

New gTLDs WG 12-12-2011 Transcript

Avri Doria: It's a very full agenda today and I will try and keep the microphone where I can be heard. I figured I'll start reviewing the agenda and then we can do the roll call, which is the second item on the agenda but just in case this takes a little bit of time to talk through the agenda. Okay, the agenda changed a couple times; one, at the beginning, the next item review of action items...oh no, that one was the same. So review of action items from 5 December and then I will go through that quickly as long as I can find them quickly.

Hopefully they can be on screen if possible at that point. Two then is the discussion of boardroom staff response on Jas. It was originally written as an update but since a fair amount of information about their draft implementation plan has come out, wanted to basically do a quick talk through, get some questions and then continue discussions through the week on-going to the next meeting.

And that's why I put 20 minutes; I think we could spend the next four hours talking about if we get in to the nitty gritty but I'm not sure that everyone has had a chance with it only having gone out yesterday to re-digest and I think talking about it online, but of course, the agenda is open for discussion so if people think that approach is wrong and we should dedicate more of the meeting or even all of the meeting to do it, that's something for the group to discuss.

The next thing on there is the continuing operations instrument. I wrote a note on it; at the ALAC meeting, I was asked to do something. I guess I wasn't quite clear on what I was supposed to do; I'm doing something and basically what I think I need to do is bring the issue back to this group and this group needs to decide what it wants to do in terms of making recommendations to ALAC. Then there was the continuation of the objection process discussion.

There was a bit more email on it and a bit more contribution to the ether path. I have folded everything I got into the Wiki page and I just put out a PDF page for those that have four Wikis or don't have the bandwidth to do a Wiki or what have you. And so we are still in that period of loose tying it before we get to the point of starting to write up the requirements etc.

So, that I have another 15 minutes on that would be the points I forgot from Hung last time to bring into discussion and did certain amount of contribution and I certainly would like to give him time to speak his thing. And I'd like to get Hong's point brought up as I forgot to do it last time and if then there's any other business. I added one thing; it became obvious to me during the last week and especially on this weekend that this group is really going to turn in to a fair amount of work and I'd like to start talking about how we go about picking a Vice Chair to work with me on this.

So I just wanted to put that in; if we get to it at the end of the meeting we can talk about it some otherwise, we can continue that online. So any issues on the agenda? Any recommendations for changes or decisions? Any hands? Should we go with the agenda as it's written with the 20 minutes for Jas and then moving on to other topics? Any objections to that? I see no objection to that so I will try to keep us to this agenda including time wise even though I have already pushed two minutes over on the first item. So could somebody, Heidi or somebody or is it Natalie do the roll call for us?

Natalie Peregrine: Hello there this is Natalie. I will do the roll call. Good morning good afternoon good evening. This is the new deal peace work group call on the 12th of December 2011. On the call today we have Avri Doria, Cheryl Langdon-Orr, Tijani Ben Jemaa, Cintra Sooknanan, Alan Greenberg, Dev Anand Teelucksingh, Olivier Crepin-LeBlond, Carlos Aguirre, and Evan Leibovitch. From staff we have Heidi Ulrich and myself Natalie Peregrine. I would like to remind you all for transcription reasons to please state your name before speaking. Thank you very much and over to you Avri.

Avri Doria: Okay thank you. Now unfortunately I should have had the action items right in front of me and up on the screen for people to see. Does anybody have that from the staff if they could just flash in to the notes?

Cheryl Langdon-Orr: I'll be with you in just a moment and I will have those up.

Avri Doria: Okay thanks. Since we have to review them it's probably good to be able to put those up. I should have prepared it earlier.

Cheryl Langdon-Orr: Okay Natalie if you could do that because my computer is really slow today, so you might be faster.

Natalie Peregrine: Alright, no problem.

Avri Doria: Okay Dev just put in the...

Alan Greenberg: Olivier put in the full text but without any line break.

Avri Doria: Oh Okay. So the ALAC advice at recent applicant guide book, Wiki pages to be created as a source for collaborative collection of At-Large background material, and the most recent applicant guide book. Cheryl Langdon-Orr is to assist in adding materials to the Wiki page on the background. I don't think that has happened yet. I don't know if someone knows differently. I haven't done it and I haven't seen it done.

On the objection process discussion and Blue Sky need to start a new... Okay that was a bullet point. Okay that was the objection process, discussion of Blue sky, says the blue sky Wiki has continued. That was to continue for another two weeks. Then to continue and comment and working group members were to reread relevant pages of the guidebook on ALAC objections especially sections dealing with At-Large objections and Dev has given us, points to those.

I think the work is continuing there but not you know keep those on the list. Any other comments on those? Anyone else that was working on things? Okay then I will move on to the next item which was the discussion or staff response on Jas. I am going to say a few words. I've asked Alan to give a quick review. Alan was one of the members of the team that got a prelook and a review and got to discuss things and such, so I asked him to give us a brief talk on what the proposal is.

I will probably add a few comments after that on what I think our potentials are in terms of working on it further and then I will open up the floor to certainly, at this point, questions and initial comments, but I do want to try and end this one certainly by 20 minutes past if not by half an hour. So Alan if you would like to start with sort of a quick description?

Alan Greenberg: Okay thank you. I think I am on.

Avri Doria: I can hear you.

Alan Greenberg: I am again not going to try and read through everything. I am going to try and identify some of what I think are the salient characteristics and to the extent a number of them highlight whether they conform or differ from what the recommendations from the Jas group were. The first issue is timing, although based on our original discussions, what they are proposing has a couple of problems. I thought it was rather inspired in that the applications will be due and the applications and the support applications will be due at the same time, that is in April.

However, the applications for support will be evaluated in parallel with the first batch presuming they are going to be more – this implies there will be more than one batch whether we need it or not. That has a number of effects. It means the pressure is completely off on coming up with on creating the SARP and getting its work done which I think will have much better results in terms of quality and it does mean that any applicants who ask for support or any applicants who have equivalent strings will be pushed off into a later batch. I think that's less problematic than some of the other problems we would have had by trying to do everything in time for the April cut off.

The next major point is that they have completely disregarded the recommendation of the Jas group in that the discount, which they are honoring, and that is giving \$138,000 discount will come out of the two million which limits the number of applicants who are eligible for support. Of course, since there is a considerable amount of time before the SARP has to give its pronouncements there will be a lot more time available for additional fund raising. How successful that will be remains to be seen.

I was rather surprised at that; I wasn't expecting them to do what the Jas group recommended, that is to separate the two completely, but I was expecting them to augment the million with another million or so in deferred return to reserve or something like that and make it just a little bit more palatable. Again, given that we have a significant amount of time before the SARP has to give its final results; there may still be time to lobby for something like that.

One of the things that is not mentioned here but is implied, and I didn't have the presence of mind to ask it on our meeting last week, was who pays for the cost of the evaluations? No matter how the SARP works, whether it's paid or whether it's voluntary or how much of it is done electronically, there are going to be actual costs associated with it. Since they have not talked about it, I'm presuming ICANN is going to absorb those out of some level or another. It's not 100% clear.

One of the other issues that relates to the number of people who can be funded; if during the first batch of evaluation, ICANN finds out that they have way over-estimated the cost of processing, then that cost, they said will be passed on to the applicants in terms of since they will not need - ICANN will not need as large of a subsidy to lower the fees that may imply a larger number of people get funded if the costs go down in a substantive way. The overall criteria were basically what we, what Jas group had said that is public interest, financial need and but would have to demonstrate financial capability and that was pretty much in line.

The application process, they have gone in to some detail in the document. I don't think we need to look it over here to a large extent. There is a scoring mechanism which I will be talking about in a moment to try to make the process as objective as possible, within the fact that is overall, a lot of this is very subjective but there will be a scoring process and applicants will be selected based on the score predominantly.

That is, you have to have met a certain minimum and within that those highest scoring will receive funding. However the SARP has given the ability to within equal scores to change the order to make sure that we have diversity represented. I'm just trying to read my note. Yeah. There is a conflict in the documents; in one place they say that those who are funded will be processed in a later batch perhaps even split over batches, which is something that was said verbally.

In another place it says they will be processed in the last batch so if you assume there could be as many as five batches, this would put applicant support in the last batch and that I would object to strenuously. To say if you've asked for support you may have to wait several years if indeed there were a lot of applications. So I think we need that clarified. The original document that we looked at said that there would not be an appeal process based on comments.

The current version says, adds that there are a number of review mechanisms available in the ICANN by-laws which imply ombudsman and appeal for Board reconsideration. It's not at all clear to me how either of those processes would or could work given both the timing in the situation and the fact that the documents may be not be available to those other bodies, so I would want that clarified. Although lack of appeal is troubling, handling an appeal process might be more troubling. I most certainly would not want everyone that has been turned down to be able to appeal.

One of the interesting things that they added which I think was, again I thought it was somewhat inspired, said that if you make the cut and there's enough money, you get funded. If you later on are taken out of the competition for some reason during the real application evaluation, then too bad; the funding money cannot be applied in this round. If you make the cut, that is, you are supportable but there isn't sufficient money, you will be given an opportunity to pay the rest of the \$185,000 perhaps with using staggered fees; that is still being discussed and go ahead.

If you are judged by the SARP to not meet the criteria, then you lose your \$47,000 deposit and you are not eligible to proceed in this round at all which is aimed at eliminating gaming, that is, don't put in an application unless you have a real strong case. That's the part that makes me worry about appeals because there is going to be a significant financial hit of people who are refused. In terms of the actual criteria, we are now into the criteria and requirements document; they basically followed the advice of the Jas group with the exception of with regard to the one area where the GAC differed from us.

That is, they said non-national federal governments should be able to apply; they have added that criteria. They have added a restriction saying you can only apply for one TLD under the support process. Therefore you cannot come in with a strong case and get six slots or something like that. The \$47,000 will have to be paid at the beginning of the application period just as the \$185,000 is by regular applicants. The SARP will have available to it the application support document and the actual gTLD application. They can use any of that information.

They will also have access to the public comment responses with respect to that application and can do their own research. There is a provision for applicants updating their information if something changes. There is no provision for the SARP going out and seeking addition information however. The scoring process, I won't go into it in great detail. There is a couple of interesting ones. You know they tend to look the various criteria and assign point values. In some cases there is a minimum number of points that must be scored.

In other cases it simply adds up in to the total. The one that has changed – did change from the preliminary one is there is a score for whether you are a profit, non-profit. There is in it a zero to two points. There is a one point which is aimed at public private partnerships and similar joint hybrid entities and governments are deemed to be within that one. So governments don't get the full benefit of being non-profit even though they may be, but they are not commercial either. I think that is about it.

Avri Doria: Okay. This is Avri. Thanks again Alan for doing that and I think there's a lot more discussion needed to get through this. I wanted to add a couple points to it on things that aren't there. One thing that is not there is the foundation and I asked about that and that is still an open topic. Some – there seemed to be some assumption that yes something like that would be in the offing but it wasn't. They didn't want to put it as part of this particular proposal in order to get approval of this proposal and I think one of the things that I have had to look at in terms of my objections to some of this was the aspect of what they could get through in the Board and what they perhaps did.

The foundation is something that they think they can get through I believe; it just wasn't made part of this but there is the assumption of if you can find more money. Now, one the issues that I have raised and that we talked about in the meeting was, you know, raising money to pay ICANN fees is no easy thing, especially if ICANN isn't putting more into it. So it was directly asserted that we would be able to come back to the Board with a proposal for the use of the return to reserve funds. That was not something that could get agreement at this point but that the issues not closed. We can keep bringing that up as a way to get more money in the fund. There is also, you know, the unknown of options.

In terms of the issues you brought up about waiting until all others have gone forward, is that I tend to believe that it is going to be in the first round, even though there is an ambiguity and a large part of that reason is, that's when we know how much money there is to play with. And I don't think anyone has an assumption that's working on this of thousands and thousands of applications. It's assumed it's the second at worst third, not round but batch. I used the wrong word.

The important part of that is, anyone whose application is in contention with one of the applicants for aid goes to that same batch. So there is no chance that anyone applying for the same name as an aid applicant is going to have a first bite of that apple. So and the other thing that is missing and it relates to the other topic on our list is some adjustment to the continuity of – continuous operations instruments, financial instruments there. But that's something that a whole other process is working on that moment.

So having added this thing, oh yeah one last thing and people should start raising their hands and that is in terms of one of the biggest parts of this that's not filled out is the, how does the self-evaluate? One of the problems Tijani has kept putting on the table meeting after meeting, saying we've got to get more specific about that. I think one of the issues that was brought up in our meeting is, you know, we understand the overall plan but when we start looking at the criteria and the points and how exactly that works, you know, that needs some more thought, that needs some more discussion.

As I understand it, there really isn't an invitation to that. Either that Jas implementation team or this group depending on how the balance of work goes between Jas and this group to actually work with staff on creating the guidance document to the SARP that gets in to the nitty gritty of how to do some of these interpretations, especially on things like financial need which are so difficult when its cross cultural, cross border, you know, accounting schemes and whatever. So according to that I see only Alan with his hand up.

Alan Greenberg: Yeah just two quick points. The continuity instrument; they did it in the board, and the Board members did acknowledge that as relevant as it is to applicants who need support, the continuity instrument as it's currently defined with one size fits all is not particularly applicable to the other full paying applicants either. So there seems to be an acknowledgment that something needs to be fixed. Whether it will or not is beyond my ability to say, but there seems to be an understanding that there is an issue with that and it's not just restricted to support applicants. The second one, I have lost my train of thought come back to me in a minute.

Avri Doria: Okay, certainly. Tijani?

Tijani Ben Jemaa: Hello?

Avri Doria: Hello yes I can hear you. Please go ahead.

Tijani Ben Jemaa: Okay thank you. I have a few points that I want to raise here. I cannot get the [inaudible, 23:51]

Avri Doria: I'm having trouble hearing you. Strange for me to say, but I am having trouble hearing you.

Tijani Ben Jemaa: Do you hear me now?

Avri Doria: I can hear you a little better now, yes.

Tijani Ben Jemaa: Okay so I said that the problem is that with your previous action as coming from the two million pounds which is a deep problem, because we will not be able to fund anything else. And yet even if we use it, we will be able to fund very few people. That's the first thing. The second point, they talk about the recruitment but I didn't see any mention of the composition of the fund and I would propose that it be composed of experience and also people from the community.

Third point, the financial evaluation hasn't had objective criteria until now and this makes it very difficult for me because an applicant who doesn't pass the evaluation will lose the 47 Kilo's allowed. They will lose them and yet we don't have objective criteria for the evaluation so it will be an evaluation and perhaps the person or the applicant really needs it.

Think about, for example, developing country communities. They try to find the 47 kilo and they pay them and then the panel will not accept them, perhaps also because the fund is not enough to fund this community, so they will lose this money and this is not acceptable. I don't think it's acceptable.

Avri Doria: Okay.

Tijani Ben Jemaa: I will stop here now.

Avri Doria: Just one thing I wanted to bring out is, you are right on all of your points. I think one point that wasn't mentioned by Alan is that if you are acceptable but there isn't enough money for you, one of your options is to get your money back. You are right; if you fail the acceptability and you don't and you are absolutely right that what those financial criteria are still being delineated, I think that's one of the jobs they are very open to us working with them on.

The other thing is to realize the applications and the money don't need to be in around January 12th, only the \$5000 to start the application does. The 42 only needs to be in by you know the last day of application and I forget what that date is but that's not sooner than the end of March or middle of March. So there is some, but you are absolutely right. Alan I see your hand up.

Alan Greenberg: The point that I lost my train on thought on was one Tijani mentioned and that is the composition of the SARP panel. They are completely silent in this document on whether it is volunteer paid or how its composed, so that's clearly something which is relevant and I think we need to go in and it needs to be flushed out. Avri is right that they do not lose the money if it's deemed to be acceptable but there is sufficient funds.

With regard to no objective criteria on finances, I have got to point out that the Jas committee tried many different options and none of them worked. They would all work for some class of applicants but not for others and we ended up coming up completely empty, not being able to come up with any truly objective financial criteria which could be applicable to the wide range of types of applicants that we envision. So although I would prefer objective, it's not clear that we are going to be able to come up with a one size fits all in this particular case. Thank you.

Avri Doria: We are almost at the point where I would close the topic for now but really not close it at all. It's just open and I'm hoping we can take it to the mailing list. I'm hoping to see comments. Tijani's comment were definitely on the mark and need to be dealt with. I think we need to get a discussion going.

We need to figure out you know how we want to you know recommend ALAC, respond to this and I think the one thing that I personally want to do is reach out to both Curt and Chris to make sure all the assumptions I have about, you know, working to get extra funds on the board, working further on creating the foundation and getting the Jas working group, if the Jas working group wants to do this for us. If they don't, involve in actually creating the guidance for the SARP and as Alan has rightly pointed out, even continued discussions with them on the composition of the SARP. Yes Tijani.

Tijani Ben Jemaa: Thank you. In the absence of the objective criteria, how can an applicant know if they will be accepted or not so how can they see if they will lose their money or not? So it is a very important thing that you tell them how they will be evaluated. Objective, subjective criteria doesn't give any indication because for each case you have some criteria. The objective criteria are the things that can be if you want, measured. Thank you.

Avri Doria: Yes, definitely. It's just those are very hard to determine but those are things that we should work with them on now. I think that the gaming not having no need versus the having a need is not going to be that fuzzy a border, but perhaps it will be and I think you are right we have to work with them on that and I think that's one of the things that they are ready to work with us on. Any other comments before I move on to the next item? Okay we need to continue this discussion.

We also have Cintra who is a member of the team that probably has more content and I know she had comments during the discussion so I would like to get things moving on the list for people, actually discussing this, discussing the issues, pulling out the things that aren't clear and the things that we want to send a note to the group on. Okay. Moving on then let me get the...Okay on the, no that's the wrong one. Okay and the next item which is the continuing operations instrument.

I wrote a quick note on it that basically in the first thing, at a meeting a while ago and I don't know, Olivier is on the phone call and he can tell me if I got things totally wrong. At the last ALAC meeting, I was assigned a task of producing a statement on the COI. In retrospect even though I sort of accepted it with shock, I didn't know I was going to get any assignments when I was listening in on this meeting. I accepted it and I didn't really know what I was supposed to do and I didn't know whether I was supposed to suggest something to ALAC that came in in time for the comment period that was open on the registry proposal or whether it was something more centered I was supposed to bring back to this group to come up with a view point on.

As I failed to deliver anything in time for the comment period I assumed that yes I was supposed to bring it back to this group to talk about. So in the note I discussed first of all what the COI is from the applicant guidebook. Continuing operations instrument is invoked by ICANN if necessary to pay for an emergency backend registry operator, what they call an EBERO, to maintain the five critical registry functions for the period of three to five years.

This is tied to the cost of the third party to provides the function, not the application actual in house or subcontracting cost. Now this was to my mind a very unfortunate thing because we had always assumed somehow that for developing an economy registry that was working in a developing economy, the expenses should be lower and should be relative to the operation.

But now it really looks like there will be several, you know, that they put up a call for people to apply for the EBERO role and that there will be a regular you know northern incumbent price for doing that, so that's one of the things. So the registries are saying this could end up prohibiting expenses, so they made a proposal on what was called a COF, a continuing operation fund that basically sort of said each applicant has Escrow 50,000 and Escrow that's to ICANN and ICANN would have a ball fund that was sufficient for covering this.

I don't know how ICAAN is responding to it. I have a feeling they have other proposals they are looking at. I know they have looked at insurance proposals as were also mentioned in the Jas group. I know that some people have sent in comments ranging from the horrible idea, nothing like this should happen, to this is one size all, one size all is not so good, to you know basically this is a great idea, let's do it. Certainly the 50,000 for the Jas perspective falls close to the Jas requirement that these applicants should have to pay no more than 47,000 or something close to that, but also for the COI.

So basically what I did in a few pages that I did was outline where the issue is. I don't know what it is we should be doing about this at the moment. I am under the impression that the staff is about to come out with A) response to the registry proposals and B) with a recommendation of what they are doing. I also sort of have an impression that this is close to imminent. So that's pretty much my recap of where we are at. I don't know where we should go on it. I think that's up to you all.

Do we want to make a recommendation to ALAC on a statement? Do we want to hang back and wait and see what proposal the staff come out with and what the response review they come out with on the registries proposal are? Or does someone have a proposal on how we should act? I see no hands yet. Anyone wish to put up a hand on this topic? I see no hands and I see no discussion. My assumption would be we hold that maybe I amplify the note a little bit more.

People read it and I can add information to it, although I would like to get Olivier's answer to what exactly we should be doing and we wait until we see what the staff comes out with on COI and decide whether there's a recommendation to be made. Yes Tijani?

Tijani Ben Jemaa: Okay Avri is there any chance to have time to read again and review for tomorrow on the list?

Avri Doria: I didn't understand the question. I barely heard it, but I didn't understand it. I think there's time.

Tijani Ben Jemaa: I said that is there any chance for us to give you input for tomorrow because I read it but, I didn't read it well. I need to read it again.

Avri Doria: Oh certainly nothing is finalized and it's just that if I don't have a strong feeling of let's do something now, I won't try to do something now but certainly let's discuss it on the list. I know I got it out only during the weekend and that gives people only one day maximum to have reviewed it so certainly. I'm not making any decisions about, you know, anything other than am I jumping on it to work on it immediately or am I sort of saying let's wait until next week and see what we want to do on it? Yes Alan?

Alan Greenberg: Yes sorry. I believe they are opening a comment period so I think the critical target is ultimately we need to end up having a statement. So we have a significant amount of time for this, not an awful lot given the holiday season, but we do have days and perhaps even weeks. So I think that has to be our ultimate target of identifying what it is we really need to complain about and make that clear

Avri Doria: Yeah. I think we need to see what they're going to propose? I believe it's almost certain that the staff is going to make a proposal and yes Sebastian?

Sebastian Bachollet: Sorry it's a bit late, I didn't hear what you said before but just to take on that point, I really feel as much as you say now, as much as it could be taken into account, my feeling is that the time where it will be publicly out for comments it will be for to tweak something not really to change it. I may be wrong but if I look to the schedule I don't see how any substantive changes will be made even if it's open for comments, I feel like it's more the last like the last version of the application guidebook were open for last comment it was really for small things.

If you have something you think is important, even if you don't have a solution, but you just want to be sure that it's something that the staff and the Board need to watch out, you need to say that as soon as possible. At least it's my recommendation and I may be wrong but it's my feeling. Thank you.

Avri Doria: Thank you.

Sebastian Bachollet: To add one point about what you wrote, I don't know is it's really the 12th of January that you need the \$5000 dollars. You need the \$5000 to answer to the task to the system to apply and when you will apply you will declare that you are, you want to be consider yourself as an applicant and it's not - I don't think it's the 12th it's before the 29th of March at the latest, but it could be between the 12th of January and the 29th of March. Once again it's my understanding of the situation.

Alan Greenberg: That's my understanding as well. It's when you want to start the online process of applying, you need to provide the money, not by the 12th.

Avri Doria: Right. One of the recommendations though and one of the recommendations has gone out is that you get involved in the process of being able to go online as early as you can afford to do so and not delay that one. But you are right; it isn't until March that you have to get into the system, but if you wait until then you have a very cramped, you know, period in which to get all the work done.

Sebastian Bachollet: Avri, I agree. I think what you say is good advice but its time wise that I think I can make to everybody you need to answer. It's better if you answer early in the process to learn about and to wait until the end but yes, agree.

Avri Doria: Thank you. Tijani?

Tijani Ben Jemaa: Yes Avri, that's exactly what I wanted to say. I want to say that is there any chance to give you input to give them to the staff before they leave the public comments. Because I know that they are asking for our comments on this project and I want out comments to go to the staff before they release the comments.

Avri Doria: Okay yes, I think if we have got comments to make we should make them as soon as we can so yeah. I will certainly work with people that want to put together a statement, want to discuss it on the list. I will certainly include it on the next agenda. I think if we get to the point where we have something to say to ALAC and to make a recommendation to ALAC that they send a note and saying the following; I think we should do it as soon as we can but we have to do it. Yes Alan?

Alan Greenberg: Yeah to Sebastian it would be useful to the extent possible that the items that you are silent on in the documents you produced till now be commented on specifically the composition of the SARP, which there was a lot of discussion on and is it being envisioned as a volunteer body, a hired body, an external one? How is that envisioned? We don't have to select it immediately but how it's going to be composed, I think, is important. How it's going to be funded if there are costs? I'm presuming it is not out of the \$2 million, but it would be nice to have a definitive statement about that.

And relative to Tijani's comment on objective financial criteria, is it envisioned that the SARP will be given objective financial criteria, or is it going to be purely up to them to make a judgment call, based on whatever's presented by the applicant? Thank you. I'm not asking for answers on those right now, but it would be nice if that was elaborated on so we could comment on whether we agree or disagree. When it's complete silence, we don't know whether we have a problem or not.

Avri Doria: Okay, this was pointed from the previous item on the Jas and not specifically dealing with the COI.

Alan Greenberg: Yes, that's correct.

Avri Doria: Okay any other comments are there any other hands?

Sebastian Bachollet: Maybe it will be easier if you have this list of items and Avri should send it to the list about working group member and the staff and I am sure that we, as Board and I guess staff will be able to answer your question this meeting.

Avri Doria: Yes, I'm planning to collect one of those. I've asked people to start commenting on the list over the next couple of days so that we can put that together.

Sebastian Bachollet: Great, thank you.

Avri Doria: Okay, any more comments on the COI? It's on the table again for the next meeting. I asked people to read it, to add other commentary that I may have left out. One of the things I left out, as I say in my comments, that there was some very rich discussion on all kinds of creative methods for joint support groups, common support groups, and what have you that came out in the Jas, that never made it to the final report because there was no agreements on them.

But there was certainly an extensive amount of idea formation and discussion. So, you know, it may be worth digging up some of that while we're having this conversation. So again, we do not have much time. Okay, moving on to the last item, which is the continuation of the objection process discussion. We have one more week in what I've been calling the Blue Sky process, to sort of develop people's notions on it. I was, you know, reminded that I was remiss in terms of bringing up Hung's views, who was unable to attend the meeting.

I tried to assure her that it was in no way intentional against her that I did not read them out. So, reading her comments, make sure they're in the record, "If reading from the guidebook, we should see two specific references to a large ALAC objection. One budget, but not clear if specifically for At-Large objections, the DRP service provider ICB. Two, RALO to ALAC process against community-based applications. It is still not clear how to involve individual ALSs, I think.

An additional issue not in the guidebook, unlike GAC, that is entitled to both objection process and independent early warnings, a large objection seems to be limited to objection process and no other alternatives." Before giving the floor to Dev who can talk about his own comments, I think these are good points. It's true that ALAC At-Large does not have anything similar to the early warnings, but it does certainly have the ability, during the initial comment period and when objections are first being lodged, to certainly make a comment, a strong comment, on issues with something and such.

So, of course, it isn't the GAC early warning, and I don't know if at this point there's any possibility of ALAC having an equivalent process, but there certainly is an ability to voice out at that time any issues that there may be. But certainly, I've included these points in our list to be included in whatever recommendation, you know, as consideration for any recommendation we put forward. The other comments we had, I think were exclusively from Dev, who has been doing a lot of work on this. So I'd like to turn the floor over to him if he's willing to sort of take us through what he's got there.

Dev Anand Teelucksingh: Thank you Avri. This is Dev Anand Teelucksingh for the transcript record. Well, I have posted an email to the list and I believe it's also an attachment that Avri provided from the Blue Sky. Just to walk through the process for the objection process is that, well, the first step, when ICANN posts the public portions of all gTLD applications considered complete and ready for evaluation.

Okay and that will most likely be around June 2012. Okay and the second step, once the notice of the public posting of gTLD applications have been regularly sent once a month to all the RALO lists, At-Large lists, and so forth, and such notices will also be for discussion during the ALAC and RALO teleconference calls. You know, you keep updating that to reflect any news, pointing to public comments, ICANN public comment page on the gTLD applications and/or the dispute resolution service provider updates.

That will be during that 60 day comment period and the 7 month objection period. Now, I was looking at the gTLD application guidebook, and according to page 151, it looks like that ALAC only has standing to object on partially two grounds. One ground is the, well it is page 151 for those who want to look at it in the India applicant guidebook, it's the limited public interest objection grounds and/or the community grounds. If the ALAC or At-Large is the community that is explicitly or implicitly targeted by the new gTLD application.

So with that in mind, the next step is, based on, does anyone have any...sorry, I should say is any applied for gTLD, ALAC, or any RALOs believe is contrary to generally accepted legally for morality and public order that are recognized under principles of international law. And if yes, the then RALO or At-Large group produces a draft text explaining the validity of the objection and why it should be upheld.

As for the objection requirements on page 158, it should be limited to 5000 words or 20 pages, whichever is less. That draft objection statement is sent to ALAC and other RALOs for discussion and based on comments received, the final objection statement is produced by either the RALO or the ad hoc At-Large group. So, and this would be repeated for all the different, any gTLD application that we may want to object to. And so ideally, what we have to, ideally at the end you have all objection statements, would then be drafted, finalized, and ready for all RALOs to review. The reason why I think that is important is because I think ALAC has to consider how much funding is available from ICANN to file objections.

Because if there's a limit, then ALAC will then have to prioritize or decide which ones it wants to object to. So after all the objection statements are drafted and finalized, then all the RALOs vote on the final objection statements and the idea is sent as regional advice to ALAC to consider the objection, similar to when there's a new ALS application.

I was thinking, and this could be discussed, it could be at least three RALOs needed to support the final objection statement, for ALAC to consider such advice. And if three or more RALOs vote to approve the statement to stand to ALAC as regional advice, ALAC will then consider and then vote on whether to accept the regional advice to file an objection.

If ALAC votes yes, then ALAC notifies ICANN because ICANN is the one that has to pay the fee to the appropriate dispute resolution service provider and then files the objection to the appropriate dispute resolution service provider. That is the gist of it, of the process. I don't know if anybody has any thoughts or comments.

Avri Doria: Thank you. I think that's a really good start and I appreciate it. I don't know how much time we have for in-depth discussion, but Olivier has his hand up and then maybe we can take a question or two before moving on to the last item and closing the meeting. But thank you for that and thank you for the work you've put into this process, and of course you did volunteer to help us do more in terms of pulling out the requirements. At least I think that you did. Olivier?

Olivier Crepin-Leblond: Thank you very much Avri. It's Olivier for the transcript. And thank you very much Dev for having gone through this process or post-process. It's particularly exciting. On my side, I have gotten in touch with the GAC because the GAC also has an objections process in place. What they are putting together with ICANN staff at the moment is a tool for them to be able to use. Now admittedly, the objections process in the GAC is completely different to the one in the ALAC, whereas in the GAC, I think one or two or a number of objections need to be filed.

What they're looking at is some kind of automation so as to let one or more of their members to be able to object and then the objection gets treated automatically without taking too many cycles from staff. On the other hand, as far as we are concerned, well obviously the ALAC hasn't actually yet looked at the process in detail, or at least to finalize their process. And I can see that there appears to be a proposal from Dev, that obviously if that can be automated at some point, that would be a good idea.

No matter what our process is going to be, I'd like to really push for it to be automated and not impose too much of a load on staff, or indeed to much of a load on our ALS or on our ALAC members basically. There are going to be several hundreds of applications apparently, so the last thing that we do want is to have hundreds of possible objections going through and it's taking all of our time.

So I would urge that once we actually get down to choosing what we want to use as an objections process within At-Large and with the ALSs, I would urge that we actually work with staff and work on a tool, which might actually be loosely based on the tool that the GAC is using, but a tool that will serve our own purpose. Thank you.

Avri Doria: Thank you. Since I think we have three minutes until then, and I saw that Cheryl had the approval button lit, since we only have three, close to two minutes left in the hour, I want to basically leave this one on the table for discussion. We've got one more week on the Blue Sky. I encourage people, I don't care how you make your opinion, you know, as long it's something where I can cut and paste it to another form. I will get it into the Wiki; however you get it to me, you get it to us.

So please email, Wiki, carrier pigeon, doesn't matter. Just get it to me and I'll get it in so that in the next step, as many points of view as possible have been expressed and can be folded into the system requirements. So my next item that I had on any other business is, I noticed that over the last week, we've basically got three to four topics that all require a fair amount of weekly attention and work on the volunteers part. I could tell this week that, you know, I'm going to start falling behind without some Vice Chairing help.

I don't know how this group wants to go about choosing that, whether they want to pick one person and have someone volunteer, whether we wanted to go for a couple and they would work on different threads, work with me on managing the different threads that we're working on, any number of ways it could happen.

I wanted to open the subject and ask people to discuss it on the list over the week, to come back with suggestions for who and how and what and then hopefully that's one of the things that we can deal with at our next meeting, is you know, we can pick one to a very small number of people to work with me on this group so I can make sure and we can make sure that we're getting everything done in a timely manner and not losing track of anything.

And sooner or later, I'm bound to be sick and have to miss a meeting and, you know, would love to have someone to turn to for help. So if that's okay for people, try and figure out the who and the what of it before next week so that we can make that something we resolve at next week's meeting if that's okay. Any issues on that? Any comments on that? If not, by my clock we're at the hour. I thank you very much for listening.

There's an amazing amount we've opened up that needs to be discussion. Nothing got closed today. So don't think that any topic was closed today. As far as I know, everything is open. Let's talk on the list so that it isn't a dead week, at least a dead week for this project. I know there are many other projects. So thanks a lot and I'll talk to you next week. Bye.

Cheryl Langdon-Orr: Thanks Avri, thanks everyone.

Alan Greenberg: Bye everyone, thank you.

Sebastian Bachollet: Thanks everybody. Thanks Avri.

~~End of Recorded Material~~