

**ICANN**

**Moderator: Glen DeSaintgery  
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4:45 am CT**

Coordinator: Today's conference is being recorded. If you have any objections, you may disconnect at this time.

Marilyn Cade: There's a small fee if you sit in the back of the room. That's a joke. We're going to - we're going to get launched because we're running just a few minutes late. And we're going to move very quickly. We have a very busy schedule today that I want to walk you through because there are a couple of sessions that are closed to BC members only.

I'd like to have us start the recording please. Okay. We are being recorded. My name is Marilyn Cade. I'm the Chair of the Business Constituency. I'd like to welcome all of you to the Business Constituency meeting. We will not do formal introductions because we are going to move so quickly through our agenda.

But when you speak, please announce yourself by name and affiliation. So for instance, I'm Marilyn Cade. I'm the Chair of the Business Constituency. So for the purposes of the recording and the transcript, folks who are either listening

to us to participate remotely or are going to be reading our transcript later will be able to know who's speaking.

Today's agenda is going to start with a very brief reference to a new piece of collateral, a BC brochure that is being launched. And I will actually turn to Chris to do that. It is going to be very brief and we will be handing out copies to all of you who are here.

We're then going to focus on the discussion led by Steve DelBianco and the two Councilors, John Berard who will be participating remotely and Zahid Jamil and with participation by members. This is going to be a fast paced walkthrough. Thank you.

And we have some particular issues that have arisen since we've arrived here at - in Dakar that we'll be teeing up. We'll talk about them on policy discussion as much as we can. And we may be reconvening the members for a members huddle to deal with topics we're not able to get through.

We'll spend a few minutes prepping for the Board meeting today. The BC members and any of their direct guests have a hour long session with the ICANN Board. In that prep session we'll take you through the topics, what we've done so far in terms of prep for it. That is a CSG session with the Board so we share that with two other constituencies.

We'll be leaving this room and you cannot leave anything behind because it will not be locked and we'll be gone - the members will be gone for an hour and five minutes. We'll be back and resume our meeting where we'll hear from Chris Chaplow...

Man: (Unintelligible).

Marilyn Cade: We will hear from Chris Chaplow who is our Vice Chair of Finance and Operations and then we will have guests and that is the Nominating Committee Task Chair and the new Chair.

And we will be talking with them, Sarah Deutsch, who is one of our two new Nominating Committee elected representatives is here with us today. We'll be talking with them about the ATRT request for changes in the operating procedures of the Nominating Committee.

We will then have a short discussion on ethics and integrity at ICANN, which will include debriefing from the Board discussion and a discussion about the launch of our own working group on ethics and integrity in the BC. That decision was taken on a recent BC members call.

And I am putting that working group together. It will be a cross working group that is not a policy issue. It's open to all members. But we will be dealing with it in specific working sessions probably two one hour calls rather than trying to shoehorn it into our other working sessions.

And then we will close our meeting, given about an hour's break and after that we meet at the CSG and (unintelligible) I just ask you to remind us of where the CSG meeting is this afternoon. I'll come back to that later if you don't mind.

The CSG begins at 2:30. It is not in this room. I think it's in C56. But the point is it's not in this room. You'll need to grab lunch fairly quickly in order to come back to CSG. At CSG we're going to have a short session where we will debrief on some of the challenging situations that the CSG feels we are facing, the cost constituency leadership will be briefing on that.

We'll then be joined by Xavier Calvez, the new Chief Financial Officer of ICANN and then by the full Contractual and Compliance Team at 1530. We will then have a short closed discussion which we will close the transcript and ask to be members only in the CSG. And then we will conclude at 1430.

At 1445 the meeting between the Board the GAC starts and we will move very quickly from that room, the CSG room, to the room that the Board and the GAC are in so that all of you will be able to hear what is going on in the discussions between the Board and the GAC.

So with that, I'm going to ask Chris if I might and I'll hand the brochures out. Chris if I might turn to you to do a quick introduction.

Chris Chaplow: Thanks Marilyn. (Ron)'s actually handing the brochures out now. So thanks.

Marilyn Cade: And the sheets.

Chris Chaplow: And the sheets yes.

Marilyn Cade: (Unintelligible).

Chris Chaplow: (Unintelligible). Okay. Thank you very much. We just - I did a brief explanation in the CSG breakfast so apologies to some of you who have heard that already.

But this the first edition of the ICANN - the BC Newsletter and we're very proud that it's been a lot of work putting it together. And as I said before, it's - there was one - BC did have one some time ago and the copies of that perhaps on the Web site on the Internet.

But what we wanted to do was as much as possible (approach) that - a newsletter that we can do for our members to look at. It's equally for outreach to be able to hand out to other constituencies and really show something about the BC and our news and our updates and (unintelligible) second.

And I've said before, to actually in center pages it was deliberate to try and put something in it that was actually going to be useful to people and we were aware the members of the community both new members of the community and indeed more experienced members of the community that weren't surprisingly (blown away) on the structure.

So the docket inside that we've got the multi stakeholder model on the left hand side and the overall ICANN with the photograph of the Board and on the right hand side the GNSO Council.

On the introduction we've got perhaps one might say one of the more important - the news from (chat) and please do have a read through that about the BC members that were in Nairobi just recently, just a month ago. And some updated news from Singapore on the road to Dakar where of course we are now.

Steve's written us an article on developing the BC GNSO policy (agenda) as ICANN. And if I may say so Steve, I like in you opening paragraph where you've consolidated much there important about the BC simple mission, development of business by an Internet that is stable, secure and reliable whilst promoting consumer confidence. And I think that's a very good and succinct way we can look at things.

NomCom appointees, Sarah and Waud; so that's good. I talked about an article about governance like the affirmation of commitments. And in the next edition we have - follow that with other articles.

The subject that I'm close to - that's the BC effort on the budget and the operating plan and then talking more about this afternoon and an opportunity for members to say how the little window in the brochure on the back page.

Photographs in the BC at work and the player at work. There should be more information about having our secretary and the Executive Committee. So it's both for members and for people that are thinking of becoming members and the general community.

So we've got plenty of copies of this and outreach is the purpose of it. So if any members or anybody wants to take away many copies of the (announcement) just grab 30 copies I think for an event we were hoping to have only so. Thanks very much for doing that.

And that's good so you got an event or anything coming up in the next three months, then come and see me, take away copies and hand them out. Thank you.

Marilyn Cade: So any - Chris I am just going to actually if you don't mind to give me about 25 brochures so I can - we can prepare them for the Board to hand in. We'll do that in just a couple of minutes when we do prep for the Board session.

But I'd like to turn it to Steve DelBianco. I just want to mention that we're spreading Steve's leadership opportunity across the next two sessions. So you're going to do an overview and briefing and then we will also talk about during the Board prep session there's a particular discussion with the Board

with the new gTLD programs. So we'll go back to you during that session for that if that's okay with you.

And so can I just do one thing. There is a sign in sheet being passed around. So if you don't mind, you in the audience, there should be one and there's one coming around here, we would appreciate it.

Steve DelBianco: It's Steve DelBianco, with (Net Choice) and the Vice Chair for Policy. Zahid and John Berard and I put together the typical thing we do for these meetings, which is list of key policy issues that are in front of us this week. And we start with a discussion of the Council agenda.

We always talk about the public forum coming up on Thursday and the topics that are lined up. And we also want to cover some other issues that are currently active right now, one of BC members who are on working groups or on affirmation review teams. And I know Jeff said he'd come in at about 11:00 to talk about that.

So Chris, if you could, the first slide just repeats that BC mission statement, which is always great to have in front of us. And I did start the article in the newsletter that way to remind us again what our mission's all about. It's way broader than new gTLDs although that has occupied us like nothing else over the past year and a half and it's appropriate time for us to sort of take a broader view of all the issues in front of us.

Chris, if you go to the second slide, it's the Council meeting topics. And we rely heavily on Zahid for help on this. Council is tomorrow and it starts with a public forum of Council where each of the stakeholder groups are asked to stay - each of the constituencies are asked to say a thing or too. And Marilyn, I gave staff your name for that yesterday.

They've allocated an hour for that. And I'm not familiar with that as a format. What are they expecting and what do we want to do with that opportunity tomorrow?

Marilyn Cade: So one of the things we need to talk about is whether we're going to do anything with it. The constituencies and stakeholder groups do not report to Council. We have Councilors who are elected to represent the views of the BC. What this seems to be is a suggestion that we report on what we do during constituency day.

My negotiation with Stephane is that we would talk about any changes in our policy priorities that took place between Saturday and Wednesday, right. So my recommendation is that I would say two sentences at the Chair and I would delegate a return to Zahid who is our Councilor here and to John and we would ask them to report because that is their job to represent us.

I myself have a - we'll talk about this later but I'm not comfortable with turning the Council session into a briefing on the broad work of the stakeholder groups. So that would be my proposal Steve and that would allow us to focus on gTLD policy but continue to strengthen our Councilor or yourselves leadership in that area.

Steve DelBianco: No, I think that makes sense. It didn't really hit at the front end of a controversial agenda. John is that you?

John Berard: Oh yeah. Yeah, yeah, yeah. You know, I'm somewhat discouraged by the way that this has evolved. There were requests - rather formal requests that was extended to you Marilyn. Was the result of a conversation that we had in our Sunday - our debrief session in Singapore in which there was general



agreement as to the need for the Council - the public Council meeting to be more interactive.

I'm dismayed that this ultimately became a formal request of constituency leadership to participate in some reporting scheme when in fact all the suggestions that day in Singapore were to adjust the public meeting so that there would be more reason for members of the community at every level and from every corner to participate.

So, you know, what was a well intended suggestion to invigorate the public meeting of the Council has become, you know, just another line item in a - in what I fear will be an overly architected and potentially not as interesting as I had hoped approach.

So, you know, I apologize if this thing has morphed into something that it was never intended to be but the goal was to invigorate the meeting, not to create another formal step. So...

Marilyn Cade: John.

John Berard: ...I will bring this - I will be (speaking) to Stephane and (Mary) and Jeff about this after the public meeting.

Marilyn Cade: John, it's Marilyn. I really welcome your comment and your explanation. I think the members probably do as well. My suggestion to Stephane when he talked to me about it, he didn't have a clear understanding of what you were proposing. So perhaps you could, you know, talk to him ahead of time that you (unintelligible).

And also just propose even in your - you could explain what your goal was and it could be rejected. It's a pilot, you know.

John Berard: Very much so. So, you know, I would encourage you not to - I mean I would encourage the BC not to - I appreciate the spirit in which the invitation was extended. When I saw the communications from Jeff I was a little surprised. Figured the horse was out of the barn. We'd fix it later.

But, you know, if - well, I just don't know what to do with it at this point. I don't think it's going to give us the intended outcome we had sought and we'll just adjust for the next time.

Steve DelBianco: Thank you John. The Council agenda for tomorrow has what they call Council public forum. It's scheduled for an hour from 2:00 to 3 o'clock. And there's a break. And then the regular Council agenda business begins at 3:30. So it's really 90 minutes allocated for this tomorrow. And it's not an open mic.

It's an item by item bullet where each of the stakeholder groups will say something. And it's called a presentation. And I wondered whether we're aware, are the other stakeholder groups going to actually have slides where they present their broader agenda for the consumption of the community at large? Do you know exactly what format the other folks are using?

John Berard: You talking to me (Steve)?

Steve DelBianco: Okay. That question's for anyone who has spoken with other folks like the IPC and ISPC. So we don't know at this point what the format on that is but let's never waste a good opportunity to present the broader interest of the BC. And I guess between the (weeks), the BC will figure out some way to fill that space.

But clearly it's a precursor to the structured agenda the Council will follow after that because you might make a broad statement on all the things the BC stands for, all that we work on. And then we take this break, come back to Council and it's a very tic tock agenda.

Marilyn Cade: You know, I might just - it's Marilyn. There's a really serious tension that exists right now that is within the Council itself about how work is going to be done. And I think that that's not the place for us to address it.

But I also think that we should - why don't we take this up. We can chat about it at lunchtime maybe with Zahid and keep in touch with John by email. And then at the CSG we can also send around an update Steve maybe to BC private about what the proposal. Is that all right?

Steve DelBianco: Yeah. Be good - and again, if John's right about this and the audience is the broader community that we hope will have come into the room and it's a chance to introduce to the constituencies. And if that's the case, then we don't have to get into too many details. As you say, point to the brochures on the back table.

All right. So why don't we move to the subset of agenda of Council. And the first item that I've flagged for us to discuss today is Item 4 on the Council's agenda. It's been around since the San Francisco meeting. And this is a motion put forward by Kristina Rosette of the IPC and Debra Hughes with Red Cross and the non-profit constituency.

And it's a motion that - to try to come up with a process by which ICANN can amend the agreement with the registrars - the registrar accreditation agreement. And the items on the amended agenda are the motion. The motion

is really just says what's the process of which the registrars will negotiate with ICANN and what is the involvement of other constituencies, that is to say everyone other than the registrars.

What is their involvement at the stages of the negotiation or perhaps even just getting reports on what items were considered to be negotiated and how that works out? You wouldn't think we would be so wrapped around the axe (unintelligible) our process unless you were aware of the kind of things that should be worked into the RAA.

And I'll just list for you three or four of the high priority items that are supposed to be negotiated in the RAA. One is whether registrars have a duty to investigate malicious conduct and try to articulate that duty to investigate, to report and take action if they're given information about malicious conduct at a domain that that registrar controls.

Another is the obligation to designate and publish a technically competent point of contact who's available 24/7. That's a high priority item that has already been identified by GNSO.

Another is an obligation of privacy and proxy services to do the relay and reveal with (Susan) and (Bill), and I know you're heavily into that on the Whois Review Team, including whether or not you would cancel a registrant's account. Would a registrar be forced to cancel a registrant's account if they did not honor a request for revealing information?

And finally, I just threw one more in which it to clarify what are the registrar's responsibilities in a UDRP proceeding. So these are four or five of the 60 items listed in the document that Council put out several months ago on - it's sort of a to do list. All the things we need to do with the RAA.

Our problem now is we've reached an impasse and the registrars have said that they're going to work with staff on coming up with ways that their contract their RAA can be amended to accommodate these priorities but they don't want to do so under the - say the visibility of folks like the Business Constituency or IPC.

And they don't necessarily want the details of the negotiation, things which were considered and rejected, compromises that were discussed. They don't want that to necessarily be exposed in a reporting way - in a publicly transparent way.

And that impasse reached, you know, another sort of break point this weekend when I heard during the work sessions that contract parties are sort of together on this. Registrars and registries both believe that the process of negotiating a contract with ICANN is not something they want to do in the full glare of - in the full light of those of use that consider ourselves having a stake in what's in those contracts.

And because of the way voting is structured in Council, if the contract parties are holding firm on this, they will prevail. It's just the way the votes work. So I'm going to turn to Zahid in a moment to sort of walk through the politics of where we stand now because we have - we debated this extensively at the San Francisco meeting and a number of us spoke at the mic and our Councilors were articulate about it.

And then in the intervening time we deferred this vote until we could have it in a public place like this. So it's possible - we'll have a public discussion tomorrow but it's also possible this thing could get defeated right away. And the registrars claim the defeat of this motion doesn't mean they're not going to

negotiate a new RAA. It's just they're going to work in a bilateral mechanism with staff to negotiate and agreement.

And when it's done, I presume we will all have an opportunity to comment on the new RAA. But they just don't want to be subject to sort or transparency absent the negotiations along the way. Zahid.

Zahid Jamil: Thank you Steve. Zahid Jamil. So the history behind this has been drawn out by Steve a little bit. Let me just say that the RABWG have two processes that they recommended. There was a process, which had strong support and that was Process A and most of (unintelligible) of the - most of them - sorry in the RAA Working Group had agreed to that.

But the Process B was the one that Kristina put forward, which had less support and would - probably would have been more palatable for their contracted parties houses. And that was what was put forward in San Francisco. But that was rejected by the contracted parties house by blocking it in San Francisco.

And so the resolution that Kristina has put up again this time waters that down even further. It actually takes out the requirement that the report should come back to the GNSO Council and the GNSO Council should look in a transparency into what is happening in negotiations between staff and the contracted party and the registrars.

And instead it's simply saying, and this is the (cheese) so that everybody knows what the difference between San Francisco and today requests the ICANN Office of the General Council to review these changes and to - so that is the level of transparency that had been requested.

Also certain timelines which are not - which could have been - which were tighter earlier have been loosened by Kristina and more time has been given. So those are the basic changes. But as we heard on Saturday, the contracted parties house is also going to be rejecting this motion. They will be voting against this.

But despite the efforts of given them the software option in San Francisco and a more diluted option now, there doesn't seem to be any movement on this. And as many who were in the GAC meeting with the GNSO the other day would remember this issue was also raised in the GAC GNSO meeting. And the GAC wasn't pleased to hear that the registrars are not only in the law enforcement issue but also in this were not budging.

So I'll stop three and we're - just going to be an interesting day tomorrow to see what happens on this motion.

Steve DelBianco: This is - are we clear what our Councilors voting positions and voting strategy will be as different amendments are offered and motions come up?

Zahid Jamil: Well that - I'm glad you bring that up Steve. If there is a friendly amendment, which is what Kristina's been asking, well again about the fact of what we're proposing, did you have any alternatives. We've been waiting for amendments. We haven't seen anything on the list yet.

But if in case that does come up, we will be voting on block with the IPC as well. And I think that we are ready for that. It's not a problem. And basically we want this transmission to go through. So our strategy for voting will be to try and get it through and to vote yes.

Steve DelBianco: I wanted to relay to the folks who weren't here over the weekend that the registrars and registries did have a couple of ideas that might come up as an alternative. Like you said, it hasn't (unintelligible) in writing but it may show up tomorrow.

One idea was to thank everybody for the involvement but we're going to work with staff and report out on the RA we negotiate. And I do believe we would probably vote no on that.

And the second idea, which was circulated by the Registry Constituency by Jeff Neuman, as he pointed to this registry agreement for the new gTLDs as part of the new gTLD guidebook and he said, "There's a whole section in there that says how one amends a contract in Section 7 dot" - it's two pages long. And it's a pretty detailed process by which a contract with the registry can get amended after you assign your new gTLD.

And he said, "Why don't we just change the word registry to registrar and adopt that entire section as the guideline - the process by which we amend agreements?" Well that sounds imminently reasonable but only if you forget the fact of how we got the new gTLD agreement.

The new - the agreement that this Section 7.6 lives in is an agreement that's taken a couple of years of public comment consultation, Board and staff, and negotiation to derive.

So the new registry agreement about which 7.6 of the amendments is an agreement that was subject to the very transparent multi stakeholder public comment process that we're asking for with respect to the new RAA.



So ironically with the new gTLD program, we've created a new agreement and it's voluntary. Nobody has to sign the new registry agreement if they don't want to run a new registry in the new gTLD program. So that's a carrot. You want the new program? Here's the new agreement.

So that's certainly working for the registry side. But the registrars have no such new agreement to sign. In other words, we missed the opportunity to build a new RAA into the new gTLD program. Instead we used the old RAA and eventually we'll amend it. And that old RAA covers the sale - distribution and management of the new domain names.

So too late. Sorry. We missed the chance to do that. And we can't induce registrars to grab a new agreement and it was worked out in the public process. So that means that we do have a - we've come to a point where I don't think that it's reasonable.

I don't think we should allow the contract parties to represent that Jeff Neuman's idea is a reasonable compromise because it misses the point of the amendment to an agreement process, starts with agreement that is never been subject to the public comment process. It doesn't fit.

After we get through this process, Process B that the amendment calls for, then it would be appropriate to adopt Section 7.6 and jam it into the RAA for future amendments. But we don't think that process is going to work for this one. Marilyn.

Marilyn Cade: Steve, would you add a little color and entertainment to this discussion by doing just a quick -- or ask Zahid to -- just a quick recalling of what he said during the GAC Council interactions about the importance of the RAA and

how important that discussion and the LEA's discussion was to the - I just want to focus on the RAA, how important that discussion was to the GAC.

Zahid Jamil: So the RAA amendments have included in them many things that the law enforcement would want. I won't go into details as to what they are but there were - say if you could bifurcate them into two parts, there's the standalone recommendations that the GAC supporting the LEA law enforcement authorities had wanted to push through.

And they've been given a commitment. I know I'm focusing a little more on that for the moment Marilyn but that helps explain it. And so the GAC had wanted the - our registrars to try and adopt these. It didn't happen. They were given a commitment of the registrars that this would happen in Singapore apparently.

And the registrars without explaining what they were trying to do had put a motion into the Council meeting just before Dakar and pushed for this - well actually two meetings before that. And pushed for this resolution to be passed. That resolution was not acceptable to the law enforcement authorities. And as we can see in the GAC meeting was totally not acceptable to the GAC or the members of the GAC either.

That is one part of some of the amendments that are being request for the RAA. When it was raised in the GAC meeting that the RAA amendments also were being blocked, it has become sort of a combined combustible issue before the GAC that the GNSO is unable to deliver to the community many of the changes because of the blocking that had done by the registrars.

And that has become a serious concern for the GAC and also the people in the community that is this a structural problem within the GNSO. Why is it that

the contract parties houses or just the registrars are able to block any movement on the RAA? So it's really sort of blown up into a much higher issue. And I think that's why there will be many eyes watching what takes place when this motion is put to the vote on Wednesday.

Steve DelBianco: Thanks Zahid. And one final item on this one is we need to keep in mind our mission that was on the first slide. And we do need to get a revised registrar agreement. We need the new RAA. So I think that as we vote tomorrow we need to stand on principle that at the end of the day we do want staff to begin moving ahead to negotiate with the registrars on a new RAA.

I'd like to know will that happen regardless of what Council does tomorrow? In other words, whether we come up Process A, Process B or no process at all, isn't staff going to be negotiating with the registrars anyway over the months to come?

Zahid Jamil: That's right. So that process happened independently of this altogether. The purpose of this motion is to create transparency in that negotiation process.

Bill Smith: Bill Smith, PayPal. Try this - (unintelligible) cooperation that the registrars and registries have shown through their adoption of those three of the twelve law enforcement suggestions that we perhaps could work with some other interested parties and produce a new RAA with the suggestions that we have been putting it and deliver it and say there, it's done. You don't need to negotiate it.

And while this is somewhat, you know, I'm being somewhat facetious, I actually am questioning why the contracted parties are allowed to negotiate with ICANN on this. This - we are running the domain name system for the Internet, ICANN is. And this organization supports it.

I know I really have not participated in any other organization where a service provider, registrars and registries, in such an entity are allowed to unilaterally negotiate behind closed doors on these things.

Typically that there's standard form agreements that the community develops or the administrative organization develops and anyone who wishes to participate in that community is obligated to sign a standard form contract. There are no one offs. There's no nothing.

I know there's a bunch of history here on that but this is a significant problem and to answer your question is this a structural problem, absolutely.

Marilyn Cade: So I'm just going to - it's Marilyn. I'm going to quickly say that actually the constituency that wrote the transfers - the first transfers policy at ICANN would be called the Business Constituency because the registrars were in the same kind of lockdown that they are now.

And two or three of the good guys came to us and convinced us in various discussions that we should take the lead. I'm intrigued by Bill's comment and ask maybe if we could park it and talk more about it. Steve?

Steve DelBianco: All right. Let's do that. So tomorrow - we'll park it and talk more about it later. But tomorrow's voting is about a transparency element to the process. It's not about a go/no go at working out a new RAA. And even if we don't achieve the transparency, we'll have the opportunity to comment on, suggest changes to and Council will eventually vote on the final contract as well as the full community will vote on that contract.

It's many months away before it comes out of the (unintelligible) process. So tactics like the one that Bill just mentioned might have to be done in parallel to an opaque or transparent process.

Another idea is to take the dozens of items - the 60 items that we're looking for in amendments and bring them up a few at a time so the Council can for the first time vote on saying this is an amendment we want in there. Because I don't believe Council has approved that entire document of high and medium priority items.

It's a product of a working group at Council. And since Council hasn't voted on it and probably could not get a vote on the whole thing up or down, an idea that was suggested to us by someone who knows a lot about process here said break it up into pieces and bring those pieces in front of Council (unintelligible) so if any piece of it - if you recall I mentioned earlier relay and reveal obligations.

If that piece gets approved by Council, then it gets fed into the negotiation that staff is having with the registrants. Are there any other comments on this agenda item?

Marilyn Cade: May I ask Zahid - I heard from the IPC (unintelligible) on that breaking it up that there may (unintelligible) reservations. I didn't discuss it any further. I said I would hand it off to the Councilors and you to floor. But maybe for the CSG call, Zahid if you and Steve could have a couple of private minutes on that.

Man: A good idea.

Steve DelBianco: Great. Any other questions? John.

John Berard: Yeah. The only thing I would ask, Bill, do you have specific organizations that would - that operate as you say and we could offer as analogies in conversation or discussion.

Bill Smith: Sure. Bill Smith. Worldwide Web Consortium has a standard form contract. Oasis, which also does technical standards. To the extent that the IATF has a certain membership but if they have patent policies, IP policies, they are identical. And other organizations that I have formed, membership organizations, had standard form contracts that they must be executed.

Now when - it is possible when new members come in and things like that that if there are objectionable items, they are occasionally changed. But then it goes back out and everyone is subject to the same terms.

John Berard: And it's the members of each of these organizations in whole that agree to the standard form of those contracts.

Steve DelBianco: John, we're going to have Bill put in writing what he just gave us and circulate it to the BC private list so we can really get to work on that in parallel since it won't be in - it won't be in play tomorrow John. Okay?

John Berard: No, I'm sure it won't. Right. Okay. Thanks Bill.

Steve DelBianco: Thank you. Item 5 on the agenda for tomorrow's Council meeting is - changes the policy development process. There's 160-page document where the policy development process work team came up with some specific improvements to the policy development process.

Two examples are codifying practices or running with a working group. Another is standardizing the requests that one puts together when they want staff to do an issues report. And we had work team members. Marilyn was on it. John Berard, you were on it. I believe that Mike Rodenbaugh was also a member of that team.

So unless anybody has any other comments on it, I think this is a slam-dunk vote yes for adopting those changes tomorrow for both Zahid and John. Any other comments on that?

Let's do the next one. It's Item 6, which is only a status report, not a vote, which is a discussion of how we're doing it. Figuring out how we're going to do cross community work in groups. That's where folks from the ALAC and the ccNSO work with folks from the GNSO to come up with a cross community consensus.

John Berard's going to be working on that one. John, do you have anything to add to Item 6 on the agenda?

John Berard: No. It's fairly straightforward.

Steve DelBianco: Great. Item 7 is the geographical regions. There will be a draft report presented tomorrow but there will be no vote necessarily from Councilors. And there's also a motion scheduled on doing a charter for an outreach task force. Prepared to say a little bit about it Zahid?

Zahid Jamil: Thank you. The draft motion is on the motions page. What I'd like to say is that it does actually sort of try and create a task force for outreach and it has various objectives. I would encourage members to go look at those various objectives.

Some of those objectives are very sort of on a very macro level. You might see that involve this task force getting in the work of starting to manage the outreach even when it concerns stakeholder groups. And so I know that Marilyn has about this historically and there have been some BC positions previously where we said that we should be doing our own outreach. And so there may be modifications we might like to see here.

I would encourage members to look at this report - the draft charter which has to be approved in the Wednesday meeting. Marilyn, would you like to say something on this?

Marilyn Cade: Yeah. Very quickly. The position we've taken in the past is that we expect ICANN to develop the general information document and to translate those.; so the information that can be used by everybody to do outreach for participation. We expect ICANN to support us to help to customize materials that we can use to better inform businesses and to do business recruitment.

The model that is being proposed is that is a model we rejected once before where ICANN would pre-identify emerging leaders, put them into specialized training, fund them, pick who the leaders of the future will be in different groups. There's a confusion in between the concept of capacity building as we think of it and picking who the leaders of the organization will be.

I think there's also an issue about where the funding goes. We approved a request from the BC for a \$20,000 pilot fund to enable us to develop and customize our own recruitment, et cetera.



So think of the newsletter as an example of the kind of thing that we would do but that ICANN would be responsible for the central general here's how ICANN works kind of thing.

Do look at it. I'll write some comments. I think I'd like to defer the vote because the other problem with it is I don't think we can agree to have ICANN staff and a central committee decide who the leaders - the emerging leadership is going to be in the organization.

Steve DelBianco: Has this motion to approve the charter been deferred so far? Do you - are you aware?

Zahid Jamil: No, not yet.

Steve DelBianco: Why is it not even on the agenda? It's on the motions (unintelligible) new one that came in. So Marilyn's making a suggestion that the BC ask for a deferral.

Marilyn Cade: Let's do that. But isn't there also a question of it's too late to add a new motion, isn't it? We don't need to debate that.

Chris Chaplow: I can ask Glen for that clarification. But I think it may have made it in panel otherwise it wouldn't be on the motion list. One, she wouldn't have put it there if that wasn't the case. If it hadn't come in time. But we can ask that. In any case we may defer it.

But I'd like to say that it will be - if you - we have done this in the past in certain motions. We deferred them. But then when they came up again, we didn't have a response because we didn't have any member sort of providing any input. So I would sort of caution that you have the members provide the input.

An example would be the LEA resolution. So we had nothing substantive to say when it got deferred and came back up again. So just a word of caution there.

Steve DelBianco: Thank you. And the last item on tomorrow's agenda is after they seek the new Councilors, there'll be a vote for the new Council Chair. I think we only have one candidate. We can discuss that maybe at the CSG meeting when we're all together because he's coming to that meeting. So why don't we cover it then. Okay?

That's it for Council tomorrow. Any other opportunities or discussion of Council agenda? Great. Let's move to the policy participation. Chris, if you don't mind bringing up the next slide. Thank you.

This is just a quick list of the seven active groups and affirmation review teams and BC members that are active on them. The fourth one down is the Whois Review Team and I'm glad to say we can now add Bill Smith of PayPal as a BC member on that list. He's on my slide now that Bill Smith is in.

So this is an opportunity to ask the folks that are on here if they have any comments they'd like to add about the current work under way whether you need to continue to recruit additional BC members to join you on those work teams.

John Berard: Hey Steve, this is John.

Steve DelBianco: Is Mikey - yes John.

John Berard: The slides are not progressing on the Adobe Connect.

Steve DelBianco: Thanks. (Ben) is going to handle that right now. The first item on there John or your information was Internet registered transfers or IRTP and it was Part B and that's concluded but there is ongoing concern from Mikey O'Connor, a BC member who's active in that group who said that he needs reinforcement on the email list to be sure that things are implement the way that the BC designed.

And Sarah, I know you corresponded with Mikey on that and asked him how you could weigh in. Is there anything you could share with us on the current status of the IRTP Part B?

Sarah Deutsch: (Unintelligible).

Steve DelBianco: Thanks Sarah. There's a brand new group on IRTP Part C. We currently have three volunteers from the BC that have joined; Mikey O'Connor, Chris Chaplow and Phil Corwin. So that's three. That's good representation on there. We'll designate one of those three to be the BC rapporteur for that group.

But I believe you'll start to meet in November. Is that right Phil, Chris - in November? Zahid will be the Council liaison. Great.

Chris Chaplow: Yes. Chris Chaplow speaking. I don't think we've got a date yet for the first call if I remember right. But it might even be the end of October.  
(Unintelligible) will come in fairly soon.

Steve DelBianco: Great. Thank you. Next item on there is consumers trust...

Phil Corwin: Steve, it's Phil. Sorry, just one point. I would say they have announced that in the initial call was (off the) IRTPC. They will be doing an overview of the

IRTP in general. So to make it easier for newcomers to join at this stage. That could be of interest to anybody here. Thanks.

Steve DelBianco: Thanks Phil. Anything to add from your part on that?

Man: What's the question?

Steve DelBianco: No questions. On IRTP Part C, thank you for joining that group. Appreciate that.

Next item up is a working group that's underway for consumer trust, competition and choice. John Berard and I are very active on that group and we'll be doing a full presentation with public discussion tomorrow at 1 o'clock. The timing isn't very good. I realize that. And many of you will miss it. But I gave a brief run through of that presentation on Saturday and I can summarize it for you in just a few moments if you wish.

It's the affirmation of commitment says that one year after the first new gTLD goes in the (unintelligible) ICANN needs to do yet another review team. A review team that will look at the extent to which the new gTLDs creates consumer trust, competition and choice in domain names.

So in the Cartagena meeting, the Board approved unanimously a motion that says why don't we start now to define what those words mean in the context of DNS and new gTLDs and maybe even come up with metrics and measures for what consumer trust, competition and choice are because if across community consensus can give the Board advice on that, well then the Board can tell management here are the kinds of things we want you to manage and measure towards so that the review will go well a year afterwards.

So again, this is an affirmation review that won't even begin until probably December of 2013. It won't conclude until the end of 2014, right. So we're trying to plant some seeds now for definitions that work. This is in the sweet spot of the Business Constituency with respect to the consumer trust and competition. That's part of our mission statement.

So we have taken a very active role in trying to come up with the right kinds of definitions of those three terms. And if you wish, I can just read you the definitions that we're proposed. See what you think whether we're on the right track.

The first thing we did was to define the word consumer to be business - sorry, to be users and registrants and that I should leave this (unintelligible). But the consumer when it comes to consumer choice and consumer trust means users and registrants of the domain name system.

So the definitions that we come up with so far. For competition, we said that competition will be evident in the quantity and diversity of gTLDs, gTLD registry operators and the registrars. The competition will be evident if there's lots more gTLDs. Well of course there will be. And taking a look at the quantity and diversity of suppliers who run those TLDs.

So undoubtedly we will have greater amounts of quantity and diversity but the challenge is to define what are the goals. Is it simply to double or triple the number of suppliers? Will that create an adequate measure of competition? I actually don't think this is going to be controversial and it won't be very difficult for the community to meet this one.

The definition of consumer trust. We've come up with a two-part definition. It says it's the confidence that registrants and users can have in the consistency

of name resolution. And you'll love this one, the degree of confidence among registrants and users that a TLD registry operator is fulfilling their proposed purpose and they're complying with ICANN policies and applicable national laws.

That's confidence that if .bikes became a new gTLD and it promised to limit itself to vendors that sell bicycles that that's a promise they made, then you did a community based application. A year later it's important to have confidence that if I bought a name in .bikes DelBianco.bikes that I would have confidence that they're sticking to their registry restrictions.

That the terms of service that I signed up for are being enforced. And that confidence then helps my business grow, it helps consumer's trust that DelBianco.bikes is a legitimate bike store. So that's the idea of holding to the purpose.

We did have to fight to add the definition also complying with ICANN policy. You think that would be easy but it wasn't. And it was controversial add the phrase applicable national laws. And we did that to give full due respect to another stakeholder at ICANN governments in the GAC.

These are draft definitions. They may not survive this working team process and they may not be adopted in 2014 when the affirmation review team comes together. But at the very least we're trying to set the table. There should be a lively discussion tomorrow because folks within the working group would like to take out this reference to national laws, which is mis-defined to me.

One other definition is choice. And for that our definition says consumer choice would be evident in the range of options available to registrants and

users for domain scripts and languages and for TLDs that offer choices as to the proposed purpose and integrity of the domain name registrants.

So the idea is that a business - an entity seeking to register a name would have more choices than they have today. Choices that are appropriate for the purpose they want a domain name for and that fit the scripts and languages of the audience they want to serve.

And this might be an area where the new gTLD program could come up short because it doesn't look as if we're going to have as much in non-Latin scripts and non-English languages as we hoped. So this is the third metric. Are there any questions about the consumer choice and competition word of the group?

Marilyn Cade: Yeah. I got a question but I'd like to express a word of appreciation not only for those of you here who've been working on it but for Philip Sheppard, one of our members from AIM and former Chair on the DNSO Council and a mainstay in leadership in helping to define measurable terms that we could all begin to work on. So thank you very much Philip.

Steve DelBianco: Steve DelBianco. The definitions still look pretty close to what we drafted. Great work. John Berard, you're really active on this group. Anything you want to add?

John Berard: No except that I was a bit surprised in the ccNSO GNSO Council meeting yesterday to hear that even though the Board resolution in December out of Cartagena instructed or asked for advice from organizations including the ccNSO that they really weren't even aware of it, hadn't moved on it and didn't think that it was something that they would devote resources to.

So it puts even a bit more pressure on the working group - the working team from the GNSO to be diligent because we - our work product may wind up being a stand in for others who are not moving on the matter. So it's an important deal because it speaks I think to the core audience of ICANN and the Business Constituency which is the, you know, the actual use and registration of domain names.

Steve DelBianco: Thanks John. You're right about that and we'll make sure that the ccNSO knows they are welcome to participate in the work team.

The next item up is the Whois Review Team. Susan Kawaguchi of Facebook, Bill Smith, PayPal, and (unintelligible) are on there. Do you want to give any report on the current progress of your Whois Review Team?

Steve DelBianco: Susan does. Susan, just a quick one.

Susan Kawaguchi: I thought (unintelligible) should. We took three days at this meeting starting Saturday, all day Sunday and about six or seven hours yesterday and really pounded a lot of things out. I think we've done a good start on recommendations for data accuracy. And the proxy and privacy recommendations are still work in progress but there's a lot of issues there.

So we are still planning to have this report - the draft report done by November 30; hence we have a lot of work ahead of us. Is there anything you want to add?

Man: No. The only thing I'd add is that it was a - yesterday in particular was a tough day. But I still think the group is working well together given the at times frustrating. And I believe we're going to come out with a set of consensus recommendations.



((Crosstalk))

**Steve DelBianco:** Thank you very much. Jeff Brueggeman won't be here until 11:00 to talk

about the Security and Stability Review Team and we don't have anybody here from the last two. I'm going to break this discussion now so that we can prepare for the upcoming joint meeting of the CSG and the Board.

Marilyn has some questions that the Board has posed for us. And as we talk through the answer to those questions, we're going to return to some other policy documents that we prepared for today.

**Marilyn Cade:** And we may end up asking for very brief written paragraph reports that we could add and find some of the topics that we aren't able to cover.

So the - to remind members and others that this meeting will be a meeting of the BC members and is there member - companies that are members of your association that are eligible and you can bring them in. But it is a closed meeting.

The meeting however for those of you who are listening who aren't members or in the room, meeting will be broadcast and there will be a transcript from it. So it's just that the interaction is limited to the members of the CSG.

(Unintelligible) head table. At the head table will be the Chair and the Vice Chair and the CEO and President and the Chairs or their designee of each of three constituencies. This is the second in an effort to have a more substantive dialog between the CSG - between the stakeholders and the Board.

We had proposed three topics. The Board has come back with a rearrangement of the topics. And let me tell you what they are because that has just been finalized in the last bit of time.

We did not in agenda talk about CEO search because it is the subject of a public forum. But the Board wants to talk about CEO search. What qualities we think we ought to be seeking in a new CEO? What are the criteria for openness, transparency, et cetera, in the hiring process bearing in mind the responsibility for anonymity, privacy, Board confidence.

That topic will be kicked off and then I have already identified if I might IPC had a position on that. So if we could - the CSG leadership would turn to you or Jeff to make a - I just confirmed with Jeff that he will do - okay. Thank you. There will be somebody speaking on that from one of the other constituencies and we'll find that out when we get there.

The second topic is ethics guidelines and again this is not a topic that we proposed to talk about because we felt that the constituency should have constituency day fully to deal with that and to express their views as individuals in the public forum.

I will just tell you that originally there was no public forum specific to ethics and integrity. But the request from the manager of public participation in requesting topics had so many requests for ethics and integrity that instead - and they - it was being called conflict of interest guidelines in her original formulation.

It has been changed and it has been changed as far as I can tell driven by a couple of Board members and by the Chair. So we're talking about ethics

guidelines. What are our top three concerns and proposals to address them within the confines of multi stakeholder voluntary participation?

I have been asked by the CEO - the CSG leadership to take that topic off. Kristina will follow up. She took a lead in the meeting between the Council and the Board. On the weekend you may have heard that she prefers not to say the same thing because I think one of the issues here is the Board is very - to me in my mind although they're getting concerned, they're very confused.

They are saying well you can't expect us to be here if we're not allowed to make a living. Not all of them but some. Some are very concerned about the difference between you can have a conflict of interest but there has to be safeguards, what's ethical behavior, whether you have a conflict or not.

So it's - there's a lot of groping around right now and that the Board has gotten a lot of negative feedback about the fact that they voted on one small issue having to do with compensation and did not make it clear that they are taking the broader topic of ethics and integrity very seriously. So this is to some extent and effort to say we recognize it and we want to hear from you.

You have the opportunity. You will be able to launch here to comment. So if you want to tell me now that you want to comment, we can put you on the list that I can say this person from this constituency but you also can spontaneously raise your hand. And John, that's you too.

The third one is something that we really need to - I'm just going to talk about it and combine three and four in our mind to a broader chateau. The third one is for the top three issues for the commercial stakeholder group for ICANN to address in the policy development work.

The CSG leadership has agreed that one topic - and I will probably raise it, is that the Board in their infant top down wisdom moved us into a hospital neighborhood and in some cases it isn't just that we can't get work done. It is that there is not a civil, mutually respectful environment that exists in order to allow people to work together.

And that policy work is being stymied and prevented by the structural situation and the ability to block voting. We have a number of concerns about it. We mostly want to park that issue and note that we are severely disappointed and concerned about the breakdown and failure of the introduction of the new constituency which would help to change the dynamics.

It is merely a statement. We're not going to spend a lot of time on it but it's felt very much that we're being told that we're not doing policy work and we're going to be asked - so what are our top (unintelligible). The other two issues are what are the policy priorities. So under that ABC one is we've got a structural problem and then if we could come back to what are the policy priorities.

The fourth question is...

Man: The third issue under top three issues is...

Marilyn Cade: So the fourth - there's four issues, I just described the third one and said that - could there be an A, B, C. And then there's a fourth issue but I think it's very related and that is what are the top three messages that the CSG believes ICANN should be conveying in relation to new gTLDs.

The CSG leadership and my conversations with some of you is that the communications plan must be equally if not predominantly focused on awareness about the impact on registrants and users and not on recruitment of applicants. And that there is a dearth of focus and appropriate information on the impact of this massive change so that is a big message that we would all like to give and ask you to think about.

And the second is that we're not done yet. And unless we - and this is where I want to come back to you, Steve. Unless we address some of these elements that we still feel need to be addressed during the implementation plan, we have strong concerns that the - even though the launch might take place that it will be very troubled and potentially lead to premature failures and other problems.

There's strong support for hearing that - from at least four Board members, a couple seem to have buyers remorse from previous positions and others are new and have very grave concerns and are asking to hear from us. It's a split Board so if we could just go to you but those are the kind of topics that I - you know, I think - you're not done yet, the communications plan has to be expanded and changed.

Man: Let me ask you a clarification. It sounded to me like you said the fourth topic was the Board says, what you folks think are the top three messages we should convey to the world about the new gTLD program. So they're asking us for the sales pitch, the communications message. So we telling the Board there's a lot of unfinished business isn't a message that - I mean maybe it belongs in the third topic on the top three issues and policy development.

Marilyn Cade: Steve, we're in the implementation phase and the feedback I have from (Bruce) is that it doesn't belong in policy development, that is an

implementation. If we're going to make any changes it's in the implementation. But the issue we have - only five minutes to kind of go back to the - and these two last questions are important.

There is a group of companies who feel extremely strongly that they want to stop the program, that is not the position of the BC. The position of the BC has been to fix the remaining things that (unintelligible) royalties at risk to the greatest extent possible. I'm not making the comment whether that delays the launch date or not, I'm just focused on our official position. I am not talking about your individual position. Our official position is you're not done yet and that is still been where we are.

Real quickly I'll tell you that even the responsible registries are raising concerns about whether the program is complete enough to launch. Steve, can I go to you on some of the things they'd asked for that could fit into, for example, that could still be done?

Steve DelBianco: Great, I'm just going to refer folks to the white piece of paper that says, the BC's Key Implementation Points for gTLD Expansion. I think everyone here at the table has it. (Penny), was that circulated? So, but (John), I sent this to you last night. It was in the ex-COM email. This is a - my best bet at organizing the points I've heard for BC members about elements of the new gTLD expansion that aren't finished yet.

Ironically there's not a particular order so our goal is to try to figure out which are our top three themes or specifics that we would pull from this list if we get the opportunity during the Board meeting that comes up to express what has to be fixed before gTLDs are actually deployed.

So we could walk through this list but to do it quickly, the vertical integration cross ownership, staff (unintelligible) details on that. I don't believe that's going to be a top priority for us. The second was enforcing restrictions proposed by an applicant.

We learned on Saturday that if a registry restriction is proposed by an applicant it's not enforceable by ICANN unless it makes (unintelligible). So (unintelligible) is very concerned about that, wants to meet and talk about it further this week. He says that is a glaring, gaping hole in the implementation.

And it may mean that we need to shine a bright light at any time an applicant makes promises about how they're going to secure the space and restrict the registrants, promises are nice but they're not enforceable if they're not in their registry contract. And that might be the way to solve that, and I think that may be - I can tell you this, staff was very attentive to this point when we brought it up over the weekend.

So I bet the Board would love to hear about it. And what do you think about bringing that up today? Okay? All right.

The next two go together and this is something that Phil Corwin and a couple other members have been really attentive to, standardizing the contract and the qualifications standards for the vendors that ICANN picks for the UDRP and then just as importantly the URS which is part of the new gTLD program.

So combining those together into a contract standardization and qualification specifically, does that elevate itself to a top priority that we want to mention during implementation today?

Marilyn Cade: I'm - just a minute, Phil. I'm going ask you to do - pick four and rather than our debating them, if you would present them as examples and - because we're going to run out of time and I want to come back to something else.

I think that the issue of changing the operation, extending the availability of trademark claims perpetually, not just for a short period after sunrise has always been on our priority list. But if you could pick the bundling of IDNs with (unintelligible) vice versa.

And then this point about the RAA - and the promises have to be in writing so that they're enforceable, if those are examples - you could say these are examples and then we will do more work on it. This is a - and come back to - that way we could work on this while we're here and come back in writing. You could even read it out at the public forum.

Steve DelBianco: Right, so we would discuss it today - discuss it today with the Board but then do a more formal readout. Maybe just quickly read them, so the four that Marilyn suggested as the priority is - just as Phil was about to talk about his, but enforcing - the second one on the bullet list was enforcing the registry restrictions.

Number two is creating standards for applicants to add versions and other scripts. Third was continuing to operate claims and services after sunrise and make it at a best practice if it can't be mandated.

And fourth is the entire set of bullets at the bottom which we discussed at length this morning which is the RAA amendments. We think those ought to be done before implementation but I don't see how that's even feasible right now.



Marilyn Cade: So my proposal is Steve will say this is non-exhaustive list. We're giving you some examples. We think that these clearly are within the implementation realm and rather than debating them or saying they have the full approval of all our members say it's a non-exhaustive list so that we can just talk about one more thing before we walk out.

And as you walk out, if you join Phil walking over there, maybe you could grab Phil's point too so we can get out.

Phil Corwin: Yes, I would like to try to mention it if we could squeeze it in, the standardization of contracts for UDRP and URS.

Man: Thanks, Steve. Just want to weigh in here for a second. On the URS contract, in earlier versions of the guidebook they were quite explicit about that the URS providers will be under contract. I believe that explicit reference has disappeared and (unintelligible) can go back and check but it - that needs to be stressed.

And also you heard me ask Kurt the question at the GNSO meeting on Sunday whether they thought they could get credible providers at \$300 a shot and he said, it's going to be a problem. And I think it's everyone's interest whether you're a registrant or co plaintiff, that the process be credible as it rolls out.

I just want to note in regard to implementation of the program that we know the advertising industry's out there saying, stop the program, which is not our position. I don't think it's a credible position.

But on Friday the National Retail Federation, which is a very powerful organization and promotes e-commerce, shed a lot of (unintelligible) to what Larry Strickling's saying we want a pause, some extra time for

implementation because we have many unanswered questions about our -  
among our members and then their letter goes into those questions.

So we're seeing at least in Washington pressure building for on commerce  
anxiety about the program.

Yes, I will - yes.

Marilyn Cade: Okay, guys. We are walking out right now. If you're a member please come  
with us. You will - it will be a little chaotic when you get in there. Grab a seat.  
If you are able - the seating's a little weird in there. You'll see that when you  
get in there. (Unintelligible), if you leave your laptop she will not leave the  
room.

We're going to - first, we're going to...

Woman: (Unintelligible), if you walk out of here, turn right, and go all the way down  
the corridor, that's the room.

Man: DC 12.

Marilyn Cade: That's where we were last night.

Man: (Unintelligible).

Woman: (Unintelligible).

Coordinator: The recordings are paused. The recordings have resumed.

Man: Got it.

Man: Good to go, thank you. So we're resuming the BC meeting. I only have 30 seconds to wrap up the policy section of the meeting and then turn it over to Chris Chaplow. The final slide you have in front of you is the public forum schedule as it's published now. And I realize that it could change between now and Thursday. But it currently covers six topics that are all relevant to BC and we have positions in several of these areas.

But the first two are really going to be in Chris's purview, strategic planning process and the budget planning. So Chris, if you have anything to say about preparing about what we're going to put into the public forum you could cover that next.

Several of us have a lot to say about the relationship between ICANN and governments. It's not something where the BC has, to my knowledge, adopted positions. I think they're gathering input from the people that attend things like IGF and ITU and we'll - several individuals here will give that.

We gave a similar comment just now in front of the Board that - where the risks come from.

Then they have an entire 30 minute segment dedicated to geographical regions review, which I'd be surprised if they fill that. Joint application support, we have two very firmly established positions. I'm not wanting to lower the bar on either technical requirements like DNS (unintelligible) IPV6 deployment.

We don't want to lower the bar on continuing operations instrument for new applicant. And we also feel that a - we need to add incentives for applicants for TLDs to build out multiple scripts and languages. Now that is not in the JAS program. It's a small paragraph buried at the end of the JAS report.

And the JAS group decided not to go there but we have probably used this part of the public forum to say that whatever do on JAS for needy applicants go ahead and proceed but in addition there's still time to make it - create incentives.

So an applicant will offer an Arabic script, a (unintelligible) and other scripts for a TLD they were already going to build, and ICANN may need to find ways to make that administratively easier or perhaps even financially easier by giving a discount for the savings ICANN would realize by not having to do a second evaluation of the applicant's financial status.

Finally, there's a session at the end of the day which will be probably a very hot one and has to do with domain name takedowns by registries and registrars. There will be a polarized set of opinions about the desirability of takedowns to protect from counterfeit goods or from intellectual property theft, brand management, and I believe that it's also going to speak to what governments are doing, legislation that's pending.

I personally worked on the bill in the US Congress to protect IP (unintelligible), very controversial. I'll be surprised if there's not a lot of opinions on that. I do think the BC's position will be very consistent with protecting the integrity of domain names.

And we don't have a specific position on where blocking should occur, should it occur at the URL, should it occur higher in the stack. We have been huge supporters of DNS (unintelligible). And DNS (unintelligible) can be defeated if blocking is done improperly. So I believe we'll be able to comment on that to pick the right level.

So with that I can conclude the policy section unless there are any other questions. Chris?

Chris Chaplow: Thanks, (unintelligible), this is Chris. I noticed the first two topics, the strategic planning process and the process of the budget planning, I see them separated and I think for me the more defined one is the budget planning process. I think I could do with some guidance and help from - well, from the vendor's view on associated planning process. It's a lot vaguer, it's a more difficult one.

And I also noticed on the voted FY13, the presentation that we saw yesterday, the timing was in fact that the - and requests were all but for the budget planning - were almost coming in before the strategic planning was completed, which - you know, there's two views on this. Some people say, forget strategic, go straight to budget.

And other people, no, no, you can't, you've got to have strategic in place before you budget. You know, so this is really sort of highlighting that issue. So as much input from members and help for that as possible, thanks.

Marilyn Cade: I just want to remind members in particularly - and it's Marilyn speaking, particularly for the record that the BC proposed to the CSG - the CSG took a positive decision to create a budget working group within the CSG, that is chaired by Chris Chaplow.

We have just launched the work in that area. We will be increasing our focus on an ongoing basis. And John - I want to thank John Berard for - in the ccNSO and GNSO Council meetings referencing the launch of that work.

Chris has been recruiting participants, we'll go back to doing that in an online way. I'm going to switch the agenda now since we're running...

Man: Marilyn, if I could one - (unintelligible), I may have misled Chris because I listed the second topic up there as ICANN Process and Budget Planning. I did that to short cut it. The long process - the long name is ICANN Process and Budget Planning and Allocating Spending to the Various Communities.

So it's possible that that allocation of money to the various communities might be a topic more near and dear to our hearts and if it is you could expand.

Marilyn Cade: Right, we will have comments to make. We have existing positions on that, thank you. I need to invite - is Adam joining us as well? Okay, here he is actually. I need to invite the three of you to join us and I'm going to put you maybe right over here. We'll make a little adjustment and move somebody down so we can have three seats in a row. Can I get you to move?

After that bit of noise and kaffuffle I welcome our - I'll welcome the team that's joined us by actually - since I've been negotiating with Adam on the scheduling, Adam, I think I'm going to let you do the introductions as the past Chair of the Nominating Committee and introducing the Chair and the Chair-Elect and explaining the purpose of our discussion.

(Bene) is also checking to see which of our members are still joining us remotely. And if I may, Adam, turn to you to introduce the topic and your colleagues.

Adam Peake: All right, thank you very much. Adam Peake, I'm the Chair of the 2011 Nominating Committee. With me, Vanda Scartezini who's been appointed as

the 2012 Chair Nominating Committee and Rob Hall Chair-Elect and Chair of the 2013 Nominating Committee.

So I think most of you are familiar with the role of the Nominating Committee and the work that we do in selecting half of the voting members of the Board of Directors and then selecting people to join GNSO, ccNSO, and the at large.

I'm here or we're here today because one of the new requirements that's come out of the accountability, transparency, and review team is that the Nominating Committee look at and become better informed about the types of skills or skill sets that the Board of Directors should have.

So what are the skills that are required in an ICANN Director? And what we're trying to do is to fulfill that recommendation is go to the different constituency and to the community and ask what do you think are the skill sets required of a Director? What do we need on the ICANN Board?

The qualities and experiences, so that's the sort of general first question is as we look at the Board what are the attributes that we should be looking for in a Director.

Second would be the qualities and experiences already covered by the Board. Obviously there are - as you know there are Directors there that have a good set of skill sets. Do we have enough of one? What's the balance that's needed in this area.

And this is a little bit difficult in the sense that the Nominating Committee, Vanda and Rob will begin their work this week and they will begin selection - they will begin a candidate recruitment process probably from early December

through April. And then they'll make the selection process in June but the people won't take their seat until this time next year.

So you're looking very much forward looking. And then they're beginning a three-year term. So when you're looking at the types of issues that, for example, the problems to solve for want of a better word you're not looking at a problem that exists right now. It's where are we in two year's time.

So what are the kinds of skill sets that we're looking for that we'll be addressing future challenges at ICANN? So we have to be able to see into the future.

And then - so that's the other issue, the challenges that are affecting ICANN, the evolution of the organization, and I think the idea is that we'd be very interested in hearing your thoughts on these set of issues. You, of course, have two representatives to the Nominating Committee, you send two delegates. And they can also continue to transmit this information to Vanda and Rob.

But this is an opportunity now to hear from you, your initial thoughts on this particular issue.

Rob Hall: Thank you, it's Rob Hall, and again, thank you for having us. I want to add just one thing to what Adam said which is it's critical we hear - two things maybe, it's critical that we hear from you, what do you do want. I think it's also critical we hear from you what you don't want.

So I'll give you the example of, it's often easier to say, look, this is what shouldn't be happening. We've heard in the past from various groups, for instance that we don't need someone who's can program (unintelligible) or understand TCP/IP at integrate levels necessarily. If they have that great but



that's not a key we should be looking for necessarily. So what you don't want or feel we shouldn't be concentrating on is often as helpful as what you do.

And then other thing, of course, that I think I'll - you'll hear me say a couple times today is we look to you and perhaps this SG more than others to provide that high level leadership in terms of applications. So what we're looking for specifically is, you know, we can only pick from the people that apply.

We need your help in getting people to apply that you think would be good for all the positions. And then perhaps the last thing I'd like to hear about, we tend to concentrate on the Board. We also have to appoint what is often referred to as the swing vote in your house. We'd like to hear about the qualifications for that because for the first time we will be appointing someone to that specifically knowing that at the time we choose.

So in the past of the old bylaws we chose three candidates and the GNSO decided where they went. This time is the first time the full process will be used where we - the Nominating Committee has to decide. So you saw a flurry of activity in the last week where we had to decide for this year, it's because the bylaws changed on us halfway through our last term.

But for the first time now we can send different criteria out saying if they're applying for this house what are the criteria. And we can ask different questions even in the application if you have suggestions for that of what should we be looking for. So I know that's probably also near and dear to your heart as a voting rep in your house.

Vanda Scartezini: Yes, thank you, but one thing that I (unintelligible) is time is more (unintelligible) information about how people can behave in the oppositions

because Board is one position but all the others and the - those positions influence the way ICANN behave itself.

So especial here in the GNSO is - well, it is demanded that we choose. I'm not comfort of that. I do believe that, you know, the constituents should choose that. But it's something that I'm open to debate and debate with the General Council to. We need to do that or not.

In fact, there is - it is there in the bylaws, you need it. But the bylaw is to be changed. So if we feel that the best thing to the GNSO will be other way we need to talk about. You need to present that way. It's - in my point of view, it's - we need to focus on the bad things and of the constituents and of the ICANN itself and not because someone decides that we should take (unintelligible).

So it's something that I do believe we need your opinion, your income - you know, inputs and that. And the second issue is I do believe that we have a (unintelligible) in the least what is we have in the Board, which qualities we have on the Board.

And that - but in my point of view there is lack of others and I would like to have you add in your values on that. What is the values we need to look for to fulfill, you know, requirements for this constituency and for the other ones? So it's something that - it's now a days with the new organization we need to be more clear and more transparent and give back some feedback for the community why we are doing that.

So the idea is to have this, you know - this conversation in the starting. We would like to have your contribution but not stop here. You know, it's open contribution because during your time talking with your - with each other, you

certainly will find out other - you know, inputs that you need to share and then glad to have that, thank you.

Marilyn Cade: Thank you, just one moment, (unintelligible). So let me lay the ground rules for the interaction with the speakers. We will - anyone who speaks including me will be speaking in their individual capacity.

The one thing I will say before I take that mode is that we will be convening our past Nominating Committee members, as many of them as who are around, and be working internally on already addressing a number of concerns that our members have - had for some time about the Nominating Committee process and its functions. And that will help us to answer the broader questions, so that's one point. And we'll be doing that soon.

The second thing that I just gave you all real quickly is the BC newsletter which has the pictures of our two Nominating Committee appointees. Sarah is here and you'll have a chance to see her, she's just tied up right now. And Waudo will be arriving.

And finally there is an insert in your document, which is the final thing that I'm going to mention to you. The business constituency's perspective is that - and here's Sarah. The business constituency perspective is that there is a GNSO and there is an GNSO Policy Council.

It's called the Council but it is responsible for gTLD policy in the bylaws. So what you're doing is appointing people to the Council, not to the GNSO. I just want to make that distinction because our job search so to speak is for people who are qualified to participate in a policy development process.

The - and that, you know - so rather than - so when we say GNSO Council or - (unintelligible) mention the Council, we mean specifically someone who fits the job description to be an effective, functioning councilor. Where if we were to be talking about the GNSO we might be talking about different characteristics, just - if I can just make that point.

But Sarah is here. I do want to just open it up to - everyone is speaking as an individual. We will eventually and soon, I hope, have different comments for you but thank you very much for joining us. And I saw (Ron). And we'll just go to Zahid and then to - Bill, was that your arm? It was - Ayesha Hassan and then Bill's arm. Quite a few.

(Ron): Thank you, I apologize. I was out in the hallway. I didn't catch the beginning so if I'm asking questions that were already perhaps discussed I apologize. But you asked for information from us or some guidance from us and so my first question would be what's the timing? When - in which window do you want that guidance? And then the second question is what is the window for the application process? Thank you.

Vanda Scartezini: Probably from December normally - from December to April is the application time. And the one thing that we want to have this time is more clear information for the community about what the - we are doing and when.

So (unintelligible) of what we are doing now as we're doing that, what's the next step we're going to have just for people to follow and understand what - when the idea come or when I have this last time to talk about or something like that or I need to apply and to apply, how can I do that and when I get some feedback, this kind of a - it's not to be so closed functionality.

Respect in a way that we need to have privacy and respect the privacy of the applicants but even that, you know, the (unintelligible) is not against that.

So - and people can understand what is the process and in the which step we are. So the first one is we certainly will get some feedback for change a little bit the way the applicants should, you know, put themselves for us because now a days the (unintelligible) of interest is almost, you know, cut and paste and, you know, read it again and again and again the same thing.

And we don't have the (unintelligible) we need to have from them, that's one thing. So we have still the beginning of December to fulfill this and make a very, you know, easy question to be responded and maybe to have different questions for people who are going to apply for the - each (unintelligible).

For instance, I want to apply for (unintelligible), which question I needed, for instance, as Marilyn just said, how your experience with the policy making for instance. Yes, you don't have this? So this kind of issue that we need to do to December.

Then the time - the window for the application will be open and people need - and of course, because you are business around so we need more, you know - spread the word around to get more people to apply for your communities, your countries, whatever. So - because that is the headhunt of (unintelligible) is October.

Man: Okay.

Rob Hall: Thank you, if I can just add to that. The first part of your question is by Friday would be great but I know that's probably impossible. We start sitting - it's this weird construct. We don't actually sit as a Nominating Committee under

Vanda until Friday. Between Friday and December we have to figure out what does our application look like and that - if you have questions you want us to add, it doesn't have to come all at once if you want to start a dialog.

From my point of view I chair the 2013, so for the first time I'll be able to come to you much earlier. So I'll probably be coming to you in the spring or early summer saying, for the next year what do you want. So my real answer is, I guess, continuous but the sooner the better. And please don't wait until you've got everyone.

(Ron): And just a quick question on that, where are we sending our comments to, you know, our ideas to? If you could just state that so we've got that for the record.

Adam Peake: I think there's two things here, and I'm outgoing so it's easy for me to say, but, you know, one thing is we can start to hear your ideas now. I mean do we have to use mics so you actually have remote participants? So sorry, it's Adam. And one of the things is, you know, we want to start hearing your ideas right away. Any reaction you have is going to be noted down and used.

I would suggest that - but this is really up to Vanda as the Chair is that, you know, you have Sarah here and Waudo's going to be here, those would be the natural conduits from you to the NomCom. But the other thing is that you note them anyway.

Rob Hall: (Unintelligible) keep in mind that we actually need official, I'm sorry, (unintelligible), that we actually need official advice from you that we respond to because the (unintelligible) recommendations say we must get it and we should attempt to say why we picked a candidate, how they relate to that advice.

So yes, by all means, Sarah and your other appointee will represent you well, but please feel free to give us official advice. And I think that should go to the Chair so in this case to Vanda.

Marilyn Cade: Yes, I was just going to make that point that that was my understanding that although individual members may give you their individual opinions we will give official advice.

I think I had Zahid and then I had Ayesha and then I had Bill, and then I had Steve.

Zahid Jamil: Three quick ones, value of the Board, NomCom, swing vote, what you should be looking for in NomCom, what the type of person, the new environment would be. So first values to the Board, I think openness and listening to people.

The previously found Board members not opening of the listening. They already had preconceived notion, they had an idea. They wouldn't sit there and to really open up and hear and listen to what is being said.

And they have to be persons who want to make the system work. Some of your (unintelligible) systems is a very different system and I think we heard today in the Board meeting that we just had, you know, talking about - look, we need as a quasi-regulator as well for a public good and a quasi-regulator. And people should view it as that.

Second, NomCom has a swing vote. People who are going to be nominated by the NomCom into those little houses and said, well, you're going to be sitting

here are going to find themselves on having previous experience found in some of the hostile houses.

They mean (unintelligible) people having gone after them for having voted in a certain fashion so you need to find people who have a thick skin and they should know that before they get into those houses.

But it's important that they are people who do swing, who aren't exactly the same as the house they're going into because you want to create that swing vote simply because - or otherwise you're going to have deadlock as you see right now, deadlock in the GNSO. So that's important.

And the third is what, you know - looking two years ahead, new gTLDs, people who understand competition law. It's going to be very understand - important in that arena to understand how the RPMs came up, what the RPMs were supposed to do, and have they achieved those sort of things. And, you know, need to understand how reviews function as well. Thank you.

Ayesha Hassan: Thank you, to build on what Zahid has just put forward, we had a discussion with the Board about the impact of the new gTLD program on this structure. And I think going forward it's going to be important to bear in mind that some of the companies and entities involved are going to be impacted, they're going to change. And so looking at that overall as we go through potential modifications would be helpful in the balance.

In terms of the Board, I think one thing that - and the GNSO, I think goes across the positions that you would be selecting. ICANN does exist in the landscape of an Internet governance ecosystem, people refer to it in many different ways.



We in ICC's membership are very concerned about what's going to happen in the next three years at various treaty conferences, various forums, various political negotiations and processes. And ICANN is part of that whole constellation.

And I think more and more, having people that do understand that constellation even if they're not deeply involved in any of them is critical to ensuring that ICANN overall at all levels is very aware that it is part of that constellation. And that is part of how people make decisions and participate in this because as we see structures working or not working, that becomes an area of criticism and attack from outside entities and even people within the community.

So my sense is that bearing that in mind all the way along is very important and especially in the coming two years, ensuring the balance in the Board and in the GNSO of people who have that understanding and have an empathy towards the importance that that has for this organization will help to strengthen the organization for the future. Thank you.

Marilyn Cade: And you are Bill Smith.

Bill Smith: Ayesha hit a number of things. I am Bill Smith with PayPal. So the organizations that would be useful - specific organizations to have knowledge of would be the ITU, the IUTF, the IGF, W3C, and similar organizations I would suggest.

I think other qualities would be to - for someone who understands the difference between the need for perhaps setting strategy and direction top down allowing the bottoms up implementation through what in the technical

community we call cat herding. It can be extremely difficult to get people to move in the way you want them to.

You can take time but there are ways that through pushing back it's possible to get everyone to move in a direction. I would also look for someone who has experience in finance. All of this in - preferable in nonprofit setting but not essential, but with finance, corporate governance, legal.

So distinct from corporate governance but the knowing when to invoke the need to have counsel present and not have counsel present, when to bring in outside counsel, allow individual Directors to have counsel, etc.

There needs to be - they need to be independent, truly independent to be able to make decisions in an independent manner and know when to recuse themselves if necessary. The experience with establishing and maintaining consensus based multi-stakeholder organizations.

I'll just - personally one of the issues I see at ICANN is that it talks a good talk about bottoms-up multi-stakeholder consensus based but I see lots of conflict, I see lots of voting. Seven pages of GNSO charter describing how to vote, that's unusual in a - from my experience in an organization that does things by consensus.

And also an understanding generally around what it means to be open and transparent and still be able to get things done. So I think, you know, for me a Board member, there are the things I would be looking for, you know, pretty high bar but also, you know, a real understanding of how to get things done by consensus and experience in - I think I've already said it, but establishing, changing, moving organizations forward.

One of my concerns is that ICANN - the perception of ICANN and a number of these - with governments and other institutions, is that it is non-responsive and ineffectual currently and that's a serious concern of mine and the companies, that one I can - absolutely.

Rob Hall: Can I ask for clarification?

Marilyn Cade: You certainly can, any of you can. And I just want Steve to know he's in the queue and I'm going to take one other person then we're going to wrap up so please do.

Rob Hall: I thank you for those comments, they were very helpful. One of the things we certainly have heard a lot about is independence that you mentioned and I'd like you to perhaps clarify or add to that. Officially right now we're told the ICANN normally is two non-independent members, (Bruce) (unintelligible) because he has a contract. His organization has a contract directly. And Rod Beckstrom because he's an employee.

But if you look at it as some stock exchanges going in the US or as a public Board might in the US, more tend not to be considered independent. So it would be helpful to hear from you what definition should we be looking at and what do you consider independent? Because I think our job is to appoint those independent if we can certainly?

Bill Smith: Sure, so this is Bill Smith again. When I say independence I don't mean by the SCC or, you know, regulatory definition. What I'm talking about - no, the ability for an individual, okay - so I represent PayPal here. I believe and I've represented Sun Microsystems in organizations. And I've sat on Boards.

And I have made decisions that are not necessarily in the best interest of my organization, the company that pays me because the decision for the organization that I was the Board member of, and I have a fiduciary responsibility to that organization, required me to vote in that manner.

Okay, and that's the type of independence I'm looking at is to say I will make - take decisions that in fact are not - and I think Zahid may have alluded to this, but having tough skin. To be able to take the pressure that says, why did you vote that way? And the answer should be because it's the right thing for the organization even though it may not have been the right thing for me.

Adam Peake: Okay, thank you.

Marilyn Cade: Our - Sarah? Wait a minute?

Woman: (Unintelligible).

Sarah Deutsch: I have to check.

Marilyn Cade: Of course you're allowed to talk but I just want to finalize the queue. Sarah, Steve. I'm letting you jump the queue from Steve so that will give him the last word.

Sarah Deutsch: Okay, I just wanted to say that I - on the issue of independence it really wraps right around to the difficult conflicts discussion we were having in the larger room. But, you know, the - cleaning up this whole conflicts of interest mess, and that's one reason why I'm so excited to serve on the NomCom, I think it begins there.

So there will be a huge educational function for selecting and educating folks about what it means to avoid a conflict of interest. And in my view it goes way beyond a particular contract or particular vote, it's pervasive. I mean it's a - if you're particular company is wrapped up and has a financial interest in new TLDs for example then every decision that you make will be influenced by that unless there is some sort of wall.

It raises very thorny issues so, you know, I'm very pleased to see some of the new Board members who do think independently and don't have strong conflicts or apparent conflicts but I hope it's something that, you know, the NomCom will be looking at in a kind of a broader sense as this issue moves on.

Marilyn Cade: I'm going to say something about that topic as it passes. I want to be a little careful about something here and that is the Nominating Committee has a certain scope of work but it is a narrow scope of work and a particular scope of work. The larger topic of ethics and integrity at ICANN - I just want to mention to you all that the Board in their meetings with all of the constituencies today are discussing the topic of ethics and integrity.

And as an informational piece will be happy - (Bene) will clip the - part of the transcript. So one of the things I want to be really clear about is our instructions to our representatives will be that it's not their job to develop the criteria. But we do expect there to be a - the development of criteria and changes that is going on simultaneously so they'll have to be very much in the loop of knowing what is going on in the larger organization.

I think it's very, very clear to me from that meeting with the Board and from the conversation with the Board, and we'll know about it at the public forum,

that the Board does intend to take very seriously a major change in this particular area.

Rob Hall: Sorry, just to elaborate on that, we were informed yesterday that given the level of possible conflicts and people recusing themselves from the Board vote that if we were to appoint, say, three people that all had gTLD conflicts it may be impossible for the Board to act. Just too many people are so - it's something certainly we have to consider. I agree with Marilyn. We are very narrowly focused as to who we pick.

The other interesting thing that I want to just bring up is as we've mentioned is we also have to pick with certain diversity rules under the bylaws. One thing I do want to make sure is clear, this year we must pick someone from Latin America for the Board because the person coming off is from Latin America.

Now we could reappoint him but it is key that we must pick whoever the best candidate is that comes from Latin America. So concentrating perhaps efforts there would be helpful to us as well.

Marilyn Cade: Yes.

Steve DelBianco: Thanks, Steve DelBianco.

Vanda Scartezini: Latin America, Caribbean, (unintelligible).

Steve DelBianco: Steve DelBianco with Net Choice. The requirements for diversity as well as independence would make it even more important to answer Rob Hall's question about technical competence. I'll speak only to that.

And my advice is that we find the Directors who are, let's say, adequately technical in order to discern rhetoric from reality. Be adequately technical to know when they're hearing rhetoric versus reality and have the ability to pursue the technical truth of an argument.

And I'll just give you two examples that you might even use as a litmus test. No matter how you felt about XXX we heard rhetoric about XXX blocking at some nations would break the Internet. And I look in the eyeballs of the Directors in San Francisco and said, do they believe that and do they know how to discover what part of that is true and what part is rhetoric.

Another example would be something we're working on in the US Congress, would blocking of - would taking down domains bring DNS (unintelligible)? A little tougher to figure that one out. We don't expect people to know the answer to those questions but to be able to discern rhetoric from reality and then pursue the technical truth.

Marilyn Cade: So let me just say that my plan, assuming that the constituency members support this, will be that we will - I will ask our past two Nominating Committee members, Mike Roberts and Chris Martin, to take the lead in helping us to work on developing our formal input.

But I would just make one other reference, one other point to the two of you, in the audit report during 2010 and up until June 2011 the audit report said that eight Board members had conflicts. Two of those were advisory, they were liaisons.

Of interest to me is (Rob Mohan)'s name was not on that list and neither was (Bruce Tonkins). The issue of how we determine what conflicts are is not a comment for here but I think the information, Rob, that you have - and that is

very important for people to know, is that independence to Bill's point and understanding conflict.

So this is a - this is a comment about whether people even recognize that they have conflicts. And know when to recuse themselves. So I think whatever goes on externally, I think not only adding questions to your questionnaire but thinking about the additional coaching and training that may almost have to come in the - after the application is received and before people decide whether they're going to progress.

Because it's very easy to assume that somebody got excited about ICANN through a fellowship program, found out about it two years ago. They're deciding to apply now. They're not necessarily aware of the - I think be very highly qualifying that this whole complicated shift to within our ecosystem may not be on their minds.

So I just say to you all as you think about the awareness materials that you'll be - and the outreach that you'll be doing, I think there's more than the questionnaire that's going to have to be enhanced.

Adam Peake: May I - and then I think we can - I don't know if you close it or not, but we're taking up your time. I wanted to finish with a couple of quick points. One is that we're trying to make available a list of attributes that - it's not from us, it's from other sources, of what Directors - I mean the attributes that a Director might have.

And we will send that list to you and you could add to it if you think there's attributes that you think are missing. And you could prioritize the ones - you could - and just generally work with that list if it may become useful or not.



And in terms of your formal input, yes, formal response is required but tomorrow morning from 9 o'clock we have a roundtable meeting with the community and would very much like for you to send somebody to sit at that table, that's the first question.

And the second is, sorry Sarah, you're already invited but I don't think you may have remembered to say that but you are. And, you know, that may be the first point that you can either as individuals join and make comments or perhaps if you have time now to, you know, just pull a few thoughts together that you might throw into that roundtable tomorrow as talking points, that would be a good thing to do.

But I'm not saying that this is your formal input, that is still required but, you know, this is the next opportunity tomorrow morning from 9:00 to 10:30 in a room that I haven't got immediately before me but it's on the schedule.

But, you know - so this is what we want to do. We're trying to reach out to the community broadly and, of course, your input's very valuable.

Marilyn Cade: Thank you, I will - we'll talk with Sarah and I'm sure we'll have some other folks who will be able to come. Thank you very much for this outreach. And so now we have - I had one more request for you.

It's really to me extremely helpful and has been a significant change that funding has been made available for the participation of the Nominating Committee representatives in - at least one ICANN meeting. And that there are two face-to-face meetings that are funded.

I would ask that you consider extending the availability of funding for at least one more day for the face-to-face trips so that particularly those Nominating

Committee folks who really cannot afford to pay the additional cost feel that they are able to come.

And it is really helpful for them to be participating in the community and to be hearing the discussions that are going on. And for some of them that - some folks that we send you, it is a barrier to them. They can come for the days you fund but may not be able to be there for the rest of the time. So that would be one point I would make.

And the other point I would make - actually Adam has heard this so many times from me I'm surprised he missed it, and that is that this constituency, we want as much of your focus.

If you're going to make the other appointments, and we may have different views on that in the future, but if you're going to make those other appointments then we need to make sure you have the time and the resources to focus on them and to pay as much attention to them, including interviews with them, preparing them, having a meet-and-greet, you know, doing those kinds of things.

So we're not being critical, we're asking - we're telling you we'd like to help you make sure that budget is there.

Rob Hall: Marilyn, if I could just respond quickly to that? We - I think we both - Vanda and I and Adam all agree with you. We're in this weird state right now where the Nominating Committee doesn't officially exist. So the travel budget right now, if we were to bring people in earlier for this specific meeting comes out of Adam's budget last year not ours.

Now that the bylaws have changed I think you'll find - I'll be coming to you much earlier in the processing, give me your rep for the next year, and we'll try and work - Vanda and I have agreed to try to work budgets so that we can attend because the first one is kind of a weird - you know, and it has to happen after the Friday. The other meetings don't. They could happen during, they could happen before.

You know, we could hold the Nominating Committee meetings on a Wednesday-Thursday. We don't need to wait until afterwards for example. So we're both open to be very flexible and changing things. And we've got a new structure that allows us to do that right now. I will also credit Adam for the first time of...

Vanda Scartezini: (Unintelligible).

Rob Hall: You're quite right, the Nominating Committee - out of the three meetings traditionally met in person the first and the third and there wasn't a budget for the second, Adam was able to go back to ICANN and get a budget for the second and bring the entire Nominating Committee to that second one. We'll be attempting to do the same thing because it's probably the most important one.

Adam also spearheaded us for the first time I believe interviewing every single Board candidate that had a chance at it either by videoconference or in person days before - just two days before so the entire committee was able to interview those.

We will commit to try and extend that in the GNSO, ccNSO, and ALAC because I believe the in-person is perhaps the best judge of, you know - that interview is very important and we'll try new technology if we can to do that.

Marilyn Cade: This is very helpful, thank you very much for joining us. I'm getting a row of tweets that have food in them.

Man: (Unintelligible) and Chris.

Marilyn Cade: I will suggest you all that there is something in this that we think will be very useful to you and I want to credit Chris for that. It's a complex layer, difficult to explain structure in the GNSO and in its Council. I hope this will be a tool for you and will be - the newsletter will be on the website and Sarah will have some copies with her to bring to your first meeting.

We're going to wrap up here but for members I need to tell you two things. We - (Bene)'s going to tell you what room you're going to come to at 2:30 where we are going to meet with the CSG. And I received a number of complaints from members about the experience that some members are having in the hotel they're in here.

And so far I haven't gotten any death threats over it but I understand the anger is pretty significant. The interesting thing is we do have business constituency members that are having the same experience that NomCom and ALAC are having.

So it's going to be, I think, a subject for the public forum but the second half of this is that members have given me a mandate to tell ICANN that it is not acceptable and cannot continue and must be fixed now. That the hotel for the Costa Rica meeting is already full and that there is not appropriate planning. If ICANN chooses - if ICANN deals with meetings in this way that this is creating a significant barrier to our ability to commit to participate and I will be talking more with the members.

But I will be delivering that message twice, Thursday morning there is a Meetings of the Future, I'd like to have a written statement that you all get to see and can support. And then we will make it at the public forum. I have asked for a face-to-face meeting with the senior staff and the meetings director for people who need to express their concerns.

There is a questionnaire that has been posted by the ALAC where people are giving detailed information about whether the lock on their door works and whether their light bulbs turn on and how many buzzes they've seen that day - and rats. This is a extremely stressful, unhappy experience for the host country.

And the decision that was made by ICANN staff to accept that hotel is creating a challenging situation for a country host that is doing a tremendous job of welcoming all of us and of trying to make this a successful meeting.

So we're going to be as positive and productive and as tolerant as we can be and still deal with the problems.

Grab some lunch, see you at 2:30 in what room?

Man: (Unintelligible).

END