay, so now we consider all the applications against the .health string, the four applicants, so we now have the next item on the agenda would be the review of the replies. And just to note if you look at the agenda page and click on the link there you would see that there was quite an extensive discussion on the NARALO list. And ultimately even though NARALO voted, gave the advice of "No" at the end there was no consensus really on the matter in the sense that some felt on the list that the objections should be sustained and should go ahead, but others felt no.

I don't know, Olivier – do you want me to go through the entire discussion of it? I mean it is a lot of emails but it's up to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: It would be clear... It's Olivier for the transcript. I think it would be, to make it quite clear in all of the members', all of our minds, I think it would be good to summarize, yeah. Definitely, summarize on (inaudible) the RALOs, yep.

DEV ANAND TEELUCKSINGH: Okay, this is Dev Anand Teelucksingh speaking. Speaking on the NARALO list, Garth Bruen who is a Review Group member has been recommending no on all five of these cases. Well, the reason why he said no was because he felt that answering yes to these objection statements would result in a misuse of our authority in this portion of the objection process.

Now there was a concern regarding the IDN and that whether it translates to "healthy" versus "health" but in a sense that no longer really... Well, given that most RALOs were not considering the IDN we can leave that part. The other four, his concerns with the four objections was that in his mind the objection that was triggered by a comment from the IMIA – the International Medical Informatics Association – was not a true community objection. And so his perspective was that while the objector has healthcare-related credentials and well, he had talked about the sincerity of the objection in a sense that while .health may need special protection to keep consumers from being abused in terms of fraudulent information being

on these websites he noted that the objector did not file objections to a lot of other medical-themed words such as .healthcare, .medical, .doctor, .hospital; and when the objector was asked why his answer according to Garth only confirmed the suspicion that the objection was only for the .health string and not new gTLDs impacting the health community.

And also he felt that the objection appears to be largely backed by the World Health Organization, and from his perspective while the WHO represents the global health interests the objection by the IMIA is a [known] interest in the string itself and not the meaning of it. So quite a few other persons felt that the IMIA is justified to object to .health, particularly Eric Brunner-Williams and.... And in fact what happened is some of the applicants seeing the conversation responded on the NARALO list as well as the WHO themselves.

Okay. There's a lot of information here so I don't know whether to really go through the entire thread of comments but that was the general two sides of this. Okay.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Dev. I just wanted to touch on one thing with regards to the concern whether the... Because I see on the chat the discussion whether the objection is a true community objection. Avri says that it is not an At-Large community objection and I know there is discussion on the mailing lists about this. We have asked Legal and the reply from Legal is that it will be up to the DRSP, so the dispute resolution service provider, if the objection is filed for them to decide. So I guess we're in a position where neither we nor ICANN is really to decide whether it's

valid or not and so we're in a position where we can... I know it's a very short reply – there will probably be a longer reply after that that will be all written and provide reasons why the response was such. But if there is any question as to whether we can or cannot file objections we'll just have to proceed, ignoring this question and that will be decided for us later on should we – and I'm saying should we – decide to file an objection. Thank you.

DEV ANAND TEELUCKSINGH: Thank you ,Olivier. And thanks for summarizing that issue because I wasn't too sure how to bring that topic into it, but thanks for summarizing it. In terms of APRALO, a lot of discussions in APRALO were focused on the IDN application and as to whether the IDN translates into "healthy" or "health" and what is the possible implications for possible confusion by end users. There was really mostly consensus from APRALO regarding the .health applications, the four applicants for .health that objections should go through. The primary focus was more on the IDN, and in the end there their regional position was that it would not support an objection to the IDN but with a caveat that if the applicant for the IDN, Stable Tone Limited, would file a PIC.

In regards to LACRALO, in LACRALO there wasn't a very significant discussion as such. It was primarily about several community members of LACRALO stated that they read these statements and they supported them. And that was it. There wasn't really any dispute or any discussion on that matter. Similarly for AFRALO, they had a vote and nearly all supported the objection statements going against the four

applicants for .health but rejected supporting the objection statement against the IDN by Stable Tone Limited, the .jiànkāng string. Okay. They didn't elaborate as to the reason why for that, by the way – this is AFRALO.

And then finally EURALO said that they decided to send in an “abstain” option because they did not really have the time to engage their members and therefore it was not clear as to what the consensus of the EURALO members were on this matter. I think I've summarized what the RALO advice was, so if there's again any questions or comments? Very well.

Okay, so let's move on then to the next agenda item then, which is the review of the PICs. Now the agenda page is well, again the agenda page has links to all of the five Wiki pages; and my point is in reviewing the PICs you have to then also look at all the correspondence that the Review Group received and in fact we received information even several hours ago. So if you were to look at all of the Wiki pages you would see... Perhaps we should probably try to pull up one.

Matt, or I don't know whoever's controlling the...

MATT ASHTIANI: Yeah, it's actually on the PDF that is being displayed – this is Matt for the record. Would you like me to scroll down?

DEV ANAND TEELUCKSINGH: Oh okay, I see. Does everybody have the scrollability?

MATT ASHTIANI: Yes, it's not synched so everyone has their own scroll capabilities.

DEV ANAND TEELUCKSINGH: Okay, let me just double check if it's the right one, this is Dev... Okay, well and it's a 64-page PDF, okay, so indeed the comments are all there.

OLIVIER CRÉPIN-LEBLOND: Dev, it's Olivier – thank you, Dev. If you could just explain what a PIC is and how it came about because that's quite a recent term.

ALAN GREENBERG: Olivier, it's Alan. If staff could move the chat over to where the summary notes are which isn't being used at all we'd have enough room for the document to actually see it.

DEV ANAND TEELUCKSINGH: Mm-hmm.

ALAN GREENBERG: Thank you, sorry for interrupting.

DEV ANAND TEELUCKSINGH: No, this is Dev – good suggestion, Alan. Okay. Well just before I was asked to have a discussion regarding the PICs. Okay, the PIC is something that ICANN announced last month and last month, early February ICANN requested that new gTLD applicants submit public interest commitment specifications. So these are specifications to provide applicants with the, well to provide applicants with the

opportunity to make public interest commitments based on statements made in their applications and/or additional commitments which were not included in their applications but to which they intend to commit. And then these PICs for short would then become part of the applicant's new gTLD registry agreement if it's successful at a delegation and a registry agreement is signed with ICANN.

So the PICs, we were given thirty days and within the past... Well, on the 6th of March ICANN has updated its website to show all the applicants that have submitted PICs. And also some of the applicants under consideration for objection by the ALAC also directly emailed the Review Group and provided the PICs themselves. So the PICs are linked in the table in the agenda page there, so if you go to any one of them – it's on the far right-hand column for each of the four strings.

So well, this is perhaps one aspect we have to consider in terms of whether the commitments expressed in the PIC, do they alleviate the concerns mentioned in the objection statement? Because of course at the time these PICs did not exist and therefore the Review Group, in coming up with the objection statements had no knowledge of what was in these PICs. These PICs were only published within the past 48 hours, so the ALAC members have to now review these PICs, see what was expressed in these PICs, decide do they alleviate the objection concerns expressed in the objection statement, and decide accordingly.

Is this sufficient? Any questions or comments? I should mention, this is Dev again, that right now this issue of these specification proposals is currently under a public comment period. So I believe the ALAC is now

working on a comment on these PIC specifications.... Oh sorry, Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you, Dev. I wasn't going to cut you off so please finish your explanation and then I'll come in.

DEV ANAND TEELUCKSINGH: Okay. So some of the concerns regarding the PIC is that well, is that it doesn't seem to be binding for ICANN to enforce. So a concern is that an applicant can make certain commitments in the PIC but then there's no real way for ICANN to really enforce what's being made in the PIC. I see Holly Raiche who was looking at the PICs in terms of making a comment on the specification proposal. I don't know if Holly, if you want to say something in this regard.

HOLLY RAICHE: Thank you, Dev, I'm happy to. The comments that I've developed are posted. There are essentially two categories of comment. One, the actually naming of the PIC is really left up to the individual applicant and they may have an application that includes lots of really nice-sounding things but there's no guarantee that any or all of those nice-sounding things ends up as a PIC which is the first problem. And the second as Dev has rightly said is about enforceability. It's going to be through a particular process that's named in the public comment and the documentation that the [company's got] but through a process that has not yet even been listed. So it's very hard to comment on enforceability when the process that's supposed to be gone through hasn't been made

public. So there are very real questions about the extent to which a PIC can be enforced.

I think obviously [ALAC] is going to make a comment about that and it may be that in time the PIC regime strengthens along the lines that we have suggested – we just don't know at this stage. Thanks, Dev, and back to you.

DEV ANAND TEELUCKSINGH: Thank you, Holly, this is Dev speaking. So okay, and thank you again, Holly. So as Holly summarized there are two key issues in terms of whether it can be enforced and well, given the possibility of it also being changed as well potentially in the sense that well, they could make the commitment statement now and then afterwards change it. So yep, sorry. Rinalia, please go ahead.

RINALIA ABDUL RAHIM: Thank you, Dev. With regard to the public interest commitment I had sent out my views to the ALAC mailing list and I had referred to the concerns that Holly had raised in her draft statement about the problem with enforceability, the system not being in place yet and that the commitments are self-defined by the applicant. But also when the At-Large objections process was developed the PICs were not factored into it – it was not foreseen, this was completely surprising. Therefore we have not had adequate time to actually look at the PICs carefully vis-à-vis the actual applications; and our RALOs did not have time to actually look at that in their vote. And we as the ALAC have to vote within the

next four days and I'm saying that this is not reasonable. Therefore my view is that we should not consider them in our decision, thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Rinalia. So okay I see Alan and...

ALAN GREENBERG: Thank you. I've got significant comments to make but this doesn't seem to be the time for it nor am I sure we're going to have time in this call. Regarding the PICs, I'll point out that the actual objection process is a lot more involved than filing the objection. There is then opportunities to negotiate. There's opportunities for mediation. So yes, right now we do not know how the PIC will be enforced but assuming that the applicants would like to see our objections withdrawn there will be opportunities to try to make whether it's iron clad commitments or changes to the contracts or whatever to allow that to happen. So this is not the end of the process; this is the start of the process and I hope ALAC and the people working on this understand that and are prepared to go follow through on this. But this is not the end, this is the start. Thank you.

DEV ANAND TEELUCKSINGH: Okay.

ALAN GREENBERG: I hope we will have time for other comments because I believe others are warranted, thank you.

DEV ANAND TEELUCKSINGH: Thank you, Alan, this is Dev speaking. Well, just one quick follow-up comment before I go to Olivier is that the objection period ends on March 13, 2013, which is next week. So well just to throw it out there, I mean hypothetically, I mean you say that the ALAC could look to seek to make adjustments, changes to alleviate the concerns raised by the ALAC. But I mean after the 13th we really have no more say in the matter – isn't that so?

ALAN GREENBERG: I don't believe so.

DEV ANAND TEELUCKSINGH: In the sense that we can't really object short of advising the Board directly.

ALAN GREENBERG: The way I read the process, there is opportunity to negotiate. There's an opportunity for the review panel to invoke mediation...

DEV ANAND TEELUCKSINGH: Okay.

ALAN GREENBERG: We're not just filing a piece of paper.

DEV ANAND TEELUCKSINGH: Correct.

ALAN GREENBERG: We can keep going afterwards. If we walk away from it we'll almost surely lose.

DEV ANAND TEELUCKSINGH: Correct. And actually Avri I think made a point in the chat that the PICs themselves are now open for public comment for at least, well I believe it's for 30 days. So there's that as well, so within the 30 days yes, we can comment against the PICs – well, for not just these applicants but of course for all of the applicants. Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, it's Olivier for the transcript record. And just to reiterate what Alan has just said, I also believe, it is also my belief that we are not just filing... If the ALAC was to file an objection it's not about just filling an objection and then that's it. It really is a case of proceeding forward probably with more to and fro discussion and involving a dispute resolution service provider in the middle that would be able to decide at the end whether the objection was warranted or not – and again, I'm saying if the objection is to be filed.

The other thing I would like to point everyone to have a look at is the archives of the New gTLD Review Group because all of the correspondence, and there has already been much correspondence received both by yourself but also by myself from applicants, from other organizations that supported the idea that the ALAC might be filing an

objection. There is an email which was just received very recently by the World Health Organization that appears to point at supporting objections for all five statements and even purporting that the .jiànkāng was “health” and not “healthy.” So there’s a lot of correspondence there and it would be important for ALAC members to read it as well, correspondence on both sides – some of the applicants have understandably been providing responses and details as well.

So take your time to read through those things. I’m even wondering... Dev, is there one location where we can see all the correspondence on, one page where all the correspondence is apart from the mailing list?

DEV ANAND TEELUCKSINGH: Okay, this is Dev speaking. Well yes, that’s all of the five or four Wiki pages for each of the four applicants for the .health. And all of the correspondence that’s been received by the Review Group is posted just a few hours ago. So you can double check with the mailing list archives but all of the information has been posted and I tried to make it in chronological order so persons have a rough timeline of when the comments were received in the thread. And what I said also is that I also, for those comments that seem to be targeting all the applicants I copied them to all of the Wiki strings. So when you go into the deep dive for each of the applicants, the objection statement against the applicant, you’ll be able to find all of the information there.

The top of the page, the Wiki page itself has a link to the applicant itself, links to if there was any GAC early warning advice against the applicant and of course a link to the PIC. And then in the comments you see all the correspondence that the Review Group received and that has been

posted, and what we considered in order to come up with decisions; and also for of course for you to now come up with a decision. Rinalia, please go ahead.

RINALIA ABDUL RAHIM: Thank you, Rinalia Abdul Rahim for the transcript. With regard to the response from WHO, the World Health Organization, it certainly supports the objections. But I have to comment on its demand that .jiànkāng is (inaudible) or translated to .health based on their definition. Language communities would see this as very sensitive and WHO does not own the language, and it cannot be disputed that .jiànkāng actually also means “healthy.” So I find that demand problematic, thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Rinalia for that. But as we said, regarding the... ALAC is not considering the IDN at this time since it did not get majority RALO support but indeed something to note.

And any other questions or comments? Because I think the Wiki pages themselves have all of the information again, links to the applicants – so you can see what the applicants have posted; the links to the PICs; and again, going through all the comments, all the emails the Review Group has received in terms of correspondence by the applicants themselves seeking to explain their position and also comments and letters of support for the objection to take place. So all of the information is there, and you have of course the links to all the RALOs’ mailing lists especially NARALO and APRALO which have generated the most discussion on these topics.

So I guess the thing to do would be... Well, are there any questions or any thoughts going into the... Well for example, regarding the PICs, Rinalia has already said that they should not be considered because this is something that was new and there are questions as Holly has pointed out regarding the enforceability of the PICs. Do any other members have any opinions on that? Holly, go ahead.

HOLLY RAICHE:

Just one, I think I might disagree a little bit with Rinalia. I want to first say that it is a very imperfect mechanism. We really don't know about the enforceability and I have just a huge question mark. I think what I find heartening, and I suppose the only word is "heartening" is there's enough concern on behalf of the applicant to want to put in something that suggests maybe they are understanding that there is concern out there about what they've said and its enforceability. That doesn't mean necessarily that we agree but we've had a chance to look at them, that they are enforceable but it's a way of saying well, it is a positive step. So I just, I'm not completely negative about PICs although I do have some reservations and that's apparent by the text I've put on the Wiki. Thank you, Dev.

DEV ANAND TEELUCKSINGH:

Okay, thanks Holly. Any other thoughts regarding the PICs? Oh, and I see okay, I see Eduardo and then Evan. Eduardo, go ahead.

EDUARDO DIAZ:

Yes, this is Eduardo for the record. In case of the PICs I think all I can use, even if we don't know if they are enforceable or not at this time we

can use the information that they are providing as part of the deliberations that we have to make. That's my recommendation.

DEV ANAND TEELUCKSINGH: Okay, thank you Eduardo. Evan? You may be muted. Oh, I see, he's not... Okay, please read his question in chat. Okay, I assume the question – this is Dev, again. I assume, Evan, your question is "Should we consider advice to the Board on PICs independent of what we do with the objections?" Well, Olivier can answer that but I mean my answer would be that yes, given that the PICs themselves are subject to public comment the ALAC can comment directly on the PICs. But Olivier probably could, or somebody else can also give an opinion on that. Alan?

ALAN GREENBERG: Thank you. Not considering the PICs right now since considering the PICs might mean that we decide not to file an objection because we think that the PICs satisfy our concern – I'm not sure that's the case in these particularly instances but that's the implication of considering the PICs. Since there is a process that follows which is where the applicants have an opportunity to convince us to withdraw the objection before it actually goes to dispute resolution or mediation during dispute resolution, ignoring the PIC now does not mean we are going to ignore it on the long term. It just means if we choose not to have, to think we don't have enough information because we don't know what the enforcement mechanism is going to be or they didn't word it clearly enough for us, there's nothing lost. We will be able to consider it going

forward if we choose to file the objection as opposed to withdrawing it, not filing it if we're happy with the PICs.

So I don't think it needs a huge amount of discussion at this point. The PICs are on the table, the world will become a little bit clearer as we go forward as to what they really mean and there'll be opportunities for them to be enhanced or strengthened. So I don't think it needs to be an issue that we focus on right now.

DEV ANAND TEELUCKSINGH: Okay, thank you Alan. Actually and I'm seeing +1's from Rinalia and Holly regarding your comment. Okay. Just going back to the agenda... So any questions regarding the Wiki pages themselves, in terms of does everybody understand the Wiki pages in terms of what they have and so forth? I just want to make sure that everybody has a good idea of what is the material that they need to review. Going once, going twice...

RINALIA ABDUL RAHIM: Dev, this is Rinalia. I think all the materials are there. It's quite clear. It's just a question of taking the effort to go through it, thank you.

DEV ANAND TEELUCKSINGH: Okay, thank you Rinalia. Well, okay, well thanks for that. Like I said, the attempt was to really try as much as possible to keep all of the information in one place. And again also you will see that I have tried to have a timeline as to when the comments were received. So the first comment was the first comment that triggered this entire review in the

first place and then as you go down you'll see at the bottom of the comments the latest information received.

Alright, let's see... Okay, with that I think perhaps Olivier, I believe the discussion will be on the next steps unless again anybody wants to make a discussion or raise any points or comments or questions regarding the comments received.

OLIVIER CRÉPIN-LEBLOND: Dev, it's Olivier for the transcript. I'm not quite sure whether we've already moved into Agenda Item #6, Discussion of Objections Received because of course you've answered a lot of questions that have been asked on the process and some discussion has taken place. But I would definitely now, if anyone has been waiting to bring forth actual discussion on the pros and cons and what their thoughts were I would imagine that now is the right time to move forward. So I see Alan Greenberg. Go ahead, Alan.

ALAN GREENBERG: Thank you. I've got a number of points, I'll try to be very brief. And this is regarding the whole, essentially things to consider as we're deciding to go ahead with the objections or not. In terms of standing, I believe the wording in the Applicant Guidebook says that we have standing to represent the issues of users, of internet users, which is our overall mandate within ICANN. So if we feel this is of import to users we have standing.

The question has been raised multiple times of why not... If we're objecting to these why aren't we objecting to .doctor or .book or

whatever, and I think the answer is very simple. We put together a process where we could only act if objections were filed; and if no ALS or any other interested party chose to file an objection with us which got through our vetting process then our hands are tied. We might well have filed an objection on .doctor if that had gone through the process, so I don't think that issue is important.

The issue has been raised a number of times of "It's not a community objection because it didn't come from one of our ALSes." If you look at the process, if it had come from a single ALS in a single region it would have gotten into the pot and then been discussed hopefully by all five RALOs and by many ALSes and participants. The fact that it didn't come from an ALS I think is, I don't even think is a technicality. I think it's gotten into the discussion. If enough other bodies, if the Review Group and enough other bodies around the world in the RALOs think it warrants I don't think the origin should stop us.

And the objection implies not so much that we are saying "You cannot go forward." It's "We believe there is something wrong with the [application]. It may be fixable, it may not be fixable," but that's what the objection is saying and it will involve a dispute resolution body with capable evaluators who understand the issues in the particular issue. So we are not necessarily passing judgment saying "It will be dangerous to all internet users if this is delegated." We're raising the flag and presenting the cases, and I think from that perspective it's not as onerous as some people are implying. Thank you.

My last comment is one I already made before – this is the start of a process. If we’re going to raise objections we better be prepared to follow through. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan, and I think you might have made just a small error while in the heat of the action you said that there was a problem with an objection – no, it was a problem with an application.

ALAN GREENBERG: Application, sorry.

OLIVIER CRÉPIN-LEBLOND: I think you meant that at the time and thank you for this point of view. I’m being very careful of course on this call and I don’t wish to influence anyone on going one direction or another direction. I will as the Chair of the ALAC go, I guess... I wish that everyone makes up their own mind on this and this is also one of the reasons why we will not be holding a case of a show of hands like this – that might then taint the vote of others. Of course I’m not going to block all of you from talking to each other and discussing this but you know, it would be a pity if a small core group of people would vote one way and others would just go “Oh, I’ll just vote with the flow so let me just wait to see how everyone else is voting.”

Any other comments or questions? I know several people wanted to have enough time for discussions so you’re all very welcome to take the floor; and if we do need an extension by the way we might have

another five or ten minutes or so in addition. I'm very surprised not to see anyone put their hands up... There was a big discussion on the list. Non-ALAC members are also invited to take the floor if they wish to if they want to add anything to the discussion that has already taken place. When I say non-ALAC members are allowed to take the floor I see two ALAC members, so Alan Greenberg and then Holly. First Alan.

ALAN GREENBERG:

Thank you. I had one more item which I didn't think was part of that discussion but since we had a dry period I'll make it now. I was rather disappointed about how certainly my RALO and to some extent other RALOs handled this. This is an onerous decision we're making despite what I just said about it being not all that onerous. We were given, we fought hard for the objection process; we were given it and we have to show a certain amount of due diligence. And although Dev's group I think has done a superb job I don't believe all of the RALOs followed through effectively in pushing the issue down to ALSes and getting involvement.

The recommendations from the RALOs to the ALAC to move forward or not should have been as close as possible real formal decisions of those RALOs, and that means either by votes or consensus but involving quorum issues and making sure that it was not the opinion of the four or five vocal people within the RALO which in some cases that is how it turned out. So I'm somewhat disappointed with that process. I'm not unhappy with the end result but I am disappointed in the process. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. Next is Holly.

HOLLY RAICHE: I was just going to say that possibly one of the reasons that you don't have a lot of discussion, this is we've only very recently seen the PICs. Now I understand that they're not necessarily going to be influential but it will be as new material on the table that I think some of us would like to read before we get, and it should probably be discussed on the list before we comment further. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you very much Holly. Any other questions or concerns? There's a question whether I've been ITU'd, and I'm just wondering at the moment if we should sense the temperature and make a decision there and then. [laughter] But I gather that since this is not that organization that I just mentioned we probably will not be doing such a thing and in fact there will be a vote, so that's one thing you can be sure of – there will be a vote.

Well, I sense that there's no, there doesn't seem to be any more questions on this matter. The question now is really what are the next steps. So the deadline for ICANN to receive the objection funding requests, because if ALAC wishes to file objections it needs to have them funded – the deadline is the 11th of March which is in a couple of days' time. What the ALAC will do, and a funding request is not necessarily the spending of the funds – what the ALAC will do and what I will do on behalf of the ALAC is to ask for a funding request for the four objections, the four basically that we've been looking at. So that

effectively provides the ALAC I guess with the ability to file the objections should it wish to file the objection.

And then the deadline for filing the objections is the 13th of March. And so by the way, in requesting the funds for four objections it doesn't mean that we will be filing four objections. It might be that we are filing no objections whatsoever in which case we can just return the funds. The deadline for objections is the 13th of March so we need a voting schedule which is quite compressed but which we've tried to pull as far as we can. So the voting will start on the 8th of March, 2013, which is actually now... No, we're at 19:00 UTC so in an hour's time and it will close on the 12th of March at 23:59 which is Tuesday at midnight – well no Tuesday at 23:59 so it's Wednesday at midnight.

So staff and myself, and I will be in Los Angeles on the 13th of March – staff and myself will be able to file anything that needs to be filed or not filed depending on what the results are. And that's the process going forward basically. Are there any questions on the process or comments as well? What I would hope is that we don't have votes showing up in the next hour. I hope that you do take one last time to look through. If you're already very knowledgeable about the case then I would hope you might just have a last read of the latest. If you are not sure then I would imagine that you would take a few hours this weekend to read through this, and if you do have any questions then ask them online on the ALAC list. You've got other people who can help you and maybe there can be more discussion on this.

For those people who are not on this call I believe that the recording will be put online ASAP. I don't know how quickly we can have a transcript. Heidi, any idea?

HEIDI ULLRICH: This is Heidi, Olivier. I would hope that it would be within 48 hours. Gisella, if we ask for an urgent turnaround could we shorten that time?

OLIVIER CRÉPIN-LEBLOND: Gisella, you're probably muted.

GISELLA GRUBER: Olivier, Gisella here. I will do that.

OLIVIER CRÉPIN-LEBLOND: She will try. Okay, I wasn't quite sure, I'm not quite sure what we heard there but yes, she will try and I hope that we can get it before the end of the vote, hopefully by Monday or Tuesday, Tuesday morning UTC if anyone wishes to relook at this then they're very welcome to do so. Yaovi, Rinalia, and Dev. So Yaovi, you have the floor.

YAOVI ATOHOUN: Yaovi speaking. It's just a question to the (inaudible) from the next steps because there are two things now – the deadline for ICANN to receive the requests, so that one is March 11th. And then the deadline for the filing on March 13th, and as you said we can request funding for an objection even if we don't know the result of the vote we are going to do. Is this clear as you said it? I just want to confirm I understand.

OLIVIER CRÉPIN-LEBLOND: Yes, thank you Yaovi, it's Olivier for the transcript. I can confirm, Yaovi, that yes, we will ask for the funding request for all four of these applications. So we will say the ALAC will request the funding for four objections – sorry for the wrong choice of words. So the ALAC will ask for funding for the four objections but then it might not go ahead with those four objections. The important thing is to make sure that we've applied for the funding, that's all. Back to you, Yaovi. Yaovi, you have the floor.

HOLLY RAICHE: I think he's finished.

YAOVI ATOHOUN: That's clear, thank you.

OLIVIER CRÉPIN-LEBLOND: Was that it? That was the question, yes?

RINALIA ABDUL RAHIM: That was the question. Can I go now, Mr. Chairman?

OLIVIER CRÉPIN-LEBLOND: Go ahead, Rinalia. I'm sorry, I can't hear very well because I can hear some background noise at the moment. So Rinalia, you have the floor.

RINALIA ABDUL RAHIM: Thank you, Rinalia for the transcript. Just a question on clarification, Olivier – will the ALAC be asked to vote on the objections as a block or one-by-one? Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Rinalia, and I believe that there has been, the RALOs have voted on the objections one-by-one and I would like the ALAC to vote on the objections one-by-one as well please. I think it's important to provide full choice and batching them together is just one of these things which just doesn't make sense and certainly would weaken the case of the ALAC. And I see actually that many people in the chat are echoing this as well. Dev?

DEV ANAND TEELUCKSINGH: Thank you, Dev Anand Teelucksingh speaking. Just a reminder of something here that's also been linked on the Wiki pages. The community objection grounds actually were quite, when the Review Group had to look at the comments and tried to match the objection grounds it was a challenge for us because the community objection grounds lists four tests for which an objection can be sustained on community objection grounds. So it would be worthwhile to actually go through that and make sure you understand, look at the community objection grounds because there are four tests – community, substantial opposition, targeting and detriment. And the challenge for the Review Group is to try to come up with an objections statement that met all four tests in the standard for that objection to prevail.

So and on that page I've also put in two links there that might also be of interest. There was a CircleID article about community objections by somebody named [Don Moody] and it actually goes through some of the questions and what you should do and how you should think about community objections. And I think what also might be useful is also to look at the independent objector. This has been posted previously before but I think perhaps it might be worthwhile to just look at how the independent objector is looking at various controversial applications. The independent objector has actually gone through the thinking behind the decisions why he decided what he did regarding several controversial applications, and that link is also there in the community objection grounds link.

Just one observation also again, and since Rinalia triggered this comment: the ALAC has to look at each of these applicants and the objection statements independently. So for example, potentially ALAC members can decide, for example, based on the correspondence received and the PICs by the applicants and taking into consideration everything they may not want to support objection statements say on two or three of the applicants but allow one objection to go ahead because that one applicant did not address the concerns in their PIC or the objection statement against that applicant for the application, they were in full agreement with the objection statement for that one applicant. So that's it.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Dev, and I think that's pretty clear. I was just going to ask as a follow-up since we all know about this specific agenda

page whether we could have all of the resources you've just mentioned linked from that agenda page. I'm just a little concerned that we're mentioning all this on the call and those people who are listening might not know exactly where you're pointing to. So if you can just add to the list of resources "Material for Review," underneath that the link that you've just mentioned?

DEV ANAND TEELUCKSINGH: Okay, fair enough. This is Dev speaking. Certainly, I can add that to the resources or "Materials for Review" on the page there and we can probably update the agenda page to that; and I can also send up a follow-up email because I've already posted this to all the RALOs and to the ALAC list of course.

OLIVIER CRÉPIN-LEBLOND: Okay. Well thank you very much, Dev, for all of this work. It's been very, really extremely important. It's pioneering work, the first time the ALAC proceeds on something that is an operational process, so really a big round of applause over to you and to your team as well. The whole team has worked very hard and I was very, very impressed with the process that was taken and certainly the development of those four grounds for objection, etc., etc. – it's a lot of things.

That said though, although we are praising you and your team, it looks as though the work has not finished. So once we know what ALAC members decide to do, if ALAC members were to continue with the process and wish to file objections I gather your team will probably be called upon for quite a long time. If on the other hand ALAC members

decide not to file objections then I guess we will just have to thank you and your team next time and perhaps have more information about your process. But that probably will just be a post-Beijing briefing in any case.

Until now you've done an excellent job and we thank you all. I just open the floor – any last questions?

DEV ANAND TEELUCKSINGH: This is Dev, a quick follow-up. Well, just to say quickly that this is Dev speaking – just to say that really, truly it was the Review Group members that really worked very hard under very difficult circumstances. Getting comments literally at the last minute and then trying to make the best out of it to try to really do its work – I mean there were many opportunities for the Review Group to just simply say “We don't need to do this,” but they really stuck to their guns and “Okay, let's try to do this”; and really pushed hard to try to come up with the objection statements. So really kudos to all the Review Group members.

Just some comments in the chat. Alan is asking whether the [IO] has filed any objections. To date the IO has not filed any objections as such. There has been no filing of any objections on the ICC's website at least on limited public interest or community grounds. I haven't really checked the other two objection grounds. But you know, the IO can of course act to do so. In fact, in his latest statement he said he's engaging a panel of lawyers to be engaged with all the objection panels.

CARLTON SAMUELS: This is Carlton.

DEV ANAND TEELUCKSINGH: Go ahead.

CARLTON SAMUELS: This is Carlton, just to follow up on the IO – what is instructive though is to read the background comments of the IO. It tends to suggest that he will have a difficulty if you follow his reasoning on filing any objections at all.

DEV ANAND TEELUCKSINGH: Indeed. Well, this is Dev. Yes, Carlton, and that's why I recommend that you take a chance to read it because actually it's good to read the independent objector because it kind of dovetails into how the Review Group was thinking in applying the tests and ensuring that the four tests for community objection were met. So again, it might be useful to read the IO's comments that he put up on the website on how he dealt with the comments on these various applications and his opinion.

OLIVIER CRÉPIN-LEBLOND: Okay, well thank you very much and perhaps a link also to the explanation of the IO or to the IO's space, IO being independent objector, would be helpful to also add for our members in the agenda page for this meeting, for this call. And with all this I think that we are reaching the end of this call. In fact several of our members living in some parts of the world where it's the middle of the night are falling asleep and I don't blame them. So I thank you all for this call of the

ALAC and as I said earlier, if there are any questions or any more discussions please have them on the ALAC list or on the At-Large mailing list and I look forward to seeing those results.

Your guess is the same as mine – I don't know which way this will go but I'm certainly going to spend a few hours myself this weekend to make up my mind. So with that thank you very much, thanks to the interpreters for spending 15 more minutes with us than originally expected and this call is now adjourned. Bye-bye.

[End of Transcript]