

Terri Agnew:Welcome to the New gTLD Subsequent Procedures Sub Team – Track 3 – String Contention, Objections & Disputes on Tuesday, 29 August 2017 at 15:00 UTC for 60 minutes.

Terri Agnew:wiki agenda page: https://urldefense.proofpoint.com/v2/url?u=https-3A_community.icann.org_x_MQEhB&d=DwIFaQ&c=FmY1u3PjP6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmkXhFzL7ar9Qfqa0Algn-H4xR2EBk&m=RNUDs8z6xPrQ69K6sbfIJzjZcV4Ei81LG19Qy7jDgLU&s=JzsrnKcQSLFYgLWKYngO7a2g85vGwKFG7zQ9o0688tQ&e=

Karen Day:Hi all

Karen Day:Anne - would you be able to speak today under item 4 to your email from yesterday?

Anne Aikman-Scalese (IPC):thanks Karen and terri joining now and yes

Karen Day:Thanks, Anne!

Greg Shatan:lol

Jim Prendergast:tough to hear

Robin Gross:very low gain

Anne Aikman-Scalese (IPC):Thanks Terri - sounds like Avri is in a cave. Need to dial out to her.

Terri Agnew:much better Avri - thank you

Paul McGrady:How much was spent on the I.O. for his two victories in the last round?

Mike Rodenbaugh:I recall his budget was more than \$20m

Robin Gross:It makes less sense to talk about fixing details if we are going to nix the concept.

Jim Prendergast:wow

Jim Prendergast:\$20 mil

Steve Chan:Budget was a @24.8 million but actual spend was around \$2.5 million

Karen Day:my bad all! Only 2. 8 was spent

Mike Rodenbaugh:ah, thanks Steve, big difference....

Karen Day:2.5 - seems I can't type any better than I can remember :(

Jim Prendergast:\$2.5 million for IO budgte and untold milliosn spent by other applicants who prevailed

Anne Aikman-Scalese (IPC):it cannot be 20 MM

Jim Prendergast:and the money spent by applicants denefing themselves against IO objections. I dont think we have that figure and probably impossible to get

Anne Aikman-Scalese (IPC):"not addicted" - LOL Avri!

Paul McGrady:+1 Robin.

Paul McGrady:@Jim - good point.

Greg Shatan:Why was this a good idea in the first place?

Jim Prendergast:To Annes point on Board objecting - several of them were conflicted in 2012 and may be in next process so it would only be a subset of the board. I dont think that is desirable

Jamie Baxter | dotgay:+1 Anne .. it seems apparent that the Board neither wants to make those decisions, or has the tools to make them when when it comes to having a clear understanding/definition of "public interest"

Paul McGrady:@Greg, it might neverave been a good idea, but now that we know that it definetly isn't, it seems irresponsible to keep it.

avri doria:Robin, empowering the Board with the Global Public Interet objections is another mechinism for hadling them. But are we sure we want to hand that task to them, and to have the Board judging each application for its GPI?

Greg Shatan:I'm trying to recall who thought it was a good idea and why....

Robin Gross>Last time I checked, the board is already there.

avri doria:Policy set the goal of handling these issues, AGB decided on how.

avri doria:only in exception processing at the end. not in terms of being th first address for such appeals.

Mike Rodenbaugh:I don't see how a panel of IOs solves any of the problems we had with just one IO
Robin Gross:I tend to agree, Mike, as I see the concept flawed.

avri doria:and rember all the IO could so was file an objection. not make the determination.

Jamie Baxter | dotgay:+1 Alan

Jim Prendergast:agree with Alan on his points about kicking this to the Board

Anne Aikman-Scalese (IPC):Because it's not one person determining Global Public Interest - for example, it is a panel of 7 experts and they vote - 4 out of 7 means the Limited Public Interest Objection is filed.

Mike Rodenbaugh:my biggest problem with IO was that, even if he decided not to object (after lengthy deliberations with one of my clients), or if he later lost his objection, that did not stop anyone else from objecting on the same basis (incl. governments). So it greatly increased costs to applicants, with no benefit to anyone

Robin Gross:The IO process seems to be expanding the types of objections we initalially created by this "in the global public interest" test. That is dangerous.

Greg Shatan:In 15 out of 17 cases, the IO's judgment about when a GPI filing was warranted were found to be wrong. If the IO was a baseball pitcher, he'd be cut from the team....

avri doria:(personal) Greg, that is a reason to find a better mechanism, not to eliminate pitchers.

Jim Prendergast:what would be the soure of those funds?

Jim Prendergast:would it be an application tax like we had for the ICANN legal defense fund?

avri doria:(personal) Jim, it is part of the expense of processing applications justly.

Robin Gross:Wouldn't a better solution be to build this concern into our own processes, rather than outsource "globlal public interest" to an outside body? "Independent" also means no responsibility or accountability on some level.

Greg Shatan:My rates are very reasonable.

Paul McGrady:@Anne - but those "real money" events happened to the 15 winners, brought on by a defective I.O. mechanism.

Jim Prendergast:@avri - I dont disagree but in other WTs we have people arguing to cut the application fees as low as possible to spur demand but this seems like somehting that would add to the cost.

Anne Aikman-Scalese (IPC):@Paul - I agree. That is why we have to have "gates" that put a check on unlimited "Limited Public Interest" Objections

Anne Aikman-Scalese (IPC):Unfortunately I think the qualification for the fund would take forever.

avri doria:(personal) the problem may also have been with the objection evaluation panels and the criteria they used and not in the IO

Paul McGrady:What could possibly be confidential about the activities of a person who is paid to represent the public interest?

avri doria:I agree with Paul on that, there should not be much secrecy needed.

avri doria:i think it would be valuable

Greg Shatan:Good idea.

avri doria:but that is why i siggested it a few meetings back.

Paul McGrady:Valuable so long as we all stay really nice.

Anne Aikman-Scalese (IPC):Yes - always best to understand the challenges

Greg Shatan:The site is still up.

Mike Rodenbaugh:IO website: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.independent-2Dobjector-2Dnewgtlds.org_home_home_&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSFpClgmKXhFzL7ar9Qfqa0Algn-

[H4xR2EBk&m=RNUDs8z6xPrQ69K6sbflJzjZcV4Ei81LG19Qy7jDgLU&s=lfUbeErHyCVeLE-5XYIW uiFGB59cNHRuSRiYk17AZG0&e=](https://www.icj-ij.org/en/about-the-court/judges/bio/Alain-Pellet)

Anne Aikman-Scalese (IPC):There may be a difference as to need for Limited Public Interest Objection as opposed to Community Objection.

Greg Shatan:Looking at Alain Pellet's bio, he is certainly a distinguished jurist, with significant experience in international law, multiple cases before the ICJ, Chevalier of the Legion d'Honneur, etc.

Greg Shatan:But whether this was the right experience is open to review....

Mike Rodenbaugh:if both parties agree to 3, then fine; but otherwise 1 must be the default else cost would be at least double for 3

Jamie Baxter | dotgay:+1 Mike

Karen Bernstein:+1 Mike

Anne Aikman-Scalese (IPC):Agree with Mike

Robin Gross:me too

avri doria:i am personally undecided

Jim Prendergast:I agree with Mike

Terri Agnew:next call: New gTLD Subsequent Procedures Sub Team – Track 3 – String Contention, Objections & Disputes will take place on Tuesday, 12 September 2017 at 20:00 UTC for 60 minutes.

Robin Gross:Thanks Karen and all. Bye!

Anne Aikman-Scalese (IPC):Thanks Karen!

Greg Shatan:Bye