

YESIM NAZLAR:

Good morning, good afternoon and good evening to everyone. Welcome to the At-Large Consolidated Policy Working group, CPWG call taking place on Wednesday, 7th of November, 2018 at 13:00 UTC. On our call today, we have Jonathan Zuck, Olivier Crépin-Leblond, Abdulkarim Ayopo Oloyede, Gordon Chillcott, Eduardo Diaz, Yrjö Lansipuro, Christopher Wilkinson, Rainer Rodewald, Marita Moll, Sébastien Bachollet, Alfredo Calderon, Hadia Elminiawi, Nadira Alaraj, Tijani Ben Jemaa, Daniel Nanghaka, Joel Thayer, and Justine Chew.

And we have received apologies from Alan Greenberg, Maria Korniiets, Holly Raiche, Joanna Kulesza – Tijani, I'm muting your Adobe Connect from the audio. We have received apologies from Alan Greenberg, Maria Korniiets, Holly Raiche, Joanna Kulesza, Satish Babu, Cheryl Langdon-Orr, Seun Ojedeji, Ricardo Holmquist, Bastiaan Goslings, and Maureen Hilyard.

And from staff, we have Heidi Ullrich, Evin Erdogdu, and myself, Yesim Nazlar. I'll be managing today's call. And before we start, I would like to remind everyone once again to mute your lines when not speaking, and also please don't forget to state your names for the transcription purposes. And now I'd like to leave the floor back over to you, Olivier. Thank you very much.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Yesim, and apologies for the late start to this call. And that means we've got ten less minutes than we usually have for this call. So bearing in mind we often go over the maximum length, I'm going

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to ask everyone to please be short in their remarks and to the point. I know we often try to be short but turn around and wander about a little bit, as I'm doing at the moment, so let's try and focus.

Today, we've got an update on the EPDP from At-Large with Hadia Elminiawi who's on the call who will be able to provide us with the latest details on what's happening in that working group. Then Jonathan Zuck will take us through the new template he is proposing for the ALAC policy advice and comment process. And after that, we'll go swiftly into the actual comments themselves where Jonathan will take us through the numerous number of public consultations currently taking place.

Any other business to add to these points?

JONATHAN ZUCK:

Olivier, for the record, I just wanted to assure people that are making presentations that they're on the agenda, but they're part of the policy comment updates portion of the agenda. So Marita and Justine are both going to be speaking, but they're not listed explicitly.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thanks for this, Jonathan, and I also note that Greg Shatan, ICANN Seeking Community Feedback on Proposed Unified Access Model has now found its way as the first item of agenda item five. So let's – hopefully this time we'll be able to cover it. Hooray.

Now, I'm seeing no hands up, so the agenda is adopted as it currently is on your screen. We can move to the action items. There is one unchecked action item that I don't quite understand, and it says, "Hadia

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Elminiawi to send out e-mail as follow-up after call.” Now, I've seen a lot of e-mails from Hadia after the call. I'm not sure which one it is that she has to send out as an action item. I'm not sure if staff or Hadia could please enlighten us as to this. Maybe you check this box too.

HADIA ELMINIAWI: Okay. Actually, I'm not sure about the e-mail that I was supposed to send out. Maybe it was about the diagram that was presented by Steve. However, I'm not sure.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks, Hadia. Can we check with staff? I don't know who has taken the notes. Is it Evin that took this one? Do you remember by any chance?

EVIN ERDOGDU: Hi. Yes, Olivier. Thank you. This was about the [inaudible] and I believe Hadia may have sent out a note about this, so I can check this AI, no problem. Thank you. Sorry it wasn't specific.

OLIVIER CRÉPIN-LEBLOND: Sorry, it's about which diagram? Was it the diagram that Jonathan had shared with us or that was shared with us with Steve DelBianco?

EVIN ERDOGDU: It's Steve DelBianco, during his presentation.

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OLIVIER CRÉPIN-LEBLOND: Okay, so if that's considered as the follow-up having been undertaken, then we can check this and then we can move on. So thank you for this, Hadia, and thanks for this, Evin. And so we can move to agenda item three, and three is the update on the expedited PDP.

There's been a lot of movement, a number of declarations from other parts of the community. Yeah, the party seems to be going on in that working group. And for this, we have Hadia Elminiawi who has joined us, and so I'll hand the floor over to Hadia. It says 20 minutes on the agenda. Let's try and make it about ten, and then a little short discussion after that. Hopefully, there's not more than ten minutes worth of declaration on this. So over to you, Hadia.

HADIA ELMINIAWI: Okay. Thank you, Olivier. So the initial final report has been put together. The report attempts to answer the charter questions, provide preliminary recommendations, and identify some issues that need to be covered before the issuing of the final report.

The target is to have an initial report available for public comment by [Monday, I think of November,] and the report includes the workbook which aided our work. The workbook [inaudible] include the ICANN purpose pursued, the process and activities required for the purpose, and the data elements associated with it.

The report also includes reference to the work of the [inaudible].

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OLIVIER CRÉPIN-LEBLOND: Oh, dear. Have we lost Hadia? We lost Hadia. It's going to be one of these calls. Okay.

YESIM NAZLAR: Just checking if Hadia is on.

OLIVIER CRÉPIN-LEBLOND: She obviously isn't, because we can't hear her at the moment.

YESIM NAZLAR: I'm asking our operator to dial out to Hadia please.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Yesim. And in the meantime, I know that others are also subscribed to that working group's mailing list, so does anybody wish to already comment on the EPDP's work and what's been happening there or perhaps as a follow-up to our last call? Not seeing anyone putting their hand up, I'll fill the gap by letting you know that there have been a number of letters or e-mails sent as declarations, I guess. I'm not quite sure how you would call these, declarations from component parts of the working group.

So the contracted parties have put together a joint statement where they go through a number of points that were being suggested by the working group and are basically in general saying no to differentiation between natural persons and legal persons, and also no to geographic delimitation.

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Effectively being quite blatant saying that if it's going to cost money to implement, then they're not ready to proceed forward with it. At least as an opening statement, that's what is being said there. There's perhaps more diplomacy in what they're saying in some parts of their declaration, but that's the gist of the point that they were making.

The Noncommercial Stakeholder Group has jumped on the occasion and said, "Yes, we support that. Yes, absolutely." So now we have contracted parties and noncommercial that are saying that it looks highly unlikely at that point that there will be a differentiation between the natural persons and legal persons, which then makes it a lot more complicated because since natural persons are to be afforded the benefit of privacy, then if neither geographic delimitations nor the differentiation between natural and legal persons is made, that pretty much makes everyone being liable to or qualifying for being able to be anonymous or to remain having their private details withheld.

So that's the sort of discussion that had been going on, but I see that Hadia is back on the bridge, so I'll hand the floor over to Hadia. And Hadia, I was just explaining some of the moving, some of the things going on on the list. But over to you. You're much more involved, and obviously, you were on the call as well which I missed.

HADIA ELMINIAWI:

Thank you, Olivier. [inaudible]. I've been talking to – I don't know which parts you heard and which parts you didn't. However, I will start from saying that the target is to have an initial report available for public comment by Monday, 19th of November, and that the report includes

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the workbooks which aided our work, and the workbooks include the ICANN purposes, [inaudible] processing activities and the data elements associated with that.

The report also includes reference to the work of the small teams, and the small teams were discussing if it is necessary to make a distinction between natural and legal persons to distinguish between registrants based on geographic location, and also, we discussed the term “reasonable access.”

With regard to natural versus legal, we all agree that this is [inaudible] GDPR does make this distinction between the natural and legal persons. However, the contracted parties have concerns regarding this matter, and some of which are related to the data of some legal entities might contain personal information. Others are related to technological means available for implementation.

Also, with regard to the distinction based on the geographic locations, there isn't really consensus on that. Right now, we have two paths for the way forward. The first one is to – I forgot to mention that the recommendations of small team one which actually was tackling the issue of natural versus legal persons, the recommendations of the team included research that should be done by the GDD staff, and the aim of the research is to look at registries like [inaudible] for example that are currently implementing this differentiation between registrants and to look at all aspects of that, like from the legal aspect and also from the implantation aspect.

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This was a recommendation that was actually agreed upon by all parties, and I think we can [propose with it.] However, the path forward now, we have two options. The first is to go on with the research, and based on the results or the conclusions that we received, we decide if further discussions regarding next steps are required or not. And the other option is to not go for the research and put all the issues out for public comment.

The ALAC point of view, of course, is to go with the research, and going with the research does not mean that we are not going to put it out for public comment as well. So actually, those are the third option does not exclude the second option. So our point was to go with the research, look what the results are, and then pick it up from there.

Other groups don't really like the first option, though it was agreed upon in the recommendation, and they want just to put it for public comment. We are now not quite sure which way forward we are going to go, but actually, the second option will leave us in the exact position that we are at now.

The first option, we will get some new information instead of us saying the same stuff over and over again, we would have some feedback with regards to the legal issues and to the implementation, and then taking this new input on board in addition to the input of the public comments that we get through the public comments. I think it's the best choice.

However, as I said, the Noncommercial Stakeholder Group does not want to go with option two, and Contracted Parties are not really sure [about] also if they would like to go with this option or not.



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With regard to the reasonable access, we actually agreed on that part that all issues with regard to access that are in the temp spec are to remain in place until we have a standardized access model, and criteria around reasonable access should be explored. So that's about it from me, and happy to take your questions or to carry on the discussion. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Hadia. The floor is open for questions and comments. Jonathan Zuck.

JONATHAN ZUCK: Thanks, Olivier, and thanks, Hadia, for your update. If we could try to boil down the notes from this, is there some specific decisions to be made that we should try to express a preference on or make a decision about? Can you boil down your discussion, which was great background, but on how this group can be helpful to you in terms of your work on the EPDP?

HADIA ELMINIAWI: I think right now, what would be useful is for us to push through with having research done, and I think if you [inaudible] everyone to have that done [inaudible]

JONATHAN ZUCK: And what's the research project?

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HADIA ELMINIAWI:

The research actually will tackle how other registries are currently making differentiations between natural and legal persons, the legal aspects and the liabilities associated with that, and also the means of implementation. And based on that, we will have some practical input and some legal advice as well, because also, [inaudible] that we need to get guidance from the DPA and the research also will tackle that, and the guidance mainly from the DPAs will mainly tackle the part where registries and registrars are afraid that some data of some legal entities might be also personal data, and so I think the legal advice will tackle that part.

And also, they are afraid that natural persons might incorrectly identify themselves. So the legal part or aspect will be actually discussing those two issues. And if we get the legal advice that clears [the way] from those two issues, then we can go forward and tackle the other parts that deal with aspects like the technical aspects, the commercial aspects, the cost. We can then tackle all these. But It's important to know that there are no legal risks associated with [inaudible].

So that is actually one point that we [can push to it, which is pushing to it having the research.] And another thing that I forgot to mention that also we've been debating a lot, the technical contacts, it's actually registrars are required to have the technical contact as an option for registrars, or registrars are required to optionally have it as available for registrants as an option.

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And of course, our view is to require the registrars to have it as an option for the registrants rather than having it as an option for the registrars to have an option for the registrants. So yeah, that's mainly it.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Hadia. Let's go through our queue. Let's have John Laprise.

JOHN LAPRISE. Good morning, everyone. Hadia, would it be possible to get a one-page briefing sheet with bullet points to summarize this? We're on the call, but for the broader community, if we could get a quick one-page report back that we could share and at least have some discussion on. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, John. Yeah, Hadia.

HADIA ELMINIAWI: Yeah, so I think that we actually [can have] a small page with the debate around the natural versus legal and the geographic [inaudible] based on the geographic location. We could put one page forward in this regard, yeah, [with all the views.]

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OLIVIER CRÉPIN-LEBLOND: Thanks for this, Hadia. Just a question to you, actually, wasn't there a regular weekly update from staff on this EPDP? Or is it a monthly update?

HADIA ELMINIAWI: There is an update that actually was sent – was it sent yesterday, or is it – yeah, I can forward the update. I have it. [inaudible] But the update does not have [inaudible].

OLIVIER CRÉPIN-LEBLOND: Correct, but that would be already helpful to provide an overall feel of what's going on and when the trains are supposed to go and what time they're supposed to go at. And then the contents-wise, I agree, it's a little hard to follow if you're not following this closely. There's so many issues now that are going on separately and so on, so certainly, a one-pager would be very helpful. Let's go through our queue, let's have Tijani Ben Jemaa. Sorry? Go ahead, Hadia.

HADIA ELMINIAWI: I can forward the update.

OLIVIER CRÉPIN-LEBLOND: Thank you. And we have an action item, if that's okay with you, which is Hadia to work with staff in creating a Wiki page for the EPDP, one-page summary for ongoing – I don't know [what the persons] issue is, but ongoing issue. Whatever it is.

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HADIA ELMINIAWI: [inaudible] Thank you. Okay.

OLIVIER CRÉPIN-LEBLOND: Okay. Tijani Ben Jemaa.

TIJANI BEN JEMAA: Thank you very much, Olivier. Hadia, I'm afraid I didn't understand very well. Is the research you're doing about the differentiation? And this research, is it an internal research or an external research? Because you said that it is to see how registrars are doing now, etc. This is something that you can do internally since all the registrars are tightly linked with ICANN, so their survey is very quickly done.

And the last point, do you think about the differentiation as a must or as an option? Because if you're going to an obligation, I am not sure we will be able to implement it since we have already something in the court now with a German registrar about the collection of data this time. And the justice there in Europe are more inclined to be more restrictive than open. So I don't know, for me, it is something that is intriguing me. I don't know why we want to impose to all registrars to make the differentiations. Thank you.

HADIA ELMINIAWI: Thank you, Tijani, for your question. So, actually, with regards to the differentiation between the natural and legal persons, the GDPR actually makes this distinction between a natural and legal person, so

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it's not us. And ICANN, as many others said that before me, is not actually in the business of making its own laws.

And actually, is this differentiation good or bad? Well, we think it is good, because naturally, legal entities would like to be known. But if others argue otherwise, again, it's the General Data Protection Regulation who decided on this. So yes, we would like the distinction to be required and not optional, because if they think that this differentiation should be made, then why should it be optional?

The only thing – and then again, the only objection from the contracted parties in this regard is because they do not want to put themselves at some sort of risk, and that's why we would like to conduct this research to get legal opinion, mainly the DPAs or the European Council, tackling the key issues that I mentioned before, [which if a legal] entity data includes personal information, and other, what if registrants incorrectly identify themselves.

So if we can resolve this legally, then we can go forward. If not, then we'll stop there. So if the research says, "Well, yeah, the registrars will be liable," we stop there, no further discussions will be carried on. And then who should be conducting? [inaudible] will be doing that. So the [Global Division Department] I think, yeah, the GDD staff will be the ones conducting this research.

TIJANI BEN JEMAA:

Hadia, my mistake, I am sorry. I was thinking about differentiation between European subjects and non-European subjects, European registrars and not European registrars. I wasn't speaking about the –

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HADIA ELMINIAWI: Okay, so you're talking about the geo –

TIJANI BEN JEMAA: So I am sorry. Okay. Go ahead.

HADIA ELMINIAWI: Okay. I'm sorry that I misunderstood you. With regard to the differentiation depending on the geographic location, again, we should be clear [here] that the General Data Protection Regulation is not concerned with the citizenship, it's concerned with the location of the registrants and the location of the processor and the controller. So we're not talking about citizenships or residence of the EU.

In this regard, I'm not sure that differentiation would be possible, and we haven't talked much about this recently. I think as it stands now, that differentiation would not be possible. However, I'm not sure how the discussions will go forward in this regard.

TIJANI BEN JEMAA: Thank you very much.

HADIA ELMINIAWI: But the research would also cover that.

TIJANI BEN JEMAA: Okay.

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OLIVIER CRÉPIN-LEBLOND: Okay, thanks very much for this, Hadia, and thanks for this, Tijani. We are a little late already on time. Just one point which was being made regarding whether – which was asked by Justice Chew asking basically regarding the research, what happens if – well, several things. First, on the research, the pushing back on the research, what could be done so as to put the concerns about pushback to rest? If there is anything there, because there's always a question as to why they wouldn't want the research.

You said earlier parts of the community don't want the research. And the other point that Justine was saying is what happens if the contracted parties and NCSG continue to push back on the legal versus person distinction. And since this is a GNSO working group, ultimately, there will be a vote on whatever it is that the working group does and that there is no support from contracted parties.

So from one side of the house, plus another component part from another side of the house, and that creates a majority, and therefore, whatever they decide would be what will happen. So if they decide to push back, there will be pushback. John, your hand is still up. John Laprise. It's down, thank you. And one last question. Who is responsible to do the research, Hadia? Or who would be? If there is a move forward to do research, who would be in charge of the research?

HADIA ELMINIAWI: The staff.



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OLIVIER CRÉPIN-LEBLOND: Staff, okay.

HADIA ELMINIAWI: Yeah. And the contracted parties actually [inaudible] are not really strongly opposed to this research. Actually, when they [added the] recommendations, they [inaudible] the research [inaudible] with some clarifications or additions, but they didn't say, "We don't want the research." So the only stakeholder group that actually says, "We don't need the research," is the Noncommercial Stakeholder Group" and once to go forward only with the public comment.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks, Hadia. One last question from [inaudible]. Is there anything that we need to tell you today? Do you require any input from us today on any of these points? As in a concerted yes or no answer type thing for you and Alan.

HADIA ELMINIAWI: I think it's too late to ask about your position [inaudible] but I think that has been tackled thoroughly over the e-mails [for more than ten days.] So if you would like to add anything, just go ahead and do it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Hadia. Thanks for this update, and thank you for all these updates also and the sustained work on the mailing list as you

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just mentioned. So you've got a couple of action items. We look forward to receiving those e-mails, and the discussion will continue on the e-mail mailing list.

Now, we can hand the floor to Jonathan Zuck for agenda item four, the ALAC policy advice and comment process. And in fact, for four and five, it's going to be Jonathan driving the boat. Over to you, Jonathan.

JONATHAN ZUCK:

Thanks, Olivier. I want to be very brief here, pardon the pun. But I'm going to try to enforce some discipline on the group to have presenters prepare some [inaudible] slides or bullet points that staff can turn into slides or something like that prior to these calls, because I think we need to find a way to maximize the utility of this group and differentiate it from the lists that people are on, etc., where people can read longer form messages and try to make these updates more talking point-driven and more consensus-building-driven.

So to that end, I'm proposing a template for a PowerPoint that would be used for presentations, and we have some presentations coming up later in this call that are somewhat variations. But there's a lot of science around presentations that suggests, for example, that people cannot read and listen to talking at the same time. So that's why bullets are better than large paragraphs in slides.

So not to pick on Greg from his presentation in Barcelona, but big chunks of text on the screen mean that people are making the choice to either be reading or listening, and what we want to do is not force that

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choice on people but have them listening and just have the bullets as reinforcement.

The other science behind presentations is that people generally don't absorb more than about three points. So we're trying very hard in this template to think in those terms. So if I scroll through this a little bit here, you see what's at issue, what are the three things that we want to bring up in this particular presentation.

And I know that it's a lot of work to boil things down because there's so much going on, but it's going to involve prioritization and deciding what it is you want this group to hear and what you want them to be able to remember, whether it's to talk about it to their constituencies or be able to talk about it themselves more articulately on other calls on which they may be participating, boiling that down will become very important.

So the first slide is what's at issue, the three points. The second one is what's at stake for end users, so we should always be trying to bring back our conversation to why we are focusing on those points, how did we prioritize those points, and that mechanism for prioritizing them was the impact on end users. So again, trying to get to just three points.

And then if there are issues about how various parties in the discussion are aligned, etc., there's a slide here that's optional about the politics of what's going on, and so the question then becomes what are the groups and how are they aligned on these issues. And then finally, what is proposed for the At-Large positioning?

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If it's an issue brief or if it's a call to action or something like that, again to boil it down to something very specific. So I'm going to ask and try to be the bad cop and try to enforce that when people have a presentation to make on this call that they come up with a set of slides or bullets that we convert to slides. I don't want to turn this into a conversation about PowerPoint, but we go through the exercise of really boiling down what you need this group to hear in a way that they can remember it and what you need back from them in terms of feedback.

And if we don't need to leverage the fact that people are on this call, then we might move past different presentations. So it's just an experiment, but I'm going to try to be disciplined and be the bad cop about this going forward. So that's my entire presentation. If people have questions, I'm happy to take them for a very brief discussion about this. Tijani, go ahead, please.

TIJANI BEN JEMAA:

Thank you, Jonathan. Your proposal is perfect for me. I told you that on the mailing list, but I repeat it here, this is a way to make our work more efficient. And I called in the past for a work method to make our work efficient. Fortunately, you already gave an example here. Thank you.

JONATHAN ZUCK:

Thanks, Tijani. And we'll see, right? This is an experiment. Another little bit of the science is that sometimes, bullets help with people that are nonnative speakers of the language of the presentation too so that they're not having to try to derive what the key points are from a discussion in order to see them. So another reason to do it.

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But are there any other questions about it? Because I don't need to spend a lot of time on this. I'm just kind of giving you a heads up that if you have a presentation coming up on the call that you're probably going to get this in the mail and asked to try and comply with it. Alright. So that's it for this conversation. Thanks for indulging me, and I'll be trying to enforce this going forward.

So now what we want to do is jump right into some presentations. And so the first one is from Justine Chew who has been working on the most recent – oh, Sébastien, do you have a question about the topic? [Sorry.]

SÉBASTIEN BACHOLLET:

Yes, thank you, Jonathan. I hope that you can hear me okay. Yeah, I have one question, is that this group is supposed to be a group who combines or summarizes the work of different working groups. I have the impression that we are not really having the subgroup or the policy group working. And we are trying to do everything in this one and a half-hour call. Is my perception the good one, or there is something I am missing here? Thank you.

JONATHAN ZUCK:

Thanks, Sébastien. This is definitely a topic of discussion. Alan's original design for this group was that it was an escalation path, as you say, for these other policy working groups. And it is my understanding that Maureen's vision is slightly different and wants to try and have policy generated by individual presenters through this, and then the small groups will be formed, if necessary, out of this group rather than having

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a series of standing groups that kind of go in and out of service based on the topics that arise.

So it's just a different way to active subgroups, Sébastien, if I understand Maureen's position well, which is to bring issues through here, filter them through the funnel that we talked about in Barcelona in terms of end user perspective, etc., and creating an initial filter on subjects. And then if they require a subcommittee to take them away and discuss them in more detail and come back and present, [that that] genesis would be from this group as opposed to having to revive a group that has been not as active.

So that's my understanding of Maureen's intentions, and it's all just an experiment at this point, but that's my understanding. I hope that answers your question. And I'll give you a chance to respond, if you like, before I take Tijani's.

SÉBASTIEN BACHOLLET:

No, I appreciate your answer. We will have to figure out what we do with the subgroup already existing, but at least we can try whatever way. But it's a good way to try, and let's do that. But I think it's important what you say, and it's important for all of us to understand what is the idea here, it's really to work from – about policy from and only from this group. And that must be understood by everybody, that it's a focal point and the point where the group – from which everything will come and will come back. Thank you.

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JONATHAN ZUCK: Thanks, Sébastien. Tijani.

TIJANI BEN JEMAA: Thank you very much, Jonathan. This is a kind of discussion that we had in Barcelona, but I think it was in another way. For the CPWG, I think this is a group for the DNS policy only, because as you said, for example, the At-Large review is policy also, but it will not go through this working group. It will go through other ways.

But everything concerning the DNS policy, concerning the DNS, with the large meaning of DNS that is used now in ICANN, should go through this working group. Thank you.

JONATHAN ZUCK: Thanks, Tijani. I think that's right. Okay, excellent. So without further ado, I will step down from the podium here and invite our first speaker to present, and that is Justine Chew, to talk about the new piece of the Subsequent Procedures Working Group public comment. So Justine, take it away.

JUSTINE CHEW: [inaudible]. Can you hear me?

JONATHAN ZUCK: Not very well. It's very faint.

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JUSTINE CHEW: Very faint. Okay, I'll try to speak up. Sorry, I've been having problems with Adobe Connect all week, so if I drop off, can someone let me know? And I'll try to see what we can do. Okay.

JONATHAN ZUCK: That's better.

JUSTINE CHEW: Alright. I'll try to keep it at this volume then. Okay, I have to say that I prepared this set of slides before Jonathan issued that decree, I would say, on the brief template. So you'll have to forgive me that it's not following that format. I also - [inaudible] some echo.

Also, the way I designed the slides is to present the background as well as the questions that have been posed to us by SubPro in a way hopefully the regions can actually take it to their RALOs if they wish to to talk about it and to get some feedback [inaudible].

So the idea is to present the background, the issues at hand. I'll try to summarize the issues, and then if there's any on the spot feedback or comments that people want to make, I'll try to note them down. And what I'll try to do then is to generate the bullets, the brief template presentation version number two from what [happens] today. So I hope that's agreeable with everybody.

Okay, so this is slide number two. This is what we're looking at, it's the supplemental initial report that is tacked onto the initial report that we [inaudible] September [when we] submitted ALAC's statement, just to



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say that SubPro has looked into five additional topics which is the basis of this supplemental initial report. So that's number one.

Number two, timelines. This is just a rough timeline that I'm working with since I [volunteered to be] the penholder. The submission deadline is on the 12th of December, and I believe there isn't going to be any extensions given to the public comment period, so we'll have to try and keep to this timeline as much as possible. Okay, can we move [on to the next slide, please?] Am I controlling the slides, or [inaudible]? Hello?

Okay, so the five additional topics that this supplemental report [inaudible] on page three [inaudible] if you're scrolling in the Adobe Connect. If you're on audio only, then I'll just highlight them to be first one being auctions as a mechanism of last resort to resolve contentions. Point two is private resolutions of contention sets, including the [inaudible] private auctions, and this is non-ICANN-endorsed option, so this is outside of the [inaudible] ICANN. The point number three is the role of application comments. Point number four is change requests, and the last one is registrar support for new gTLDs.

Okay, so going back to the first point, the first topic, sorry, auctions as a mechanism of last resort, this is what I distilled from the report and also the deliberation that has been going on in the SubPro working group. They are the short bullets under each topic. [inaudible] of the options.

We have a preliminary recommendation that the working group has [put up.] That is to continue the use of auctions to resolve string contentions. So then the question is [inaudible]. So the second bullet is – there is a comment within the subgroup that consideration needs to

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be given to applicant support in communities, because [back to the basis] that auctions tend to favor applicants with deep pockets.

So if [inaudible] if we don't go with auctions, then what do we use to resolve contentions? And that could be a possible recommendation or point coming out of the Auction Proceeds Cross Community Working Group report. I haven't [studied] that all together, so if someone is working on the response to that, perhaps I can speak to them [inaudible].

So, do you want to pose questions at the end of each topic, or do I just run through all topics?

JONATHAN ZUCK:

I guess I'm inclined to let people ask questions just because you already presented quite a bit of information. So I'll just pose the question, are these issues mostly clear to people in terms of what the implications are? otherwise, raise your hand, I guess. Marita, go ahead.

MARITA MOLL:

Hi. I just wanted to ask, have we considered these questions before? Have we talked before about whether or not we support – to what extent we support auctions and how community applicants should be supported in auctions? I think there have been some discussions but I don't know where it is, and I guess I would like to get back to that before we actually make a decision about whether we support this round.

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JUSTINE CHEW: [inaudible].

JONATHAN ZUCK: Yes, so there's been definitely some discussion, and there was also some comments during the 2012 round from the At-Large, and so the question is whether or not the proposed changes are [inaudible] going to be effective and how we feel about them. Christopher.

CHRISTOPHER WILKINSON: Thank you, Jonathan, and thank you, Justine. [To answer your principal questions – and it's already 3:00 here,] I think I'd like to hear Justine take us all the way around the track, and then we can go back and take up specific issues in discussion now or on the list later. I have read this document in great detail, unfortunately. It's hard work, and I admire Justine for having boiled it down to this screen.

And I have some views about most of the points which [I'll actually] pass on to Justine as an input to her work without prejudice to my own response, specifically on registrar support. We're dealing with a self-created problem, but I'll go into that in detail later if necessary. But I would rather hear Justine's point of view across the whole thing first.

JONATHAN ZUCK: Thanks, Christopher. John, go [ahead.]

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JOHN LAPRISE: Thank you. I'm fairly clear on the policy issues, but I think my overriding question is the one I had at the last meeting, which is that we're refining the mechanism, but we're still trying to decide what the mechanism should be used. I mean there's a lot of incentive to actually have another round, but I want some very strong evidence before we actually employ the mechanism and host another round. Thank you.

JONATHAN ZUCK: Thanks, John. Tijani.

TIJANI BEN JEMAA: Thank you, Jonathan, and thank you, Justine, for this work. I really appreciate what you have presented now. And what I want to say is that if we look to the timeline that she presented at the beginning, we would have at least three calls to discuss. So this is not something to adopt now. This is the timeline. We will not adopt it here. When we will start making the draft, it will be on 5 December. So we really have time, and she didn't say that we have to adopt it.

And to come back to Marita's question, yes, we have to discuss everything before we go to draft and to adopt anything. For me, it is very clear, there is supplemental report, new report if you want, with new points to discuss. So we have to discuss them, we have to give our point of view on them. Justine made them here clear, and she gave some points. We have to discuss them and adopt or not adopt, or change, etc. Thank you.

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JONATHAN ZUCK: Thanks, Tijani. Justine, I'll let you forge ahead.

JUSTINE CHEW: Okay. Just to [inaudible] what Tijani said, yes, I don't expect people to provide points on [inaudible] today. Of course, you're welcome to do so if you're prepared to do so. The idea is just to [give a] background, and as requested, to distill the issues that we need to grapple with or responding to this report. So that's what this presentation is supposed to do.

So if it's alright with everybody, then I will just go through the rest of it as [inaudible] suggested, and people can stop me [inaudible]. Right, so in terms of topic number two, private resolutions, including contention sets. Now, the report does say that for the 2012 round, [inaudible] private resolutions was common, including private auctions. Now, there was as comment and concerns about the use of private auctions in future rounds because – I've not seen actual evidence of it, but someone commented that private auction has been used to game the system whereby applicants purposely apply and fall into contention sets in order to get to a private auction where they lose, and [as a result of the private auction, they] actually get some proceeds from the winner. Okay?

So in context of private auctions, imagine if it was an auction that was conducted by an ICANN-appointed provider, the proceeds of the auctions come back to ICANN, which is what the Auction Proceeds CCWG has been grappling with, what to do with proceeds.

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Now, if [inaudible] private auctions, and I said before that these are the auctions that are not conducted by the ICANN-endorsed auctioneer, ICANN does not see the proceeds. The proceeds actually get distributed between [all] parties who privately engage or participate in [that] auction. So that's the downside of not prohibiting private auctions so to speak. Okay?

Then there was a question of whether you [inaudible] some forms of mechanisms of private resolutions and not others. So how you decide whether you need to private some things and not private some other things, because private resolutions also cover things like [applicants] who fall into contention sets go away and collaborate and comes back into a [inaudible] possibly or comes to some sort of resolution as to who gets the gTLD [inaudible] contention and how.

So private resolution, there is an upside and a downside. It is a question of the mechanisms used. Okay? So there was a point in the initial report that was 1.4 [in section 2.7.4] that dealt briefly with the question of auction [inaudible]. And we said that we don't know enough about unintended outcomes of auctions to say one way or another, and to the point of even questioning the legality of private auctions. Okay?

I don't know, Marita, that's a question that's been asked. Okay, moving on to topic three, the role of applications comments. The key issues was, one, the first bullet was raised by a community applicant or someone who was tied to a community applicant where he said that the comments for applicants that were going through the CPE process seem to have [close related and standard community groups. Someone's moving the slides.]

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[inaudible] Okay, so there seemed to be unclarity in terms of when an application comment process period actually ends for different categories of applicants. [There was also a concern] that if some responses to the – or people who submitted comments through the application comment process were negatively perceived, and if the applicant chose to respond to those, the outcome of that process might impact the scoring of the application.

And the third point is, should there be a time limit to respond to comments prior to the [inaudible]? Change requests, topic four. Okay, so this is tied back to what I mentioned under private resolutions as to what are the forms of private resolutions that could be acceptable or even encouraged, such as parties going away to resolve themselves, coming to a [inaudible] or how do they do a sharing, for example [inaudible].

So part of the change request process is how do we distinguish what we allow and what we don't allow and factor that into the change request process. Okay? And then the subgroup is also asking for feedback on implementation guidelines for considering and reevaluation of applications that have gone through a change request process.

Sébastien, you had a question.

SÉBASTIEN BACHOLLET:

Thank you, Justine, but go ahead to your last penetration and I will talk after that, if you agree. Thank you.

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JUSTINE CHEW:

Okay. Topic five is registrar support for new gTLDs [inaudible] a little bit. The way I see it is actually [inaudible]. So I'm not sure whether we want to respond to this. Perhaps when we look at the set of questions, we can decide. But as far as I remember, we did not respond to the topic of vertical integration in the initial report [inaudible]. Okay? Now, the rest of the slide provides the background as to each of the five topics, so I'm not going to go through all of them [inaudible]. Okay? I might just touch on a couple [inaudible] that they're important.

Okay, now, in terms of the voluntary resolutions, including private resolutions, [inaudible] rounds, more than 90% of the contention sets were actually resolved without forced action, meaning to say that the parties actually resolved themselves without it being [greenlit through] an ICANN-conducted auction.

Now, the 90% percentage share does include private auctions, but we don't know how many exactly took place. We just take it [in terms of stats] as to how many didn't go through forced auction by ICANN. The ones that did go to an ICANN auction were, as far as we know, up to the point of the date of the report was that ten, ten of those were completed, which generated a net proceeds of more than \$33 million [inaudible].

So again, [this will] touch on [inaudible] ICANN, [do we want to stop potential revenue to ICANN] or even charitable organizations or whatever's coming out of the proceeds cross-community working group, that [part of] money, do we want to stop the possibility of generating that by stopping auctions?



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So these are the questions and [options] [inaudible] recommendations that the working group [pose] to the community, the first one being, should auctions remain? They are recommending [inaudible] that auctions should remain. So some of the sub-questions that the working group members [inaudible]? Because it tends to favor applicants with deep pockets [inaudible]. So should other aspects be introduced to make it more fair? What are the measures that people consider to enhance the fairness of auctions [inaudible]?

Now, if we consider the possibility of eliminating auctions, then what do we replace it with? Certain examples have been given, such as a request for proposal process, random draw, then the possibility of limiting the number of auctions that an applicant can be [inaudible].

I'm not sure [inaudible]. Okay, so some of the options that the working group has come up with includes Vickrey auction. If someone needs to understand what the Vickrey auction is, I can provide an explanation by e-mail [inaudible] report. That's option 2.1 c.1.

Under 2.1.c.2, the alternative to auctions would be, as I said before, request for proposal. Secondly, random draw, [inaudible] system of graduated fees, and the elements that time to each one of those are in the table, it's been highlighted.

Moving on to private resolution of contention sets, so the key point about here, this topic, is that here was no formal – private resolution was not a formal part of the PDP for the 2012 round, so there is no policy guidance that the working group is drawing from. They're mainly

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drawing from observing the implications or the outcomes of the 2012 round.

So [inaudible] unintended consequences in terms of private auctions, [inaudible] downside because ICANN is losing or the community is losing potential auction proceeds. And as I said, there was a question in the initial report that touched upon the issue of private auctions, and the board made a response to that public comment process, and they did say that the [inaudible] that gaming and abuse of private auctions [inaudible] an issue and in fact questioned the legality of private auctions.

So these are some of the questions that deals with private resolutions. [Okay, so the] question is the category [inaudible]. If not, then do we allow some, do we not allow some? So what do we allow? And if we do allow some, how do we basically deal with unintended consequences of it like gaming for example? Okay? And also, tied to that is if we do allow some form of mechanisms, then they have to be related back to [inaudible] mechanism.

So this last question is practical ways to allow but disallow some [inaudible] touched upon that before. Okay, role of application comments. Okay, so the standard application's got an application comment period of 60 days, but as I said, some of the applicants that fell into CPE were still getting comments after that date, after that 60-day period. And in fact, those comments did go on to the CPE panelists to be considered. So there's a question of fairness as to why the standard application comment period does not apply also to community applicants.

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These are the preliminary recommendations from the questions posed by the working group. Some of it pertains to the system of comment [inaudible] that was used in 2012, things like we should actually verify who the comment [inaudible] was or the person posting the comment [inaudible] they could be somebody impersonating someone else and there was no way to verify [inaudible].

[inaudible] because there were numerous [inaudible] difficult to actually categorize certain things and lump certain things together to be considered together. [inaudible].

JONATHAN ZUCK: I need to limit you to just a couple more minutes.

JUSTINE CHEW: Okay.

JONATHAN ZUCK: Because we have to get to other presentations. So let's also maybe have a conversation offline about how else we can get this information out of people. it's such a beautiful presentation, so maybe we need to get you to record a webinar or something like that as well, but I need you to wrap up today.

JUSTINE CHEW: Okay. I'm happy to stop here, because this is a lot of information to digest. What I intended to do was to post some of these questions onto

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the Wiki and people can actually start commenting. So from then on, I could develop positions for the next meeting so that we can have more targeted discussions on some of the comments [inaudible]. I didn't want to –

JONATHAN ZUCK: That sounds great.

JUSTINE CHEW: Yeah, I didn't want to put my position up front, because it's supposed to be a joint effort, so I will get to set the stage and then get people to actually contribute what they thought.

JONATHAN ZUCK: That makes perfect sense. But let's see what we can do to boil this down to some questions to get people's reaction to them. And I'm going to ask everyone, this presentation has been circulated on the list, so I ask that people take a look at this because it's a really good breakdown of an otherwise very dense document. So in many respects, Justine has attempted the impossible of trying to present so much information in a more digestible fashion.

So let's make an attempt to digest more of it for the next call, and then Justine will work on trying to maybe tackle these topics one at a time in a way that's designed to ask questions and reach consensus within this group to spur conversations. But thanks so much, Justine. This is really a great start [on a] really dense document. So thank you.

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JUSTINE CHEW: Thank you for listening.

JONATHAN ZUCK: I guess we'll move on – go ahead, Justine.

JUSTINE CHEW: I said thank you for listening.

JONATHAN ZUCK: Okay. Of course. Thank you. Sébastien, you've had your hand up a while. Do you have a quick comment?

SÉBASTIEN BACHOLLET: Thank you, Jonathan. First of all, thank you, Justine, for this hard work and useful. I have plenty of comments about [this story,] but I will not make it now. I would like just to raise one question. If we change in the future application guidebook some way of doing, are we sure that we will have or we will not have previous round participants who will ask to be under the same umbrella at the next round? Especially the ones who are still not settled could use that as an argument [and to be used at the previous round.] It's a question. I have plenty other comments, but I think your proposal to do one by one would be an easier one for me to [intervene.] Thank you.

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JONATHAN ZUCK: Justine, do you have a quick response to Sébastien's question?

JUSTINE CHEW: [inaudible]. Thank you so much. I would suggest that, if you can, once I post an update on the wiki, that you can comment to your heart's content there. Thank you.

JONATHAN ZUCK: I guess his question was about previous applicants into the CPE. Maybe, Sébastien, can you say your question again, just the question that you asked? It got lost in your discussion.

SÉBASTIEN BACHOLLET: Sorry. Thank you, Jonathan. My question is if we change some rules for the next round, are we sure that we will not have applicants from the last round who will say, "Hey, I want to be under the same regime and I want to be able to come back to make this change or to do this to be under the new regime and not the previous one. I hope it's clear, but sorry if it's not.

JONATHAN ZUCK: So I guess that's a more general question about this entire exercise of the Subsequent Procedures Working Group, which is if there's a change in regimes, will there be people that will prefer the previous regime and wish that they could apply under those conditions, and will there be [inaudible] that were in fact accepted under the previous regime that will wish they were able to update their situation now?

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So that's a pretty big question and probably not one for Justine to just answer on this call, but it is definitely, I think, a really valuable point, Sébastien, about how having two different kind of regimes [inaudible] which these applicants live will cause some friction inside the community .We'll have to give some thought about how to address that for sure. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Jonathan. And I'm mindful of the time. And this is an excellent topic, it's an excellent presentation. I've seen several people mentioning, let's have a webinar on that. I was just going to pick this up, should we please organize a webinar on this at short notice? I don't know whether it would be the CPWG that would organize it or whether Tijani Ben Jemaa can take this up and work this out with staff and have something within the next week or two weeks.

I know it's a busy time, but I can see stuff coming from all over the place, so we're going to have to multitask. Thank you.

JONATHAN ZUCK: Thanks. And Tijani, go ahead and answer, but briefly, because we can take this conversation offline to talk about how to prepare [inaudible].

TIJANI BEN JEMAA: Thank you very much, Jonathan. Yes, I will be very brief. No, I don't see the interest of webinar on this. This is a supplemental report, and we need to comment on it, so we have to take point by point, discuss them as we did of the initial report. And the work that we did in the initial

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report, we can do it for this supplemental report, especially because this month and even December would be very crowded, and I don't think that we will have time to go through another webinar.

And the effectiveness of the webinar. Suppose that you have one hour that Justine is explaining those points, what is the effectiveness? I don't see any effectiveness. we have to read it. If we want to comment, we have to read. And if we don't read, we will not comment. Thank you.

JONATHAN ZUCK:

Thanks, Tijani. Those are good points. I think we need to take this conversation up on the listserv and really drill into it so that we are prepared to answer and respond to the questions that are important to end users. I want to move on. I realize the end of our scheduled time of our call, and Greg is going to start to feel like Matt Damon, which is just an American joke, sorry. So I don't know, Greg, if it's possible to say, can you take five minutes and really boil down what the changes are, updates are or questions to this group? But I'll hand you the mic for five minutes.

GREG SHATAN:

Sure. Can you hear me?

JONATHAN ZUCK:

Yes.



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GREG SHATAN: Okay. The changes I made were primarily not substantive. I did cut one section where I think I had a mistake about what purpose was being discussed, on question 14, so that's a simpler answer now than it was before. In addition, at the beginning of each question, I made it more clear what the suggested ALAC or At-Large condition was, and in addition to that, I just tried to make the writing a little bit more clear and straightforward and get rid of some excess verbiage. But overall, the comment is basically in the same substantive shape as it was in Barcelona, just a little bit tighter. So if people have any questions or comments, I can take them now.

JONATHAN ZUCK: Marita, go ahead. Marita, if you're talking, we can't hear you. There you go, go ahead.

MARITA MOLL: One of them has right at the beginning of this document on page one I guess it is where you're talking about under the proposed approach. Greg, do you know where I'm talking about? It's at the very beginning, "ALAC agrees with [users] group with [inaudible] who are bound to abide by adequate measures of protection." There's an area in there where you – oh, yeah. "Example, law enforcement agencies and intellectual property lawyers."

Well, I don't know why we're banging the drum for intellectual property lawyers here. I mean I don't mind law enforcement agencies, but I think IP people have got their own places where they can put in their own

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story. So I would not like to see that in there but just have the law enforcement agency.

And the other part that I really had some questions about is further down, which is under framework for possible unified access model. The whole preamble here, I think, is a little bit problematic. If I read the whole thing the first time, I thought it kind of reads like, "Well, some people have objections or other ideas about this, but they're kind of dumb and they don't know what they're talking about." That's how it sounds to me, and I don't think that's what you want to say, I'm sure that's not what we want to say. I don't know that hardly any of this part is actually needed. It seems to be a large kind of think piece, and so I would like to see a lot of that just removed. That's my point.

JONATHAN ZUCK: Thanks, Marita.

GREG SHATAN: Thanks. Can I respond?

JONATHAN ZUCK: Go ahead, Greg.

GREG SHATAN: Marita, the first comment you made, was that on the first page in the text that is blue? I'm not [inaudible] right now.

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MARITA MOLL: Sorry, Greg, could you start again? I had a little sound issue here.

GREG SHATAN: Yeah, so [inaudible].

JONATHAN ZUCK: Greg, don't worry about that. I guess the question is just whether or not to include lawyers.

GREG SHATAN: My point is if she's reading the part that's quoting from the last ALAC comment, then that's the last ALAC comment, and there's no point in commenting on it now, that's just a quote from a prior accepted comment by At-Large. [inaudible] just what we said already.

MARITA MOLL: Okay, Greg. The stuff that's in italics is what I'm talking about. So, is that stuff that we've said already?

GREG SHATAN: The stuff under each number from 1 to 19.

MARITA MOLL: No, I'm not there.

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GREG SHATAN: [inaudible]. On page one, [inaudible] stuff we said already. Yes.

MARITA MOLL: I understand.

GREG SHATAN: Yes, the stuff we said [inaudible] on the first page.

MARITA MOLL: Greg, I'm not talking about –

GREG SHATAN: Yes, it's all stuff we said already that was accepted and statements [that were] published by the ALAC.

MARITA MOLL: Alright. Well, then I'm surprised, but yeah, nothing you can do about that.

GREG SHATAN: Well, yeah, so you're saying you disagree with the At-Large on that point. Okay.

MARITA MOLL: I guess I am, yes.

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GREG SHATAN: [On the other] comment – yeah, that’s fine, not going to have full consent [inaudible]. Second point, a lot of the stuff in the first page was defining the issues that we discussed at some length. I don’t think I’m saying that anybody else is stupid. I don’t see that in that, so that’s kind of – [inaudible] your take on it if there's something specific you want to recommend, but I think these were each issues that were kind of brought up and which I felt based on all our discussions we needed to talk about. So I haven't heard any other objections [inaudible] but if you have specific concerns or others agree or disagree with these points and think different points should be made, that’s something we should hear. Thank you.

MARITA MOLL: Yeah. I don’t mind actually making my concerns more specific, I just had a lot of trouble – I couldn’t get into the comment section, I couldn’t manage to do a comment on this. So [inaudible] be more specific and put in my comments and we’ll take it from there, but it’s nothing about the actual content when you get down to the comment. It’s mostly all in the prelude. So I will do some more homework and figure out why I can't comment on the document. Thank you.

JONATHAN ZUCK: Thanks, Marita. So it sounds like perhaps tone is one of the things that you're commenting on.

MARITA MOLL: Indeed.

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JONATHAN ZUCK: So let's get that conversation going in the Wiki for sure.

MARITA MOLL: Okay.

JONATHAN ZUCK: Hadia. Hadia, we can't hear you if you're speaking.

YESIM NAZLAR: Jonathan, our operator just confirmed that Hadia is unmuted. So Hadia, could you please retry speaking?

HADIA ELMINIAWI: Okay. So I was going to respond to Marita and ask her about the rights of domain holders to pursue their rights in relation to domain names. I also wanted to ask her if the problem was with the word "lawyers," because we could say to pursue for example intellectual property rights or something along these words if the word "lawyers" is what disturbs her. But actually, among the users are domain holders that will need to pursue their rights to their domain. Thank you.

TIJANI BEN JEMAA: Jonathan?

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JONATHAN ZUCK: Thanks, Hadia. Tijani?

TIJANI BEN JEMAA: Thank you very much, Jonathan. My remark is not related to the subject we are discussing now, it is a general remark. Even if ALAC issued a position about something in the past and if ALAC remarked that or noted that this position should be changed, we need to change it. In my culture, we say only stupid persons don't change their mind once it is necessary to change it. So I don't think [that] is a reason that we don't discuss it because it was already taken as a position by ALAC. Thank you.

JONATHAN ZUCK: Good point, Tijani. I think that we should be aware that it's something we said before and be explicit [in the change our] point of view, but there's no reason we can't change our position on something because we've learned something more or etc. So we should obviously [inaudible] aware I think and explicit. That's all. But thank you. What we have in there now is just a quote from a previous statement, so if we decide to change it, we need to be explicit in changing it. Greg, thanks a lot, and we'll take this conversation back on to – Hadia, is that a new hand?

GREG SHATAN: Thank you, Jonathan. Thank you all. If people can explain their lawyer phobia to me at some point, I'd love to understand it as an actual lawyer. But [inaudible]

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JONATHAN ZUCK: I think we should actually have that as a conversation. It seems to come up quite a bit, and I think we should just make that an explicit conversation rather than an implicit one. So let's put that on the agenda.

GREG SHATAN: Yes, and I'll just [inaudible] represent the interests of their clients, and their clients are the people ultimately we're concerned with [but not really.] So the question whether somebody hires a lawyer or not seems kind of orthogonal, but I understand people have different reactions [inaudible] to lawyers, [Americans,] whatever it might be. Thank you.

JONATHAN ZUCK: Yeah. We'll sort it out for sure. Okay, I'm not sure, do people still have a few more minutes? Because I would like to give Marita a chance to talk a little bit about Work Track 5, and she has promised to be pithy, so what I want to do is hand the microphone over to Marita for a brief presentation on that topic before we wrap up. Thank you. Marita, go ahead. Okay, Marita, your slides are up. You seem to be muted though. Your microphone seems to be –

MARITA MOLL: Thank you. Been chatting away and everything's muted. Alright. This is a piece on Work Track 5. I brought it up briefly last time and wanted to take advantage of Jonathan's template idea to see whether we could further this discussion a little further.



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It's only a small little piece of what's being discussed in Work Track 5, a really tiny piece, but we've already had a lot of information here, so we're just going to have a look at this little corner of Work Track 5. What's at issue?

What's at issue is that the applicant guidebook at the moment, applicants [for a city name] can circumvent the requirement for a letter of support or nonobjection by saying they are not intending to use that name primarily for purposes associated with the city.

So if I want to buy the name Toronto for example and I want to use it for furniture, I don't have to say anything at all, I can just buy that name without getting any letter of support from the city of Toronto or a letter of nonobjection as long as I don't indicate that I'm going to use it for purposes associated with the city.

Some people in Work Track 5 have brought up the fact that this doesn't give any protection for the cities, because people can walk away with their name without them even knowing about it. So there's been a propose new wording for this particular part of 2012 AGB.

And that is that instead – this is the wording here, [it's clear from applicant statements – “An application will be subject to geo name requirements if it's clear –“ So this is what it says now, “It's clear that the application will be used primarily for purposes –“ “It's clear from application statements that the applicant will use the TLD primarily for purposes associated with the city name.”

So the revision is that a geo name panel determines whether or not registrants will use that name to a significant degree for purposes

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associated with the city name. So that just gives the city more protection with regard to a name being used without their specific say so.

What's at stake here for end users is that a lot of cities are not actually focused on buying their domain name, aren't actually paying attention. Lots of parts of the world don't even know this is going on. City names can be bought up and held until the city wants to buy that name, and then they'd have to pay a more inflated price for it. And the citizens of the city are not protected from someone taking the name out from under them.

So I'll stop there, because that's mostly the presentation. I'll let anybody who wants to state something go ahead now. Sébastien.

SÉBASTIEN BACHOLLET:

Yes, thank you, Marita. I am just concerned that we will create committee and committee and committee, and we will have to figure out who will be member of those committees to decide that it's – here for example the geo name, and I hope that we can find a more straight forward way to do that, because if not, we will have hundreds of committees taking care of one small part of the next round of gTLDs. Thank you.

MARITA MOLL:

Thanks for that, Sébastien. I think probably there's going to have to be a geo panel in any case, because there are many different types of names, different types of issues in this area that will have to be considered by a

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third party that this would simply be something that would come under that. But again, these are still things that the panel is still working through and working with. I wanted to bring them forward but I appreciate your thoughts there. Thank you.

JONATHAN ZUCK:

Thanks, Marita. That's a great presentation, and I think a very important issue that is difficult to sort out. I was actually approached most recently by [Robin Gross] for support from ALAC on this because it's a time when the NCSG is in alignment with the business community, but their rationale is different. [But it's the] free speech rationale.

I guess one of my concerns is that the reality of some of these geo name situations is they become an opportunity for a geographic entity, a city or otherwise, to charge a fee, basically, for their acceptance. And I think we want to avoid that as kind of a toll or something for using a city name given that there are so many cities in the world. So it could be that having this committee is a good sort of middle ground over asking permission in every instance, which could result in [inaudible].

So, Marita, are you raising a hand on your own presentation? Yeah, go ahead.

MARITA MOLL:

No, sorry. I didn't mean to do that, sorry.

JONATHAN ZUCK:

No problem. You're welcome to speak at any time.

MARITA MOLL: Thanks. In the end, we are going to have to [inaudible] the Work Track 5 is going to be putting together or has put together a report now. It will be going out for comment. This'll be one of the issues that we will be asked to comment on, come to some kind of internal agreement on. so I'm bringing it forward early as one of the issues that we should be thinking about when it comes to working on the Work Track 5 report, which will be soon, like really soon.

JONATHAN ZUCK: Well, thank you very much, Marita, and I think you presented this in a way that we all know what it is that we're thinking about, so let's continue this conversation. Thank you for that update. I guess at this point, I will hand the podium back to Olivier to see if there's Any Other Business before we end the meeting.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Jonathan. And therefore, I ask everyone, is there Any Other Business? I'm not seeing any hands up as we speak. No one at the moment, so the last thing that we need to deal with today is when is our next meeting, and that's going to be a bit challenging with what's happening next week. There is the Internet Governance Forum, but I know that not everyone is going to the Internet Governance Forum, so the question I have then is – I guess the rotation would take us to next Wednesday, and I'm going to ask Yesim to tell us what the next rotation time would be.

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YESIM NAZLAR: I think we have switched from 19:00 to 20:00 UTC due to the time change from summer to winter, so for next week, it should be 20:00 UTC.

OLIVIER CRÉPIN-LEBLOND: 20:00 UTC on Wednesday the 14th, is it? Yeah, in seven days' time.

YESIM NAZLAR: Yes, 14th.

OLIVIER CRÉPIN-LEBLOND: Anyone prevented from being able to attend this? Unfortunately, I have a commitment, so I'm not going to be able to make it to next week's call. Both in the daytime because of IGF and in the evening as well I have an event.

TIJANI BEN JEMAA: Olivier?

OLIVIER CRÉPIN-LEBLOND: Yes, Tijani?

TIJANI BEN JEMAA: Olivier, yes, I am afraid I will not be able to attend the next call because I, as you know, will be in Paris for the Internet Governance Forum, and

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after that, I will have three other events in November. So it will be impossible for me. So I apologize, and I think that we have to go on discussion on the mailing list so that I can catch up some discussion. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this then, Tijani. I also note from Sébastien that he's also not able to be there, and of course, Daniel. All the people that will be at IGF. That being said, policy work does continue, and I would highly encourage that the calls continue. Jonathan, are you able to keep the – well, I know you're able to steer the ship, why am I asking? But availability-wise, are you able to make the next call in order to steer the whole call?

JONATHAN ZUCK: I will be at the IGF, but I'll just commit to doing a call and we'll see who we get. It probably means I'm missing some fancy French Parisian dinner, but I will be happy to try and host the call and we'll see who we can get onboard to –

OLIVIER CRÉPIN-LEBLOND: Jonathan, you mentioned the dinner. Would it be better to have it at dinner time, or would it be better to have it in the daytime for you? Which one is best?

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JONATHAN ZUCK: I guess the day time is better for me, without having really drilled into the IGF schedule yet. But maybe [inaudible]

OLIVIER CRÉPIN-LEBLOND: Yes, because it depends whether you have a commitment. If you have a commitment at that time, during the daytime, of course, that wouldn't be possible. Unfortunately, I have a commitment also in the day when these things happen, so if you don't have a commitment, then we can continue and do the next call at the same time as today for next week, and then you can have a good French dinner.

JONATHAN ZUCK: Right. Yeah, let's do the daytime one next week, and we'll see who we get onboard, and perhaps it'll be a short call if we don't have a lot of people.

OLIVIER CRÉPIN-LEBLOND: Thanks very much. Right, so we've got a time, we've got a date, and I'd like to thank everyone, and especially our presenters for today. Lots of work going on, please follow up on the mailing list. And also thanks to our staff who have remained there on this nearly two-hour call. So everyone have a very good morning, afternoon, evening, or night. Thank you and goodbye.

UNIDENTIFIED MALE: Bye.

JONATHAN ZUCK: Thanks, everyone.

UNIDENTIFIED FEMALE: Thanks, everyone.

YESIM NAZLAR: Thank you all. This meeting has now ended. Have a lovely rest of the day. Bye.

**[END OF TRANSCRIPTION]**