

ICANN

Moderator: Maryam Bakoshi
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Coordinator: Recording has now started.

Maryam Bakoshi: Thank you very much. Good morning, good afternoon, good evening. This is the NCSG Policy Webinar on the 19th of June 2017.

On the call today we have Avri Doria, Bruna Santos, Malissa Richards, Kathy Kleiman, Nadira Alaraj, Poncelet Ileleji, Rafik Dammak, Robin Gross Sarata Omane,. And from staff we have myself, Maryam Bakoshi.

I would like to remind all participants to please state your name for transcription purposes. Thank you very much.

Over to you, Rafik.

Rafik Dammak: Can you hear me now? Okay, sorry. That was a mute problem. Okay, so let me start again.

So today we have the NCSG Policy Webinar. This is kind of experiment we are in and this to be organized before an ICANN meeting. This is

complementing other efforts that you can find in organizing by ICANN like Pre-Meeting Policy Update Webinar and also all the background material, news gather and documentation prepared by the staff.

The idea here is to more discuss from standpoint of our membership what matters to us. So that we kind of directed here a few topics. We cannot go through the whole topic that will be discussed in ICANN meeting. You can check them through the schedule that's online. But here we are trying to emphasize a few topics that they are addressing in the working groups.

And we are lucky to have today co-chairs from those working group starting with the Rights Protection Mechanism. And we will get a briefing from Kathy Kleiman.

And then we have the GTLD Subsequent Procedure. We have Avri Doria who is the chair and also one of our new member who's active there, Bruna Santos, that will give more briefing about the comment that we submitted lately.

Also we have the Registration Directory Services and hopefully (Stephanie) will join us later on on the call.

So basically we kind of picked out a few topics. You can find more information about other topics in the material. And we'll try to compile them and share to the list in addition to the recordings. And you can already find some of them in the e-mail I sent out.

So let's start with the first agenda items. And this is about the rights protection mechanism. I think the word "rights" maybe can be misleading here. And I do believe that Kathy will really explain a lot about this kind of new issue but

with regard all that's maybe through the beginning of ICANN. And she will go through the presentation. Kathy, can you hear me?

Kathy Kleiman: Yes, Rafik, I can hear you. Can you hear me?

Rafik Dammak: Yes. And please go ahead, please. Thanks.

Kathy Kleiman: Terrific. Thank you for organizing this, Rafik, really appreciate it. And I apologize for any noise you hear in the background. I'm outside so the planes may fly over or whatever.

Glad to be with you. This is Kathy Kleiman and, you know, long-time member of Non-Commercial Stakeholder Group, NCUC, since the beginning actually in all these things.

So I am Co-Chair of the Rights Protection Mechanism Policy Development Process working group. That's a - you know, and it's my understanding here that my job was to provide some background on the policy generally, the problem from a non-commercial perspective.

And then I'll talk a little bit about some of the specific issues we're working on in Johannesburg, in case you want to come to all or some part of our really big, three-hour, face to face that's taking place on Thursday morning in Johannesburg, or participate remotely.

So this is really about non-commercial NCUC concerns with balancing free expression and trademark protection and the domain name system. Could I have the next slide, please?

And I'll just start - okay, great. So domain names and trademarks are totally different things but they look alike and that creates a problem.

So domain names of course are global routing tools. You guys all know this. They're mnemonic for - through member IP addresses. And that is not the IP address for NCUC. But we have NCUC and the IP address for my law firm.

And trademarks are of course words, names, symbols, designs using commerce - in commerce to identify and distinguish the goods and services of one manufacturer or seller from another.

And in fact, in most places you can't get trademarks for non-commercial speech unless it rises to a level analogous to commercial speech. So the Red Cross, which is non-commercial, nonprofit, does have - is of course a very famous trademark and is trademarked in many countries and also protected by statute.

But domain names and trademarks are different. They just look alike because they use letters and numbers. Could you go to the next slide, please?

So in - this is a very brief history. I know many people on this call know this. Again, next slide please. I don't seem to have control of them so if someone could. Rafik, who's handling slides, please? Great.

So in 1999, as our very consensus policy at ICANN, the brand new ICANN created - its very consensus policy had to do with trademarks and domain names. We created the Uniform Dispute-Resolution Policy, or the UDRP. And this was a fully online dispute resolution forum. It was administered initially by the World Intellectual Property Organization, Geneva and now other providers have just as well.

And it allowed trademark owners to bypass the court system and go to a UDRP provider and ask for the termination or transfer of a domain name if they can show that it was registered and being used in bad faith. And tens of thousands of these cases have taken place in the last 18 years.

And in that process and since, the Non-Commercial Users Constituency and now the Non-Commercial Stakeholders Group have fought very hard to - for express protections of legitimate non-commercial or fair use of domain names on bona fide offerings of goods and services - or services so the right of everyone else to use a word, even if it's a trademark, particularly if it's a generic term or a dictionary word.

So FOX Media may have the right to use the letters "fox" for media-type activities and it's a very well-known mark. But my friend Adam Fox has his own public relations firm under his last name and nothing we do on the Internet should take away that co-existence of words in the real world.

And of course we take it one step further in that domain names are also used to criticize corporations as well as actions of famous people. And so we want to preserve that free expression right as well. Next slide, please.

But unfortunately, in a review of the UDRP, again our first protection for trademarks in ICANN, Dr. Konstantinos Komaitis, who was - who has been and probably still is a member of NCUC -- he's also an attorney, a professor of law and he got his Ph.D... And his Ph.D. was published as a book called *The Current State of Domain Name Regulation: Domain Names as Second Class Citizens in a Mark-Dominated World*. And he did this about half a decade ago.

And he found really that the UDRP was not fair, that it was taking away rights from registrants, rights from - rights that people had to use words and language. And really the UDRP forums he found were pretty tilted towards trademark owners because that's who chooses them and pays for them.

And I'll just read the second quote from his book: As consumers became more vocal through the Internet, the UDRP panels attempt to silence them and are willing to protect commercial over non-commercial speech." And that's really odd because in the rest of the world we protect non-commercial speech over commercial speech, certainly in the United States and in many other countries. That right to criticize, to critique, is very, very important. So this concerns us about the UDRP.

And so right now, there's this group called the Rights Protection Mechanism working group that will be looking at the UDRP but not for another year or two.

What we're looking at now -- and can we go to the next slide, please -- is a set of rights protection mechanisms that were specifically created for the new top-level domains. They don't apply to dot-com, dot-org, dot-net. They don't apply to the - what we call the legacy generic top-level domains. They were only created to apply to the new top-level domains.

And what they did was they created a trademark clearinghouse which is a special database. And you can put a federally registered mark - so if I have a mark from the U.S. Trademark Office, I can take it and for an extra fee, put it in the trademark clearinghouse.

And that will help create a second set of - a new layer of protections for trademarks in the new rights protection mechanism, in the rollout of all these new GTLDs. And I'll talk about some of the specifics in a second.

But right now, the working group has been looking at the trademark clearinghouse generally, what goes into this database and how broad should it be. So part of what we'll be discussing on Thursday is a little bit of that. But we're coming to the end of that and going into two ways that we use the trademark clearinghouse.

And one is sunrise, the sunrise period. So a new top-level domain name opened and it must, it must hold a pre-registration period for trademark owners who are in the trademark clearinghouse.

So if you are McDonald's, you have the first chance to register in dot-food. But you also have the first chance to register in dot-NYC. And the question is, is that really -- or dot-XYZ or dot-Ninja -- and should McDonald's Corporation have the first rights to register in dot-Ninja or something else that might involve individuals, millions of whom have the last name McDonalds.

So we're going to be looking at - over the next few months, starting now actually, we'll be discussing this extensively in Johannesburg. Is the sunrise period fair and balanced?

I promise you the trademark owners want more. Right now, the standard is an exact match. It has to be the exact characters, letters, numbers that are in the trademark clearinghouse with the exception of certain kind of specialized characters. But they want more.

You know, there's a big proposal. There's three proposals on the table for non-exact matches and adding s's and typos. But that can change the word completely. Enom, which is a registrar, you add the letter "v," and that's "venom," a totally different word. So, you know, how far will this go?

The next - at the bottom of the slide you see trademark claims. And these are - once we've gone through the sunrise period of a new top-level domain, once we've gone through certain kind of launch - specialized launch offerings and auctions -- which Avri is much more the expert than I am on this because of her work co-chairing the Subsequent Procedures working group, which is working out the new rules for all of these...

Once we do that, once we go into general availability where anyone can buy a domain name first come, first served, for the first 90 days you get a notice. This is called the trademark claims.

And this is a special notice to potential registrants that says if the domain name that they're registering in any new GTLD happens to match, an exact match, of something that's in the trademark clearinghouse, you'll get a notice that says, mm, you sure you want to do this. This is registered for this mark and this location for these categories of goods and services.

If anyone's seen a trademark, it goes down - a registered trademark goes down most of the categories of a registered trademark. And says, do you still want to go forward, click yes or no.

And we had hoped that this would kind of provide a balance so that registrants would have some idea that the trademark was out there and trademark owners would have some ability to talk to the registrants kind of through this process.

But we kind of thought that people who had legitimate rights to use words would go forward and use it. The fact is they're not. More than 90% of people are turning back at that notice and not registering things, which they might - dictionary words, last names, first names. They might really have, you know, very legitimate reasons to register these things but something's really scaring them.

And is there a way - from a non-commercial perspective, is there a way to diminish the chilling effect of the trademark claims.

And of course, others will be trying to see if they can expand the trademark claims and see if there are - you know, how to make it even more effective from the perspective of trademark owners.

So that's a lot of material in a short amount of time. The existing rights protection mechanisms of the UDRP and the new ones of the trademark clearinghouse and the sunrise period and the trademark claims. And there's more. Can we go on to the next slide?

So we'll be meeting face to face in Johannesburg. There's a big, three-hour meeting on Thursday morning. We also meet every Wednesday. The time varies.

Oh, sorry, I forgot about this slide. So just a few quick examples, you know, from a non-commercial perspective. Should the rock group, The Police, have the first right of registration for Police.NYC for New York? Should Liberty Gas Station get to own the word "liberty" in all GTLDs and have that right to register it? You know, this could create problems for non-commercial. Next slide, please.

Almost done, Rafik. Handing it back to you shortly.

And then I've already talked about what's on this - the trademark claims notice. With so many people turning back and not registering domain names, you know, is it fair? Is it right? Is it - you know, is this balanced? So next slide.

So come join us. I'm one of three co-chairs of this working group. Phil Corwin and J. Scott Evans, both of the Business Constituency, are the Co-Chairs. They're very expert in trademark. And we'd love to have you join us as a member or as an observer. And come in Johannesburg or participate remotely. There'll be a lot of information shared there.

Rafik, does that do it?

Rafik Dammak: Okay. Thanks, Kathy, for this. That was quite concise and straight to the point. So if - I put myself in the queue and I will ask the first question.

Kathy Kleiman: Please.

Rafik Dammak: So thanks for asking people to join and participate. So I may ask you, what kind of maybe skill set you are looking for or kind of profile or background that you would like members to join this working work and how they can participate effectively so?

Kathy Kleiman: Almost - many, many members... And it's a great question, Rafik. Many, many members of the working group come from the Intellectual Property Constituency and spend their lives as trademark attorneys. And that's great. It's great that they have that background. But they come in with a perspective

that really - you know, they come in with one perspective and it's not the non-commercial perspective.

And so we need anyone, anyone who cares about words. Obviously, if you have a legal background, that's great because we're going head to head with a lot of lawyers on key issues, not head to head in terms of fighting personally but in terms of fighting about the issues -- where does a trademark stop, where does it end.

But a lot of this stuff we can teach because intuitively we all know that the word McDonalds for the restaurant, the hamburger restaurant, only goes so far. And that Jim McDonalds in Scotland or Ireland or anywhere in the world has rights as well.

So we just need anyone who cares about words and protecting the rights of future - you know, current registrants, future registrants to use the same words that we've always used to name our organizations, our groups, our entrepreneurs, our new services and products. So anyone who cares about words. Thanks. We'll train you. We'll help from there. We'll provide the details from there.

Rafik Dammak: Thanks, Kathy. Trying to see - if there are any question or comments for Kathy. Guys, don't be shy so. It's an important issue to understand more about the topics before the meeting next week.

Kathy Kleiman: Rafik, would it be possible to circulate - (Grace) did an awesome blog posting after Copenhagen about - for NCUC about this working group, from a newcomer's perspective. And so circulating the link to that, if there's going to be any follow-up to this, might be really good. It was a lovely article.

And she pointed out to me that the word rolex, which is of course, you know, a luxury watch for much of the world but it turns out that's a breakfast that's eaten throughout Kenya. A rolex is a roll-up sandwich generally with eggs and things in it. And she said if the word rolex were only allowed for the luxury watch that would mean they'd have to come up with a whole other word for their breakfast sandwich.

Rafik Dammak: Okay, yes, sure, we can do that. I will try to summarize most of the materials so I'll send them later.

If I may ask a question maybe before moving to the next agenda item, I see that you kind of focused on three mechanisms related to the trademark clearinghouse. Are there other mechanisms that the working group is reviewing or those only that kind of related to the new GTLD or there are phases and so on?

Kathy Kleiman: You wanted to know if there are other rights protection mechanisms?

Rafik Dammak: Not necessary to go into detail but just maybe to mention them so because I think there are several - I'm not sure if they are all included in the working group or maybe in the new GTLD working groups, so just maybe to clarify that.

Kathy Kleiman: Yes. The biggest one that I didn't mention was the Uniform Rapid Suspension just because I knew there wasn't a lot of time. So I'm glad you asked. So the Uniform Rapid Suspension also currently only applies to new GTLDs, anything we've created since 2012. But one of the questions the working group will be asking is should it apply to legacy or older GTLDs.

But the Uniform Rapid Suspension is a faster, cheaper dispute resolution mechanism than the UDRP. And the UDRP was already much, much faster and cheaper than court. So NCUC spent a lot of time fighting the URS to make it much more balanced, make sure that it couldn't be abused because it's very, very fast and to make sure it was very, very narrowly tailored to very clear-cut cases of abuse.

So if you register AmericanAirlines. - no if you register KathyKleiman.Lawyer and you're not Kathy Kleiman -- and there are few actually Kathy Kleiman lawyers across the world -- but if you register it and you're not one of us, we can probably go after you through URS and take that away.

Again, the question on all of these is not just are the rules fair but is there due process, is there time to respond, do people actually have notice. So that's pretty much the big one that I didn't talk about, Rafik.

Rafik Dammak: Thanks, Kathy. And I think we have - let's see - the last question is from...

Kathy Kleiman: Michael.

Rafik Dammak: ...Michael. Michael?

Michael Karanicolas: Hi. More of just a - just a sort of a comment than a question. Thanks so much for that excellent presentation, Kathy.

I just wanted to sort of chime in as somebody who's been engaging just a little bit with this group in the last few weeks and to echo what Kathy has said encouraging participation, particularly because in these conversations the commercial and businesspeople really are out in force and tend to sort of form

a phalanx supporting their own position. And there's a lot of them there and they take a uniform position. And it can be very difficult to advocate for non-commercial interests in the absence - you know, in the face of those kind of numbers.

So honestly like - you know, any kind of engagement, any kind of participation I think would be very useful. And, you know, Kathy's been doing a wonderful job of sort of spearheading the non-commercial interests on this, but it really - I think more support would be very helpful.

Kathy Kleiman: Thank you.

Michael Karanicolas: So I just wanted to sort of add my voice in there in encouraging people to get involved in any way that you are able to.

Kathy Kleiman: This is Kathy. My response is hear hear. I totally agree. And I'm so glad that, Michael, you took the time to come in. And in fact Michael came in and I'll just mention it briefly because there are just so many issues, I didn't want to...

Part of the problem now is that the trademark clearinghouse is secret. We didn't design it that way but they made it that way during implementation which is a horrible time to put in details like this.

And Michael, through his work on transparency, accountability and democracy, has been pointing out that secrecy in any kind of ICANN database like this is just inappropriate. So if you want to fight secrecy, please come in and join us. That fight is kind of queued up for about two months from now.

So thanks for your comment, Michael. We would love much more participation.

Thanks, Rafik.

Rafik Dammak: Thank you for that information how to join the working group.

Okay. So let's move on to the next topic which is GTLD Subsequent Procedure. Do we have Avri on the call?

Avri Doria: Yes, I'm here.

Rafik Dammak: So let's - thanks, Avri. So let's applaud your presentation.

Avri Doria: Okay. I just wanted to say I didn't know -- that's not mine -- I did not know that I was doing a presentation until just this morning and Bruna and I didn't coordinate. But what I think I'm doing is just a quick background to the group and then I think Bruna is covering the NCUC position. So it'll be slightly different than Kathy's but...

No, okay, that's Bruna's set, right? That's not mine, right? Yes, that's Bruna's presentation. If you want me to go first, it's the one I sent you, Rafik. Sorry. Yep, okay. And I can control slides? I can. All right. Okay, so just this and that.

The starting points on this. And this is important. I don't think that's me. This is important to keep in mind at all times, is that we have an existing policy and we have an existing application guidebook. And those are the basis of the policy going forward.

We can change just about anything in it but if we don't have consensus to change something, then the policy and AGB of record remain the case. And

that's something to remember. Also likewise with the base register agreement, which is part of the ABG but is also, you know, separately discussed. Then there's the final issue report and then we have a charter.

Moving on. So those are the things that we've got. Oops, I just bounced all around. Okay.

So we did - so we started out by taking inputs from as many places as we could think of, recommendations and data from CCTRD, the report from the Cross-Treaty working group on use of country and territory names. There's the GAC working groups. There's multiple comment periods. We've already had two.

One of the things that we're really trying to deal with is how can we make sure that we're coordinating things well enough between - you know, everyone that cares about at least some part of the new GTLD work can, you know, have their say and have it discussed and understood before we reach consensus so hopefully we can avoid most of the endgame and post-game readjustments on policy by the board on an emergency basis, which is what happened last time, that the policy and the AGB I content had very little resemblance to each other in some dimensions because the implementer said, oops, can't do that, board can we have a different decision, or the intellectual property people said, you guys decided there would be no RPMs but we want RPMs. Board, can we have RPMs? Yes, you can have RPMs.

So we're trying to make sure that doesn't happen. Now, RPMs are not our problem this time. They're all being done by groups like Kathy's and others. And we're basically just including by reference the work they do. You know, we're not redoing it or any of that. We're adjusting to it.

So first we did the overarching issues and we're still working on those. There were six issues and we haven't yet finished dealing with all the comments. We've spoken of all the comments but some of the comments were sufficiently opposed to each other, that we still have to work through. And I'll talk about that in a second. So - basically so we're considering that input and working to reach consensus.

We've also established four work tracks to consider the remaining subjects in the charter and there's quite a few, over 30.

So on comment one, we basically put together three drafting teams to deal with issues that were particularly thorny from the community comment one. That had to do with different TLD types.

This time we've accepted that there are more categories than just Standard and Community and then of course the addition of Geographic later by the board and then the de facto appearance of Brands. This time we're trying to set upfront what they are.

So there's a general agreement that there will be categories but what they'll be is still under discussion. There are - so there's a drafting team and there's a drafting document that I invite everyone to look at.

I don't know if you can get the URL from the slides that were sent out but when I'm not talking, I'll stick them all in the Chat so anybody can grab them.

We also have a drafting team on predictability against community engagement. Predictability was one of the principles last time but because of the various exogenous effects or the influences and ACs or problems or what

have you, because of community engagement, things got changed. And they got changed along the way even after applications had started.

Now, we're not sure we can prevent that completely from happening but we need to figure out how to deal with that so that we still have the community engagement in the application process but so that we also keep things as predictable as possible. So how do we balance predictability and flexibility?

The third issue is applications access in Windows of some sort. There's a strong push for going to first come, first served. But because they're still a pent-up demand, we're told - in fact, we're told by some that there is a pent-up demand of up to 10,000 names which we're trying to wrap our brains around.

But there's a pent-up demand, so going first come, first served with a large pent-up demand even if it's not that big is not prudent. So we're looking at hybrid approaches that start out dealing with the pent-up demand but then evolve into a first-come, first-served ongoing process.

But there are people that are very against first-come, first-served, and we have to deal with periods of time for property owners to make their objections and for other people to make their objections and then for, you know, such.

So we may have abbreviated windows. We don't know. A very active discussion group. Okay, the community input two went out, and that's the same part of what Bruna's going to talk about it hopefully I don't step on your presentation.

As I said, I didn't know until this morning that I was presenting. For some reason I missed that. And it's closed, so are starting to go through those real soon now.

Just to remind people of the subjects, so - and you can refer back to (us). We can un-synch this as soon as I finish going through it. Maybe it's already un-sunk.

Work track zero had six issues and then I mean, yes, we call it work track zero. It was the CC1. And then there's the four tracks. The one next dealing with such as accreditation, application support, clarity of process, fees, you know, submission period, queuing systems, application guidebook.

There's work track two, which is the legal side, the basic agreements. No, that's not the legal (side three) is that - sorry. That's basic agreement, second of our RPMs, reserved names, register protections, IGO, NGO.

A lot of this we are importing. Closed generics, application, terms of closed generics has been a fascinating conversation that's going to be ongoing that I know NCUC has a split opinion on, so.

Application terms and conditions, registrar and non-discrimination registry registrar separation, the whole vertical integration issue, reviewing that one is an exciting topic, registry registrar standardization, TLD roll out, et cetera. Three - and (Robin) can't speak to that one probably better than I can because she's the co-lead on that one, but objections, looking at objections that were filed. How did they turn out? Role of independent objector, freedom of new gTLD applicant, freedom of expression, community application stream, similarity, et cetera, accountability mechanisms.

And then the fourth is sort of the grab bag of IDN, universal acceptance, application reviews, name collision, security instability. Yes, a lot of details, (Nadeera), but that's this working group and that's why we have four subgroups with their own leaders and a staff that keeps a very complicated project.

We basically met this one out kind of like an engineering project and keep, you know, modifying our schedules as if we were an engineering project, but very much using that (kind).

Okay, (at) 59, and I think (Rubin) is going to talk more about this but I can certainly answer questions. In preparation, we had a Webinar. We had two names - two geo names at the top level Webinars, and there was a paper.

We have to community sessions dealing with geographic names, one at the beginning of the week for 90 minutes and then we took a day off and then we have another two sessions to see we can find a path to consensus on geographic names at the top level.

And then there's - basically there's - and I'll put this one in the chat also - there's a table here that both summarizes the positions that people took during the Webinar on geo names at the top level and (Jeff) and I created a straw person to basically tie as many of those as we could together as a place to start.

We're not calling it a recommendation. We're not calling it a draft proposal. It's just (Jeff) and I doing our best to look at this massive, sometimes very contradictory, requirement and see we couldn't put out a straw person that kind of touched on most of them.

And I'll put a URL for that paper in too. And that's the end of what I have and Bruna, then - you can ask me questions or perhaps, you know, you want to wait until Bruna's covered the NCUC position on these various things.

But I thought it was good that I give an overview just so folks see the complexity and also see the opportunities and look at the issues that you care about.

And if you care about any of them, instead of participating in all five things, the main group at all four sub-teams that some of us do, you can just participate in the one that has what you want.

And, in fact, we keep a track of what subject is planned to be discussed in which group. So, okay, sorry, yes, I should have done that. But that's our schedule going forward. I was really trying to hurry so that I'm not talking too much.

Oh, and Rafik's already putting the URLs in. Thank you. So - and the last thing I did mention - forgive the - I realized I didn't have it on my side. We will also have a session during the meeting were well go through both - some of the community issues and then each one of the work tracks is picking one or two of its meatiest subjects to basically have an open discussion with - in the face-to-face meeting. I'll stop now. Thanks.

Rafik Dammak: Thanks, Avri. It's a challenge to go through all the details for the working group but I think you highlighted the most important part that, even at this stage, it's possible to join and participate and to select which working track the members want to focus. So there is no need to try to (unintelligible) but just to folks in one area. So...

((Crosstalk))

Avri Doria: Right. Only a masochist covers them all.

Rafik Dammak: Okay. So I guess we can get questions after Bruna's presentation at hope we have several comments done. Bruna, can you speak? And, Maryam, please (pause the) presentation.

Bruna Santos: Hello. Can you hear me?

Rafik Dammak: Yes, Bruna, if you can speak more loudly maybe.

Bruna Santos: But of course. Hello, this is Bruna. Nice to meet you all and very nice to be having the floor here. First of all, I'm an NCC fellow in the upcoming meetings. I am very anxious and looking forward to this.

In this document that you're both looking - that you're all looking at was some sort of an attempt of gathering some of the issues and subjects that were working on, both on the (CC2) and also the geographic main subject.

And this was more of a learning experience, slash, exercise for me. And going straight to the (unintelligible) the community comment. As Avri said, there was a public comment open between March and June. It was an evaluation regarding what changes or additions we might make to the existing policy.

The NCSG has offered a public comment (included) on tracks one, two and three which are overall process support and outreach - the first one, legal regulatory and contractual requirements, and the third one is (unintelligible) objections and (unintelligible).

On this, I would very much like to thank the policy committee for having the patience to - patience for reviewing my comments the first time. And on that, some of the recommendations or the comments that we have offered are the importance of going to support for applicants on developing countries, whether they are financial or any other type of support.

We also think very well of the round - of having rounds of applications followed by evaluation periods instead of a continuous process. And also we think about ensuring this is (a more extension) of applicants and are (unintelligible) in a single day's agreement applicable to all.

And then changing, like, some particularities and parts of the - for each case and each applicant. As Avri said, now the working group is going through the comments. They will be going through the comments (unintelligible).

And so far, for (CTT), this is it. All the rest (that are there) was just the background on June 8 thanks to Avri and all the documents that the working group has put out.

And I would like to go, like, stay to the end and talk again of the session. There will be two cross community sessions in ICANN (59) at the very end and there is one (unintelligible) - there's one on Tuesday and I believe one on the last - no, Tuesday and Thursday, two sessions.

And the idea of the session is to provide a follow-up for Webinars that the working group has organized in late April and we provided background on the geographic names and solutions for the issues.

And during the Webinar, there were (unintelligible) from the community and for presented solutions such as a repository of names and geographical - of geographical relevance, one thing called the geographic (pub interest) commitment, also the idea of having all the names, (users to say) geographic, (linguistic) or cultural origins submitted to a governmental evaluation.

And (unintelligible) still has suggestions as what to allow the utilization of the ISO2166, alpha three code as gTLDs provided that there is (unintelligible) government (as) further known objections.

What the sessions will consist of is the idea to provide - to work through the proposals and provide a common path for policy development in this regard and also, of course, in effect to (international law) (unintelligible) solutions (will not keep) anyone from applying or (unintelligible).

This is me. This is the end of it. Sorry, Avri, if I have overlapped the presentation by (some path resource). And thanks for, like, giving me the (space everyone).

Rafik Dammak: Thanks, Bruna, for this presentation. So - and again, thanks for drafting a comment for - call it the community comment, number two. It was an online questionnaire and I think we focused on some area of interest of ours, but I think still, there is opportunity for people to join the working group and to review and to get involved with that.

Now, I think you and Avri - folks in the (unintelligible) for specific reason, is that it will be a topic for a discussion in Johannesburg meeting in two, I think, cross community sessions.

And there was before, even I think, it would be now maybe two months ago. So maybe, I guess here, if Avri or Bruna can maybe explain more care what are the expectations from this cross community session.

And what we can do exactly, I think, I'm not sure that we have kind of clear, common position with the (NCIC) (on the matter of) (unintelligible) but maybe we can initiate some discussion here and try to clear out any misunderstanding.

Avri Doria: Okay, I should probably (take that one). Okay, there hopes and there are expectations. And I just put the table - maybe, Rafik, you'd already put it in but the table of possible issues. What we hope to come out of this is, with a clear view of how we're going to handle geo names at the top level. We would love to get consensus on this.

And, in fact, we do have outside help coming in, someone that's not been involved with ICANN before but seems to be quite well-educated and how to do these things to basically help us moderate the discussions over the course of the four days.

In fact, they're already reaching out to the people that put them proposals and the leaders of many groups to get some, you know, initial conversation (into the start up).

And they'll be running meetings almost the whole time we're there trying to basically find where the issues are that can actually be solved. So not quite sure how that's going to work, but basically (Jeff) and I decided that, you know, it was - and we had strong - for a while we had strong staff encouragement but then when there was money to be spent, we needed help from staff to spend the money, but they very graciously agreed in the end.

So - as opposed to using a staff person as a mediator. So the hope is that we'll come out with the basics of our solution for geo names at the top level. Knowing that that's way too aspirational, what we have to come out with is an idea of the problems, and idea of the places where there is agreement and a path forward for getting this decided.

Now, the other thing is, there is a trend going on that says, say, this should be done by a cross community work. I guess as co-chairs of the subsequent procedures, we're saying, oh, no, please no, because that would then become a gating factor on what we do.

We also see how the use of country and territory names went where they could - they came to deadlock on three characters so we know that three characters is a deadlock space, three characters on the ISO list.

So, you know, that's one item that we know that cross community working group is not going to solve any better than us, so we've got to find a way to solve it.

But we are, if you look at the composition of the working group, it is rather multi-stakeholder, and as, you know both I said earlier and Rafik reinforced, these are cross community sessions that everybody is encouraged to participate in.

And if you look at the table that I put in there, you'll see that there's lots of - you know, the two character, the three character, the country and territory names and then there's all - is it in ASCII? Is it in English? Is it a capital name?

You know, there are all the sub issues to it. Then there are city, state and regional names, and then there are all those other things that people want to protect like names of rivers or regions or mountains or, you know, what have you.

So we have a lot of (unintelligible). That's why we've tried to put it into a table to try and break down the issue and what are the things that are agreeable and what are those that aren't? Thanks.

Rafik Dammak: Okay, thanks, Avri, for this. Okay, any comment or question? Okay, okay (unintelligible).

((Crosstalk))

Rafik Dammak: Yes, please go ahead.

Farzaneh Badii: Thank you, Avri. My question is that a lot of the time people wonder how this group relates to development issues and they are kind of lost and why it's important regional-wise to get involved with this group.

And can you, like, elaborate on that? I know we don't have much time but if you can just say a couple of sentences, that would be good.

Avri Doria: Right. Well, development issues and sort of applicant support as part of - is the title that that normally goes under within the work we're doing as, I think, Bruna mentioned, you know, is part of that.

And, so certainly, making sure that this is a good program for applicant support, should you want gTLDs in your region, is certainly one place. I think in terms of, you know, some of the other issues, they may indeed have

development impacts in terms of the fees, in terms of the processes, in terms of languages used, in terms of those kinds of aspects.

But the applicant support one is the one issue that is actually focused on, you know, how do we do outreach? And outreach comes up as a side discussion although that's much more of an implementation issue.

How do we do outreach to make sure that, you know, development areas aren't caught, even if there is an application support program, caught too late with, yes, well, what are we supposed to do with this now?

And you're still requiring us to come up with 40,000 on the spot. And if we don't get applicant support, we lose all chances at getting a gTLD in the round. So there are a lot of issues to be discussed there. I guess that's a quick answer.

Rafik Dammak: Thanks, Avri. Since you are - talk about applicant support, maybe to highlight that it was one of the topics that (NCAG) advocated a few years ago, and I'm not mistaken, 2009, 2010.

We had that - the working group for applicant (unintelligible) that time. And I do believe that there was no outreach at that time and that was a missed opportunity. So we have to get this right now.

And maybe to clarify, because applicant support is not about the fees but really about how we can have more registries from developing countries, and so we discussed about different options like (a shared pool) of resources and so on.

And I think we highlighted how the program was designed. It represents (unintelligible) applicant from a developing country. So it's not just really about kind of giving, let's say, maybe too simplistic, but it's not about giving money to applicants, but really to make the program more inclusive and to get more representation from developing countries. Yes, Avri, please go ahead.

Avri Doria: Yes, registries aren't one of the issues we're dealing with, so getting more registries in Africa is not on our list of topics. So the other larger ICANN sectors of how to get development areas, you know, developing regions involved if they don't pertain specifically to registries and such, fall within our group.

I understand they're important. That's, you know, or people are going with auctions, but you know, how many years later, we still don't have them. We - you know, the applicant support group and others mentioned lack of registries.

That's key. And so on and so forth, and yet, in the intervening years, you know, there's been a couple pushes at times for, gee, let's get some registries. In other than the ones that are not accredited but attached to the country code registries, you know, let's get more registrars, sorry.

You know, then - and also the other thing is registry support. If you're not going to roll your own backend, then you basically need to use one of the registry service providers and I think that they're all - not all, but predominantly, you know, northern entities, developed country entities.

And getting that formed, other than just having registrars, is getting registry service providers able to do something, as you say, the shared pool. Again, that's not something for the program.

You know, that's something for ICANN larger and registry service providers are a class of stakeholder. They really aren't represented in any sense except when they happen to also be registries. Thanks.

Rafik Dammak: Thanks, Avri, for clarification. (Randy) should have used the word having more applicants from developing countries, so while they will, I guess, sign the registry agreement, but it doesn't seem that they are - they will necessarily have the infrastructure like the backend registry service and so on.

But, anyway, I think it's also maybe, outside the discussion we want, maybe the working group, and maybe farther - maybe for information that there was discussion about having more registrants want and that's what happened within ICANN but it's, again, (unintelligible) of this working group.

Anyway, I think it's kind of a topic for us to discuss and think how we can push more in the (different fronts) to get more and more, because of the end that they will serve the user and consumer from developing (unintelligible).

Okay. Sorry, I (didn't mean so much) to intervene here but looking for more comments and questions for Avri and Bruna, so if you have any.

Avri Doria: Didn't we have a third topic?

Rafik Dammak: Yes, we had a third topic but unfortunately (Stephanie) had to leave early, so I guess we will have - we could fit to topics within one hour, so.

Avri Doria: Okay, I was afraid we were hogging all the time. Sorry.

Rafik Dammak: No. No problem. Okay, so any question or comment? Okay, I see that Avri had put it - it's a question about the registry to the team for Africa (in a study).

I think that's a good idea as - because it's one of the studies that, and going, there was also some other study, I think, for (unintelligible) and another one for Latin America.

So it's an opportunity to get - to give input there and we shared our input a few weeks ago, so if there is opportunity to participate, we can do that. Okay. Okay, I understand that it's always challenging to have a call in the beginning of the week but we have to do so since the meeting is just in a few days.

Okay, so, what we will do, we'll share the recordings and also the material presentation we have and also any other (delivered) material. I would like to thank Kathy, Avri and Bruna for taking the time to prepare the slides and to present.

And I really - I'm really grateful that they did that. I asked them a few days ago, so I would like that we thank them for the work done here. And also looking to see you next week in Johannesburg, but those who cannot attend, also you can participate from (unintelligible) to all the sessions and we will try to keep you updated and informed.

Okay, if there is no question or comment, I think we can adjourn the call for today, and thanks for attending and see you soon.

Maryam Bakoshi: Thank you everyone for attending the call. (Jane), you may stop the recording and disconnect all lines. Thank you very much for your time today. Goodbye.

Coordinator: That concludes today's conference. Thank you for your participation. You may now disconnect.

END