

Community Call On Vertical Integration Transcript 03.08.10

Cheryl Langdon-Orr: So, thank you first of all to each and every one of you for what I think is a very good turnout on a very important briefing call. Thank you in particular to Mikey who probably feels that he is giving up enough of his summer holiday for the wonderful world of vertical integration, but is doing as one of the coaches of the working group to come and speak to us tonight. And just to remind each and every of you that while we're not having language translation and interpretation for tonight's call, it is important because we do have non-English as a first language speakers on this call, that we speak as slowly and as carefully as we normally do when we have the interpretation services as well, and that we also identify ourselves at the beginning of when you speak.

I have not said thank you very much and over to you Mikey, which is what I'll be doing in a moment. The purpose of that call is with the current public comment on the initial report of the vertical integration working group, being open through to the 12th of August, the At-Large Advisory Committee felt at their last meeting that it would be – they felt sure in that meeting, but factified the activity at the last meeting that it would be a useful thing if we had a briefing call for the regional leaders and members of the At-Large structures to discuss and perhaps interchange some ideas on this initial report.

We're very pleased to have Mikey, probably one of the hardest working Chairmen I've seen of a working group for a very long time, be able to join us on a day when he started – how many hours ago was it, about fifteen hours ago – having a working group meeting on this very topic. So the mechanism that we will be following is one that we frequently do on these community calls, and that is where after some brief presentations and interchanges, we will have the opportunity for anyone on the call and in the Adobe room to ask questions, but we will go in a round robin to be sure that all regions get a fair opportunity for bringing forward any particular issues that they find of interest.

Everyone will have their voices heard, and at this stage I'd like to hopefully see a larger use of moving boxes on the Adobe room, for those of you in the Adobe room, it's a bit like watching a magic show at the moment. Which and where will the boxes be next is the guessing game. But if I can, I'll pass across to Mikey, over to you Mikey.

Mikey: Thanks Cheryl, and thanks all for joining the call. It's nice to meet new friends and I note that a number of the members of the working group are on the call, so don't be shy, those of you who have been on the working group with us. We have a fair amount of noise on the line. I don't know if there's a way to get rid of that or not. If people could mute, that would probably be good. Cheryl, could you, before I take off, could you just give me a sense of what you would like us to get out of this call so I don't waste your time?

Cheryl Langdon-Orr: Mikey, you would never be wasting our time, and all information is good information to the At-Large community. But many of our ralos have been, those who may not be directly involved by representatives in the vertical integration working group have been looking at the sidelines and reading the initial report and indeed reading some of these summary and analysis that are available on some of the blogs that are out and about on the topic at the moment.

I think their desire is to have a definitive set of clear bits of information as to what the status is on the deliberation from the working group, perhaps some of the high points where we agree to disagree and why, and the particular challenges and the rationale from those perspectives of people who weren't enmeshed in what seems to be fairly small differences in some cases between the proposals. The proponents of the proposals as some of us in the working group know, have spent many, many, many hours and many, many, many emails behind them on the nuances of why certain lines have been drawn in the sand, but of course the community becoming somewhat colder on that and saying why, and what's the difference?

Mikey: Oh that. Okay. It looks like the Adobe room has settled down, thanks very much to whoever is managing all that. I'm going to leave the initial report on the screen in a way that I assume everybody can navigate. I realize I have got guide like powers now, so let me just make sure that is true. I'm going to turn off the synchronized business, so everybody can drive at their own speed. Let me sort of step back a little bit in time. The vertical integration conversation has been going on for quite some time, and I wasn't terribly involved with it until the Nairobi meeting when the working group got formed.

I was not on the drafting committee. Roberto and I joined as co-chairs when the pdp got started, and we got presented almost immediately with a challenge in that normally, what a pdp does is it goes through a fairly slow, fairly non-deadline driven process, because it's a consensus driven process, and consensus decision making doesn't work terribly well under a fixed deadline. However, at the beginning of the working group it became clear that we did actually have to do this under a fixed deadline because the way that we were chartered meant that the Board had essentially made the decision but left the door open for this working group to modify that decision, as long as it does not slow down the roll out of new gTLDs.

And effectively what that gave us was about a six month time frame. Basically October is the time frame we were working on here. So we did what project managers often do, is we threw out pieces of the charter and said we will defer those things until after the deadline, and we will drive as much work as we can get done by the deadline. We started off a process that resulted in a series of proposals, which are summarized in the body of the report, and the full text of the proposals is at the back.

That essentially led us up to Brussels where we summarized all that for the community, held several meetings ourselves, and right at the end of the Brussels meeting we are presented with a modification of our deadline that shortened the interval even further, because the Board is conducting a retreat at the end of September, and in order to meet the deadlines for getting material to the Board, which they requested of us, we basically had about three weeks to work after Brussels, and then at that point the report needed to be frozen in order to hit deadlines in order to get to GNSO Council and then to the Board.

So we had a very busy July. We're all sort of reeling under that, and the result is the report that you see on your screen, and hopefully you'll all have a chance to read it. The status of it is it's an initial report in GNSO pdp terminology. The process yields an initial report, that report is then sent out for public comment, which is the status that we're in right now, and then those comments and any other modifications from the working group are folded in to the final report, and it's the final report that is normally accepted by the GNSO Council, and forms the basis of consensus policy. We are under such a heavy time restriction that we're not going to try to get to a final report for the Board retreat in September.

Rather, what we are going to do is submit a revised initial report to the Board, and let the Board evaluate the information that we've developed, and if they chose to make a decision in the retreat, so be it. If they don't, they may in fact tell the working group some things and we'll fold their instructions back into the work that we continue to do. So we're – this is a kind of long winded way of saying this is a pretty unusual pdp. Usually pdps take about fifteen to thirty months, sometimes they take much longer than that. We've been at this about three, so we're on a considerably faster schedule, and we have also generated an awful lot of correspondence on the email list, there's a good basis for a debate on what the actual number is, but it's certainly over 3000 emails that we've done so far.

That's partly because this is also a very large group, about 75 people, and the people in this group hold very strong opinions, so we have a very lively very energetic group of people that are working very hard, and the goal that we set out – prior to this first rapid phase was to see if there were any points of consensus that we could arrive at, to fold into the latest version of the draft applicant guidebook. And the short answer was no, we could not.

We are – we've identified several topics around which there does seem to be a fairly substantial amount of agreement, but we have not gotten to final versions of that, and we have not gotten to consensus on the language, so that's an advertisement for the importance of conversations like this. The public comment period is, I think, especially important for this pdp, because we are not presenting the normal kind of initial report, in which there's usually a much higher level of consensus, a much longer process that has led up to it, and a much smaller group of people that did the work.

So, all of those things mean that you're thoughts, both as an advisory group and as individuals are especially important for this pdp. So that's sort of the process status of the thing. Let me just highlight – maybe I will take control of the screen for a minute and drag you through some of this stuff. If we go to the executive summary, I think that the thing that I want to highlight is these topics that are emerging as points of consensus. The first very important one and one that emerged from our meetings in Brussels is the notion for the need for and the importance of compliance in making this decision.

There's a fundamental divide I think, in the group, between people that are very concerned that we don't accidentally release a change into the structure of the domain market place that we can't undo, that we essentially let a genie out of a bottle that we can't put back in. I think that one of the proposals to read that probably most strongly reflects this point of view is the one that's called the 'rack proposal'. Essentially the concern here is that a lot of changes are happening at the same time in the DNS, and we should be careful what we do that we don't unleash forces that we can't control.

Part of the reason for that concern is an historic concern over the way that compliance, the compliance function within ICANN has performed, and as this change takes place the domain name space may outrun ICANN's ability to effectively monitor and control it. So compliance is very important for the people who support that point of view. Compliance is also extremely important for the people on the other side of that question. I am not naming names, but there are people on both sides of this question on the call, and you guys can identify yourselves if you want to.

The folks on the other side of the question say that structural changes to the way that we and especially rigid rules around vertical integration is not the right way to address the harms that might result from a vertically integrated registry and registrar. However, they too feel that compliance is a very important tool, because if a harm takes place, compliance needs to be in place to stop that harm quickly. The point of agreement is that an effective, nimble compliance operation within ICANN is an extremely important part of resolving this issue. So as a result, that's the sort of number one principle to emerge.

Another is that if ICANN adopts or continues with the current strict separation rules between registry and registrars, that those rules may be too strict in certain cases and that some exceptions should be allowed to those rules, and that a process for granting those exceptions should be developed. We're far from agreement on what that process should look like, or what those exceptions should be, but there's pretty good agreement in the working group that some kind of escape valve be provided for those situations where it's clear that circumstances surrounding a registry would make it much more effective if it were also allowed to own a registrar, and deliver and sell its own names. So there's a considerable amount of discussion and both the summary of this and a more detailed version of the discussion at the back of the report in the indices.

And then the final point of agreement that has emerged is that one of those exceptions that might be something around which we can build a consensus on this position is the notion of a single registrant/single user type of top level domain, which is a term that we've come up with and in less jargon oriented terms, one might consider this something like an organization, either a for profit corporation or a not for profit corporation that basically issues the names that are used entirely within the organization itself.

The distinction that we make is between names that are used entirely within the organization where all the content on all of the webpages or all of the email, etc., is controlled by the organization itself. That's the single user version of this. And another version which is the multiple users where a corporation might give out domain names to affiliated either people or organizations, and that we call multiple users. There's less consensus around that configuration than there is around the single user configuration, but that's the third sort of major principle that has emerged as a point of potential consensus within the group. I think that's enough from me. I think from here on we can do questions. I, as a co-chair, am studiously avoiding any opinion on the content of this.

If you ask Mikey what do you think we ought to do, you will get no answer from me, but I will try and answer any other questions that people have and I certainly don't have to be the focal point of this conversation. There are other members of the working group who are on this call, and I would encourage you all to join in as well. So I think back to you, Cheryl.

Cheryl Langdon-Orr: Thanks, Mikey, and Evan must be psychic because I often do these things either in alphabetical or reverse alphabetical order, and based on North American Regional At-Large organization list activity on this topic, I was going to start with North America, so over to you, Evan. He must be on mute. Star seven to unmute, if you're muted.

Mikey: He's still muted. It could be a combination of real mute, star seven, and phone mute.

Christian: Thank you, Cheryl, because I've been looking for unmute for about twenty minutes. That seems to work.

Cheryl Langdon-Orr: Excellent, Christian. I'll take you after Evan. Go ahead Evan.

Mikey: Hey, there's Evan.

Evan Leibovitch: Okay. I guess my point is that I have more questions than comments. I think the order of the day on this issue is that there are many more questions than comments, especially from the public At-Large point of view, it's very difficult to frame this as anything other than an internal battle between registrars and registries and contracted parties.

How do we put this across in trying to describe things? Because issues about ownership don't seem to yank anybody's chain, but talking about whether or not a registry can sell direct as opposed to being forced to go through a registrar, why were things never framed in that term? Why is it always being framed in terms of ownership, as opposed to how a domain can be sold to the public?

Mikey: Cheryl, do you want me to take these questions?

Cheryl Langdon-Orr: Yeah, Mikey. You've got control, mate. I'll jump in if you need me.

Evan Leibovitch: I hope that's not too silly a question, because I'm not on (inaudible 0:23:34).

Cheryl Langdon-Orr: No, not at all Evan. I think it's a very important question and I think it's a very astute observation that how things are often framed is reflective of how working group are structured. Back to you Mikey.

Mikey: Absolutely right. Some of this is driven by our charter, but also part of it is driven by the timeline, and what's interesting to watch right now, Evan, is the transition that the working group is going through from essentially what was a negotiation between people who came into the negotiation with pre-existing points of view, and essentially that's all we had time to do. We're now transitioning as we get past the sort of deadline driven phase part of the report, or of the process, into the kind of questions that you're raising.

A great example of that is a conversation that has just started up on the list within the last week or so, about the various harms that can arise from vertical separation or vertical integration. We are at the very early stages of that conversation, but I think that conversation and the ones that flow from it will align much better with the question that you are asking, which is what's so bad about either one of these things, who gets hurt, how do things get sold, what difference does it make how the industry is structured and so forth. Ultimately that is in our charter, we just simply didn't have time to do all that, because it's going to take us a while to figure that out.

Evan Leibovitch: I think the question is even deeper than that, because it simply becomes too difficult to try and explain it outside out of the contracted parties, in its current frame of reference.

Mikey: Absolutely right, and as with almost all of this, it's just a tradeoff between time and effectiveness. If we had a normal amount of time available, we'd be able to cover this lot better. I was on your Wiki page introducing today's call, I noticed that somebody couldn't make the call today but posted the comment that said are there any competition experts in the group, and what about the role of the GAC in the conversation, and both of those are great questions as well. The answer is the same; we just didn't have time three months to do all that. But eventually we will.

Evan Leibovitch: So are you saying this is being too hastily done?

Mikey: I'm saying that we're under a very intense time frame pressure – one of the lines in our charter is that we will do nothing to slow down the introduction of new gTLDs. And that is just a pretty intense deadline.

Cheryl Langdon-Orr: Evan, if we can I'd like to come back to your point when we look at the next steps, because I think how the comments coming in from the individuals, the At-Large structures, the regions and of course the ALAC to this interim report is pretty vital in two ways. First of all the value of what we can contribute as an advisory committee and as a community, but also how you have raised, we can effectively engage that community in something that to be honest, looks something between like watching grass grow and a mud wrestling exercise. Let's return to that a little later.

My intent to go backwards in the alphabet brings us now to the Euralo area. Adam's question, which is the one he just alluded to on the Wiki page, Mikey, is from Euralo, and I think that's one which we should probably take back to the working group as well. The working group might benefit from some of these questions, so I'll get Heidi to make sure that all of this leaks back in whatever way you find most useful to the working group as well.

I would like to make sure that Christopher, who isn't in the Adobe room, gets the next opportunity to speak. Alan has raised a point of order though; he was going to respond to Evan. With Christopher's permission, Alan go ahead for a particular response to Evan, then we'll be moving to Christopher Wilkinson.

Alan Greenberg: I think one of the things Evan said was the key one, that this is very difficult. It's difficult to explain, it's difficult to understand, and I'll highlight one of those difficulties. Evan asked about why are we talking about ownership instead of can you sell your own domain, essentially, or can you buy your own domain from the registry. And that shows some of the complexity of this. For instance, two of the groups, the (rack and gan2) which have very different philosophical points of view right now, they differ in whether you can sell your own domain, but they also differ on whether integration is allowed or not.

Gan2 allows a significant amount of integration, but you can't sell your own domain, and Rack does not allow that integration at any level. So I just want to highlight that that's one of the complexities of the two questions, it's not an either or, in both cases no matter which one you choose to use as the framework, and we chose to use vertical integration because that's that way the motion was originally was proposed in the GNSO, you're still going to have some buts. Yes vertical integration is allowed, but you can't do this, or yes you can buy your own domain, but not quite in all situations. It is a complex situation with many nuances to it.

Cheryl Langdon-Orr: Okay, Christopher, over to you.

Christopher Wilkinson: Thank you. Can you hear me?

Cheryl Langdon-Orr: Yes, we can hear you fine. Go ahead.

Christopher Wilkinson: Well, thank you very much Mikey, for your briefing. I must say I deliberately decided not to join this working group because I had so much else on my plate, but having been associated with the issue for a decade, I'm just beginning to regret it. Though that decision, I don't think I could have managed the work that you guys have all achieved, so I congratulate you. On the other hand, reading the document as a whole, and the ICANN staff in Brussels was good enough to print it out for me, reading the document as a whole; I think you're far from a consensus. I wouldn't be surprised if you don't have a consensus by the end of this process, and frankly I think that arises from the fact that whether it's the charter or the working group, basically you've bitten off more than you can chew.

I'm preparing a written comment to the list, it will be in my personal capacity because we don't have time in any way to associate on a consensus basis of the constituency which I'm affiliated with, but it will go around to four major points. The first I think is that there's a subtle change in language. The mandates, and certainly the initial question is about vertical integration between registries and registrars. The report is about vertical integration between registrars and registries. That is not a trivial change. The change has resulted in a whole debate about cross ownership, backward integration from registrars to registries, and the single user proposal, which I submit was far from the thoughts of those who raised the original questions, which was – and this goes right back to the Mexico meeting – which was how to ensure that small new registries, perhaps orphans but not necessarily so, can become viable quickly enough on the basis of registry/registrar separation.

I think that was a fairly simple question to answer in terms of either thresholds for names or thresholds for delays as far as the situation is reviewed. But by enlarging the question by the change of the name and the way in which the constituencies have addressed it, as one would say in French, "Vous? Re au large de la gloire", or you're off to glory, but you may not win. The second part is about competition. A critical part of the negotiations with the United States and certainly with the European Union resulting in the creation of ICANN in the 1990s was that ICANN would fulfill vicariously, indeed, but would fulfill what the competition authorities would otherwise feel obliged to do.

Please put a word in the ear of those who are saying that difficult decisions should now be referred back to national competition authorities that this plays straight into the hands of the integral government control argument. If ICANN can't do the competition bit, then a large part of the rationale for ICANN's multi sectorial multi stake-holder mandate in many people's eyes is (apparate 0:34:53). That is a very dangerous proposal. My third question is about innovation, yes but not any innovation. There's a phrase in the book about unlimited innovation. Hey wait a minutes.

Business moguls throughout the developed world at least are based on legislation and regulations which broadly speaking you call company law. ICANN is already in a privileged position as having created a business models as Steve Crocker once said 'out of thin air', which are quite innovative, but to abolish the regulatory framework which ICANN has created in order to submit any form of unlimited innovation again, I think you're asking for trouble. A lot of sensible people would look at that and say you know, this is a bit flaky. My fourth question, I won't use those words in my written, Cheryl (inaudible 0:36:05), (laughter)

Alan Greenberg: I kind of like that word, myself.

Christopher Wilkinson: Please believe me. The fourth question is about retroactivity. I hear the genie out of the bottle argument, though that's not my phrase, is perhaps relevant because once you open certain bottles for the future, sooner rather than later somebody is going to say me too. And you've got the whole question of retro activity of the new policy. There will be a few small detail comments on the other proposal, but I've referred back to my first point. If you'd stuck to the original question and the original mandate which is solely the possibility that new registries would also sell names directly, as indeed this is the case with many small ccTLDs for example, a lot of these problems would just disappear.

If you want to have a debate about cross ownership let's have it, but if you tie the debate on cross ownership to the schedule of new gTLDs proposals, then it's very troublesome. If there is a case for registrars owning registries, or creating registries (inaudible 0:37:53) I'm closer to the Rack proposal than any of the others, if there is an argument let's hear it, but let's hear it based on facts of which registrars already have holdings in registries and has it led to abuses? And the trademark argument for single user registries may or may not be valid. Intrinsically I'm worried about the level of weak criteria that are proposed to authorize such, but on the other hand, if I look at the European level does at the second level; europa.eu is a single user/single registrar application.

It's a second level, not a top level, but that's how it works. The whole of the European Unions staff, departments, websites, and four or five institutions; the whole of it is controlled by one second level domain with a single registrar for that domain. The concept exists and has been successful in other domains. But I come back to my first point. You've bitten off more than you can chew and possibly reason for this is the almost accidental drafting mistake that somewhere in the summary of the public comments last April, somebody wrote 'reports on integration between registrars and registries'. That was not the question. I've been forthright to be brief, but I think you get my feeling.

Cheryl Langdon-Orr: Thank you Christopher, indeed we do, and I think there's a number of examples there I'm not sure Mikey will be able to respond to each of them, but I think there's going to be a few that he's going to want to take back to the VI working group as a result of tonight's call, Mikey, any reaction?

Mikey: Pretty much the same as yours, Cheryl. A lovely comment and I look forward to reading your comments, Christopher, because I think that they will be very helpful and very informative. Let me just talk about the bit off more than you can chew problem. That's not quite the right analogy. It's more like having a loaf of bread stuffed down your throat by a hydraulic piston. The charter is the one that we're working under, the deadlines are the ones that we're imposed by the Board, and in both cases we don't have a whole lot of control over that. But in terms of arriving at consensus, one of the questions that has been rolling around in my mind is consensus decision making is limited.

My first experience with consensus decision making was in the early 1970s when I started a radio station and we operated that station by consensus all the way up to the Board of Directors level. What I learned was what you said, Christopher, which is the decision, can often be shaped by the way that the question is framed. If the question is framed badly, you can get into a situation where you cannot arrive at consensus. To a certain extent, I think that's the situation we find ourselves in now. Several things alleviate that. One is having more time, because then right at the end you mentioned a key word, which are facts. If we had more time we would be able to gather more facts and we would be able to gather more points of view, so I think that probably what will happen is that our odds of arriving at consensus will rise as we get out of this very tight timeline and get into a more traditional length of time, but I don't disagree with anything that you said.

Christopher Wilkinson: Okay, I thank you for those responses. I don't want to sound disrespectful to other parties, but my family is screaming for me to turn up for lunch, and it's already 5 o'clock, so can we continue this discussion online?

Cheryl Langdon-Orr: Indeed we can Christopher, and in particular with your permission I'd like to use the catched synopsis of some of the points you've raised to feed into what the new gTLD working group of the ALAC might want to do in response to this call. So it might be that Evan, as leader of that group, might be in direct contact with you as well. Thank you and thanks for sharing part of your summer holiday with us. Having jumped from the N to the E and then looking desperately for a strong contender from Latin American and Caribbean region who was not part of the vertical integration working group, I'm now going to have to plea to the (ether).

Is there anyone who was not part of the VI working group and who is from the Latin America and Caribbean region on the call and not in the Adobe room? If so, please identify yourself. In which case, Carlton, I'm going to bat the ball across to you for any particular points that you might want to feed in that you've heard from the LACRALO point of view. You're probably muted, Carlton.

Carlton Samuels: Cheryl, quite frankly we have not had much traction in LACRALO on this matter at all. I had one conversation with Dev that was offline the list and essentially it was his complaint that when we post things to the list about VI he was hoping to see at least one or two substantive responses, especially given my position of advocacy and he didn't see any. I just told him that it's a complex issue, it may require a lot more time for the implications to sink in for the community so I would not be too bothered. But that was a case of let not your heart be troubled kind of thinking. That's probably all I would wish to say now. My position is fairly well straight forward. I personally believe we were sold a – we were given a straightjacket, and the straight jacket is that it was intended for things to come out a certain way. I really believe so. As Mikey says, you know, we have these constraints, but I think it's (inaudible 0:46:48) if you're going to invite me to the party, I think I have a duty to tell you that you may have been wrong headed, and that's what my position is.

Cheryl Langdon-Orr: Thanks Carlton. Just before I go back to Mikey on that, I'm wondering if, with some of what Mikey indicated the work group is currently headed towards, in other words looking particularly at the harms issue, which is obviously something the end user would be particularly concerned about, compliance harms and what constitutes an exception and why it may or may not benefit us, are probably the key points we might be able to contribute to as a community.

Is it possible that in the time we have for public comment that the LACRALO view might be sought on those specifics? If so, I'm not asking for an answer, Carlton, but if it is possible, I think that would be extremely valuable. Not just from Latin America and the Caribbean, but from all the regions because I think part of what Evan identified is an issue for each of the regional leaders to try and get their rank and file and At-Large structures engaged.

Carlton Samuels: I think you're right, I think you're right, Cheryl. When we start talking about the harms might be the point that we might get some connection. I think it might be a lot easier for others to see if we posit the harms in such a way that they understand it's related to end user impact. Then we might get something.

Cheryl Langdon-Orr: Okay, Mikey, back to you.

Mikey: I don't have a lot to add. When projects are started you kind of get the cards that you are dealt, and those are the cards that we were dealt, and we're playing our hand.

Cheryl Langdon-Orr: Is there a validity though, for the regional leaders on this call to go back to their At-Large structures and go guys, don't worry quite so much about the fact that this looks like watching a whole bunch of companies fight with each other. Where we need to come in is this point, this point, and this point, and if we do that in a friendly manner now, we could have an influence on what the VI work group is saying previous to the Board retreat. Is that a valid plea, because what our community is halfway sick and tired of it jumping through hoops, bending themselves backwards and inside out, and then their contributions being either not valued, ignored, or not used.

Mikey: Okay. I have to sort of set expectations here. We really don't have a lot of time between now and when everything has to be ready to go to the Council. Basically we have about two weeks from today. It seems to me that there are two avenues. One is to drive comments into the public comment cycle, and those public comments will be summarized and included in the report. That's the absolute minimum that has to change in this report for it to be forwarded to the Council. So that's not very much time and you are then at the mercy of the summarizing process, neither of which strike me as terribly appealing, but that's certainly the avenue that is available. Another avenue might be to just submit something to the Board directly.

Cheryl Langdon-Orr: Well, certainly the ALAC has that capability.

Mikey: Yeah, because you are a parallel organization to the GNSO. It seems to me that you could take advantage of that. That has two advantages. One, you would have a bit more time because Board retreat isn't until the end of September. The reason we are operating on these tight deadlines is because of GNSO Council rule, which you wouldn't have to abide by. And the other is that you would then go through the summarization filter, so your words could be heard directly. Both of those sound fairly appealing to me, but I think that's up to you all to decide.

Cheryl Langdon-Orr: Okay, thanks for that. I would like to make sure that we are as close to our timing, our advertised timing as possible and that we are coming up to the top of the hour, and I also want to formally welcome to the record your co-chair to the briefing call. Welcome, Roberto, one of our own returning to the fold. You should certainly know your way around an ALAC and regional briefing call. It's – I think quite profitable in terms of issues raised and possible feedback into the VI work group so far, but I would like to raise a question to the people on this call and in the adobe room.

Since we did start a few minutes late, do you want to extend another five to seven minutes past the hour? If you do so, then I would like to first of all, because we have both AFRALO and APRALO to speak, but APRALO has been well represented in the work group, I would like to just see if AFRALO had any particular comments or questions they wanted to raise on the interim report, and I see that we have regional leadership from (inaudible 0:53:50) and (inaudible 0:53:51) both on the call, so if either of those would like to raise any issues, your opportunity is now. You may be muted; if you are you need to use *7. Go ahead Yaovi.

Yaovi: Thank you. I don't have too much to say today because for me personally this conference is rare opportunity for me to hear about a process. It's leg one of our policies of the working group. Tomorrow we are going to have a conference and it's an opportunity for us to bring these issues, and then if we have comments we get back to you. Thank you.

Cheryl Langdon-Orr: Thank you, Yaovi, and I think if your meeting tomorrow can at least link to the excellent executive summary in the report and note perhaps the discussion notes. Matthias, can you at least ensure that the discussion notes from today's call are in a form that is available to the regional meeting tomorrow? And of course all the other regional meetings from now on please?

Matthias Langenegger: Sure.

Cheryl Langdon-Orr: Okay, excellent. Now coming back to ~~I assume Mikey that you didn't want to respond to that statement~~ coming back to the APRALO, and of course I am a representative of APRALO and my view is probably well known, at least in the world of ALAC and to some extent in the VI working group, on the matters of harms and keeping – hasten slowly but continue to move forward, would be my credo on this. But we have had; of course, one of the very significant discussions about free trade options was contributed to by Caesar who of course hails from APRALO.

Caesar, if you can take a very short amount of time to raise any points you feel we have not covered in today's call, from regional point of view. Not particularly looking at any of the proposals that today you've noticed we think fairly capable to be very generic, we recognize your role in the free trade model, but is there anything from a regional perspective, perhaps the cultural aspects to some of the new gTLDs you would like to raise.

Caesar: My concern is that it's been Monday, second Monday for the working group and the (balance of difference 0:56:47) limited quite a number of questions so At-Large is a (inaudible 0:56:54) constituency that is concerned about end users, should think about the various aspects of the domain name market and initiate our own working group, so that is what I need to say. It's not necessarily in a regional perspective, more in a global perspective. Thank you.

Cheryl Langdon-Orr: Okay, thank you, so noted. Mikey, did you want to take back the microphone and perhaps we should give an opportunity for Roberto to say a few words?

Mikey: I'd be delighted to hand the microphone to Roberto. Have you been on the call for long enough to get a sense of the conversation, Roberto? He may be muted too.

Cheryl Langdon-Orr: We're pretty indiscriminate with our mutes around here.

Mikey: If you came on right at the top of the hour –

Cheryl Langdon-Orr: Yes, I don't think he's been on long enough to have a deep understanding of what we're on about. Okay. Well, Roberto, you'll get a voice, and if I hear your voice you'll have speaking rights, I can assure you. We've actually moved to the next step during the conversation - oh, Roberto. Okay, there you go.

Roberto: Hello? Yeah, I got just the – I don't know why I couldn't unmute. I was hitting this star 6 and it was always telling me mute, mute, mute. Anyway, no I have not been long enough on the call. It was just five minutes before the hour when I joined, but there is one thing that I would like to say. Maybe I'm repeating something that Mikey has already said, is that right now we are working on the document but also on a list of harms that can be used by the vertical integration or by the vertical separation.

And I think that it is very important that we have the contribution to this list of harms by the non commercial user, or the individual user community, so that since this – the working group has a lot of people that come from the contracted parties I would like to make sure that all voices are heard and so that we have a substantial contribution also from the point of view from the users, not only from the contracted parties. That is the only thing that I wanted to stress in this call.

Cheryl Langdon-Orr: Thank you Roberto, and actually it's a perfect segue to our final piece for this meeting, which is our next step. We had a couple of bits of plotting and planning going on, either in voice or in the chat, and of course all of that will be captured and I think we can send that rather than spend our time going over that. But what Roberto just raised I think is extremely important. This issue of the harms is one we're, I believe -- coming back to Evan's point which is a place holder I wanted to keep from the very beginning comments he made – is a topic of course which we can better engage with our communities as well.

It is clear what their interest is in that sort of issue, so to that end, Evan in particular I would like feedback from you because of your involvement in running the new gTLDs working group. Would it be something that each of the regional leaders would find useful if we quickly popped off a little collaborative Wiki work space so that individuals, ALSs, regional leaders and members could start putting together some of their perspectives on harms and this particular question as to what does it mean to an end user, and then we can use that as an even as it goes into the VI work group activities. Evan?

Evan Leibovitch: Thanks Cheryl. On one level I'm more than happy to start the ball rolling from the perspective of the gTLD working group. As I've tried to say in the chat though, I think the issue is bigger than the current dag and bigger than the new gTLD issue. The issue of how can somebody buy a domain is something that goes beyond a specific round of gTLD nominations, goes beyond generic TLDs and in face may go to the heart of ICANN policy on how things are done. Obviously this has to be done in short term, medium term, and long term approaches.

We have an immediate deadline, immediate context that we have to talk to the Board about a specific issue, but I would like to also try and get us on a course of having some kind of longer term strategy to a more visionary approach to what ICANN needs to do. We can do something very tactical and on the ground for this specific issue, but we need to phrase the issue – we need to ask a different question than the one that is being asked by the current VI group, at least from the perspective of end users. That's my take on this.

Cheryl Langdon-Orr: Sure. Okay. All right, a final call for any comments from anyone on the call or in the adobe room. Go ahead Alan. You're probably muted Alan, * 7.

Alan Greenberg: I didn't think I was muted but I guess I was. The points Evan raises I think are correct and they may well be very long term questions. The real point is what tactic do we want to take on the short term. That is, are we conservative and trying to make sure we do not introduce things, the classic Pandora's Box we can't unravel? At the same time, we try to make sure we don't have TLDs and specifically cultural and IDN TLDs failing because we did it wrong.

Or do we want to take a more liberal view where the harms are harder to define and a lot more (inaudible 0:04:07). That's the real question. What problem are we trying to solve on the very short term. If we don't answer that question to ourselves, we're likely to be as unfocused as the larger VI project is, itself.

Cheryl Langdon-Orr: Well, that's a scary thought. It's not a criticism, Mikey, it's not a criticism, Roberto. It's not a criticism, it's a scary thought. Alan, did you have your hand up again –

Alan Greenberg: No, no. I was trying to lower the speaker and I found I couldn't do that.

Cheryl Langdon-Orr: I've lowered the speaker.

Alan Greenberg: So I clicked a random button.

Cheryl Langdon-Orr: Okay. To Mikey and Roberto, thank you so very much. It may not seem like we've had a terribly deep dive into the issues, but believe me, as you might have heard from the questions that have come, the community has been watching, we have been reading and we have been looking at reasonable depth into the interim report from the VI work group. It is however, a challenge for us as leaders to get the edges all that excited about watching basically mud wrestling between a couple of contracted parties and their particular philosophies.

But we do see that we have a role, and it's a necessary role particularly on the harms and the effects to the end users. I think Mikey, if I can offer to you for – you and Roberto to what is the issue for what you want to make of it, can I have the transcript of this call and the recordings be made available obviously to our community as soon as possible, but to ensure that Mikey and Roberto get the link to those when they're posted in the shortest possible time please?

Mikey: To the VI list, you mean?

Cheryl Langdon-Orr: Well, we list them to our – this particular meeting page will have those listed, and if Heidi can make sure you and Roberto have the link to this, the transcript and our recordings are up. So you're aware, if you want to use them for reference points for the VI work group, then at least we know you have access to them.

Mikey: Oh, that would be great, yeah, absolutely.

Cheryl Langdon-Orr: Okay. And I do need to know mention great thanks to all of you from all over the world who managed to join. We had full regional participation, thank you one and all, including the inconvenience of doing it in the middle of summer holidays in a couple of regions. Those of you who were on the call at the very beginning, I'll now be posting a bit of absolutely trivia into the chat. It may not be part of the formal record, it's just how to try and understand Australians when they speak and some people were interested in that. Thank you one and all. Bye for now.

~~-End of Recorded Material-~~