PRAGUE – Application Batches
Monday, June 25, 2012 – 18:00 to 18:30
ICANN - Prague, Czech Republic

Female: …ICANN, Kurt Pritz.

[Applause]

Kurt Pritz: Thanks everyone.   So I'd like to – everybody chatting amongst themselves in the back; we're supposed to talk about planning for a second round of new TLDs, and also about batching. I recommend that we talk about batching first, but I want to take a poll because people base their schedules on the schedule.   But actually it's time for the batching discussion to start, and we all sense that that's the topic of greater urgency. And I think what we want to do is just kick off some effort on planning for the second round, but do you have a comment, Bret?

[background conversation]

Kurt Pritz: There's a batching joke in there somewhere.

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Bret Fausett: Well, and I've got a comment to make on the second round too, so I'll just be here for whichever subject you decide to pick.

Kurt Pritz: So would anybody object, there's also some Board members here that have to go, so I want them to hear your comments about batching. And I'm going to go through some slides, because that's what I do for a living, sadly. [Laughing]

So is that okay with everybody if we talk about batching first? Yes, okay, thanks. Ted? Excellent. So I hope these are helpful and inform the discussion, and it's meant to kick – this has already started a collaboration amongst yourselves and there's opportunities to collaborate with the community.

So I start with a definition of what a batch is, but for the purposes of processing applications it really occurs twice, right? It occurs when ICANN assigns applications to evaluators to process and evaluate, and when they finish, batching has to do with how the results of those evaluations are revealed, made public and then those applications can go on to the pre-delegation testing and get delegated into the root zone.

Which is the same thing here, I think what we're interested most in is how we publish and in what order we public applications that have passed evaluation, because at that point, that's when those applications can be processed for a delegation and go into the root zone.

I also just want to briefly distinguish between batching, which is just that, and the secondary time stamp or digital archery, which is a

method of assigning scores and getting to batches. And I think what we're primarily concerned with here is a batching methodology whether we do all the applications, reveal all the results in one batch, or reveal applications in some sort of metered way. And then we can talk about what tools might be used to do that.

So like I said batching is to allocate applications into the process, and I've described for some audiences here that already in ICANN's plan to do that in an efficient way the evaluators that do the applications most efficiently will get more applications as we progress through the evaluations.

What about releasing the results so that we can get those applications to delegation? Well it has to be an equitable method, and it has to be smooth to a certain extent. So we've set 1,000 delegations in one year and not just all in one day. And I would refer you to as sort of an upper bound on lumpiness in delegations rates, I'd refer to you delegations rates, an [aerial] paper that was done I think in 2009 that set an acceptable standard for kind of the lumpiness in which applications can be delegated. I hope this is making sense.

So I'm sort of targeting these comments on ICANN [Cognicente] who wants to sort of drive to a solution on this issue. So I just pretty much talk to this that the root zone scaling study said that I wasn't how many TLDs were in the root zone, it's the rate of change and so the threshold rate of change is commonly understood to be 1,000 in a year but needs to be smooth in some way, not a singular event.

So those of you yesterday who were urging ICANN to order the low cost provider in each case I give you this really cheap graphic that I did. But

it's meant to illustrate what I've just discussed that applications will be metered into the evaluation process and there's two, actually three different evaluation teams and then what we're concerned about is the time to release of those application results. Do we release them in sets? Or do we release them all at once?

If we release the results at different times, it has to be done in a fair way because it might provide an advantage to those who go first if there's a big difference in time between the release of one set and another set. Releasing the evaluations at the same time is inherently fair, but it might require some metering process at the end to get to the 1,000 per year rate, and at the end of the day waiting to do them all will result in a longer time for the whole process to complete. So that's the sort of balancing that's been going on ever since we've talked about batching in guidebook number one.

So what we've heard here is these emerging positions from the community that whatever solution we arrive at has to be fair, that evaluation results should be announced at the same time, that successful application should proceed to delegation phase without undue delays, that the delegation to the root zone must be at a smooth rate, and that also we have to take into account GAC planning. So the GAC has told us they'll furnish early warnings by October 2012, and that GAC advice would at the earliest be furnished not furnished before the Beijing meeting which is in April 2013.

So I think you know that's the whole background, and so what I really want to do is encourage the Board members that are here and I to listen to proposals or comments you might have about this process, both

concrete proposals for what we should do and proposals about process and discussion and how we might move forward. Bret.

Bret Fausett: Thanks Kurt. I have two comments. One is a quick defense of digital archery. I may be the only one who takes the microphone today and makes this point. I don't know whether digital archery is a good idea or a bad idea, but I do know that it was your idea, not you personally but ICANN's idea. And in a March Board Resolution, we were told that the generation of the secondary time stamp was the process. So we had two choices at that point.

We could complain, or we could go about solving the problem and figure out how to shoot straight. So we spent time trying to figure out how to shoot straight and we think that with digital archery we were going to have an acceptable business outcome, I don't think we're going to shoot any better than anybody else, but we sort of knew what this was about and we figured that we're going to do as best as anyone to do.

So having invested that time and sort of tried that, and spent two weeks shooting arrows, it's very hard to completely change that and give us what we think is going to be a less acceptable business outcome based on all the things that we relied upon that ICANN told us. But I did hear something last night in the hallways that I thought might be better. And so I haven't seen it floated anyplace else, let me relate to you what I heard.

Male:	By less acceptable you mean it will take longer at the end of the day to delegate?
Bret Fausett:	Right. Right, and it seems pretty clear to me from the conversations over the weekend, and hearing the Board Chair talk that there does need to be some flow management mechanism and I think as Jim McGrocker said that if we don't do it now, we're just kicking it down the road. You know eventually you're going to have to solve this problem.
	So the idea I heard last night and I haven't heard anyplace else in a public microphone was that ICANN might be in a position in Q one 2013 to give everyone a – put you into two batches, easy pass no questions, and questions. And then in the questions batch, people with the one question would have priority over people with two questions and things like that. To me that's the ultimate game of skill and because now we're talking about the application you wrote and to the extent that you can actually take the quality of the application into the batching method, that I think I might like better than digital archery.
	So I hadn't heard that one, I wanted to raise it with you see if – does that sound like something that ICANN can do; is that a starter for a conversation?
Kurt Pritz:	I think it's a starter; I'm just standing up here as the virtual target. [Laughter] In front of people who have now learned to shoot straight [laughing].

Jordan Buchanan: Jordan Buchanan with Google. I just have mostly a clarifying question to sort of help frame this conversation. You put up there a list of sort of criteria for a solution. Is it your view that there are no other bits of policy framework that need to be complied with as part of a solution? Do we have all degrees of freedom other than the constraints that were listed on that slide in terms of developing a solution to this problem?

Kurt Pritz: Well, I think that list was put together by a few of us who heard those things. So my answer to your question is I don't know, it kind of depends on the solution proposed and what process we should go to to say that there was the right degree of consultation before making the decision. So there's a subset of applicants here that are discussing solutions. But also here are the SO and AC Chairs that represent in a sense the rest of the community. So depending on what we talk about, we also want to talk about what's the proper way of approving it, and since we have not just a question of subset of applicants but also the representatives of the SO and AC leadership consulting with them might be a path or other things.

Thomas Rickert: My name is Thomas Rickert and I just had the pleasure to Chair a roughly two-hour session in another meeting room that unfortunately couldn't announced on the official ICANN agenda, but nonetheless we had a turn out I think far more than 100 persons being there.

The discussion was very fruitful and I think that we have been able to collect all sorts of proposals or possible ways forward to inform the Board about potential alternatives to the process as it stands now. We will summarize the outcome of the discussion and provide you with that.

Nonetheless I think that there were two or three questions that came out of the discussion that you might answer for the sake of the whole community. The first one of which is that there is uncertainty the terms of the delegation rates. You mentioned that the maximum of 1,000 TLDs per year needs to be smoothened out. I don't know whether smoothing out is actually necessary from a technical point of view or whether we take those and all throw them out in one day. What's the maximum rate per day to be for example? So I think we would need more information about maximum delegation rates and the shortest time intervals.

The second question that came up is in terms of digital archery, I think the vast majority of those that have been present did not really like the approach, but I think that doesn't come as a surprise to this group. But nonetheless the question was…

Kurt Pritz: Did not really like the approach, right? Did or did not?

Thomas Rickert: Did not really like.

Kurt Pritz: Okay, thank you.

Thomas Rickert: Nonetheless there was the question of how long it will take ICANN to fix the glitches in the digital archery system. And the third question was what the contractual parameters with the evaluators are? Is it an exclusive contract or can more resources be brought potentially from third party contractors, thank you.

Kurt Pritz: So Thomas, thanks for your initiative in arranging the meeting. I think it's – so off the top of my head, I think it can easily found in the public record in discussions with technical community members that 1,000 per year does not mean 1,000 a day.

The issue is about not the size of the root zone, but about rate of change of the root zone. And a singular, almost singular like 1,000 per day was in discussions thought to be unacceptable. And a couple of years ago, I don't know where I described this several times so far.

But a couple years ago, ICANN published a paper about proposed or delegation rate scenarios that forecasted for batches of 500 given the natural spread of initial evaluation, some an extended evaluation and assumed a certain percent of it, objections and so on, that would create some spreading, it forecasted a delegation rate of 1,000 per year and said this is the lumpiness of delegations throughout the year, so it's not completely smooth, and that delegation rate scenario paper combined with many other studies that were done was part of carrying the day on the root zone stability or scaling discussion.

And so that's sort of a baseline I think for lumpiness and I think what we want to do is aspire not to make the delegations more singular or one-time events than that. So that's a really vague and tough answer to your question.

With regard to our contractors and evaluators, I don't think there are exclusive agreements because we've hired three evaluators for example to do financial and technical evaluations and I've said this before, they've hired and trained staff and actually the calibration and training has been going on for months. And so as the manager, I'd be very cautious about adding additional resources at this stage of the game that the training has been somewhat substantial and there's been really close coordination between the existing contracted parties as far as working together and understanding the issues together. So they carry to their teams the standards and the scoring.

I forgot your third question.

Thomas Rickert: Time to fix the digital…

Kurt Pritz: Yes, I don't know. So I don't know.

Thomas Rickert: Thanks Kurt.

Colin Campbell: Okay, name is Colin Campbell; we are applicants we applied for one gTLD .club. I can say that I was probably one of those individuals who is not in favor of digital archery months ago. You know when we were given the challenge by ICANN, we looked at it, we spent a considerable amount of money in the last two months putting together a solution. We hired engineers, consultants, networking guys and we put together we believe, we rose to the challenge that was set by ICANN, we put together a solution. And at this stage for ICANN to change the rules, and I really believe that you know a decision has to be made by ICANN whether or not you are going to change the rules in the middle of the game here.

Then once that decision has been made and firmly decided and firmly communicated with no ambiguity because ambiguity costs a lot of money obviously, then I think the decision can be made okay, we need an alternative batching method, and what is that method and then get proper feedback from the community with respect to that new method of batching.

But I really believe right now the Board is at a stage where it has to make a decision as to whether or not it's going to change the rules of the game and that those applicants that spent considerable time and money to do what ICANN said and followed the rules of ICANN will be harmed by the decision and those applicants that complained and stood back and didn't rise to the challenge and didn't follow the rules of ICANN are the ones that will be the beneficiaries. Thank you.

Kurt Pritz: Thanks for that good comment.

Fred Kruger: Hello, Fred Kruger, Minds and Machines. I have a suggestion which I brought up in the previous meeting for a different way of addressing this problem. My suggestion is that we, the community, need to work it out amongst ourselves. In many ways similar to the way you're asking us to work out auctions by ourselves, work it out amongst yourselves. I am happy to sell my slot in line for many of my TLDs that I've applied for. I've applied for 68 on my own account.

I like Google am mainly interested in several of these, I value .London significantly more than I value .beer. I'm assured Google values .Google more than .lol. Digital archery has this flaw that everything is equal. I can't prioritize my shot for .London versus my shot for .beer. I think what everybody should be given is a point, everybody starts out equal, everybody has one point. If I want to give my point to .London, .London now has two points, if I want to sell my point to the gentleman in front of me for .club, he can buy it from me. Let the market decide. And that's my suggestion.

Kurt Pritz: Thank you Fred. Hello Patrik.

Patrik Fältström: Hello Kurt. Patrik Fältström, Chair of the Secured and Stability Advisory Committee. Let me reflect a little bit about the ordering and the smoothness that you were talking about.

We have of course in SSAC been discussing this quite significantly, not only the last couple of weeks, but also the last couple of days and the last couple of hours, and will continue to talk about this. Let me try to explain what the smoothing is about.

The short story is that the smoothing has to be there, and you have to be able to slow down if it is the case that before, during or after introduction of the new gTLDs, the service that IANA and the root service give to existing TLDs goes down, then you need to slow down. So the question about 1,000 has more been due to the technical community think that the risk is small enough, not that there is no risk, and not that 999 works and 1,001 do not.

We also of course know that compared to when the root scaling studies were done at that time we were looking at combinatory effects of adding new gTLDs, IPv6 and DNSSEC at the same time and that combinatory effect is now gone.

So if it is the case that the whole system actually works and the scaling and the ability to do things in a parallel that implies you read between the lines of what I said, implies that you can add the things faster. If it is the case that the service level goes down which means that if you send in a request for a [NS] record change to IANA, and it actually takes suddenly much longer time for that to promulgate to the root zone, then you need to slow down.

So it's the feedback process that is the most important part, not the number 1,000. Thank you.

Kurt Pritz: Thank you Patrik. So ICANN is like great place because we talk about this technical issue that I can't describe and then the Chair of SSAC comes to the microphone and explains it. Yes.

Male: Okay, I have the serious proposal and the rest of the things. The serious proposal is that we order the evaluation on the delegation by the alphabetic order of the family name of the contact. For instance, Abril going first.

Now, the less serious proposals. Well it's not far from digital archery genetic digital archery if you want, and it was some generations ago. Now, for the last one, I mean you will get from many of us a lot of suggestions. A few of them are incompatible, most of them are compatible because we're looking at different things, and it will help you improve the efficiency of the evaluation and how to limit the delegation of the TLDs or perhaps not. [There is not], you know, perhaps a great universal plan, but things that can help improving that.

Now, we discussed many things about improving the evaluation. The only thing I want to see here is one batch or not? The problem with batching is that it creates an unneeded stress of winners or losers and we saw that many customers we had were not excited at all about the timeline, they were excited about being losers in this game, being in the fourth batch, being in the third batch. And that created unnecessary stress, immediately when they got interested in the results, even if they were not two months ago.

So I think that from a psychological point of view, I don't think this batching stuff, it has created an unneeded stress.

And the second thing regarding that is one batch is preferable if this doesn't delay the start of the delegations down the road. If it's by one month or two months, most people, I don't whether anybody most people would agree that one batch and two months delay of the start of delegations is acceptable. If this is ten months lots of people will disagree, if it's two years most people will tell you we need some sort of batching by any other name or something like that, right.

So we cannot provide you an absolute answer. (Inaudible) about it is that yes, one single thing in principle is better unless the consequences are worse. Sorry for being that helpful.

Now the next thing that should be taken into account is the question of fairness. It's not just about this market and how rich are you and how much do you want to pay for that. The question is that here also we are creating some unneeded stress. And some of that is purely market based like you know I am .music and there are other music-related TLDs and they would not like if we all passed the evaluation to be delegated three years apart one from the other, or one year and a half apart. So why not grouping that delegation, it makes sense; you can ask people how to group. Or how to for the portfolio applicants what's their preference, that's absolutely logical that that was not contemplated. I value more this TLD more than this one from going first, why not allowing people to do that, right.

So these are things that can ease you down the road in evaluating and delegating just taking this criteria that are not exclusive, are just

(inaudible). The next thing is taken tracks, I mean you have one track for instance for exclusive use TLDs and another one for portfolio, et cetera, and you make sure there are a certain number of each track with this internal criteria in each batch and you say well let's take the telecommunications and IT solutions brands and let's keep the car manufacturers for the next one, but at least if they all go together. This is what all of them are telling us, all of them. I don't want to be behind my competitor.

The other question is public interest and we need to talk [right] about some things, I would hate personally that any solution we adopt now would bring prejudice to the African applicants, the Latin American applicants that in the current situation are somehow [ready] to be at the very beginning. We are not working with any of these applications, but I think that there enough diversity and public interest arguments to make sure that these people are not at the end of the deal.

I'm not saying the first ones, but at least there is a track for these people and for IDN TLDs as well to be somehow to be taken in parallel with you know some brands, some portfolios, some general ones, some communities, some IDNs and the underrepresented regions of the world. So we can take all this together and work. But the most important part is remember nothing can be completely automated. There is some need to ask people what are their preferences because they have very clear preferences among their own [lists regarding] with whom they will grouped but at the delegation time. You know that people care which we (inaudible) are evaluated at midnight, it's just what time they occurred in the root.

Kurt Pritz: So I'm going to try to recap what you said in a very few words.

Male: Okay [laughing].

Kurt Pritz: So a number of small common sense approaches, different common sense approaches applied manually across the whole population that would break it logically into different groupings that are preferred by the applicants themselves.

Andrey Kolesnikov: I am Andrey Kolesnikov of .ru, but we involved in the (inaudible) noncommercial new gTLD applications, I've got some experience on this. First of all I would like to say a few words about digital archery. It's supposed to be a competition, but now it's a fight of robots; and basically everybody does robots in the scripts which is pushing the button getting random results because it depends on the certain latency on the channel during the pressing the button by the robot. So it's a fight of the robots; there is no competition in this one.

But let me be more creative in this way. Regarding the numbers and the batching, I do believe and a lot of my colleagues believe that one single batch is a fair approach, is a simple mathematic approach. First of all, I think the IDNs should go first. Second the conflicting batches should go last, because it will take longer for them to complete. So if you apply them and talk to them, about 20 applications will be shut

down by the GAC. About 10 applications will be shut down by the [relationship string]. So we 1,409 units, minus 200 it's already conflicting, minus 10 by the GAC, minus 20 by the string for security, so we've got about 1,149 applications which is suitable for the batch. It actually doesn't matter how it will be released, maybe by the alphabet, you know we don't care. As far as the single and transparent and discussed way of releasing the applications, but you know, [the propensity] to shut it down? Well you know it happens, the internet must work.

Also regarding the number of applications we found out that there is a lot of off shore US companies registered in Europe which applied which heads up a little hell to the counting, to the matters of counting of the batches and everybody knows about it. So let's make it simple, thank you.

Kurt Pritz: Thank you. I'd like to introduce Wendy Profit from ICANN to the community.

Wendy Profit: Hi everybody.

Kurt Pritz: She's our remote participation manager.

Wendy Profit: And I have about four questions from our remote participants.

Kurt Pritz: Then you must go the end of the line.

Wendy Profit: Then I'll go to the end of the line. The first one was actually asked in the last session, and then rephrased like in this session, may I ask it both ways so that it makes sense.

The first time it was asked it was worded like this. Given that current registrants of IDNs and CNO have been waiting for their IDN .IDN equivalents to finally be made available to them, would it be possible to process the IDN transit applications from VeriSign and PIR without further delay. This would have the advantage of testing the test of the system to hopefully prevent further unforeseen circumstances.

And then rephrased hopefully for more clarity as this. Other than technical challenges specific to IDN TLDs, contractual circumstances distinguish IDN TLDs from their ASCII counterparts. This has not been accounted for in ICANN's new gTLD program or any of its recent policy work. In particular, it is a fact that communities who do not use a Latin-based writing system have been thus far underserved by the domain name system. These communities have a reasonable expectation of access and used to an equally useful DNS as other communities have enjoyed for decades. As a result, would ICANN consider batching first applications for internationalized version of existing gTLDs?

Kurt Pritz:	Good job, Wendy. So that I understood the question the first time and understand it restated too, it's been – have a good answer for itself. You know it's been argued in several places that IDNs should go first and certainly this suggestion that these particular IDNs go first needs to be taken into account with the other arguments and discussions that are taking place around how to form these batches, or how to process applications in fair way.

I think what we're hearing is they need to be processed, you know Amadeo and others have said they need to be delegated as close in time as possible first to eliminate hardship on some, and then to the extent there are differences in time, then group them in a logical way again to minimize hardship on parties.

Do you have a short question there?

Wendy Profit:	It's not as wordy a question. I don't know about the answer, but the question; how long will the applicants have to wait before a decision on the batching process will be made?

Kurt Pritz:	So let's just stick a pin in that question and try to get an answer to it at the end of this session when everybody's made their comments and we can sort of make a plan for going forth.

Wendy Profit:	I'll save the third one for the end of the line.

Kurt Pritz: Thanks Wendy.

Werner Staub: My name is Werner Staub, I'm the Swiss guy and you know all the story of William Tell. And I think he is a good example to show why in archery or other cruel and frivolous game forced upon an unwilling archer is not a good idea.   And for everybody to remember that, I want you to remember the question the tyrant asked the archer, actually it was a crossbow, but the tyrant asked the archer after he successfully shot into the apple and did not kill his own child, he asked him why do you take two arrows. He said if I had killed my child, I would have used the other arrow to kill you.

Now, it is the situation [laughing] of every one of the unwilling archers to think of the only solution that would be to take down ICANN, it is absolutely impossible, digital archery is the nail in the coffin of ICANN's credibility. We should do away with it as quickly as possible. There are many other things to do if indeed as a last resort we need some external skill-based things as I said before let's play rock, paper, scissors or something like that, there is games that are not cruel and not based on cheating, doping and proxy fights.

Kurt Pritz: Thank you, Werner.

[Applause]

PRAGUE

Chris Disspain: Nice analogy. Chris Disspain, good afternoon. I wanted to make a couple of points; a couple of what I think are factual points and ask a question of the room. First of all none of us are particularly delighted to be standing up here or sitting in this room talking about this, it would all be great if we didn't have to, but unfortunately we do.

I made some comments in the GAC yesterday afternoon, I'm not going to go through them in any detail, but I just want to briefly cover them. Whether you batch, or you don't, there are a number of points along the way that are going to cause, slow down things to be done in a certain order. There is the contracting point, the guidebook says clearly that contracts will be dealt with on first come, first serve, so they're going to come in, they're going to go into a pile and they're going to be dealt with, and only a certain number are going to be able to be signed in one day, and they're going to be sent out and so on. So this has nothing to do with batching, it's just a natural thing that's going to happen anyway.

And I appreciate all of the comments about 1,000 and how can you do the delegations, but I think it's important to remember there is a formal delegation process that has nothing whatsoever to do with new gTLDs, it is everything to do with IANA's processes and that is there and it exists. And it doesn't matter what you do in batching or any of that stuff, there is that process, and that process needs to be gone through and that process does not just involve ICANN, it involves third parties who have jobs to do that process. So that's another point at which they will automatically be whether you batch or you don't, there will

automatically be only a certain number that can be dealt with at a certain period of time.

Having said all of that, my question is simple this, or rather it's more of a sort of statement which turns into a question which is, what I think the Board thinks you want now is certainty. And everyone's got their own ideas and I understand and we've got to work our way through all of those, but I just want to be clear, we think what you want is certainty. And the last thing you want is us running off for the next five months trying to figure out how to do this, right; is that basically right?

Male: Yes.

Chris Disspain: Okay, cool, thank you very much.

Kurt Pritz: Thank you Chris. Hello Chuck.

Chuck Gomes: Hi Kurt, I appreciate how relaxed you are. I'm Chuck Gomes from VeriSign, but I'm not here to represent VeriSign; in fact, I haven't talked to anybody on my team about what I'm going to say. So I may be a target for archery when I walk away.

There may be some ways that the problem can be reduced. One of them that seems really obvious I don't know if it will be a significant help or not, there probably are still people who adopt out. See, that

reduces the size of the problem, okay. I was fascinated by what Fred suggested with regard to allowing market forces to work in terms of prioritization and I'm a big one for market forces myself personally. That of course would probably disadvantage people from developing countries and things like that, which I think would be unfortunate outcome. But his idea could be translated another way.

What if applicants who have the multiple applications were allowed to prioritize them? Now, we'd still have to decide okay how does that translate into batches or something like that; but that again could be a way to reduce the size of the initial problem. And I just thought of that after I heard Fred, so I just throw those out for additional thought.

Kurt Pritz: Or if a single applicant could prioritize those and you valued A higher than B, but B got a higher priority than A in some sort of prioritization scheme that person would be allowed to flip them.

Chuck Gomes: Yes, I guess. I think we could play with that and come up with several scenarios that might help reduce the problem.

Thomas Roessler: Thomas Roessler, good afternoon. I'm here to plead against fairness, and I'll say what I mean by that. We're talking a lot of this conversation about this proposal is unfair or that proposal is unfair. And we usually don't say what we mean by that. That is a problem because it doesn't let us as a community or as a Board actually evaluate proposals. I think

it is incredibly important that we have a frank and clear conversation about we are solving for.

Are we solving to not at disadvantage developing countries as Chuck just said. Are we solving to give everybody regardless of who they are the exact same chance at the first batch, that's probably just to find the lottery? Are we making prioritization decisions based on the nature of the application according to certain criteria that we actually all think our fear because we think advantaging or disadvantaging these or those folk is a good thing? I think that is a conversation we needed to have. I want to caution us against thinking just in terms of fairness because typically we have no idea what we mean by that. Thank you.

Kurt Pritz: Thank you Thomas.

Wendy Profit: I believe I have two more and a comment if we can get to that, let's see how the first two go. Sorry I lost it in the scrolling back and forth, I apologize.

Can IDNs move faster in the evaluation process than other applications? There is a large number of users who will benefit immediately. There are just over 100 IDN applications which according to the prior processing rate, 500 applications over five months, these could be evaluated within one month and possibly delegated within two months after this. So we could see IDN streams on the internet as soon as October of this year.

Kurt Pritz: And thanks for that question, and that's been urged by others. I think Amadeo urged that they not be last, or at least they shouldn't be last if that can be avoided.

Wendy Profit: Next question, scrolling. If legal can only process three per day, who gets into the cue first how will that be decided? It seems to me you're just pushing the bottleneck down the processing path.

Chris Disspain: So I'm going to take my Board hat off and put my lawyer's hat on and tell you that this happens all the time. It's perfectly normal in tender processes and all sorts of arrangements you have to physically send your contract to ICANN signed with all of the appropriate papers. They're opened at the time that they arrive, they're numbered, a notice sent out saying thank you very much indeed, we've received your contract, you're number 27 in the pile and we currently anticipate that we'll get to yours in two weeks or three weeks.

                     So you've got certainty that it's arrived, you know what number you are and you've got a rough estimation of how long it takes. That happens all the time, there's no science to that, there's no rocket science to it, or rocket surgery, it's just a simple straight forward process that is commercial and happens all the time.

Kurt Pritz: Thank you Chris.

Wendy Profit: The last is just a comment and not a question. The comment the interaction of contention sets and digital archery may yield random outcomes risking meeting the State of California's test for a game of chance.

Kurt Pritz: Thank you Wendy. It's good to see you Paul.

Paul Toomey: And you Kurt, Paul Toomey, someone who does not have a gTLD application. Just a couple observations. I think the digital archery idea, I just think it's not a good idea, but one thing I would raise to you both around digital archery but also importantly for some of the discussions around commercial or market-based mechanisms amongst the participants to sort out the priority which I have a natural tendency of having some sympathy for; I think if I was to give advice to the ICANN Board as a whole, ICANN is not a company, it is a public good, international public good, there are people who have applied for TLDs in this space who are not going to come with a lot of money, but will come with an enormous amount of political power, and who I've got to tell you now from some things I've already heard, already very annoyed about the digital archery's proposal and what they see at being just an attempt to abuse another secondary market to charge people to make money, et cetera. So I think you should think very carefully about – it's not what you say, it's eventually how it works and how it's done and

how people see it that way, and I think you should be very careful about that.

The second point Chris to come to your observations around what happens next; I agree absolutely and understand that. May I suggest particularly around IANA processes, which will not be well known by the vast number of people in these applications, been run by CC operators, that you go to the person next to you making it clearest [what next things]; and any additional information that either IANA, the (inaudible) or other parties may need so they can go fill it in quickly. Thanks.

Kurt Pritz: Thank you Paul.

Leo: Hi, this is Leo from [CONIC]. I just want to express our attitude towards the batching things. I know that almost the majority of people that come here to support the single batch, and we would like to express our attitude towards our suggestions and our consent. You know that since the decision has been made for the Costa Rican meeting the ICANN Board has introduced the digital archery, and that because we have not yet discuss out the best solution for the fairness of the batching, but that is the only selection, but we're considering we should maintain the Board decision that made before back to the June, back to the last ICANN meeting. We're considering that people have followed the ICANN's decision as – I've heard that 20% of the applicant has launched their archerings, so we have paid and they have already cost so much and they have paid what they have done. And if we change the policy

right now, the people may get the so-called fairness, but I think the situation is much more complicated. That people may considering this is fair that you may know that they're always newcomers and there is always the out players. And out players can use their advantage to win their advantages to defeat their rivals who has just come to this project. So we're considering there is so much risks behind the single batch, so we support ICANN Board to reconsidering to maintain this decision.

So people you think that – the problem here is about the system glitches, it's not the Board's wrong decision. I think the Board had made a right decision and it's trying to fix the glitches. I hope that the system will be restored very soon and this will cause the most fair approaches for all the applicant if we play in a single batch, the people may spend more time, costs and opportunity costs. That's our concern and we support the use – still use digital archery. If anybody disagrees with me I would like to discuss with you further. Thank you.

Kurt Pritz: Thank you Leo.

Adrian Kinderis: Adrian Kinderis. First of all, Kurt, I would like to commend you on conducting this session on short notice, I very appreciate it. I know from a lot of people in communities thank you and also I think a special mention to Thomas about organizing his informal session, good job pal.

I just wanted to make one quick comment about certainty of process. I believe batching does not allow certainty of process for those that are outside of the first batch, there is a comment that gets often bantered

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about when you're just kicking it to the end of the process if you don't do it. I think that's fine. At least you've had an initial evaluation done. You've had a significant piece of work put behind you. If you then need a batching process at least the processes as far as I can see from there are a lot more tangible and you'll be able to do a lot of planning around those. So I think there's value in kicking it to the back of the process rather than doing it up front and providing uncertainty for those that are outside that process. Thank you.

Kurt Pritz: So you're saying there's value to applicants in knowing they've passed initial evaluation?

Adrian Kinderis: Yes, sir. And then knowing that there are certain gateways in front of you and go back to my stakeholders report on where I am in those gateways. If I'm outside of the first batch now, I go back to my stakeholders and I can't tell them when I'm going to go through.

Kurt Pritz: And don't ever call me sir again. So I think a lot of people here have to go, we've run considerably over time what was scheduled. So I thank you for coming. I just wanted to sit down because I felt it was inappropriate for me to look down…

[background conversation]

Kurt Pritz: Yes, that's right. So I thank you for your input. I think Chris is still here, Thomas is still here, Judith is still here, there are other Board members here at the outset and they've listened carefully and what I think the discussion to follow is how do we get this decision to closure as Chris stated. What you really want is certainty and that's what we're hearing, and so we want to develop a timeframe for getting to closure in days, so that we provide certainty for applicants.

So what that and George is still here – so with that I'm going to close this discussion.

[End of Transcript]