JULIA CHARVOLEN:	The recording is on, Olivier.

OLIVIER CRÉPIN-LEBLOND:	Thanks very much Julia. Good morning, good afternoon and good evening everyone. This is the ALAC Ex-Com Conference Call on Thursday, the 19th of August 2013. The time is 13:02 UTC. We'll start with a roll call and the apologies please, Julia.

| JULIA CHARVOLEN: | Thank you. On today's call we have Olivier Crépin-Leblond, Evan Leibovitch, Tijani Ben Jemaa, Rinalia Abdul Rahim, Cheryl Langdon-Orr, Julie Hammer and Alan Greenberg. We have apologies from Heidi Ullrich and Carlton Samuels. From Staff we have Gisella Gruber, Nathalie Peregrine and myself, Julia Charvolen.

May I please remind all participants to state their names before speaking for transcription purposes. Thank you very much and over to you. |
|---|---|

OLIVIER CRÉPIN-LEBLOND:	Thanks very much Julia. It's Olivier speaking. Have we forgotten anything? Is there anyone on the call whose name wasn't mentioned?

GISELLA GRUBER:	Olivier, just to say that Tijani's not on the call. There's been a confusion so we're trying to get hold of him.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, we'll start with a review of the Action Items and hopefully Tijani is able to join us. One other small housekeeping note – who will be taking the notes, as I notice that Matt is not here?

GISELLA GRUBER: We'll take the notes and Action Items, if you could clearly state the Action Items for us that would be great. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Gisella. Let's get going and we'll start with a review of the Action Items from the 22ⁿᵈ of August Ex-Com meeting, the last call that the Ex-Com had. You'll notice there are a lot of Action Items that are closed and over and done with. Of the ones that are still open, there are few.

The first; Tijani Ben Jemaa and Eduardo Diaz to provide an update on the Meeting Strategy Working Group's activities during the 27ᵗʰ of August ALAC call. I believe that's been done. The next one is for Olivier to work with the ALAC to decide whether Dev Anand Teelucksingh should be appointed as the Chair of the ALAC Sub-Committee on Outreach, and he was appointed during the last ALAC call.

Alan Greenberg is to complete required documents to allow the new ROPs to be put in place. Once that is close to completion the Chair will put out a call for Members of the Board Member Selection Process

	Committee. That's on its way as well at the moment. Alan, you put your hand up?
ALAN GREENBERG:	Going a little slower than planned; the vote for the email guide hasn't started yet. I'm not quite sure what the status is. And the Adjunct Document 3 is in Cheryl's hands and…
CHERYL LANGDON-ORR:	Only just. [laughter]
OLIVIER CRÉPIN-LEBLOND:	Thank you Alan.
ALAN GREENBERG:	I thought you were there at my beck and call, just waiting, with nothing else to do!
OLIVIER CRÉPIN-LEBLOND:	Let's tag this as being ongoing for the time-being. I understand that Matt not being here may have delayed the vote. So let's move on. The next one is for Matt Ashtiani to work with Dev and myself on the development of an overall workspace on the collection of At-Large Action Items. In fact we have had a couple of calls where we've done some experimentation of nesting of pages and insight nesting of pages,

EN

and unfortunately with very terrible consequences and it wasn't quite working too well.

So we're still working on this, trying to find a way to have a better collection of At-Large Action Items that need to remain there for the record afterwards. The problem is, when you have Action Items that can be updated automatically from page to page, it updates everything and then the record disappears altogether. So we're still working on that.

Looking down at the newly assigned Action Items, at the bottom of your page you'll see that Olivier is to ask the ALAC to discuss the ALAC and ccNSO Meeting Prep Group suggestion on the next conference call. That has taken place during the last ALAC conference call, so that's done. And Matt and Alan are to work on cleaning up the various mailing lists. Alan, have you been taking your broom and scrubbing?

ALAN GREENBERG: I'm ready to scrub.

OLIVIER CRÉPIN-LEBLOND: [laughs] Okay. Thank you. Any comments? Especially on the closed Action Items? I note that I did not go through those for the sake of saving time, since some of us have hard time. Has anyone got anything to say on any of the closed Action Items so far? I see no one putting their hand up.

I'm sure there were a few things where I was supposed to follow up and I should probably report back to you. Certainly the status of the .mobi

liaison you're now aware – we have to create the position, so that will be the next thing we'll be doing. I don't see anything else on there that I've dealt with.

Let's move onto the next set of Action Items, and these are the ones from the ALAC call. You'll note you need to click onto the Agenda and then the Action Item part. There, quite a few Action Items that are also closed. The open Action Items, if we look on that page – the ALAC to discuss the ALAC/ccNSO Meeting Prep Group, that's been done. The cleaning of the mailing lists is ongoing. Tijani and Eduardo to provide an update on the Meeting Strategy activities, that's done.

Alan Greenberg to complete required documents to allow the new ROPs to be put in place. That's, as we've just said now, pretty much a copy of… Echoing. And then Matt's to work with Olivier and Dev on the development of an overall workspace for the collection of At-Large Action Items. If that space were developed we wouldn't be doing what we're doing now, which is repeating what we said a minute ago.

Newly assigned Action Items – Olivier to begin speaking with RALO Chairs on ALS decertifications. Well, I guess that hasn't started yet. That will soon. Matt is to follow up with Jean Jacques Subrenat on his recent vote activity. I guess that's also ongoing. Carlos Reyes is to follow up with Wolf Ludwig on the status of the ATLAS II survey, which I believe will need to be sent from the 1st of September onwards.

Just quickly mentioning regarding the ATLAS II, the budget has been published and you will find that the ATLAS II is funded there, so yippee, it's one. We're on. We've got a heck of a lot of work in front of us, but

there you are; we asked for it. And then Olivier and Alan to inform the ALAC when the ATRT 2 documents are ready for review. That's forthcoming.

A quick update on this – we've now received travel documents to travel to Washington DC for yet an additional meeting of the ATRT 2, just to make sure that all of the information we've received will not only be included but there'll also be some drafting done about it. And I guess that Alan is neck-deep in this at the moment. Any comments or questions or suggestions regarding these Action Items? Have we forgotten any from the last call? Are they all well recorded?

ALAN GREENBERG: I'm trying to figure out how to get to these Action Items you were just reading out.

OLIVIER CRÉPIN-LEBLOND: You go into the Agenda of the 27th of August 2013 ALAC Meeting and you end up on the ALAC meeting itself. No, if you reload… Oh, what the heck happened there?

ALAN GREENBERG: With the Agenda I get the August ALAC teleconference with no link that I can find there to the Action Items.

OLIVIER CRÉPIN-LEBLOND: Yeah, that's wrong.

ALAN GREENBERG: Ah, it's there. It's the wrong link but it's an indirect one if you're eyes are working well enough, and at this time in the morning they're not, for me.

OLIVIER CRÉPIN-LEBLOND: Someone tried to fix that and they've now sent us to the Action Items on the 2nd of July 2013.

ALAN GREENBERG: I saw that once but then I refreshed it and saw something else.

OLIVIER CRÉPIN-LEBLOND: We're having transient Action Items at the moment with a transient Agenda. Let's move on. Items for discussion. Matt was supposed to update this but I guess there's no much to update on it. We've got several statements currently being developed.   The Draft Next Generation gTLD Directory Services Model is one that I believe Holly is working on. God, this whole section is wrong, from A to Z. I wish I had looked at that. I thought that was updated.

We need to look at the previous call I'm afraid because otherwise we're going to work at something that's completely out of date. If we look at the conference call from yesterday, here is the link. The link on the chat at the moment is the mid-month conference call… No, that's not the right one.

EN

ALAN GREENBERG: Can someone tell us at least who's doing the updating as we speak?

OLIVIER CRÉPIN-LEBLOND: Matt. At the moment? I don't know.

ALAN GREENBERG: Matt's not on the call.

OLIVIER CRÉPIN-LEBLOND: Anyone?

GISELLA GRUBER: Sorry, I was on mute. My computer's crashed and I was just rebooting. What update were you referring to?

OLIVIER CRÉPIN-LEBLOND: We're trying to find out where the Agenda is at the moment, with the correct PDP discussions.

GISELLA GRUBER: I'll help you look…

EN

OLIVIER CRÉPIN-LEBLOND: That hasn't been updated. Here you go. I've just put the ALAC Monthly Conference Call on the 27th of August, which is the one from two days ago. If you click on this link you will see the items for decision, #6 – ALAC Policy Development Activities. I believe that is updated.

Looking at the statements or endorsements currently being developed, reviewed or voted on by the ALAC, community priority evaluation update from ICANN, the ALAC is drafting a statement on this. I believe it's Rinalia that was drafting the statement on this.   We're currently having a status of comments. Let's have a quick discussion on this one. Rinalia, are you able to speak?

RINALIA ABDUL RAHIM: On the community priority evaluation guidelines, I've drafted a statement and there is one sentence left blank because I'm awaiting community input and Salaneita has submitted an input, and I understand that Tijani will be submitting one as well. And for the New gTLD Working Group I think a 48-hour call for comment has been initiated by Co-Chairs, so I'm waiting for that. Once I have the input I'll have to sit down and see what kind of synthesis I can gather from that.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Rinalia. The only thing I'm concerned about at the moment is where is this advice going? Looking at the request that was made, in that it's not even a public comment; it's something that came out of the New gTLD process site itself. It asks people to send things to newgtldcpe@icann.org and there it says: "if you would like to provide

input on this document for the panel firm's consideration…" So I'm not quite sure whether at the moment it goes to ICANN Staff or directly to the panel firm itself.

What I do see though is that the question is about the guidelines document. The draft is about the fact that we don't believe the CPE panel firm are the right people to go to, or how when there's an open-call contender, why are there so many channels for the call for the contender, etc., etc. There are a whole lot of questions for ICANN Staff and not for the CPE panel.

Furthermore, we've already made our points known on our previous notes to the Board about the CPE panel and about the EIU. So I'm not quite sure how that would fit yet, but I guess we might have answers. Rinalia and Evan.

RINALIA ABDUL RAHIM: Thank you Olivier. To my mind, the content needs to be split for that statement, and the input on guidelines goes to the panel firm, which is the EIU, but the rest of it has either to go to the Board or management, because those questions need to be responded to. Over to Evan.

EVAN LEIBOVITCH: I wrestled with exactly the same question – to what extend is the commentary redundant with the statements that have been recently done, and Rinalia made the point to the group that they were significantly different. One was an overall comment on the choice of the contractors, the way that this was all done, but apparently what we're

working on now is ICANN, having made that decision, having put the EIU in the position and so on, it is now reexamining the criteria under which it needs to operate.

So that's something we haven't really spoken on and I think that if I read things properly that's the direction of the current statements. Personally, on one hand it seems that our activities on this are somewhat haphazard, having made two separate statements and now doing a third – I think that reflects the haphazardness with which this whole thing has been rolling out.

The whole concept of reevaluating the community designation, the whole concept of PICs, everything… All of this has this "hastily-done, back-handed, last minute, damage mitigation" feel to it. Part of me almost wonders if we need to do some over-arching statement to the Board that this is all looking like one big botch.

And here we are having to run after ICANN, which itself is running after all of its own unintended consequences; things like the community evaluation process, the PICs, really had to be baked in from the very beginning and now that they're just being tagged on at the end the results are really awful. The way that they're doing the community solicitation is awful.

Think of this being done right in the middle of the summer, with disgustingly fast timelines. This is all being rushed, this is all being functionally [00:18:02], even though technically there are these open processes. The speed in the way in which this is done is essentially

EN

making this totally untransparent and we're doing the best we can with this but to me this is one big botch. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks Evan. Next is Alan Greenberg.

ALAN GREENBERG: Just a quick comment – Evan, your comment is cathartic but I'm not quite sure what the need for it is right now. If you read the minority statement – well, it was actually a statement from the majority of the Board New gTLD Committee on the plural/singular equivalents, it's errant, which is equivalent to what you just said of how badly this whole process has been run and how we're trying to fix problems after the fact that we really don't have the mechanisms to fix properly.

And as a result, people are… This is not going well. So I think a little bit later we need to make a more thorough statement like that, and doing it in the middle right now, while they're in the middle of still botching things, I'm not sure there's a lot of merit.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan.

EVAN LEIBOVITCH: My quick reply on that is the only reason for doing something now is because I think we're far from having seen the last botch.

ALAN GREENBERG: You're right! We keep on finding new ones every day.

EVAN LEIBOVITCH: But I guess my question is a larger one, Olivier. Do we have anything to say at a very high level to the Board that is simply commenting…? Do we actually stake out a position that may be unpopular but may be the only sane way in saying they've got to catch their breath and take a breather and reevaluate all these stupid little mandates that they're doing…

Reevaluate all these things, and perhaps they need to even invoke the "D" word and just say there's so many stupid things happening, we can't roll out on the timetable that we've planned because there's so many unanticipated problems. Is this something that we dare say in public? On one hand, do we fear irritating or pissing off all sorts of people? On the other hand, I feel that people in our own constituencies would probably cheer the idea of having ICANN take a breather and actually consider what it's doing. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you Evan. I see Alan's hand is up again.

ALAN GREENBERG: I'll just point out that most of the problems we're having here aren't going to be fixed by delays. They're just not – they're things that are cast in concrete and we're trying to mitigate the best we can and yes,

slowing it down a bit might in any given case help us come up with a better answer, certainly. Comments done in the middle of August are not necessarily the most responded to.

I think we're living with things that a mere delay is not going to fix at this point.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. I think we all agree with each other, that there seems to be some serious problems with the system and the way it's being rolled out. As Evan said they're very much Band-Aids and things they trying to fix at the very last moment, but there's a bigger issue to this, which is that some of the things which were agreed to be pushed under the carpet a few years ago are now coming back out.

And it looks as though the New gTLD Board Committee has to try and grapple with those, whilst at the same time being pressurized to deliver on time. Coming back to this statement, because I think we are somehow straying off our path, I would suggest splitting this into two by having the response to the CPE guidelines developed by the EIU given on time, which we need to do by the 7th of September.

We did say we were going to have a response to this specific thing. I also understand that next week, I believe it's the 3rd of 4th, the Board New gTLD Committee will be meeting and addressing our last comment, which is quite similar to the questions we have asked here regarding the call for tender and how the CPE panel were selected.

What I would suggest is that keeping that part of the statement with us, we have this as a separate statement, perhaps as a response to any response we receive from the Board Committee on Board New gTLDs. And therefore, that would give us more robustness to respond once we receive a response from the Board New gTLD Committee.

I certainly see that the questions raised there are absolutely vital to ICANN's accountability and transparency, but I have a deeper concern that things are now being patched with Band-Aids, in a way to make sure we're on time, but at the same time losing the accountability and transparency that one needs to have.

I don't think we can make accusations of this offhand, but we can certainly ask questions about this and if we don't get the right answers then that points the finger on a deep problem. But we certainly have to build this up. Any other thoughts on that? We split the statement into two and proceed forward with the CPE guidelines developed by the EIU and note that Sala has provided some interesting input on this and several of us can maybe…

The document isn't that large. I've read through it once. I haven't made any deep analysis of it yet but I guess some of the guidelines are good. Others might be superficial and work in theory, but in practice… We know that we've had, through the Joint Applicant Support Program, some people who worked on this… Problematic, and in practice some things are a lot harder to satisfy and you end up with such guidelines that are so tight that you end up with absolutely no community passing the guidelines.

So we need to be alert to that. Answer this and keep the second statement separate. Are we okay with this? I've either dropped out or… Okay, excellent. Tijani?

TIJANI BEN JEMAA: Hello. About the guidelines, yes, we need to have our comment before the deadline, and the remark I'll quickly give now is that those guidelines are only to [00:26:00] more or less the Applicant Guidebook. So if the Applicant Guidebook has a very tight criteria, you wouldn't have the guidelines with very tight criteria. It's only if you… The guidelines would have to do with how you apply the criteria which are in the guidebook.

So I'm really sad about that, because our statement about the community consideration wasn't heard, and we are still in the same logic of using the Applicant Guidebook criteria. And I'm fine with that, but we need with this system, which we cannot go outside of because it's in the Applicant Guidebook, we can also give other considerations for other application that we can consider as a community application. So the guidelines will not give us the opportunity to go to the aspect I just mentioned. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. But these are two parallel processes – we are asked to comment on the guidelines here but we're also going to comment separately on the process and on the fact that we need to have community members. The reason why we haven't received a reply from

EN

the Board on this yet is because it hasn't been on the Board New gTLD Committee's Agenda, and that's coming at the beginning of next month.

That's why we haven't got an answer yet. It's not because they've rejected it. They've read it but they haven't come back to it yet because they haven't discussed it. It's purely a timing issue, and this is one of the terrible things in that the timeline is so tight right now that we're talking a matter of days when we need to have an answer, because in the meantime the whole New gTLD process roll-out is rolling forward like a massive rollercoaster that is unable to stop. And that gets out of hand a little bit sometimes.

All right, let's move onto the next one. The proposal to mitigate name collision risks, and this one is one where Julie is holding the pen and she's produced an excellent statement. I think that's well underway. And this is going to be voted on, isn't it? The vote is already on at the moment. Date of submission 27th… Was this sent out? Yes, it was. Let's continue. Steamroller, that's right. Steamroller is bad, rollercoasters are fun.

Next, the rights protection mechanisms requirements. This is one which Hong is currently working on. I've read some of her draft. I know that Rinalia has added a few points to this, because the draft looks specifically at the IDN CJK kind of script, but not in the Arabic scripts. Rinalia, do you wish to comment on this? You're muted.

RINALIA ABDUL RAHIM: Sorry, can you hear me? I drafted a treatment or addition to Hong's statement and I am consulting admin right now to [00:30:35] on registries and I will reconfirm the impact on the Arabic script with Salamat Hussein, whom I consider to be the world's leading expert on Arabic script and its variants. Once that's done I will post it on the Wiki. But I think that Hong will be quite unhappy with what I'm going to post because the recommendation isn't exactly what she's putting up.

Basically what she's saying is we not that ICANN is relying on registry action for this IDN variant management solution for the Trademark Clearinghouse, which is correct. And that our proposed solution right now in dealing with IDN variants is good, and she likes it and she wants to congratulate them and say that in addition to this there are still some other issues, please fix that. In my opinion that's not sufficient.

We actually know what needs to be done because the knowledge exists and we should be making a policy recommendation saying: "thank you very much for the revision you have made but we don't think you've gone far enough and we think you should consider these options and here are the advantages and disadvantages to these two options, and therefore we urge you to adopt this one."

And that's what I'm going to do with the revised draft. And we'll see what the ALAC says about it. And I really think fundamentally if we look at the ALAC's mission we have to represent the interests of Internet users globally, who speak different languages and who write in different scripts. So a solution that is proposed from ICANN that serves only the

Chinese community, to my mind, is not good enough for the ALAC to support. That's all I have right now. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Rinalia. I concur with your point of view in that you do have to look at the various aspects worldwide and the original statement fell a little bit short in looking at overall aspects. I hope that you're able to mix Hong's original statement and add you section to it and see if you can have a joint statement that works the other… And you do have a few more days to do that.

RINALIA ABDUL RAHIM: I'm trying to do that. I'm trying my best to keep most of her text intact, but the ones that must go out must go out.

OLIVIER CRÉPIN-LEBLOND: Thank you Rinalia. Any comments or questions? Alan?

ALAN GREENBERG: No, I'm just going to reiterate what Rinalia just said. We get involved in a lot of things because we know ICANN is screwing up and we know in our heart that it's not good for ICANN. This is a real user issue that we're here for and there aren't a lot of other people speaking out on behalf of users. Thank you.

EN

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Any other questions, comments? No. Let's move onto the next one, which is to explore the draft Next Generation gTLD Directory Services. I can't find the Agenda I'm supposed to work on now, actually. That's the one. We've done the CPE, we've done the… Sorry, the proposal to mitigate name collision risks was the next one. That was done.

The rights protection mechanism requirements, that's done. Explore the draft Next Generation gTLD Services model. Finally. Sorry about that. Holly has worked on this one. She has produced a first draft that was incomplete. At the end she asked that there is still significant issues that need to be worked through, such as determining who has access to what data, for what reason, and how will compliance be enforced. However, we support continuing discussions on the development of the [ERD? 00:35:15] proposal and expect to continue to be involved in the discussions.

We might wish to expand a little on this. I'm not quite sure how you wish to proceed forward. We have until the 30$^{th…}$ Sorry, call for comments closed on the 30th and that's tomorrow. There hasn't been any comment forthcoming from anyone apart from Alan, who mentioned exactly what I just said now. Alan, go ahead.

ALAN GREENBERG: I was just going to say that we have to enlarge and say that the number of boogiemen hiding in what they're claiming should not be implementation but is high-level, is too large not to mention a little bit

explicitly. We can't do an exhaustive list of potential problems but we need to highlight the very high-level ones at the very least.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. What I suggest then is that maybe you, I and Holly can have…   The problem is that Holly is on holiday right now so she's unavailable. She just drafted this and left it on the side. Maybe you and I, Alan, would be looking at this and just polishing it up.

ALAN GREENBERG: That's fine. I identified one sentence that I think needs to be enlarged. I didn't' try to craft the actual words; it can certainly be done, it's not all that…   It's just a matter of going on record saying they can't absolve themselves of high-level implementation concerns of what they've proposed has to be implementable.

OLIVIER CRÉPIN-LEBLOND: Well, that goes directly inline with what the Board has been saying recently and for a while now. In addition, one of the problems with this specific statement at this moment in time right now is that this really is on an interim report, their work is continuing, the EWG is actually meeting this week in Washington DC so Carlton is working over there and that's probably why he's unable to be with us now.

And because it's an ongoing piece of work, from one hand we don't want to shoot down the work and say it's terrible and you should abandon it, and on the other side we don't want to give it a green light

and say you're doing everything wonderfully well because if they were doing everything wonderfully well then they wouldn't need to do any more work – it would be finished and ready to go out for print.

So I think this statement is short enough to just say: "okay, we're fine with what is there. There is more work required, you should polish it this way." Let's move onto the next one. The next one is the statement on the WCIT outcomes. This is still on the backburner for the time-being. Currently open public comments: DNS Risk Management Framework Report – this is the DNS Risk Management Framework Report. I'm currently working with the DSSA in finding out whether…

Well, the DSSA itself cannot produce a comment itself on this because it's not in their mandate to answer public comment periods nor are they chartered to do so. However, some Members of the DSSA might wish to contribute individually in the drafting of the statement on this. So I've been in touch with them and I'm awaiting some feedback.

I think that there might need to be a statement on this for the reason that I said yesterday – the concern that the Risk Management Framework seems to be looking at the risks to ICANN and risks from pretty much everything to ICANN. The risk that the DSSA was looking at was the risk to the DNS. Now, what do we want to know more? Whether the DNS is under a risk or whether ICANN is under a risk?

And that's really looking back at the SSR, the Stability, Security and Resiliency Review Team recommendation. So it does require a bit of homework on that. Alan, do you have anything to add? Of course you were in LA for the SSR Review Team review by the ATRT?

EN

ALAN GREENBERG: I don't really have anything to add, and as I've said privately to you, I'm not quite sure why the DSSA group is stalled on this. I think they should continue at this point, if that's still possible, issue a report, even if the report says there are huge gaps in what ICANN is looking at and what we should be looking at and get on with this. I think a group that lives this long is going to have increasing problems, not decreasing.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Just as feedback on this, the historical thing is that when the DNS Risk Management Framework asked for that consultant's report to be drafted, it did not consult with the DSSA. So the DSSA found out about it after everything had started and then the answer we were given was: "we'll come back to you on your questions and we'll see…"

And unfortunately the DSSA, not knowing where the Board wanted to go and not receiving responses from the Board said: "let's just take a breather, let's take a break and wait until we see where this whole DNS Risk Management Framework leads us." And now that it's leading us to wherever it is it's leading us, which is questionable, basically the next steps is that the DSSA will be drafting its final report, which is an update to its interim report, and going back to the respective SOs and ACs.

And I believe that the ALAC will soon be receiving that report and asking the SOs and ACs, "where do we go next?" And it will be up to the ALAC to be able to give good recommendations as to where to go next. And

EN

for the gNSO of course to give recommendations in the different SOs and ACs that co-chartered…

ALAN GREENBERG: This sounds like one of the few things that we maybe end up putting advice to the Board on, but I'll…

OLIVIER CRÉPIN-LEBLOND: It sounds like it. Very much. Yes, absolutely. Okay, next, the locking of a domain name subject to UDRP proceedings, PDP recommendations. That one, no statement. And next one, the gNSO structures charter amendment process, no statement either. I believe that's all we have at the moment, since Matt hasn't looked at this in the past 24 hours I'm not sure whether anything else has appeared on the…

ALAN GREENBERG: Olivier, I have one. I completely missed that a week ago the IGO/INGO Group put out a consensus recommendation, a consensus call. And I missed it until just after the ALAC meeting. I sent it out to the ALAC. Carlton has commented and I replied on his comment. The consensus call has to be filed by next Tuesday and I'm largely gone this weekend. I will have some email connectivity on occasion though. I'm filing this as a personal opinion because this is clearly no time for a formal ALAC call.

I would value any other input. Carlton has commented on a few things. Evan and I would appreciate it… Because he's the only other one who's been following this closely.

EN

EVAN LEIBOVITCH: I'll have a go at it today Alan.

ALAN GREENBERG: Let's talk if necessary because I'd like to get this closed up if possible. Talking is not going to be possible after tonight.

OLIVIER CRÉPIN-LEBLOND: Alan, a quick question: the responses which you've provided, saying that some groups like ISO, for example, would be prevented from applying…? Were these in response to what Carlton had said or was that in response to the contents of the current review?

ALAN GREENBERG: The last email is essentially addressing issues that Carlton raised or questions that he asked. With that particular question it was one of the issues that as this point we believe there is no consensus within the group on. The question is why provide subsidization to groups or free objections to object to a top-level domain? We've been saying all along that you do not need to protect the top-level.

There must be sufficient objection processes to stop them. Actual conflicts like that are going to be relatively rare, between someone trying to get a domain and it's [00:45:13] name of an IGO or an INGO. And one of the things that the group hasn't agreed on is should ICANN provide a free objection in that case?

EN

In other words, in the rare case that someone's trying to register .unicef but they're not Unicef, or .who and they're not the World Health Organization, or something like that, shall we provide a free objection? And Carlton said: "what? A free objection to the Olympic Organization? They've got plenty of money!" or any example.

And I pointed out that number one, it's pretty hard to define for a charitable organization or an organization that claims to support human interests, whether they're rich or not. A lot of money flies through them but it's a less clear thing whether they are rich. But the real issue is we'd only provide a free objection if we do not provide absolute blocking, which is what's on the table right now.

The current Applicant Guidebook, and what will continue unless this group proposes something radically different, is complete blocking. And we've always found an objection process to be far less objectionable than complete blocking. And if the objection process has to be free to be objective then my understanding was we'd support that. Yes, there may be some radical, extreme case where we believe someone gets a free objection, where they should have had money to pay. But there's no way we can build means tests into this.

So that was the example there, that at this point we are proposing that the names – and the Board has already accepted – of IGOs be on the fully-protected list. So to the extent that anyone is going to use a full IGO name as a TLD, they would be on the do not apply list. I think it's all rather stupid, because people are not going to be using whole sentences

EN

as TLDs. But on the other hand both the Board and this group tend to be against acronyms.

So if we're saying an acronym should not be on the do not allocate list, then you probably need an objection process to cover the potential abuses cases. There's not likely to be a lot of abuses but the potential abuses. And what I'm saying is for that to work you probably have to make it a free objection process.

OLIVIER CRÉPIN-LEBLOND: Thank you for this background. Let's monitor this.

ALAN GREENBERG: In any case, if anyone else has any input please provide it. I am submitting this as a personal opinion but to the extent I can say it has support from other people that may have some weight.

OLIVIER CRÉPIN-LEBLOND: All right. Thank you. Any other points or questions? Evan?

EVAN LEIBOVITCH: Just to say, Alan, I'll work with you and at the very least I'll add my name to what you're doing. We've been pretty much in-synch through most of this, so I'll go over it with you. At the very least I will commit to having a go at this. And usually, when Alan has sent me something to look at I've had very little quibble with it. So at very least I'll put my name on it as well.

EN

ALAN GREENBERG: Since this is a consensus call, it's really up to – although I've used different words in trying to convey my meaning – it's really saying, "are we going to support this or are we going to object to this?" There's a whole bunch of things that in the past we have found distasteful but not harmful. And those, I think, we have to come down on the support side. For instance, allowing the United Nations International Children's Emergency Fund, spelt out in full, to be a TLD if someone applies for it. It's stupid but it's not harmful.

EVAN LEIBOVITCH: So in other words, limit our comments to the things we think are destructive?

ALAN GREENBERG: In the document I sent out – and I said it – I can live with. Those I think will map to, since I can live with since we're not going to object to it, we're not going to file a minority paper on it. It maps to support. Grudgingly support, but support.

OLIVIER CRÉPIN-LEBLOND: Thank you gentlemen, let's move on. Any other questions or comments? Thanks for this Alan. As you said, it would be great if anyone has points and so on – they can get in touch directly with you and then you can relay this in your response. Any other…?

ALAN GREENBERG: This is a consensus call that if we end up having consensus in a final report out of it – and Tomas and Staff seem determined – if it's going to be such a mishmash that I'm not quite sure what the Board… The gNSO will likely ratify it, but I'm not quite sure what the Board will do with it because some of the things will simply not satisfy the GAC. And there are things that the Board are already prepared to concede on.

So I'm not quite sure how this proves that the PDP process is working, but they're determined to get it over with one way or another.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Cheryl Langdon-Orr next.

CHERYL LANGDON-ORR: Thank you. I just wanted to make sure that everyone has run their course on this discussion before I put this point forward. Thank you for the opportunity, Olivier. I just wondered, Alan, since your leadership team here has had the benefit of a more extensive briefing, I'm not hearing hue and cry about any [fools? 00:51:50] not happiness – could you not, Olivier, ask that at least this grouping responds in very short order to what [00:52:05] documentation is put together after Evan dots the 'I's and crosses the 't's?

And then Alan could go ahead and say that this is not just an individual approach, but one that the, in principle, the support from the At-Large

Advisory Committee Leadership Team, if that's useful. I think this is the meeting to put that forward.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Cheryl. That's a very good point and very good suggestion. I see no barrier to us doing this. I haven't heard though from Rinalia, nor from Tijani on this. I'm not sure whether either would like to comment? Would you be happy with this?

ALAN GREENBERG: Before they answer, I just realized I mis-stated something – the response is not due till the 2nd, which is Tuesday. I will be back on Monday and be able to interact with people if necessary or at least accept input and rework if necessary.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Rinalia? Tijani? I think Tijani has disappeared off my screen. Okay, well the majority of the Ex-Com currently present are okay with it. So let's do that, Alan. Once you come back on Monday, just before the meeting we'll read through it and give you a green light or a red light if we don't agree with it. Yes, Tijani?

TIJANI BEN JEMAA: It's okay for me.

EN

OLIVIER CRÉPIN-LEBLOND: Thanks for this suggestion Cheryl, that's a very good way forward. More PDP questions or comments or suggestions? [horn noise]

ALAN GREENBERG: Just a reminder for people that beat the bushes – if anyone wants to get involved in the gNSO Policy Implementation Group, it does look like it's going to be an interesting group and has some promise of coming up with something rational. [car horn]

CHERYL LANGDON-ORR: I believe I am.

ALAN GREENBERG: Good.

OLIVIER CRÉPIN-LEBLOND: One more thing – the new draft on Public Interest Commitment Dispute Resolution Procedure is something which has come up in our ALAC discussion list, with a lot of feedback and some points that Rinalia has raised. It certainly looks as though our last comment was not really taken into account. We're pretty clear regarding the fix. Anything that you could add to this, Rinalia?

Because at the moment I'm not quite sure what we can do for the time being. These are, I guess, discussion papers and we're not quite sure where this is going to go, but you've very clearly said that yes, they are

currently negotiating with contracted parties on this. I mean, is there room for negotiation on this?

RINALIA ABDUL RAHIM: Hi Olivier, actually I received that from the NTAG list, because I've been following up their recommendations on community priority evaluation, and that popped up. As far as I know, the draft is being sent by Sirus and Hamaze to the registry group. So my assumption is that they're discussing and therefore they're negotiating on the text.

And if you don't see our concerns, in terms of the ALAC concerns, reflected in the text, then they're not really listening to us or want to listen to us. And I don't know when it would be open to other stakeholder groups to comment on. Anyway, Alan and Evan have their hands up, so…

OLIVIER CRÉPIN-LEBLOND: Thank you Rinalia, yes. Alan Greenberg?

ALAN GREENBERG: Thank you. [00:56:33] I haven't read these discussion papers. But what we were trying to push Fadi on is explain his crowdsourcing of problem determinations, which ICANN would then follow up on. This is not a PIC issue but an ICANN Compliance enforcement issue that he claimed would be in parallel with the PIC. And unless someone tells me otherwise, I'm going to assume that this isn't in what they're discussing with the registries.

So it's not the details of the PIC dispute process that we're looking at, but the details of PIC enforcement. And tell me if I need to go and read it, because it is talked about there, but if it's just the dispute process we're talking about then that doesn't answer our original question and they've side-stepped it again.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Evan?

EVAN LEIBOVITCH: Thank you Olivier. Alan, in terms of what they're discussing, based on what's in the documents and what I can tell, the issues for instance of who has standing? I mean, if that isn't core to this then I don't know what is. Who has standing to launch an investigation saying that the PIC isn't being adhered to? You're right that it's mainly a Compliance thing, but certainly there are issues of policy when we're dealing with who's enabled to have standing.

If the current document says that you must demonstrate that you and your identified community has demonstrable impact, notably financial impact, from an abrogation of a PIC, you have standing, else you do not. I'm sorry but to me that is getting into policy as opposed to a detail.

ALAN GREENBERG: Evan, my understanding – factoring in what was written about the PIC DRP and what Fadi has said in recorded meetings – is that the PIC DRP is

for third parties to get into the process. That is someone who is not named in the contract. None of our contracts…

EVAN LEIBOVITCH: This is explicitly outside the realm of what Rinalia has brought to our attention. This is a clear case where Fadi is saying one thing in public meetings and what's privately being negotiated is not only…

ALAN GREENBERG: Evan, that's the point I'm making. None of the ICANN contracts have third party beneficiary causes. I know all sorts of people say they should but they don't. The dispute process is a way for a third party to get involved. That is, they're not party to a contract but we name an outside arbitrator to look and see whether there is an issue here, and if so goes back to ICANN and says: "enforce this because there is a third party being affected."

My understanding, from what Fadi said, is in addition to that ICANN will take enforcement actions itself. And that part we have not seen embodied in writing. Now, if…

EVAN LEIBOVITCH: What we haves seen though, Alan, is a set of guidelines that appears to actively disincentivize third parties; both as a matter of who has standing and as a matter of who's willing to bear the cost of challenging an abrogation of…

EN

ALAN GREENBERG: And that matters less if ICANN is willing to accept input and take up the challenge itself, if there was a contract violation.

EVAN LEIBOVITCH: To what extent has ICANN been able to demonstrate that it generates the trust necessary and is capable of doing that?

ALAN GREENBERG: We're saying the same thing. The PIC has to be enforceable, not just by third parties saying they've been harmed. If it's not then it's a sham.

EVAN LEIBOVITCH: Okay, we're in agreement. It's a sham.

OLIVIER CRÉPIN-LEBLOND: Thank you gentlemen.   This is an interesting discussion indeed and having been over in LA I did hear the same thing from Fadi. It certainly is a different kettle of fish if ICANN uses a two-pronged approach, because the public interest part of the public interest commitment is to me what the key is, and if there is no public interest in the public interest commitment then we really are dealing with a sham.

ALAN GREENBERG: Olivier, then either we need to make a statement to the Board, and quickly – a very simple, short statement –, or you, you are the only one with direct access to Fadi, needs to use that.

OLIVIER CRÉPIN-LEBLOND: I think that… I would certainly be for making this a little bit more above-board, because the discussion we had with Fadi was not a recorded discussion, as such. I'd like to officialize this because I'm somehow a little concerned about hearing things on one path and then seeing something completely different on the other. I'd rather do things to the record so as to hold people accountable to what's being said.

EVAN LEIBOVITCH: I have one thing to add. I'm more than happy to work with you on such a very brief statement that would then be approved by the ALAC and then sent as official advice to the Board. What I would simply also add is that I see convergence between the attitude I see Compliance taking towards the PIC DRP and also some of the attitudes that I'm seeing reflected in the new [book? 01:03:04] complaint system, in that they're explicitly putting in the ability for ICANN to define a serial abuser.

The concept that the public might abuse the objection process, that would give ICANN the ability to say: "oh, you've objected too many times. That's going to denigrate the standing of your next objection." I see this now in the PIC DRP process. It is a reflection of what Garth has pointed out in the conventional ICANN problem reporting system. It is not just one document.

It appears to be a culture ICANN is now circling the wagons and trying to define people it believes might be abusing the complaint system – heaven forbid that people complain more often than they would like to hear. There is a cultural problem here. There is a high-level problem here. I agree with you that a high-level response is required and there's a couple of dots to be joined here because this is not just a PIC DRP – this is a reflection of things that are happening elsewhere surrounding compliance and other components of this. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Evan. Actually, whilst meeting with Maggie in LA I touched specifically on this point of having serial abusers as being undefined – because what defines an abuser is a subjective thing –; they'd be banned from using the system. And I told her in no uncertain words that she had absolutely no mandate to ban anyone from the system, apart from banning organizations that she had contracts with, as that's what Compliance does.

So she was a bit taken aback by this, but I did tell her that if she wants the ALAC to come up with an official statement to confirm this, we would be ever so happy to do so. Alan?

ALAN GREENBERG: My recollection is what you said you said, because I wasn't at the meeting, was that if indeed something is necessary to stop real abuse and there can be real abuse, which could use up gobs and gobs of

EN

personnel time unreasonably, that the ALAC would help try to craft that. That's what I recall you saying.

OLIVIER CRÉPIN-LEBLOND: I did say there was a concern. There was a question as to what abuse was and at that point… And there is an AI that has come out on there, which I think is about to be affected. I'm not sure if it's in the process or not. It's for one of our Working Group to define what "abuse" could be in reporting things to Compliance. "Define the word 'abuse'." Now, if that can't be defined then that might be an answer that is given.

EVAN LEIBOVITCH: If this was going to be taken up by a Working Group it probably would be the Regulatory Issues one.

OLIVIER CRÉPIN-LEBLOND: Yes Evan, but the Regulatory Issues Working Group does not actually exist as such. It's still the joint WHOIS and the Registered Rights – they're not officially merged together. It's more specifically the RR Working Group that would be looking at this.

ALAN GREENBERG: Olivier, I realized as we were talking that what we're really talking about here is the equivalent of a denial of services attack on Compliance. And we know they exist on the Internet and conceivably they could exist in Compliance. The question is, how do you recognize it?

EN

OLIVIER CRÉPIN-LEBLOND: That's exactly, I think, where we're going at. And I think you might already be doing the work of the Working Group. [laughs] That's a possible abuse, but someone filing 100 complaints a day, of which 50 of them get thrown out is not abuse, it's just that they have a lot of complaints to sift through and it's exactly like blocking someone from dialing up the police for many times a day… They can't deal with it.

ALAN GREENBERG: No-no, heavy use is not abuse.

OLIVIER CRÉPIN-LEBLOND: Ah! But in some of the documents that I have read with Compliance, heavy use might be seen as abuse. And it's not a road that we want to go down at all.

EVAN LEIBOVITCH: Olivier, are you calling, as an AI out of this Group, for the crafting of a short statement to the Board about our concerns regarding a culture of ICANN defending itself against perceived abuse that may not exist, both in the PIC DRP and in general Compliance?

OLIVIER CRÉPIN-LEBLOND: No, I have not asked for that. The request was to ask the RR Working Group to let us know what they think is abuse of any of the two things. Define what abuse is.

EN

EVAN LEIBOVITCH: I thought you were asking for some kind of high-level statement from the ALAC that was going to connect the dots between the issues that we're seeing from the PIC DRP as well as elsewhere.

OLIVIER CRÉPIN-LEBLOND: Well, until we have conclusive evidence that this is the case then we can't start coming up with statements that just emanate from discussions we had with individuals. We can't base our documents on anything that's actually been voted on. We cannot comment on working documents that aren't currently in place. The only thing, as we just discussed ten minutes ago, was the discussion of you and myself to draft a statement on the PIC DRP specifics and to see, once we've got that together, whether it could be a correspondence or a statement.

I realize the time is ticking and I know that some of us have a hard stop at half past the hour. So, any other questions on policy or discussion on policy? We've done a lot of policy today so I'm really pleased about that. Now, the rest of the Agenda is actually pretty clear. We've got a review of the last meeting that we had. In the last meeting, on the 27th of August, we had the new Chair appointments. I think that went very well. I'm very pleased to see both Dev and Tijani Chairing those two groups.

The approval of the ALAC ccNSO Meeting is moving forward. And next steps for the Board Member selection, thanks very much Alan for the whole summary and where we're moving on this, and thank you Cheryl

ALAN GREENBERG: Cheryl pointed out that although we have a lot of months to go, the schedule is going to be tight given all the things that have to happen. So we do need to record as quickly as we can to the extent that you have any influence to let that happen.

OLIVIER CRÉPIN-LEBLOND: That's fully understood and the moment Staff gets back to me and we're able to get things moving then I'm all for it. The earlier we start, the more time we'll have to be able to do all those calls for candidates etc., and at the moment… Well, not very much going on this week. Heidi is travelling as well, so next week I think we'll see things cranking up.

The Meeting Strategy Working Group, good update from Tijani and Eduardo. The Working Group updates; I'm very pleased to see the Academy moving forward with the work that Sandra is doing trying to put together the work of the leadership training and also the training for people on how to run meetings. Very exciting program. That's going to be coming up very soon.

And of course I'll remind you all that we should soon be finding out who those NomCom appointees are. We are at the end of August. In fact, do you have any dates on when these will be released, Cheryl?

CHERYL LANGDON-ORR: No.

OLIVIER CRÉPIN-LEBLOND: Okay, all right. We'll just have to wait then.

CHERYL LANGDON-ORR: NomCom is waiting, we're ready but we're waiting. Okay?

OLIVIER CRÉPIN-LEBLOND: Great. Let's wait as well then. Let's join the queue. Everyone's waiting. We must wait. Next, the ATLAS II, as I've mentioned earlier in this call the funding is there so we now have a full amount of work and Eduardo is doing a great job in leading this. So I'm quite pleased. We're going to, as a group, have to really make sure that the bridge between the RALOs and the ALAC is strengthened and that we get all of the RALOs heavily involved with the organization, with the program, with all of this.

This really is going to be a test for our community and I see this as a major, major project. I don't know, frankly, whether it will work. It's one of these things where there are 150/160 At-Large structures now. It's a lot of At-Large structures. It's never been done before. We have all the assets to be able to do this; assets as in we have the experience, the personnel... I think looking at our RALOs they are all very much upbeat now, so it's the right time to move forward with this.

But we have to be very vigilant that we don't waste time in these early days and constantly push-push-push and get At-Large structure involved.

Next we have ACSO Chairs speaking at the ATLAS II – that's not really a Working Group update. And then the New gTLD Working Group – thanks for this update, Evan, that was good.

The ALAC discussion on the meeting schedule… Unfortunately we didn't have any time to look at that, and Heidi not being here, that's going to be tough. I don't think we can discuss this right now. And then on the LA meeting, I don't know whether you've had chance to look at the AIs of the day's activities, but if you have any questions you're very welcome to ask them of me now and then with regards to ATRT 2 that's already been dealt with.

Comments, questions on that last ALAC meeting? I don't see anyone putting their hand up so I guess we're onto the "any other business" part. Cheryl?

CHERYL LANGDON-ORR: Thank you very much. Because we have extremely efficient Support Staff, Gisella's pointed something out rather important – while she, Nathalie and Julia are sorting out Doodles and things with me for the Metrics Working Group in the next steps, which did come out at the last meeting – she's quite wisely reminded me that with Yaovi now moving to ICANN Staff, he was of course the ALAC's liaison into this Working Group, the ALAC will need to appoint a new one.

So you might need to consider that between now and your next meeting, because we will be having a couple of meetings between now and the next meeting. It would be very much appreciated by the

Working Group if you could take that to an online, and this discussion, selection and confirmation of someone for us please.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Cheryl and thanks for pointing this out. I guess that this is an AI from this meeting.

ALAN GREENBERG: Cheryl, what kind of workload are you looking at?

CHERYL LANGDON-ORR: Absolutely minimal. It's liaison's job to preferably attend but it not, keep their finger on the pulse of what's going on in the Metrics Working Group and report to and fro the ALAC. In other words, if there was also an issue, same as with the gNSO Working Group, that they…

ALAN GREENBERG: No-no, I meant what kind of workload for the Working Group, what kind of meeting schedules?

CHERYL LANGDON-ORR: [01:17:29].

EN

ALAN GREENBERG: Since I had planned to participate, and I never have gotten around to it, I'm willing to do that – participate and be liaison, since I have a small interest in the area.

CHERYL LANGDON-ORR: Perfect. Perfect. Olivier, if I may then suggest that if you put that proposal from the Leadership Team through now, to the list, and ask them to sanction it poste-haste, that would be great.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Cheryl. As you will see, I don't know who is typing the AI but the AI is regarding liaison for Metrics Working Group to suggest Alan Greenberg to be that liaison. And that's for Olivier to do this AI.

ALAN GREENBERG: And add me to the list, regardless of whether I'm liaison or not.

OLIVIER CRÉPIN-LEBLOND: Okay, I see the AI is being… It's for Olivier to do this. So "Olivier Crépin-Leblond to suggest Alan Greenberg to the mailing list".   Any other business? I don't see anyone putting their hand up. Wow. This means we are finishing early. Thanks to all of you. It's been, as usual, very productive. Thank you Gisella. I believe this is probably one of your last calls for a while, or do you have a few more coming up?

GISELLA GRUBER: Thank you Olivier, no, this is my last call.

[applause]

ALAN GREENBERG: Then it's the last opportunity to remind you about the [01:19:10] pictures.

GISELLA GRUBER: Yes, they will be boarding once my computer's back up and running, because that's decided now to completely pack up.

OLIVIER CRÉPIN-LEBLOND: Well, your computer was ready to pack up for the next three months. You never know, you might want to take six months off. After three months you might enjoy it! [laughter] Well, thanks very much to everyone. Bravo as well to Julia, who's going through her BAFTAs [01:20:07] with regards to these calls; the last ALAC call and the call here.

So welcome and you'll have fun with us hopefully. Sometimes you'll want to kill her as well but that's a different thing. Thanks everyone. This call is now adjourned. Good bye.

[END OF TRANSCRIPT]