

JULIA CHARVOLEN: Yes, this is Julia. The recording is on.

AVRI DORIA: Okay, thank you. Okay, let me start with the agenda. I've only got one thing on the agenda other than all the stuff that goes on agenda that's not the thing on the agenda. So reviewing the agenda now, then we'll go into roll call. Then the main topic of the day is Objection Support. And as I wrote in the thing, since an objection has been filed, we need to define the role of the review group in the objection.

At our last meeting, it was suggested that this role would be in support of the ALAC appointed objector who was responsible. So, review, craft any recommendations we need. And then, also, if we want to, craft a recommendation for the ALAC on all of this. I wasn't even sure if this was something we wanted to do, but at the last meeting it seemed like it's something we wanted to do. Then, next steps if there are any. Then any other business.

Now, Alan I saw had put in, "and any other business," which was to briefly talk about the request from Katim regarding a SARP application. Alan, I assume you want that listed as an "any other business" at the end. I see a hand raised. Please, Alan.

ALAN GREENBERG: Yeah, I would. That was all I was going to say. Although I did ask a question in the chat if anyone has any answers.

AVRI DORIA: Okay. Have they ever released...? Not that I know of. I did send a request, but not that I know of. Have they ever released the names of the SARP?

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ALAN GREENBERG: And they also didn't report who failed which criteria I believe. Katim's letter says that his failed one, but it doesn't say it passed the others.

AVRI DORIA: Okay. Can we put anything...? Then we'll just put a quick item at the end for SARP as opposed to getting into it during the agenda discussion.

ALAN GREENBERG: Thank you.

AVRI DORIA: Thanks. So any other business? But it's just briefly, because it will be in another meeting. SARP results and Katim letter. Okay, so any other changes or what have you to the agenda? No. Okay. Can somebody, I guess it's Julia, do a roll call for me, please?

JULIA CHARVOLEN: Sure. Good morning, good afternoon, good evening. Welcome to the new gTLD Working Group call on Monday 18 March 2013 at 13:00 UTC. On the call today, we have Evan Leibovitch, Alan Greenberg, Avri Doria, Hong Xue, Tijani Ben Jemaa, Olivier Crépin-Leblond, and Dev Anand Teelucksingh. We have apologies from Yaovi Atohoun, Cheryl LangdonOrr, and Cintra Sooknanan. And from staff, we have Heidi Ullrich, Silvia Vivanco, and myself, Julia Charvolen.

May I remind all participants to please state their names before speaking for transcription purposes. Thank you very much, and over to you.

AVRI DORIA: Okay, thank you. This is Avri again. So basically, what I did – and I apologize for only sending it out first thing this morning my time – was a document I'm calling Post Objection Activities. And I assumed that actually that one document hopefully may be enough. I went looking for the review group charter, and there really isn't anything. There was just the set of instructions that had been written by this group, primarily by

Dev, but sent by this group as a recommendation to the ALAC and then approved. That is a correct statement, Dev, is that not? That there is no standing charter – it's just the description of the objection process?

DEV ANAND TEELUCKSINGH: This is Dev. Yes, in terms of the procedure that was approved by the ALAC, but the (inaudible) to be on the review group. There was, I think, a list of what the group had to do though.

AVRI DORIA: Oh, okay. I didn't find that when I was looking quickly, but I'm assuming that that was sort of a resultant list in any case. So if we create this particular document and send it off to ALAC, they approve it, then that would probably be sufficient. I see Olivier's here, but I'd actually like to get perhaps a clarification from him if it's introducing a document similar to the one I've initiated or perhaps different in some sense that that, with a note to ALAC, would be sufficient, or would we need something beyond that? Olivier, can you speak to that?

OLIVIER CRÉPIN-LEBLOND: Yes. Hi, it's Olivier for the transcript. Can you just ask it again? Because I'm home and I'm sort of (inaudible) with things and the connection is not very good.

AVRI DORIA: My connection is not very good? I apologize for that.

OLIVIER CRÉPIN-LEBLOND: Do not worry because I'm just moving around the house.

AVRI DORIA: Oh, okay. Hello, Roberto. Okay. So what I requested is, since we don't specifically have a Review Group charter – what we had was the description of the objection process that the ALAC reviewed – what I'm asking is, as an output from this group, would be a letter or a document similar to the one I've started, but obviously edited, to the ALAC from

this group making a set of recommendations. I'm asking whether that would be sufficient.

OLIVIER CRÉPIN-LEBLOND: This is Olivier for the transcript. I think that's absolutely fine, Avri, yes. And in fact, you can probably count on the ALAC to act pretty quickly on this. It absolutely makes sense for the Review Group to continue to be involved. However, one of the questions was with regards to creating a new Review Group or perhaps changing the number of people or changing the personnel on the Review Group, depending on whether some of the members wanted to remain behind or whether some new people wanted to join.

AVRI DORIA: Okay, thank you, Olivier. You went beyond my question into the next piece, but that's useful information nonetheless. Thank you.

HEIDI ULLRICH: This is Heidi. Is that an action item then?

AVRI DORIA: No.

HEIDI ULLRICH: No, okay.

AVRI DORIA: I mean, yes, but no. The action item is now to look at this thing that I started writing. What I was just trying to check – and I'm obviously having great difficulty speaking and being clear about what I'm trying to say, and I apologize and I should probably go back to bed and forget about today. But what I was asking was: was a letter from this – was a document from this group – to the ALAC adequate, for whatever it is we're going to ask?

I have started a draft of such a document. Hopefully, you should all be seeing it already on your screen. And what I wanted to do next was then

start working through that document and look at all the issues that Olivier and anyone else would have.

Alan, I see your hand up, please.

ALAN GREENBERG: Thank you. Olivier, in his comment, implied that the Review Group in some new form with perhaps new composition would be the group that would do the follow-on work. I would suggest for clarity that we keep the Review Group as it is – people can obviously resign, should they choose – as a resource to whatever we call the groups that will be going forward with the objection.

AVRI DORIA: No.

ALAN GREENBERG: Merging the two together and implying there, when there really may be three different ones for the three different objections. Let's keep it clean, if we can. Thank you.

AVRI DORIA: Okay, thanks. I see Hong has her hand up also. I do want to try and walk through this first tasking, because a lot of what you guys are saying is actually directed at various pieces of this document that I sent out earlier. Hong?

HONG XUE: Is this a time to comment on the document you drafted, or are we talking about something else.

AVRI DORIA: I would like to start working on the document, but you can comment on anything you wish.

HONG XUE: This is exactly what I want to comment on. I take notes on the wording. That is ALAC representatives. This is very serious. They are our attorneys or lawyers. In English law, they are barristers. So probably we need to

draft a Power of Attorney to clarify the scope of their authorization – especially the objection procedure has a pre-preceding, this mediation. We’re filing a community objection, right, through this mediation process? That process, we do need to clarify.

What has been authorized to these representatives? Can they really settle the dispute? This is very serious. If they decide to settle, it means they cancel the decision from ALAC to object to this application. That’s my first suggestion. Back to you.

AVRI DORIA: If you’ll notice in the document, I already started doing that, so hopefully we can actually get to the specifics. Can I start with the overview of this document and then get to the ALAC part and then get to the other part? May I do that.

ALAN GREENBERG: Please.

HONG XUE: Please.

AVRI DORIA: Okay, thank you. Okay. So I started with an overview, and basically the overview is fairly shallow at the moment, where it says “as ALAC decided to call several objections, various follow-on activities are required.” Then I had a placeholder for “insert URLs” and the objections here once they are available. I don’t actually think they’ve been published yet, so that’s a placeholder. “That means activities are divided between those that are ALAC responsibility and those at the At-Large New gTLD Review Group” – well, would be. Okay, I can already fix that. “Those that would be.” Actually, I have to say, I wanted to be able to do this. “Would be the ALAC New gTLD Group responsibility.”

ALAN GREENBERG: Avri, it's Alan. Do you want comments as we go along, or let you go through the whole thing first?

AVRI DORIA: Let me get to the end of this section, and then I'll open up this section for review.

ALAN GREENBERG: Thank you.

AVRI DORIA: And I'm reading it out because not everybody necessarily has the screen in front of them. "The At-Large New gTLD Working Group" probably should be spelled properly "makes the following recommendations to the ALAC regarding this work."

Okay, so Alan, you had your virtual hand up first.

ALAN GREENBERG: Thank you. I'm not sure that the Review Group – you're talking about the responsibilities of the Review Group. I guess to act as a backup resource is the responsibility, but other than that, I don't see any formal responsibilities. But I guess that is one.

AVRI DORIA: And that's what I tried to indicate below. I mean, that would be a responsibility, to help.

ALAN GREENBERG: Okay.

AVRI DORIA: Yeah. So that's what I meant. And then I go below into each ALAC and Review Group responsibilities, speaking of ALAC first because, obviously, it's got the bigger responsibility. Anything else about the overview? As I say, it's simple, it's short. I'm trying to keep it simple and short, if possible. Any comments on that? I can always come back to it later, but it basically just sort of says the why and the what.

So, on ALAC, “the first task for ALAC is to appoint” and then “TBD” – I’m suggesting two, but that’s just a number – “members to act as an ALAC representative team” – to act – “in any discussion. For example, negotiation or mediation between ALAC and those applicants who have received objections” – sorry, I wrote this first thing this morning before coffee – “and those applicants who have received objections from ALAC.”

“Roles and responsibilities include engage in direct discussion with the relevant applicant or applicant representative.” Second one, “keep ALAC informed of the status of any discussions. Three, bring the draft outcomes from any discussions to the ALAC for approval. Four, bring any recommendations from ALAC to the discussion. Five, others.”

So at this point, I don’t know, Hong, whether I met the burden of what you would define there. If not, please. But anyhow, Alan, you have your hand up.

ALAN GREENBERG: Yeah. In the first sentence, you used the term “members.” I assume that means two individuals. They’re not all necessarily, prior to this, members of anything. Is that correct, or are you talking ALAC?

AVRI DORIA: Well, I would assume that – I meant that they were ALAC members.

ALAN GREENBERG: Then it should be capitalized “Members.”

AVRI DORIA: Okay.

ALAN GREENBERG: And I would suggest “ALAC Members,” because people are members or many things.

AVRI DORIA: Certainly. That was my recommendation, thank you.

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- ALAN GREENBERG: Okay. It's not clear to me that they would have to be ALAC members.
- AVRI DORIA: That's up to this group. Well, it's up to this group to recommend and ALAC to decide.
- ALAN GREENBERG: Correct.
- AVRI DORIA: My assumption was that they would be, because they're the ones that voted on it. But anyhow. Is that your comment, Alan?
- ALAN GREENBERG: Yeah, that was it. Sorry.
- AVRI DORIA: Okay. Hong, please.
- HONG XUE: Well, what I suggested just now is actually relevant to the next section. Now the title is "Composition of the Representative Team." Well, that means we add authorization. But now I'm reading this ALAC part and think about you mentioned any discussion. It seems that current the scope of authorization is to allow these representatives to talk with the other party, so they cannot make any decisions. Well, I'm open to that. Okay, we can go on. Just back to you.
- AVRI DORIA: Well, that was my first suggestion. Obviously, if we want to recommend something different than that, then people should speak up. What's on this paper was pretty much from my imagination, plus a few conversations I've had with people. But, you know, it was just a place to start. So if you think that they should be more than, when I look at a lawyer or a barrister – well, we don't have barristers here, we're not – they're constantly going back and forth being intermediaries between the client and the opposing party. They don't generally make decisions. They convey information and convey decisions.
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But as I say, if you want to empower them more as ambassadors than lawyers, then that's an option. Hong, did you have something you wanted to say?

HONG XUE: I'm sorry, if I could. What I mean is the document is for opposed filing objection activities, so it's not limited to mediation when we talk about negotiation process. What if there's no settlement through negotiation and we have to go to the contention procedure? Probably we need to contemplate the authorization or the empowerment of these representatives in those following up proceedings. That's more than discussion, I guess.

AVRI DORIA: Okay. I'm not actually sure that it is. I'm not actually sure that – and perhaps someone else can correct me from their understanding – that in filing the objection you have asserted your brief, as it were. They will get to respond in some way, and then I believe that there may be a rebuttal possible. So there would be perhaps not a discussion but another document to write, and so perhaps that needs to be there.

But anyhow, I'm not sure that there's that much beyond that. Once the initial discussion goes on, it then goes into the hands of the objectors, but who really knows how it works? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Avri. It's Olivier for the transcript. On this point, I would agree with you, Avri. I think it's (inaudible) the point will continue being able to (inaudible). With regards to the appointing of ALAC members, I'd rather that this group stays At-Large, thus not risk restricting the number – the type of people on their...you know. It's just the vision of it being it doesn't need to be an ALAC person that's on there. At-Large is good. In fact, I could even say just people rather than At-Large

members, but I get the ALAC will be able to decide on that at the time.
Thank you.

AVRI DORIA:

Okay, thank you. I'm trying to change this live. Hopefully you're all seeing it as I do. I have changed "ALAC" to "At-Large" in that first sentence. And to try and handle what Hong said is "bring the draft outcome from any discussions or procedures to the ALAC for approval." I'm not sure that "procedures" is the right word to convey what you were saying, Hong, but after, Alan, if you want to comment that.

And anybody that actually wants to recommend specific wording changes, that's the easiest way as opposed to discussing a principle and then leaving it up to me to find the right words, though I'm always willing to try. Alan?

ALAN GREENBERG:

Thank you. Remember, we're just making a recommendation, so if the ALAC wants to change "ALAC At-Large Member" to "individual," the ALAC will have that right. So we don't need to really agonize over it a lot.

We don't know to what extent at this point ICANN will be providing funding to allow us to carry out the follow-on activities. In the extreme case, there might be funding to retain formal counsel. So it's quite unclear how the process will go forward.

My recollection from the description in the Applicant Guidebook is that we will have the option to present personally if we choose. We could choose to not do that. So it's quite unclear going forward exactly what the process will be. I would expect, as Olivier implied, that we will have the ability to say we need to go back to our clients, to the group that

created the objection. If we're wrong and the person will have to be authorized to act on behalf of the ALAC, then I think we'll deal with it when it becomes obvious that we have no choice. Thank you.

AVRI DORIA: Okay, thanks. Did that comment require any wording changes?

ALAN GREENBERG: I don't think so.

AVRI DORIA: Okay, thanks. I just want to make sure.

ALAN GREENBERG: We're going to need, as Olivier said, the ALAC is going to have to act quickly on this, but we also need some feedback from ICANN. We have at least unofficially asked for that.

AVRI DORIA: Yeah. Okay. Olivier?

OLIVIER CRÉPIN-LEBLOND: That was an old hand, actually.

AVRI DORIA: Oh, okay. Sorry.

OLIVIER CRÉPIN-LEBLOND: But in fact, I just wanted to seek this opportunity now that Alan has mentioned we need some feedback from ICANN. We haven't had any feedback yet from either ICANN nor the resolution provider. (inaudible)

AVRI DORIA: Okay.

OLIVIER CRÉPIN-LEBLOND: So I suspected they're being somehow flooded by the number of objections they have received. I understand there's been a lot of them. But it's great for this group to move forward and be ready when we will be called upon.

AVRI DORIA: Yeah. In fact, I think they're only at the stage now of starting to inform applicants that an objection has been filed. There's next steps of

publishing and informing the board. I believe at the point at which the board is informed is when the clock starts. I'm not positive, but I'm trying to make sure that this group has made its recommendation to ALAC in plenty of time so that, hopefully, when the clock starts, everybody is ready to do whatever needs to be done. Dev, you're next.

Dev Anand Teelucksingh: Hi, this Dev Anand Teelucksingh speaking. Just to follow what Alan was saying, in terms of funding, there's no funding for any sort of legal counsel or legal advice or anything of that sort. It's pretty clear from the Guidebook what's been reinstated in the ALAC funding request forms. I've just posted the text there in the chat.

Just a suggestion, though, in terms of wordsmithing. Instead of calling this "ALAC Representative Team," we should probably call it the "ALAC At-Large Objection Team" because "ALAC Representative" doesn't really convey representing what, you know. So at least "Objections Team" implies that you know what this team is about. Thanks.

AVRI DORIA: Okay. "At-Large Objections Team." Okay, Alan?

ALAN GREENBERG: Yeah. Two things. One, just a knit on where you are right now, and I would propose that the ALAC may well select three objection teams.

AVRI DORIA: You mean as opposed to two?

ALAN GREENBERG: As opposed to one.

AVRI DORIA: Oh.

ALAN GREENBERG: That is, there may be one per objection. It's quite possible that we will have people who feel very strongly about one of the objections but not another one.

AVRI DORIA: Okay. That's probably worth talking about.

ALAN GREENBERG: Plus, there's a workload issue. However, my comment was going to be to Dev. Yes, I know what the Applicant Guidebook says. And I also know that Olivier and I were in Los Angeles for the ATRT Meeting last week, and we did have a discussion on this, and it is not quite as clear as what the Applicant Guidebook says. So there may be an opportunity for some funding. If nothing else, if perhaps not fees for legal advice, but perhaps travel costs or things like that because if we're going to have to present something to an arbitrator who's resident in Paris, then there are just costs associated with doing that, even if the people time is free. That's currently – I wouldn't quite say under discussion – but the issue has been raised and was not rejected.

AVRI DORIA: Yes, I must admit I'm totally shocked to find out that something in the Application Guidebook is not clear.

ALAN GREENBERG: [laughs] Remember, they were counting on a lot more objections than were filed, so money is not an issue at this point.

AVRI DORIA: Okay. That's almost funny. Okay. Sorry, my sense of humor is a little weird this morning, money being no object. Okay. So now does this group want to make a recommendation on the team versus teams? I had assumed one team, and I had assumed enough people in it perhaps to cover the load dividing up the subwork as they wish. I came up with two names, perhaps bigger. So does this group want to deal with the team versus teams? Because we're making a recommendation, so do we want to recommend a team with enough people, or do we want to recommend a multiple? How many objections did you all file in the end?

ALAN GREENBERG: Three.

AVRI DORIA: Three. So do you want to recommend three teams? I would kind of advise against it and just making one big enough team with I guess at least three people, so there'd be one point for each, but that's up to you all. But anyhow, Hong, you had your hand up next.

HONG XUE: Well, first of all, I want to comment on the naming of this document. It's called "Post Objection Activity." Actually, we just entered into the objection procedure. So is a "Post Filing Activities."

AVRI DORIA: "Post Objection Filing Activities."

ALAN GREENBERG: One "L" Avri.

AVRI DORIA: Oh, thank you.

HONG XUE: Secondly, I want to make it very clear. Who was the complainant? I mean, the objection was filed in whose name? ALAC or At-Large Community?

AVRI DORIA: I don't know. Who knows exactly? I think it was ALAC that had the right to file.

HONG XUE: This is ALAC, right?

ALAN GREENBERG: Correct. This is the ALAC.

HONG XUE: Right, yes. We need to make it clear because we are entered into the proceeding. So the complainant is now ALAC, and those applicants are respondents. So I guess it is right to state it is ALAC, the complainant's representatives, not At-Large Community to be precise.

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- AVRI DORIA: So what exactly am I changing?
- HONG XUE: You change back the ALAC activity because it's actually filed in the name of ALAC.
- AVRI DORIA: Oh, I change it back to ALAC. Okay. Got it, thank you.
- HONG XUE: I agree it's normally for the attorneys representing clients as two as a team to work for one case. In that case, we need at least six people if we have three cases. But anyway, that is for you to consider acting.
- AVRI DORIA: Okay, thank you. So we're up to, at the moment, if it's one group, we've got a TBD of six in there – or it could be three groups of two, but I think there would be duplication. So, as I say, I advise against the multiplicity of groups. Roberto?
- ROBERTO: I was going to speak in terms of the three groups versus one group. My concern is that, although it might be simpler to have three groups, is that the risk that we have is that those three groups make considerations that are not consistent. So then at the end, we might end up being with an inconsistent recommendation to ALAC, unless we create an another coordination letter that is, honestly, unnecessary if we have only three objections.
- So I would be in favor for having one group that deals with all three cases, and I would suggest that we discuss that online on the mailing list.
- AVRI DORIA: Okay. So at the moment, is there any objection here for me to, first of all, leave it as a single group and to appoint six At-Large Members to act

as the ALAC Objections Team, etc.? Is there any objection to that standing in this draft?

Okay. Are there any other bullets that I should be adding under the functions that I don't have now? And please suggest language if there is a bullet you think belongs there.

Okay. In which case, I'll delete "other" for the moment. Obviously we can always add "other," but I'll leave the bullet there as a shadow.

Okay. So now, in which case, I'll move down. We have used 34 of our minutes so far. So "composition of the ALAC" – and it's not representative anymore – it's "Objections Team." And it's not an "R" anymore. I'm going to get rid of that completely and I'm going to spell "objections" correctly. And at the moment, I wrote "current members of ALAC who support the objection as filed." That was my first cut at it, but what do you all say?

Obviously, somebody had made a point that it doesn't need to be an ALAC member. It can be anyone. Then, of course, ALAC appoints them. Are there other criteria? Do we need this section at all?

ALAN GREENBERG:

Avri, what you have there – it's Alan speaking – the first bullet of composition conflicts with the previous one. The previous one you'll say they are going to appoint six At-Large Members, and here you say current members of ALAC. So, at the very least, it has to be consistent.

AVRI DORIA:

Yep. So you're saying I need to change this to At-Large. Well, ALAC members are At-Large members, so it's a subset. But you're right.

ALAN GREENBERG:

Indeed, but it's a subset.

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- AVRI DORIA: Right. And in fact, I think that that could be a second bullet. In other words, “Members are drawn from current members of ALAC who support the objection as filed. Two, members of the review team who recommended the objection. Three,” you know, etc. So in other words, if I did something like that.
- ALAN GREENBERG: Actually, it’s not clear from our definition that all ALAC members are At-Large members.
- AVRI DORIA: Oh, really?
- ALAN GREENBERG: Well, a NomCom appointee for a region that doesn’t have individual members might.
- AVRI DORIA: Oh, you’re right. I got it.
- ALAN GREENBERG: I’m not saying they shouldn’t be. I just said according to our current definition, I’m not sure they are.
- AVRI DORIA: I prefer to avoid such, “would be drawn from the following.”
- ALAN GREENBERG: Our chair should note that for future discussion.
- AVRI DORIA: “Current members of ALAC who support the objection as filed.” Now do I have a “current members of the review team who support objection as filed”? I don’t think you want to put on – I put in the “objection as filed” because, and I think this came out in a discussion I may have had with some of you in L.A. is that you didn’t necessarily want to fill the team up with people that were against the objection, that these people are your paladins, are your champions, to go out there and fight the good fight for the objection that ALAC approved of.
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You obviously wouldn't want somebody like me on the team. I can be really neutral, but going out and fighting for the objection would probably be kind of funny. Okay, Hong, I see your hand up.

HONG XUE: Remember, all the members in the Review Team submitted their statement of interest, and they have no conflict of interest. So I wonder whether we should put the same criteria here for this objection team. Do we have rules on the conflict of interest? Yes, we do, right?

AVRI DORIA: We certainly do. "Other criteria. Members must have no conflict," I would assume. I'd assume it's not just you want to state what it is. You should have none. Is that a correct statement?

HONG XUE: Yes, of course. If these attorneys, they shouldn't have any or potential to have a conflict of interest. It's very (inaudible).

AVRI DORIA: "Member has no conflict of interest and "release a statement to EFAT(?) to should a conflict of" – and I'll spell it out later – "develop, they must notify ALAC." Okay. Any other? Oh, I see two hands. Hong, is your hand still up? Do you have more to add, or should I move on?

HONG XUE: I'm sorry. It's an old hand.

AVRI DORIA: Okay, great. Alan?

ALAN GREENBERG: Yeah. You still have a conflict between the intro that just rolled off the screen and the first bullet. The intro said "that will appoint At-Large Members." The second one says "ALAC Members." I don't care which it is in this recommendation, but they should be consistent.

AVRI DORIA: I don't understand. Or do you want me to go above and say – I got it.

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- ALAN GREENBERG: “The first task for the ALAC is to appoint six At-Large members,” then the “composition” is “ALAC Members.”
- AVRI DORIA: “And/or ALAC.” How about that? Does that work better up there?
- ALAN GREENBERG: Again, someone who is an At-Large Member but not an ALAC Member is not included in the two bullets you have lower down.
- AVRI DORIA: I changed above to “At-Large Members and/or ALAC Members.”
- ALAN GREENBERG: Okay. And now the first bullet of “composition.”
- AVRI DORIA: And now are “current members of ALAC.” It doesn’t matter whether they’re At-Large or not.
- ALAN GREENBERG: But the top one says an At-Large member who is not an ALAC member is eligible. The bottom one does not.
- AVRI DORIA: I don’t understand.
- ALAN GREENBERG: You’re eligible under the first criteria.
- AVRI DORIA: Under the second criteria I’m not because I’m not on the Review Team.
- ALAN GREENBERG: Right.
- AVRI DORIA: But now I haven’t put a bullet there that opens it up yet to At-Large members who weren’t even on the Review Team. Is that a bullet you want?
- ALAN GREENBERG: Okay. I don’t care. I’m just saying the first sentence – the one after the big ALAC title – implies that At-Large Members who are not ALAC could be put on this review team, on this whatever team.
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- AVRI DORIA: Yes, and they might be members of the Review Team.
- ALAN GREENBERG: Okay.
- AVRI DORIA: If you want another sentence there that says “and other At-Large members,” please tell me to write it. I haven’t written yet, but at the moment, the two bullets there do allow for an At-Large Member who is not a member of the ALAC to be on it. However, they have to have been a member of the Review Team.
- ALAN GREENBERG: Okay. I can live with that.
- AVRI DORIA: It’s up to you guys.
- ALAN GREENBERG: I didn’t think that’s what was implied when we made the first change, but that’s fine with me.
- AVRI DORIA: Well, that’s why we’re narrowing it down here. If you want a third bullet there, please tell me what it is.
- ALAN GREENBERG: I don’t.
- AVRI DORIA: Okay. I took care of the internal consistency item, but if you guys want another bullet, please tell me. As I say, I absolutely have no – I’m making recommendations here, but I really don’t care what it is we do as long as it makes – who’s beeping? Have I fallen off the call?
- ALAN GREENBERG: No, you’re still here. Some other line is beeping.
- AVRI DORIA: Okay. Anyway, does anyone else want to add another bullet here? Does anyone wish to add another criteria other than the conflict of interest and the obligation to notify? No hands. So this can stand for the
-

moment. Anything else I need to add under the section on ALAC? Any other subsections? Anything else it needs to say? No? Okay.

It's okay then to move on to Review Group Role and Responsibilities? Okay. Now what I've done here is, as opposed to creating a new group, the assumption I made was that the review group, who would pick a team to serve as a research and backup? I don't mean back team; I mean backup team for the ALAC Objections Team?

Okay. So "The review group should pick a team of knowledgeable members who supported the objection to serve as a research and backup team for the ALAC Objections Team."

Now, when I wrote that sentence, I had a qualm. You may indeed want a research member. You may want a member of the team that was against the objections there. For example, you know, if that person was against it but now is willing to say, "Hey, ALAC made its decision. It's made its decision, and I'm willing to serve on this team in the devil's advocate role," so that you know how someone that disagrees with this objection is thinking so I can help provide arguments.

So I wrote that they should be supportive of the objection, and indeed what I just said, they do support the objection now even though they didn't then. So I don't know whether that phrase can just be struck, but I put it there when I first wrote it.

Then I had several duties, which was provide necessary backup information to the ALAC Objections Team. Bip! I'm sorry. These are the noises I make when I'm writing. It's really irritating that I'm doing it now, but what can I say?

ALAN GREENBERG: Hi, Avri, it's Alan. I would suggest you strike that clause that they support the objection because I think that would imply things to people. Even though your logic is correct, I think being silent on it is better.

AVRI DORIA: Okay. That's why I brought it up. Thank you for the advice. "Duties: Provide necessary backup information to the ALAC Objections Team, do additional research as required, for example, by applicant statements or responses. Make sure that the dispute resolution processes are understood and acted upon. Other."

And as they'd be the ones that were not only providing backup substantive information, but they'd be the ones that worked on trying to understand what it was that was going on process-wise. Because this is ICANN, we have a movable target and what it means to object, how they work, etc. So that they would have that process function too. Anything else? Any changes? Any whatever? We're at 46 minutes in the meeting.

Nothing. So this can stand. I can delete the "Other"? Nobody has got an "other" to add for the moment. Okay. Anything else that should be in this document?

No? Okay. Then that would jump us to next steps. My next step would be to put this document out on our list and to basically look for group approval on sending it forward to ALAC.

Olivier, a question for you. When would you need to have this set of recommendations other than yesterday?

OLIVIER CRÉPIN-LEBLOND: Thank you, Avri. It's Olivier for the transcript. Well, we have an ALAC call next week on Tuesday. I would hope that we can get this a few days

beforehand. So let's say by the end of this week. If we can have that by the end of this week, then the ALAC can just decide on it during its call on Tuesday next week. And I expect by that point, that we can also prepare the call for members, etc. by then so we can just push the big red button at that time.

AVRI DORIA:

Okay, thank you. So then what I suggest is I'll get this out in the next couple hours. It still won't have the "insert URL here" stuff, but if I find them – or staff, if this can be an action item for you to help me with that, and if we get what goes in there, please put it in there if I don't see it.

What I'll do is I'll put it on the list in a couple hours. I'll invite discussion. Then some time Tuesday – sometime tomorrow – I'll initiate a 48-hour last call on it, and then that gives us a little bit of time to basically get the working group's approval for sending this forward to ALAC. Does that work for people as a process?

I see no comments, so I'll assume that works as a process. At this point, I'd like to call the discussion on the objections court issue done and move into the "any other business" issue. Any issue with my doing that?

Okay, no. So then the issue then is open on what to do about SARP, and especially about the request that we received from Katim. Well, actually, the request was sent to the board and we were copied on it. Obviously, we can't get into it deeply at the moment. We have another meeting being scheduled for next week to talk about the outreach project, but we can make this an item in there since it does have bearing on outreach in some sense. But I'll open the floor. And Alan, you already had something to say and I guess said it at the beginning. If you

wanted to reiterate quickly, we have 10 more minutes for this topic at this point.

ALAN GREENBERG:

Thank you, Avri. I guess my position is that we put the rule in – the Jazz Group – put the rule in that if you do not pass, then you’re out of the game to try to eliminate gaming. That is, people who would ask for money when they really didn’t need it, but maybe they’ll get it, so why not ask?

If, indeed, this application passed the financial criteria – and we don’t know whether it did or not – the letter from Katim says he was informed they did not pass the community. I don’t know whether it was silent on the other ones or not on the other criteria.

But my feeling is at this point, for this round – and not to prejudice any future Jazz-like offerings that ICANN may put together – that if an applicant passed the financial but failed one of the other criteria, that it should be allowed to go forward, the initial 45K no longer being refundable, and obviously it may or may not go forward depending on whether their funding can be done quickly.

That’s the position I’m taking right now after having thought about it a little but not a lot. And I was just wondering to what extent that position would be supported by the rest of this group. I wasn’t looking for a substantive discussion but just looking for gut stomach reactions.

AVRI DORIA:

Okay. I have a quick question on that. Whereas, I kind of remember that from the Jazz, I have to go back for correct language. But I also remember that the SARP itself was not absolute in that and that their decision regarding that, that they basically would make a rescission

regarding that, that the gaming was not a – and there was a prohibition against going for funding – was a possibility with the SARP as it was defined.

ALAN GREENBERG: That's not my...

AVRI DORIA: That's what I'm saying. I have to go back and look at language. I have not had the chance to do that. So I would say that that, in addition to what you're asking for people's gut feelings, is we need to go back and both look at the Jazz recommendations and the SARP to see what exactly the language was that did that.

It's really too bad Cintra's not here, since she was the process watcher on the SARP and is probably the one that knows everything that Jazz and SARP said by heart and could quote it chapter and verse for us. So hopefully she can be there when we have the discussion.

But I would say one thing we need to do is make sure that we've got the language of both Jazz and SARP right. And I don't know if you've had a chance, Alan, to go back and look at it in the last couple days. I haven't.

ALAN GREENBERG: I did briefly, and I think I saw that. If I'm wrong and the SARP made an active decision whether the project could go through or not, then I would withdraw my suggestion. But my recollection, and I believe my quick verification, was that they had no discretion on that.

AVRI DORIA: Right, okay. So now did anybody want to give? We have to check on that, and I'll follow up on re-reading the SARP and seeing whether I'm right in my recall or not. And I'll put that out on the list. Did anyone want to give any feedback even with, you know, greens and reds to say, green, you're favorably inclined to doing something in favor of this

application or lack of green meaning, eh, you don't know yet. Red if you absolutely hate the idea. I have Tijani with a hand up.

TIJANI BEN JEMAA:

Thank you, Avri. First of all, I am really sad because, and I am disappointed. I understood it at first that they were very – how to say? – conservative regarding the composition of the SARP. I understood it because it was because they want the number of the staff not to be under any pressure. But now, since the result is there, we don't have the composition of the SARP. We don't have the reasons – the real reasons, the specific reasons – of the support or of the non-support. This is not normal. I don't understand it.

So first of all, we need to know what's happening at the SARP level, why two weren't supported and why the third was supported. So we need it first, and then we can think and we can decide to write something or not to write something. Thank you.

AVRI DORIA:

Okay, thank you. Carlton. You're mute, Carlton.

CARLTON SAMUELS:

Thank you. This is Carlton, for the record. If you read Katim's letter, it says that it was denied because it didn't meet the public interest criteria. And then further down in the letter, he denotes three reasons why we reconsideration should be considered. And I tend to support the request because if you look at the reasons that he laid out, I feel that they are supportable. There's no debate that what the contention is there is reasonable and rational, and I am in favor of obtaining, supporting a call for reconsideration. Regardless of what the final group at SARP does or does not do, I am in favor. Thank you.

AVRI DORIA:

Okay, thank you. Okay, we've got four minutes left. I see no other hands up. What I'd like to recommend is that people like Carlton – we've got two things. One, we've got a request for information. I've already made an informal request to know what the SARP is. Tijani went further and basically asked for more information, which I think is something that we should do, that ALAC should do, or that this group could do. I actually believe that the request for more information is something that this group can do without needing ALAC's permission.

On the other hand, on Carlton's suggestion that – I'm assuming a suggestion – that he says he supports, and I'm presuming by extension, he would think that ALAC should support, if we need to decide whether we want to make such a recommendation to ALAC, what I would recommend is that those who believe we should make such a recommendation to ALAC draft a note that this group can then talk about on the list and talk about at our next meeting. I don't know what the timing is on this, but basically produce some text that we can then discuss and send forward if we've got agreement.

Does anybody think that that's not the way to go forward? Please put a big red thing if you think I got it all wrong. I see a green meaning that I probably got it right.

And so I recommend that those of you that are taking the same position as Carlton get together. I'll work on a note. I already sent an informal request saying, "Who was on the SARP anyway?" But I'll work on a note sent from this group asking for more information. I'll float that on the list. I won't take part in writing the request for reconsideration. I'll be a

neutral manager processing that. But certainly, I will take active action on getting more information.

Anything else? We're just about at the hour. Yes, Alan?

ALAN GREENBERG: Yes. As far as I can tell, although I can't find the right document, there's something called an Applicant Score Process document which goes into detail. I can't locate it, but it would seem that the discretion that SARP had is whether to get the refund or not.

AVRI DORIA: Oh, okay. Okay, I knew there was something, so that would make sense.

ALAN GREENBERG: I think so. But I still haven't found the right document. It's not pointed to on the page as far as I can see. Thank you.

AVRI DORIA: Thank you. I knew there was something. Okay. We're at 59 on the hour. Any last words before I say thank you?

OLIVIER CRÉPIN-LEBLOND: Thank you, Avri. It's Olivier.

AVRI DORIA: Okay, yes. Last words, Olivier?

OLIVIER CRÉPIN-LEBLOND: Sorry, I'm not at my computer. Just speculating at the moment, because I don't know the reasons for the SARP to go the way that they have. But I also noticed that there was some significant chance of the GAC – well, some GAC members have objected to the string itself – so it might have influenced their choice. But as I said, I hope that we will get a reason from the SARP. And as far as this working group is concerned and their drafting letter, I'm very neutral on that. So it can do as it wishes. That's all.

AVRI DORIA:

Okay, thank you. If the SARP made the decision based upon the GAC's problem with the string, then they erred. Anyhow, we're at the hour. I got the last word. I thank you all for this meeting, and please pay attention on the list as we go through the process to get this objection support process going. Thank you very much. Goodbye.

[End of Transcript]