GNSO – ICANN Nairobi Meeting
GNSO Vertical Integration WG Meeting
10 March 2010 at 12:30 local time

Note: The following is the output of transcribing at the GNSO Vertical Integration Meeting held in Nairobi on Wednesday 10 March at 12:30 Local time. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

(Participants list at the end of the Transcript)

Margie Milam: Hello everyone. We're going to get started with an informal meeting on vertical integration.

We just concluded the GNSO council meeting where the charter for this, for the working group was approved and I think we can get started by going around the table and introducing ourselves and then we'll talk about logistics on how we want to proceed with this working group.

So why don't we start at, at that end, I guess it's Berry.

Berry Cobb: Berry has a trail mix smile. Yes. Berry Cobb with the Business Constituency.

Martin Sutton: Martin Sutton, Business Constituency.

Richard Tindal: Richard Tindal. I'm just using the table for my computer though, not my part of anything.

Avri Doria: Avri Doria, NCSG.

Mary Wong: Mary Wong, NCSG Counselor and (lollipop purveyor).

Debbie Hughes: Debbie Hughes, American Red Cross, NCSG.

Liz Gasster: Liz Gasster, ICANN staff.

Margie Milam: Margie Milam, ICANN staff.

Stéphane Van Gelder: Stéphane Van Gelder, Registrar.

Jon Nevett: Jon Nevett, Domain Dimensions.

Jeff Eckhaus: Jeff Eckhaus, Registrar, stakeholder group and I guess a member of the
                  drafting team.

Wendy Seltzer: Wendy Seltzer, NCSG.

(Emmett):   (Emmett) (unintelligible) from Core of Registrar and not a member of the
                  group I think.

Rob Hoggarth: Rob Hoggarth, ICANN staff. And while I have the mic if I can confirm that
                  there's audio being sent out. That's already been asked in the chat room.

Stephane van Gelder: We, have we gone around the table?

Man: Oh. Oh okay.

Margie Milam: Okay. So I guess I'll hand it over to Stéphane since you're the council liaison
                  to get us started.

Stéphane Van Gelder: Yeah. Can you just give me five seconds; I'm having a plug
                  problem.

Margie Milam: Oh perfect. Chuck, why don't you go ahead?

Chuck Gomes: Sure. I just wanted to tell you that there are probably 12 to 15 people in the room here and (Reston) do you want us to go through the names or are you satisfied with the, a count?

Margie Milam   I think it would be useful to have the names.

Chuck Gomes: Okay. I think I can give you most of those. So we have Kristina Rosette, (Caine), Jeff Neuman, (Bing Cheng), (Staten), and Steve Holsten and (Parvisio Vira). We have, let's see I'm looking around, I have to turn directions here, Greg Aaron and Bob Mountain, Mikey O'Connor, Craig Schwartz, Ken Hansen, and I'm blank on one name. Yeah, Tim Switzer from NeuStar as well.

So the, I think that covers it right now.

Woman: Are there any others remotely? Okay. I guess no one wants to introduce themselves if there's anyone else on. Stéphane are you good?

Stéphane Van Gelder: Yeah. I'll, not quite but, is this working?

Man: Yeah.

Stéphane Van Gelder: Good. Hello? Oh this is better. Welcome everyone. So we, as you saw in the, those of you who were in the council meeting we have a charter. Perhaps the first step, what I'd like to try and do today is to try and see what the working (unintelligible).

Man: (Unintelligible).

Stéphane Van Gelder: Can, can. Okay. Bear with us, those participating remotely we're having obvious, we're obviously having technical problems, the mics are going on and off, so I don't know how much you were able to hear. I started off by saying that one of the first things that I suggest this group does is to try

and work out who's in the group, then in the charter there was a, a suggested time table.

There is the question of Objective 5 and the motion that has just been approved by, is this working? Yes? Okay. And the motion that the, that was just approved then has us as a request for us to come back to the council with some sort of plan for Objective 5. Avri you're waving to me, please go ahead.

Avri Doria: Okay. Do we have what the charter actually looks like now and is that in a place we could see and is it posted somewhere and can it be up there and all that good stuff? Okay. Thanks.

Stéphane Van Gelder: Yeah. Marika's just working on that and we'll try and get that up as soon as possible. Is there any reason why the, the screens aren't working in this room?

Oh okay. Sorry.

So Marika's just plugging in, just getting warmed up. Please bear with us. The first thing then I would echo Chuck's call in the council meeting for a call to the various groups for volunteers and participants in the working group so that people outside of this room in this community know that this work is going on and they may request to be on the working group.

We might have an issue of whether we want to limit the number of people on the working group or not, and that's something that I'd first of all like to open up for discussion. And if we do, how would we achieve that. Does anyone want to comment to that?

Avri.

Avri Doria: I'd like to put a comment in against limiting it. Certainly limiting it at the beginning, you know, when we put out the call. Maybe then once we've gotten a compliment of people we see that what the distribution is and we say okay, now for new people coming in there needs to be some sort of consideration before we allow growth in the middle of a tight schedule, but certainly at the beginning I would suggest against the limitation.

By the way, in terms of number of people talking and working, no matter how big the group is the functional part of a group always remains about the same size.

Stéphane Van Gelder: Good point. Thanks. So let's just put a call out there and I suggest that we do set, I mean I understand there are no limits but I do suggest that we set a deadline for responses and I would like to suggest that that deadline be maybe a week from now. Why am I suggesting that? Because we've been asked by the council to come back to them relatively quickly before their next meeting and I'm trying to get the text of the, of it as being an amendment.

So what we have on the charter, on the original charter was two weeks for recruitment, however, as we just saw in the council meeting we are tasked with coming back to the council with a solution for Objective 5 in three weeks. Is that correct Marika? I can't remember what was on the, was it three weeks? I think it was.

So given that, that short time frame I think it might be, if the group present here agrees I would suggest that we limit that to a week. Do people feel that is just too short? Jeff are you nodding no?

Jeff Eckhaus: I'm nodding that's an appropriate time.

Woman: Hi. I'd like to suggest a week after this meeting ends.

Stéphane Van Gelder: Yeah. That makes sense. And could I just ask people, sorry I forgot to do that, to introduce themselves the first time they speak so that people participating remotely know who they are. My name is Stéphane Van Gelder, I don't think I did that.

So that would be, the call would then go out from one week from this Friday. Everybody okay with that? Good.

I have a suggestion to make it Monday because people would be traveling over the weekend. So that would be when, next Monday? I mean let's get dates on this. A week from next Monday, that's the 22nd. Yes? Okay. So let's set, let's go ahead and set the deadline for responses at the 22nd and ask people in this room to spread that message out amongst their groups. We will put out the call, Glen, the council will put out the call and we'll take it from there.

Jeff.

Jeff Eckhaus: Thanks. It's Jeff Eckhaus. Quick question, just where, for the people who want to respond to where should they send their responses?

Woman: They send their responses to the GNSO secretariat. (Unintelligible) icann.org if that's easier.

Stéphane Van Gelder: Okay. So what did we have next, I've forgotten my own agenda now. I'm just looking at the, the milestones that were in the charter, but I guess we should maybe start by speaking a little bit about Objective 5 and the way that we would go about producing our answer for the council there. Has anyone, first of all is the amended motion clear for everybody?

Good.

And perhaps we can get that up on the screen, just the part about the amendment, the last amendment that we voted on.

But before I do that, can I just remind the group that one of the steps that we will need to do but I think we ought to wait to do this obviously until the group is, you know, the membership of the group is known.

One of the things that you will have to do as a group is to elect the chair. I will be standing in as interim chair as the motion dictates until that is done, and you may wish to elect a new chair when the group is, is put together. But that will have to be done obviously once the, once we've passed our deadline for calls for volunteers.

So does anyone, there's the, the amendment that was passed and let me just read that out again just to make sure that everyone has that. Is that the latest version? Yeah. Result further, sorry, result further that the working group is directed to develop a version of Objective 5 and to recommend it to the council within three weeks for either A, council approval, or B, council vote on which version we choose.

So we have two choices, we can either try and thrash it out amongst ourselves and just produce one Objective 5 to the council, or we can say to the council, no we've not been able to do that ourselves so we're going back to you with two Objective 5s and you work it out. Jon.

Jon Nevett: I assume that the drafting team went through this exercise and ad infinitum, so why would the council think that this group would be able to come up with one version of Objective 5 when there were four pending this morning?

Stéphane Van Gelder: Well a couple of reasons, I take your point, but first of all this group is not the drafting team, they may be new people in there and we may hear new arguments, that decision process may be different.

Secondly things have moved on since the drafting team discussed it and that situation may have changed as well. So I'm just trying to stay optimistic. I, my advice to the group would be to come back with a, with a choice, I mean it would obviously be a better solution for this work that the group itself now that the council has given it that leeway, the group itself choose its own Objective 5 and come to you know, some kind of definitive decision on that.

But as pointed out we have three weeks to do that and that may be tough to do and that's why I wanted to start on that work now, even though the working group isn't complete, and before we go today we will also possibly have to schedule a follow-up telephone call for the group so that we can take that work forward.

So with that being said, does anyone, has anyone got any suggestions for how we could try and suggest in a version of Objective 5 that would satisfy everybody? (Unintelligible) ask their questions.

Woman: For those who haven't been participating throughout the drafting team is there a redline of the, comparing the version five and a short, from which we could get a short description of the differences?

Stéphane Van Gelder: Sorry. I was somewhere else doing something else.

Woman: Is there a redline comparing the different versions of Objective 5?

Stéphane Van Gelder: No I don't think there is as such to be honest. We have two, I mean your point if very good, we have two versions that have been, there are included on the charter as it is, there's a main version, let me go back to that, that's a very good point.

How did we get to this situation? The drafting team proposed two or three versions of this Objective 5. One was proposed by the NCSG I believe.

Avri Doria: I think to be precise one was proposed I think by me in the first, let me draft something so people can throw stones at it exercise.

Stéphane Van Gelder: Who do you represent?

Avri Doria: At that time, I mean I was a member of the NCSG but it wasn't being done as a representative, it was being done, yes I am a member of the NCSG but I wasn't saying this is the NCSG position.

Stéphane Van Gelder: Fair enough. Sorry about that confusion then. That, so one was proposed by Avri, one was proposed by the IPC and there was a slightly different version proposed by the BC.

Now I'm looking around, I don't see any BC reps here but sorry. Yeah. I'm talking reps on this group, not council reps, reps on this group. Yeah. We've got (unintelligible).

Avri Doria: (Unintelligible) should correct what I said. The first one that was adopted was basically I put in a throw stones at marker, people in the, the group threw stones at it for a couple weeks, it ended up morphing into what was five. So I think it was the one that was, I would say the one that had been proposed by the active members in the design team at that point in time and then once it settled down then we got the alternates from the others.

Stéphane Van Gelder: Okay thanks. Ron, just before coming through can I just ask a question of the BC, which it was my understanding from private discussions I've had was that the BC would actually be okay with the IPC's version of the Objective 5, is that correct?

Ron Andruff: Yeah, this is Ron Andruff, that's exactly what I was going to say Stéphane is that I don't see that we're going to have any problem with the IPC one, particularly because Internet users, and we always support that.

Stéphane Van Gelder:	Right. That's very useful and helpful. Thanks. So that means I, my suggestion is that we have two versions and not three, which simplifies things a lot. Those two versions are up there and so now our task is to ascertain, and this is what got people giggling earlier on, so I'll probably do so again, but whether we can choose between one or the other or another version, there's not, I mean we are free to actually make changes to this now.

You know that the only thing that we've been asked to do is to come back with either one version or two possibilities. So once again can I open comments up, can I open up the discussion to this? First of all, one of the questions that I'd like to ask is would people, what's people's feelings about the two objectives that we have in front of us? Is there, I mean should we start working on those two or is there any need to look at something else?

(Jeff):	It's (Jeff) here, I'm okay working on between these two, I mean I think, unless somebody has another piece to put in front I'm okay working on these two that are up here right now.

Stéphane Van Gelder:	Everybody agree with that? Wendy.

Wendy Seltzer:	I'm just wondering whether somebody can create a quick redline highlighting the differences between those two to help us focus our discussion?

Stéphane Van Gelder:	That's very helpful. Can someone do that? Wolf?

Woman:	I don't think we can redline in, in the (Dolby) connect can we?

Woman:	(Unintelligible).

Woman:	Oh okay, well Marika's the expert.

Wolf-Ulrich Knoben:	Well thank you Stéphane. Wolf-Ulrich Knoben, council member from the ISP constituency. You remember to validate amendment (unintelligible) this

morning, I am sorry about that and that confused somebody and it was rejected at the end, but the intention of this amendment was (well) to overcome these, the differences between these two, two types of (unintelligible) we have (in front of) so.

And it is based on let me say on a, on an understanding of this difference, we have so and I would like to bring it up and then maybe it, it's wrong or it's not that, that deep enough so. We understand the, the objection five as it is the main objective in that way that there is a need though to, to get information about the, about the kind of, kind of aspects who are, which are impacting the, the vertical integration separation or separation issue.

So, and these information should come from or should be collected here within that meeting, (related) to that team. So the question is just in which way this, this should be done for this my understanding, but one which, which was here brought up by Avri it's, it seemed to me very general, not so, not too specific as the other one from the BC and IPC is with regards to get into more detailed research into this respect.

So however we understand that if you go into more detail in this respect that it might harm the new gTLD implementation process in terms of timelines, keeping timelines. So that's our understanding.

So now, having these, those positions, so we tried well to how can we manage, you know, a different or let me say controversial targets in this respect. So we would like to have more detailed information on the one hand side, on the other hand we wouldn't like to harm the process, implementation process as well.

And that's where we're standing and so I suggested why shouldn't we go for that just to research for more details, but strictly impose limitations to the extent how much detail they would like to have. So that's the intention.

And that was my, that was my, the reason why I brought up this. Maybe it's not clearly, it didn't come clearly over but that's the reason why I came up with that. Thank you.

Avri Doria: Yeah. I actually I think first of all I totally agree with you that the original one, the first one there is somewhat ambiguous, or rather as opposed to saying it's more general I would say it's somewhat ambiguous. And I think that that's why at that point it ended up sort of a compromise wording because when some people read it they say oh, material deviation, that's very, very narrow.

When I read it I basically see material deviation as being almost the equivalent to the words that are in the second because anything that hurts, oh I should have said I'm Avri Doria again, sorry, NCSG.

(Unintelligible) I think so. So basically anything that changes the effect on the consumer or the registrant now would to me constitute something material and so therefore in its ambiguity it was something that left it as open as I wanted it and yet it seemed as narrow as someone else in the group wanted, well it's only if it's something material.

So if it's something we talk about, yes you have to prove that that is a material thing you're talking about and it's not just that it does, you know, X, Y, or Z that isn't material, but if you can define the deviation that's being made as one that is material, then it is in scope.

Whereas as it states now that is a relatively broad scope, but you may find certainly, well wait a second, that's not an effects to a registrant or to the user or to that, so no it's out of scope. So that's just to explain I agree with you, it was more general, it is more ambiguous, but I, that (unintelligible).

Stéphane Van Gelder: Thanks Avri. Does anyone else want to comment? Yeah Wolf, please.

Wolf-Ulrich Knoben: Just to respond to that, so if you look to the text of this, this Object 5, so it's, I think it's (unintelligible) in that way a kind of whether there are materials effect for implications just level. So from my understanding you know, if I read that to mean okay, it's very weak you know, to investigate something and to find out, okay, whether there is some the material impact or not, so that fits yes or no.

So I would like to go into more detail to know what about what kind of impact that could be, so that's my concern in this direction.

Stéphane Van Gelder: Thanks Wolf. I have Ron in the queue.

Ron Andruff: When I look at these, this redline version, thank you very much for putting that up, it, the difference between the words, "The possible effect of potential changes, or whether the changes," I don't see as being so difficult to get past. And I think that the possible effects of potential changes is just clearer language and I think that's, should be something we should be easily supporting.

And then the second change whether we use (DAG 3) or the most recent version of the DAG I think that's the same thing. Those are two changes that could be taken right out, or could be basically approved immediately as I see it.

Stéphane Van Gelder: (Jeff).

(Jeff):   Thanks Stéphane. (Jeff) here. So I think I, one of this, in the dressing I was very much opposed to the term "the possible effects of potential changes." It sort, I mean the whole idea of this working group is to come to something, is to come to the conclusion quickly.

And I don't know how you would task a working group with figuring out what are the possible effects of these potential changes on, by asking the working

group to analyze, I'm sorry I'm just going to go to this existing, it's a task they can accomplish by asking them to try and I guess predict what are the possible effects of changes we don't even know what they are going to be I think it is an impossible task and we're setting ourselves up to fail.

Stéphane Van Gelder: I didn't see who between you two was first so whatever.

Richard Tindal: Okay. This is Richard Tindal. I agree with (Jeff) but I think the word possible effects it's just so incredibly broad that, and given that there's not going to be data in my opinion you know, (unintelligible) that, I mean I can see a hundred or a thousand possible effects, I don't know, it could increase global warming, I don't know, it's possible. I mean I can't disprove that it's going to increase global warming so to me that's a possible affect. I can disprove it right.

So the word possible to me is extremely broad and I agree with (Jeff) I think it should be likely effects.

(Jeff):   Well no, or just effects from my point of view Richard, I could agree with possibly moving possible but the whole point is it's about the effects of potential to change, not whether there'll be a change, there's going to be some effects one way or another.

Richard Tindal: I'm not sure I fully understood that but, are you agreeing that it's, it's that the word possible is very, very broad?

(Jeff):   Yes I am.

Richard Tindal: You could put a possible effect on the table if I don't have the data to disprove it then I guess it remains a possible effect.

(Jeff):   So I'm agreeing with you, we could, the word possible could be removed in my view.

Stéphane Van Gelder: So how about, just trying to make some headway, how about we start by removing that, the word possible and just, you know, change that first sentence to the effect. I actually quite, I mean on a personal note, I actually quite like the likely effect because it directs it a little bit more but, you know, whatever.

Berry Cobb: Thank you Stéphane. Berry Cobb with the BC. I can concur, you know, possible is definitely very broad and vague, likely even works for me as well. In response to the notion of that it might be impossible to determine what these effects are I kind, I think I have to disagree with that.

And then I do believe there's a couple of things that we can do as a working group or once the working group is defined, you know, all it takes is getting a couple of really smart, or three or four really smart people in the room and trying to outline what I would consider use cases.

If anything, for lack of a better word, is, and I hate to use this word, categorization within gTLDs, because we're not allowed to use them right now or not. But there are obvious distinctions within the TLD expansion that warrant the, that warrant the likelihood of what those effects may or may not be within those different kinds of TLD streams.

For instance dot brand versus a regular community TLD, those outcomes will, may have different effects in a vertically integrated scenario.

Stéphane Van Gelder: Thanks. So who's working the text? Is it you Margie or is it Marika? So let's get some idea of whether we have consensus just on, what was the word that you suggested Richard, I forget now, likely. Likely. Do we have consensus on that anyone online want to chime in please do so?

Avri you're not online.

Avri Doria: I know and that's what there was a question mark and my hand going up. Yeah, Avri again. Likely is, is a nice sounding word but I don't know what it adds to the effects or the likely effects because then we can just quibble that's not likely, yes that's likely, how do you define likely. Well I define likely, and so I mean I don't see it as adding anything, you know, so I think it's a fine word but I'm not sure what it buys us.

Stéphane Van Gelder: Okay. Well let's not complicate things then, I mean Richard and others that were in favor of likely would you be okay with just removing the word?

Richard Tindal: Yeah I don't like possible but like...

Stéphane Van Gelder: But if you're okay with just the effects. Okay? So we'll remove the likely as well. So let's try and work it through here if we can and by using all the information that has been collected by ICANN to date determine the effects of whether, right, thank you.

Man: (Unintelligible).

Stéphane Van Gelder: Yeah. They're working on it at the moment so. Determine the effects of the changes to the current restrictions and/or practices concerning registry, registrar separation and equivalent non-discriminatory access contained in the options set out in the most -- I was actually going to say what do we think of the first sentence and then I realized there's just one sentence.

So, let me, where was I. Yeah. I've lost myself. There, that's better thanks.

Woman: Okay.

Stéphane Van Gelder: Thanks. So any other changes that people would like to make or suggestions to the one sentence objective? Richard.

Richard Tindal: Yeah. Richard again. So this is more of a general comment and I just want to see if I'm reading this the same way as everyone else is so. So in sort of common language I think it's asking if you look at all of the options that have been laid out, all four options what are the possible effects that can transpire from those such, that's kind of what it's saying.

Man: Possible again.

Richard Tindal: So effects, yes they are. No effects yeah. So that's what it's saying, right. So my point is that, that the four options are the, the full spectrum of what can be done and from one extreme to the other. So I guess my observation on this particular set of language is an extremely broad, and to me a very large and complex task.

Stéphane Van Gelder: How would you like to narrow it?

Richard Tindal: I like the option, the other option better. The first (unintelligible) language.

Stéphane Van Gelder: Sorry, the IPC one? Can we as we go perhaps (unintelligible). Oh I'm sorry, I'm jumping (unintelligible). Sorry. Just clarify what you're saying Richard.

Richard Tindal: Yeah, I was looking at the top option, so I'm sorry I'll reserve that for when we're talking about the next one.

Man: (Unintelligible).

Richard Tindal: I wasn't looking at the (unintelligible) the bottom option.

Stéphane Van Gelder: No but hang on, we, just to make sure I understand what you're saying, you're looking at the, right now we're looking at the first part, the first text, not the second version.

Richard Tindal: Okay.

Stéphane Van Gelder: Okay? That doesn't mean we can't discuss the second version I'm just saying what are you pointing at?

Richard Tindal: We're looking at the top option here...

Stéphane Van Gelder: Yeah.

Richard Tindal: ...okay.

Stéphane Van Gelder: So your comment was?

Richard Tindal: My comment on that language is that we're looking at the effects of all of the four options right, that are in the DAG now, yeah. I, so it was just an observation and that's an, it's an observation, it's an extremely complex, large, time consuming, it's a very, very big task that language describes.

Stéphane Van Gelder: Too large, that's what you're saying?

Richard Tindal: I don't know, it's just going to take an extraordinary length, amount of time and a lot of data's going to be required and it's just a huge job, yeah, it's just.

Stéphane Van Gelder: Ron, you wanted to comment.

Ron Andruff: (Unintelligible).

Woman: I was just going to read some comments from the chat. (Jeff Schmidt) says not just what effects but what effects constitute material deviation from current and past restrictions and (Jeff), (Jeff) notes that there are two new options presented in the latest economic report after (unintelligible) enforced so this should be revised. We, the documents that were published just

recently we haven't had a chance to analyze them but, and we'll have to look into that.

Stéphane Van Gelder: Well I believe that's covered, and what we've said, I mean we looked at that on the drafting team, it says the most recent, recent version of the DAG and supporting documents.

Man: Yes and that's why this is, the new...

Stéphane Van Gelder: (Jamie) yeah, use the mic and remind people who you are please.

(Jamie):   It seems to me that the word constitute is missing something there before if they constitute some (unintelligible).

Stéphane Van Gelder: Sorry, I'm not clear on what, what you're?

(Jamie):   The verb constitute a material deviation, it's missing something before.

Stéphane Van Gelder: What's missing?

(Jamie):   Determine the fact of the change, of the (unintelligible), constitute and support in document, it, if is missing. If (unintelligible) whether, yeah.

Woman: Add, add whether right before the effects.

Stéphane Van Gelder: Oh I get it. Thanks (Jamie), good catch. Ron I'm ready for you now.

Ron Andruff: Thank you. This is Ron Andruff. I think that what, if I may Richard, what Richard was saying is that the first Objective 5 that we're looking at that text is very broad and very, could be very difficult to sort through in actual practice. And therefore we should be trying to type that up.

Option B, the second one try, it appears to try to do that by saying it's the option set out in the DAG and when that could be most recent or (DAG 3), both are the same thing, and then it continues and changes considered by staff on and then these elements.

I think it's important that we in fact look at users of the Internet as the first priority that in fact what impact will this have on users of the Internet, that's the first order of business and then we start looking at the other elements of retail and wholesale markets and registrants and domain names.

So actually registrants and domain names probably would be second, but between B and C I'm not quite sure, well actually I'm close, it's users and registrants. So it should be reversing that order at the very least we should be looking at, how, what the impact of any of these things will be on the users of the Internet and then registrants and then the retail and wholesale markets.

But perhaps we could start to tighten up that language going in that direction.

J. Scott Evans: Ron, this is J. Scott Evans from the IPC.

Stéphane Van Gelder: J. Scott, can I just, sorry. Oh (Jeff) was that you, is that you (Jeff), I thought it was Jeff Neuman.

Jeff Neuman: Sorry, it is Jeff Neuman that just raised their hand.

Stéphane Van Gelder: And (Jay Scott) I'll get to you next. Sorry. Jeff, please go ahead.

Jeff Neuman: Okay. Yeah. I'm not sure my last comment actually got considered. It was that there was DAG version three that came out, what months ago, and then there is the, the other suggestions that were made to (DAG 3) in the comments, and then there is also a few new options that were presented by the economists that was released by ICANN this week.

So I think there's just more options than the options presented in (DAG 3).

Stéphane Van Gelder: Are you suggesting that we add options to what we have?

Jeff Neuman: Yeah, well it depends on which version of the objective you're looking at, but if you're looking at the top version it shouldn't say the most recent version of the DAG, it should be some other words in there that encompass all of the options that have been presented.

Or if you use the second version it's the option set out in the DAG and the economic, I don't know if, see the IPC put in changes considered by ICANN staff, and frankly we don't know what is being considered by ICANN staff. So we just need to accomplish all the options that have been presented to date.

Stéphane Van Gelder: Thanks Jeff. You know one of the things that I'm realizing here is that we're, we're still working on two different versions and that's not helping us.

As we're going through and editing this may I suggest that we strike the second version of the IPC? Not to censor then or anything, because what I'm suggesting is that we just have one text and we can reintroduce what the IPC wants to put in there but we're just working on one text, that will make it simpler for everybody I think.

Is everyone okay with that? Richard?

Right. I'm not saying cancel the stuff, I'm just saying let's, yeah let's have one start point and work on that. And so having, Jon sorry.

Jon Nevett: Yeah just a follow up to Jeff's point, I think supporting documents has a specific meaning in the DAG. So if you say supplementary or something like that, document that would I think take care of Jeff's point, Jeff Neuman's point.

Stéphane Van Gelder: Replace supporting by supplementary.

Jon Nevett: Yes. Does that work with you Jeff?

Stéphane Van Gelder: Jeff?

Jon Nevett: Yeah. Sorry about that, we have to actually walk up to one microphone here. And by the way my affiliation is with NeuStar for those of you that don't know me.

So the latest report was not supplementary to the latest version of the DAG. It's a complete separate, I don't even know what you call it, but it was presented by the economists to the ICANN board three weeks ago, as long as it encompasses that and we all understand it encompasses that I really don't, it doesn't matter to me what it says.

Stéphane Van Gelder: Jeff, how about supplemental?

Jeff Neuman: I guess that could work.

Stéphane Van Gelder: Okay. Can we update that and let's get to J. Scott.

J. Scott Evans: This J. Scott. I think you can say "and any supplemental documents" and that would take care of it and you could then put a footnote there, as we've done, and explain what type of documents you're considering to be supplemental, for example X, Y and Z.

Also I agree with Ron that the A, B and C that was in the IPC version is the better way to go because it gives them focused deliverables about what they're trying to assess likely effects upon, rather than an open-ended, amorphous thing that seems to be too broad and too big to get your arms around.

Stéphane Van Gelder: I would, my personal view is that we should avoid footnotes. What do people think about, so J. Scott you're suggesting that we rein, and we'll get that text, we reintroduce in the objective the, was it A, B, C Margie that we had before? Yeah?

Jeff Neuman: I think if I understand J. Scott clearly he's saying we should work towards having very specific things that we respond to as was listed in the A, B, C of the IPC document.

Stéphane Van Gelder: Okay. But we do need specific suggestions as to the wording to move forward. Chuck I see you have your hand raised.

Chuck Gomes: Yes. A comment kind of following up on what J. Scott said there. And by the way I should qualify that as GNSO chair I will be included on the list for this group but I, I intend to let you guys do your work and don't plan to be an active member going forward except as needed.

But my comment is this, what I see in the first version of Objective 5, at least in the original wording is that it stops short of what is needed. It says to determine whether there's a, a material difference between the two, but I don't think the intention was to stop there. If there is I'm assuming that some analysis should be done beyond that and I think that's what the second version of Objective 5 accomplishes.

Stéphane Van Gelder: Thanks Chuck. So I'm just looking at Ron, I think you're working on wording there to, right. So, so let's give Ron a chance to do that and maybe in that case we will reintroduce more specific wording into that objective. Is that okay with everyone? Looks like it. So let's...

Man: Could you repeat that? Stéphane we lost you here in San Francisco.

Stéphane Van Gelder: Sorry. I was saying that Ron Andruff is working, he's just sitting next to me working on wording to reintroduce some of the notions that were in the IPC version and try and narrow this down. So we're just giving him five minutes to, to do that because he's working on the fly. Did you get that J. Scott?

Man: And I might add I welcome you to (unintelligible).

Man: Well, Ron we need to see something on the screen if you could put it up and then we can wordsmith it from there.

Stéphane Van Gelder: Give him five seconds. Mary.

Mary Wong: It's Mary Wong, NCSG. And this is more a question to those who are on the drafting team I think was, for this, for purposes of clarification.

It seems to me just reading the two - and I know we've taken the second objectives off the comparative table, but if we're reintroducing parts of it that there's overlap between the two but that it also potentially addresses some different things as to, for example what is, and the extent of the material deviation that may or may not have an effect on Internet users.

So I guess my question to the drafting team is whether there was some intent to capture something different by the two objectives or not?

Stéphane Van Gelder: Avri (unintelligible).

J. Scott Evans: Mary this is J. Scott Evans and I was on the drafting team. And speaking for the IPC version, what we were seeking to do and thought all along that needed to be done was the Objective 5 needed to study the effects on certain specific points, touch points or even, why even have this working group all together.

I cannot speak to the other version, which I believe was Milton Mueller, someone else on the drafting team will have to, correct me if I'm wrong, who was advocating that position, and I can't remember exactly what his rationale was.

Stéphane Van Gelder: Avri.

Avri Doria: (Unintelligible).

Stéphane Van Gelder: And then Chuck, sorry, Chuck have you still got your hand up or was that from before?

Okay wall Avri, sorry, go ahead.

Avri Doria: Yes. This is Avri from the NCSG, and anyone who was on the drafting team knows that I was the other half of the Milton Mueller and Avri Doria comedy act of to NSG folks who didn't agree with each other. So on this point was one where I did not agree with Milton but since Milton's not here.

And I hesitate to indicate that (unintelligible) you completely properly, but basically he has a very strong concern about defining it too broadly and basically defining ourselves into a situation where we were trying to basically boil the ocean, and so therefore that was why he was always trying to restrict (unintelligible).

Stéphane Van Gelder: But so what I'm hearing is that going in the direction that's been suggested now is actually something that the group would agree with. Yeah.

Kristina you were making some comments on the chat, I don't know if you can hear me or not, perhaps you're making those comments because you don't have access to a microphone, so let me just try and read those so that everyone has them. Is that it?

Woman: Yes.

Stéphane Van Gelder: Yeah. Going back to the supplementary documents issue you could deal with it by saying supplementary documents including but not limited to, that would allow you to avoid a footnote but it would also provide clarity. Is that something that people in this room are okay with? Do you want me to re-read that? Yeah. Okay.

The suggestion is, the suggestion is to add supplementary documents including, but not limited to. Don't hear much against that. Okay so we'll proceed to try and work that in. Thank you Kristina for making that suggestion.

Man: Yes (unintelligible).

Stéphane Van Gelder: J. Scott are you able to, are you on the Adobe thing?

J. Scott Evans: Yeah, but it's not picking up my comments when I make them, but I see what she said. But you've left out the part where she said in brackets you need to give examples after that language, including but not limited to and then she's got bracket, this is Kristina's comment, example and then that's where she's saying that you would put in economic study or whatever else, you would give a couple of examples there.

Stéphane Van Gelder: Okay. Thanks J. Scott. Kathy.

Kathy Kleiman: Good morning, good afternoon all. This is Kathy Kleiman and in the interest of full disclosure I am now the Director of Policy with .org, the public interest registry. And joining you from (Restin). And but a few weeks ago I was still NCUC and I remember seeing Milton and Avri argue over the, over this issue.

And I thought it was a much narrower issue that we were talking about for the working group, which is specifically whether, and please correct me if I'm

wrong, which was specifically whether the vertical integration as it was being introducing, as it is being introduced in the DAG, is a significant departure or change from where we were earlier, from what has been the current practice of ICANN.

I thought that was the question coming into this working group, because if we look at other questions or the effect on Internet users where is that documentation going to come from and how long is this process going to take. Thank you.

Stéphane Van Gelder: Thank you. Now we're still in the process of updating that document up there and we have some comments on the chat from Jeff as well, Jeff Neuman, but Jeff Eckhaus wants to make a comment here.

Jeff Eckhaus: Yeah. I want to agree with what Kathy's stating and I had spoken to Milton about it, and that was the rationale and I think that that idea has somehow been lost on the note taking up here is to look at the deviation between the contracts in the past and what's being presented, versus trying to predict what's going to happen in the future and either a possible or a likely outcome.

So I think there is a complete different between those objectives and I think our combination here is sort of losing the original intent of the Objective 5.

Stéphane Van Gelder: Yeah. Margie.

Margie Milam: Jeff, to answer your point I think that's in other objectives, we now are focusing on Objective 5, right. Doesn't Objective 4 cover that, identify the differences and restrictions concerning, you know, separation on the one hand and that options described in the most recent version, is that what you're referring to?

Jeff Eckhaus: Unless I have an older version but I believe that the Objective 5 was, that the last sentence was the options set forth in the recent version of the DAG and

the supporting document constitute a material deviation from current and past restrictions and practices regarding registry, registrar separation.

Woman: (Unintelligible).

Stéphane Van Gelder: Sorry I was chewing. Okay. We're nearly up, our hour's nearly up. Just a couple of housekeeping issues that I want to raise, one, I will ask staff to send out a doodle for the call for this group. I suggest we don't do it next week because, you know, with everybody traveling and everything it might be a bit too short notice, but perhaps the week after.

I would also, as we said in the introduction, ask you all to communicate to your groups the call for volunteers. Glen do you have the list of the people that have been involved in the group today?

Right. So as a starting point those people would be on the, I suppose everyone, does everyone that is participating today want to be included in the working group?

Well yeah, so hang on, let's do this simple, in a simpler way because I had assumed this was the case but it's not. So can I ask all the people that want to be in the working group and have been involved in this, in today's meeting to send an e-mail to Glen, Glen I forget your e-mail but I'm sure everyone has it.

Glen Desaintgery: Yes. I'm sure.

Stéphane Van Gelder: Saying that you want to be in the, in the working group and from that we will start the list, the working group list and we'll send out a doodle call for a call next week, no sorry, the week after.

Right. So.

Glen Desaintgery: One small point, one small point please, if you send me your address please send the address that you're going to use on this working group and not perhaps a traveling address, which will only get to you today and not next week. Or if you want two or three addresses added to the working group to make sure that you cover all your addresses please send them.

Stéphane Van Gelder: Thanks Glen. Now either we cut it off here or we carry on for a little longer just to try and refine that Objective 5, but perhaps we can cut it off here and that would be our agenda item for the next meeting.

And I would encourage discussion on the list, when you do make suggestions for the Objective 5 it is very useful for us, us managing the work or centralizing it, to have written suggestions of text where you want to add it and so that's clear for us so that we can update it.

Any further comments? Any other business? Margie.

Margie Milam: Just a couple things. We will need statements of interest for all our working group participants and also at some point we're going to have to talk about, and maybe do that on the first meeting, a public comment period. When we start a PDP there's usually a requirement at the beginning of the PDP process to do a public comment, so I just wanted to let you guys know about that.

Stéphane Van Gelder: And just to make it clear, I, my suggestion is that we take, we pick up the work from what's on the board at the moment, so the Objective 5 that's on the board right now would be our start off point.

Okay? Thank you everybody and see you again.

Man: Thank you.

Berry Cobb
Martin Sutton
Richard Trindal
Avri Doria
Mary Wong
Debbie Hughes
Richard Tindal
Stephane van Gelder
Jon Nevett
Jeff Eckhaus
Wendy Seltzer
Chuck Gomes
Kristina Rosette
… Caine
Jeff Neuman
Bing Cheng
Statton Hammock(?)
Steve Holsten
Kathy Kleinman
Pavisio Vira
Greg Aaron
Bob Mountain
Mikey O'Connor
Craig Schwartz
Ken Hansen
Tim Switzer
Ron Andruff
J.Scott Evans

Liz Gasster
Margie Milam
Rob Hoggarth

END