

AVRI DORIA:

Okay. So the first thing for this meeting on 11 March is the review of the Agenda. What we have on the Agenda is the review of the Agenda followed by a roll call followed by a SARP update, if there is one to be had. Then looking at the Review Group, looking at going forward what is the role of this (inaudible) current progress on an objection. We need to talk about whether there is something to talk about there. Then take a look at the rollout issues and see if anything further needs to be done on anything, where we are with the things that are being worked on, and looking at whether anything else needs to be added.

And then the next item is the Outreach Evaluation and recommendation project, the Theory Formation document, something that was to be based on the original schedule a while back. This should probably already be in survey or almost in survey and if not looking at where those two things are, looking forward to the following meeting and, you know, deciding what we need to do about them since we have a specific session scheduled for this, and then looking at how do we accelerate the work. We need to look at the schedule, need to look at our intention of catching up and any next steps.

And then there's any other business. At this point, does anybody have any other business that they think should be added to that list now? Okay. Hearing none, I'll assume not.

Are there any changes or amendments or additions to the Charter – not the Charter, the Agenda in general that should be made? No? Okay. In

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which case we'll proceed with this Agenda. And can I ask, I guess it would be Nathalie or whoever to do a roll call for us, please. Thank you.

NATHALIE PEREGRINE: Okay. This is Nathalie. Good morning, good afternoon, good evening. This is the New gTLD working group called on the 11<sup>th</sup> of March 2013. On the call today we have Avri Doria, Alan Greenberg, Carlton Samuel, Olivier Crepin-Leblond, Dev Anand Teelucksingh, Hong Xue. I believe that's it. We have apologies from Yaovi Atohoun, Cheryl Langdon-Orr, Andrew Max, [Atema Davacia](#), [Wogatu Gisano](#). From staff, we have Heidi Ullrich and myself, Nathalie Peregrine.

I'd like to remind all participants that they say their name before speaking for transcription purposes. Given that transcriptions are now available over the next 48 to 72 hours after the end of the call, staff will no longer be taking summary minutes but only action items which will be done for (inaudible) meeting place. Thank you very much, and over to you, Avri.

AVRI DORIA: Thank you, Nathalie. This is Avri Doria speaking again. Okay. So SARP update. Is there anyone that has one? Have I missed the report coming out and such or has anybody heard anything about it? Do we have our SARP representative or anyone that is on the SARP on this call who can give us a clue? The deafening silence tells us that perhaps SARP has not finished its work yet, that SARP has not put out a report yet, and that we have no one on this call who's able to update us. If we could have...

HEIDI ULLRICH: Avri?

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AVRI DORIA: Yes.

HEIDI ULLRICH: Go ahead. I think you're reading my mind. This is Heidi. I have not heard back from Carla. I'm happy to follow up with the standing action item.

AVRI DORIA: Thank you very much. That is exactly what I was going to ask next. So thank you. And is there any other comment that anyone would wish to make on the SARP update before we move on? Nope. Okay.

Moving on to the next Agenda item, the Review Group. The Review Group did its work. Everyone has congratulated them for the work they do, and I do, too. It was an incredible amount of effort that they put into coming to their conclusion. The question now becomes what is the role of this group going further. There is currently an objection being voted on in ALAC.

Having listened in on the meeting the other day, there was a discussion of once the objection is made, that is not the end of the road but it is the beginning of a next road and that there would be interactions, perhaps negotiations, etc. While at this point it's impossible to know whether the objection will be submitted or not, I want to bring up the conversation in this group, which is the group that is administratively and process wise sort of responsible for the Review Group and its Charter making recommendation to ALAC who of course is the group that makes any of the decisions.

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Whether we believe that it is the Review Group that should be involved in whatever discussions, negotiations, follow-up, what have you, so whether it is the Review Group should be that and whether we should be making that recommendation to ALAC and also the question of if it is the group that is responsible for following up, whether – you know, under what rules do they need to work. Is it just keep on going, guys. You guys are doing great. You know, deal with it as you deal with it. Or are there some constraints that this group would want to put around that process and how they did that process.

I'd like to actually, if Dev is willing, to give him the floor at this point who as the Chair of that group, I'd like to hear his view on it and find out whether the group itself has had any discussion on its follow-through with this recommendation. And then I'd like to open the floor on specifically the issue of do we have a task here, do they have a task here, and what's next. Dev, the floor.

I see Alan has his hand up, but if it's okay, Alan, I would like to give the floor to Dev first and then come to you. Would that be okay?

ALAN GREENBERG: No problem. I was just jumping the gun.

AVRI DORIA: Okay. Thank you very much. Dev, please.

DEV ANAND TEELUCKSINGH: Thank you, Avri. This is Dev Anand Teelucksingh speaking. With regard to what happens at the objection, if the elector decide to vote on filing objection statement, there's an initial phase where the objections are filed. But then the process goes into the actual dispute resolution

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process whereby the applicant to which the objection is filed then has a – you know, gets a response.

And the question would then be if there was any conversation by the dispute resolution service provider in terms of, you know, asking follow-up questions or clarifications and so forth. My thinking is that given that Review Group was the one that was involved with the drafting of the objection statement as that's been put forward in consideration of, well, it is now ALAC, I would think that the Review Group should be the one that should be working in consultation with ALAC to actually coordinate any responses as part of the dispute resolution process. But those are my thoughts on that matter.

So while it will be ALAC in charge of being the objective contact, ALAC would then work with Review Group to actually coordinate any responses with the dispute resolution service provider. That's my thought.

AVRI DORIA:

Thank you. Okay. I see an agreement from Evan. And Alan has his hand up. One question I'd like to ask. Do you believe that this is already within the Charter of the Review Group or this something that would need to be added to that for it to have been properly processed?

DEV ANAND TEELUCKSINGH:

This is Dev. I probably will have to double-check, but I think if it's not there in the Charter. I don't think it was already put in the Charter explicitly so I think we do need to add it to the Charter of the Review Group.

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AVRI DORIA: Okay. Thank you. Alan, I'll go to you.

ALAN GREENBERG: Thank you very much. I think people on the Review Group should be given an opportunity to work on the follow-on task, but I don't believe they should be required to nor do I believe it should be restricted to them. I think the people who should be working on a follow-on to the process should be passionate about the particular issue and that may be different people for different objections. At that point, it becomes not a balanced decision-making process but an advocacy process. And I really think it needs to be tailored to that purpose. And I'm not at all convinced that the Review Group, which may include people who didn't believe it should go forward at all, you know, certainly in their heart, regardless of whether it met the technical specifications, I believe the people seeing it forward must have convictions that this is where it should go. Thank you.

AVRI DORIA: Okay. Thank you. Hong, please.

HONG XUE: Well, if ALAC decided to object to these CLD screens avocation, then filing objection statement is only the first step. And in that case, ALAC is actually enter into contention procedure. And so it's not really the timing to decide who is going to represent ALAC to participate the hearing to debate on behalf of the objection and to file additional material, if required, by the panelist. This is the wrong person.

So let's go back to the issue I really want to address. Better it's within the scope of this Review Group. As far as I remember, objection – the standing for the objection is ALAC. And it's actually ALAC that filed

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objection statement. Review Group is a working body for ALAC, so it submitted its draft to ALAC to approve it. So in the following contention procedure, the standing is still with ALAC. So, of course, ALAC can delegate the Review Group to represent in the proceeding or delegate the other person to do this. So in that case, okay, I agree with Alan. This is up to ALAC to decide.

Back to you, Avri.

AVRI DORIA:

Okay. Thank you. Evan, please.

EVAN LEIBOVITCH:

Thanks. I think Hong and Alan are basically saying slightly nuance versions of the same thing in saying that the Review Group has essentially provided the factual basis upon which – or the factual basis upon which the objection has been launched, that is, did it meet the four rigid criteria. And the Review Group had to look at a number of applications, said no, had to look at slides and said yes, and then four of those went through the **RELO** process. So I think I agree with both Hong and Alan in basically thinking they're saying the same thing.

Now things have been moved to not just a matter of fact finding but ALAC and/or its representatives are going to be asked to potentially speak before a dispute resolution provider. It may be asked to provide more information. So certainly the Review Group has to be involved if any of the fact-based analysis that was done to meet the four criteria. If there's any requirement for further information on that is required, we certainly can't provide that really without going back to the Review Group and being able to get that extra process.

Having said that, I also agree that this becomes a matter of, you know, we are going in front of a – it has now become part of a dispute as opposed to just fact finding. And my suggestion at this point is that we, probably meaning this working group, may have to designate some specific people as the main contact points for the dispute process going forward who may be and should be in contact with the Review Group for ongoing research and due diligence as necessary.

But I agree with Alan that it's not probably correct to depend on the Review Group to take its fact-finding role up until now and turn that into the kind of courtroom type confrontational system that we're now going to get into as this becomes a dispute mechanism. Thanks.

AVRI DORIA:

Okay. Thank you. Olivier?

OLIVIER CREPIN-LEBLOND:

Thank you very much, Avri. It's Olivier for the transcript. I agree with what's being said so far. I would just though note that perhaps one way would be to get the members of the Review Group to either reaffirm or stand down if they – whatever their wish is, if they wish to continue or not continue. And if there are any additional spaces at that point, I would really like to continue seeing the Review Group as being a balanced, geographically balanced, group rather than one that is geared in one direction or another. It just feels a lot better like that.

Of course, this all just in case any objections come across. That's all. Thanks.

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AVRI DORIA: Thank you. Alan, I believe you're the next person with your hand up who hasn't spoken yet in this round of having hands up.

ALAN GREENBERG: I have spoken, but I'll...

AVRI DORIA: In this round of having hands up.

ALAN GREENBERG: Okay.

AVRI DORIA: You put it down and put it back.`

ALAN GREENBERG: Okay. Yeah, I question the balance part and in particular – although I'm certainly not unhappy. But, you know, if everyone who's interested in the objection process completely disagrees with an objection to dot xxx – that's not a domain, that's a fill in the blank – then I don't think we should be compelled. You know, it's not only confrontational, it's also potentially negotiation. I think it's going to be important that we have a person named as the lead person in that kind of thing. The last thing you want in a negotiation is to have people on one side of it negotiating among themselves and possibly presenting different views.

This is a different phase of the project. And as other people have pointed out, it is an ALAC decision which may choose to delegate to some other group, and it may be an existing group or not. But I think if we're serious about the objection process, if we're going forward with it because we believe there is something to be done, we have to staff the group and whoever leads it completely seriously. Now balance if possible, but if that is not possible, so be it. Thank you.



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there is some continuing role that does need to be dealt with in some way because it's not necessarily in its Charter.

Two, that we do seem to be saying in general we believe that it's up to ALAC to pick its champions, to come up with its negotiators, its advocates for the objection if indeed they do make an objection and that. One thing that wasn't answered is whether this group would have any role in recommending how they did that or whether we would just want to, as Olivier said, just send a message to ALAC saying, 'If you vote for the objection, we recommend that you also come up with advocates, but we are also recommending that the Review Group stand by to do any research that these advocates may need.'

It's kind of what I heard summing it together. I don't know if I heard it correctly. And now, Alan, I'll give it to you and then anyone else that wants to amend what I said. The last thing I would add is it does sound like there's a task that would be worth scheduling a special meeting next week to determine exactly what the role is – of course, unless by then we know there's no objection and nothing to be talked about.

Okay. I see Alan and Evan on this subject. And then I would like to move on. So if you want to speak on it, please put up your hand although I know at least one person will put one up later. But, please, so then we can move on to the other things. Thank you. Alan.

ALAN GREENBERG:

Yeah. Thank you. I just wanted to clarify on what Hong was saying is the procedure does talk about negotiation as a method of perhaps getting the applicant to make a change or do something or other, and

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then effectively the objection is withdrawn with some new commitment by the applicant. So I was just confirming what Hong was hypothesizing, that it is a prelude to or perhaps something that happens halfway along associated with withdrawing the objection. Thank you.

AVRI DORIA: Okay. Thank you. Carlton?

CARLTON SAMUEL: Thank you. This is Carlton for the record. I just wanted to emphasize what Hong said is correct. I believe the Review Group would have some role to play because there were these facts in the first one which is the region supplement. I would imagine that settlement means that there's some negotiation about what facts are and what amendments to the facts could be made or additional facts could be elicited. So I think up to that point.

But Alan is quite right. When you get into the contention process, I believe that the going forward after that, it would be appropriate for a different group to step in. I really do believe, and I'm looking to Alan's point here, that in this end of it, then some of us probably have views or rather some views that I have arrived with you which says that I would not move forward on any of them on certain principals. So I would not want to be part of the negotiation at all because I already know where my mind is. Thank you.

AVRI DORIA: Thank you, Carlton. Evan, you have the last word on this point.

EVAN LEIBOVITCH: Thanks. Like Carlton, my views on the situation have been very well known, and I would probably make for a very, very poor advocate. So

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what I would suggest at this point is I think the Review Group needs to maintain at the very least as a backup resource for whoever we designate is going to be the ALAC front person for the purpose of ongoing negotiation and advancement at potentially a dispute resolution provider. I don't think they need to be the same thing. The people that are picked to be the representatives for the ALAC at this process could come from the Review Group, don't have to come from the Review Group, and certainly has been suggested there might be some people in the Review Group that might not make good advocates for this either.

If the ALAC is going to move forward with this and do a proper job of advancing the objections, assuming that the vote succeeds, then that means that it's going to need somebody who believes in the objections, believes that they need to be advanced, and is going to be in a position to negotiation with the applicants with the possibility of withdrawing one or more of the objections before they get to the dispute process. That means – so what I'm suggesting is that we need the Review Group as a backup resource that should not necessarily be the same as the one or two individuals I think need to be our front people for doing negotiations.

I also think that we need to limit this to one or two people. I totally agree with the thing that you don't need the negotiators for ALAC arguing or negotiating amongst themselves at the table. This needs to – you know, this is going to be almost a legal process from here ongoing where you're going to have a table, two sides of the table, even though the table in some cases may be virtual, and there's going to be

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negotiations, there's going to be requests that if we do this will you withdraw the objection. Then there has to be consultation. So there is going to – that, I think, is what is referred to by the beginning of the process going forward.

So we need to have people that, No. 1, believe that the objections are a good thing, are in a position to advocate them and advance them, argue them, and when necessary go back to the Review Group for backup information. And also it can't be too big a team. It has to be people that are capable and have the authorization of ALAC to sit at the table and, you know, assuming they go through a consultative process to go through any subsequent actions, have to be people that believe in the issue, can be trusted by ALAC, and are able and prepared to negotiate with the applicants as we go forward and potentially sit at a table and argue something in front of a dispute resolution provider. Thanks.

AVRI DORIA:

Thank you, Evan. I think that would have been perfect content for the meeting on Monday, and so I'll ask you to repeat it then. It sounds like we do have a certain notion that we do need to do something, assuming there's an objection actually filed, that we do need to make a recommendation on extension of the Review Group Charter and perhaps even a recommendation to At-Large on its method of picking its paladins for the advocacy effort for any objection that they may indeed decide to do.

At this point, I'd like to cut the session.

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EVAN LEIBOVITCH: Sorry. Avri, I'd go further than that. I think we absolutely have a responsibility to put forward people to the ALAC as a recommendation.

AVRI: We can discuss all of that at the Monday meeting if it's necessary. Basically, I just wanted to get the thing settled at this point that we have more work to do and that we generally have two notions of that work to do. I'd prefer to defer any of the specifics until next Monday's meeting, should it be necessary. Does anyone object to doing that?

I'm assuming Olivier's green check is a support of the statement on the Monday group, not an objection to it. Okay. That will be a full meeting of this group but of course anyone's that not interested in the topic doesn't need to attend. But, okay. So at this point, contingent upon the vote of the ALAC on its objection, if they do vote in favor, then we will have a meeting next Monday to discuss the support of that, the composition of advocacy, any recommendations we wish to make, and the extension of the Review Group's Charter.

And I'd like to ask Dev especially, but anyone else also, to help craft draft words on how we extend the Review Group's Charter so that we have some text to start with. I would see that meeting as largely a meeting of word crafting so that we come out of it with, 'This is what we are recommending to At-Large relative to any objections that they may have approved.'

Any objection to moving on? Okay. Now let me see if I can do this screen share thing. And I'm in display. And I am assuming that people

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now see my chrome connect view of the Wiki page. Is that correct?  
Everybody find the host.

OLIVIER CREPIN-LEBLOND: Yeah.

AVRI DORIA: I really find it most disturbing that I don't see what's being shared, but  
anyhow.

Okay. So the next thing on the thing was the rollout issues. On the  
rollout issues, going to it now. I love it when they're not working. Well,  
maybe someone else should have done it. Okay. There.

On the rollout issues, where we are at the moment is that we had a  
draft, I think as of the last time looking at things. We had a draft  
enclosed in progress on private generic words, but I think that is all  
done now. Correct? There was a draft. It got moved on to ALAC. It has  
been filed. This issue is closed now or is there something further to be  
done? Anyone?

Evan, since your name's attached to it, can I tag you to tell me whether  
this is a closed issue or not for this group?

EVAN LEIBOVITCH: Which, on the generic word app?

AVRI DORIA: On the private generic word – private / generic word application, yeah.

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EVAN LEIBOVITCH: Well, there has been – there was a statement made that Alan and I worked on that’s been voted by the ALAC. Is there a reason not to consider this closed?

AVRI DORIA: That’s what I’m asking. I would think it was closed, but I didn’t want to sort of say that. So does anyone have any reason why I don’t change from draft in progress to closed?

EVAN LEIBOVITCH: Well, it clearly isn’t addressed. There was a final statement put forward in front of the ALAC, so at the very least that’s where that is.

AVRI DORIA: Okay.

EVAN LEIBOVITCH: That has gone from a draft to a proposal which I believe, and staff can verify, has passed the ALAC vote.

AVRI DORIA: Okay. Olivier, please.

OLIVIER CREPIN-LEBLOND: Thank you very much, Avri. It’s Olivier for the transcript. The statement was passed with 30 votes in favor, no votes against, and one abstention and was sent to the public comment process on the 6<sup>th</sup> of March, 2012 – 13, actually. I’m just reading blindly from this piece of paper and it says 12. That might be changed. And I thank everyone for the debate that we had on this. I think there was a lot of discussion. I really thank Evan for having taken the time to go back and forth between the different points of view that were in this community. And, of course, I thank Alan and Rania for their very insightful input on this.

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AVRI DORIA: Thank you. And I ask forgiveness for what I'm about to say beforehand, but since you read that blindly, I congratulate you on your use of Braille. Anyway. Moving on.

So I've marked this as statement proposed and accepted. Do we close this issue or do we put it in so-called watch mode?

EVAN LEIBOVITCH: Sorry. Avri, it's Evan. I think – well, there's follow-up work. The statement that was made actually calls for follow-up work so there's actually going to be more metrics proposed by the ALAC or at least a small, I believe the way it was called is some kind of a task force. A very temporary, very specific role has been created to create a set of supplemental metrics over and above what the GNSO has proposed. And so I'm in the process of putting that together. And so it is a – there is ongoing work as a follow-up to that statement.

AVRI DORIA: Okay. Ongoing work on further metrics.

EVAN LEIBOVITCH: And I would take the opportunity to put a request out to any members of this call and of this working group that I'm still assembling members of the task force. We're going to be doing our initial work starting this week.

AVRI DORIA: Okay. And when you've got documents that need reference to, please either add them to the chart or make sure to let me know so I can add them to the chart.

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EVAN LEIBOVITCH: What do you – well, there is going to be a Wiki page for the ongoing work of the task force. What are you looking for, Avri?

AVRI DORIA: Then I would just put in the URL or the reference to the Wiki page of that. Basically, I'm trying to keep this table here a good place to start for anyone that wants to follow through on any issue.

EVAN LEIBOVITCH: Okay.

AVRI DORIA: So I would want to just link to the Wiki page. That would be sufficient if that's where it's all going to be.

Okay. So I updated this one. Does anyone have any further updates that I should add on this particular issue?

If not, then the next one is listed as completed. We have additional RPMs in watch mode. Any further to say about that at the moment? No? Okay.

We had public interest comments PICS in watch mode. Are we in a position that we want to do anything further with that at this point? Yes, Hong, I see your hand. Sorry, I missed your hand. Perhaps you were on the previous subject. Apologies.

HONG XUE: Yes, the public interest commitment. This is a very interesting topic. But I can give some very short notice to the community. I guess At-Large should have a ways on this. First of all is the issue of compliance.

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Even those people committed to do something and may not follow that, so how can ICANN enforce that. That's a big issue.

Second one, what is really interesting is that ICANN has a basic requirement on the public interest commitment that they must use ICANN accredited registrar and commit to not to do any legal activities. This is very interesting. It seems that it impose a basic obligation on the registrars of New gTLD to surveilling the domain and to watch the contents of hosted in the domain. That's very, very interesting. So it seems that ICANN is entering into the content business. This is a big concern for the freedom of expression. Well, ICANN has no expertise in those sources to take care of that. But now ICANN is asking the registry to do this. Very interesting. That is some raw thinking.

Avri, back to you. What do you suggest to proceed?

AVRI DORIA:

Well, actually, that is actually my question for you and we can go through the other people that have put up their hands now. But indeed, my question to you is do we take this out of mode of watching and do we have a few volunteer people get together and start thinking about what it is we do next. But let me come back to you after others have spoken to see if you have something you want to suggest.

Evan, please.

EVAN LEIBOVITCH:

Thanks, Avri. There's two issues to me that are fairly separate. One is the content of the public interest commitments themselves, that is as Hong said, to what extent are they relevant, to what extent are they

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enforceable, and to what extent are they involved in mission creep on the part of ICANN.

The issue of compliance is a very, to me, different one and dovetails with existing problems that members of At-Large have had with the compliance department to date. I mean, there have been ongoing concerns about ICANN's ability even to enforce the contracts that are in place under the existing regulations and the existing RIA. And so I think there's a very significant concern that if ICANN has such a difficult time enforcing the existing RIA terms, how is it going to be able to enforce all these new things coming down, and how is it going to be able to instill confidence in the public that it's able to do that when in fact it's had such a difficult track record with the existing RIA. Thanks.

ARIA DORIA: Thank you. Carlton. You're on mute at the moment.

HONG XUE: Well, I just respond to comment.

CARLTON SAMUEL: I'm mute.

ARIA DORIA: If I could let Carlton go and then come back to you.

HONG XUE: Oh, I'm sorry.

ARIA DORIA: That's quite all right. Thank you. Carlton?

CARLTON SAMUEL: Thank you, Aria. This is Carlton for the record. Evan said three things that I thought were important, the PICS, whether they were relevant to

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this train that was being approached and the commitment and what the registry holder was going to do, and then again enforceability of any of those commitments.

I personally don't think you would see straight off the bat that they're saying, 'Well, of course, if you have them, to make them relevant and enforceable, it has to be at the bottom of process determine all of that. That is going to take a little while to get done. And it brings a real issue for me, and Hong picked up a side note. The mission creep which goes into delegating content watching to the registry. I personally am troubled by that. And as I said before, the only good thing to come out of it is if you at first mix the relevance and enforceability.

The PICS that are made right now, they're not worth a bucket of sticks because unless you can tell me whether or not they're relevant or enforceable. That will come out of multiple prospects, and that process is going to spit out something long after the string is delegated. I don't see that answering the question to where, quite frankly. And maybe it's the right thing because there's a serious, serious case of mission creep that we might have to deal with here. I am very troubled by this notion that you are delegating content policing to someone by virtue of making these requests. Thank you.

AVRI DORIA:

Okay. Thank you. I must admit, I'm really having personal chuckles today over our metaphors and the potential buckets of sticks was just very interesting to me.

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Now, we've gotten to a point where certainly some very interesting points have been made. My next question, and I'll come back to Hong on this, is should we be doing more than watching this? Certainly, some very strong concerns have been listed. There's some very interesting questions. I haven't thrown my own set of questions into the loop, but I'm not going to at the moment. So should we be doing more? Hong, I'll come back to you and then I see Evan, you have your hand up. Is that old hand, new hand?

HONG XUE: Oh. I'm sorry.

AVRI DORIA: Hong, please.

HONG XUE: And this still goes to content. I believe some similar. Okay. In addition to the problem on PIC that's just been mentioned, there's another problem. There's the procedural. ICANN is not seeking public comments at the moment. Instead, and in very short notice, ICANN is requiring all the registry to make commitments directly, even for the partially completed, the policy. For example, there's no district resolution policy that's been crafted, and now they have to commit to comply with that. That's very interesting.

And, of course, ICANN is going to use a district resolution. As Evan said some years ago, ICANN has off sourced this problem to somebody else to decide whether a registry has breached its commitment to public interest. It's also very, very interesting point. And according to our handling of this objection, some people would suggest, does TLD commit to ABC and we can withdraw our objection. That's another

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prospect that we would think about. If this has become a commitment and then written into the delegation agreement, in the future ICANN would need to interfere the operation of that domain to monitor whether Search and Screen has been registered and for what merit it should be registered. These things, ICANN is going to be a super government. Very interesting.

So, oh, back to your question. We should draft a statement of something else. This is not a comment period, so I don't know what we can do apart from watching and then wondering. Back to you, Avri.

AVRI DORIA: Okay. Well, thanks, Hong. This is a comment period, correct, so I thought this was a comment period or has that ended on the PICS?

HONG XUE: I believe it's going to be ended the 13<sup>th</sup>.

AVRI DORIA: The 13<sup>th</sup>? So that's – yes, so it's essentially over. But, of course, then ALAC isn't necessarily constrained only to within the comment period as we've also discussed.

So the question I have is should I change – first of all, is there someone that wants to start working on a statement? Let me put it that way because without a key person that says, 'Yes, I think there's a statement needed here and I'm willing to work with others to do it, but even work alone if that's necessary,' then there's not much point in saying we're going to write a statement. So is there someone that feels strongly enough that a statement is necessary here and is therefore willing to

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put themselves forward and say, 'Yes, I am willing to work with others to produce this and be the point person on this issue.'

So seeing and hearing no volunteers, am I to assume that we therefore remain in watch mode?

HONG XUE: Oh, Avri, sorry. I can volunteer.

AVRI DORIA: You've got it.

HONG XUE: But I'm pretty busy. Well, we're traveling the following week. If you agree to work with me, you have a commitment on this.

AVRI DORIA: Me, huh? I'll change it to ongoing. I've put your name down. Oh, dear, do I put my name down. My – there's a problem with me being involved so I would look for others. Me being involved, since I also do get some contracting fee from a applicant who may or may not have put in a PIC, and I say may or may not because I think they did but I think they may have done it in the wrong form so it didn't end up in, and I really don't know what's going on. I would probably be best in a purely administrative process on this, keeping my viewpoints of the PIC separate from this working group's viewpoints of the PIC. But, you know, I'm certainly willing to help administratively in any way I can, but I do not believe that I should be part of any writing of anything. So can I leave your name there even though I'm not putting mine beside it?

HONG XUE: Oh. Okay, okay. I need the administrative help. I will certainly take the draft.

AVRI DORIA: I would certainly help you with that.

HONG XUE: Okay.

AVRI DORIA: Right. Anything I can do to help you get it done, I will. But I cannot contribute to the writing itself.

HONG XUE: Okay. Got it.

AVRI DORIA: Okay. So I've changed that to ongoing. Any other volunteers in my administrative role here? Any other volunteers to work with Hong on this, understanding that it will not make it in time for the 13<sup>th</sup> but that a statement may be recommended to ALAC as one of the ALAC letter type statements at a later time. Anyone else at the point willing to say, 'Yes, I'll work with Hong,' or should I keep nagging people on the list as time goes on?

I see a strong approval for me to continue nagging people, and no one volunteering at this point. Please, folks, think about it. If you think the issues are important, as many of you seem to, please think about contributing. In the meantime, I will set up a Wiki page for this over the next couple days so that people that care can start adding comments or what have you.

Moving on, and we're running late on the schedule, but that's okay. There was the consumer – GNSO consumer metrics working group of a sub team foundation, Evan being the point person on it. See, I'm not

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using that image of tokens that everybody found so objectionable. So Evan was working on a response on user center metric concerns. I was to confirm issue of scope, which I didn't, if necessary. I'm not sure it was necessary, but I didn't do anything. Evan, do you have anything to add on this, any changes, any – has sub...

EVAN LEIBOVITCH: Actually, you can probably delete it because we have just merged it into the previous thing we discussed up above.

AVRI DORIA: Oh, so this was those same concerns. Okay.

EVAN LEIBOVITCH: You can pretty well delete this because now that's all addressed.

AVRI DORIA: Well, I don't want to delete but I'll mark as closed.

EVAN LEIBOVITCH: Or – yeah, or see above.

AVRI DORIA: So this was merged into the generic word application?

EVAN LEIBOVITCH: No, the consumer metrics task force, I meant.

AVRI DORIA: Oh, so that's the task. I misunderstood. Because that's – volunteers needed for the consumer task force.

EVAN LEIBOVITCH: Metric.

AVRI DORIA: Now, I have a question where I was obviously unclear. I thought this was yet another task force. That was my confusion.

EVAN LEIBOVITCH: You know...

AVRI DORIA: Do we want to merge? So does this remain an independent activity or does this get consumed under the private generic word or is actually the private generic word consumed under this?

EVAN LEIBOVITCH: This has nothing to do with private generic words. This is – the consumer metrics, this came out of the Janice Oh consumer metrics task force which was a response to a direct board request.

AVRI DORIA: I understand.

EVAN LEIBOVITCH: Janice Oh created the working group. Cheryl, Olivier and myself participated in that working group. The ALAC statement is that, you know, what came out of that working group was fine but insufficient to address consumer needs, and the ALAC said that it was going to add some more. That's basically what this is about. So there's nothing – that particular issue has zero to do with private generics. That's a different issue. That's a different statement.

AVRI DORIA: I understand. But when we were walking about private generics, you mentioned this and just now you mentioned that this could be closed because it was consumed under another item we discussed. So that's what I was trying to understand.

EVAN LEIBOVITCH: Well, see, up above it says, 'Ongoing work on further metrics'. There's no metrics to do with private – oh, okay. All right. All right. All right.

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There's no work going specifically on metrics to do with private generics. There's a general task force on dealing with additional metrics over and above what the GNSO proposed.

AVRI DORIA: Yeah. Okay. So does the chart properly represent reality now?

EVAN LEIBOVITCH: That looks fine to me.

AVRI DORIA: I moved ongoing work on further metrics down there, so this work is ongoing. And I added the volunteers needed for the consumer task force to the list of items in this.

EVAN LEIBOVITCH: Actually, rather than consumer task force, just say, 'End user metrics task force'. I'm actually in the work I'm doing right now avoiding the use of the word "consumer" because it's so vague.

AVRI DORIA: Okay. End users metrics. No, end user metrics. Because you don't need the words in this now. Okay. So that works?

EVAN LEIBOVITCH: Yeah.

AVRI DORIA: Okay. Anything else that needs to be added? Oh, Olivier, sorry. I missed your hand. Olivier, please.

OLIVIER CREPIN-LEBLOND: Thank you very much, Avri. It's Olivier for the transcript. Just to add to what Evan has said. We have received response from the board, New gTLD committee, that the advice that this small task force would be

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giving would come in time. Apparently, the subject of consumer or end user metrics has not been tackled yet.

AVRI DORIA: And what does “come in time” mean, please?

OLIVIER CREPIN-LEBLOND: In time – the original timeline which Evan had suggested was for the response by the ALAC to be provided in Beijing. And so there is time until Beijing for the work to be done. Thank you.

AVRI DORIA: Thank you. I just wanted to get that noted. Response by Beijing.

Okay. So therefore if people look at the chart, I have moved this out. I have placed private generic in watch mode to see where it goes and to see whether there’s anything further to be done. Next time we go through the chart, I’ll ask the questions again. Is that a correct thing to have done? Alan, I see your hand up. Sorry.

ALAN GREENBERG: Thank you.

AVRI DORIA: I keep looking at the chart which is in a different screen, so I’m not quite as attentive to hands. I apologize.

ALAN GREENBERG: That’s okay. This is an issue we haven’t discussed. I’m not sure we need to discuss it, but I’m partly raising it just for information and partly asking for input. The string contention sets that ICANN found – the strings that ICANN found – believed to be in contention were announced about a week and a half ago. The string objection – string confusion objection must be filed by March 13<sup>th</sup>, which I find totally

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ridiculous. That is only two weeks allowed to decide whether – to recognize that ICANN doesn't think something is in contention and you want to claim it is. So I find that timing completely ridiculous.

It's relevant because there are strings such as – and the two examples are hotel and hotels, and perhaps more relevant from a user perspective, kid and kids, that are about as confusingly similar to a user as you can imagine. I mean, if you remember that Sheraton.hotel has some content you're looking for, no one's going to distinguish between Sheraton.hotel and Sheraton.hotels or Singapore.hotel and .hotels. And since we have a kids constituency or sorry ALAS within At-Large, it's particularly relevant for kid and kids. Am I correct in that? The string objection process is the only way to try to address that now that they weren't found to be in contention and that that deadline is that close?

AVRI DORIA:

I believe so. From my experience in my part-time job, talking with an applicant, I believe that that is the only recourse is filing – is for someone with standing, for example, kid or kids, or the hotels and hotel people, to file a objection saying we need them in the contention set with us or we should be in their contention set. I do not know of any other means of doing it.

ALAN GREENBERG:

Well, it's not so much that we should be, but they should be in a contention set.

AVRI DORIA:

Right. Basically – what they're saying is – they're either saying we should be. And let's say it's hotels wanted to file an objection on hotel and say, 'Wait a second. We should be in a contention set with them.'

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Or one of the hotel people could file one saying, 'Hey, we want them in a contention set with us.' It could go either way.

ALAN GREENBERG: Or someone could simply say that this is going to be confusion for users. Therefore...

AVRI DORIA: Well, now that...

ALAN GREENBERG: I'm not sure who has standing to file an objection. It's confusing.

AVRI DORIA: Only someone who is in contention.

ALAN GREENBERG: Really? Okay. I didn't realize that.

AVRI DORIA: Right. If you read it, it's only someone who believes they are in contention, rather. You know, it's com can file on con. It's kid can file on kids or kids could file on kid. Or children could file on kid. Anyone who believes that there's a confusing similarity between themselves and the thing they're objecting to.

ALAN GREENBERG: Yeah. Okay. I find it shocking that they weren't automatically put in the contention set by ICANN.

AVRI DORIA: If I had an opinion in this meeting, I might agree with you. I've marked – I've put it on the list, and I've put it as a tracking issue, not that we have anything on it. I've put your name down on it. It may again be something – you've gotten At-Large.

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And please, and ALAC, and forgive me again for making such a statement. I believe At-Large and ALAC have no scope for a proper objection, but of course At-Large in its advisory capacity has a right to say anything about anything in that advisory capacity. So if indeed at the end of the objection process, you look at it and you go, 'Oh, my God. This is horrible,' then certainly, you know, if people want to write a letter and recommend to ALAC that something be done or just to file your displeasure, I think, you know, that's certainly not inappropriate. That's the call of this group, and that's the call of ALAC once you make the recommendation.

ALAN GREENBERG: Oh, I'm serving notice that I'm going to recommend to ALAC that we make a statement on behalf of users who are going to be confused. Thank you.

AVRI DORIA: So, in other words, I move this from tracking to statement planned?

ALAN GREENBERG: Unless all of the cases that seem to be relevant have objections filed.

AVRI DORIA: Okay.

ALAN GREENBERG: In which case we just have to sit back and wait.

AVRI DORIA: Okay. I'll leave it as tracking.

We only have two minutes left to the hour. I did a terrible job of keeping us on schedule, but I felt the rollout issues were important.

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The other thing we had on – and pardon me for just cutting off the discussion at this point. The other thing we had was the outreach evaluation and recommendation project. I feel that we are – we have slipped our schedule horribly on that. I'm not sure where we are on the theory formation, although I do know that Tijani did some work on it. What I'm going to do is I'm going to get in touch with the people that are on these things over the next week, see where we're at, and I'm going to ask to plan a meeting for two weeks hence to try and get this thing back on a schedule. It will require a new schedule. We're obviously no longer on the old schedule. We have slipped. I am announcing the slip at this point. Yes, Evan.

EVAN LEIBOVITCH:

Hi, Avri. As we're talking about outreach, I want to bring up an important point. And we're going to punt it to a future meeting because it's a very big issue and a very important to me issue, but it absolutely needs to be addressed by this working group.

In the response to the objection process, I saw an almost identical parallel with what happened to the work we did with applicant support. We went through a painstaking process to create procedures for getting applicant support and later for filing objections. We took an awful lot of volunteer time. We put an awful lot of hard work. We've put an awful lot of critical thinking and end user centric intensions. We put forward these processes. And in both cases, they were both, I would call, disgustingly underused.

With the number of applicants that actually put forward for support, and the number of objection processes that were received, this is not a

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matter of them being underused because we did not do the work sufficiently. This was a matter of being underused because the word was not put out properly, and our stuff was just essentially left out hanging without ICANN promoting them, without ICANN making the world aware of them. And as a result, we were not able to perform our functions either in this area of providing support to applicants or in being able to allow the end user community to really voice objections to strings.

I am very, very upset about it. I think that we ought to take it as a larger issue, not just of the objection process but of a wider thing of outreach because clearly we have done these very, very useful end user centric things that have not had the word out, that have been not heavily used, and I think we need to go back to ICANN and say, 'If you really want to have the end user point of view represented within ICANN, it's not enough just to create processes. We have to enable, encourage, and make sure the global community uses them.' Thanks.

AVRI DORIA:

Thank you. That will be the last substantive word for this meeting. So we have possibly a meeting next week if an objection is made. And I'm going to schedule a meeting for two weeks to talk about outreach evaluation and recommendation of which I think Evan's last speech will figure in as part of the "what are we doing and should we do" and etc.

At that point, I thank you all for your attendance and for your forbearance of the extra two minutes on the hour. And I look forward to talking to you all again next week and/or the week after. Thank you.

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HEIDI ULLRICH: Avri?

AVRI DORIA: Yes.

HEIDI ULLRICH: Sorry. This is Heidi. I just wanted to make sure that everyone saw that the SARP report should be out today; if not, then this week.

AVRI DORIA: Oh, cool.

HEIDI ULLRICH: I told you that sometime ago on Chat.

AVRI DORIA: Okay. Sorry, I've been paying attention to too many screens and didn't see it. So thank you very much for pointing it out. So the horizon time on SARP report has gotten shorter.

HEIDI ULLRICH: Correct. And that also is for that meeting that is going to be held in Beijing on the outreach evaluation on that.

AVRI DORIA: Right. Okay. So anything else? My thank you stands, and I'll talk to you all soon, I'm sure. Bye-bye.

HEIDI ULLRICH: Good-bye.

HONG XUE: Thank you very much. Bye-bye.

CARLTON SAMUEL: Bye now.