

**ICANN**

**Moderator: Gisella Gruber-White  
February 12, 2013  
12:45 pm CT**

Coordinator: Today's recording has began at this time. If you have any objections please disconnect. You may begin.

Benedetta Rossi: Thank you very much, (Andrea). Good morning, good afternoon, good evening. This is the BC members pre-council call taking place the 12 of February 2013. On the call today we have Jimson Olufuye, John Berard, Sara Deutsch, Frederick Feldman, Mark Sloan, Aparna Sridhar, Marilyn Cade, Bryce Coughlin, Andy Abrahams, Barbara Wanner, Mallory Hein, Robin Fuller, Yvette Miller, David Fares, Steve DelBianco, James Baskin, Marie Pattullo, Philip Corwin, Celia Lerman, Gabriella Szlak and Elisa Cooper. We have apologies from Angie Graves, Lynn Goodendorf and Martin Sutton.

*[NOTE: Members who joined after the roll call: Mike Rodenbaugh, Anjali Hansen, Zahid Jamil, Elizabeth Sweezey, Ron Andruff and Chris Chaplow.]*

I would like to remind all participants to please state their name before speaking for transcription purposes, thank you and over to you Marilyn.

Marilyn Cade: Thank you. Let me first of all welcome all and thank you for joining the call. It is going to be a very full agenda and a very busy one. It is an extended agenda so that we can also have a briefing from Chris Chaplow, the Vice Chair of Finance and Operations on an update on the budget discussions and invoicing. But our priority for the first part of the call is to focus on policy. We've heard consistently from members that focusing on policy input and policy review needs to be a priority and we do try to put that upfront in the call.

We've got several topics that we're going to review on a positive point to see if anyone wants to add another topic to the policy discussion. I'll give you one more chance a bit later and let me at this point open the discussion and turn this over to our Vice Chair Policy Coordination Steve DelBianco to lead us through the policy discussion and priority items.

Steve DelBianco: Thanks Marilyn. The agenda for today's call that indicates the first (unintelligible) Strawman solution and follow up on that. I sent to all of you a comment that BC put in last week. It was a follow up comment on the Strawman solution. Marilyn provoked the need for us to do something like that because as many of you have learned Fadi Chehade had sort of backtracked from his commitment to the Strawman calling some of what surrounded the Strawman a mistake and he said that to a group of Registries and Registrars. And that certainly got our attention when we met with the ICANN staff in Los Angeles two weeks ago.

So we felt it was important to reiterate that the vast majority of the public comments on the Strawman supported the implementation items in the Strawman. In fact, the note we put in was of the 88 comments found on the Strawman solution, 67 comments supported the Strawman solution or went even further to say the stronger measures were needed such as the limited

preventative registrations or blocking. In other words three-quarters of the comment supported it.

So first thing we did was make note of that. But we are going to need to do more because we have to stiffen Fadi's backbone a bit about the need to go ahead and implement, things like a 30 day advance notice for sunrise registrations to implement an extension of the period when trademark claims notices are given and to expand trademark claims to include strings that have been previously abusively registered or used.

We have said in all of our comments though that we believe that the limited preventative registrations, a form of locking, may well be, as Fadi indicated, they will be something more than just implementation. It could require PDP and I think the BC's position there is that a expedited PDP if begun right away, as an opportunity to complete by the end of 2013. And at that point, well there's still an awful lot of TLDs yet to be launched and consensus policy would be binding on everyone even if their TLDs are already open.

So there isn't a public comment period anymore on the Strawman. There's just an opportunity to try to find allies that will press ICANN and those allies could be folks like the Intellectual Property Constituency as well as the GAC to press ICANN on implementing the easier parts of the Strawman. Now Ironically the fact that part of the Strawman is the limited preventative registrations, if that gets put to a PDP I think that just strengthens our hand at getting the other elements implemented immediately as implementation changes.

So I'll take a queue from BC members who want to comment on Strawman. But we have other things on the agenda as well. Take a queue?

Marilyn Cade: Steve before you take a queue, could we - maybe you could ask members to note what else they may be aware of that is related to this same topic in terms of energy or activities that we should share.

Steve DelBianco: Sure. We'll do that too. Any members want to weigh in on either topic? All right, hearing nothing, we'll continue to work that Strawman angle but there's no public comment open right now. Let's turn to the second item on the agenda under policy and it was implementation versus policy.

So ICANN - this is partly driven by the fact that there was an ombudsman complaint and a lot of push back against the Strawman suggesting we had taken a second bite at the apple - that's the great expression they love to use - or that we had confused policy and implementation by trying to suggest implementation for things that were new policy. And fortunately the Strawman solution laid out that certain items for just implementation and we wanted to, you know, work off of that to continue to get them implemented. Nonetheless, the board has posted for public comment a general discussion on what is policy versus implementation.

And it comes off of a paper that ICANN staff is prepared trying to articulate the differences between it. Comments on this are due February 21, that's the first set of comments. And it would be great to get some levels of interest from BC members who would like to participate at drafting some BC comments on policy versus implementation or discuss the topic in general on the call. I'll take a queue on that, policy versus implementation.

Marilyn Cade: Steve, it's Marilyn. Just to ask a clarifying question which I already know the answer to, so we have a document posted that is governing the scope of questions that the staff has put forward. What we know is that this is a disputed item within the Board and some Board members are very

sympathetic to the idea that the Strawman and other issues are clearly implementation while a few of the Board - technical advisory liaisons seem to be going in a different direction.

So it seems to me that understanding that is really - it's a big priority for us. As someone who was on the Council at the time the initial policy was developed and was on the Council when the council actually held implementation Straw working discussion before a policy was finally put forward to the Board. I think this has got implications not just for the new gTLD program but it has implications for our ability as Business to use the public comment process that ICANN operates to provide our feedback but...

Steve DelBianco: Yes that's true. We could instruct future policy versus implementation distinctions because David Olive of ICANN staff said to us that when they prepared their analysis they did so by looking backwards at times that ICANN has put things out for policy versus implementation and tried to come up after the fact with a method to the madness, some sort of way of describing how they've acted in the past.

It hasn't been all that coherent but it contains examples of items where they moved on implementation and those examples are things that fit well with the simpler parts of the Strawman. So I believe that past experience Marilyn, will be helpful at making the argument. But I believe the BC should use this opportunity to clarify that the simpler parts of the Strawman fit within the framework of policy versus implementation and they fit would be in the implementation side.

So I believe our comment doesn't have to be too long. We could rely on some history as you indicated but we mainly have a political objective at justifying the implementation at the simpler parts of the Strawman. And having said all

that, it would be great to get one or two volunteers in the BC who can help to draft that comment. We have until February 21 to get it in.

((Crosstalk))

Woman:. Okay, I heard (Aparna) and let me take a queue. Who else?

Phil Corwin: Phil Corwin. I'd like to speak on this.

Steve DelBianco: Okay, (Aparna), Phil, anyone else?

Ron Andruff: And Ron. I just got on the call so I'm late.

Steve DelBianco: Thanks Ron. We're discussing policy versus implementation and you...

((Crosstalk))

Steve DelBianco:. ...you're here to help draft that comment. Go ahead (Aparna).

(Aparna): I don't think that I volunteered here but I think you know, from the Google perspective we've been thinking a lot about this and especially thinking about it in the context of the longer term not just the particular issues that are before us today. And I think the analogy that we're sort of leaning in on, at least initially, an analogy to administrative law.

And so what we're trying to do is come up with a coherent set of principles that make something policy. And you know, initial ideas are things that create new obligations, policies that upset subtle expectations those we would put in policy category. But I think what I'm really trying to emphasize is we want to look at this as a framework for going forward regardless of what we think

about, like the particular issue before us, right, because you don't want the particular to dictate a longer term solution that isn't well suited to the next thing or the thing after that.

Steve DelBianco: A part of this - this is Steve - that was very helpful. I appreciate that. And while you don't want to be a slave to the current process, let me just ask you a question. If trademark claims notices had to be given for an extra 30 or 60 days, that's not a new obligation, the sense of the new service. But it is somewhat new in the length of time it has to be offered. So just off the record even, you think that fits within your definition of implementation or is that a new obligation if you extend the deadline?

(Aparna): So I'm going to punt to Andy because he is more of a trademark expert than me on this one.

Andy Abrams: Yes, Steve, this is Andy Abrams. I agree with you. I think minor changes in terms of deadlines and length we certainly don't have an issue with that in terms of the BC perspective. It's really the more - the substantive changes that, you know, while we think might make sense from the substantive standpoint from a long policy versus an implementation standpoint, is where, you know, we'd like to see a little bit more of a more formal process.

Steve DelBianco: Thanks, Andy,, appreciate that clarification. Andy and (Aparna), do you think that Google will do your own comments on this one and/or do you want to contribute to the BC's drafting team?

(Aparna): I think...

Man: I think we'll definitely - go ahead (Aparna).

(Aparna): No, go ahead.

Andy Abrams: I think we are going to try to look at our own public comment for policy versus implementation based on (Aparna)'s comments, I think we're going to try to stay away from talking specifically about the Strawman or any specific issues.

Steve DelBianco: Got it. Okay, Phil Corwin.

Phil Corwin: Actually what Google said jives with what I want to say here. I would urge that the BC statements on creating a framework for differentiating policy from implementation not dwell on the Strawman. I mean, I understand the BC, the consensus. The majority of BC members will want the Strawman. ICA took a somewhat different position in our comment letter but I think - and it's fine, you know, and I understand that BC is going to keep pursuing the Strawman. But I would urge it on this very important policy issue that the comment not be shaped as another argument for the Strawman but really be a much broader viewpoint going forward.

I'm not sure there's a formula ICANN come up that's going to give - that's going to result in a clearer answer to every question that comes up before in the future as to whether it's policy or implementation. To analogize the administrative process, sometimes federal agencies and their regulation there's a question whether they're exceeding the statutory authority, whether they're implementing or creating new law which is a legislative function.

And the courts decide that ICANN is not going to have a court to decide these questions on closed calls but I think it's a real important question for business users to get a more predictable framework for making these decisions and that



the BC should file a big picture comment, not one that's focused primarily on supporting a particular issue that's before the community now.

Steve DelBianco: Thank you Phil. Should I also put you down as a volunteer to help that draft?

Phil Corwin: I don't know if I'll be able to draft. I'll be glad to comment. I'm kind of buried right now and I've got to get my only comment on this for ICA. So I'm reluctant to volunteer other than for review and editing functions but I'd be happy to do that.

Steve DelBianco: Thanks Phil. Ron Andruff?

Ron Andruff: Thank you Steve. I support everything that's been said previously and I think the idea right now for BC to take a position on this, this is a clinical cornerstone element of ICANN as I see it. And this I think the way they presented it, the little P policies or procedures versus the big P policies in terms of how ICANN functions is defining that right now is probably one of the most important things we can do as a organization or a constituency.

So I'm happy to participate on it as well. I would - but like Phil I've got 1000 things going on so I'm going to be more on the editing commenting supporting rule rather than taking the pen on it but I do want to participate and support the work on this because it is a very important element I think of ICANN going forward. Thank you.

Steve DelBianco: Thanks Ron. Would you like to volunteer to help with some drafting on this?

Ron Andruff: That's what I say. I'm happy to participate. I can't take the pen original document done but I'm happy to start working on it once that - the rough cut has been brought to the table.

Marilyn Cade: Steve it's Marilyn. Can I get my queue?

Steve DelBianco: Thanks Ron. Marilyn go ahead.

Marilyn Cade: So I'm going to explain a problem that Steve and I have and ask the members' help. And I think Steve seems a little more gentle with you about the problems we face so if you don't mind Steve, I'm going to issue what I think is our challenge.

We desperately need the guidance and input and thinking of the members and even if you can't draft, maybe we could ask you to join a brainstorming call that we could transcribe and that would provide input and gist of the mill so to speak so that we could then divide member comments. Right now the officers are incredibly burdened with a lot of work on your behalf and yet we really need BC comments.

Sometimes I think some of you and I see some of you on the call thinking well, I'm not an expert in a particular area. Maybe if we tried a brainstorming call specific to this topic and we transcribed it, Steve, it's just an idea. Even though people are saying that they couldn't do drafting maybe they can commit to that one hour brainstorming call and that would help us then in devising the basic framework of BC comments.

Ron Andruff: This is Ron. I'm happy to support that Marilyn. Let's get that call on the schedule right away.

Marilyn Cade: Steve would that - it would be an effort you know, it's a way to kind of catalyze some input for you.

Steve DelBianco: Okay. So folks are somewhat reluctant to take the pen I see but if they'll get on the phone and give voice to their views like we did so far, it's possible that I could gather those notes and that becomes our first draft. So I might actually take some of the notes already...

((Crosstalk))

Steve DelBianco:.. ...and - I'm sorry, go ahead.

John Berard: This is John Berard. The policy versus implementation subject is on the agenda for the Council meeting on Thursday. And so it is specifically I think on there because it is so increasingly important but tightly linked to the trademark clearinghouse changes embedded in the Strawman. If I could just ask, Steve, if you could - is there an opportunity to get a (unintelligible) sent, how the BC wants to go on this? I'm certainly hearing from what the folks from Google have to say so jumping on that particular horse as well. It would be helpful to me so that I could be better prepared for Thursday morning.

Marilyn Cade: John, it's Marilyn...

((Crosstalk))

Steve DelBianco: (Unintelligible) at the Council about policy versus implementation with respect to the Strawman or is this more general going-forward in the future.

Phil Corwin: It is a more general discussion on paper but based on the last two conversations we've had, the anecdote that is used to help give it - to help frame it with the Strawman and I suspect that will also occur on Thursday.

Marilyn Cade: Steve it's Marilyn. I'd like to make a comment about this issue and see if members are comfortable with it.

Steve DelBianco: Sure go ahead.

Marilyn Cade: The Council right now is talking about items that are also being put out for public comment to the broader community. I think we have to urge the Council to slow down and respect the broader public comment process. And I think, John, this would apply to a couple of other things we're going to talk about as well.

Every constituency filed comments on the Strawman solution. And yet, the Council wants to - some people on the Council want to write a letter saying that the Council thinks blada, blada and rejecting the voice of the minority. But ICANN's public comment process has to trump - and I think that's something that maybe we need to kind of try to think about.

That relates to a discussion of policy versus implementation going on in the Council while there is also an open public comment process where more parties than just the constituencies of record will be filing comments.

I think this is an interesting challenge for us as the BC because we're trying to activate the voice of business users and involve business users more broadly, use the members of the BC that are trade associations and professional organizations to reach out and educate their members, provide comments. And then if we keep coming back to a narrow and unbalanced decision making body such as GNSO Policy Council, that's really disadvantaging business users.

John Berard: This is John. I don't disagree.

((Crosstalk))

John Berard:. In fact, you know that we have been promoting that point of view that there really is no need to offer a letter because each of the constituencies and stakeholders groups have more than enough ample opportunity to speak and heard. There is a group on the Council that is using the fact that Fadi has sent a letter to the Council asking for a comment so to ferment a response and that is what is in the mix right now. Another one of the items on the agenda for Thursday is this discussion of the response to Fadi.

I have been assiduous I think I can correctly say, in promoting the primary role of the constituencies and the stakeholder groups within the GNSO. But my feeling is that absent some C change (unintelligible) that will get us is a note that the letter represents a majority point of view and not a consensus or complete or unanimous point of view.

I'm now trying to poke at this notion of majority. Have been discussing it on the list and we'll bring it up again on the meeting on Thursday. But my feeling is that with with regard to a Council letter to Fadi the horse is out of the barn and now it's just a question trying to make it move in one direction or another.

Steve DelBianco: Thanks John. So the issues are a bit...

((Crosstalk))

Steve DelBianco:. ...confused and it helps us to make the distinction as a number speakers have done. So I heard comments to the effect that extending a timeline on a requirement is likely to be just implementation, not policy.

And I think that would bode well for the discussion on Thursday; Fadi said as much. And then the notion of whether earlier policy positions like not to infringe upon the legal rights of others was a policy position. That was used to justify some of the expansions of trademark claims to include strings that were previously registered and used in the Strawman. So sometimes example shouldn't swallow the whole discussion but examples are helpful in this case and those would be two examples you might cite on Thursday.

Marilyn Cade: I think I heard somebody wanting to speak Steve.

Elisa Cooper: Steve this is Elisa. Can I get my queue?

Steve DelBianco: Of course. Go ahead Elisa.

Elisa Cooper: Okay. So just going back to the original discussion about the paper on the policy versus implementation. I'll be happy to take a first draft of that.

Steve DelBianco: Elisa, I'm grateful for that. Thank you. And then we can look at organizing a call to discuss the first draft if you can turn it around. Otherwise, we would need to do a Doodle call for some brainstorming. Elisa, any possibility we could turn something around before the end of this week and hold a call with BC members who are interested in editing?

Elisa Cooper: You know, I'll try to get a draft up this week. I think the way we handled the previous papers or comments we've just had back and forth online and that worked for me.

Steve DelBianco: Okay. I was picking up on Marilyn's recommendation earlier.

((Crossover))

Elisa Cooper: If people want to do that, I'm happy to do that. I know people's schedules are busy so...

Steve DelBianco: Great.

Elisa Cooper: ...I'll ask if people want to do that. And if they don't, they just want to comment, I'll incorporate the comment.

Steve DelBianco: Thanks Elisa, appreciate that. Let's move to the next topic on the agenda. It's the closed generic TLDs. And what I quickly wanted to do was to recap the BCs history on this which arrives a non-position on this particular flavor but I wanted to explain how. Back in 2009 the BC first brought up the notion of what are called closed markets that was our word. Because we said that quote, it's possible in the expansion of domain names there's going to be proprietary domain names not for sale to the general public. For example, DotBrand. That's where we started calling it DotBrand.

In this unique case, BC would accept that it makes no sense for a company owning its own name or trademark in the form of a domain name, be obliged to go to a third party to register its own second level names. That an opt-out for this special case of internal use is appropriate.

So we made that recommendation back in '09 and then in August of 2010, not seeing much progress in terms of the Guide Book draft, the BC clarified that in a well supported vote in the BC. So we clarified it to say we supported a narrow exception for registries operated by a single registrant that is distributing second level names for internal use.

We laid out that clarification. We called at that point for an exception, a single registrar exception and by 2010 we began using the phrase single registrar TLD instead of calling it DotBrand. And I think that that name change came about on a call where Berry Cobb and a few other BC members suggesting that as a general phrase instead of calling it DotBrand and we did, we made the change in that discussion.

And the BC reiterated all of it in our December of 2010 comments on the Guidebook. That was probably the most substantial set of Guidebook comments that BC ever prepared. And in there, we picked sections of the code of conduct and areas in the guidebook that should be specifically carved out to give a single registrant single user exception. And you know what? For the most part, we got those exceptions.

They show up in the code of conduct today in what's known, we thought, as paragraph six of the code of conduct which says that a registry operator could get an exemption from the code of conduct if they owned all their domain names and they wouldn't sell or transfer them to others and that getting the exemption wouldn't violate the public interest.

So that has been the assumption the BC as well as many applicants had operated under. In other words they assumed that the code of conduct prevented you from owning names and registering names in your own right under 1B and required you to use all registrars. And those are the two things the BC felt they should get an exemption from.

So let me fast forward now to today because the BC has asked ICANN hey, would you clarify what are the rules, what is the process for one to get this exemption from the code of conduct or DotBrand or single registrant single user TLDs and we weren't getting any answers. Well, we got our first answer



last week. ICANN has decided that the code of conduct is not really restrictive about owning names at the second level. It isn't.

So they suggest that 1B where it says that no domain - no TLD operator can register domain names in its own right, except for names registered through an ICANN accredited registrar that are reasonably necessary for the management operations and purpose of the TLD, reasonably necessary for the management operations and purpose of the TLD.

So there's a growing opinion at ICANN that that would allow anyone who owned their own registry to literally own and register all the names they want at the second level without having to get an exemption oh they might still need the exemption, four paragraphs later, if they didn't want to use registrars to do so. But they wouldn't need an exemption just to own and manage all the names they want at the second level.

And while that's exactly what we wanted for a DotBrand, it has a broader implication at covering generic words that are TLDs that aren't necessarily the trademark name. And on the BC we have applicants that have sought these generic keyword TLDs for their own use as well as applicants for DotBrand.

So again the BC doesn't have a position other than we wanted a clarification and the BC has a strong position to support DotBrands. But having giving that history, I'd love to open a queue here to get BC member opinions on this since ICANN has put up for public comment the topic of closed generics. And topic answers for that would be due by March 7 so we have some time to start to formulate if the BC takes the position on this or if the BC simply wants to clarify the early positions on DotBrand and let's take a queue.

Ron Andruff: This is Ron. I'll go in the queue please.

Andy Abrams: Hi, this is Andy Abrams. I'll go in the queue.

Marilyn Cade: Steve it's Marilyn. I'm going to ask you please to - I think it's important that all BC members recall that we do need to declare our interest if we are a representing interest. That doesn't mean you don't get to express your opinions but if you do have an interest just say that you have an interest.

Steve DelBianco: Yeah, thanks Marilyn. And Ron I'll turn to you in a second here. I'll just clarify that the way I can as noted just for public comment is that their description largely steps aside of the code of conduct, their description of the public comment period is should we have a new category or a new classification called closed generic. And they focus more on whether the registrants themselves can be restricted and whether we need to create a separate category.

That isn't exactly the way many people had interpreted the code of conduct but it reinforces the statement I'm making, that ICANN doesn't necessarily believe you need an exemption to the code of conduct to run your own - for a Goodyear to own all the names in DotTires. So having said that, Ron, let me open it up to you.

Mike Rodenbaugh: Steve I'd also like to be in the queue please. It's Mike Rodenbaugh?

Steve DelBianco: No Mike. You're fourth in the list.

Mike Rodenbaugh: Thank you.

Steve DelBianco: Go ahead Ron.

Ron Andruff: Thank you Steve. I think you did an excellent summary of how we got to this place but there is a genesis of it if I can go right back to the very beginning with the Vertical Integration Working Group and in that discussion where we were trying to determine whether a registry could want a registrar or not there was a lot of heated debate that went on and (unintelligible) this idea of a brand having its own TLD and not having to use registrars but attainments of the conversation but in a very limited form.

Meaning that was not discussed and not debated at any great detail. And for many people within that working group, I don't think it actually registered on them what we're talking about here.

So the bottom line here now is that we find ourselves fast forwarding from 24 months or so and we've got large corporations that would like to buy a generic word and manage that generic word for themselves and for no others. That was never the consideration of the working group. That wasn't at all what we were considering.

What we were thinking about, a company that would like to manage a space for their brand and only use the top level of the names for their brand for marketing purposes, engineering purposes, other kinds of activities. As lightly as we touched on it that was in my understanding from the general understanding of the group.

So this is one of the situations where there's been so many other elements within ICANN that have been going on I don't think that the community had a chance to actually look at it and there's never been any real serious dialogue on it until this moment in time. So it's a very important discussion because it's not just about this particular round where we have a number of brands at

major corporations that have taken and applied for names but it's about the future rounds.

We all recognize that this is the opening of this thing and the idea is that we're trying to create - we as ICANN are trying to create a fast forward for any entity that would like to apply for a top level domain at any time that we actually get away from this idea of rounds but it's an open process. So what we're talking right now is not just about what's happening at this particular moment with our first, you know, 1500 names coming into the marketplace but after that.

And so I think it's really important that we understand that if we start to give away and set a precedence to give away a word to a corporation that they're going to now control that word, we're going to run out of words pretty quickly in the English language and and we're going to be right back in the same box we were once in before and that was the whole idea of scarcity of names.

So we really want to manage this right and I just wanted to reflect back on the fact that we never managed to write or never got into detail down to the weeds on it with the vertical integration group and now it's coming to the fore months before we should be rolling into the marketplace. So we really need to focus on this and make sure that we're not assigning words to a major corporation that will now be a precedent going forward. Thank you.

Steve DelBianco: Okay Ron. Andy with Google, please next.

Andy Abrams: Hi Steve thanks. And I'd like to say at the outset that we do have some applications that are likely to be placed in this category. I appreciate your background. I appreciate Ron's comments as well.

You know, and certainly I do think they're valid view points. And for, you know, for our part I'd simply like to emphasize that each application and each proposed registry is very different. And therefore, each should be treated on its own merit instead of - I think it's very difficult to create this very monolithic category of closed generics.

You know, if a business or community takes issue with particular application due to a specific concern then they already do have an ability to make an objection. The GAC has the ability to do the same. I think that's fine. You know, we're certainly taking note of what the community has to say regarding particular applications.

With that said, the problem from our standpoint is to try and lump everything together into so called closed generics especially because nobody can agree on an objective definition, right, of what's closed or generic. We've been seeing a lot of lists in the last week and some lists probably include restricted or offering pointing domains within closed, you know, some lists limit generics in industry categories or those where an applicant has some market power. Then there's other lists that kind of pick and choose certain competitor applications and leave off their own.

So it's really - there's a lot of vague and loaded concepts at play here so I'm not sure if there's an ability for ICANN to make a unilateral decision kind of at the eleventh hour especially since a lot of large business users have followed the guidebook with some of these applications and have been investing resources, you know, for the last year. That's my comment, thank you.

Steve DelBianco: Andy thanks for that. And if you can say it, does Google still think that you might pursue this exemption from the code of conduct for some of yours or is that an open question?

Andy Abrams: It's an open question to be honest. You know, we're scrambling and having internal meetings and really kind of - trying to decide what to do with each application but that kind of goes along with the general theme of you know, we don't think all applications are the same. You know, we have different business models.

We certainly don't think our applications are the same as Amazon's or Microsoft or Richmond's and so that's essentially what our position is. We don't necessarily object to people's viewpoints on this but, you know, we'd simply like people to look at each one.

Steve DelBianco: Andy, it was in that spirit that I in Toronto I asked what will be the process and what will be the criteria of getting that exemption to the code of conduct since ICANN would have unlimited discretion under the public interest test for that.

Andy Abrams:. Right.

Steve DelBianco:. And I think that if you were going to pursue it, all applicants would benefit from clarity as to what the criteria is and the public comment however, doesn't steer us to that direction.

The public comment doesn't say help us define the criteria to get the exemption. Instead it says should we create a brand new category and put rules around that category or classification. So it may be that the volunteering that you did - sorry the indication you made that you might apply for a code of

conduct exemption that may not be necessary but it remains to be seen.  
There's not an official legal opinion from ICANN on that. Okay, I think we  
have - who was next? After - was it Mark? Marilyn you're next.

Marilyn Cade: Why don't I skip my order and let Mike Rodenbaugh go next and then I'll  
come back if that's okay.

Phil Corwin: Steve, Phil here. I'd like to chime in too at the end.

Steve DelBianco: Great, Mike Rodenbaugh go ahead.

Mike Rodenbaugh: All right, thanks Steve. First of all I think I could provide a little bit more  
history than you and Ron collectively provided.. I got to take issue with Ron  
saying the Vertical Integration Working Group did not address this issue, of  
course it didn't. It wasn't tasked to address this issue.

In fact, this issue was addressed at length going back to 2006. I remember my  
first Council meeting in Los Angeles, the new TLD task force, we discussed  
this issue. It was discussed in lots of different working group GNSO Council  
meetings back in that timeframe.

And the bottom line is everybody in time realizes it's very difficult to make  
this classification. Europe for example registers DotGeneric words as  
trademarks all the time so does the United States to register DotVegas to  
register DotTel register the whole host of them. So that was one of the  
fundamental issues.

The more fundamental issue and the focus really on the BC's public  
comments on this issue which I largely drafted back in those days, was that  
this sort of business model should be encouraged essentially because the

registry operator would maintain control over all of the usage of the domains within the registry. That was thought and I believe still should be thought as a good save because it essentially eliminates bad actors more or less or at least it puts the responsibility on a registry operator of those bad actors.

So, you know, this was one of the fundamental underpinnings of the program from my perspective was to have innovative business models and I should've started by saying I do represent a client called People Browser who is applied to register DotBest and DotCEO as single registrant TLD use and essentially intends to use those as service platforms for delivering their services not as demand registration business.

And I know there's a bunch of other business models out there and this was again one of the major underpinnings of the program was to allow this sort of innovation. So given the difficult classification, given the history I feel like BC should be supporting these sort of models, not coming out against them. My last point is obviously these rules were laid down on the guidebook and companies have invested a lot of money and time in developing business models to get clients with those rules. To try to change but now it's ridiculous.

Steve DelBianco: Marilyn?

Marilyn Cade: Let Phil speak and then I'll speak.

Steve DelBianco: Go ahead Phil.

Phil Corwin: Yeah thank you Steve. In terms of interest of course I'm on the BC as a representative of the ICA. I'm canvassing the ICA right now to see if they want to take a position on this and what it will be. So I don't know that yet so I can't speak for them. I have a separate client. I'm not in a position to



disclose the identity yet but that will be public shortly who is in contention with Google and they're taking a very strong position against granting - generally granting labors as single registrant also raising competition along policy issues in regards to some of the applications.

So I'm just expressing my personal opinion. My personal view is that it's fine to grant that the registry code of conduct is in default position that exemptions from it should be granted in only limited circumstances and that would primarily be for DotBrand applications where the applicant has trademark rights In the term,

I would not be opposed to restricting registrations at other TLDs that refer to regulated industries or professions where there are consumer protection or other concern which is different than being closed, it's about having registrant criteria for getting a domain. And I will - I do think that this issue because of the - ICANN putting it out for a couple of comments with a March 7 deadline and asking the CEO and the staff to prepare analysis of the comments after that.

This issue is not going to be resolved by Beijing. I believe it's going to be a major if not the major controversy that dominates the Beijing meeting and that there are very important issues about the overall results of the TLD program and what it means to ICANN's future and the future of competition on the internet that's involved here and we'll see what happens.

We'll see that the BC can reach a consensus given the various perspectives by members but I think it's emerging as the dominant issue at the beginning of 2013 for the TLD program.

Steve DelBianco: Thanks Phil. And Marilyn before I turn to you, if I could there is a distinction between a closed generic like DotBank that may be a banking association pursues and they have very tight restrictions that only banks may register names in DotBank. The BC is on record supporting those kind. We often call them community applications but sometimes that applicant wouldn't decide to apply as a community but apply as a standard. But the BC supported the notion of regular industries having tightly restricted eligibility policies for registrants.

And that is a fundamentally distinct model from the single competitor. Let's suppose that Citibank or Barclay's bank was the one who had did for DotBank and wants to run it only for themselves. That's the notion of a closed generic keyword which is held by a single competitor in that industry and I think it would help us all to realize that that's an important distinction between one that's restricted eligibility but open to everyone in that industry versus one that's controlled by a single competitor for some purposes that's not DotBrand.

And while that distinction probably is meaningful to everyone on this call, to be honest there's nothing in the ICANN documents that makes any distinction between those two. And the public comments that's open seeks to lump them both together under something called a classification of closed generic. That may not be the most constructive way to think about it but that's the way they're headed right now and over to you Marilyn.

Marilyn Cade: Thanks Steve. You know, I wanted to speak last because I wanted to think about our responsibility within the BC and the flexibility that we can define where we can provide enough unanimity around positions that it is worth trying to develop a position and where we have so much diversity or conflict that we can't meaningfully provide a BC comment.

We could still provide an exploration of issues that use meaningful for business users. And I think this is one of the topics that we're going to have to think more about within the executive committee based on the comments we've heard so far about whether we can actually develop BC comments. David did a great job of pulling together the positions we've taken in the past. But I think there is a - we have all the big issues as constituency.

We're not the advocates for new gTLDs. We have to be careful that we remember that. There is another group that our applicants for our new gTLDs even though one of our members are applying for gTLD registries and they have a right to advocate their concerns, the BC is about business user interests.

At the same time, having said that, I'm also going to say that it isn't just members who have conflicts but in some cases our trade association members have conflicts that would make it very challenging for them to take a position because they have multiple positions as members within their membership.

So maybe what we should do and you and I sort of talked about this. We might want to think about the category of where does this information on this topic and see if members can support, we continue to address awareness of information. The second issue is can we progress to a written BC position? And if so, how wide can it be?

I think we probably if you don't mind you know, think about how we assess that - those categories fairly quickly so we're not - so if a lot of members are filing individual comments, then maybe we ought to just focus completely on awareness information and stand back and let the members file their individual comments. It's just an idea because I think that we want to advance

that unanimity of the consensus of the BC on areas where we can and not create huge amounts of conflict and divisiveness if we know we're not going to be able to come to an agreement.

((Crossover))

(David): Steve I wanted to add something after your last intervention.

Steve DelBianco: Go ahead (David).

(David): It's kind of the scope discussion and I think it's also going to highlight that you can have an intersection between the generic term in brand. And so that's going to need to be something we need to consider in the context of the scope of any discussion around this issue.

Steve DelBianco: Well (David) like Phil Corwin made the comment that in Phil's view it would be limited circumstance like a brand for a regulated industry but if a company like Apple computer has a trademark on dot Apple, a generic word, I think Phil Corwin still treats that as brand if Apple's going to use it for their own purpose. Is that right Phil Corwin?

Phil Corwin: Yes absolutely. I have no personal objection to DotApple or DotAmazon or DotGoogle DotYouTube or any of that but I do have concerns about things like Amazon being the only registrant in DotShop or Google is the dominant search provider in the world owning DotSearch as a closed registries. I think there are major...

Steve DelBianco: I figured Phil thought that, (David) and that's why I asked him to respond because I think that might address the distinction you were raising right?

Mike Rodenbaugh: Well unfortunately there's a big gray area there. What about DotVegas owned by the Vegas tourism council.

Marilyn Cade: And this is Mike Rodenbaugh right?

Mike Rodenbaugh: Yes.

Steve DelBianco: Hey, Phil, Marilyn is onto something that maybe all we do is information but I hate to give up so easily. So if I could summarize if we were to do a straw poll hold, we want to do it on this call. I could send that in email. I see three potential alternatives. One is look, the rules permit it in the guidebook. They can do it without getting an exemption. Companies can do what they want, that's one.

Two would be well, the guidebook requires they get an exemption from the code of conduct to own their own names at the second level. So we should pursue clarification of what's the process and the criteria to get the exemption. As Andy said, treat each TLD on its own merit. That would be two.

Three might be engaging criteria, some limitation on even those who are allowed to pursue an exemption from the code of conduct. I think Phil Corwin for sake of argument throughout the idea that you had to have a trademark or be a regulated industry to get the exemption. So that's 1, 2 and 3.

Those are three alternatives that are very different. And as Marilyn said if there's a low likelihood that the BC could get support for one of those three, then we might not need to waste too much time working through all that. However, are there any BC members who would support me putting out a straw poll for all members to react to on whether we think there's a consensus coming on one of those three alternatives?

Marilyn Cade: Could you add - it's Marilyn. Could you add the awareness in information as another option and then I would say go with the straw poll?

Steve DelBianco: Yes. So four on awareness is none of the above, don't adopt a position, just do awareness. Is that right, got it so no position, just awareness. So any other BC members interested in answering a straw hold with limited email reply? Hearing none, I guess there's not much interest taking at a position on this so unless I hear otherwise...

Ron Andruff: Steve this is Ron. If I may just add one comment?

Steve DelBianco: Go ahead please.

Ron Andruff: Thank you. You responded a moment ago. Where do we draw a line on this? How we do know where we can actually see the difference between when an organization manages a generic word or whether one shouldn't? Just to get some light on this, some members may be aware that we're pursuing the DotSport top level domain for a period of time.

And under that scenario, what we were doing was looking to the global sporting world, all of the international sports federations so the federation for every sport in the world that would be partners in that project and basically, they would manage DotSport. We would manage DotSupport on behalf of all sport.

And in that case, what you're talking about is the global body that represents sport in all forms. And in that case you would have what might be called closed TLD when in fact it's open to anybody that was a participant in sport.

So that's where it's very clear. It's going to come down to a corporation controlling a word. That's where they get the slippery slope and as we move forward as I said in the future realm the open environment that we're trying to get to with ICANN. You're going to see a mad rush for words and it seems to me allow one to be established in a closed environment. That's where this discussion has to be really well thought through.

So I appreciate where we're going with this but I do believe what Phil said, that this will be the dominant factor now going in to Beijing and probably past Beijing. Thank you.

Steve DelBianco: Ron I think you made an artificial distinction between a corporation and an international association of sport. What if that corporation were just a company that's going to make it open? I really the distinct only matters when it's a competitor. A competitor in the industry wants to use it for their own purposes because frankly if you want .sport you'd still have to apply for the exemption to the code of conduct in order to own things like soccer.sport or basketball.sport.

You probably have to apply for an exemption of the code of conduct if you wanted to bypass all these registrars to register names to certify registrants. So that is why...

Steve DelBianco: This is Steve. I'm not disagreeing with your comment. I was trying to draw a distinction between a global body that's in fact defacto, that word versus (unintelligible)...

((Crossover))

Strawman alternatives that articulated two of them actually don't care about defining a closed generic. They actually don't care. The first alternative was wide open. It doesn't matter. There's no need to define the category because the contracts permits it. The second one which is that anybody hat wants to own their names or bypass the use of all registrars has to apply for an exemption under paragraph 6. Each gets to decide on its own merit.

That doesn't require that anybody check a box to say that they're closed generic or not. They're simply looking for an exemption to the code of conduct so they can own their own names and they can bypass registrars. So that's why I do think it's of interest to float that instead of void the definitional challenges that Mike Rodenbaugh and others have put forth, any others in the queue on this?

Mike Rodenbaugh: Steve it's Mike again. I just would like to agree with Marilyn, same place. I agree with Marilyn that we need a lot more information about people - company's plans. You can't get that from questioning teams in most cases. And I think there's a lot of misunderstanding, a lot of fear that Google is going to just take these words and completely usurp them.

I don't understand that that's necessarily Google's plan. It's certainly not in all cases. You know, if they want to allow registered Google users to have use of domain name which Google ultimately controls because they can set it off at any time, I think that's a good thing that ought to be carried. So I feel that definitely BC and others should be calling for companies to disclose a little bit about their plans. I think that that might help the discussion.

Steve DelBianco: Thanks Mike. And I had members eventually of the BC that were concerned about some competitors kind of closing them out a generic keyword. And discussions with regulators revealed that at least in the U.S. and in Europe



regulators said that they had competition authority and they would watch the way that a TLD is run.

They didn't care so much as to how it was proposed in the application but they would watch anything in how its run. And if in fact it was exclusionary conduct that ran about their anti-trust laws or competition laws, they would take action you know, ex-post, not ex-ante.

And so that's just a reminder to everyone that is there is conduct that runs a foul regulator, this discussion is sort of neither here nor there. It wouldn't really matter if ICANN granted you an exemption to the code of conduct because it doesn't protect you from anti-trust and competition regulation after the fact.

Mike Rodenbaugh: Of course.

Steve DelBianco: Right? Make effort. So I know you said of course because you're a lawyer but if you know what I'm saying. It doesn't - this doesn't - it's a permission slip, not a protection from regulator. Okay is there anyone else on this topic?

(David): This is (David) again. Can you just remind me what the deadline for comment is? I'm sorry.

Steve DelBianco: It's not until March 7.

(David): Okay great.

Steve DelBianco: So I'm satisfied if the BC ends up just clarifying our interest on this raising some interesting questions. But we're willing to do a straw hold of the level of interest. Okay Marilyn, next topic was the status of the RAA, the registrar

accreditation agreement. Let me first just say that everyone in the BC should pat yourselves on the back. The new registry agreement circulated last week as a public interest commitment item that requires any registry in the new TLDs to use only registrars that have signed the latest RAA.

That's an idea we've suggested before. We hammered it again when we were in Los Angeles because it's a way to force the carat really to draw registrars into RAA because if by doing so, they're eligible to sell names and new TLDs. And that was something we looked for hard, was one of our eight items that we asked coming out of Toronto as well as the year earlier than that so well done everybody. I think that's good.

The flip side is we still don't really know what's going to be in the new RAA. ICANN is conducting negotiations on that pretty much as a bilateral between them and the registrars and they're not allowing an engagement or a review of that agreement outside of those two parties.

We do get updates from time to time and they're often very detailed and we get numbers of progress like this change to the registry agreement. But there's no public comment open right now in the RAA since it hasn't been posted yet and I don't know that we have much influence on it but I'd be happy to take a queue for BC members that know more or have other views as to how we might influence the RAA. Elisa, I'd love to turn to you first, somebody who knows a lot about the RAA, anything to add?

Elisa Cooper: I don't, only that as you know the specification 11 which is being added to the new gTLD registry agreement will require new gTLD registries to only distribute the name through registrars that have accepted the new RAA. Aside from that, there is still quite a bit of work to be done to be honest.

I think that there may have been some surprise that the new requirement even for the registrars. So I do know there is a deep desire to get thing wrapped up.

Marilyn Cade: Steve, it's Marilyn, can I make a comment here.

Steve DelBianco: Anyone else in the queue besides Marilyn? Go ahead Marilyn.

Marilyn Cade: The BC put this requirement forward in what we drafted was the original version of the Strawman solution and improvements. One of the RAA items included requiring the new registrars to adhere to the improved RAA. Steve made a comment before that we should take credit for this and I think this is really an important step forward.

And now we have to pay special attention to what the elements of the RAA are by getting that into the accepted requirements. Also we were supported by the GAC who also gave special GAC advice that this should be required. So Steve I think to follow up on what the elements of the RAA are has got to now also become a watch priority for us as a comment priority for us.

Steve DelBianco: Agreed, anyone else on the RAA? Great. The last topic under policy was improvements of the registry agreement which sort of dealt you know, what we've just covered. And I focused the BC members on an email I sent out on Friday on four areas. The first I mentioned was this requirement to use registrar signing the latest RAA and that's part of the new specification 11 called the public interest commitment.

There was one other relatively easy item that we in the past had wanted doc brands to be able to skip using all registrars. We first started pressing back for that in 2010 as we described earlier. And as I said earlier, there was an exemption request in the code of conduct. But in last week's announcement of

the new registry agreement, they've added a new section 2.9 that makes it even easier by saying that I need the main registration in the TLD have to be registered through an ICANN registrar provided that the operator doesn't have to use a registrar.

If you're registering your names in your own name in order to withhold them from delegation or use them in accordance with 2.6 so there's somewhat more flexibility there or those of you who run your own registry to hold the names back. So now I'm going to turn to the other two elements in specification 11. I described these in the Friday email as well.

The items 2 and 3 which says that a registry operator may, not must, but may check the box of specification 11, that little square on spec 11 is a box. So I was wrong in the way I characterized it Friday night. I sent a note saying all parts of the registry agreement, all parts of the proposal are incorporated by reference. It's really a may incorporate by reference.

So it's up the registry operator whether they want to check a box indicating that they're going to include in their contract certain parts of their application or other representations, maybe a promise they made to a government to get the government to draw an early warning or a promise made to handle an objection that was filed by anybody.

Any of those promises or commitments it would be the option of the registry operator to put them into the contract. And if they did so, they meet one of the BCs primary wishes which is that ICANN would be the compliance responsible party, that ICANN can be turned to anytime.

We pointed to something that was in the contract and said do you need to enforce this? We did that for our own purposes as well as to assist our allies in

government because we were afraid that if a government negotiator for the applicant that would draw an early warning, if that applicant later went back on that promise

I know the governments would turn to ICANN and say okay, enforce the contract. We were told in the car that ICANN couldn't enforce anything if it weren't in the contract. So signed agreements, things that were said in the proposal, none of those are enforceable. It's part of a representation but it's not an enforceable position.

So the GAC coming out of Toronto picked up on this because the BC and the IBC again included this in our eight items coming out of Toronto. And the GAC communicates that they wanted ICANN to put in writing how we would ensure that any commitments made by an applicant in your application or as a result of any subsequent change could be overseen and enforced by ICANN.

That's what the GAC asks for. It isn't what specification 11 says though. It goes close but it doesn't enforce the applicants to have everything in the application become an enforceable part of the contract. It allows and I should tell you that this morning the European Commission Regulator telephoned me to just ask a little discussion about this topic and they too concluded it was may, not must. And I reminded them when the government is negotiating to overcome an early warning they're negotiating with an applicant.

It would be up to the government or the GAC to remind the applicant to please include any promises or any discussions and any negotiations under specification 11. And I think they can't require the applicant do that but I think you all understand it would go badly for an applicant that made a promise to a government and then wasn't willing to put that promise into Specification 11.

So I think it's certainly more than half a loaf and if the GAC ends up becoming satisfied then ICANN will be an adequate enforcement authority, then we could chock up another one to victory for one of the BCs positions. But to be clear, it isn't must, it's may. I'll stop there and take a queue on this because there is a public comment period on the new registry contract which includes what we just discussed and that comment period goes on February 26.

Jim Baskin: Steve it's Jim Baskin.

Marilyn Cade: And it's Marilyn. I'd like to be in the queue too.

Elisa Cooper: And Elisa.

Steve DelBianco: Okay Jim Baskin.

Jim Baskin: Just a quick question or comment on one of your last statements. If the government for example negotiated with an applicant to avoid an objection that the government couldn't force the applicant to check that box, it seems to be that if you're negotiating something and one party's saying I will forego any objections if you do something that that same party could say and by the way, you must check that box or an objection will be placed, seems to me that they do have pretty much the option to force that part on top against an applicant.

Steve DelBianco: Yes. It's funny Jim. I said the same thing to the European Commission representatives this morning. They said well, we're not actually signing agreements with these applicants. We don't require them to do things. We're not really a party to that but we would make the strongest possible reminder.

But I agree with you. As a practical matter a government negotiating with an applicant could in fact ensure that they put those provisions in the spec 11. The consequences would be very negative for that applicant if they said that they would and then didn't.

Jim Baskin: Okay thanks. That was good clarification. It's not really a written agreement between the government and these parties.

Steve DelBianco: You know, there may even be things in writing that isn't probably a piece of paper where signatures get affixed to the contract. So ICANN is providing a way that those promises and commitments and negotiations could be steered into something enforceable.

And to put the best spin on that, I think that's pretty positive. It may be a ridiculous result to say every word or every age in an application is forever enforceable by ICANN and the applicant can't ever change their business model. That might be the alternative of saying that everything in the application becomes part of the contract and clearly ICANN has not gone that far.

Jim Baskin: Thanks.

Steve DelBianco: Marilyn?

Marilyn Cade: I guess I'm a little confused about some things. As I understand it, the BC has the position and that is must. So I would have thought that our going in comment would be must. I understand the government - one government representative who actually is not a member of the GAC but is an observer of the GAC so European Commission is an observer of the GAC as said May.

And that may end up being what the governments say but isn't the BC position that the promises made in the application process must be included?

Steve DelBianco: Yeah. The BC's position was - I'll quote you. This was back in January of 2012 was our first item. We said "Ensure that ICANN can enforce all registry restrictions and commitments made to potential objectors." We go on to explain why that's important. And what ICANN is asking governments and other stakeholders to face the response on proposed strengths on the proposed terms in the application, those terms won't be enforceable unless they are part of the formal registry agreement.

So our comment officially is that any material commitment needs to be in the registry agreement. We didn't actually say the words the entire application in every word in it becomes the contract. So Marilyn we're close to that but we actually didn't say the entire application is the contract.

We mostly pointed out that any material commitments be enforceable by ICANN so this isn't perfect. If it said they must be here then the registry applicants couldn't have the option of not checking the box right? Now they have the option of leaving material things out. What are you thinking on that Marilyn, that we ought to pursue it further?

Marilyn Cade: But except for public comment it's whether they have the option. And my point is my understanding of the existing BC position is that we would stick with our position. We obviously can go back and validate it but we should stick with our position of saying that they must check the box. I think that is our position unless we modify it.

Steve DelBianco: I don't read it as that black and white and we didn't specifically say the whole application. It's a fair observation.



Marilyn Cade: But if we were going to modify it then, you know, we'd need to come back to the members I think and say here's what it says. We should hear from others. Here's what it said. This is the interpretation. How are we going to modify this?

Steve DelBianco: Here's the challenge Marilyn. If we were to interpret our position or adopt a new position, it says they must check the box. That's the easy part because after they check the box, underneath that in spec 11 the applicant lists the parts of their application or other negotiation and promises that they want ICANN to enforce. Just checking the box is well, checking the box. The real work is which section gets cited and comes into the contract. And for that reason, just checking the box doesn't get us anything at all.

Marilyn Cade: But does sticking with our previous - you know, I - let's hear from the other members but, you know, we had a position. Maybe we just need to...

Steve DelBianco: I read it out loud. It's not a black and white inclusion of the entire application that's all. Shall I send - Marilyn would it better - want me to send around - there's a hyperlink on those emails I sent Friday night. It's a link towards our January 2012 which I just read in record. That was our official position and I definitely see your point.

It would be a lot closer to what we already adopted if they were forced to check the box but it's not clear what sections of applications, the communication ensures. What really makes it into the contract? We weren't entirely clear on that. Marilyn I should let you finish before we go on to Elisa.

Marilyn Cade: Go on to Elisa and you know, why don't we try to figure out what we do (unintelligible).

Steve DelBianco: Thanks Marilyn. Elisa?

Elisa Cooper: Yes. so I'm probably just stating the obvious but I think obviously we need to be very supportive of the first part of specification which is 11 which is requiring the registries, utilized registrars which have agreed to the 2013 RAA. So I think we need to state that clearly.

My second point is that I actually think the remainder of Specification 11 is a bit without tease because it gives the fact that the registries made to check one of those boxes. And so I definitely see Marilyn's point that we ask that the registries be balanced by what they put in their contract in their applications rather than...

Jim Baskin: This time around I will have to move all that stuff.

Steve DelBianco: Jim Baskin, put yourself on mute if you don't mind.

Elisa Cooper: So at any rate those were kind of my two comments. We should be supportive of the part of Specification 11 that requires the registry to use registrars that is committed to the 2013 RAA and that's concerned about the fact that it's only a may statement in terms of specification 11.

Marilyn Cade: Steve, it's Marilyn...

((Crosstalk))

Steve DelBianco: ...of some of what Marilyn said too because even if a government can strong arm an applicant into putting chapter and verse into the Spec 11 it may not be

possible that others who lack a government sort of clout could convince a registry applicant to incorporate those sections.

Marilyn Cade: Steve it's Marilyn.

Steve DelBianco: We'll have to go on. Anyone else in the queue? I heard Marilyn.

Marilyn Cade: I just want to make a proposal and then maybe we could move on because I know we're running out of time with you. We've got other topics. Why don't we take a cut at summarizing the statement along the lines of what Elisa and I said and send it out to the members and take their comments on whether they can support and they basically would strongly endorse the RAA, the compliance with the new registry agreement.

Those that we are watching with great interest will focus on the details in the new RAA including the requirement for adherence to active support of Whois and other changes that may be coming out, blah, blah, blah and then restating that we do think that promises made to be incorporated and we're not satisfied with may and then ask the members to comment on that draft. Would that be okay?

Steve DelBianco: Yes. And I'll include in there for history purposes the actual position we adopted so that folks will see that and then I'll point out from this discussion capture some of the distinctions between government and non-government that may and then check the box. That's a good idea and I can hold the pen on that.

Marilyn Cade: That's fantastic.

Steve DelBianco: Any other comments? And I am extremely late with the other call I needed to jump on. Is it all right if I turn things back over to pull a close to this part of the policy discussion?

Marilyn Cade: This will - you'll get a transcript and a summary. We thank you so much. I just wanted to ask one detail here in preparation. We're going to turn to John to take us to a somewhat scary work that is going on with the Council and discussions that are going to come up and then we're going to move to the budget update if that's okay with everyone. Steve thank you.

Steve DelBianco: Thanks everyone.

Marilyn Cade: John. I think just a quick announcement, I think Zahid has joined, right Zahid . Bennie, can you just give us a very quick update so people know that a few people have joined.

Zahid Jamil: Marilyn this is Zahid. I was on mute and, yes, thank you.

Marilyn Cade: Thank you. So John I'm going to turn it...

((Crosstalk))

Zahid Jamil: ...as well.

Marilyn Cade: I'm going to turn it to you to introduce the Council topics and for you and Zahid to comment on what you think the risky items are and what your suggestions are for support for the members. You want to kick off and Zahid can join you. Is that okay?

John Berard: Sure. We already covered all of the ones of the matters on the Council agenda. There's a discussion - there are no motions to be considered but there are a number of discussions. There is a discussion on the trademark clearinghouse Strawman proposal. There is a discussion on closed generics. There is a discussion on policy versus implementation. There is a discussion on Whois privacy and proxy relay and reveal study that informational just to present the results of that survey.

The one bit that we haven't talked about and I think we probably should spend a few minutes on right now because it's not just a discussion on Thursday but it's also a request for members to join the PDP working group is a discussion on second-level protections for certain IGO names and acronyms.

One of the action items that had resulted from the last council meeting was a request of council members to encourage participation in this working group, this IGO-INGO PDP working group. I think this is an essential, an important one to the business constituency because it is a way not only to express a view that I believe the business constituency has - strongly hold so I would allow us to show support for the interests of the GAC. Always good to curry some favor with the GAC as it begins to play a more important role inside the consensus-driven - bottom-up, consensus-driven decision-making process at ICANN.

So I would ask for comment on protection of those names at the second level. I would ask for people to volunteer to be a member of that working group. And I would ask Zahid, who comes at this from a different angle and perspective than I do, for your comment. And then Marilyn, I think that's the only additional bit on the council agenda for Thursday that we have not yet discussed.

Marilyn Cade: I'm going to take us back after this discussion to a couple of other items because I know Zahid joined us in progress. But let's deal with this one which I think is very important.

It's Marilyn Cade speaking. And I need to relay to all of you that I was in Lima, Peru at a meeting with governments. And this working group was mentioned to me at that meeting by a number of governments.

I have just returned along with (Apina) and Bill Smith from a meeting in Geneva for another purpose and while there had informal discussions with governments about this working group and the issues. This is a very high priority to a number of GAC members who we have worked with and have aligned ourselves with in proving the recognition of the advisory role of governments within ICANN and how that is a very empowered role versus other suggestions that the GAC takes over an oversight role.

My conversations were not just with European governments but also with Latin American and Asia and African governments who see this issue as a benchmark. And I think, you know, I want to go to Zahid now. But I just - I think we've got to take this particular - we've got to understand that governments think this particular topic is a - I don't know what the right word is but it's a benchmark of - it's a beachhead so to speak.

And let me open it up to Zahid. And then let's talk about what we can do to make a more positive contribution in that working group.

Zahid Jamil: Thanks. This is Zahid. I just - I mean I actually was on the call from the beginning. I've heard everything I think.

And John's description of all we can expect on the call is absolutely right. I don't think I have anything to add except that I think the - because most of the discussions I think were findings on the IGO letter and on the straw man. And I have no other juice to add. Thanks.

Marilyn Cade: But guys, for the members - there's a lot of members on the call. I see people like (Hector) and (Barbara), (Mallory), (Robin). They're not as familiar with details of the topic. Could one of you give us kind of a...

John Berard: Marilyn, this is John. Let me see if I can offer some perspective on this.

Marilyn Cade: Thank you.

John Berard: The notion of protections at the first level, so to the right of the dot, were discussed in the run-up to the final formulation of the new gTLD program. The GNSO council, and GNSO being full, thought that there were adequate protections for certain names to the right of the dot embedded in the program.

The GAC which as you know is an advisory committee to the board which means that they - their input goes directly to the board, felt otherwise with regard to the International Olympic Committee and the Red Cross and the Red Crescent. And so their advice to the board on those names prompted the board to ask the council to accede to the GAC's point of view on an expedited basis that was done.

But as it was being done lawyers for (Putter Intergovernmental Organization) felt that the specific actions for the International Olympic Committee and the Red Cross and Red Crescent also should be extended to cover them. And so in Costa Rica we received a letter from those international - those IGOs asking for similar protection.

At the same time was discussion focused on the fact that in fact there probably were adequate protections for the International Olympic Committee and the Red Cross and the Red Crescent to the right of the dot but that we probably should be thinking seriously about a PDP to protect them to the left of the dot. And so their - the requests of the international - the IGO and the move to create protections to the left of the dot resulted in a PDP.

The GAC took - ray - had a - this raised the GAC's eyebrows as to why on earth a PDP would be necessary when the laws clearly state -- and that's the GAC's words, clearly state -- that these names should be protected. Well the laws are not uniform so there are discrepancies. And those discrepancies are of course the subject of other laws.

But in terms of the implementation of the program in terms of creating policy to govern the government - the new gTLDs it did fall to the GNSO council to create a PDP. We decided that we would specifically fast-track this PDP so as to adhere to our policy and principles and yet be, we hoped, responsive to the GAC's call for an expeditious decision.

It has put a lot of pressure, a hot spotlight, on the work of that working group. And so we are trying to make it happen on an expedited basis. We are trying to be responsive to the framework of the GNSO council and the GNSO more broadly. And we are trying to be responsive to the interests of the GAC.

And are we being - is this being recorded, Marilyn?

Marilyn Cade: It is. It's being transcribed. And...



John Berard: Good. I wish the board had been more scrupulous in its decision to ask the council - scrupulous in what the council - so we are trying to do a little cleanup here and we're trying to do the right thing. And it would be really important for the business constituency to have active participants on this working group.

Marilyn Cade: And let me reinforce that - this last point. The constant - it's Marilyn speaking. Every comment - so I'm going to reinforce everything that Zahid and John have just said. John, your recap was fantastic.

But the feedback I have is that they think the business constituency needs to have more participation in this working group. So how do we do that?

Who's on the PDP right now for us? Do we - maybe we don't have a designated representative yet.

John Berard: We do not.

Marilyn Cade: Okay.

John Berard: This - I mean Zahid and I haven't - about - but we do not have anybody from the BC on this working group.

Marilyn Cade: Okay. One of the things I should just say to members is we took a decision a couple of years ago that the officers and the councilors, by exception, would take official roles because they have so many other things to do. And we preferred it to bring members in. But sometimes the officers and the councilors have to step in.

And our councilors are monitoring this very closely. But it would be fantastic if we could add a couple of BC members to this.

So let me pause and say, you know, I'm actually hard-pressed to find a PDP that is more important to us than this one given the concerns of governments.

We've got a lot of people on this call. Is there anyone who could volunteer? Are there - we need two people who could volunteer. And that way that helps to show the - that demonstrates - and you will have to actively participate.

I'm happy to try to help do this. But I need other members. So think about it and secretariat will send out a specific request. But I think we need to add a couple of people.

And I'm happy to - I was recruited. I was approached by the IGO legal folks. And I'm happy to lend some work.

I know there's an expert actually on the group, Sarah Deutsch, who's on the call, has quite an extensive experience and expertise. There are other people who do as well.

Let's see if we can come up with a couple of names. I think that would help us. And then our councilors would be able to monitor the work.

But I'm going to move us on with just a placeholder. (Benny), if you could just note that as a follow-up we need to do. Is that okay?

Zahid Jamil: Marilyn, this is Zahid. Can I just say something and add something to this discussion?

Marilyn Cade: Yes.

Zahid Jamil: I think just so that, you know, there may be an interest level that might be piqued by some or some, the situation is that the GAC had actually said that this protection should be provided and the (GLT) registry really needs to be amended to provide these protections.

And they didn't sort of go ahead and ask the GAC - sorry, the GNSO, to have a PDP. I think they will be - they are actually not happy about this because...

Marilyn Cade: Right.

Zahid Jamil: According to them this is going to be a long, drawn-out process where the question is not that - whether the protection should be there and how it should be there; it's more about whether at all this protection should be available. And I think that's really what the GAC members are really concerned about.

They expected that this would be something that would just be implemented. And instead the GNSO has gone and said well no we're not - just not going to implement it no matter what rationale you sent us in your letter. We are going to first decide amongst ourselves whether this protection should even be available and then decide what we do with it. So that's sort of a political - I think you'll see some fireworks at the next meeting.

Marilyn Cade: And...

Zahid Jamil: Thank you.

Marilyn Cade: And Zahid, I think that is exactly the point. You know? They said they gave GAC advice. And they don't expect GAC advice to be sent to the GNSO policy council for a PDP. I think that...

Zahid Jamil: That's right.

Marilyn Cade: That was brilliant of you to raise that because actually from our perspective as business users we normatively think that GAC advice has to trump or we're going to find ourselves in a situation where we find governments demanding to change their role at ICANN. It's a very complicated - so they are not happy about the PDP. And given that they gave GAC advice I do think there's a question about whether the board has the right to ask for a gTLD - I'm sorry, a PDP by the GNSO.

John Berard: Yes, Marilyn, this is John. The reading in the bylaws says that if the Board gets advice from the GAC that it feels relates to policy in the (G) space that it does then have to refer to the council. And that's what they did in this instance.

Marilyn Cade: I know. But I think (that) is right to note that this is an area of tension.

John Berard: Exactly. And that's exactly why this is as high stakes as it is. I mean, you know, if each of us has our own particular views when we operate in a collective society, you know, there are rules that we adhere to.

As the GAC has become more active in the day-to-day business of (unintelligible) because the day-to-day business of ICANN becomes more and more effective of national policy, they're butting up against some things that they hadn't really paid too much attention to in the past.

And this has become sort of the point of the spear, the primary irritant that's resulting from those two things rubbing together as they are. So that's why this is important.

But also, you know, I mean, perhaps it'll have some influence over the GNSO review that's coming down the pipe. But I think the best thing we could do is to get some members on this working group and for the PDP to be conducted in the expeditious manner that it is intended, and just get a successful result, put it behind us and move ahead.

Marilyn Cade: So let's focus on that. In the meantime I need to move us along because I know we're keeping members - I think the best thing for us to do is to do a written response to all of you on Item 4, which is (Wicket) (WTPF).

A number of members, Bill Smith, (Aparna), myself, a Verizon colleague, and AT&T colleague that are - they weren't the representatives but their companies are actively engaged, TechAmerica, a few others. So why don't I just move that into - we'll give a written response on that.

I think we need to move to the budget. I know (Chris) has been - (Bene), can you verify that (Chris) is on the call?

Benedetta Rossi: Yes, Marilyn, (Chris) is on the call.

Marilyn Cade: Okay. Can we move to the budget discussion? And then we will move a few other items into written responses for members?

But I think the budget discussion is a priority. I know a number of you joined the call for that.

Policy always trumps our administration work. But this budget discussion is really critical, so (Chris), I'm going to turn to you.

Chris Chaplow: Thanks Marilyn. I trust everyone can hear me fine.

I just wanted to do a brief introduction, (note) to the charter and the recent history of where we are. And then I think the important thing is to open up the floor to questions and views.

This year the Finance Committee was very quick to be able to close the 2012 budget. And I'm very proud of that. I want to thank the Finance Committee for the help with that and the Secretariat.

Back in 2010 and '11, it was in July 2012, it was April, so now actually to be talking about the 2013 budget in January, well we're just in February, I think is an achievement and the right thing to do.

And just to remind everybody that our charter does provide for a Finance Committee of two members. And thanks to Anders Halvorsen, Jim Baskin and Angie Graves, who recently joined as an ex officio member, and for all their work, as well as the Secretariat. And the roles of the Finance Committee and the Secretariat is all provided in the charter, which all the members should take a look at and be familiar with.

Thirteenth of January we had a Members Call and a follow-up email outlining the closing of the - and recommending - essentially recommending the return to our 2009 to - sorry, 2003/2009 fee levels.

A number of several members asked me for more detail, which I sent them. And other than the - did ask for a discussion on the subject which is basically

what we're doing now. I approved the reports for the - put quite a little bit of work into those reports to bring them up to standard. So members who weren't familiar with the issues would be able to read and understand them.

I think it's (unintelligible) on the 1st of February we had two comments back on the list. One member who wants us to look at cost savings in the BC and another member who did not.

So I think we've got - I think I'll pass the (chair) make to you, Marilyn, in order to create a list - call for a list on the floor for questions and comments.

Marilyn Cade: I will. But (Chris), I'm - first of all, I really think we need to provide a bit more information to members that, you know, a number of the members of the BC recall the fact that they helped to draft the charter in 2009 and voted on the charter.

But many of our members are new and are not familiar with the criteria and requirements that the charter has established, such as the charter established a financial committee that did not exist before. The charter established - actually the Secretariat function was in the previous charter and carried forward, and the duties and responsibilities of the Secretariat are established in the charter.

We do not, as officers, make those up. Some members may not read the charter or sleep with it under their pillows -- that was a joke -- but I know that (Bene) has done a one-pager describing the Secretariat functions and perhaps we could offer to send that out to members just as background information, helpful to them to be aware of what the charter requires us to do. So the functions of the FC and the functions of the Secretariat are available as background material.

And then with that, happy to take a queue.

Chris Chaplow: Yes, thanks Marilyn. Could I just add, of course at any time the Finance Committee - membership on the Finance Committee is open to any members that's interested in the subject.

And the Finance Committee is a very important role because it's the transparency and the checks and the balances. You know, the Finance Committee have got all the information, every transaction in the bank account. So they can see - they've got the root information to see how we make up the budgets and the allocation. And that's a very important role, which before that role didn't exist and none of us had more than summary information from the previous Secretariat.

Marilyn Cade: I think that's a very important point because one of the debates in 2009 was how were we going to have more accountability. And some of the people on this call, I know (Sarah)'s on the call, a number of other people were really critical in helping to devise the improvements in the charter.

So let me open a queue. Okay, lacking a queue, (Chris), I'm going to ask you to do one more thing as information update. Could you bring the members up-to-date about our, I hope, achievements with the CFO on fixing the problem of financial processing across all of the constituencies, but of course the BC as well.

David Fares: Marilyn, I'm sorry, I had you on mute. This is (David), could I jump in quickly, just ask a question.

Marilyn Cade: Of course. You should do that and then (Chris) will give that update.



David Fares: Great. First, (Chris), I just want to thank you very much for all the hard work that you've been doing and appreciate everything that you're doing.

I guess I would simply reiterate the suggestion that I posted to the list. And that is instead of sending the budget (one-off) that we adopted general policy of making sure that all members received the budget on the list (probably) with BC private. But I just think that that's helped - that would be a better way to ensure greater transparency.

But again, thank you very much for everything you've been doing.

Chris Chaplow: Thank you, (David). I think that's a fair point.

As well, if it coincides with a meeting or at the end of the year, if we get to the December meeting, then in past I'm happy and have done a presentation to the (post) BC members at the meeting. But at the time it didn't work out very well this year. But yes, that's a fair comment.

Aisha Hassan: Marilyn, this is Aisha, could I come in?

Marilyn Cade: Please.

Aisha Hassan: Okay, thank you. (Chris), I'd also like to express, you know, support and appreciation for everything that you do. I know it's a big job and certainly, you know, we all appreciate the efforts that you and the whole Secretariat make.

And just to (David)'s point, I think that would be helpful. It would alleviate - it would just provide people with enough information. I think some of the concerns have been more about trying to understand. And there are things that

you know and others in the leadership may understand because they're closer to the line items and to what's going on. But I think members would benefit from having greater clarity and it'll make your life easier as well because people will have fewer questions.

And then secondly, I think it might be helpful to just consider, because part of the discussion has come up because of the increase in the membership dues concept. And so I know that some members have expressed that it would be helpful to see if there are ways in which we could be more efficient and allocate resources differently financially so that perhaps that membership increase would not be necessary.

Again, I don't have the details to understand whether there are places that we could be more efficient and effective, but I think that that might be a helpful consideration to analyze further and discuss with members.

Marilyn Cade: It's Marilyn. I'm going - as Chair I'm going to respond with a bit of history because it predates (Chris).

Actually the membership dues were always 1500 euros and 500 euros.

In 2010 when the new team came in, myself as Chair, (Chris) was not a part of the team at that time, we had another interim Vice Chair. We reduced the assessment to reduce the reserve amount because the BC was retaining about 60 to 70,000 euros in a banking account in Belgium on a reserve that did no good to the BC.

And we reduced the assessment to try to get that amount down to a reasonable amount of 13 to 15,000 euros.

I think we could ask, Aisha, we can ask (Chris) and (Bene) to do a lot more work in describing and detailing the amount of work that the Secretariat provides. And that's already underway.

But I'm just going to turn to (Chris) to explain that last year. (Chris), with my support and the support of the Secretariat, undertook huge amounts of work, ICANN to create budget offsets.

And (Chris) was very successful in offsetting costs. We didn't get everything we asked for. But (Chris), if you could just explain some of the things that you achieved with ICANN for a first time in achieving backup funding for some of the functions.

Chris Chaplow: Yes. In the support requests, we managed to get support from ICANN for the newsletter and outreach materials. So Toronto was the first time that the newsletter was funded by ICANN. And this is for FY13, so the Beijing newsletter, which is just in the planning phases of now, will also be ICANN funded.

The other area was the Leadership Development Program and outreach, which ICANN had funded and the BC supported the event at eye institute in Buenos Aires and (Jimson)'s travel to the IGF.

Outreach events - we tried to get support and that was rolled into the intercessional meeting, so that direct ICANN funding didn't happen, but we are optimistic we might have that for next year.

Secretary support - we applied for secretary travel and that was denied. We've had conversations with all of the CSG leaders and there is traction for that now. And in a private meeting -- well not private, but a side meeting -- with

(Xavier) at the intercessional. We've had the good news that is worth applying again, apply in more detail for specific tasks, and we think we can break down the wall on that.

And the other one is officer travel. Actually, ICANN gave us more officer travel, because it was three officers per meeting in the last year, which was actually more than the BC applied for, but is across the board.

So the funding that we are hoping for for next year aren't in reflected in the budget, because the years don't coincide, so this is the budget for 2013. We don't know what will be in 2014. So unless we align our budgets, which was a recommendation, but then we'd have to go through an 18-month year or a 6-month year or two 15-month years to align our budgets.

It does create a problem that we can't reduce the reserve. We don't want to reduce the reserves anymore and we don't - we can't guarantee the ICANN funding for 2014, so we - that will be helpful. I'm optimistic, but we can't count our chickens, because chance it say we have to counting from a conservative point of view. Thank you.

Marilyn Cade: It's Marilyn, but I'm just going to say that I've had subsequent conversations with the ICANN leadership recently as last night and this morning and there is very strong support for the idea that ICANN would begin to contribute to secretariat underwriting.

It's not done, but that would enable us to - we had not previously tried to transfer our secretariat costs, but at the intercessional, we gained support and an endorsement from the chairs and the (excoms) of all of the other non-contracted party house constituencies to ICANN underwriting -- I use that term -- the secretariat costs. So we wouldn't get everything funded, but we

may get what you and I would as business call it sort of a voucher of 25,000 or 30,000 euros and everything spends it in their way.

I want to just pause here and note that if members don't understand this, it's important you know that the charter provides the functions of the secretariat and that is what (Chris) and (Bene) are trying to carry forward on. What we are trying to do now is offset some of the cost. (Chris) has done a fantastic job of getting some initial offset and we are hoping to strengthen that in the next year.

Can we go back to questions?

David Fares: Yes, this is (David) and I mean I'm not going to quibble over the increase. But my question would be if it does look like we are going to get some significant underwriting for the secretariat's position -- and I would also like to reiterate that we are greatly appreciate of all of the secretariats -- maybe we need to reevaluate the increase in the dues once we get a clearer picture of what ICANN is going to fund. And again, (Chris), thank you for all of the efforts you are undertaking there to get ICANN funding for some of the BC expenses.

Chris Chaplow: Yes, the time that we would know would be around the Durbin meeting when the FY14 budget is approved by the board and this could be a subject on the BC meeting agenda in Durbin in South Africa.

Marilyn Cade: So guys, I just have to ask the question here. We really need to invoice now, because we can't operate the organization if we don't invoice now. You know if - I just want you to understand again that this is not an increase. You received a reduction, I understand we all like the reduction, and we'd like to keep the reduction. If you strongly feel that you cannot pay the dues at the

previous level of 1500 euros, then we may have to think about a two-phased assessment and assessing the dues at one level.

And I am making this up. I haven't told anyone about this. I'm just brainstorming here. We could assess at one level, see what ICANN comes through with, and we may have to a subsequent assessment if ICANN doesn't come through with the support we are asking for.

I haven't talked to (Chris) and (Bene). They are probably going to sacrifice me on a rock about my complexity here. Do you want us to evaluate that and see what the time - what the workload would be? It is additional workload, but we cannot operate the BC unless we start receiving the funding in the February, March, April timeframe. So would you like to see a proposal for a two-phased assessment?

Aisha Hassan: Marilyn, this is Aisha. I have a feeling that probably some people who are interested in this topic are no longer on the call. I think it would be helpful if you posted a proposal so that those who maybe weren't on this call would be able to weight in.

Marilyn Cade: Yeah, I'm looking at that, but I do (unintelligible). And most of the people who are interested in this issue, but I'm happy to post it anyway, because we only had about 75% of the members on the call.

So I'm happy to do that Aisha. So (Chris), could we - if you don't mind, you and I can do another working call with the secretariats and take up yet another proposal on this. That sounds really helpful. I'm very excited about this additional work. Thank you for that suggestion.

Man: Okay, just to address...

David Fares: I think it was your suggestion, no.

Marilyn Cade: Sorry?

David Fares: I think that was your suggestion, so thank you.

Marilyn Cade: No, I just - but if we are going to do this, can we expect members to come back with comments?

Aisha Hassan: Marilyn, this is Aisha. Maybe to make things easier, why don't you just put something out to the list that says we can either go ahead and invoice now or we can do a proposal, which is going to take some secretariat time. Will members weigh in to let us know, because not everybody is concerned about paying the slightly increased amount or well the back to normal amount.

Marilyn Cade: And by the way, I think it's fair. I don't think (Chris) mentioned this, you know every member can ask for a hardship and we will send the request for reduction off to the Credentials Committee and they can grant a reduction on a one-time basis.

Aisha Hassan: But my suggestion is don't create more work right now; just give people an opportunity to weigh in and give a short deadline. People can make that decision of whether they know they are going to pay the amount or not and that way you will have input.

Marilyn Cade: We will give the members a set of options.

Aisha Hassan: Thank you very much.

Marilyn Cade: And thanks to you guys for - you know I know we've taken up a lot of your time - much more than we intended to. We owe you an update on a number of other items, but I think we need to do those by email except for one thing. (Bene) is going to be the Secretariat. I shouldn't refer to her as (Bene).

The Secretariat is going to be asking you to advise if you are able to come to Beijing, because we have to size the rooms, and we have to do that. The meeting facility requests are due this week. It's very complicated and I wish it weren't, but it is, and in order to make sure we get facilities, and transcripts, and other things, it's fairly time consuming.

ICANN has very complicated forms, so we need to know how many of you are going to be able to come. And if you can't come, just you know note if you are going to be able to participate by remote participation, and there are a couple of other issues that we will come back to you on and I'm just going to mention one.

The - (Fadi) has been holding CEO roundtables. We've had a bit of discussion within the BC. The general consensus so far within the BC -- but I will send this around again for you to agree -- is that what we want is not a single CEO roundtable. We want the Chairman to - the CEO President to accept speaking engagements with a range of business entities.

There is a very negative - well let me say this differently. There is a sense of caution being put forward by the ccNSO, the ASO, and others about using CEO roundtables to make policy and replacing the broader bottom up interaction. So far, members who have weighed in on this CEO roundtable issue have supported the idea that we invite the (Fadi) to speak at a number of business-oriented events.



I will just send a note out asking members to suggest events and activities, and we will do a call with ((Chris) Mondovi) who is the new business stakeholder representative and he will be very interested in ideas from all of the business constituency members on places where (Fadi) could speak. So not just (Fadi), but (Sally) and others, so if you could just stay tuned for that, I think that's kind of a priority.

I've taken up more of your time on that, but I wanted you to know that that was upcoming. Is there anything that anyone wants to say before we sign off and thank each other for this huge amount of time to go through important items for the BC?

Let me just thank all of you for joining. You will see (Bene)'s summary of the participants list and the transcript and we will do just say an action item summary to go with it on the BC list. And in the meantime, I will work with the other officers and participants to give a summary on some of the things we didn't touch on.

Man: Thanks Marilyn.

Woman: Thank you.

END