ICANN

Moderator: Gisella Gruber-White
March 15, 2011
2:30 pm CT

Man: Okay. Are we (unintelligible)?

Coordinator: This conference is being recorded. If you have any objections you may disconnect at this...

Man: Thank you.

Woman: Thank you.

Man: Good enough, Rita?

Marilyn Cade: Guys, we're going to get started in about two minutes. And really, if you possibly can as a favor to me, it will be very helpful if you could sit at the table or at least don't sit behind those post.

Woman: (Unintelligible).

Marilyn Cade: I was about to say as the new guy...

Man: Yes.

Marilyn Cade: Okay. You're looking for them? Thank you.

And are we - we're going to get started. My name is Marilyn Cade and I'll be chairing today's meeting. I'll do in - we'll do introductions first and then we're going to move right into the agenda.

We've got a packed agenda. And I'm going to make an immediate adjustment in the agendas you've been receiving for us.

But first of all I want to be sure that we've started the transcription. (Benedetta)?

(Benedetta):   Yes.

Marilyn Cade: Okay. So this call is being recorded. And there will be a transcript of the meeting which will be provided on - to all of you on the list.

This is an open BC meeting which means that we have a number of guests. We will be going around and asking you to introduce yourself. And that is the next thing we're going to do. So I am going to start by asking my friend, Karl, to introduce himself.

Karl Auerbach: You caught me by surprise. I'm Karl Auerbach, CTO, InterWorking Labs, network technology company in (Packwards), California.

John Hines: And I'm John Hines from Reed Smith from Chicago.

Lane Mortenson: Lane Mortensen with Wells Fargo here in San Francisco

(Lindsay Nichols):   (Lindsay Nichols) from Nokia.

(Eric Rosegar): My name's (Eric Rosegar) from Nokia.

Tero Mustala: I'm Tero Mustala from Nokia (unintelligible).

Man: (Unintelligible).

(Eric Shackard): (Eric Shackard) with (Aim).

Lynn Goodendorf: Lynn Goodendorf, Good Security Consulting.

Adam Palmer: Adam Palmer with Symantec.

Brian Winterfeldt: Brian Winterfeldt. I'm a visiting IPC representative to speak to you all today.

Benedetta Rossi: Benedetta Rossi, B.C Secretariat.

Chris Chaplow: Chris Chaplow, Vice Chair, Finance Operations on andalucia.com from Spain.

Steve DelBianco: Steve DelBianco, Vice Chair for policy.

(Lee Williams):   (Lee Williams) with the Financial Services Roundtable.

Janet O'Callaghan: Janet O'Callaghan with News Corporation.

Berry Cobb: Berry Cobb, Infinity Portals.

Mikey O'Connor: Mikey O'Connor, retired guy.

Chris Martin: Chris Martin, U.S. Council for International Business and the BC's nom. com. rep.

(Audrey Pung):   (Audrey Pung), Contel Corporation.

Susan Kawaguchi: Susan Kawaguchi with Facebook. And I'm also on the WHOIS review team for the BC.

(Sarah Shran):   (Sarah Shran), Exxon Mobil. And I'm just a visitor today.

John Berard: John Berard, with Credible Context.

Ayesha Hassan: Ayesha Hassan, International Chamber of Commerce, BC member.

(Christoph Steck): (Christoph Steck) from Telefónica and also representing ETNO.

Katrina Olsen: Katrina Olsen, Overstock.com.

Ron Andruff: Ron Andruff, R&A Partners.

Marilyn Cade: Ask you to just - ask you to go to a mic and grab it and announce yourself, your name and your affiliation. That'd be great. Maybe this empty one right here.

Mark Sloan,   Mark Sloan, Wells Fargo.

(Denise Iricita):   (Denise Iricita).

(Shannon Hoskins):   (Shannon Hoskins) with Visa.

(Deb Alvee):   (Deb Alvee) with Google.

(Montel Mogodovan): (Montel Mogodovan) from TCS India.

(Murray McCann):   I'm very shy. I'm (Murray McCann) from (Rodenbaum) in the back, back there.

Marilyn Cade: Anyone else who hasn't had a chance to introduce themselves?

Anders Halverson: Hi. On the phone, Anders Halverson, World Information Technology and Services Alliance, BC member.

Marilyn Cade: Thank you, Anders. And anyone else? Sebastien?

Sebastien Bachollet: Sebastien Bachollet, board member.

Marilyn Cade: Okay. I'm going to review the agenda. We'll make any adjustments to it. We're looking for one of our speakers right now so I may be moving things around accordingly. People are all finding their schedules as opportunities.

We're going to start the meeting off with a initial, unscheduled activity that will just take us a couple of minutes. But I'd like to explain to everyone a major function that has to take place on your behalf on an ongoing basis is our members are invited to work on our working groups.

And working groups used to be called something else, taskforces, but they didn't seem to properly convey the amount of work that had to go in. So the name was changed and the amount of work was quadrupled.

The working groups do not have perhaps the kind of structure associated with them that many businesses would expect. And so when one volunteers to work on a working group you really are taking on a lot of work.

We have been extremely blessed to have some of our members who are enthusiastically committed to making sure that there is Business Constituency representation in working groups. And I've decided to institute a sort of a spot recognition to inspire all of you that if you do something exemplary you too could end up in their position. I'd like to just at this point ask Berry Cobb and Mikey O'Connor to join me.

Man: (Unintelligible).

Marilyn Cade: But before I make this award I'm going to tell you that Chris has been analyzing the number of hours and the number of work products that working groups are doing. And we did make an assessment that these two guys are working about 25 times more than the rest of us.

Man: (Unintelligible).

Man: Yes.

Woman: Thank you.

Marilyn Cade: So let me just say, Mikey, in recognition of exemplary contribution to the ICANN Business Constituency Policy Development Priorities through active participation in ICANN's working group, we're pleased to present the certificate and a cash recognition of 125 euros.

And Berry Cobb recognition of exemplary contribution to the ICANN Business Constituency Policy Development Priorities through active participation in ICANN's working groups, we're pleased to present the certificate and a cash recognition of 125 euros.

Man: Thank you very much.

Marilyn Cade: Thank you.

Man: Thank you.

Marilyn Cade: It's our pleasure. Thank you.

                 So plan your future if you, too, would like to be recognized in Singapore or
                 Senegal. The chair's awards are always a surprise even to the finance VP.

                 Okay. I'm looking for Fred Felman. Yes. We're trying to find him so we can
                 get started.

                 I think we may have to move ahead with a little switch. I see we have Adam.
                 If you can try to find him - okay. If you can find - we have Adam and we have
                 Jeff. And I may end up splitting the discussion about SSR up because we need
                 to actually move ahead with this.

                 So I think what I'm going to do is ask you to bear with me. I am going to
                 announce one change. And let me just elaborate here.

                 So the board and the GAC are meeting separately. They will be returning
                 somewhere between 4:00 and 5:00.

                 And (Benedetta) is somehow going to ferret out the information of when they
                 return. One of you may help her. Probably Mikey might help her with that.

                 And we will break when the board and the GAC return so that we can all
                 return to that observing process unless you tell me you don't want to do that.

So you'll be able to make that decision at the time. But I at least wanted you to have that option.

Let me move on now to - I - what I'm going to do is maybe Jeff, I'll ask you to speak briefly about the status on the SSR Review Team. And then we're going to go ahead and if Fred is not here at that time then we will move on with the rest of the discussion on SSR. If he is we'll do the using - things to think about when you're going to use your brand as a gTLD if you would. Thanks.

Jeff Brueggeman: Thanks, Marilyn. And I may repeat myself from some of the prior updates but I'm not sure who's been on what calls.

I guess the first thing to note is that there are a set of questions that are out for public comment that the Review Team put out. And I don't have the date handy but I think it's due within the next few weeks.

Woman: Yes.

Jeff Brueggeman: April 6. And those are very broad questions. And that's not any indication that we're thinking broadly in terms of what the review is. It's really more a question of getting something out that really opens up to what the community wants to comment on.

I think we've made good progress trying to focus our efforts and get organized. And we're going to be meeting all day Thursday to try and do that even more.

I think one of the issues that we're dealing with is when you start looking at security threats -- and we have a lot of technical people on the review team --

there's a tendency to want to kind of canvass the waterfront of those. So I think we keep bringing it back to what's in the affirmation of commitments which is what is ICANN's role into security and what is the existing ICANN plan as the starting point.

And they do have a security plan that was updated as of November 2010. I know - I don't know if (Greg)'s here but I know he worked a long time on that.

And so I think we keep going back to our first goal should be to review everything that ICANN is doing, both the security plan, structurally with things like the SSAC and then look at how they're implementing each component of the security part. So the way we're thinking about organizing the work right now is in three layers so we can kind of break into working groups.

The first would be overall governance and focus on security that would look at how is ICANN fulfilling kind of its basic mission and the bylaws given its limited role in security, how does that work. And that would also include areas where ICANN is directly responsible as well as recognizing that ICANN plays a role in cooperating with governments and others, you know, third-party ways.

The second is looking at ICANN's actual implementation of its security functions. So they set the security - and I actually think the security point is a very good starting point for breaking down all the different functions of security that ICANN is involved in. And it really embraces from the very beginning that they have a defined, limited role. And they talk about some of the things that they're not responsible for.

So the next phase the second working group will kind of look at, okay, how is ICANN implementing its responsibilities as laid out on the security plan because they have a number of projects and initiatives that they detail there. And I think that's where we have an opportunity to get into things like contract compliance and cooperation with law enforcement and some of those more daily issues that we as business users are concerned about. So I think that's an area where it'd be very helpful to have comments on some of these areas where even if ICANN is not directly in control of some of these issues, what are our thoughts on how ICANN can be a constructive and cooperative partner with other parties such as law enforcement on some of these security issues.

And then the third is another element that was specifically called upon in the affirmation of contingency planning. And I think that's where we are trying to funnel some of the technical experts looking at this wide range of security threats to say, you know, we don't need to solve whether there is a detailed plan for all of these but does ICANN have the right contingency planning process in place to do that. And again they've done a lot of contingency planning exercises already so I think a lot of this is just looking at what's already there.

So that's kind of where we are in this. So I think, you know, just to highlight a few of the inputs that I think would be helpful for the process when you think about the questions, you know, Number 1 would be what is ICANN's role in security when you're thinking about responding to these questions, secondly how is ICANN both defining its role and then following through whether it's the policy process or the budget process or SSAC and, you know, what are thoughts about how that's working and then third I would say recognizing that ICANN is part of a broader landscape, how would we describe and what are your thoughts on how ICANN can effectively be a partner for third parties

whether it's governments, law enforcement, without looking like it's expanding its responsibilities beyond what it should be doing.

I think that's going to be a interesting area to explore here. You can see tensions on both sides, concerns about ICANN overreaching but also concerns that ICANN isn't being responsive enough. And I think really delving into that line will be very helpful for the Review Team.

And so I think by the next meeting in Singapore the goal would be to have conducted both a kind of exhaustive catalog of what's already happened, you know, what are the materials within ICANN, done some interviews with key constituents. You've got a lot of interesting components here with security where ICANN is coordinating with the registries and - the numbering registries and ccTLDs and things. And so we're trying to do a broad canvassing recognizing that ICANN ultimately is going to have limited ability to control there.

Marilyn Cade: (Unintelligible). I'm not actually going to extend this particular topic because Fred is here and one of our speakers has to leave very quickly. I'm going to ask you to actually, if you don't mind, hold your questions because we're going to resume SSR as soon as we finish the topic we had first on our agenda.

So we're going to pull up the PowerPoint presentation. And Anders, if you are in the Adobe Connect you will be able to see that.

Let me do the introduction of this session. There's been a discussion within the Business Constituency on a different topic related to vertical integration. That is not the topic we are discussing now.

What we are talking about today is actually the third in a series of discussions that have taken place. We had the first session on October the 12 in Washington, D.C. at a session that I organized jointly with some representatives from the intellectual property community followed by our BC meeting where we talked about the issues related to using your brand as a string so the business issues related to using a brand as a string. And that is what we're going to talk about.

We then get another version of that, a more elaborated version in Silicon Valley. And Fred very kindly helped to plan that. We had Fred Felman and Elisa Cooper from MarkMonitor, Sarah Deutsch from Verizon and Brian Winterfeldt with Steptoe and Johnson, who very kindly helped to organize and put that together. And Susan collaborated with us and offered some follow-up comments.

We're going to reprise a version of that discussion to - it's really an informational discussion. This is not a proposal that the BC take a policy position. This is an effort to share some information from people who have been thinking hard about if you - your company or you decided you were going to use your brand. And it is a brand and this case we are talking about trademarked brands; we're not talking about using (MCAID) as a string which we all know is a brand.

So I'm going to turn it over now to our speakers and - Fred, Brian and Sarah. And I think you're going to drive the PowerPoints, one of you. Hold on just a minute. Who's going to drive the PowerPoints?

Man: I thought you (unintelligible). I think it goes to Jeff.

Marilyn Cade: Not Jeff. Jeff is not speaking.

Okay. We're talking about your presentation on brands and strings.

Man: Okay.

Frederick Felman: I apologize for the confusion because I sent you a deck and I wasn't sure which of it that we were actually going to - so why don't we start with Brian's presentation on brands and strings. And then we'll go on and I've got some statistics to share with you.

Brian Winterfeldt: Great. Thanks, everyone. I want to thank Marilyn for inviting us here today.

Again I think this was just meant to be informational. I know there's a very sophisticated crowd here. And when we originally gave this presentation it was for a lot of business folks who maybe aren't as familiar with the new gTLD program. But hopefully there'll still be something here you'll find of interest that you can maybe share with your businesses back home to help you think about training folks.

Next slide please.

The first thing I want to talk about, I know I'm IPC treasurer. And I know there's a lot of thought at ICANN that the IPC is just trying to stop new gTLDs from moving forward and that we're obsessed with rights protection mechanisms.

There's probably some truth to that criticism on some level. But what we're really trying to do increasingly is to help our clients and businesses to start preparing for the new gTLD program that's very likely to launch at some point sometime soon. And I know all of us wish we knew when. So one of the

things I think that's important is to sort of take the focus off of rights protection mechanisms and put them on the actual benefits of participating in the new gTLD program. And so basically this slide is meant to sort of capture for folks who are less familiar with the program some of the opportunity.

So one of the great opportunities I think is to really control a distinct internet name space that's customized for your brand. Another benefit of participating in the program is to be able to prevent third parties from registering your organization's desired TLD.

It's really important for people who aren't as familiar with the program to realize just how global this is and that there are really very few companies that have exclusive global rights in their particular brands and that there could be third parties from regions all over the world who may also be interested in the string that represents their brand. And that's something I need you to think about. It's another reason to maybe be in Round 1 of application.

Another consideration - and this really applies to certain people in the room. Potentially, you know, someone like Susan who's at Facebook or someone who's at - other people who are on the edge of technology, you know, you - it's important for you to be seen as a technological innovator. And by going into Round 1, you know, you're continuing to break that ground. And it could frankly be embarrassing depending on who you are if you don't participate and this really ends up becoming a game-shifter in the way people navigate the web.

Another opportunity to think about is the fact that it's really undetermined when the next application period could open. I know that if you read the current guidebook it promises that - or ICANN states they're going to have the second application round a year after the first one opens. I think we all

know that's highly unlikely and that much more likely would be that it could be three to five years before the next application round. And in the world of the internet we all know that that's an eternity. So those are just serious considerations to think about why you might want to participate in the first round of applications.

Next slide. Great.

So you're thinking about applying for a new gTLD and you're a brand owner and you want to think about how do I evaluate what I might want to apply for. So the first thing we recommend that people do is really look at their current trademark and domain name portfolio and think about what brands are a priority for them, what are the ones that have the most value, what are the ones that consumers recognize the most and which are the ones that are most likely to drive traffic.

Second, we ask people to really think about which brands really are going to have a long-term future and impact. Sometimes when people go and talk to the marketing department they get very excited about this program and they want to start applying for, you know, 30 different strings.

And I think that we all know there's really a long-term commitment tied in to actually operating and running a registry and signing a ten-year agreement with ICANN. So we really want to look for one - brands that are really going to have a long-term future for your business and that are really going to drive traffic.

So a good example of that is I was talking to a major consumer products company and they wanted to consider applying for a term that's key to their current tagline. And of course the existing marketing people are saying oh this

tagline is it; we're keeping it forever. And, you know, the truth is if you look at the history of the company they change taglines every few years. So that probably doesn't make sense to apply for.

Another important consideration is really looking at once you're starting to think about what to apply for, really having trademark clearances conducted on the string. I think that will help you anticipate potential third parties that may also be applying and at least have you have a little understanding of what you might be getting into if you do make your application.

Another important consideration again for people who are less familiar with the program is just how international this really is and the fact that someone could be applying anywhere in the world and the fact that IDNs are a possibility as well. And so they may be applying for your identical mark in a different character set. And so we also really recommend people think about what might resonate with consumers for their company and what their kind of global brand strategy is. So if they have a particular mark - for example, Myspace is very big in China and they also use Chinese character scripts so that might be something that they might want to think about applying for.

And finally I think one of the things that we're really encouraging people to think about is the ad campaign that might need to accompany to reeducate folks internally and externally to use this new space. People will get very hung up on how much is this program going to cost me, how much is this program going to cost me. And the truth is, you know, setting up the registry and applying for the application may look very inexpensive compared to the ad campaign that may need to accompany the launch of the new gTLD.

So next slide please.

So one of the things I think that's really important to, you know, a lot of brand owners, honestly sometimes they're very hung up on not wanting anyone else to get their name space. And so one of the things we really want to try encourage people to do is really think about what they can do with a new gTLD if they get one.

So this slide is really kind of meant to capture some of the different things. And this is not necessarily exhaustive. And frankly if you have other ideas please share them with me. I'd love to expand the slide out. So this is meant to be what, you know, what can we do with it.

And we really want to encourage people to think about not just "reserving" one. Of course you can't really just put it on the shelf. You're going to have to run a registry. So you might as well start thinking about how you can use it to enhance your business.

So some of the opportunities are to use it as a robust or secure internet that's entirely controlled by your organization. Another opportunity would be to use it as a replacement or enhancement for your organization's current internet resources. Another opportunity is to use a secure and authenticated external internet space to hopefully cut down on phishing and fraud and other abuses that are maybe rampant in some of the other TLDs.

We also see this as a huge -- and I think this is maybe one of the potentially biggest opportunities -- it's really a huge marketing, brand promotion and opportunity to offer potentially value-added services to your consumer. And we're going to talk a little bit on the next slide about a specific example of that.

It also can be used as a web space for your affiliates or licensees. It could also be used to consolidate all of your net resources under a house brand. So for example if you were Microsoft you might want to register .microsoft. And they could have office.microsoft, windows.microsoft to kind of consolidate all your current internet real estate under your new TLD.

It's also an opportunity again to really connect with international users either through brands that are very popular or through using IDN strings. There's also an opportunity -- I think we'll talk about another example in a minute -- to maybe tie this in with high-tech product applications for web-enabled devices. And finally this may not be as use - as attractive to .brand but it's something that's a potential which is the opportunity to sell at the second level.

Next slide.

Great. So Cannon is one of the few bold people that have come out into the market and said that they're going to apply. I don't think they've really said explicitly what they're going to do with it. But we put this slide together to really - people thinking more concretely about what you could possibly do with a new gTLD string.

And so again Cannon's announced that they plan to do it but they haven't really said exactly what they're going to do. But that doesn't stop me from going ahead and trying to imagine what the space could look like.

So one of the things that is very commonly thought is that they would offer a second-level domain to each of their consumers as they would purchase a Cannon device, a camera that's web-enabled. It's obviously a very

competitive consumer product space and they're looking for a way to potentially differentiate themselves in the marketplace.

You can imagine then that someone would take that device, take a picture, be able to immediately upload it to their customized space -- (johnsmith.cannon) is the example that we have here -- that they could then immediately view, manipulate, share with friends and family. And the next step you could maybe offer, you could imagine, is in addition to sort of maybe the free TLD that they've given out would be offering sort of premium services around the second level that they've given away. An so that could be maybe additional memory to have more pictures, additional functionality from social media perspective or maybe the ability to register additional domains at the second level.

Next slide.

So one of the other important things is to kind of think about - again we're trying to encourage brand owners to think about what they might want to apply for. And another way to kind of think about it are these different categories that we encourage them to take a look at. So one of the categories is to think about what your corporate name or master brand is. And if you're only applying for one that might be the one that you apply for.

Also of course though think about your product name. You know, again if you're Yahoo! you might be thinking about Flickr or Delicious. Product or service categories might be important to you in the generic space, also industry keywords or other desirable generic terms that may have value to your business model or your marketing focus.

Great. And this is just a reminder that there are lots of scripts available. This isn't exhaustive but just to give people an idea of the scope of different character sets that they could select in addition to English.

One of the things we also want to prepare people for is the string evaluation process that they are going to be going through as part of the application process. And as most of you already know as part of the application process the strings are going to be evaluated based on their similarity to existing strings and other strings that are applied for.

They're going to be compared to a reserved names list. They're going to be looked at for DNS stability issues. And they're also going to be compared to the geographic names, policies and lists as well.

If you're not identified in a string confusion set with another applicant or I should actually if your - if an applicant hasn't been identified to be in a contention set with you, you have an opportunity if you're an existing TLD or an applicant to file a string confusion objection which most of you know about. And basically that's an opportunity for you to object to the application that's been placed.

And if you win it doesn't really feel like a huge win to me because you end up basically in a contention set and maybe having to work out a settlement or going to auction. But of course that strategic standpoint that might be better than it moving forward.

I think you all know what string contention is. Again this is meant for more of a general audience. But essentially when two or more applicants apply for an identical gTLD they could be identified to be in a contention set.

And what's also interesting, as you all know, is that you can end up in a contention set with another string that's been identified to be confusingly similar with another one that you're in. And you could all end up in a contention set together which I think is going to be very challenging for some applicants. And it'll be interesting to see how that plays out.

Next slide.

This is just a diagram to kind of show where you could be identified, you could be String A, you could be identified in a contention set with String B but you could also end up in a contention set with String C who's also been identified in a contention set with String B. So this is just something else to sort of think about when you're evaluating applications and what you're going to be applying for and just sort of putting your plan together.

And of course this also impacts budget because you're going to have to find your way out of this contention set one way or the other. And it could either mean the end of your application or it could mean some type of settlement or maybe going to auction. And then again budgeting for auction may make the whole actual application process and launch of the registry look inexpensive depending on what that ends up looking like.

If we can skip this slide for now, just for time purposes.

So that was basically just an opportunity for people to start thinking about if you're a brand owner what you might want to apply for. Again we're always encouraging everyone to kind of balance the cost of participating with the potential opportunity cost of not participating. Begin considering what you might want to be applying for and what clearances you might want to run to anticipate issues and budget for them that might come up and also to really

understand the evaluation criteria for strings and the potential objections, string contention sets and auction that you might be confronting.

Frederick Felman: Great. Well thank you, Brian. And I assume we just go on to the next slide. I think it's the precursor to mine.

I just want to spend a couple of minutes to tell you a little bit about what our clients are thinking as they are approaching, you know, the application period of the new TLDs and give you a little indication of what they're thinking. And before I get into some of those statistics I just actually wanted to talk to you about the backdrop of some of what's going on and what's actually in the minds of many of our customers as I talk to them.

You know, the internet's enjoyed an incredible amount of growth over the last ten years. We've gone from 1 billion to 2 billion users.

The other thing that's going on is with respect to usage of search you see 376 million people using Google search, uniques, per month, according to Nielsen as of December of 2010. And at the same time you see usage of other websites actually increasing dramatically. For example you see 275 million users of Facebook on - every month.

And the interesting trend that's also a backdrop in this is that users are spending three times as much time on Facebook in the U.S. as they are on Google. So the engagement is pretty interesting when you see - think about what's going on with Facebook.

And the other statistic that's important to understand here as well is that Facebook, I think they made between $1.6 and $1.85 billion last year on display advertising while Google made north of $20 billion on advertising and

search. But interestingly enough -- you know, actually I'm not talking to this slide; I haven't changed; I haven't gotten to the stuff yet -- but interestingly enough, interestingly enough Facebook has about 25% of the inventory of display ads on the market.

So there's - they're displaying a lot of ads. They're not quite making as much revenue as Google. But people are engaged. They're spending a lot more time in Facebook.

And as folks are thinking about their - what they're doing on the web not only are they considering things like gTLDs; they're thinking about well how do they promote their companies, how do they use properties like Facebook and social networks to drive traffic and drive business. And they're doing it really very effectively.

Another thing to consider that's a backdrop to this decision of whether I should, you know, put the money down and create a new TLD is the emergence of these devices. And at this point there are 280 million cell phone contracts in the U.S. that are held by adults over the age of 18. And there are 80 million people who are using smartphones right now. And while the growth of cell phone use - usage and contracts in the U.S. is very small single digits, the growth of usage of smartphones is still well into the double digits.

So these are things that people are considering. And they're actually informing some of their decisions on what they're doing with their internet presence, their advertising and how they're consuming. And that's the backdrop of what's going on from a business perspective in the mind of our customers.

Now this first slide, you know, this room, clearly everybody knows about the gTLD program or you're asleep, right, or unconscious or in a coma. But amongst our customers there were 9% of them who, you know, reported that they were unaware of this program and - which is interesting.

We surveyed about 150 folks who responded to this. These are all people who are spending north of $20,000 a year on domain name registrations and against the backdrop of the fact that we've probably done 15 webinars against these and every one of our customers has gotten an email.

So still even in a hyperaware, you know group of people who are spending a lot of money there's still some people who don't know about this. So that's important to recognize as a group.

If we go on to the next slide the other thing that I wanted to talk about is we've seen a slight shift since we first ran this survey in terms of intent to use gTLDs or to register. Initially, you know, we saw, you know, in the 30% to 40% response rate of people who definitely were going to apply for a TLD. Now we're seeing about 44% of our customers saying definitely we're going to do it and 30% - excuse me, 26% saying yes they're going to do it and 44% saying I don't know. And my point of actually including the I don't know, when we actually did some anecdotal discussions with the folks who didn't know it seemed like they were more leaning towards doing something about this.

So we're going to see a fair amount of corporates registering. My guess amongst our customers, the larger customers, probably 50%, 60% of them will do something about it if the TLDs accept applications this year so pretty interesting statistics.

Next slide please.

This was something that I thought was probably beneficial to folks in this room who actually are planning on offering services to companies that are planning on applying which talks about what kind of services they're looking for and what kind of help they're looking for. And by far and away our customers are all looking for - intending to apply are all looking for help through the application process. And they're generally looking for help with respect to operations.

There are a number of our clients that are so capable technically that they could very easily operate registries on their own through their own existing infrastructure. But still even in conversations with those it's not their core competency. They don't want to be developing these systems, even those that are planning using third parties at least initially, to do this.

So lastly -- and this is probably more interesting to the brand protection community -- but we asked them the question, you know, will this impact how they protect their brands on line and their efforts and their expense there. And overwhelmingly our clients are believing that they're going to have to spend more to defend their brands online despite the fact that there are new rights protection mechanisms that will help them.

And then the last statistic that I wanted to share with you which might inform some of the - and I realize that it's hard to read so I'll explain this in a little more detail. This might inform how folks who are planning on operating registries, who might be marketing to brand holders, what their intent is to purchase new registrations in these new extensions. And it's very low. I mean and this is a shadow of, you know, what they've reported, you know, with

their dollars that they've purchased in, you know, .eu and .asia and recent other extension launches.

So really in almost every case, you know, 80, 70, 60, you know, very low percentage intent to register. In the music, you know, 84% of our clients will not register there. And if you add don't know to this it puts almost every one of these categories into 90 if I had actually graphed that as well.

So if organizations that are planning on operating registries are thinking they're going to get a lot of brand holder participation in these new extensions I'd think twice because that's probably not going to happen. They're probably not going to register anywhere near the number of names that they have in some of the recent other launches.

So I think that's all I had. But those are some of the statistics about what our customers are thinking as they approach the problem of deciding whether they should go ahead and apply for a new gTLD.

Berry Cobb: This is Berry. Can we ask questions now or do we want to wait till the end of the presentation?

This one's just real quick. Yes.

Man: All right so you could ask away now then.

Berry Cobb: Okay. The - your one slide that said that 30% of your surveyed respondents had said that they wouldn't apply, was there a follow-up question as to why they wouldn't and do you have stats on that? Thank you.

Frederick Felman: If - we didn't ask them why they wouldn't. We did ask them why they were going to. And we got some detail there. In fact the - it's an interesting detail.

Most of them are not planning on using their TLDs immediately for a lot of registrations. They plan to make a few registrations. They - they're not sure operationally what they're going to do with the site. In a lot of cases they're not sure what the roadmap looks like in terms of implementing these bundled services with their TLDs.

They - the ones that -- in sort of anecdotal conversations -- the ones that aren't planning on applying are ones that have very unique, very global, very differentiated brands and have no use for it. And they've said, you know, we're not ready for this operationally, we aren't prepared to think about driving traffic from, you know, our existing site, we've spent, you know, in many cases billions or tens of billions or multiple tens of billions of dollars on driving traffic to our existing site, on advertising, on consumer awareness on how to find them. And it's just not economic for them to consider this. And they have global registration strategy to do this.

So in a lot of cases the folks who are registered are planning a, you know, a hold. And those that have very unique brands they think are defensible through the objection process are sometimes considering not to do this. That's anecdotal though.

Man: Good. Any other questions?

Ron Andruff: Yes. Thank you very much. Ron Andruff, for the - those on the phone. I'm sorry. The previous speaker, I didn't catch your name.

Brian Winterfeldt: Brian.

Ron Andruff: Brian, I beg your pardon, Brian. Brian, you showed a slide of a .cannon. And I made a note for myself at the - there was a comment about offering the website - of offering the domains to customers. And I think you used the example (John Smith Cannon).

It's one thing to offer a customer a website or a domain name. But then they have to put a website up there.

You talked about the fact that they may take pictures and upload them to their site. Is - any sense of Cannon providing some kind of service like that? Or - I mean it - because the whole point of a domain name is it gives you an address. But after that what - are they planning some strategy that you're aware of because that's a very interesting one if they are. Thank you.

Brian Winterfeldt: That's a great question. Again everything I sort of said about Cannon was all speculation.

They've come out publicly and said that they're very interested and they're going to participate. But they haven't said exactly what they're going to do with it. So that's all speculation.

There are varied way you would obviously give it out. I mean my - what I'm envisioning is some kind of template website that would go up along with the domain that was given out.

But it's - again it's all pure speculation. And the idea is just to help people who are less familiar with the program start thinking about what they could potentially do with a new gTLD if they got one.

Marilyn Cade: Guys, I'm sorry. I knew I should have made this clear. We are going to hear Sarah's presentation and then we're going to take the rest of the questions for all the speakers. Sorry about not saying that. And we need to go quickly to Sarah, Sarah Deutsch.

Sarah Deutsch: Okay. I'll let Chris get the slide up.

But actually I'm going to be giving you just one brand owner's perspective on new TLDs and kind of the question that Fred posed that, you know, many people don't intend to register in some of these new spaces so who will be registering. And the fear is, at least from a brand owner, that it'll be a lot of infringers.

You can go to the first slide, Chris.

Okay. So, you know, obviously for Verizon our brand is our most important asset.

And you can see that in 2009 -- I don't have the 2010 figure -- but we spent 3.02 billion just on advertising. And so our advertising budget alone is higher than some market caps of companies, you know, that are listed with well-known brands.

We spend millions of dollars each year enforcing against cybersquatters. And incredibly although we keep suing year after year -- and you can see, you know, we've gotten huge judgments from infringers -- and unfortunately the infringers are all ICANN-accredited registrars, many of whom are large registrars in their country.

You know, OnlineNIC was the largest Chinese registrar for example. And (Elite Networks) had a whole operation in India where they were hiding domain names for cybersquatters. And, you know, we got a default judgment against them. But despite all of this money we're pouring in the infringements keep occurring in the new spaces.

You can go to the next slide.

So this is just an example of some of the algorithms that are used by cybersquatters to churn out endless variations of our trademarks. And this is important to show you why for some in the trademark community having protection for the exact match of your trademark doesn't really give you much. Every single domain name that a cybersquatter takes almost invariably is either a typo or a variation of your trademark. So this slide just kind of illustrates that.

Next slide.

So despite, as I said, our enforcement efforts every year we're still seeing thousands of new incidents. And just to give you some statistics what we started to do is as we won names back into our portfolio we began to point that to the Verizon website and began to measure the traffic.

And last year we found that we had 33 million new visitors just from doing this and over 100 - 320,000 confirmed sales, all of which would have been lost to cybersquatting. The year before we had 22 million new visitors.

And just one typo, (Verison), received 350,000 diverted visitors in just two months. So, you know, these statistics show you why we're so concerned about the potential for abuse and consumer confusion with new TLDs.

This traffic is measurable. It results in sales and lost sales. When you lose it your customers are confused. So I'm going to move now to some of the rights protection mechanisms.

And just to frame this part of the problem again with thinking about the new TLDs is from - at least from our point of view we're not so worried about somebody coming in and bidding for .verizon. What we're worried about are all of the thousands, tens of thousands of infringements that are going to take place inside all these new gTLDs.

And we've been very successful using the Anticybersquatting Protection Act. But again that only works if you can sue somebody with jurisdiction in the U.S. that won't bail when they move outside the U.S. And the UDRP, while we use it when we need to, is very expensive generally and only gets you back, you know, a few domain names at a time.

So what I'm going to do now is walk you through -- and again there's some caveats here but I'll give you my understanding of what the rights protection mechanisms are -- our views on the measures, what the GAC said and what the board said. And I may not have this all right since it's a moving target. And I'm not going to list every problem but just some samples.

So you can go to the next slide.

The first rights protection mechanism is something called the Trademark Clearinghouse. I don't really view it as a protection mechanism, more like a large database.

So it's supposed to be unaffiliated with ICANN. And the purpose is supposed to be to authenticate trademarks.

Either - there are two options. One is that the registry can offer a sunrise period which is really an early opportunity for the brand holder to register their trademark, usually at inflated prices or a Trademark Claims Service which is like a notice service. The clearinghouse will not include a globally-protected mark list which had been discussed.

So the sunrise period in our view is really not a remedy. It's more, you know, driven by either fear or defensive registration. You're worried somebody's going to take your brand.

And usually you have to pay really high prices to register in this period. And ICANN has refused to regulate the price of the sunrise.

And then there's something called the Trademark Claims Service which will provide a warning notice to somebody who is going to register a domain name that you might have rights.

And as currently drafted, registries can offer either a sunrise period or a claims service. But they don't have to do both. And the trademark owner bears the cost.

And, you know, in our view the sunrise period is something that makes these folks money. And even if their new TLD never makes a penny afterward there's - they're probably all going to offer the sunrise period. And I'm not sure who if anyone will offer the Trademark Claims Service.

You can go to the next slide.

So here's what the GAC said about this particular remedy. They thought that the Trademark Clearinghouse should have recognition for all IP trademarks under a national law, that the sunrise and the claims service should be mandatory, that they should offer both because they each serve a different function.

They thought that the claims service, the warning notice, should go beyond exact matches of your trademark and include common phrases and typos. They cautioned though that this should be only available for trademark registrations, not for applications and that the notice - notices should go to both the registrant and the rights holder that a claim was sent.

And they also said that this Trademark Claims Service is actually a valuable warning notice so therefore it should continue after the initial launch of the new gTLD -- it shouldn't be a one-time thing -- and that since everyone, rights holders, registries and registrars benefit from this, that everyone should contribute to the cost of operating the Trademark Claims Service.

Okay? And now I'll tell you what the board's response was. And again this may be a bit outdated.

But basically on the point that they should accept all IP, 1 - okay, so 1A -- they're numbers that the board assigned to their responses in typical ICANN fashion -- 1A basically meant we agree, our policy is consistent with what you're suggesting, 1B says, you know, we somewhat agree but there may be some inconsistencies and we may need to do some revising and Number 2 means they disagree.

So on whether they should accept all IP they agreed to update the DAG for marks other than registered trademarks and include things registered by treaty or a statute. But they want it subject to proof of use.

And originally there was a cutoff date that they would protect trademarks up to three years, I guess up to 2008. So there's still an issue on the table about whether a mark you registered in 2010 for example could be part of this Trademark Claims Service.

As far as whether sunrise and IP claims service should be mandatory, the board says no. It - right now their position is either/or. And they're saying well this is what the IRT and the STI group said so that's what we think you should follow here. So there's clearly a disagreement on that.

On the issue of whether the claims service should go beyond exact matches and include common phrases and typos, Number 2, again the board disagrees and - although they did recognize the trademark owners have an interest in receiving the notice and they said they'll discuss it. So that will be interesting.

That it'd only be available for registrations, not application, the board agrees. That the notice should go to both parties, the board agrees. And that the trademark claims should continue to operate as a service after initial launch, no, the board disagrees and basically says we're going to shift costs to the trademark owner afterward and you can pay for a watch service if you want to see what happens afterward.

And on cost sharing they're somewhat fudging the issue but basically saying well the rights holders pay when they're registering and the registry pays to administer the service. I'm not very clear on whether that's a non-answer.

Okay, next slide.

The second rights protection mechanism is the Uniform Rapid Suspension mechanism. So the purpose of this was because there could be so many infringements taking place in all these new TLDs was to provide a low-cost and quick means to take down infringing domain name registrations in cases of clear-cut trademark abuse.

So it's supposed to be faster and cheaper than the UDRP. And there were different criteria that the complaint must meet so you - again you had to have a domain name that was identical or confusingly similar to your registered trademark. The registrant couldn't have any legitimate rights or interest. It had to be used in bad faith. And there was a filing fee of $300 so much cheaper than the UDRP.

You can go to the next slide.

So the GAC came up with a very long list of problems which - many of which, at least in my view, echo some of the concerns that we had about the URS. First of all there's - the R is a little deceptive because it was not rapid. And the GAC pointed out that, you know, the registrant can take up to 21 days to respond and the decision takes - well yes, before I get to the GAC let me just walk through.

It's not rapid. There's no certainty. Even if you win the registrant can appeal and try to seek a de novo review for up to two years after the domain names was suspended with an extremely high burden of proof because the trademark owner must make the case by clear and convincing evidence. It's a temporary remedy because the suspension only takes place for the balance of the registration period and you have an option to extend that for one year but there

was no - a transfer option so you could actually get a valuable domain name back into your portfolio. It creates a perpetual monitoring obligation for the trademark owner because, you know, there's no ability to transfer the domain.

And then there are penalties to review the process by the trademark owner. So two or more abusive complaints or one or more material falsehood, whatever that is, can lead to a bar for you using this process. So you may be a little cautious about, you know, using this. And trademark owners might wait to see how it plays out and just go with the UDRP.

So the next slide.

The GAC basically mirrored many of these concerns. They asked for reduced timetables, reduced term limits, for, you know, word limits. They said that if you get a default judgment that the domain name should be locked.

And they wanted to lower the standard of evidence to preponderance of evidence. They wanted to lower the bad faith requirements. They asked for a loser pay model. And if you lose five of these proceedings you would be banned from participating. And they wanted to reduce the appeal time from two years to six months. And they echoed the point I made earlier that if you win you - the complainant should have the first right of refusal to get a transfer of that domain name back into a portfolio. And they thought the URS should go beyond exact matches to make it, you know, more realistic for people to use since most of the infringements will have exact matches.

The next slide is - this is the board's response. They basically agreed to reduce the timetable. They agreed to streamline the word limits.

Default on getting a website locked, they basically said that an examiner will review the merits even in the cases of default. And they won't make up imaginary defenses on behalf of somebody who doesn't answer which I think is a very helpful response.

They agreed to - well the - on the lowering the standard they say no. They basically said again the IRT and STI recommended bad faith and so this stays in.

On loser pays they say no. Reducing the appeal time, they have rejected that, again deferring to the STI since they suggested the idea. And then they - the board themselves came up with two years after that suggestion.

On the fact of getting the transfer they agree but only after the expiration of the domain name. And some people, I think like (Rodenbaum), may have pointed out that some names couldn't be registered for ten years. So you'll be waiting a long time if that's the case.

And then the URS should go beyond exact matches, no, again sliding back to the IRT report.

And then if we can move to the final rights protection mechanism this is the Trademark Post-Delegation Dispute Resolution Procedure. So again the purpose here is to provide the trademark owner with a mechanism to address a new gTLD registry who's been engaged in abuse of trademarks. And this was a real concern because we don't know if any bad apples are going to be out there. You know, if there's a .bank, you know, could there be people fraudulently abusing trademarks in that space for example.

So again the - it had similar problems to the URS: the clear and convincing evidence standard, you had to prove that a registry through affirmative conduct was engaged in a likelihood of confusion and bad faith, taking unfair advantage, etcetera. And you had to prove all this by clear and convincing evidence.

Next slide.

You had to prove a substantial pattern of specific bad faith intent. So if you just prove a pattern of general bad faith intent probably that is okay, not good enough and again impermissible likelihood of confusion, not just likelihood of confusion, unjustifiably impairing a brand, not just impairing and the fact that they may have received notice of infringement is not enough.

And at the end of the day even if you jump through all these hurdles and won then the new TLD registry will simply reimburse you for your filing fees. After you've proved all these things there's no damages. There's no sanctions. There's no duty on ICANN to do a single thing.

So next slide.

So the GAC basically said hello, this isn't very good. These standard approves have to be lowered to preponderance of the evidence. The registry operator should be liable if they act in bad faith or are grossly negligent. There should be a requirement to notify the registry operator. They don't like the fact that they have to be warned 30 days in advance that they're going to be subject to this complaint. And if they're liable then ICANN should impose the appropriate remedies.

So the next slide.

The board wrote back and basically said on the evidence, disagrees. They again cite to their recommendation from the IRT.

On the point that they should be liable if they act in bad faith or are grossly negligent again they disagree. And they think this would be creating new liability policy and new liability on registries.

The warning notice to the registry in advance, they like this - they disagree because they think registries would benefit from having time to investigate and take action.

And on ICANN imposing remedies, this one was clever. They agree. They agree to take appropriate remedies that are in line with the determination but they determine what is appropriate. So it's good they're going to do something but what it is they're going to do we're not sure.

So anyway, sorry this is kind of lengthy but these issues are complicated. And I - hopefully this gave you a good flavor of what's being discussed in that room between the board and the GAC and how all of this will come out. I understand there are 27 separate issues where the board gave a 2 response to the GAC.

Man: Great. Questions? Anybody else on - is there any other panel of things?

Marilyn Cade: Sorry. (Unintelligible). Let me just - I think what we need to do real quickly is do a round of questions. And then we actually are going to move to our next panel because we have a couple of people who actually have to leave.

But I'm going to take a queue and - sorry. So Steve wants to be in the queue, (Syeed).

I have to start with - okay so I saw you actually a long time ago so I'm going to go Karl and Steve and (Syeed) and (Philip). One more and then I'm going to cut it off because we're going to move to the next topic. So think about it. And Karl?

Karl Auerbach: Okay. Just a couple of observations and one real quick question is on the rapid takedown. Can the complainant be a licensee of the mark or does it have to be the owner of the mark?

Sarah Deutsch: I don't know. I'm sorry.

Karl Auerbach: Okay. It's something you probably ought to clear up.

On the (unintelligible) on the first point about security, having lived through a lot of disaster situations given recent history we have to recognize that - well in the city here of San Francisco we have to recognize like for example how did B of A get started. It was after the San Francisco earthquake. They were able to set up business faster than their competitors, faster than Wells Fargo and the other banks.

Security is counterbalanced by the time it takes us to recover operation. So as a - as somebody who's running a business whenever I propose a security measure I always have to take a look at what - if this - if something goes wrong is this going to keep me from resuming my business quickly, am I going to be locked out of my own resources. So I mean we've got really measure that when we're looking at security measures (unintelligible) because we don't want to be locked out of our own assets.

One thing looking forward is my own company's doing a lot of stuff in cloud computing. And we're recognizing that the domain name system is probably not going to be a very good naming system for cloud computing. We're seeing a lot more approach toward attribute-based lookups. And we're thinking whoa, those attributes are probably over time going to become somewhat standardized. Are we going to have an issue in which our marks are going to be used in some of these attributes?

So we're looking right now at a situation we may see these same DNS wars repeated in a cloud computing environment and other situations. So as we go through this I would encourage that we come up with sort of principles to describe why we're doing these things and why certain decisions are being made because that'll really help when you do the same thing over again in a few years on the basis of naming systems and cloud computing.

And finally the closing thing is very few businesses take advice from W.C. Fields, yet our does and as we don't give - want to give competitors an even break. So we're looking at the fact we have plenty of marks and we're probably not going to apply for a gTLD. But we're really concerned if somebody does come up, files for a gTLD that use one of our marks or something similar to it.

So we're considering setting up businesses and being in several states, setting up corporations and setting up actual registries and then domain name servers and actually our own root servers and things like that, that you have our marks in those TLDs, the thing being the dog and the manger strategy. If somebody goes to ICANN and gets a gTLD that we perceive as infringing on our right rather than going through the ICANN revenues we can just stay in New York, California, France, Germany, Japan, other major jurisdictions. You may have

your ICANN gTLD but you can't do business in these jurisdictions. That's just a protective strategy we are considering. So thank you.

Marilyn Cade: I'm going to go to Steve and then I'm going to go to Lane, right?

Steve DelBianco: Thank you. Steve DelBianco. A question for Brian and Fred, this was respect to the slide you had on the uses of a branded string. If you could bring that up, Chris, I'd appreciate it.

I had a number of meetings with my members where they ask well tell me what we can do if we lop .org or .com or .net off the end and move to our own top level. And when I looked at your slide, I mean I'm troubled by the - how to answer that question because other than the IDNs what on your slide is only possible if you're at a top-level domain or potentially vastly more powerful at a top-level domain.

Man: You want me to take that? You know, in my estimation other than actually the potential for more - for cleaner branding and - or a simpler, shorter string I - there's nothing you can't do in an existing domain name.

Steve DelBianco: Thank you. I was afraid that was the answer. So it's...

Man: Cheaper, I'd add.

Woman: Right.

Man: Thank you. I'd just like to come back to the question that was raised about the SRI and IRT. The - you told us that the IRT and the SRI are both worried that the - it could be someone who had the rights to the trademarks and the licensee, it could be a complainant. That was the idea.

So it's not specified as only a trademark holder applying but it could be a complainant, whoever is the complaining party? So it's in the staff draft of the URS.

My question was to Fred. The awareness survey that was done and just to get an idea of what sort of mind or base we're looking at to what extent is South Asia and Middle East sort of part of this analysis and because of the awareness? That would be my question to Fred.

And just had a comment. It's interesting that a lot of the stuff that the GAC is raising is very close if not similar to the BC minority report where a lot of pressure was put on us by literally -- and I'm going to say this -- everybody else in the community. Even in the CSG did not have a minority report and gave up those parts. But I'm glad to see that (unintelligible) which me and (Mike) wrote is actually what basically is very similar to what we have there.

I didn't hear anything about the blind eye issue, on the - (post) allegation dispute resolution. We raised that in some of our comments. So a question to Fred is about the awareness and its scope, who was included and the question of (PVDR) and (concern) to be about blind eye, thank you.

Frederick Felman: Just quickly I would say there's statistical significance in respondents from the U.S. and Europe but not from other regions.

Woman: On the blind eye issue, because you have to make your burden of proof by clear and convincing evidence that the registry acted with affirmative conduct. The willful blind - that the flip of that is the willful blindness is not enough. And it's almost impossible, I mean you'd have to go to trial, and you'd have to get discovery, you have to show there's subjective intent, the opportunity

for somebody who actually use this process would be very very low. (Near) negligence wouldn't work either.

Woman: We have one final question and then we're moving to the (NHSSR).

Man: Thanks, I'm URS, just interested in everybody's personal view on the panel about transfers or not within URS. I mean that's the current discussion that the GAAC is having. My own view is we seem to have got there for the wrong reasons, because URS was taking so bleeding long excuse my language, (who knows) of a transfer at the end of it was I think it's back to its original concepts without a transfer mainly taking a name out the root it might be more successful. But interested in your own opinions.

Woman: I really want to thank all of you. You know I...

Man: Sorry, could I have an opinion?

Woman: Right.

Woman: My opinion is that you know transfer is a very valuable remedy, if you take it at the root - I mean if you took it out permanently, then nobody could use it and sometimes the brand owner wants it back because it drives a lot of traffic, but here the solution is not to take it out, it's just to temporarily suspend it which point - at some point it's going to fall back into the pool and another service provider is going to get it and you'll be monitoring it and URSing it again and again and again.

So that's like you know - not some names are junk and you're not going to want them back, but they're - you could see from the statistics sites I showed

that many of the names that drive traffic, we've been measuring and we do want them back in our portfolio for that reason.

Woman: Will you go back into that room this afternoon or early evening, 5:00, 4:30, you're going to hear an update on what the board has agreed to do in certain areas. So Sarah I'm probably going to note that your last few slides will be particularly helpful to everybody as a kind of a scorecard of their own, to see what the board may have agreed to accept in these particular areas. And that maybe is something that tomorrow when we get together at lunch, this may be an area we want to focus on again just a little bit because I will have one more chance to make a submission on behalf of the BC. So we will come back to whatever we think the important things are that we need to address there.

I must thank - I particularly thank you, and thanks Brian for coming and doing this. This is a different look than we've taken before, and I'm hearing from a number of members and particularly associations and others who have them wish that they may want to keep taking a deeper dive in some of these areas.

Let me ask the folks from the SSR team to come up and join us, like, if you don't mind Greg, one of these seats around here, and Patrick - Patrick.

We kicked SSR off a little bit earlier by hearing from Jeff Brueggeman, but let me say a couple of words about Jeff Brueggeman - comments earlier and put them into context about the whole thing we're going to talk about now.

Security, Stability and Resiliency as the acronym, has a particular deeper meaning for business users - that's for contracted parties. And our effort right now is to build again on something that's been emerging in the business constituency, and that is beginning to look at what SSR means from the

business user perspective, and what are the range of concerns and interests that business users bring to this topic.

So we're not going to be talking about DNS SEC per se, we're not going to be talking about registries and registrars, we're not going to be talking about ccTLDs. We want to talk about what business users' view and issues are related to SSR, and eventually we're going to begin talking about what the role of the business constituency and business users are, and how they best represent their voice.

So I asked a number of the individual participants who really have - bring particularly expertise and involvement in a range of the SSR initiatives that ICANN is engaged in, to sort of share their view. So you're getting a - really, a set of individuals' unique perspective and expertise in commenting on SSR and what their own views are about what's going on in SSR and how it may impact or what a business user position might be about SSR.

Just kick this off with bringing us up to date on the review team, and I think what I'd like to do, if its okay with everyone is just mention again the folks that you're going to hear from, Patrick Jones from ICANN, Greg Rattray with FS Roundtable, Adam Palmer from Symantec and Scott McCormick. And Scott is representing the BC in particular as a designated representative on a new group that's been forming, and what I might do is ask him to briefly describe the purpose of that group, and then go to Greg, and then go to Adam if I could, and then wrap up if I could with Patrick. Is that okay?

Man: Okay, so the (DIS) working group is finally - hopefully underway. We were supposed to have a face-to-face meeting this week, that got postponed, we've still not heard any exact reason from the staff, the sorry...

Woman: Would you - would you unpack that title because many of us...

Man: Yes. So DNS Security Stability Analysis Working Group, if I'm not mistaken, which came out of the joint charter that we drafted just last fall for the working group. Through that charter we then put down various criteria to be able to be on the working group, namely be an expert in the field of (Terry) and DNS to wrap up things.

                The charter is out on - I note that on the (CTS) ccNSO's Web site. I do not believe its out on the GNSO's Web site. But I can send that to anybody if anybody would like.

                So the (DIS) working group, we'll hopefully start soon, there's still no ETA on that.

Woman: This working group is quite unique, and maybe you just say a little bit more about the requirement and maybe Patrick could help on that as well. But the unique requirements for membership, commitments of time, the ability to sign a confidentiality document, I think some other things that make it unique and - and any of you that can comment, I think its helpful for people to know more about it.

Man: You want to take that?

Scott: Part of - I mean, of the actual criteria on this...

Man: Scott, while you are - while you're pulling...

Scott: Yes go ahead.

Man: ...it up, I just want to add that it was (Scott's) hope that this working group would be able to convince and have its first meeting here in San Francisco. Its my understanding that there's an issue with the number of seats between GNSO and the ccNSO and when that gets sorted, and that's a - I believe a constituency issue, so when you determine your composition of participants, which - there's nothing to prevent at some point, additional experts, because there are experts in the community that don't fall naturally into one of the constituencies or stakeholder groups that express their interest in participating in this group once they get going. So if there's more people interested than there are slots, there will be expert slots open once the group gets going.

So I just want to offer that as an option, that there might ability for interested people who are trying to get on a constituency slot to just become an invited expert.

Man: And that is one thing that we did put in the charter, that there would be able to - we would be able to have observer status, for individuals wanting to observe.

So the three main objectives of the working group are one, the actual frequency and severity of threats to the DNS, two, the current efforts and activities to mitigate these threats to DNS, and three, the gaps, if any, in the current security response to DNS issues.

So those were the three main points that we came to through the charter, or drafting the charter. The actual criteria was, one, as Marilyn mentioned, we do have to sign a non-disclosure agreement because we may be looking at confidential information from various sources. They are giving us a lot - the staff have given us a lot of support as far as setting up the tools needed as well to get this done.

It is a long term commitment, it looks like it will be a pretty hefty workload coming down the road. Let's see here, we get down in here - I have the right draft. My apologies for the delay here. Okay.

Marilyn Cade: We've heard about two working groups, and it's a lot of it, there's still work going on as well, and to maybe - we can go and - its really up to you, do you want to go next? Adam? And maybe...

(Jack):   Actually Marilyn, can I ask - this is (Jack), Mike raised a really good point that I think might be worth a few minutes of discussion, which is, how do we avoid duplication between the SSR review team and the new working group. I mean when we met in Cartagena we talked about kind of taking notes that there is a working group as a component of what ICANN is doing, but it does strike me that there is a lot of potential duplication and maybe Patrick we've talked of applying even about ways to avoid overlap, and maybe that we can use some of the work of the working groups somehow and then we - like just one...

Marilyn Cade: I think we're going to - if we keep - I think that's one of the reason I was going to as Patrick to wrap up because those are the kinds of things I think you're going to keep hearing about, when you hear from Greg, some of what he's seeing going on and also Adam you know and if any of you are in a position to speak informally, and I'm not asking for a report, but a little bit about the kinds of discussions that began yesterday in the CISO group I think as well, there 's a lot going on in this area, and I'd like to kind of illustrate the range of activities and then maybe raise some of those questions of how do we prevent overlap but also ensure we're addressing the depth of issues and range of issues that we think need to be addressed.

Adam Palmer: Okay, this was slightly unprepared, but no problem to speak about this. Again, Adam Palmer from Symantec, and I will be assisting Jeff and Scott with our response to SSR. Actually a few months ago I began drafting comments to begin this process within the BC to try to help a long and to tighten up our arguments with regard to SSR.

I'm not sure Marilyn - were those initial comments - I don't know, were they wildly circulated? We formed (it) in a core group of a few of us. And with the idea...

Man: Only to the core group.

Adam Palmer: Sorry?

Man: Circulated only to the core group.

Adam Palmer: Okay, I'm sorry. So there was a core group of us that got together and were discussing these issues, again with the idea of just jump-starting this process to quickly involve the rest of the wider group. So the initial comments I believe though were never submitted, we knew that at the point we were probably not going to be able to submit them in a timely way, but we still thought it would be valuable and I think ICANN's security team indicated they'd still value our response to that.

So at this point I believe Greg also submitted some comments and these should be circulated I hope this week as soon as possible. Marilyn has now added some comments, you'll be seeing those. Again, with the idea that this is something that I began drafting, Greg's contributed to, and now Marilyn, with the hope of condensing some of the core arguments that we have or positions we have to support - improve SSR, and I will only speak, I guess to a section

that I added, and I'll tell you the three core arguments or positions that I advocated for was, one, asking ICANN to better define its security policies, so that there was too much language in the new gTLD (DAAG) with regard to simply advocacy or statements with regard to improving security measures on a commitment to ongoing efforts to improve security and I said that was an inadequate definition that we would appreciate if there was more detailed plans as to how these security measures would be implemented and executed.

The second comment which - and these have not been submitted yet, so - and I've actually spoken with the second one with Patrick and you know we want to consider this also and appreciate that he's here, but the perceived lack of input from the (enterprise) community and the business community into the security plans that ICANN's relating. And it can ensure that the - particularly a large business voice, large corporate voice, its hard, and our security concerns.

And finally, the final comment that we had was that the greatest plans that ICANN can lay out will not be successful will fail utterly, if they don't have a structure in place in-house to enforce those compliance obligations and the concern that I raised was we now I think have nine months where we still do not have the chief compliance officer or a chief security officer. So these were concerns that we had raised. But I think we just hired one this week, so that's - one of those has been remedied but to announce again, this was drafted a couple of months ago, so I'm glad to see one those has now been resolved.

Those are the primary concerns, again you'll see this circulated, it was just an idea to get this jump-started, there's more detail in the draft that you'll see, and I welcome everybody's input with the idea that hopefully this provides a start. Thanks.

Marilyn Cade: I ask Greg to speak with us as well because as many of you know, Greg has a relatively rich and deep background in this area, both before he joined ICANN and been elaborated during the time he was at ICANN and now elaborate even more in his role at FS Round and I ask him to share some of his views about these range of topics. Thanks.

Man: Marilyn, and I'd like to just to point out - sorry to interrupt you Greg, you said (Carl) had his hand up from here, it should be polite to speak.

(Carl):   Yes, I just had a quick question. Is the scope of this effort mostly to try in contractual language or to move? The reason I'm asking is my company does testing of network implementation, then I can say the quality is not very good in most of them, and I think the biggest threat is the quality implementation. Is the conception here to move out of contractual languages and more into something more like cable labs or something else that actually tests gear for some degree of compliance? Is it ICANN function or out of ICANN function?

Marilyn Cade: I think I'm going to defer that question until you hear from the next two speakers. The purpose of our discussion is to try to broaden and deepen the understanding of a range of BC members, many of whom are on the business side and not from the technical side or not themselves focused on SSR but somebody in their company is.

So this is sort of informational but let's come back to your question after we finish and the question might be, sort of where is ICANN generally headed, and take that question up at that time Carl, is that okay?

(Carl):   Great.

Greg Rattray: (Unintelligible). Well I'm going to try to - I'm going to stay at very high level, probably at a higher level than most of the discussions that go on here. Provide some perspective of where I think ICANN fits in a broader set of concerns around cyber security if you think that's useful, and then why, I think, at least at the round table we considered an important partner with what the round table as a representative of financial services institutions. The value we see that might be achieved through engagement with ICANN in tackling our security problems, all right.

So I'm not going to really start with ICANN, as say the focal point, but what do we need as a business community and that's - as an oversimplification because there's a number of different objectives sometimes, competing objectives within a business community.

But I wanted to put you back just a little bit because my perspective's informed really by kind of three experiences. The vast majority of my adult life I grew up in the U.S. Air Force and spent the last half of my career on cyber security in all of its aspects and including serving the White House for three years for doctorising the president as the cyber security guy on the National Security Council.

So they have a reasonably deep background in how governments think about this, certainly as the U.S. Government thinks about it. And you know both cyber security and in particularly ICANN, I'm up here today because that issue came up during my tenure, and worked with many in this room actually at different times about did we expect of our ICANN from a security perspective.

From 2005 to 2011 the concerns of governments about cyber security have grown dramatically and ICANN's profile on this regard has also grown

dramatically in the United States but also around the globe. I think that's something that's important because I think the board has to confront trade-offs or challenges of addressing multiple stakeholders and the security stakeholders are starting to rise you know and demand things of ICANN. And the business community should understand that and as it throws its two cents into the mix related expectations with ICANN on security.

I was asked - I actually just saw Paul Twomey walking into this room. As I retire from the Air Force, Paul asked me to join ICANN as an advisor and I spent three years really as the senior staff person building a team that included Patrick and others in the room, John Crain is here, so that ICANN could actually address both internally and externally its security role. And the one thing we did which continues, is we put together a plan, which we add the term resiliency to which is the ICANN plan for enhancing internet security stability and resiliency.

I still think that motto within the corporate governor's process where that is a - where ICANN articulates what it does and it's linked to the ops planning and strategic planning processes. It's a pretty good way for the community to consider and critique what it's doing and I would point the business constituency - really it's more of a practical impact on want programs currently Patrick is in charge of, you need a dig in and comment on those sorts of documents as well as the operational plan. Whoever hits the road where the money gets spent and what the organization signs up to and those things are important.

There's certainly a whole policy layer of engagements on who is and the review teams that we're talking about, but I actually think you can have a lot of impact at the community if you actually comment on what the program adds within the corporation the staff is part of ICANN does.

And then I'm working with Leigh Williams who's the president of BITS now as the security program lead. BITS has been engaged heavily for many years but certainly over the last couple of years related to specific security in - at interest that the financial services sector has. Principal among those right now is the nature of how the new gTLD process would be launched in a - or narrow perspective, making sure financial services related new gTLDs have the right sorts of security and governance mechanisms around that we don't see, problems that are already worse - no, already significant or worsening in the cyberspace ecosystem get worse because new gTLD is allowed, even the types of actors or loose security practices, make that a challenge by conducting electronic commerce worse.

Those challenges are manageable because I could put a lot of energy effectively into mitigating those risks, we just don't want new gTLDs to become an increased source of risk. So we we've worked with the staff and we've also worked with some of the working group processes.

I'm going to get into a couple of things but that's kind of the big picture I think, you know, its worth looking at as we consider what the business community wants out of ICANN. And you're going to get a little bit of my personal perspective, I very much see the challenge of cyber security as a challenge of an eco system. An ecosystem that is getting worse in terms of the growth of botnets and the ability of malicious access to do bad things, and that is the challenge for most businesses in one respect or another. But it's a different challenge for IT producers versus banks, versus network operators, they all have different things t hey do that contribute or potentially degrade the security of that ecosystem. I think a chance for the business constituency is to pull those things together and provide the right the right voice.

The main aim system is an essential of that ecosystem, and I also don't want to over blow that statement and say that the DNS is the most important element of the ecosystem, routing at the technical level is probably more important under at a fundamental job security, mitigation or risk level, but the DNS is very essential and it has to be well managed and has to have a degree of security and resiliency around it. In order for businesses to do - achieve their objective, I imagine almost every business in this room is highly dependent on the internet for its strategy and success moving forward, and certainly that becomes more and more of the case everyday around the globe.

I have a set of notes in front of me and this meeting's been interesting for me in the sense that I feel like ICANN's at an important point in terms of, its always easy to focus on the point in time, but ICANN has done some good things in the last couple of years to really try to stake out where it stands on security and resiliency. I mentioned the plan, and at least that provides some transparency that can be dug into by the community, the board was very good, a couple of years back at supporting getting that out and getting a (maximum) for the community to engage.

The implementation of the main - DNS SEC, the root implementation and ICANN's advocacy as a technical measure that's very important to improve the security of the DNS. The organization has put that at the top tier of its priorities, and that has been well executed and is a success story. I think that where the challenge is, are going forward, and it start to get into a lot of the policy challenge and something I think it's really a board level challenge is what its each role in mitigating malicious conduct? How much is an organization that was really put together to crate a cheap competitive domain name space in the late 90s, where risk and malicious conduct weren't you know and you'll correct me, I'm sure, but you know my sense is the model,

the model by which the registries and the registrars were put together originally wasn't focused on creating a secure space.

Right it was - so that the monopoly of the U.S. government had became a global and interoperable system, it was a governance mechanism put in place and the business now is built up around it didn't fundamentally put a lot of emphasis around security. We are now 12, 15 years down the road and security in the space is a major element of what we need out of the internet, and the domain name system needs to provide that, ICANN has a major role on the governance to that system, what is the board's take on whether they need to change the system in order to improve that aspect of how its done, related to its relationships with the registries and the registrars and obviously - with the registry as the whole set up, there are not contractual parties in par with the growing set going forward in the ccTLD space.

But they've not - this is challenging, right? The processes by which the GNSO does PDPs, the notion of consensus around what constitutes the right policy step forward or implementation measures has been consistently spotty at best in producing concrete results.

I spent some time yesterday with the law enforcement security operations community, had a big meeting all day yesterday, I was asked to talk about the high security TLD program which was actually launched when I was on the staff. That program had a 15 - there has been a working group for 15 months, and that working group has made a recommendation which is, we don't have consensus, we can't make any concrete recommendations, and we expect to - we recommend starting out another working group.

That's not the type of result I would say as businesses we see as sufficient out of ICANN in terms of you know taking this role in mitigating malicious

conduct seriously, and I wouldn't blame any individual this is really an essential feature of the organization and something that the board needs to grapple with.

So now I think you know I can go on at a number of different things, there is a lot of activity. There was the CISO section yesterday, Michael Barret from PayPal kind of pulled it together, had the support of (Wad Dextrum) and the senior staff was there including Patrick, but also Patrick Falstrom as the chair of the SSAC and (Rod) stepped in for a little while and Steve Crocker, the Vice Chair of the board was there as well.

We talked some about you know and I kind of push pretty hard on really trying to get outcome focused on this motion of security, in ICANN. I'm a little - I become leery in a degree of - a lot of notion of - there's a lot of activity going on, especially when a lot of the activity is pretty time consuming and tends not to have the touch of concrete results that are necessary. So I kind of lay down the (gauntlet) there a little bit, then it would - like that, lay it down here, was inside the business constituency because if you - we need to be effective, we need to be effective on an outcome basis as opposed to an activity-tracking basis. So I think I'll wrap it there.

Marilyn Cade: I really appreciate your comments, and I will just say I think it was so fair, Greg was on the podium and I think with Yuri and a couple of other people, and the eight people in the audience, because it was at 8:00 am in the morning, following the - following the (gala) my advice to Greg at the time is let's schedule differently next time so the room is full. And I think that's one of the points that I really want to iterate is, I really agree with the idea that we have to think about this problem as an ecosystem problem, and the thing that I see, from the background I have, where I came from is, most of the people

around this table worked for a company who helps to solve a large part of the problem that exists in this space.

Adam, I'm going to hear from you and then we're going to go to Patrick and then we're going to start taking - you want to go...

Patrick Jones: Actually if it's okay, can I jump ahead because I'm being asked to be in another place in another place a few minutes. So this constituency typically deals with a policy staff, and it's familiar in that area. You probably do no spend a lot of time unless it's in one-on-one work with the security chief. So I am part of ICANN security team, right now I'm in the interim role, see where that goes, but in the meantime, don't worry about the fact that we haven't ICANN hasn't retained a (CSO) because the work is getting done and its competent people doing it, including John and others on the team that are here in San Francisco.

We serve as the bridge for the business community, GNSO operators, infrastructure providers, ccTLD managers, the spectrum of the community that's interested in security. So provide a point of contact, and also to serve as subject matter experts. We're here to help, maybe in a different way than other parts of the organization, but what we want to do is work with the business constituency and others to take the security discussion and raise it to a level where your concerns are being heard, there's a way, an outlet and a ways address them. I know now that I'm back in Washington D.C area, I've done a number of discussions, you were kind enough to have me in October to give an overview of the SSR plan on activities, done the same for other groups, happy to keep doing it, my email is pretty easy to reach, at patrick.jones@icann.org and I'm available and others are available and we'll do our best to help you in the ways that - are useful for taking security discussions and channeling them in the right way.

I'll add one more thing, and that you didn't just go through a process over FY11 SSR plan, which was behind. We're now at the stage of the FY12, ICANN operating plan and budget is going through a consideration stage and there will be an FY12 security plan. The hope is that that will be made available to the community that it will be more streamline, less repetitive, in a way that's constructive then we'll be able to give the community a clear view of where ICANN's security priorities are.

So I'd say look for that, and I would look to this constituency and to help provide feedback on it.

I actually do need to get going, but...

Marilyn Cade: We'll store up questions and put them in writing. Is that okay?

Patrick Jones: That's perfect.

Marilyn Cade: And I'm going to go to - thank you. I'm going to go Adam and we'll keep moving then. Patrick, thanks again.

Patrick Jones: Thank you.

Adam Palmer: Thank you. I just wanted to - I spent almost two and a half years in the registry constituency, when I was at dot Org and for a poor - the better part of two years listening to the registries I think, tried to apply the narrowest possible contractual obligations to their security responsibilities. And I understand from a - their standpoint, as far as what their duties are, what their burdens are with that regard. I understand the reason they take that position

but I think my frustration and regrettable with Patrick's leaving, maybe he's not even the right person, maybe it's the compliance team.

But my frustration is that I feel like that view though is endorsed by the compliance team, and we heard that yesterday during the security meeting where I think it was Stacy Burnette who does a fine job, I'm not trying to pick on her but was talking about their view of - the narrow interpretation, what they can't do versus what they an do, and I think that they - it feels like they're always looking for the limitations and the reasons to say no to expanding their security view versus trying to take a more liberal view of if - perhaps they are send to well (latitudes) aren't necessarily defined, but we could do it to improve security.

Also I think she mentioned registry best practices, an issue that is ongoing right now, and she didn't give a status to that, I'm curious if anybody else in the room is aware of what the steps to that is or how we can have input into that as a final sort of question on that. Thank you.

Marilyn Cade: I'm going to actually respond to a point that you made with a very different interpretation.

I think from the years that I've spent - realizing that this is being transcribed, I think from those years that I've spent at ICANN, including the time I was on the council, including the time that I engaged extensively with the legal staff at ICANN, is that interpretation problem does no start with the compliance staff. And that would be my - I'm not suggesting that we debate that, but I would suggest to you that I probably have a range of experiences than that understanding, and perhaps to be outcome-oriented, is that the recommendation from the business constituency might need to focus then on the reasons that the full support to full enforcement of the - and better

interpretations of the contracts and contractual obligation is needed, and then full budget support is needed for the compliance staff.

Adam Palmer: It just sometimes feels to me like there also needs to be a view point shift within the ICANN compliance staff. As to how they approach compliance.

Marilyn Cade: Question, I'm going to start with Mike and then I'm going to go Carl and Mike (D) and okay...

(Mike):   Okay just - just really can I respond to your question Adam about the registry best practices but your second (dovetail) of commenting seeing I disparately agree with Marilyn, that interpretation issue is top is down and ubiquitous among the staff, I think still today, I mean it is hard to find a staffer that doesn't agree with the contract party's interpretation of what security and stability means in the bylaws even though most of us in this room they can match broader interpretation of that.

                 And that's why Stacy is talking about registry best practices instead of registry contractual requirements and then - then it stems from a registration of these policies working group that when we led as the BC basically. And you know the contracting parties just fought tooth and nail to have any sort of contractual restrictions or obligations, impose with respective to security.

                 The best we can do, given their obvious power in the policy govern process, you know essentially their veto power is - get them to agree to consider best practices. And so that was what eight, nine, you guys told me ten months ago, not a single things' happened since then, nothing. It's incredibly frustrating, to a lot of us.

Marilyn Cade: We follow up with them and then come, to you?

Man: Yes, just to add on to it, being in the (RAP) and Adam, that's when I first learned about you and your presentation, I think you did in Seoul, and when I came across that I was like, well, that's the answer for half of what we were trying to accomplish in (RAP) but we certainly got a lot of push back in that and we really just wanted to model what you guys were already doing, and try to move that forward and kind of more...

Man: So a quick comment to that is, something you know that until I give a presentation on the security program that we developed for dot Org, which in two months you know I'm saying that's not to you know give myself a pat on the back, but in two months we reduced malicious abuse by almost 30%, and they calculated. And it was simple stuff, and you know I don't track this but to my knowledge I have not have not had a single registry since then come up to me and say they adopted the same best practices. And I don't understand why.

So you know some time I just think we sit around here, I'm not trying to be hostile, but these are fundamental questions as to how we improve security, is this - we have to advocate for the shift of attitude in this, there has to be a shift in the approach that the contracted parties take and how we incentivize that. I think it's critical you know to improving security.

Marilyn Cade: I couldn't agree more. I'm going to go to Carl and then Mikey you have and then we're going to Bill.

Carl: Well first I'll say amen to the notion that little measures can make big differences. But I'm getting sort of a very discomforting feeling here, because traditionally security has been absolutist and business has been balancing risk. And I spent roughly a decade doing secure networking for various people in the Baltimore, D.C. suburbs, and then I went to (all startup). And it was early

days of the ATMs. We would never put ATMs in the street if we'd followed security. What we did is we knew these things were flawed, but we knew we had a business value of putting these things on the street. So we made a knowing choice to not go with rock solid D.C. suburb style security, and went to a balance of risks. We didn't put as much cash in the ATMs, that sort of thing.

What I'm saying here is you have to be careful not to fall into a "security mentality" and fall into more of a mentality of constraining risks, knowing our risks, and not everything was emphasized before knowing how first we can recover from things we do fail because Murphy and his law are - is out there and it is going to get it. Okay thank you.

Mikey O'Connor: I hate following Carl, he's the (biggest) one. This is Mikey O'Connor. I was on (hsTLD), a lot of folks around the table were and I think we had a huge opportunity as the business community, because when I was - it took me almost nine months to sort of figure out the (hsTLD) process was sort off the rail, and I wish I'd figured it out earlier, so that I could have made the observation earlier, so that maybe we could have gotten some stuff done before the board, sort of cut the legs out from under. It's part of the reason we stopped, it's because of the board resolution that said stop.

And so I wrote - I blew off the dust from a 30 year old document that I used to use way back in the days when I worked for a living, it was just basically the generic questions that you would ask when you were setting up any project. The super generic stuff. And I realized that on this (hsTLD) thing, we kind of missed a bunch of the basics. As a result, we missed the opportunity to make the kind of difference that Greg was describing before.

And so I wrote up a big long thing which I just posted to the comments but it just (POD) so I'm not going to rattle the whole thing out. But if you go to the public comment form and literally an hour ago, I published it there.

And I would suggest that we as the business community, as people who are really good at launching and managing large, complex, ambiguous projects, have the opportunity to bring that expertise to bear in the ICANN world, and the question that I would leave with, is why don't we mean when we say a TLD is secure? Because interestingly enough the (hsTLD) group never did. It got side tracked and we wound up building a very detailed solution in sort of a hammer looking for a nail kind of thing, good stuff, big checklist, blah, blah, blah, but we never got the basics in mind.

And so I think we as the business community have an opportunity to do some leaning by doing a really good job of what we as businesses do well, like Carl said. You know managing in a slightly ambiguous environment being very clear which way is west, what's the problem we're trying to solve, who's the person that has this problem, how do they benefit from having it solved, let's get some of the basics down first, and - if I could just take a second to do a personal example, I'm sure a lot of you have kids.

I had this horrible moment when I took my kids to school on the first day, because my kids never did anything I wanted them to do. And at some point they had to go out the door and I was totally panicked, because I knew my kids would be sitting at the table, and wouldn't be walking out the door. And teacher stood up and said, okay, you kids, the kids all go, huh? We're going to go and stand by the exit sign. And all the kids got up and walked over to the exit sign by describing the destination really clearly. It makes it easier for everybody, friend and foe alike to help get there, and by not describing the destination, very clearly, you leave lots of opportunities and wasted time,

wasted effort - believe me, I didn't enjoy spending 15 months of my life getting to the point where we had to say, we don't have an answer and we have to stop.

Marilyn Cade: We need to wrap up, we have time for one question and we are moving to the next topic, but I'm going to make a summing up statement. Bill?

Bill: So Mikey great comments, I too participated in the (hsTLD) but mostly in a lack mode, I fairly quickly caught on and said I don't see this going anywhere.

Mikey O'Connor: I know I sat over and saying you should have asked me, I could have told you.

Bill: No I just didn't think it was going to reach consensus. Your point about stating the destination that's critical to reaching consensus, I think. Knowing where you are going, agreeing we are going to go to this (side like this).

                 You have disagreements along the way but, anyway I would like to see more of that at ICANN and that would be a good thing. I must apologize, today was the first day I actually read, I read the charter for this joint working group. I was unaware of it until (just now) that's my fault.

                 I have questions about how it will be formulated, its charter, the (NDA) that it references but doesn't present. And then whatever this group does, how it will ever become or if it will ever become anything because the charter states that each of the representatives then will take this back into their representative organizations and they will decide what to do with it by their own policy.

                 So to me that seems like potentially a recipe for an extremely long longer than (hsTLD) process. At the end of which the groups they are represented there will take a look at this in the large and as opposed to in the small and make a

determination. I think we should go for some smaller things in the meantime. And Adam to your point, I guess 30% isn't best enough. You know in terms of best practices we need better than 30, I'd love to see a 30% improvement in some of these stuff that's happening (with you) is an example.

10% improvement, 1%, anything. Exactly, let's just start, I mean let's start walking okay, so I'm not opposed to this working group, I just have some questions about it and I think we can do stuff far sooner than, at least I have seen here.

Thanks.

Marilyn Cade: Thanks Bill, I'm going to make a, let me put things into context here. The draft comments that Adam wrote were about a suggested contribution to a public comment process. I asked Greg to give me a sort of a white paper which would help to define from his perspective an understanding what a role for business users may be. I took some of the material from Adam's contribution, some from Greg and added of course brilliance to it and turned it into a different document which I would call more of a white paper.

So Adam will be continuing to lead in fixing our comments and will be turning to him to do that but after Greg and Adam and a few other people get to look at what I call sort of the light paper. Everybody is going to get to look at that and it's really a philosophical piece. It's not, it includes I think an example of land that I sort of took from an industry that's impacted by risks and threats, so it's more of the kind of philosophical piece that will be asking all of you to look at to say, does this look like why business users should play a role?

And it doesn't replace the need for comments which had to be more detailed and specific. So you're going to be seeing more of that as we come out of this. There is a little bit of philosophy in the piece that you are going to get from me, which is really it is the chair's view. That doesn't mean any of you agree with it, but thing about getting the chair's view is you don't have to agree with it, you are going to have the opportunity to change it. But I just don't want to confuse that when you see those two because you'll see paragraphs that are identical to the submission that Adam's going to be leading and then you are going to see some (flux).

I'm sure I didn't call my language (flux). Is there any last comment about, I will just say, it is to me. The thing that is going to differentiate the business constituency and change your influence in ICANN is making it clear about the role that you play in helping to define what security stability and resiliency is and using that as a way to also recruit a broader group of business users to participate in the BC. And it's not a gTLD issue. It is actually a much broader issue for ICANN.

It has implications for gTLD but it's much more broader. Mike you wanted the last word, there you go.

Mikey O'Connor: Actually just a small plan of procedure though on the (DSSA) team. I think we need to, I'm going to run to a meeting after this so I will just drop this bomb and leave but it's a small one. We've got like six BC people that have asked to be in that group I believe, something like that. Its, I don't know, but that seems to be what's holding up that group starting. Its charter from four months ago, so I would kind of just urge some of those BC - I'm also going to represent the IPC in that group so just people know that. So we actually will have one other BC member on there as well, and I'm happy to forward

everything to any BC member who wants it you know, as long as it's not covered by the confidentiality agreement that I had to sign.

But I just urge guys to, let's just get off that dime pick one or two and lets end that issue.

Marilyn Cade: I think actually the exact (comments) that issue and we've got it we're going to discuss it. You will miss the discussion but it's on the transcript, we will be doing this but thanks Mike.

Thank you all, I know some of you are going to have to leave and you will also see in a note what the proposed resolution is from the (ex com) later so everybody is updated on it. On the - we are going to discuss with and we got a few guest speakers and if I could move Liz if she's still here. Liz?

Liz Gasster: Yes

Marilyn Cade: And is Steve here Liz?

Man: (Unintelligible)

Marilyn Cade: I would, yes, if you want to come up here and Denise if I could move you up here as well. And we have Lynn and Susan who will also be speaking. Hi Steve. We got, yes, and we got one right there by Scott as well. Guys I know we've, we're starting a little bit later but this is a really important topic to the business constituency for any of you who have been around a long time, you know that actually probably the chief champions to open accurate accountable who is started with the business constituency including the fact that Becky Burn and Marilyn Cade wrote the language when ICANN was chartered that made accessible accuracy ways of requirements.

And it came in to ICANN as a requirement, it was never negotiated. So we you know we really benefited from having the opportunity and knowledge about the importance of who is in those extremely early days and it continues to an ongoing high priority.

I ask Liz and Steve to help to update us on what's going on broadly on WHOIS and then we will hear briefly from Denise who is going to put into perspective the (ATRT) review team and then we will go specifically to the Susan Kawaguchi is the appointed representative from the CSG, a BC member who is the formal representative from the CSG to the, who is review team and we also are joined by Lynn Goodendorf who is a member of the BC and is one of the independent experts.

And I think Bill is here who is with Pay pal and is also one of the independent experts. So if I could Liz turn this over to you and Steve.

Liz Gasster: Oh, thanks Marilyn and hello everyone. It's a pleasure for both of us to be here today. I'm Liz Gasster, Steve Sheng joined me, we are both on the policy staff. Steve is a Senior Technical Analyst, my title is Senior Policy Counselor. Marilyn I just wanted to ask you, how much time I mean how much time do we have for just this sort of WHOIS piece and I have a presentation that I can do instead of the short or the yes or I can sort of skip almost completely but, so here is the way I kind of thought about talking about this, there is really four groups of activities going on with WHOIS in this meeting in San Francisco.

The first is the GNSO council discussion of WHOIS studies and many of you know it's been looking into WHOIS studies for a long time in the GNSO. So I

was going to update you on these studies and invite any discussion you have about what these studies do, the importance of them et cetera.

The second is to describe a little bit about WHOIS service requirements reports that Steve Sheng actually wrote, it was completed in July of 2010. So it's a report that was requested by the council in 2009. The council just not had a chance yet to discuss it and is on the agenda for the open meeting, so I thought it would be a good idea for us to spend a little time on that report and begin maybe to maybe encourage you to think about what next steps might be appropriate.

We do have some slides on the on (exec) GNSO, international and registration data working group. That is in separate working group, hopeful you have BC representative on that group, but you know I can spend more or less time on the report that's being presented Thursday morning. On that report, so with the opportunity for public comments. So I wanted to make sure that you knew what was kind of in that report, that interim report and give you a chance to ask any questions about that.

And then lastly we do have a session scheduled tomorrow afternoon, sadly it's the same time we're overlapping the GNSO council meeting which was a result of one of the key speakers not available any other time. But if looking at them, we have started to call technical evolution of WHOIS, I think we are evolving on what we are calling the effort but really taking a look at the underlying protocol, not any, unrelated to policy and looking at the technical changes that might need to be made.

So that's a very fulsome schedule on WHOIS , for this ICANN San Francisco meeting and I can spend a good hour probably on any one of those topics. So

you know forgive me for suggesting that we may run through this very very quickly.

I think most of you know what the goals of WHOIS studies, to really inform policy making by the GNSO council because there were fundamental concerns that we just did not have the facts and the information necessary to make informed policy decisions. And so there were series of studies, this is a chart that's impossible to read but I will make sure that you all have it circulated to you. It's also been in many previous presentations I have given, so there are some updated information on it.

There are four studies that the GNSO is looking at. The first one is this (new) study that the GNSO is already decided to proceed with. So this study I'm currently negotiating with the outside independent experts to do the research and we'll hopefully get started on that study within the next week or so. It will take about a year to complete and cost about $150,000.

The other three studies are studies that the council also asked us to scope for feasibility and cost, we have done that, it took quite some time to do. We used an (RAP) approach to get a sort of broad and deep amount of information as we could from experts and it's now up to the council to decide which studies we do and that could mean all the studies, it could mean a portion of the studies or it could mean and possibly none of these studies.

So the motion, you all know your motion that John Berard introduced, that Deb Hughes seconded would conduct all of the studies that will be discussed tomorrow, I do not know if it will be voted on tomorrow or not. But it is on the agenda for a (fulsome) discussion. And I'm happy to answer questions, I know you, we just don't have the time now to go into the details, but on this at

this session or any other session I'm happy to answer details about what these studies do and what we are hoping to learn from them.

This is the report that I mentioned that the council requested in 2009 that Steve Sheng completed in 2010, I think what's particularly important about this study is that Steve was asked to compile a set of really technical requirements for WHOIS policy tools based on known deficiencies in the current protocol in the current service but that also would include other possible technical requirements that might underline certain policy initiative.

So the one key to understanding I think what this report does is that an inventory's technical requirements that would be required to make various policy changes operate. It was not intended to gather policy requirements or recommend policy in any way. So what it did do is create, well it caused us to learn several different new implementations of WHOIS that Steve is going to talk about in just. That we are now taking a closer look at and encouraging the community to take a closer look at that we discovered during the course of assembling this this reports.

The status of the report is that it has been released, sorry this was just a process, we completed the report in July. Here are the kinds of elements that are going to (find) in the report as technical requirements again that would be required to provide the capability to make various policy changes that had been proposed. And that there were comments that so I'm going to skip to these....

Marilyn Cade: (Just) go back, I just have a question.

Liz Gasster: Sure.

Marilyn Cade: Go back to the start.

Liz Gasster: It's hardly how (much).

Marilyn Cade: I know I know it's just looking at this, you said (fixed price) is same WHOIS but all of the gTLDs are required to have (unintelligible), so you are referring merely to the legacy gTLD, yes?

Liz Gasster: That's right. Okay, skipping the next slide that talk about some of the comments associated with that report, and what I would like to do is just ask Steve quickly, and I will move the slides for you to just do a quick overview of the work of the Internationalized Registration Data Working Group and then just touch on this technical work that your office is doing and then we can follow up the question.

Steve Sheng: Thank you Liz, the goal of the IRD working group is based on the following problems. So currently there's, in IATF there is the (IDNA) that defines the how the internationalized domain names is this for domain labels. The new label and A label and how to do the translation, or how to change this. However there are no standards that exist for the other parts of the data. The domain administration data that goes beyond the domain names, so the working group is chartered to look at this issue and currently there is an interim report that is in public forum.

So the key of that is the working group propose several models on how to internationalize the domain registration data based on the whether to submit, whether to have the data in different, in a monthly presence scripts in English in U.S. (ask) key or you know whether we should do translation or transliteration you know to aid various preferences and to avoid kind of a (tower bubble) effect for the domain registration data.

So the working group has not endorsed any of these models that you know just putting it up for discussion and I think as of yesterday we have received seven comments. So these are the questions that your working group asked. The next step for the working group summarize and analyze public comments and also revise and record and publish the final report. I'm not sure if the Business Constituency has been following this, so that will be something...

Liz Gasster: Steve we're not and your job is to get us into that. Well as you know the community has been struggling with this issue for a long time and with the growth of (IDN), the (IDN) registration, the problem is only going to continue to worsen and again just briefly, if I can look at Susan Kawaguki - Kawaguchi and just imagine what your life is going to be like when you do what you do in an environment where you've got so many of the names you are looking at and with none as key characters and say you know you have one heck of a job now and just imagine what that would be.

So I guess it, I think what I would like, it's a very technical right now, and it's not intended to be a policy discussion so I think to the degree, and they are struggling with technical expertise candidly. It's a tricky technical issue, so I think, to the degree that you have technical people in your community that you could reach out to I think Steve would you agree that that would be useful for this group and that it's not too late for especially for technical people who have some background here to jump in and provide some useful contributions.

Steve Sheng: Sure, never too late.

Liz Gasster: So why don't you just talk for a couple of minutes just about this technical evolution that we are evolving into calling enabling future directory services. Oh sure, yes.

Man: One question about IRD, and Steve you are going to talk about this Saturday in the same room, is the study number 11 under the WHOIS studies and something I submitted to specifically look at the mixing of (IDN) and Latin scripts and internationalized (webs store) of data. And we had asked not for a study as much as a technical analysis and would you say that the work of Steve and his team is directly or responsive or tangently responsive to study 11?

Steve Sheng: It's a god point, there is a couple of things I can think of so in the working group will they discuss about mixing of the scripts? (Unintelligible) consortium has issued a security reports how the different levels of mixing and its being discussed and I think one of the next issues that the working group is going to tackle is which of these that different layers of mixing is allowed. So that's the first question.

The second question as I understand that's request is whether the introduction of the internalized data and other contacts would decrease the accuracy and the usability of WHOIS. We were given presentation to ALAC and the (deputy) also raised this issue.

We haven't addressed that too much but in the different impacts of the model we did consider how the different models might have impact in terms of accuracy of the data. So just to quickly respond.

Man: And thank you, and I did refer you to study 11 and the questions that it asks particularly with respect to client side software tools that may or may not check the syntax of characters before we punch them into our browsers, or an app, not even using a browser but an app that would run on something like an

iPad and all those clients side tools have to be examined as well, we really appreciate that.

Steve Sheng: Oh sure, so I just want to finish finish up this and another thing we call Enabling The Future Directory Services, so the goals of the - we had a discussion in Cartagena and after that we still have a mailing list, so the goals of the session in San Francisco is to better understand the requirements for directory services for registration data. Now note that, we kind of shun away using the word WHOIS because it's a word discussed in ICANN community but sometimes people refer to different things with the regard to WHOIS.

And the second goal of the session is to better understand some of the existing technologies, so for example the IETF has come up with the (Aries) protocol but as of today, there has been zero adoption and there has also been other proposals such as the (restful) who is, that has been deployed by the (RARs). So those are the two goals.

I want to I want say at the front that there has been discussions about, why is ICANN messing with the protocol. And first of all, we do not have intentions of doing protocol developments. I think, we think that's the role of the IETF however I think it's appropriate for the community to discuss about, to understand the requirements for the directory services. One of the criticisms for the (Aries) protocol is in the whole conversation is in IETF and then when a solution is being (through) out of for ICANN afterwards and then there is no interest.

So we want to try to learn from those and engage in discussions, so thank you.

Liz Gasster: And if I can just you know close on that point, that it's really, we heard about (restful) through this process of developing the service requirements report.

We continue to understand better and better the challenges and the contexts of the IRD working group associated with internationalized registration data and we continue to hear from technical experts of the (FSEC) and others about fundamentals concerns with the current protocol and in light of that what we are really trying to do with this technical discussion which is simply that encourage a technical discussion.

Tell people about what we've learned about RESTful, for example, and the implementations that have occurred. Ask people whether they think these hold any promise for the kinds of issues that people are already concerned about and kind of encourage discussions in the community so that the community might lead a process in the IETF.

And so I'm particularly sensitive to understandable concerns that people may say about, you know, gee, are, you know, is this - are you trying to avoid the policy development process, are you trying to circumvent the policy, is there a policy activity that you should be occurring.

First, before this goes on, it's our sense that no, you know, none of those things. And that we can look at technical options especially the extensibility issue and how other options for directory services can provide extensibility so that we may not have to make big policy decisions in order to make smart technical decisions. And none of these is being driven by the staff only to the extent that we're providing, you know, the form and the Wiki and the rooms of the meetings to talk about this.

So just anything you could do to help me get that word out that that's really what we're trying to do with this discussion and invite especially knowledgeable technical people to participate would be, you know, very much appreciated. Thanks.

Marilyn Cade: (Unintelligible). And we're going to take questions. I'm going to take three or four questions for the two of you then go to Denise. And then we're going to talk more about the WHOIS Review team and then any other questions directly related to WHOIS.

So I know Mikey had a question and then I think Bill had a question, and Karl had a question.

Mikey O'Connor: It's Mikey.

This isn't really a question but, you know, as you were talking about this, I was thinking about the IRTP. You know, you've been involved with that a lot. We (brought in) this from sort of the other side, get it from the IETF side saying, why can we try to do - we were coming at it from the other side saying, well, this is goofed up; how do we get a conversation start.

So this is perfect. And if you could figure out a way to package that up and hand it to working groups like the IRTP gang and say, you know, why don't a few of you guys join this conversation and it'll start to build that bridge. Then that might be an avenue to do that because as you know, I mean this has come up in both of the two IRTP so far and hey, we got three to go, so you know?

(Bill):   So I think it's a good thing to have the discussion. But I am one who is concerned, but I can like dive in to doing technical work.

Part of my concern around that is when I hear things like we're discussing encodings, RESTful versus Port 43, WHOIS, et cetera. The Port 43 WHOIS is the protocol. Is that the IETF? RESTful is a different protocol. And from my perspective at least, they're well beyond sort of requirements. The

requirement would state something like, you know, we have to be able to do it through and perhaps, you know, you might even say on, you know, what medium.

But that's about it. You might say if you wanted to use RESTful, WHOIS, the requirement would be, you know, that the searches and presentation would be possible doing a browser, Web browser. And what happens behind the scenes, that's up to the technical people to figure out.

It's been close to ten years now since I actually did any participation in - at that - W3C and other places. But more than ten years ago, the XML was created. It uses Unicode. It's not a perfect solution. Everybody knows it's not a perfect solution. There is XHTLM. It also was not a perfect solution, but it deals with many, many cases.

And I just wonder whether you've gone to the W3C to talk to them about their experience with XML, Unicode. There are people who work on the XML -- original working group, (John Bozak) who is extremely knowledgeable about the choice of Unicode. And I think there are some well known experts who have dealt with exactly - or not necessarily the WHOIS side of this, but the ability to represent a multitude of languages in a single format basically.

And they did extensive search and they picked Unicode. And I just - this is very technical stuff. And it's frustrating and perhaps even frightening to me that we're having the discussion again essentially when there are some, I believe - and again I have not looked at it in ten years. But ten years ago, there were well- known techniques for solving this type of problem.

Man: Yes. Thanks, Bill.

So we have - with regard to encoding issues, so for example within the IRIS protocol, you know, it does handle encoding, you know. And the problem with that is, you know, there's zero adoption of IRIS. And, you know, one of the drivers behind this is, you know, internationalization, how do we do internationalization.

And in fact, in the (IR&D) group interim report, one of the requirements is, you know, WHOIS service should be able to display this data. And right now, it's not able to do that consistently. The IRC said that clearly, you know, that WHOIS protocol has not been internationalized.

So with respect to requirement, that's exactly - we're going to have a discussion about the requirement. And perhaps when we offer list, we'll lead that, you know, feedback into IETF.

Karl Auerbach: Thanks. If I could follow up that the fact that - for me, anyway, the fact that that protocol doesn't have wide-scale adoption is actually, for me, isn't an issue. This isn't, you know - it's attempting to figure out how to encode stuff. That's the technical guys' job working with the protocol with other people, okay? I am just suggesting that that problem has been tackled.

IRIS may be a terrible protocol, okay? And no one will ever adopt it. But if you were to sort of throw it over the wall to somebody and say, yes, we want to do internationalized characters. How do you recommend doing it? And we want it to be widely deployed. Okay? I suspect you're going to come back - I mean the people I know at least would say, well here, go do this, this and this. And yes, there's this IRIS thing and what - maybe that suits your need, but maybe it doesn't.

But a lot of browsers are able to deal with at least some versions of XML, et cetera. But I think - I believe, anyway, there are ways to do this. And I'm just - I'm concerned that we're going to have a - we're going to chase our tail around encoding. And that was done 15 years ago. And the solution was, you know - they came up with a solution and it seems to work, you know, relatively well.

Woman: I'm going to actually move any further discussion about that, which is going to get over my head and everybody else's really quickly, and take (Karl's) question and then go to Denise.

And if you're highly technical, I'm going to make you go talk to the two of them, Karl.

Karl Auerbach: Okay. Well I'm highly technical. So I'd suggest JSON instead of XML.

Besides being CTO of my little company, I'm also counsel. So I was wondering to what degree. And one of my (bets in large) is always eDiscovery and Data Preservation of Access. And I'm kind of wondering to what extent WHOIS Access might have to start doing recording of IP addresses and other access information that has to be preserved for a long period of time.

Has this been thought about? Is this an issue? The reason I'm asking is I've got the Costco, the trial on here and somebody has been asking questions about Joseph K and there's an issue (unintelligible) of WHOIS, is you really - from more of a civil point of view than a business point of view is it's really - you really ought to know who's asking questions about you.

Man: Not that I know of. But good form to bring this up.

The one thing I know about the history is VeriSign has offered a service called WhoWas Service. So you can be able to search, you know, the history of that domain name and who actually owns it.

So that's to the extent of history I know. It's not about, you know, who has checked your history. And so that's my bet on all of things.

Marilyn Cade: Okay. I'm going to move, if I may, to Denise for a quick overview of the progression of ATRT and in specific, then maybe how the WHOIS Review team gets into that. And then we'll go to ask Susan and Lynn to talk more about what is going on and of course to Bill as well.

Thanks.

Denise Michel: Sure. I'm Denise Michel. I'm Advisor to the President and CEO of ICANN. Marilyn asked me to spend just 5 minutes giving you a quick update and overview of the ATRT which stands for the Accountability and Transparency Review Team report.

The Affirmation of Commitment, which ICANN defined in September 2009, obligates ICANN to run four separate community reviews. The first of these (impendent) community reviews was the Accountability and Transparency Review Team. They looked at the obligation of ICANN to maintain and improve robust mechanisms for public input, accountability and transparency to ensure that the outcome of its decisions reflects the public interest and our accountable to all stakeholders. Specifically the review team was to look at ICANN's ability to continually affect and improve specific aspects that support these objectives.

So the report was issued New Year's Eve, posted for public comments. It includes 27 specific recommendations for ICANN actions. They fall into four broad groups. Group Number 1 is the Board, its processes and its membership. And it includes some suggestions of change into the Nominating Committee process.

Group Number 2 is the Governmental Advisory Committee, a number of recommendations there to change GAC processes.

Group 3 is Public Input and Policy Development process, a lot of recommendations go to the Public Comment Forum processes.

Group 4 is reconsideration of Board decisions. The official comment period on this closed February 14th. The Board is considering this. staff has recommended that the Board adopts all of these - all 26 of these recommendations and has suggested that one recommendation, Recommendation Number 5 that suggests the Board compensate all voting board director, staff suggests that that further due diligence and research be done on that.

But staff has recommended that all 26 recommendations be adopted. And several of the recommendations go to administrative or operational processes, many of which the staff has either adopted or is working on adopting. Many of the recommendations require significant input and decisions by the Board, Nominating Committee, the Governmental Advisory Committee.

They should have some significant input from the community, including the Business Constituency, things like the Board should provide rationale for every significant decision that it makes. Things like the Board should provide significant and detailed input on the skill set needed for directors who are

going to be appointed to the Board. I guess that these are items where the BC would have some very clear input and ideas of how this should be done to be most effective and how the community should be involved in providing input on who should be on ICANN's Board.

The Policy Comment Forum, they suggest significant changes to how ICANN solicit comments on a whole - anything actually that's posted on the Public Comment Forum. A substantial and very significant change to all of this process will affect everything that comes through the gNSO that the Business Constituency is involved in.

So this information obviously is on ICANN's Web site on Updating an Accountability and Transparency Web page. That'll be available right after this meeting closes. That will make it easier for you to find out what they've recommended, what ICANN staff has done so far. And we'll keep you up to date on the decisions the Board makes on this.

The affirmation requires the Board to take action on the report within six months which is the end of June. So given all of the activities that are occurring right now, I'm not sure that the Board will have time here in San Francisco to come to closure on the report. But they've been provided with all the information that they need and they're actively considering the recommendations in the report.

I'll leave it there. I'm happy to answer any questions you may have either now or throughout the week.

Marilyn Cade: So what I'd like to do is hear from Susan and from - I'm going to ask a question before we go on.

Sure, Chris.

(Chris): Just a question and a comment. The question is, what exactly will be the input process between now and Singapore's meeting? I'm just getting a better sense, and perhaps that'll be on the Web page when that releases after this meeting.

And then second is a comment. We applaud the work of the ATRT and the staff in actually getting this done. And I think the key thing will be to see the implementation. We've had numerous processes, whether it's the PSC, whether it's the IIC, and the implementation after these processes hasn't really occurred. And I understand that there's more put into this and greater visibility, but we just - we emphasize that that's really going to be critical.

Denise Michel: Yes, absolutely. That's an excellent point.

So what staff did is - prior to Board action on the ATRT report, staff went ahead and developed initial proposed implementation plans for all 27 of the recommendations. And we're now waiting for the Board to actually decide how it wants to move forward.

But staff has already recommended that the Board direct staff to move forward with these implementation plans and, you know, consult with the community closely on how the plan should evolve, how they should finalize.

And so once the Board makes its decision on these recommendations, then you can look for staff and lead entity be coming back to the community for additional ideas on how these specifically should be implemented. Different recommendations as you can imagine are the responsibility of different organizations. So board processes, the board will be taking the lead on overseeing implementation, changing what the GAC does, how it gets

involved earlier in the Policy Development Process. Governmental Advisory Committee is going to need to take the lead on that with staff support.

So all - so the real details and timing need to be worked out once the Board makes its initial decision. But I'll make sure to keep you apprised of how this plays out.

Marilyn Cade: ...Karl and then we're going to go to...

Karl Auerbach: Okay, I'll go.

I think I have rather the unique perspective on some of these because remember I was elected to the Board, North American Representative. And I can say I think with quite a degree of assurance, I was the only board member ever to keep a public diary of my decisions criteria, opinions, reasons. I did that for a very clear reason. But (unintelligible) rule of ICANN, wherever we're going to be sued, I want to (unintelligible) so I had a clear business judgment defense.

But nevertheless, don't underestimate the resentment other board members might have to discussing issues. Even though I made it a rule not to discuss the opinions of any other board member, I just found a lot of possibility towards doing that sort of thing.

And don't forget, ICANN is also - has instances of sort of an institutional resentment or reluctance to expose itself to directors' intrusion. Don't forget, obviously ICANN looks at the financial. And they won of course.

But good luck with the effort. And if you have questions about what it's like from a director's point of view, come talk to me.

Marilyn Cade: So I'll just say real quickly that - just an FYI for all of you as BC members, the CSG leadership supported by the House took a position at our House meeting on Sunday morning that we will be sending a letter, a formal letter forward. Philip, you may have to help me remember. But it's generally going to call for the - a publication of staff documents that are prepared and sent forward to the Board.

So that's - and we've got very board support from that. I think I've been - it's been suggested to me from actually the other House that they will also support that. So if we get that done, you'll all be seeing - actually you'll be seeing circulated a draft of that. It doesn't solve all problems, but I think it - you see my fantasy is that the reports given to the Board are very succinct and I'll have to do less reading.

Did you want to make a comment?

((Crosstalk))

Denise Michel: ...really quick. And thanks for your input and your experience.

I guess to that I would say it's a new day and it's a new board. As of January of this year, the rationale for all Board resolution is being publicly posted. You can go to the Board Meetings and see that.

Over - it's been a year now that the Board - actually since last May of 2010, the Board has been posting the staff papers and background material that goes into the ports. So that's publicly available.

This month, they'll post a reduction policy. They'll be translating all the Board resolutions. They'll be posting even more information that supports the Board decisions. And so the Board is eager to move forward with these - with many of these transparency and accountability things than indeed it has already done so.

So I think you'll - there's clear progress in this area. And I think you'll see many more in the few months to come.

Marilyn Cade: ...and then we take Steve and then you, Jeff.

Steve DelBianco: Thanks, Denise.

Yesterday, Rod Beckstrom was citing the commitments under the affirmation and said that we would - that ICANN was fulfilling to exceed the responsibilities under the affirmation "subject to receiving appropriate resources." And I can't really read that comment to know whether - is he highlighting the fact that there might not be sufficient budget to fulfill the ATRT recommendations this year or fiscal year?

Denise Michel: Yes. So, yes, I wasn't there for that comment. So I obviously don't speak for Rod. But the - just on the initial implementation plans -- and these aren't (filed) -- for the 27 recommendations, there's an estimate that for - of course staff positions will be needed long term, about $960,000 will be needed in fiscal year '12. And the proposed fiscal year '12 budget is out for public comment and deliberation.

So I can just tell you factually, within the current budget, prioritizations and choices need to be made. And that's the decision that needs - so it's in that

context that the decision needs to be made about whether funds will be provided in fiscal year '12 for those activities that had already been identified.

Does it make sense?

Marilyn Cade: We are finally going to hear from Neuman.

Jeff Neuman: I was going to ask if there's anything that's going to happen at this - at the staff level about trying to expand the rationale in capturing the decision-making process because I agree with you, I think progress is being made at the Board level. But I also think fundamentally, even the rationales for the resolution are still, you know, it's a couple of sentences which is much better from a corporate board perspective, but it's not...

Denise Michel: Yes.

Jeff Neuman: ...a full, you know, kind of analysis from the broader...

Denise Michel: Yes, that's - yes, it's a good question, Jeff. And the ATRT also suggested - also recommended that individual directors' rationale and thinking behind their vote also be posted. And so that's something that the board - likely, the Board Governance Committee will be looking at and attempting to implement. And as part of that, they'll be seeking, I'm sure, more input from the BC and other interested parties on the most useful way to provide this information and how to expeditiously share this information with the community.

Marilyn Cade: Okay. WHOIS is actually my favorite topic. As some of you know, I chaired a WHOIS task force that could have ended early, but I managed to keep it alive for two full years.

We met two hours a week - two hours a day, twice a week. We actually did the first study, did the analysis, published the report and organized a number of public forums. I'm really proud of the work we did and I am thrilled to see, at last, WHOIS is getting more attention.

So, Susan, and then Lynn and then Bill.

Susan Crawford: Well, Marilyn, as usual, you're a tough act to follow. But I think we're working well together and we are definitely making headway. But it is sort of a tough nut to crack.

But we've spent all day, Sunday, discussing issues and, you know, deliberating over definitions and looking for policy which there really is not a clear and concise policy. And then today, we went to - and correct me you guys because I don't remember them all. We went to SSAC, the Registrars Group, ALAC - oh we did go to ALAC, and the ccNSO, right? No. Was that tomorrow? I'm so confused.

So I must say the SSAC really responded and gave us some very good details to follow and to look into and requested that we do a definition of WHOIS, because we've been struggling with that internally in the group - what are we really talking about when we say - use the term WHOIS.

So I think that's one I'm hoping definitely we'll follow up on. And then the Registrars are sort of interesting as usual, a lot of prospectus have not changed in the last five years that I've been working on this. So - and ALAC was just a quick meeting.

So I don't know what else would you guys like to add.

Lynn Goodendorf: Let me just kind of follow that, Susan, that we want to get on the agenda in Singapore with this group because we just simply couldn't get to all the different constituencies this time. And Emily Taylor is the chair. So I think in Singapore, we'll do that.

I want to make sure everybody realizes we just put out a call for comment. And that call for comments includes our plan of work. I mean this is really the starting point. So it has our plan of work. We drafted a scope that's been there. And we drafted a few key definitions for the purpose of trying to get a common understanding.

And so we really need feedback on what we've put out there. And if anyone in this constituency thinks we're kind of going in the wrong direction, you know, now is the time to raise your hand.

In our group, I'm sure you've seen the published information on who's on the team. But I just want to kind of highlight that we do have a law enforcement representative. We have Sharon Lemon who's from the Special Organised Crime Agency in the UK. And we also have a GAC representative, (Peter Metelford) or (full). And they are very actively engaged.

And so for instance, Sharon from the UK SOCA group, they have relationships with the US FBI, with Interpol. And I think they're in a good position to represent not just their law enforcement work but law enforcement work in other groups.

Right now, we are brainstorming on a preliminary list of issues and trying to figure out once we've agreed on what the issues are, how we're going to divide our workup into subgroups because that seems to be the most expedient

way to organize the work. And we've set for ourselves a completion date goal of November of 2011. I don't know if we were too ambitious when we set that. But that is our goal and that's what we're marching towards.

So, Bill, I guess you would be next if you want to add anything more.

(Bill):   Sure. The group we forgot was the Address Supporting Organization. It took me a while to remember it.

I think the thing I would ask, if I can, I'm going to take my review team hat off and put my (APAO)/BC hat on. And what I'd like to ask members of the BC to do is go take a look at the information that has been put out for review. I've reviewed it. And you may have some comments. And I would suggest that you seriously suggest that you submit comments if you have comments.

With my (APAO) hat on, I would suggest you look at the definitions for consumer. And there are two of them. If you have a preference for one over the other, I would suggest you indicate that.

Marilyn Cade: I think that's a very helpful comment.

For those of you who haven't lived through the history of WHOIS, I will just say that there've been some incredibly informative briefing sessions doing the lots of our examination of WHOIS. And there was a full day of briefings in Montreal a few years ago that I helped organize. And they're all transcribed. And I will just say Mike Roberts, the first President and CEO of ICANN who was not in the - that role at that time acted as the chair of that. I also helped to organize the first Government and Law Enforcement Half-Day Event that we did Marrakech. And that was absolutely stellar as well.

The thing about, I would also point you to the fact that in many of the existing working groups, there is a reference to the role of WHOIS, a reference to the role of accurate WHOIS, a reference in many, many of the workshops on Domain Name Abuse, on how WHOIS is used as a tool and a resource.

And so if you're not up-to-date on the discussion related to uses of WHOIS, that are going on in a number of places, there's a number of places to go look for transcripts, look for briefings. Not only the fact that, you know, the topic is also coming up and we're going to talk about it when Steve presents within the gNSO Council. But, Bill, I think you're pointing us to that is actually very, very important.

And I'm going to go to Karl and then we're going to go to Steve's presentation.

Karl Auerbach: Yes. But a sleepy 4:15 in the afternoon; I was kind of napping off there until I heard addresses.

And yes, the WHOIS for addresses and it's usually not discussed even in the same room as the WHOIS for domain names. Now I may be speaking for a relatively small group of address holders, but I hold legacy addresses. And (Erin) has been making noises about dropping us out of their various databases. In other words, I'd become my ownership and my address box would become invisible to all of you out there. I don't think you'll want that.

Steve DelBianco: (Unintelligible) Affirmation of Commitments has initial sentence with respect to this team and said that ICANN initially commits to enforcing its existing policy relating to WHOIS subject to applicable laws. And I see that your work plan includes a review of whether we're enforcing existing WHOIS policy. And this will tie into something we need to talk about at council tomorrow,

which is a resolution regarding studies. And of the studies that are on queue for WHOIS, at least one that we'll be discussing a motion tomorrow is about whether the privacy proxy services are truly doing the relay and review obligations, which is about enforcing existing policy.

And so I realize that you'll finish your work long before any of these studies despite staff's best efforts. You'll finish your work before any of these studies come back with conclusive data. But I would encourage you in the scope of your work, if you can identify areas for fact-based study that will help with the next WHOIS Review team and Policy Development. That will really help Council to get its arms around the funding and whether to proceed with the queue of studies we already have in front of us.

So there's a lot of overlap. We talked about overlap on SSR. There's overlap on WHOIS at least in three ways.

Thank you.

Woman: Am I going next or...

Okay. So actually, Steve, that was a good reminder. And we have - we met with the GAC on Sunday. And that was really enlightening. And Proxy was definitely a prime concern to them. And they strongly urge us to make sure that that was included in our review. The proxy is part of WHOIS. It's related to WHOIS. There's definitely, you know, a group within our group that - a few that feels that's a completely different animal and we should not be discussing that. But I think the GAC really gave us the mandate to make sure that we talk about that. And that is on our issue list now for sure, so...

Man: In addition, GAC's ruling of new or at least the new report today on WHOIS, it focuses on privacy and proxy services that are used to hide (unintelligible) issue and activity particularly in pharmaceuticals. So I'll send a link around to that to everyone as well.

Marilyn Cade: All right. I'm going to take Philip and then we're going to go to the walkthrough, if we could, on the policy topics...

Philip Sheppard: Thanks. My point was off topic. According to the (unintelligible) of the GAC Board dialog for today is cancelled.

Marilyn Cade: Thank you, Philip. I was actually - I think we wrote going to get a personal announcement. But the GAC has not yet arrived to tell us.

                 Hey, (Bill) - yes?

Man: If I just - for one thing, following on the Susan's comment, one of the issues we are - I think the team is struggling with - has struggled with is exactly what it WHOIS policy, right? It's been mentioned there is - there really isn't any single place you can go to find it. And that's a problem for the team and I think, certainly, it's something I'm going as an independent to push for. So there needs to be one.

Marilyn Cade: I'm probably going to suggest very candidly that those of you who support the need for WHOIS might actually want to think very thoroughly about the existing basis for why WHOIS is there and whether or not having a - throwing WHOIS into the briar patch of the gNSO gTLD Policy Development Process is actually a good outcome.

But let me just finish though. The - I think it might be just good for those of you who are on the team - and I would invite Liz and Denise maybe to join me and Becky and have a cup of coffee and catch up on how WHOIS was initially embedded into ICANN's requirement, just the historical thing that might be helpful.

Man: I'm suggesting that there isn't a policy. There - and that has come up time and again in our conversations.

Woman: Yes. I think...

Man: And it doesn't have to be - necessarily be a gNSO policy. It would be a Board policy.

Woman: If I could just clarify there that, you know, it's been clearly laid out to us that our review team looks at existing policy and that it's not part of our mission to create or update policy. But we're - I don't think anyone is suggesting that, you know, something would go into policy development.

What we're having to do in order to review the existing policy is to find documentation that, you know, says what the existing policy is. And as an administrative, kind of a measure, we think it - I mean this is again at a brainstorming stage. So I think it might be helpful to take all the documentation we found and put it into a single document that, you know, summarizes what the existing policy is.

But it - and we're happy to have some further discussion. And that's just to give you an idea that as a review team, when you're trying to review existing policy and, you know, you're looking at evidence of policy and how it's been implemented but not a single policy statement in a convention sense, it's hard.

Man: So things like the privacy and proxy services come up and their suggestions that they're not within our agreement.

Marilyn Cade: ...Jeff and then - I think this is a great conversation. We're moving to Jeff. And then I'm going to give a time check and we're going to hear from - we're going to walk through the policy topics for tomorrow and what we're going to do tomorrow.

Jeff Neuman: I guess I'm kind of a broken record on things like the new gTLD process about, you know, more facts. And I think it strikes me in this whole discussion of security and the WHOIS that one of the things we should think about as a process recommendation is more systematic gathering of facts on, you know, whether it's WHOIS or other security issues.

                 But I also think, you know, looking around the room that this - the Business Constituency I think could be a good aggregator of facts. Because I do think in some of the meetings that we've all been in, you know, those real world examples are powerful. And we all had them and we've all shared them, but maybe thinking about whether compile list into a broader selection will help, you know. And I also think it helps to frame the issue that this isn't just IT protection, this is real consumer harms and real law enforcement issues that are flowing from these problems.

                 As you look at existing policy, I presume that includes contracts and agreements that exist today between parties in ICANN. Agreed?

Woman: Yes. Yes. Yes.

Jeff Neuman: So it doesn't have to be a policy statement; it can also be...

Woman: Yes.

Jeff Neuman: Agreements.

Woman: And that is agreed. Everyone has...

Jeff Neuman: Okay.

Woman: ...accepted it that there is quite a bit of documentation even on consensus
               policies as to what the existing policy is.

Jeff Neuman: Good. And I wanted to clarify something. The second sentence of the
               affirmation under WHOIS, which was signed by ICANN's CEO, says,
               "Existing policy requires that ICANN implement measures to maintain timely,
               unrestricted policy access to accurate and complete WHOIS information."

               So the CEO signed then document.

Woman: Yes, you know, maybe we're making - we're over-amplifying this because I
               think our - the thought that we have is it's more of a housekeeping item that at
               least in my experience in the corporate world, it's nice to have a nice, clean
               policy statement...

Jeff Neuman: It is. But you can get so caught up in housekeeping, you'll never get out of the
               house.

Woman: Well that's true. That's true. Yes. And it's not to suggest that on our
               preliminary issue with - that this has any great priority. We haven't even

started trying to prioritize. And we are struggling again with how to group these into buckets that would lend themselves to subgroups, to a tax work.

Marilyn Cade: As fascinated as I am by WHOIS, we are going to move to Steve to ask if - Steve is going to take us through - Steve, as all of you know and some of our guests may not know, is the Vice Chair Policy Coordination in the Business Constituency. And I'm going to turn to Steve.

Steve DelBianco: Thanks, Marilyn.

Chris is just going to direct me to second slide. I only have four slides. This would be very quick. Four slides. We have two of them on council tomorrow and then one on public comment.

Council meeting tomorrow has several topics that will be relevant to the discussions we've had so far. First item on the agenda that I wanted to bring to your attention is voting on the WHOIS studies. We're going to have a motion by the Registrars, which is in many respects, a delaying motion designed to ask staff a handful of questions before moving on to the question of doing studies. And I know that staff is so diligent about this. They've already tried to provide answers to the registrars' motion. But sometimes, that won't get in the way of a good blocking motion.

Now Zahid and John will cover the next topic on there, which is the motion that the Business Constituency with staff assistance put into the council our proceeding with studies of registrars and a study on proxy and privacy services. And it's a compliance-based study, as well as a study of the existence of abuse by privacy and proxy services.

And, John, do you want to take us through the outlines of that motion and the prospects we're getting it through tomorrow in Council?

(John):   None.

Steve DelBianco: (Jason) is getting it through (unintelligible) is already on the bus.

(John):   Right. The report that was issued at the beginning of the week on the matter, teams who have satisfied the requirements of Tim's motion, in fact (Stefan) and Tim had that colloquies at the council I think on Saturday.

It is the tradition of the council that if a constituency asks for a delay, or a meeting of a motion, that it is done out of courtesy without consideration. And so I suspect what will happen is that Tim's motion will be seen as moved. And then the registrars will ask for the motion to be put off for a meeting. It will. In the interim, there will be attempts as we heard from Jeff Neuman at the Registries to segment it into four separate motions. We will do our best to guard against that.

The idea is much in keeping with Jeff's point, much in keeping with what we heard at the GAC, much in keeping with what we heard from many people these last couple of days is that it's very difficult to create a consensus decision if the discussion is based upon what I think and what you think. And so we are trying to surface some facts in the matter, which we hope might take some of the steam, some of the ideological steam out of the discussion and help us move forward.

I know Zahid and I have talked about this. One of the goals that I have placed on myself for participation at the council is to foster the development a statistical basis for consideration, you know, for the consideration of policy to

get at what - as close to what can be viewed as facts as possible so that it can become a discussion of what's real and not what I think or what you think only.

So I suspect that it'll be a quick - this is the other overlay for the council meeting as well. You may be surprised to learn that we are as frustrated with the beaming intractability of some of these issues as the general audiences. And so on Saturday, we had a discussion about how we can streamline that so that we don't look like total boobs up on the stage. And that should help accelerate and focus the meeting tomorrow.

It should result in more time for the public at the mikes, which would be an excellent thing.

Zahid?

Zahid Jamil: So basically, these are studies. And the argument that we're getting from the other side with Registrars is usually that this - it's expensive and what's the point of doing these studies when we...

(Unintelligible) is very different here and it's...

Marilyn Cade: I guess I, on the working group guidelines themselves, I've gone back and read the transcript of a number of the working groups. And I know that some of you -- Mike Rodenbaugh and the two of you, Chris, you yourself and many others -- have participated in working groups. And I'm very concerned about the modality of how the working groups are structured - Ron, you've been on a number of the working groups, how the working groups are structured and how they work. And the fact that actually the processes that are there to support them are the lack of processes from what I see.

And I have worked in repertory groups at the ITU extensively as well. From what I see, I'm not sure the working group's processes - I'm not talking about the staff. I'm just talking about the way they're set up, the rules that are there to support them. I'm not sure how they work. And I will say I chaired two task forces for two years. And I don't think that I could have done that job with the present framework that I see in today's working groups.

(Ron):   May I (unintelligible), Marilyn?

This is Ron. Mike actually - Mike Rodenbaugh mentioned a few minutes ago on the - I think it's SSR group or some other group, that we've got one - we've got too many BC players as opposed to the rest of the working group. It seems to me in the VI, the problem that we had in VI is that we had two very distinct groups backed up against each other. It's like a football game, you know. When the ball is hiked, you know, we banged into each other and then no one went anywhere. We'll do it again and do it again, and it really didn't work because the balance wasn't there.

So I really feel that one of the key elements right now, and we heard from Larry Strickland in the opening comments, is that we have to refine our way of finding consensus within our bottom-up stakeholder model. And so one of the ways -- we talked a little bit about it in our call recently -- would be to actually have one representative from each group or two, but not more and ideally one, because it would force each one of those individuals sitting around the table to find consensus with one or two others in that room to get a majority.

So this is critical. I think less is more. I think we need less people on these things perhaps with some - our representatives bringing it back to us. And as

we guide our councilors, we can also guide those working groups to a certain extent. But I think we need to have less people on those things and have more representativeness the entire community.

Thank you.

Steve DelBianco: Thanks, Ron.

But do keep in mind, the councilors are voting on a motion to adopt the report which is done. This isn't the time for us to be amending a final report.

(Ron): No, and I - and that's the sad part, is that there's just so much stuff that's been coming at us in this recent period that we just can't keep an eye on all these different elements. But this is something that does need to be evolved into, and only based on the fact that...

((Crosstalk))

(Ron): ...we agreed that the model right now is not working. This is the working group that put this together. I don't know where it goes from here, but we've got to try to find that kind of solution in my view.

Steve DelBianco: We have Berry and John Berard - or, John, unless you were responding to (Rick).

John Berard: I just wanted to read the pertinent paragraph on representation because it does...

Steve DelBianco: It speaks to Ron. Go ahead.

((Crosstalk))

John Berard: It does speak to Ron's point. So - and you can check it out yourself. But it's not hard and fast. It's a little squishy. But it does begin to get at what Ron is talking about.

Steve DelBianco: So the thing you're voting on tomorrow might include guidelines that would accommodate what Ron wants? But you're close again.

Man: Three-point-two representativeness, ideally, your working group should narrow the diversity and representatives from the community by making - having representatives from most, if not all (unintelligible) stakeholder groups and/or constituencies. And it goes on further to elaborate.

                 So there's some principle there. It's not fast but, you know.

Steve DelBianco: Well, would it be possible then for Zahid and John to actually bring some focus to this particular point before the vote happens...

Man: Sure.

Steve DelBianco: ...and just say that, you know, this is what you're voting for or this is what our constituency is looking to see, and kind of have everybody's head nodding around the table? I don't expect there'll be a resolution titer on it, but at least if everyone is in agreement with the general principle, that would be helpful.

Man: Sure.

(Berry):   ...(Berry)

Marilyn Cade: ...and then (Rick) and Philip.

(Berry):   This is (Berry). Just to carry on with what Ron was saying, I mean I definitely agree with your approach about having the single representation from each working group. But I wouldn't put it in a way that we want to minimize mass participation from stakeholder groups because there's certainly a lot of work that needs to be done, and so we, you know, we definitely need to share the load, if you will, amongst many people.

The only other thing I'd say about the final report is when this was being discussed with council on Saturday, it tweeted out saying that now there were two or three or four things that should probably be attached on the final report. Things like running it by compliance, running it by legal, maybe prioritization kind of like what we did in RAP. But it, you know, it might not work for every working group.

Anyway, Jeff Neuman had responded back. I think he is the chair for that working group. Am I correct? Or something like that. He said, well it could be added into the final report. And I think, Marika, respond back.

Marika Konings: I can actually clarify. It was - Jeff is the chair of the PPSC, Policy Process Steering Committee. Actually the chair of the working group, working that the (unintelligible) of these guidelines is J. Scott Evans. For instance, make a few comments (unintelligible) staff support, the person on the working group guidelines. The whole idea behind the working group guidelines was the need to move away from the task force work model where you had one representative per constituency and making it more open model.

So there are certain safeguards that are built into address possible capture or if there's not appropriate representativeness in the working group. A lot of

responsibility lies with that - with the chair to address that and, you know, working group members can escalate certain issues with the chair or the liaison to the working group. These are guidelines. So, you know, you still have a process in place where you're both encouraged to follow those and guidance is provided.

I would like to point out because, indeed, you know, this document is now up for the vote in the gNSO Council. So as Ron (allayed) to, you know, make further changes as there have been several opportunities for public comment and input, but at the same time, the council is creating a standing committee. And the idea behind the standing committee is to, you know, review this kind of products in a certain amount of time to see if they actually are working as intended or whether, you know, they don't work as intended. And then we've all (looked for an) item and for example, you know, on the representativeness, more guidance needs to be provided or stricter rules need to be in place to address the concerns that might have come up.

So I think there is a way if there are some concerns. And you see that the working group guidelines are, you know, not addressing certain concerns that you're expressing here. I think the standing committee is on the next step to look at those items. And actually they're still looking for volunteers as well, (unintelligible) participating in the drafting team that's developing that chart. But once that group is created, I think there will be another call, depending on the structure or representatives from each of the different constituencies and stakeholder groups, so...

(Ron):   Thank you for...

Man: Thanks, Marika.

(Ron):   ...flushing that out, Marika. That's very helpful.

But at the beginning of your comment, did you say that when you talk about opening it up, was that meaning adding more - it was getting back to the problem that I talked about at VI we had, you know, a lot of registrars that wanted to be registries and therefore we kind of have that deadlock. Is that what you said? That's how it is now as you understand it?

Marika Konings: Right. As we're kind of working, the gNSO working groups are open to anyone interested. The idea is going to be that the chair makes sure that there is, you know, a representative balance in the group. But at the same time, I think we need to be careful as well. It's very difficult to put it in black and white because in certain working groups, you just see that there is only interest from a certain, you know, community. So...

(Ron):   The technical people are doing technical things, right? Yes, I understood. Thank you.

Steve DelBianco: Okay, great. Philip?

Marika Konings: Right.

Philip Sheppard: Yes, I think the point is worth making, I mean, during discussion because I mean we had working groups before. And one of the frustrations I found when I was chairing one -- it was the famous WHOIS one -- was in fact not a lack of representation around the group, but a lack of willingness to take responsibility within the group.

And sometimes I have conversations and somebody, a registrar, would say X, not so great. So the opinion of the registrar is X. (Unintelligible) can't say

that. And I said even though you're the chair at the moment, you know. And we went on like that, so - it was like, you know, drawing in a fine droplet to try to understand where you think you're moving with that.

So I think, you know, it's fine to have a breadth representation. But if nobody is willing to stand up and say yes, this is our view, I'm speaking on behalf of, then you got a model, it ain't going to work.

Steve DelBianco: A question for the councilors, is this motion likely to be challenged or will it sail through?

Man: It'd probably go through.

Steve DelBianco: Do we want a deferral?

((Crosstalk))

Marilyn Cade: Well that was one I was going to ask. Do we want a deferral in what do we accomplish from this deferral?

Steve DelBianco: Right. We've already heard that this is a vote on adopting and implementing a final report. So to amend the final report that's already been through at least two rounds of comment doesn't seem constructive at this point.

(Ron): Yes. I would - I'd support that too, Steve, because - this is Ron (unintelligible). I support that because that would make us really look foolish. It's been out there.

Steve DelBianco: Yes.

(Ron): And the fact of the matter is if our reps bring up and say this is understanding from the BC, at least they put some on the table, it's in the public record, and Marika has given us a clear line as to how we go forward because it'll be a standing committee, we can bring it back and point to this stake in the ground.

Steve DelBianco: I'll take that as you're volunteering to help with the charter draft for that new standing committee.

Got it, Philip? Write them down.

Mikey?

Mikey O'Connor: You know, I think that this is a great discussion and I think what we ought to do is acknowledge that this particular resolution and structure is going to be - is going to happen. But there is a lot of latitude in this for us to do better at participating in that process and then structure as it's defined. And what we really ought to focus on is just getting our chops so that we're - you know, Berry and I just cruised through a boat load of working groups. And if we had been able to say, yes, we just talked to the gang a couple of days ago and this is what they say and that would have helped us a lot.

So I think that one thing that we could do is get better at supporting the frontline working group (unintelligible) like us and then, you know, run with what's there because it's way - this horse is way out of the barn. We don't want to try and chase it again.

Steve DelBianco: All right, thank you.

Let's move onto the next item on the agenda. Its' the Item 4, it would not be a vote or a resolution, but it's supposed to be a proposed response to the board

resolution passed in Cartagena. Bruce Tonkin made a resolution. They called it the Zuck Resolution because Jonathan Zuck always asks for metrics.

This is a very simple resolution whereby the board asked, not demanded, but asked four groups -- the ALAC, the GAC, gNSO and ccNSO -- asked them to help establish definition and measures, metrics if you will, for three key phrases -- the words, consumer choice, competition, and the word is innovation. Why those words matter? They matter because they show up in the three-year start plan. But more importantly, in the Affirmation of Commitments, ICANN committed to measure those three terms at least one year into the new gTLD program.

Bruce Tonkin's notion there was that if we know what we're going to be measured by year out when we do another of these review teams, why not establish what it is we're trying to achieve before the year beings, and so that ICANN and the - as an institution we will have an idea for what consumer trust means, what competition means, innovation and choice.

That seemed like a common sense resolution from the Board and it was adopted unanimously. However, there's been zero progress on gNSO Council. And I don't really know to what extent the other four groups have done in terms of progress.

I look to John and our councilors, John and Marilyn.

John Neuman: So at the gNSO-ccNSO meeting, the question was put to the CCs. And they took even greater offense at it than we - that the gNSO had. The gNSO looked at it as an unfunded mandate. Essentially the board is saying, you will do this regardless of whether you have the time, the interest, the money, whatever.

And so Rosemary Sinclair was tasked with working with Bruce to find out what the specifics of it were, ultimately discovering that it was supposed to be - or the urgency was that they thought that they needed it to inform their FY '12 budget framework. That urgency abated, but the need because it is part of the requirements, it still exists. The CCs said that look, we didn't - nobody - they said no one has even come to ask them, to talk to them about it. So they were not going to be delivering any insight at this meeting either. I did not speak to the others.

Marilyn?

Marilyn Cade: So I had - I've had a conversation with Bruce about this. There's a little confusion. And unfortunately I think Bruce inadvertently contributed to confusions. So let's back for just a minute.

In the Affirmation of Commitments, there is a requirement that ICANN act in the public interests in certain things that it does. There is separately a scheduled review a year after the introduction of the new gTLD. That review is not specifically about consumer choice, competition and innovation, but those phrases show up in the review teams' assignment. It is not limited to that, but it will - it is to include that.

Bruce was focused not on the larger question of what is ICANN's role in consumer choice - I think it's consumer choice, confidence and - can you read that?

Steve DelBianco: Yes.

Marilyn Cade: Yes.

Steve DelBianco: Competition, consumer trust and consumer choice is the 9.3 in the...

Marilyn Cade: Right.

Steve DelBianco: ...Affirmation of Commitments.

Marilyn Cade: So what I explained to Bruce is my view of that is, within this constituency, I'd like us to begin a discussion on what we think the issues around consumer, confidence and trusts are. And they're broader I think than just new gTLDs. That will inform - it should include a conversation about those aspects in new gTLDs. And I think it - particularly for us, it - probably the (CON has siloed), that is it is user choice and confidence, which may include consumers. But it's probably actually more about a user term because that's who we are.

There's interest on the part of - Bruce was - Bruce and I had a very good conversation about this. But I really think we - and I'd like to put it on in upcoming BC call. For us to talk about what we think ICANN's role is in this area and what we think it means. And, you know, there's a bunch of companies who are members and even associations, who are members, who actually look at corporate governance issues and about trust and confidence mean.

So I think we have an internal work item. And I think the work item before the councilors has actually been deferred now. But I don't think that topic should come up the discussion list for the Business Constituency, but slightly reframed.

Steve DelBianco: I should add that that deferral serves the interest of a group that met today for four hours. There's a group that's trying to form a new constituency at ICANN called the Consumer Constituency. At the conclusion of their meeting

today at 12 o'clock, they planned Singapore to be a formal consumer constituency and not just a candidate.

So there's a group who wants another box on the org. chart. They want another seat at the table to own the issue of consumer concerns. I don't really think that serves our interest. I agree completely with you, Marilyn, that the Business Constituency, every constituency at ICANN ought to own these issues. And it should not be the purview of one particular institutional box.

And I have Karl and John on the list right now.

Was it good nodding or bad nodding?

((Crosstalk))

Steve DelBianco: Okay. That's good. That's good.

Karl and then John Berard?

Karl Auerbach: Yes, this is an enormous topic. As running a business, I want predictability. I want to be able to quantify my risks. I want to know my - be able to quantify my opportunities. But taking off the hat and putting on the one as a technologist, I am seeing technology coming along that would replace the machinery underneath the program interfaces that we call or a domain name system state to use more peer-to-peer mechanisms. I'm seeing more who can completely implement this stuff and deploy it, who create parts of DNS tree that are run using digital cryptographic certificates -- I have one myself -- in which there is no possibility of things like WHOIS and bearer bond representing ownership, perfectly legitimate business models.

I think it was John Lennon who said the life is what happens to you when you're out making plans. And to a certain extent, I'm kind of concerned here that the needs of business conflict with what's going to happen with innovation and competition. I mean ICANN has built in anti-competition in there. The VeriSign Registry fee is about as anti-competitive as anything JD Rockefeller ever imagined.

So I see this topic as something that's going to take a lot more than a few days of discussion. This is really getting down to the fundamentals of what is ICANN all about, how do we create a system that survives changes caused by innovation. ICANN governs by governing through a pyramid of contracts. What happens when DNS becomes something that parts of it aren't under ICANN and does not subject to those contracts? There you need statutory control.

Steve DelBianco: Thank you. It is a big task. But (Samuel Johnson) once said, nothing focuses the mind like the thought of an affirmation review. And given that a year after the new gTLD program launches, there will be an affirmation review on the new gTLD program. There'll be a committee established to do the review pursuant to the affirmation. That will focus the mind on what do those words mean specifically on the implementation of new gTLD.

So it will happen, Karl. I know it's hard, but it will happen. The question is, who gets to do it? Does the community get to do it or does the brand new consumer constituency get to do it? And I fear that the inability of us to reply and respond to Bruce Tonkin's resolution has simply opened the door for this consumer constituency to take an own that issue.

We have John Berard.

John Berard: Yes, I just want to do a quick followup.

                    I'm concerned. Technologists such as myself may run ahead and obviate all of
                    this effort.

Steve DelBianco: Please do.

John Berard: I think your point is extraordinarily well made. And I have spoken to Marilyn
                    a number of times that I believe personally that the work of a Business
                    Constituency is really the two halves of security, stability and resiliency, and
                    the other half being consumer choice and trust, which essentially allows for a
                    way to manage the technology without dictating specifically which
                    technology it is, so thereby encouraging innovation because we're not going
                    to stop it. So we might as well get on board with it.

Steve DelBianco: And, John, you did accurately (relay). That is our mission.

John Berard: Right.

Steve DelBianco: The first element of our mission. So...

John Berard: Yes.

Steve DelBianco: ...(unintelligible) statement, we're not going to change that. So we can have
                    some other groups sort of own it.

John Berard: Well, and so two things; with regard to the Boar resolution, you know, so
                    much of what happens at ICANN in the seven or eight years that I've been
                    paying attention, it can so easily go off the rails if somebody nods, winks,
                    leers, (smears) at the wrong time. I mean each of us - I mean, you know, I'll

set that aside. It is an important discussion. It was framed badly. The - if you - look, I'm not saying that the words were framed badly. It was presented badly. And it also flies in the face of perhaps some other constituencies that don't see the world as the Business Constituency does.

((Crosstalk))

John Berard: And so that may be in play as well.

Steve DelBianco: So what do we have going on tomorrow then? Will there be public comment, public open mike in between each of the council's agenda items?

John Berard: No, I think it comes at the end.

Steve DelBianco: That's unfortunate...

((Crosstalk))

Steve DelBianco: ...because we wouldn't have an opportunity to express a lot of the strongly held views on each and every topic. You can see how much we've already covered and we're only on the third one of the list.

I encourage the councilors. I mean we'll send you e-mails. We'll lob things into you.

John Berard: Right.

Steve DelBianco: But use your bully pulpit up there to try not to let this item just die...

John Berard: Right.

Steve DelBianco: ...or become owned by another constituency.

John Berard: It won't be. It can't be.

So one thing that I would like is some help. So I went to the consumer constituency organizing thing. I wouldn't call it a meeting. It was not that organized. Mikey was across the aisle from me and, you know, but it's not enough just to judge it because there are - there is something happening that people who are persistent within the organization are trying to make happen.

And my feeling is that any business that is not deeply committed to delivering on the expectations of consumers is not going to a business very long. And that in some respects businesses offer a competitive advantage by offering certain sets of services and guarantees that maybe answers some of the questions that are being - that specifically answers some of the questions that are being asked broadly.

So I think that there is - I think that if anybody has encountered the consumer movement within ICANN and has a view, please let - you know, tell me what it is. You - share it with me. Share it with me so that we're informed because if there the possibility of that organi- disorganizing group becoming a constituency, by the time I get to Singapore I would be con- I would be concerned about that.

Woman: Okay let me - I'm going to - we're going add other people to the conversation. But let me paint the picture a little differently here, okay? First of all, there is a group within ICANN that is charged with representing individuals that's called ALAC.

There is - and one of the - I think we sometimes lose sight of that. But let me just park that for all of you as it's really important and I will say now what I was going to say later. I've been invited by the chair of the ALAC to organize an exchange between us and the ALAC and I was going to talk about it later so let me just park it for you.

I've agreed to that. And I think it will be a really good thing for us to do. We'll have a prepared agenda and we'll talk about it in the later session. They would like to do preparation and we will do something together in Singapore which means that we'll deal with having - making sure all of you can participate both in the preparation and remotely.

The second issue is there is a conflict between - in my observation there is a conflict between the present NCUC and who it represents and an- in any new group that raises its turtle head above water wanting to say that they represent consumers.

So I think the conversation - that's why I use the term users. I think the conversation about users and who represents them, where they are represented, is a really good conversation to have but I think actually (John) is saying something slightly more complex and strategic. And that is that understanding and representing and taking into account the views and interests of users, so they're called consumers or NGOs or businesses, is something that ICANN should be doing and that businesses build their businesses on or (doesn't exist).

I know (Philip) and then I think some others and (unintelligible).

(Philip):   Thanks. I'm just concerned by other people (mustling) in on this territory. If you look back on the history of the BC, our (partition) papers are riddled with

the words consumer choice, competition and innovation. I know, because I put them there for most of the part.

And all the fuss going on today with the GAAC is the result of a lot of us all over the world knocking on the doors in government and shouting consumer choice, competition and the protection of innovation loudly and there is and such.

So it's all about that and always has been about that is my concern. And I believe the BC has held that banner high all the time. And I believe it is exactly the topic that we should own and therefore, my support and suggestion that we should continue with that (mantel), produce a paper precisely on this, starting to do the job for which appears to be a vacuum is formed. So that's (Philip) and I'll be very happy to be a pen man for that role.

(Mark):   Yes, this is (Mark). I actually attended that consumer meeting as well today and although I think we're all on the same page in terms of there're a lot of the goals that they're trying to accomplish are - I think a lot of the goals that they're trying to accomplish are the same as ours.

And I think it's worth at least going ahead and having the discussion to determine, you know, what are they covering versus what they're not covering that we're also covering.

I think the one thing that I noticed is that something very similar to the security stability and resilience was addressed. But there're other things like privacy that were also addressed which I don't think this group actually gets too deeply into.

Man: Thank you. (Isha).

(Isha): Thank you. I would agree with what (Philip) has put forward. I think it's a good idea to do that paper. I'd also be curious to know whether we have any insights on how the NCUC is thinking about this (virgining) group. (Oh Becca), okay. That's...

Man: Their - NCUC members were on the panel today as well.

(Isha): Okay thanks.

Man: So we know what's happening at council. There isn't an open mike. Look, if you have strongly felt views, email them into (Zanida) and (John) while they're up there and maybe you guys can take things on board and express the opinions.

But you can certainly say that it was a lively discussion in DC because this is something we're focused on.

Let's go to the next item. It's Item 5 on the agenda for tomorrow. It's the security and stability joint working group of which we have (Scott), Zahid, (Mikey) and (Adam) and we discussed this earlier today on the agenda. And I think the council tomorrow is going to attempt to trim that down to just 12 people and get it started.

Do the counselors want to comment at all on what the process will be determined?

Man: Go ahead (John).

(John):   You know, I think - I - truthfully I don't know exactly what process
                 (Stephen)'s going to use. There are 15 names on the list. He wants to cut it
                 down to the 12 - three from each constituency and I think he'll probably just
                 ask for, you know, that the constituencies figure that out.

Marilyn Cade: I have...

(John):   Marilyn has something.

Marilyn Cade: I have spoken to him and so I'd also sent an email to the (Excom) and I think
                 you're all aware. So the (Excom) will take a decision on that. And it is
                 actually, I think, a management decision.

                 We did pursue asking for an exception for this working group because there
                 was not a preassigned number, that is, it wasn't announced ahead of time that
                 the working group was going to be limited.

                 But the other thing that the staff had suggested is that it may be possible for
                 people to volunteer in a different capacity. So it seems very fluid that my
                 suggestion is that all of the counselors - our previous position from the CSG,
                 the stakeholder group, has been that constituencies and the CSG make these
                 kinds of decisions. The council does not.

                 That is, when we put forward a name or a group of names, we ask to have
                 those names passed forward. You guys will remember on the review team
                 process, that was really a very strong concern for us that we did not want the
                 council deciding on whether or not our nominee to the review team was
                 acceptable.

I think that's a principal that within the CSG we're going to continue to hold to. So if there's an upper limit, then the decision has to come back to the CSG if it's a CSG nominee or to the constituency if it's a constituency rather then having the counselors trying to cut up acts like Solomon and cut up the pieces of another constituency's nominees.

Man: And the executive committee did ask Scott McCormick to be our official BC repertoire on this particular group and I appreciate your volunteering for that.

The next one, which is the next page if you don't mind - Item 6, there's a study group on the use of names of countries and territories. This is on the schedule for 15 minutes tomorrow, and again, it's a situation where there are more volunteers then the agreed upon number of slots.

ccNSO has agreed to a maximum of just eight volunteers and it looks like there's something like 12. And it's a short update from (Liz) and then presumably council will come up with which eight and how they get there.

For the BC we have Chris Chaplow who has volunteered to be part of the group and I wanted to turn it over to Chris to tell us what you know about the study group.

Chris Chaplow: Yes, the study group had its meeting yesterday. It was billed as a closed meeting. And it hasn't got a chair yet. (Becky Burr) is the vice-chair and (Bart), from staff, was organizing it. Myself and - forget now - Chung from the ALAC - Edmon, sorry. Yes, Edmon Chung, went down actually on the list.

But what they said was the CS- ccNSO has set up the group and it was more of a study group then a working group. And they wanted to look at the

subjects of the countries and territories. They wanted to look into three channels. The generality, the fact that this subject's been kicked around in ICANN for many years also with respect to also the new gTLDs and also with respect to the IDNs.

But there's certainly news that they weren't going to be able to solve or come to any firm conclusions but they wanted to do a bit of a state of the art and try and lay down a map for how the ICANN can work its way through this one.

The ccNSO said that they'd sent out requests to GNSO, GAAC and the ALAC and they hadn't yet replies or names from the GNSO or from the GAAC which is presumably why it's being voted at the meeting tomorrow. But I've got an interest in this subject and some knowledge on it.

So I'm looking forward to being on the study group. Somebody who runs the company called (Anda Lucia) would probably have an interest, I would think so.

Man: Thanks Chris. We - any other comments on this particular item on the agenda? Let's go to the next one. It's regis...

Marilyn Cade: Can I just - how many over - how many over? They want eight and how many are there?

Man: It strikes me that they'd be hard pressed not to take the one nominee from the business constituency on this matter.

Marilyn Cade: Well that -my suggestion on this, again, to the counselors is - and I think you saw my email suggestion on this, on the (Excom) - each constituency should

be able to - or stakeholder group in the case of the registries and registrars should put - be able to put forward at least one person.

And any additional fee can be allocated separately. But I do think as a principle that it is only fair for each constituency or the registry and registrar stakeholder group, in that case, to be able to have at least one representative. So if there're eight seats then that would mean six would go to the constituencies and that would leave two seats which could go either to the nominating committee appointees or could be allocated in some other way.

There are two volunteers or three from the nominating committee appointees that my sense on this is the principle is we should be able to have our single nominee put it is a principle statement.

Man: Thank you. The next item is item spent on registration of use policies, or the acronym RAP. They're going to be discussing topics for the staff papers and best practices pursuant to a motion that Zahid worked so hard on in the last couple meetings.

I'm going to turn it over to Zahid for an update but first recognize the hard work of Berry Cobb, Martin Sutton, Mikey, Phil Corwin and Mike Rodenbaugh coming up at the registration of use policies reports - working group reports - that formed the basis for the go-forward agenda that you're going to work on. Thanks Zahid.

Zahid Jamil: Thank you. This was, as people remember from the previous council call, a pretty contentious topic. We were right at the end three minutes left and we got it through somehow. Good work with, you know, trying to get the registrars again.

Yes, so anyway, the situation right now is the staff are basically asking for scoping as to what they - they were consulting basically with council as to what should go into the discussion papers and the issues paper with UDRP and this was discussed over the weekend. Discussions will continue, I think, and there's certain interests who don't want the UDRP necessarily to go ahead so there was a discussion about maybe it might too complex, et cetera, so that was the discussion we heard during the week.

But I think that it's just strictly a discussion (including) staff and council. But it's being passed and it's going to have to go ahead. So that's pretty much it.

Man: If you can - Barry, Mikey. Is Martin Sutton still here? So try to be in the audience for that portion of the council meeting because as those of you who know that report intimately, you can fire questions to John and Zahid while they're up there discussing it.

It scheduled to be up there for 30 minutes and if (Liz) gives a report you have 30 minutes to discuss what's going to be studied. This is a good time to hear from the people that did the work. Zahid and then Mikey.

Zahid Jamil: I just wanted to add that the - sorry, the agenda the way it is right now, places the word audience right after every council discussion so everyone of them - so hopefully unless things change on the day, we will get interventions and we would encourage members of the BC to, you know, come to the audience. Thanks.

Mikey O'Connor: This is Mikey. I had a conversation with another counselor today, not from our constituency, who was fairly uninformed about the UDRP resolution so starting about Page 28 in the report - it's only five pages long. It's an easy read - read that before you go into the debate, the whole rationale.

Man: Thanks Mikey. So UDRP, to the extent that that's one of the issues that we studied. All right, the next item on the agenda was the registrar accreditation agreement or the RAA. We had folks like (Phil) worked on that, Mike Rodenbaugh. There are two motions on how to proceed and this one is very confusing and it took almost two hours of time on Saturday as council debated on how to move on this.

Far be it for me - Zahid and (John), can you begin to explain the two motions, what's likely to happen and whether the BC would need to speak to it?

Zahid Jamil: Yes, this is definitely one of the contentious ones. It's like who-is. The bottom line was that the registrars came out and said yes - registrars and registries both came out and said, we're just not having this at all.

There was a comment made by - without naming the person - that, "Look, basically just get used to it. Deal with the fact we're not going to let it through." Those were the words.

There wasn't really an argument. It was just basically a decision saying, "Deal with the fact that we're not going to let it through unless you give us something completely different." Now if you look at the two motions, motion one and motion two in this, if I can name them that, basically deal with two different processes.

Now what's important to note is the processes were part of the wor- drafting team so this isn't somebody on the council coming up with this process as an alternative. This is basically the drafting team saying and having an agreement, well, there's a minority and a majority coming up with two

different processes to push through the process of registration - registrar (operation) agreement amendments.

Now I just want to give members an idea of what these processes - how they differ from each other and that's the basis on which the two different motions. The first motion has a process that basically says that if they're going to bring in amendments to the RAA, you're going to first go through a process where you have negotiations between the registrars - well, let me sort of (preface) that.

First decide what is consensus policy and it doesn't have to be negotiated. And you put that aside. And then you go through the negotiations. The negotiations will involve the registrars, staff and observers. And that board of observers be included as pretty difficult for some people to swallow.

And the process would then lead to the negotiations going through several rounds, coming eventually to the council. Once that comes to the council, in order for it to be approved, the RA agreement amendments to be approved, it has to achieve super majority. And then it goes to the board.

Just by itself, it seems like a very high threshold and a difficult task. But it's just not being accepted. The alternative motion number two says and the distinction basically is that there won't be any observers in the room. That's the only difference.

And I just want to reiterate that both these processes were agreed to within the review te- the drafting team. So it's not something new. The registrars don't want either. There's no logic to it. There's no argument to it. It's just a question of saying we just don't want it. And that's basically it. So we're

going to have to see what happens on the day but it seems very contentious and I hope that was, you know, clarifying enough for the (council).

Man: It helps a lot. Are you and (John) - discussed which of the two methods would our counselors vote on?

Zahid Jamil: I think that basically if we can observers in there, that's great. That's what everybody wants to have. But if we can't and we can get a (unintelligible), it's a compromise. Then, fair enough. At least there's a provision in the second backup process to have the staff come back with notes and minutes and, you know, at least we'll get a monthly update as to how the negotiations are progressing.

So at this point in time I would say due to the contentious nature of it, you know, if we can have the second one go through that's good enough. And that's where (Christina) basically from the IPC has actually proposed as well.

So - but at the moment as far as registrar, registries are concerned, they don't want either. And there's no logic to it so we'll see if we can try and muster some support and then some correlation with maybe NSCG and others. But that's where things stand at the moment.

Man: (John) and then (Carl).

(John): As a for-profit business person who negotiates the occasional contract, I certainly understand why you wouldn't want a third party sitting in the room looking over your shoulder. I suspect that, though, the registries have been silent allowing the registrars to do all the talking that if it does come to a vote, the registries will not vote in favor of observers either.

My thinking is in, I believe the second one, while it doesn't (offer) observers, it does call for public updates of the negotiations. And I suspect that the first one, Mary Wong's, will be lost and then, lo and behold, it will be reco- it'll be suggested that (Christina)'s is essentially the same one.

And there'll be a quick attempt, I think, to conflate the observers in the room with public updates. I think. You know, it's my 15 years on Washington, D.C. I sort of think that that could happen. I don't know where it will go. I think that it - so I don't know.

But, you know, certainly (Christina)'s is one that should have broad easier support and that's probably one we should be looking to support.

Man: Thank you. (Carl) then Zahid.

(Carl): Yes, just a bit of confusion I need to clarify. This is about the procedure for negotiating changes, not about substantive changes.

Man: That's right. That's right.

(Carl): When does the discussion about substantive stuff occur?

Man: The motion does include substantive stuff to be part of the ne- that would - that ought to be part of the negotiations. But the rub is in the process point of the motion. All right, so the working group came up with these 10, 11 elements that need to be negotiated and negotiated in this way.

So it is the in this way part that's a problem. Now I've - I have spoken to some registrars, probably about four or five of them, and you know, they're prepared I think in their own mind to begin this negotiation.

And so I'm sure that we'll see a fairly interesting and robust back and forth even if all we get are the rou- are the regular updates.

(Carl):   You know, because the substantive issue I'm more interested isn't third party beneficiary rights.

Zahid Jamil: Can I...

Man: Thank you. Zahid.

Zahid Jamil: Yes, thank you. The problem with - and I'm trying to address the question that was just asked also - the problem is that this is a negotiation which is outside the picket fence. It's outside the consensus policy area. So in order to make that happen, we've had to sort of look at a process. That's what the drafting team did, look at a process which would go outside that space.

In order to make that process part of a resolution, the process has to be approved by council as well. And that's where we're having difficulty with registrars saying, "Well how can you do this? It's just not something we signed on to. It's not part of the agreement. What's going on? We will never accept it."

So if we can get the process through effectively, that implementation will automatically start and yes, definitely, the (unintelligible) or the third party beneficiary will be part of the negotiations if this goes through.

What I wanted to also say was that this is again, yet again, a second example of how registrars are or maybe some registries are even (locking) certain

things that have been agreed to and have come up as a bottom up process in this multi stakeholder organization.

And it may be useful to basically have members or other parties stand up when the audience segments starts and make the point that, look, this is a bottom up process. Are we wasting our time in these drafting teams, working teams and working groups if what ends up happening at the council level is it just gets vetoed by just one group.

Man: Make sure that you use the send button on meetings@dc-gnso. Send us a note if you feel that we need something from the audience while you too are up there.

The next item on here was the GNSO toolkit of services. It's scheduled to be an update of five minutes. Chris Chaplow for the BC submitted a budgetary item on that. Unless the counselors have something to add, we'll defer this discussion for later when Chris Chaplow takes over.

Then we also wanted to ask, are there any other topics that BC members want to highlight and bring up during the all other business part of council tomorrow? Marilyn.

Marilyn Cade: So I just want to mention to people, I'm going to do this in detail later but what's going to happen in the morning possibly will affect the mood of the counselors in the council meeting. So during the morning, we will have a second new gTLD discussion of issues identified by the government advisory committee.

I will have another opportunity to make a statement, and I'm going to talk about that later, that I would expect that whatever is read out from the - in any

update that comes out of the board GAAC discussions today may have some implications for the council.

I don't - I'm not predicting anything but I just wanted to point out that under any other business, there's the very strong possibility that some parties will want to object to the board and the GAAC undertaking this working discussion on improvements to the (dag).

My own assessment, and I think (Philip) and I were on the council together at the same time, when most - much of the policy was developed, that was then put forward to ICANN and we are dealing with the implementation of policy. I don't see very much indication that a decision made between the board and the GAAC is doing anything other then affecting implementation.

But there may be counselors who want to fight the battle about that. And I think it's just something to be aware of. And (Philip), you may have views on that.

Man: Great. Thanks very much. Let's move on to the next slide please (Chris). All I have here is a public comment schedule which we usually do cover. Thanks again to (John) and Zahid.

The first one up there is the 31st of March report on inner registrar transfer policy Part B, IRTP Part B. BC members who worked on that were Mikey, Berry Cobb, Chris Chaplow and Mike Rodenbaugh. Mikey has volunteered as repertoire on the IRTP and Mikey, do you want to update us on your potential schedule to get a draft BC position out?

Mikey O'Connor: Yes, this is Mikey. And my slave master, Mr. Barry Cobb, who beats me up every day has told me that I have to have that draft out by Thursday this week.

And I'm half done. I'm happy to report that I did the half that (Allen) asked for this morning last night. So it's just in time policy ready and so there'll be a draft waiting for you when you get home next Monday.

Man: Thank you Mikey. Appreciate that. The next (unintelligible). Berry.

Berry Cobb: Just, you know, just real quick in terms of IRTP and there's going to be a couple of others, so the working group has submitted their final report and the public comment period is open as to which we're creating the position statement for.

But in light of that there's still one recommendation that has some work left to do so when the working group does reconvene we'll be probably polishing the edges on that final recommendation. Then I imagine there'll probably be a final, final report out to the community.

Mikey O'Connor: Yes, let me jump in on that - there's - the most interesting recommendation, at least from my point of view and the IRTP report is the urgent return of a domain in the case of (hijink). And interestingly enough, we ran into a little trouble with the - took the words right out of my mouth.

But I'm happy to report that I think we have a deal on that one so I'll be describing that and so on. So I'm pretty proud of that deal actually.

Man: Thank you for volunteering as repertoire Mikey. I appreciate it. So everyone needs to respond quickly because if we make edits and suggestions to our repertoire they have to be circulated within our 14 day review period to get our comments in by the 31st of March.

Berry Cobb: And this is Berry. Just one last point. I don't think there will be anything too contentious within the BC. It should be a pretty easy sign off.

Man: Love it when you say that. Next one up there is a first of April and it's a proposed final report from the PDP work team. I look to (Philip) to help us understand what's in that that would be - whether it would deserve - this is the PDP work team. Marilyn and to - whoever can comment on this as to whether the BC needs to comment on this proposed final report.

Man: It's (unintelligible) because I'm the operating steering committee with the rules (unintelligible) they come to.

Marilyn Cade: I think that's (John) and me. And (John), in fact, did jump into the deep end of the water but he keeps thinking that that's some excuse for not just dogpaddling like crazy.

                The PDP process has not been - the PC has not had strong active representation in that. And since I'm - was there as an individual I'll certainly confess that whenever you guys read the - we did have two members on the group then there was not participation that was active or consistent.

                (John) and I have picked a - I've been intermittently there. It's going to need comments. And it is also a gazillion pages long. The - someone like (Philip) with some experience in PDP processes and a couple of other old hands who've been around awhile, I think if we actually took the document and sat down and did an hour conference call on it, going through it, we could figure out what the highlighted areas are that we would need to write comments on.

It has been unfortunately dominated by certain other parties who have an interest in the outcome and they have devoted a significant amount of time to it. It just regrettably has not been able to be us.

Man: Do we have a likely volunteer to be a repertoire on that? We need a report out later this week. It's due April the 1st. Okay, so we're going to need to recruit somebody who really understands it at this point.

Let me move to the next item. It's the framework of the FI 2012 operating plan. Now Chris Chaplow, who knows this intimately and is vice chair of finance administration interestingly. I believe you're giving a report on that after this session, Chris?

Chris Chaplow: Yes. So I'll take ownership for that one.

Man: Great. Anything you need to - want to say about it now?

Chris Chaplow: No, because I'm covering it in...

Man: That's fabulous. Thank you. Next item up there is security stability and resiliency. And if you recall, we talked about - (Jeff Brugaman) is on that team and his team has published a list of 11 topics where they want community input by - what did I have, April the 6th. And I know that today we talked about what (Scott) and (Adam) and the group is working on on SSR. Marilyn talked about the fluff part of a potential - it was your word - of a potential BC position statement on that.

The fluff is great. We need it but Jeff's team needs answers to the 11 questions. And when I looked at the draft you and (Adam) have so far, it isn't

mapped at all to the 11 yet. And I hope that we - understood - but I hope that we can add it to that.

So we have our repertoire on that and we have every intention on trying to get some answers to your 11 questions.

Woman: We have repertoire. Who is this - Jeff...

Man: (Adam) - (Adam Palmer) had taken on that role. (Eva) assisted (Adam) with the drafting. And I discussed with (Adam) today mapping in the 11 items.

Marilyn Cade: See a different - I hope (Adam) will do that but it's just that...

Man: He did morph that into that.

Marilyn Cade: Okay fine.

Man: Fortunately. And I do hope - any company around the table that has specific expertise that the kind of questions that Jeff's group has posed to us, you - of course you know you should file your own comments to any of the 11 but the BC will endeavor to get one together with (Adam Palmer)'s guidance. Jeff, did you have something to add?

Jeff Brueggeman: Just in the vein of helping here, I think that, you know, there's certainly going to be another opportunity, at least one other, if not multiple opportunities for comments down the road, and so I would view this first round of comments as prioritizing defining issues, defining priorities.

Think about it that way rather then, you know, real specific because I think the goal would be then to produce something that is kind of a first draft of a report

with more substance that people can react to later. Help point us in the right direction at this point I think would be really helpful.

I think it's interesting to compare with the who-is where you've got a very defined topic and possibly some conflicting views here where we don't seem to have a lot of conflicts but it's more a very amorphous subject. So if that helps.

Man: It does.

Jeff Brueggeman: It's high level - it could be really helpful.

Man: For those of you, take a look at these 11 questions. At least four of them touch on this, what, (Iana). They touch on the root zone management. And the commerce department had put out a notice of inquiry asking questions about how the commerce department should manage the root zone process when it relets that request to proposal to ICANN.

So any work you do for Jeff's 11 questions can overlap if you choose to comment to the commerce department on (Iana).

Let's go to the next one. It's the high security zone TLD. Now we actually had a discussion of this earlier today, the high security zone. (Lee) and (Greg Ratrey) discussed it for awhile. They have a final for it which was, well, inconclusive.

Mikey has already filed a comment on that giving them guidance to proceed in a slightly more managed direction if they could (revive) it but I'm not positive the BC needs to comment or should comment on a final report as inconclusive as this one.

I mean, the advice Mikey gave is great but it's not typical for the BC to give advice like that. Mikey.

Mikey O'Connor: Well we have lots of other folks that - well not lot's but (Lynn)'s here and stuff like that. Given that we've got limited resources to crank out these, you know, I don't feel a real strong need for us to comment. (Lynn), do you feel like you need to come on with anything on that?

(Lynn): I'll just say that when (Larry Strikling) spoke yesterday and said that in this bottom up process that we should, you know, be persevering to reach a consensus and this did come to my mind. And so I personally feel really badly that our final draft is what it is. But, you know, that being said, we really had a lot of challenges and a lot of barriers.

And the discussion earlier this afternoon about the composition of the workgroup, I mean, what was unique about this is that we actually needed people with certain skill and knowledge sets more then we needed representation from constituencies.

And we had a lot of well me- at the beginning we had what, Mikey, 30 or 40 people. I mean, it was almost unmanageable and a lot of the people that initially were wanting to participate really had no background in this kind of, you know, requirement.

So I don't mean to be making excuses other then hopefully we've at least kind of provided something that future work can look back on and see what not do to.

Man: So to the extent of Mikey's comments and recommendations are really very
                management focused like that. Are there any other comments on this right
                now?

                Great. We're going to move on to the next one which is the favorite acronym
                PENR - post expiration name recovery. The working group report is now
                awaiting comments. And Berry Cobb has volunteered as repertoire. These are
                due April the 7th. Berry.

Berry Cobb: Thanks (Steve). It's Berry.

Man: That's why you took that one. You're at rat.

Berry Cobb: What were you saying about a work dog or slave master or something.

Man: Yes, slave. My slave master.

Berry Cobb: Yes, so the working group does have its final report. This one hasn't been
                easy believe it or not because of registrar pushback surprisingly. But I think
                we got bailed out by Michael Young of the registry - well, former registry
                group - and he put together a proposal that both sides seem to be signing up
                for.

                Fortunately we had really good community feedback from our interim report
                survey results and so I think that really helps kind of create the
                recommendations that we have today. Bottom line, it's not everything that we
                would (be) looking for but it is a step in the right direction. And then certainly
                will help registrants and the losing of domains down the road.

There's about ten or 15 recommendations out of that. As I mentioned, they're slightly less in scope then what was originally presented in the interim report. but like IRTP, I don't think it'll be anything contentious within the BC to support.

I'm putting together the position statement now. It'll be modeled from the same template so they look the same. Should have that out about middle of next week and I think we've got until the 7th to have - complete that. And then I'll just close by saying one of the things that we had mentioned in an email to you was maybe putting together a quick hour call and half of it would be IRTP.

The other half would be PENR that we could brief the constituency if we feel that it's needed, if people really want to know the details and maybe perhaps it would be a good habit for us to get into that, you know, separate from GNSO session.

So I propose maybe the week of the 28th before these end timeframes and then the - then I'll just, one other last point is the template now on this Word document, Chris, you may want to take it in and put it - file it away in our template store if we have one. It's nothing too dramatic from previous templates but - thank you.

Man: And we had used your templates on three comments we filed last summer as I recall.

Berry Cobb: Yes correct and basically the form is, you know, just a prettier header, you know, some lipstick added to the document itself. But then what we're trying to do is create a table format and we have a small legend that says that we agree - we would agree but, you know, maybe there're some changes or we

don't agree to each recommendation and then there will be a BC rationale statement for whether we agree or disagree about it.

Man: All right. Give us a week to get over fatigue and go ahead and set it up for the week of the 28th at a time that works for the two of you and then Marilyn, Chris and I and (Bendetta) will get the email out and set up the conference call. That's great. Appreciate your leadership on that.

The final one up here is the who-is review team proposed approach. If you recall, (Susan) and (Lynn) and (Bill) discussed the fact they posted their proposed approach, their proposed definitions and need comments on that by 17 April.

Do we have a volunteer in this room now who would like to be repertoire on the who-is comments from the BC? Nobody jumped so I'll do some recruiting on that later on.

That's all I had on the public comment. The final slide, (Chris), if you just advance that for me, is to talk about the agenda for a public forum on Thursday afternoon. It's scheduled for just two hours by the way, not the typical four. So it's a two hour public forum and then of course, the board meeting on Friday.

Neither of those agendas are published yet. Marilyn and I were discussing some potential topics. I wanted to throw this out there that I think we would love to talk about these AOC reviews and the status. There are elements of the new gTLD program I'd like to discuss that don't have to do with the GAAC's scorecard, for instance, the brand of string and going to our single registrant TLD.

It'd be great to get some of that in there and Triple X will be implemented but I doubt the BC would comment on that. Marilyn, you had something to add?

Marilyn Cade: Just - I was passing (Steve) a note. I hear that (Peter) is going to try to avoid new gTLDs at all in that two hours because he feels that the other public forum is a public forum to not just structured statements and there'll be another public forum tomorrow.

His feeling is that the community, I think he was sort of told that. The community is being short changed on the opportunity to talk about other topics. So I would just call your attention, I - there's an update to the agenda online and so you guys may not have seen it but the board and the GAAC are preparing for a discussion on the ICM registry and that is - it's closed.

But the preparations are closed. I do think talking about the affirmation of commitments and I would like us to raise the point that we do expect ICANN to find all necessary and sufficient budgets to adequately implement fully the recommendations that are in the ATIT.

I will tell you that as a member of the present strategy committee, you killed myself for three years and then killed myself in you to get some of those recommendations into the ATIT, I think that's very - that is very important to us.

Man: Marilyn, I couldn't agree more. I had a post on circle ID this morning calling out (Rod) on this notion that it would only implement, quote, subject to receiving appropriate resources. So I agree and encourage you all to make similar points if that can be squeezed into the public forum. I don't have anything else for the policy coordination report and would...

Berry Cobb: This is Berry. Just one real quick. The public forum promises to be quite a colorful event. The free speech coalition sent out an all-hands on deck, so to bring in industry personnel to support their disagreement on the Triple X so I imagine there'll probably be protests outside maybe but I suspect I imagine they'll probably get some inside as well.

Man: And would they have models perhaps with (them)?

Berry Cobb: You know, I - no comment.

Marilyn Cade: You do have other suggestions. I have the opportunity to submit up to two topics. Each of the chairs gets to submit two topics. So right now I'm going to be implement- I'm going to be submitting the status of the (acclimation) reviews. If you have other ideas, could you send them to meetings?

Woman: Marilyn, I know the who-is review team has been asked to, you know, give a short little update in that public forum tomorrow. On - off the top of my head I think our timeslot is 11:00.

Man: Thursday afternoon.

Woman: Oh, Thursday afternoon. I'm sorry. Okay that...

Man: Just give me a second. I'm just looking it up. Yes. Yes, I know. What's it called? What's that? It's BC San Francisco. No, it's framework.

Man: (We're) going to get back to it.

Woman: Which dates?

Woman: (Unintelligible).

Marilyn Cade: It is not on the - yes it is. Sorry. Sorry. So what (Lynn) is announcing is actually a specific consultation with the community for the who-is review teams and Elizabethian D, 11:00. So it overlaps with the new gTLD program but we'll try to encourage some people to come (Lynn), so yes. Thank you for mentioning that. And Jeff has - yes. Jeff has SSR all day on Thursday. Okay, Chris.

Chris Chaplow: All right, thanks Marilyn. Yes, what I'm just going to do is give a quick overview of the FY'12 budget process from the perspective of the BC. For those of you that don't know, and you can be quite forgiven for not knowing, the FY'12 year is actually from the first of July 2011 for one year.

So that's something that's often quite confusing. You also should remember that this is in three parts to the annual budget cycle. We've got a strategic plan which always is published about the - sort of the end of the year and then there's a structural plan which is the one that's just being published on the 15th of March.

And then the draft budget is published in May, goes through its comment period and is approved at the meeting in June. Now for everybody it was a little frustrating last year that the only people worked on the - worked harder to comment on the budget and on the draft budget and then what we saw happen really was that - well, in fact, indeed in the public forum.

And what we actually saw was that the budget was approved word for word from the draft. And it sort of gave everybody the opinion that no notice really had taken a (toll) of all the comments. That hopefully has been addressed a bit this year and everybody's got off to an earlier start.

And I that the constituencies have been given opportunity to put comment into the draft framework at an earlier stage, so. We're also seeing a slightly different approach. The draft framework that's just been published is actually a lot smaller then previous years. It's a lot more simplistic.

But one major difference is the way it's been broken down into the core operations, a handful of special - a handful projects and the new gTLDs. And it's also had to look at what the what-if scenario as if we have a gTLD application launch in the financial year and if we don't have a gTLD application launch because obviously that makes a big difference to the budget. But I'm not going to concentrate on the gTLD side of things.

There's a table of the revenue and you can see that the framework - the proposed framework revenue for ICANN for this next coming year is $68 million. And as you can see, it's a - I think we're aware of that almost all the revenue comes from the fees paid through the - (read) through registries and registrars.

Just noting in passing how the meeting sponsorships, it's something that's been talked about recently, and where it's been set at 5- a half a million dollars for a number of years. And actually the forecast for this year has jumped up from half a million dollars to just over a million.

And the framework projected or the framework suggested for up and coming is $900,000. So that's the revenue side. On the operating expenses side, it's actually a similar position to the previous years. I think we're seeing - well actually a 15% increase in expenses on last year.

I think the year before that, there wasn't such an increase. We've got a 5% increase in revenue on the previous year and a 15% increase in cost. Just jumping back and forth between them, we see that the revenue is 68 and then the cost is 69 so it's actually a more balanced budget whereas last year that's just showing us with a revenue of 65 on the forecast in this year and 60.

So whereas last year it was intended to put - it looks like we intended to put (number) 5 into reserves. It's - they're not trying to do that this year. In that breakdown between the core, we've got $51 million for the core operations and $11 million for the projects.

This is a list of core operations. I'm going to show you a list of the projects in a second. And here you can see, I'm not going to read through the list. But that's a list of all the core operations or maybe all those core fixed costs.

More interestingly, here's a list of the projects that have been identified. And presumably, let me assume a sensible of doing things that any of these projects could be accelerated or retarded in their time scale. And that would have an affect on the budget.

And this is one area where one financial controller was asking particularly for comment and or so I was questioning what if we have any extra projects. I did ask for a breakdown on the relative amounts that there are in this bag of projects which have been identified as we saw on the previous slide. It's about $11 million.

So that information wasn't available. I'm not sure whether that's because it - they didn't have it all or whether because they didn't want to publish it at this stage. But that's something that - the area we should be focusing on.

And these slides actually obviously are not slides I made. They came from the meeting with (Ryan) yesterday and I think there's all for - and it was a bit of a disappointment there. There were only about six people there which I say disappointing considering that really it's quite an important subject list.

Of course, there's a lot going on with the GAAC. How to engage - well, this is for - the public forum is open on the st- on the framework plan, sort of the framework plan. That's the second of the three. As (Steve) just mentioned, we're going to be posting BC comments on there but of course, everybody's welcome to make comments on those.

Now running parallel to all of this, the SOs and the ACs were given the opportunity to make additional budget requests or - for projects that were particularly close to our hearts and that we felt that we'd have a lack - additional time. So we were making - we made some comments at an earlier stage on this.

So I want to just shoot over to the other slide. Thank you. There we are. Yes. So about a month ago we were given the opportunity to make some additional requests which we did on - there was a template form that was provided for us. And we didn't quite feel the template was adequate to get all the information in that we wanted.

So we actually submitted a (revised) document along with it. And the feedback from all these - from all the constituencies have now been published and this is what we can see on the slide here. It looks like the BC put in requests and so (ASAC) and the ALAC but from what I can see, the other constituencies don't seem to have put in any requests into this project.

And most of the other constituencies, the ALAC for example, wasn't a constituency - the ALAC had put in fairly detailed requests on different items. Ours were more general and, of course, ours were not simply just for things that we wanted for our own internal structure but for things that we wanted to comment on, we wanted increased budgetary requirements for the ICANN as (a whole).

So the projects that we focused on were contractual compliance, who this sort of policy supports obviously and something called the toolkit and - which is actually a parallel project of items that (Rob) in the policy department was - had already been offering to their constituencies.

Under the toolkits, we put in a fairly detailed request and so obviously face-to-face meeting support, teleconference support. The number of our teleconference calls that we got projected to the next year is actually a lot more then they - then our policy department was suggesting was that the constit- most constituencies would want so we're putting in extra for that and mailing lists and archiving.

The mailing list is something that was on the list as the toolkit items that we could take in and that's one that we were very interested in as well as transcripts, MP3 recordings and office election assistance.

On the next slide, lumped in with everybody else was outreach support. And there's one particular item on that which I actually had a value against it at 20,000 euros and that was the project - did you want to directly speak on that Marilyn?

Marilyn Cade: Sure. I think probably (Anders) is not still on the phone with us but (Anders) - sorry. Excuse me.

Chris Chaplow: (Unintelligible).

Marilyn Cade: (Anders) and I wrote a specific proposal for a BC fellowship program. The
                   present fellowship program doesn't actually enable small businesses from
                   developing countries to come to ICANN and get engaged with us.

                   The fellowship program, while it may be excellent, is more suited for ALAC
                   and for government folks. And people come and they attend various slices of
                   meetings where they may learn about the - ICANN in a broad way but they
                   don't actually get to be immersed and what we would like is to have our own
                   fellowship program that we own where we would work with trade
                   associations in developing countries and bring small businesses or the
                   executive directors of the trade associations to the meetings.

                   They spend a very limited amount of time with the fellowship program. They
                   go through the orientation but other then that they belong to us. And they
                   spend their week with us. We ideally would like to be able to bring someone
                   to two meetings in a year and then help them do an outreach event of their
                   own in their country or region.

                   So for instance, just an example, we held - one of our members, (Wada
                   Segonga) organized a fantastic dinner and reception for us when we were in
                   Kenya. And I want to do a half day sea event, two hours for the event, a
                   reception and a dinner on the edge of the IGF whenever that takes place.

                   The local business community will organize the meeting but many of us - Jeff,
                   myself, (Lisa), (Steve), probably Chris, lots of other folks, go to the IGF and
                   we'll be able to do something to kind of keep the activity and interest in what
                   the BC is doing alive.

So we're asking for funding from ICANN to help do that program which would provide travel funding for the participation.

Chris Chaplow: Thanks Marilyn. So just to...

Mikey O'Connor: Chris, hang on a minute. As long as we're doing the budget stuff, could we really get behind the compliance department's request for automated tools? Not the staff. When the IRTP gang - Chris I think you were a part of this when we were doing it - we wrote a memo to the budget kids a year ago or two years ago, whenever it was, that said, "Hey, give them $50,000 so that they can do the automated system they need so that we can get the data that they've got out."

And it got the guy fired. So we need to do this again and we need to do it without getting the current people fired. It's a compliance monitoring automated system. It's like $50,000 and it's like compared to all these gigantic numbers, it's nothing. And it would make a huge difference across the community.

Chris Chaplow: That's right Mikey. And I particularly remember you bringing that up at our meeting in Nairobi when the finance officer came to speak to us and remembering that, we did go back into the records and actually pulled that out of the - from the records and we put that particular request in the document.

And so that hasn't found its way into the summary. Marilyn and I have got a meeting with (Juan) in the financial control on Thursday. We just got confirmation just last - in the last hour, on Thursday at 2:00.

Mikey O'Connor: Well, if you could just bump that one up.

Chris Chaplow: Thank you. So we'll...

Mikey O'Connor: I would trade $50,000 for that against a lot of things that are on the wish list.

Chris Chaplow: So the three prong - to summarize now, I think the three pronged approach which we've got at the moment, we've got this meeting on Thursday with (Juan) to go through all these things. We've got the public comment that's open at the moment. The BC will go into the public comment and of course all individuals are welcome to do so.

Marilyn Cade: And of course you're all welcome to come with us.

Chris Chaplow: Yes, it's 2:00 on Thursday in Tower B in that room.

Woman: Sure.

Chris Chaplow: Well that sort of about wraps us the very brief summary for me at the moment and...

Berry Cobb: Okay, Chris, just one quick question. On the FY'12 budget deck that was on there, there was one slide that listed the main projects that were going to be the expenses for that year and I haven't studied any of this yet so I'm kind of flying blind.

But a couple of the line items on there were new gTLD stuff, I was under the impression that that was a separate budget and so I'm wondering how some of that is bleeding over into this fiscal year '12 budget when we don't even have an approved launch yet. And specifically they mentioned the communications

window opening on the next slide or the next page or something like that and, you know, that's all new gTLD stuff, right?

Marilyn Cade: Not everything is in the separate budget, right? I mean, right now what we're doing now has not been a separate budget.

Berry Cobb: Okay. All right, thank you.

Chris Chaplow: Yes, (Cinda), that's the slide you were talking about Berry there, with the new gTLD project on that. You're right, the gTLD project has been pulled aside and is almost like Version A or Version B of the budget. The thing - I imagine what that'll be is the project costs if it doesn't go ahead and if they're in there.

But really for that to be meaningful, we need to know what the numbers associated to that group are there. We know that group is $11.1 million for the year which is about 20% of the ICANN budget. But we can - well, we can ask the question again on Thursday.

Marilyn Cade: So we are ready to go to (Chris). And thank you very much for hanging in there (Chris). It's actually one of our very important topics - the nominating committee's...

Man: (Unintelligible).

Chris Martin: Yes, thanks guys. I will make a brief - it's just a quick update on the non-com process. We're at the last month of our outreach and this is really the push month where a lot of the candidates actually end up submitting their statement of interest.

Just to remind folks, this year we have two open board seats. One is (Steve Crocker)'s, the other one's (Katine)'s (tray seat) that we'll be deciding on. There're three other - three ALAC seats from Africa, from Latin America and from Asia Pacific.

There're two GNSO seats. One is Andrei Kolesnikov's seat in the contracted party house and the other is Olga Cavalli's seat in the non-contracted house. We're actually designated also with suggesting where they might want to put themselves, whoever we decide on. So that may influence a little bit of our outreach.

And then the last one is a single ccNSO seat. You know, I just would put it out there. I really welcome the ideas, either for yourselves if you're interested, talk with me about putting yourself for anything or if you have ideas for other people or candidates that might be interested and available to put their nominations in.

So please just let me know. Thanks. I just want - I have one more thing. My other colleague, (Mike Roberts), is doing the same. I'm sure he'd be happy to talk with anybody about this as well.

Marilyn Cade: Okay, two sessions?

Chris Martin: That's right. Two sessions. We have one nominating committee session. Both - well, both of them are tomorrow. One's just an introduction, a presentation, but the more important one, and I would actually encourage anyone who can attend to go, it's at 2:00. It's a roundtable.

One of the ATRT's reports recommendations had been asking for more clarity on the types of skills and the types of people that they would need that non-

com should look at in deciding upon - on its candidates and so - and as well as opening up and making the process more transparent.

And I think what we're trying to do, both being here at this meeting as well as this roundtable that will happen tomorrow at 2:00 in the afternoon, we really want to hear from the ICANN community about what you think the organization needs at this juncture.

This is going to be an open roundtable. There'll be - we've done a lot of outreach to a couple - to all the different organs of ICANN and I really encourage anyone who can participate to try and share your views. Thanks.

Marilyn Cade: (Benedetta) has an assignment for all of you and so I'm just going to remind you of it and ask you to take a quick look at this and if you're not - if you haven't done your assignment, she will be following up with everyone. But we are going to publish the meet the BC document formally.

And it's really important that all of you get your bios and pictures in because her assignment includes, if you don't give her information, she's going to research you on the Web, find the most embarrassing picture of you and post it with your bio. Just joking. We will - she will be really pushing people to push that so that we can have that and use it.

I will tell you that the copies I handed out to board members and the GAAC members here is kind of an example of what we're doing. It's been extremely well received. Then - yes.

Man: Just a (thought), Marilyn, there is a version of that on the Web site, on the member's section Web site. You can download it if you want.

Marilyn Cade: So to remind you all, tomorrow there is that session in the morning where we will be having - we will have a further opportunity to interact with the board only because GAAC is working around their communicae and I will be making a couple of further statements that you'll be seeing in writing after (Steve) and I work through them.

And then on Thursday, the open meeting between the board and the GAAC resumes. Tomorrow the schedule for the - the schedule between the 9:00 to 12:00 is the board meeting with the community on the new gTLD priorities similar to what took place yesterday.

Man: (Unintelligible).

Marilyn Cade: I would expect, you know, as they did - what I'm told is it'll be the same thing as yesterday in terms of format. The only thing is if you go to the microphone, since we are making a formal statement, that I will make, if you go to the microphone, you're just you. Thanks everyone as usual. Thanks everyone for participating. You're going to see - I'm going to cancel tomorrow's meeting at noon.

I'll send a notice out about that. And (Steve) and I will be drafting any statements that are going to be made on Thursday in the public forum on behalf of the BC.

Man: (Unintelligible).

Marilyn Cade: Thanks. (Benedetta), do we - I think we're done here, right? So we can stop recording. Thank you.

END