

**Transcription ICANN Los Angeles
Commercial Stakeholder Group
Tuesday 14 October 2014**

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Elisa Cooper: Why don't we go ahead and get started. We have a very full agenda today. Starting off I wanted to spend just 15 minutes or so doing a bit of a recap. There are some of you that attended sessions that I know would like to report out and I think we're like to hear from some of you.

I'd like to give you a bit of an update on a three-hour meeting that the SO/AC and constituency leaders had with Fadi. And then I want us to go into policy. (Steve) is going to first go through the reconsideration request and then spend at least a good hour talking about our policy issues that are currently open.

There was then a request to talk about some of the open new gTLD issues. I'm very personally familiar with a lot of them. And I can tell you about what I know about. But it would be great to hear from others in terms of issues that you're experiencing. And I think we should, you know, make sure that we're cataloging those.

There is a, as you well know, a discussion group that's working to identify those issues - new gTLD issues. We can make sure those are fed into that discussion group.

I have then set aside some time to talk about sort of what we want to prioritize in the BC in terms of topics. And you'll see that actually as a result of the meeting that I had with Fadi on the Friday that this is actually very timely. And I'll tell you about that in just a minute.

We are scheduled then at 3:45 to hear from staff. They are going to be coming in. And that - I don't really want them to do a presentation to us on the GNSO review. I'd like to use that as an opportunity for us to ask some questions and really have a dialog and get any questions that we have about how that's going to happen and what, you know, what is going to happen with those - with the report and what the next steps will be.

And then we do have some wiggle room. Any questions about anything before we dive in? So I know that - oh, and then also I think Jimson had - but I don't think I saw anything from Jimson.

Man: Yes.

Elisa Cooper: Oh.

((Crosstalk))

Elisa Cooper: Okay. So then we'll put that under the sort of wrap up session. So I know that Phil Corwin you spent a good amount of your Friday in the proxy privacy services accreditation group. And I think it would be great to sort of hear what happened and what was discussed in that group.

I do want to give you a bit of an update of what happened in the three-hour meeting that we had with Fadi. It was actually a very productive meeting. And this was a meeting that was held with all of the SO/AC, SG and - oh my gosh. Let me back up.

All of the supporting organization leaders, all of the advisory committee leaders, all of the supporting - all the constituency leaders and stakeholder leaders; so it was all of the leaders from the organization and it was an opportunity for us to sort of feedback and talk with Fadi about what our biggest challenges were around prioritization.

And essentially what we walked out of that meeting with is the fact that essentially we need to prioritize. We need to pick a limited number of topics that we want the community to focus on and - because we cannot focus on, you know, the 6, 7, 10, 12 things that are probably going on right now. And so that's why it's very timely that we actually have this session at 3:15 to talk about what our priorities are.

So the plan is there are sort of three different workgroups that were put together. I'm on a working group to determine like how that prioritization mechanism might work; like what will the mechanism be by which we all feed our priorities into and come to some consensus across the organization about what we should work on first. So I'm in that group.

There's another group that's working on improving our ability to actually disseminate and get information about what's going on in the organization. There isn't very good knowledge management. If you try to go to the ICANN Web site and find everything about a particular topic, it's very difficult to do. So there's a whole group that's working on that.

And so the plan is that we'll be continuing to discuss these items with Fadi in our monthly calls. And so that's kind of where we are with that. It was a very productive meeting in my opinion.

One other sort of big takeaway from the meeting was there was a lot of - I mean we had some mea culpa from Fadi on his monthly leader call but we had more of it in this session as well.

And, you know, he really appears to understand that this needs to be a multi stakeholder environment and that he needs to be working with the entire community and that, you know, we cannot be implementing things top down. He really seems to understand that. That's what he's saying and I took that away as being very positive.

Any questions about that meeting that I had with him on the Friday? Okay. I'd like to turn it over to Phil.

Marilyn Cade: (Unintelligible).

Elisa Cooper: Oh yes. Marilyn.

Marilyn Cade: Marilyn Cade speaking. On the one hand I'm heartened but on the other hand in discussing this further, both the (some) staff and with others from the community - to me there's a difference. We've been calling for slowing down for some time.

And picking only two or three topics to focus on at a meeting is really different than actually slowing down the - a number of topics that keep getting generated and may go on in the background.

So I want to be both positively reinforcing of the idea that we're going to prioritize work. But what we've seen in the past has been work continues to get generated. And it could go on. We have a huge number of staff. It could go on and yet at each meeting we're only able to deal with two or three topics.

The bylaws actually require the Board to deal with particularly sensitive topics at public meetings if possible. So one thing we might want to come back to is are we getting the message across that we need to be slowing down the activity and elongating some of the processes -- of course that includes the public comment processes -- so the community can catch up a little bit.

Elisa Cooper: Any other questions or comments? Yes. Jim.

Jim Baskin: Sorry I was a couple minutes late. But I - does this discussion also cover the meeting we just left with the Board?

Elisa Cooper: We should talk about that too.

Jim Baskin: Okay.

Elisa Cooper: Yes.

Jim Baskin: There was - the comment from Ray Plzak I found a little bit difficult to - well not to understand but it seems problematic because I think he - I think he was saying he thought some structures were broken or a structure was broken and that was causing problems in accomplishing things.

But then he said I believe basically take it back to the broken group and have them come up with a consensus on a better way to do things. And in my mind if we're talking about the GNSO and it's structure, I don't think that we're going to get a consensus from the GSNO about changing the GNSO. So Ray's kind of putting us in a bind there if that's the only kind of advice that he would accept as something that's consensus from the broken organization.

Elisa Cooper: Yes. And we should talk about that whole topic of restructure whether or not we want to prioritize that as something - as work that we want to focus on. And I think we should table that and we should continue to talk about that. But that's an excellent point. Other questions or comments? Marilyn.

Marilyn Cade: Ray is elected by the ASO. He - there will be a new - there'll be a new election. And I'm not - I'd have to go back and verify but this is actually his second term. So I'm not sure that he will actually be able to return after 2015. I'll verify that.

But the one thing I would just say because I do keep in close touch with Ray and with the other ASO folks, Ray has this view and I think Jim he speaks perhaps a bit tersely.

He has this view that if we are unhappy with the house structure that we could easily put forward a - going to just see it - just SG structures. So I think perhaps there's just not clear communication in what he was trying to convey. And we could take it up for more discussion at some later time.

Elisa Cooper: Yes. Let's keep that for a later discussion at 3:15 when we talk about what we want to prioritize in terms of our work. Other thoughts or questions on the meeting; thoughts about the tone of the meeting today with the Board or feelings about Fadi? (Steve).

Steve DelBianco: Yes. I was gratified to hear staff pull back on their top down plan and adopt a Cross Community working Group. But I didn't know how long it would last. And we had some sense of that today in the interaction between the CSG and the Board.

I have to be honest with you. Fadi was reaching back to things that Secretary Strickling said a month and a half ago in Istanbul and trying to invoke that as a way of putting the community on par with the Board.

And so I think he was selectively pulling quotes from a month and a half ago and I believe maybe misquoting what Secretary Strickling said last night as a way to seize on a new point of leverage for management from the Board and that that point of leverage is to require consensus on these accountability measures that we come up with, which is going to be a real challenge if the accountability measures are tough.

So it wasn't entirely Fadi. Some of that came from Larry. But I do think that it will be difficult to cement this new spirit that Elisa talked about. It will be

difficult to lock that in unless we say it over and over again and get some allies from the rest of the CSG, non-Commercial Stakeholders Group and other members of the community.

Elisa Cooper: Thank you (Steve). Any others before we move on? Thoughts or comments or questions about either our meeting with the Board today or Fadi's keynote? Okay. Why don't we move on? I know we have a lot to talk about in terms of policy starting off with the reconsideration request. So I will turn it over to you (Steve).

Steve DelBianco: Thanks everyone. I sent around a policy calendar a couple of hours ago and I can also send a PDF version if it's easier for you to display on whatever device you have in front of you because I don't think you'll have any luck reading it on that screen once (Brenda) puts it up there. We'll have to wait and see.

If anyone would like the PDF version, let Elisa and I know. We'll send it while we're talking. Does anybody not have any version at all and need a resend? Fantastic.

So please just open up the policy calendar. You can see on there we have the classic four channels that we always do. The first thing we'll do is go to the end and deal with the reconsideration request.

And what I did was summarize all the emails that I've been sending you since Saturday so that we can pull it all together. This is under Channel 4 where it says should the BC withdraw its reconsideration request. We'll do a quick recap of that.

We ought to be able to make a decision for the purposes of the BC today. And of course we'd coordinate with the registries and the non-Commercial Stakeholders Group on (what) to do. Thank you (Brenda) for putting that up.

After that's done we'll go to the to of the list. I'll cover just four open public comments as well as one on a GAC that Brian Huseman and J. Scott will talk about and then turn it over to Gabi, John and Susan to talk about the Council agenda and the two motions.

The Council agenda is linked from the document you have in front of you and the two motions are paraphrased here. When we get to that part of the meeting I'll just turn it over to you guys. Any other requests or questions?
Great.

So back at the end of August we joined the registries and non-Commercial Stakeholders Group and we filed a reconsideration request. And it's a very formal document where you have to say here's what staff/management did that contravenes what the community wanted and that we were harmed by their decision.

And we made that case. It was really all about the accountability plan because, as you know, in London the community came together and said we want a Cross Community Working Group. We want to control the charter on (unintelligible) accountability. And what did staff do? They came back to us in the middle of August with their own plan; a plan that imposed two groups, their own charter that they would control in a limited scope.

So the turnaround that Elisa talked about that all of us have discussed certainly raises the question what to do with the reconsideration request. And Board member Bruce Tonkin who's on the Board Governance Committee was keen to know whether we would withdraw it.

If we don't withdraw it, then he's part of the Board Governance Committee that would have to rule on it. And he signaled I think clearly that they would end up ruling that staff reversed itself and is now listening to the community.

I put that out to you to consider on Saturday morning. And a few members wrote back that maybe we leave it in place until we see the other shoes left to drop.

Well a couple of them did drop this week. I really believe that as you read on here - I talked about the staff came back and did most of what we'd asked for but left two items that we're concerned about.

The first is that staff is suggesting, not mandating, but suggesting that in our Accountability Working Group charter we come up with two tracks; a track of things that are done before transition and a track of things that are done after transition.

And we've clarified that that doesn't mean things have to be linked to some specific paragraph or words in the IANA contract. It's just things for which we need leverage to get done and things where we'll either have acquired the leverage with the first set or won't need as much leverage to get done later. And this is in keeping with what I think USG wants in terms of moving as fast as we can on the IANA transition items.

So we have control of that Cross Community Working Group charter. The Board has input but they have no right to approve it. Nor does the community At Large approve the charter. Right. GNSO will have a charter. Maybe the ALAC will participate as well. So anyone who wants to participate can jump in on the charter. But we need to get to work on that.

And that charter is where we would define the criteria of things that are going to be in pre-transition and things that could (potentially) be deferred to post-transition. So that's within our control.

The second element is this notion of what the Board does but the recommendations that'll come out of the end of that working group sometime next year.

As you know, the BC and the rest of the Commercial Stakeholders Group and even the non-Commercial Stakeholders Group was very concerned about the Board being able to cherry pick or reject recommendations that came out particularly at the top.

So we have asked for a variety - we were not of a consensus on this. There were some who said it out to be a unanimous vote of the Board to reject. We in the BC said that if the Board rejected out advice that we wanted a independent review mechanism for that.

I believe that others that said what they wanted was a 3/4 or 2/3 vote of the Board. And we believe the Board is going to come back with a 2/3 majority vote to override advice with calls for documentation and then consultation to work out the differences.

Bruce Tonkin described that to us just in the previous session. They haven't formalized the words yet but I think that we can fully expect to see that in the next 24 hours.

So the question is what do we do with the reconsideration request. That's all we really have to decide right now. That's all we have to decide. And my recommendation is with withdraw it with some statement suggesting that we believe staff has responded to the concerns we raised in the reconsideration request.

We regret that it took that to get staff to listen to the community and that we will remain vigilant that the promises made and the flexibility given to the community will be adhered through the entire process.

So you'll note that I'm not worried about the charter problem between fast track and slow track because we are in control of that. The staff has given that control to us. There's no point in having a reconsideration.

And I'm no longer suggesting we need a reconsideration request on what the Board does with our recommendations. Why? Because it has nothing to do with staff. What staff did is punted that to say the Board will decide how they handle the recommendations that come back.

So it isn't really even pertinent to the reconsideration request because the reconsideration request is directed to say these decisions made by management and staff were incorrect.

So that's my recommendation. This could either be a long or a short discussion depending upon how you all feel about it. I'll take a queue. The first hand was J. Scott and then David Fares, Elisa, Phil Corwin, John Berard. Wow. Okay. J. Scott.

J. Scott Evans: I just have a simple question. What are the other groups doing that we submitted with?

Steve DelBianco: Both the other groups have told Elisa and I that their inclination is to withdraw. And it was Robin Gross of the NCSG maybe not speaking for her full constituency - Constituency Day is today. But she is the one who said we should write a statement in there expressing gratitude but regrets that it came to this. J. Scott, anything else?

J. Scott Evans: I mean - just wanted that to inform our discussion. For the record, this is J. Scott Evans from Adobe. I think we - given that reality, I think we should withdraw it.

David Fares: I was going to ask the same question that J. Scott asked. But I agree. Given the lay of the land, I think it's probably best for us to withdraw.

Phil Corwin: Yes. I think given the disposition of the other groups and the fact that it's - would be asking for reconsideration of a proposal that's now been withdrawn

by ICANN, there's no point in keeping it on the table on the - on what's - on the suggestion of two tracks. That's what the community decided.

I do think we should use the rest of the week to try to get some more clarity from the Board on the - I think we should ask for a standard - them to articulate a standard for rejection of anything we come up with on accountability and just put that on the table even if we don't get the answer this week.

Steve DelBianco: Can I ask for clarification - what they told us they would articulate is something right from the bylaws where there'll be a 2/3 majority vote to reject the advice and then it would be accompanied by the rationale and it would trigger a period of consultation. But Phil, are you saying that in addition to all that we should ask them upfront for criteria that they would use to reject?

Phil Corwin: I think we should keep pressure on for them to state upfront a clear standard by which they're going to judge any final recommendations. I don't think that's asking for too much. And, you know, they'll come up with something that'll give them some wiggle room but I just don't want them to have carte blanche down the road to reject something for any reason they make up on the fly.

Steve DelBianco: And Phil, that's a great suggestion. It might well make for a great public comment at the forum on Thursday since we hope by Thursday to see their resolution. And we could press them to articulate the groups for objection.

So far we've heard things like it has to be practical, it has to be consistent with the legal regime that they operate in. But we wanted to put that in writing early so we don't end up coming up with something that won't work. Thank you Phil for that. Elisa and then John Berard.

Elisa Cooper: Yes. I agree we should withdraw. I would prefer not to have any sort of like punitive comment like we regret that it took us this long. I think being antagonistic doesn't really help us. And I think if we can just point to the fact

that, you know, we're glad that we're able to focus on the multi stakeholder model and that, you know, we're all supportive of this, I would rather we have that sort of approach.

Steve DelBianco: So as we go through the queue if anyone concurs with Elisa, please state so because I think that - the pending motion is to thank them and express regret that it came to this; that it took a reconsideration request to get them to listen to the community. J. Scott, I heard you say you would agree with Elisa on that. John Berard.

John Berard: This is John Berard. My points have been made by others. I think there's no need to belabor it. But I will speak in support of a notion that we not regret having resorted to a reconsideration because it's a legitimate wheel to turn in the bylaws.

There's nothing unusual, unorthodox. I mean it's just, you know, it's there to be used when it needs to be used and that's what we did and it worked the way it's supposed to. So I don't think there's any regret really.

I'm - now I will - I suspect that Robin has some fence mending to do inside her own stakeholder group. I wouldn't want to hang her out to dry. If she feels that she needs to do something, maybe we can in the wordsmithing help her accommodate that. But I don't think we need to poke a sharp stick in the Board's eye.

Steve DelBianco: Thank you John. I have Jim Baskin.

Jim Baskin: Thanks. Just another slight word - not wordsmithing but reminder about what words we use. I think override. You've just corrected yourself a moment ago so I - but I think override was - is not the right word. It is reject.

Steve DelBianco: That's right.

Jim Baskin: And I'm not - I'm sorry. Getting too close to the mic. I'm not especially concerned about the rejection because from what I hear from Larry Strickling for instance is that unless there's a consensus from all sides including the Board, then it won't go forward.

And the Board since they're not overriding and providing something that they claim is consensus just because they said so, they can't get what they want forward unless we agree with them.

So, you know, I think the Board or ICANN, not necessarily the Board, but ICANN staff and what not is really, really eager to get out from under the contract. They're - if they won't agree with us, then they don't get their contract. They don't get out of the contract.

So I'm not that worried about 2/3 or whatever. If they can't get us to agree with them, they're not going to get what they want.

Steve DelBianco: And Jim, what was you feeling on whether to withdraw and whether to express regret that it came to his?

Jim Baskin: I would defer to Sarah on that.

Steve DelBianco: Brian.

Brian Huseman: Brian Huseman from Amazon. I also agree that we should withdraw. I agree with Elisa's suggestion that we don't kind of look - express regret looking backwards. But I do think (Steve) if as you indicated that we should look forward and to some of the continued engagement and that's with the rest of the process that is still to be determined.

Steve DelBianco: Anyone else in the queue?

Man: (Why don't we let) Sarah...

Steve DelBianco: Sarah and Marilyn.

Sarah Deutsch: Yes. I just would support the withdrawal idea. I think the way it's been explained makes a lot of sense.

Steve DelBianco: And if it came - if the other two parties had drafted language saying we regret that it came to his Sarah, what would Verizon say on that?

Sarah Deutsch: I mean I think that's important because it's a good learning opportunity for them so we don't hopefully have to go through this exercise continually.

Marilyn Cade: I support withdrawing but - it's Marilyn Cade speaking. I support withdrawing. I support our finding a tactful way of expressing our regret about being - having to use this mechanism because it was tough for us to reach that decision. And it was a really astounding confrontation for all of you after you had agreed to have the Chairs sign onto a joint letter and to make a joint statement.

I think it's important for the Board who may not know how hard it is for such a diverse group like the BC to come to a decision to do a reconsideration or to join with others. So a tactful way of saying we regret this I think would be helpful for us to do and withdraw.

Steve DelBianco: Yes. Is going to be submitted to the Board. I know it's about what management did but any signal we're sending is a signal to the Board. Anyone else in the queue?

Woman: J. Scott. (Andy).

Steve DelBianco: J. Scott and (Andy).

J. Scott Evans: I just want to say that we need to be extremely tactful because I heard us getting some traction with (SAS) on that we're a diverse group and that they get it and they hear it and when they put structures in place they're going to keep that in mind.

And I just think it's like anything else. I think it goes unsaid that we all reject - we're sorry we had to go through this. I think it goes unsaid. And I think that's something you can say privately to someone.

I don't know if you want to do that publicly when in fact shaming them or even in a very tactful way is not going to get us what we're ultimately wanting and that's their cooperation as we go forward and start staffing some of these things with people because we still haven't done that yet.

(Andy): Yes. I 100% agree with J. Scott and with Elisa regarding approach. I support withdraw and a more tactful approach.

Steve DelBianco: Jim.

Man: (Unintelligible).

Gabriela Szlak: Okay. Just to say that I also agree with the withdrawal and with the approach that Elisa and J. Scott are proposing. I think we should look forward. There's going to be a lot to keep doing in the future about this and we have to collaborate as much as we can. Thank you.

Steve DelBianco: Thanks Gabi. Jim and then we're going to close the queue.

Jim Baskin: Yes. I think I agree with the idea of toning it down. But if the other - if some of the other people have to agree with us to come up with something really are insistent that maybe we - someone already said it was a very difficult decision for us as opposed to saying we regret.

You know, that doesn't put anything on them yet it may be enough to - if others - the other constituencies aren't willing to give up something, then that might be the good compromise. It was a difficult decision for us.

Steve DelBianco: Thank you. I think that I will ask Robin Gross. She's the non-Commercial Stakeholders Group for the draft that she promised. And I'll express that the BC is - supports withdrawal but any expression of regret would have to be, if any, would have to be very tactfully phrased and be forward-looking.

And I can get a draft back from her. Maybe we polish it a bit, talk to the registries. But you'd have to look for something over the next two days via email. And again, this is really difficult to do with three groups. We'll have to agree on it. So we're not looking for wordsmithing as much as finding whether we find it acceptable. So Elisa.

Elisa Cooper: Just a quick question. How do you actually withdraw the recommendation?

Steve DelBianco: I believe we would send an email to the same address we submitted the reconsideration request and...

Elisa Cooper: Okay.

Steve DelBianco: ...I'd use the same - and I submitted it for us last time. You know, I'll look for that on the Web site. I should be able to figure it out but I doubt they have, you know, paint by the numbers instructions.

Elisa Cooper: Okay.

Steve DelBianco: The key is that I would copy Bruce Tonkin and he's the one who's asking and would act on it. Okay?

Elisa Cooper: Okay.

Steve DelBianco: I think that covers that topic for now. There are no objections to withdrawal and we're going to pursue the right language. Okay. If you could - back to your policy calendars. Go to the top of the policy calendar - the tiptop, Channel 1.

It'd be a great opportunity if (unintelligible) is on the line or Angie or (Tim) wanted to update us on the monitoring you're doing for the IANA transition, particularly the naming related functions. And if not, we'll skip over that. Seeing none, we're going to skip directly to Number 1 under public comment.

So the registries - another group - another batch of registries are proposing wanting to allow two character domains and several of the new TLDs. Some of the new batch right now is .berlin, .kiwi, .global.

So as many of you know, the new gTLD standardized contract doesn't allow two character domains left dot. And these registries, which are open to the public, would be allowing two character domains, which could be numbers and letters or combinations of letters.

I believe they all acknowledge they would not use any of the two character country code TLD names. That's not on the table. But they want all the other strings to be available.

Now on 10th of September the GAC sent a letter to ICANN indicating the GAC wants all letter letter combinations reserved for the time being while they're currently used as a ccTLD or not.

Now the GAC was supposed to discuss that because this was just a request letter to the - to ICANN's Board saying until we discuss it, please don't proceed. And I don't know for sure whether the GAC has discussed this extensively or not. As you know, the GAC Board interaction is tonight at 5 o'clock.

So the question is will the BC comment on this practice. Currently we have volunteers Ron Andruff, Susan Kawaguchi, Zahid -- welcome back Zahid -- Marilyn Cade and Elisa at some point on the last couple of phone calls volunteered to draft BC comments.

There's been three batches that have gone through and the BC hasn't commented on any of them yet. And we all do realize that now that the GAC has weighed in, it's a little tougher for us.

I'll take a queue starting with those who had volunteered to draft about whether there is a BC position to be done on this. And I'll remind you that we'd have to have it done by the 24th of October. And the 24th of October means we really have to get started now for a two-week review period. We'll take a queue. We'll start with Ron.

Ron Andruff: Thank you very much (Steve). Yes. So the GAC - I was in the meeting - the GAC meeting the other day on the two letter codes. And even there's an article in DomainIncite talking about they're very, you know, they're cool with it.

In other words, they talked about it extensively and their position is that there's to be no reason why we can't go forward, which was quite surprising to me quite frankly. I mean that's exactly the opposite of what I expected but that's what we got.

So I think for us to file comments, we could almost list them from DomainIncite's article because he quotes in chapter and verse. I made some notes on that but it's going to be a pretty short statement unless there's anybody in the BC that feels strongly about us pushing back. I think it's kind of a fruitless exercise.

Steve DelBianco: Well keep in mind that there might be conditions about whether the sunrise occurs on the letters. This has been a BC conversation many times. So we

don't have to have that conversation from scratch. You can just pick up where you left off on the last phone call. J. Scott and then - I'm sorry. Susan was second, J. Scott and then Elisa.

Susan Kawaguchi: So that was my question. When I - I did review all of the requests sometime early September. If there's been more come in, I haven't looked at those. There was a wide variety of the registries. Some were saying they would adhere to a sunrise and others were just saying no, it would go out to bid basically.

And historically that's how they've been allocated is to the highest bidder in my experience at least. I haven't reviewed every single launch of two letters. So what do we want to fight for would be my ask of everyone.

J. Scott Evans: You know, I think it's an opportunity to give a nod to the GAC in our comments to say that we're really pleased that they were so cooperative because so often we don't get an opportunity to do that. And so I think that's something that should be in the comments.

Man: (Unintelligible).

J. Scott Evans: Right. With regard to, you know, sunrise, I'm of - I'm kind of of two minds about that, right. Part of me is like we should always demand it whenever new names out as a baseline. And a part of me is like, you know, people aren't - I mean two million names. People just aren't as excited about this as they want.

But I guess Elisa would say there are people who are that do have two letter marks that would - might want to use this. And if it's unavailable, you can't use it. So I would say we should always consistently push for anything that is allocated on the second level that that is a baseline requirement. And we just - we may not get it...

Man: (Unintelligible).

J. Scott Evans: Yes.

Susan Kawaguchi: So and just for the record, you know, we have no trademark rights in (SG). We acquire them. But I would not be eligible or my company would not be eligible. So and I think there's a lot of companies that are in that...

Man: Right.

Susan Kawaguchi: ...place - that...

Steve DelBianco: And the comment you made earlier wasn't about sunrise. It was about auction. And yet I've just opened up a few of the proposals and what they claim is they're going to allocate the same way they allocate any other names, which means they reserve the right to sell something as a premium, to auction or fixed price.

And so there isn't a universal proposition to auction. But there's really no way for you to get it.

Susan Kawaguchi: No. I was just using that as an example.

Steve DelBianco: Okay. Elisa.

Elisa Cooper: I just support what J. Scott said. I think we always have to advocate for sunrise.

Steve DelBianco: Would you advocate also for J. Scott's suggestion to say that we're pleased with the GAC's decision?

Elisa Cooper: Sure.

Steve DelBianco: Anyone else in the - Marilyn.

Marilyn Cade: I think we also though need to start being very clear - that is unless we have members who can identify that they're directly affected by decisions, we need to maybe even think about how we use a (threat) to make sure companies who are affected get recruited. But that's not the purpose of my taking the microphone.

If we can acknowledge the thoughtful response the governments too, I think that would be very helpful to us in our long-term sort of - we're going to face a lot of upcoming issues where we really need to be partnering with the governments on Category 1 letters and other - Category 1 gTLDs, et cetera. So if we could make a recognition of their thoughtful approach, I think that would be good.

The one thing I would like to propose though is in the future when stuff like this comes up that we be much more proactive about reaching out to the GAC and asking for a discussion to share points of view before, you know, before it gets this far. I think that would help us.

At the table I was at that was certainly - this morning that was certainly something that would have been well - that idea would be welcomed about a range of topics.

Steve DelBianco: All right. We're going to close the queue on this. And so what I will do is summarize the notes that we're taking here so far and send them to the five people who have thus far volunteered to draft. But given the short timing, somebody has to step up and say yes, I will write the text. I'll give you the bullets. I'll take care of the filing and formatting. But it just needs somebody that understands the sunrise request.

I mean it's easy to put the words in about appreciating the GAC. But who is willing to write three or four sentences on this who understands the sunrise really well. Looking for a hand.

Man: (Unintelligible) understands very well actually. I'd recommend (her).

Elisa Cooper: I have enough to do. Okay. I will.

Man: (Unintelligible).

Steve DelBianco: Thanks Elisa. Is the Standing Committee on Improvements - Ron Andruff is the Chair of that group. I think that Angie Graves also attended all the meetings.

They have proposed some changes to GNSO operating procedures. J. Scott, thank you for (owner) this week despite everything else on your plate. Looked it over and drafted a statement of support. You'll see it right here in the body of the text. The BC fully supports the recommendations, operating procedures and the amendment to the GNSO Working Group guidelines described in Section 1.

So no comments have been filed yet on this and Ron Andruff told me he wasn't sure any would be filed. So want the BC to get in quick and early with support of statement on this. And that is why I asked you all to give us comments by this Saturday so I can file them over the weekend. Any objection? Ron Andruff.

Ron Andruff: Thank you (Steve). Just to follow on. None of my colleagues within the (SC) expect any comments to be coming from their constituencies. So it is kind of good that we're standing there. It shows that we're watching everything that's passing through. So that's - I'm really also grateful to J. Scott's commendation. Thank you.

Steve DelBianco: All right. Fantastic. We're moving right along. Number 3 is NeuStar's Registry proposal to get country and territory names at the second level. Now they're a .brand TLD. NeuStar is also a member of the Business Constituency. I don't know if (Judy) is here today.

Elisa Cooper: She is not here with us today.

Steve DelBianco: She's not here. And their proposal is a rather ingenious way of getting what a lot of brands have wanted, which is a way of getting country names released at the second level. So I was talking with Rich Friedman of Pfizer over lunch and they have by no means any plans to do anything with Pfizer.

But if they did, I said would you want Canada.Pfizer? Would you want Germany.Pfizer and Japan.Pfizer? And the answer was I have no idea. I understand that. I'm just it as an example.

But the current procedure would require asking permission from each and every country and there would be individual conditions potentially attached to that even if your intention is to use it only for the corporate purposes within the brand TLD.

Well that seems like a big burden. And I know the Brand Registry Group has been struggling with this. It was one of their main calls to action was to come up with a protocol to do that.

Having said that NeuStar came up with a different approach. They said let's file a registry services extension proposal in RSEP. And let's see if we can get it through that way.

So I've paraphrased some of it here. There's a hyperlink to the proposal. When I've read it over, it is difficult for me to know whether they are asking for all country names that are of any length or is it just simply the English short names?

Are they for instance saying they also want the country codes? I don't know. But what we mostly need are volunteers from the BC to draft comments because the reply period, not the initial period but the reply period closes November the 8th. So we would have some time to read the comments others have put in and have an opportunity to comment in it.

On last Monday's call (Andy) and David were going to ask the Brand Registry Group whether they were doing their own comments. Any idea?

(Andy): This is (Andy). Well Martin's standing right there. But I'm happy to volunteer to help draft the comments. I think the BC should be very supportive. I'm interested to hear what Martin has to say about the BRG.

I understand this is a template agreement, is that right, as opposed to a batching system. But in either case, I think most .brands - certainly Google is interested in having a more streamlined process for using country codes and country names at the second level.

Steve DelBianco: Thank you (Andy). Martin. Please Martin, will you introduce yourself; explain your BRG capabilities too?

Martin Sutton: Well Martin Sutton from the BC. But I'll put the other hat on then as the President of the Brand Registry Group. Quite right. The group's been working closely with ICANN for a number of months trying to streamline a process.

They sent it up as a - the sort of only real option was to create the template just so for streamlining through - so GAC understood that it was a Brand Registry Group's Spec 13. So NeuStar wanted to trial it. So hopefully after this if that works then we'll submit a bunch more.

Steve DelBianco: Martin, thank you. Elisa.

Elisa Cooper: Just for those who are not .brand applicants, what we're talking about here is the fact that new gTLD applicants when they submitted their application to apply for TLDs, they basically agreed that they would not be allowed to have country codes or country names registered like to the left of the doe in conjunction with the TLD.

And so that was sort of a condition. That's part of the agreement. Actually it's one of the specifications. So we're talking about now whether or not there would be a template that brands could use so that they could have, you know, Canada.Pfizer or, you know, UnitedStates.Google or whatever.

Man: Templates just...

Elisa Cooper: To make the request directly to the different countries. Or what NeuStar did was they - now they're asking ICANN for approval. So I think this is a very interesting case study.

Man: Yes.

Elisa Cooper: And I think we have to see what ICANN does with it because, you know, according to the program the intent was you were going to have to go to each individual...

Man: Right.

Elisa Cooper: ...country and ask for their approval. So anyway I just wanted to make sure everybody understood what we were talking about.

Steve DelBianco: And Elisa, to that point, it will be quite some time before the RSEP closes, the Board considers it and the GAC weighs in because the GAC advice is not always come that quickly. It might even come up in today's meeting. Marilyn.

Marilyn Cade: I have my own views about how we should be working with the governments on this but I'm not going to repeat. But I will just say two things. RSEPs are totally voluntary. And ICANN does not enforce them.

And so regardless of if you think this is a way to pilot something, RSEPs do not get public comments. Most of us totally miss them. And they've been in my view almost a disaster from the beginning in terms of a workaround for the contracted parties, even consensus policy.

Not saying that that doesn't mean this particular topic is of interest to brand holders but you shouldn't think that an RSEP actually gets you anything permanently. So the .brand's proposal probably really needs to have continued examination. You can tell I'm not a big fan of the RSEP having been on the policy council when we developed this.

Steve DelBianco: Thanks Marilyn. I will not that only one comment has gone in so far and it was from Martin Sutton in the Brand Registry Group in support of NeuStar's proposal. Brian Huseman.

Brian Huseman: Hi. Brian Huseman from Amazon. I just wanted to agree with (Andy) that I think the BC should file comments and be supportive of this proposal.
Thanks.

Steve DelBianco: Have any objections proposing the BC about filing a comment?

J. Scott Evans: No. And this is a - this is a big, big deal if you - if your business has applied. But if you talk to your marketing people, this is a big, big deal if they ever do it because what they want to do is be able to geographically get out of the CCs because that's where they have a lot of security problems. Huge security problems because those things have been taken over because they're - some of them are just not run by sophisticated entities.

So this is a big security deal. It's not just - it's - when you're designing your systems, when you talk to your people, this is a big deal. So I think because the discussions I've had with technical business people, we need - we would be under serving our community if we didn't speak up.

Steve DelBianco: Thanks J. Scott. David Fares.

David Fares: I agree that we need to file - that we need to be supportive in that. We need to be supportive of any system to streamline the disapproval process from governments, whatever it is. So it's really - we don't want to have to do these one offs with every country all the time.

Steve DelBianco: Got it. No further questions on that. Thank you for stepping up to help draft it (Andy). Appreciate that and anyone else who contributes. I'll send an email to all those names who spoke up asking to (turn this thing) around. Thanks team. J. Scott, you'll help as well?

J. Scott Evans: Yes.

Steve DelBianco: Thanks a lot. All right. Back to the policy calendar. We're moving right along here. Number 4 is the Board Working Group's report on the Nominating Committee changes.

Now we discussed this for almost 30 minutes yesterday. And we concluded that since they've extended the deadline to the 4th of November that we have a draft that's already been circulating since 3rd of October. J. Scott - how come we keep saying J. Scott has volunteered - J. Scott has volunteered but he did it again.

J. Scott volunteered yesterday to adjust the tone a bit in that draft based on a meeting that was held here I believe on Sunday night where the working group with the Board revealed sort of a different intentionality behind this

indicating we could be able to more I think - we could be less strident in how we feel about the proposal.

J. Scott, if I have that right, you said you'd adjust the tone with a redraft by early next week?

J. Scott Evans: What I said was after this week. Given that you need it, if you would - if I could have to the end of next week then...

Steve DelBianco: No problem. That'd be great.

J. Scott Evans: ...like the 24th or something.

Steve DelBianco: Twenty-fourth is Friday. (Unintelligible).

J. Scott Evans: Yes. If I could have that...

Steve DelBianco: Wonderful.

J. Scott Evans: ...that'll help.

Steve DelBianco: You're the best. Thanks for doing that. And then we have time. Marilyn. Or sorry, Sarah, I'm sorry.

Sarah Deutsch: Oh. I just had a question since I got in late last night. But what was the intention behind it that was, you know, if you could just explain for those of us that...

((Crosstalk))

Steve DelBianco: I'll let J. Scott cover that.

J. Scott Evans: They basically said that it's not - I'm not only going to change the tone, I'm going to do something they asked us to do. They identified what they thought were problems. So one of the things they want to know is do you think these are still problems.

So I'm going to look at that and say well, of the six, these two probably are problems. And then to look at their solution and to see if you agreed or didn't agree with it fixing the problem they had identified. That's how they asked us to come back.

They take the position that this is merely a strawman proposal that they put out to have us have discussion. It's a trust issue, right, because we've heard that before and then it's not really a strawman. It's what they do.

We didn't go that far. But, you know, we want to participate. And I think it's our obligation to give them what they asked for. And then if they ignore us completely, then we can bang the drum. But at this point - and so given the fact that they said we - or we're not going to impose this on any body. We just want to talk about it. I think we need to back our tone down just a little bit and be more collaborative.

And so (Stephane) was at the meeting. There were several people at the meeting. And so we're going to look at it through the - that lens.

Sarah Deutsch: Right. And you did - did you get any - a better sense for why they were reducing the CSG representation, what their thinking was on that?

J. Scott Evans: Yes. It looks to me like they sort of took a view of how the GNSO is structured because what they're trying to do is to get that structure in place where at some level it doesn't change no matter who's plugging in at the bottom level is what they were trying to do.

So see in their mind the stakeholder groups always stay the same whether you have ten constituencies or one constituency or no constituency. And so they tried to push it up at that level where they saw no change ever happening. So that - they kept saying well it's NPOC today but it could to (TOPOC) tomorrow or (OPOC) the next day.

Steve DelBianco: J. Scott, let's cut it there because we spent 30...

J. Scott Evans: Yes.

Steve DelBianco: ...minutes on this yesterday in front of everyone. So Sarah, J. Scott can brief you offline on this because we need to get moving here. Go ahead. Marie.

Marie McCann: Very briefly, do you (point) J. Scott in the Board meeting right now with the registries? George Sadowsky. It's put out as a strawman although I don't think we would call it a strawman because we have done a fair amount of work on it.

If you disagree with what's there, the comment period (unintelligible) and we'll take comments seriously and so on and so on (unintelligible).

J. Scott Evans: Thanks Marie. Our little bug in the ear of every meeting in ICANN.

Woman: (Unintelligible).

Steve DelBianco: You're the best. Thos reports are so helpful. Thank you. So Item 5. Here is the last (sort of) public comment before we turn it over to Susan, John and Gabi. And that is - Number 5 is a - it's not a public comment period. But instead it's a GAC subgroup who put out a new report on geographic names.

And they had the courtesy of asking the public if you wish to comment on it. And we have an email address and a deadline of October the 31st. So Brian Huseman and then J. Scott both expressed a lot of interest on this. Could you

educate us about it and then you can run a ten-minute discussion on who's going to help draft and what we might put.

Brian Huseman: So this is Brian Huseman from Amazon. (Steve) attached a paper and it's going to be a GAC session tomorrow morning where this will be discussed. And you know, this has been - they discussed this at the London meeting and we kind of a lot of (special) discussions about geographic names on the GAC.

And as the paper mentioned of course it's very obvious. It's, you know, .Amazon (unintelligible) Patagonian issues have brought this to the forefront.

I just sent an email to the list serve on September the 26th. J. Scott chimed in yesterday or the day before expressing some points and some concerns I think that would be of interest to BC members.

What this paper tries to do is for future gTLD rounds is to set forth new rules for the use of geographic names. You know, as we know, there was 2007 GAC principles that wanted the GAC to have very broad discretion in determining what was the geographic name and whether that name could be used as a gTLD.

The community and the Board rejected the 2007 GAC principles and they came up with the rules or the operating principles that names that were on the UN ISO list would have to have government permission before they could be available to gTLD round.

What this paper tries to do is to go back to the 2007 GAC principles. And I think you can probably broaden those to some extent. It says that for applicants that once your request a gTLD the applicant should undertake a search to determine whether the string is a geographic name.

It doesn't define exactly what a geographic name would be. Said it can include geographic related spaces. It encourages the applicant to conduct

Internet searches to determine whether there is - that is a geographic name, whether other translations of that name could be considered geographic.

And then says that the applicant should consider all of the meanings. And it says that the applicant should contact the authorities for each of the country's city, region, sub region or other geographical space to get their permission.

So I think from a business perspective this is unworkable in my view. It does not define what a geographic name is. I think probably anything could be a geographic name especially if the GAC principle that different meanings of the string and different languages of the string would also make it geographic.

Simply conducting Internet searches as to determine whether something is geographic I think is unworkable from a business perspective. Also I think it would - with such a broad definition of geographic terms, how do we know from a business community what the relevant authority is that - to which you should be seeking permission?

And so there's just a lot of things that I think that the business community should have concerns about and that we should weight in on the comment period.

((Crosstalk))

J. Scott Evans: J. Scott Evans. I stood up in Durbin and railed against this as the President Elect of Intellectual - the International Trademark Association. I also had the INTA write a letter about this.

The problem with this is there's no basis in the law for what they're trying to do. There is no law that allows them to do this. The GAC's job is to advise about how policy affects existing laws and treaties so that there are not missteps by putting out a policy that flies in the face of existing laws and treaties.

They are seeking to get protection for geographic names. There is no such thing in the law. It's geographic indications. And those have to be a specific geographic region that is known for a good or service, champagne, burgundy, okay. You know, Roquefort, Parma Ham. Those are geographic indications - indicators and they're specifically defined in the law.

This is a big deal for two reasons. One, there's no support in the law. Two, it's geographic names today. What is it tomorrow that they're trying to get that they can't get in their own trade negotiations since 1937?

This is on the table at every trade negotiation. Trips and GAC. The GAC cover this? If it's not in the law, they shouldn't be able to get it. And that should be the position that we take because what if it's - we've decided that women's rights is offensive in certain countries so any site that has anything to do with women rights no longer can be on the second level. I mean it could be anything.

And I think that's scary and it should worry us very much. It should worry us. And the GAC as a whole doesn't feel like that paper. That is - there are just a few members who feel that way I think from my reading of the GAC. Is if - you know more about that than I do. But I don't think that's everyone's take on the issue.

Brian Huseman: (Steve), just very quickly to add onto that. And so the paper kind of on it's face appears to apply to gTLDs but there's been lots of discussions in meetings regarding this issue about having the same concepts applying to the second level as well, which is even more worrisome for the business community.

And just to echo J. Scott's point, well again while it's geographic names, I think the whole notion of cultural sensitivities and the government should have authority over those also comes into play in this.

And for example, Peru for instance has said, you know, (.kiwa), you know, is of significance - special cultural significance to that country and so they should probably, you know, businesses should not have that for instance. So I think there is the larger issue as well.

Steve DelBianco: And this is (Steve). We're going to - we don't need to actually recite too many more reasons. What we need now are volunteers to help draft the BC comments. And then others who have strong feelings about it can chime in and do that.

But it's time to start the drafting on that. Do I have volunteers to draft first? I'm looking for volunteers to draft first Marilyn. I'll come to you in a minute. I have Brian Huseman. Any others? Thank you Brian. And Marilyn.

Marilyn Cade: It's Marilyn Cade. I have a - I have a big concern about the BC leading on this. We are trying to reinforce the idea that we're not the shadow IPC. And there also are very sensitive geographic concerns that emerged when we were in Durbin and also emerged in Latin America.

It is - there's a big gap of agreement or understanding on the pure IP issues. I prefer we see if we could defer to the IPC. But I think we also need to - I mean I can tell you that discussions with the South African government with several of the other appliance governments during Durbin with a number of the Latin American countries and that a recent (ECLAC) government meeting I was just in in Mexico there's a real confusion about whether we as business users are just the shadow IP constituency.

So I'd prefer if we can - I understand that we have a big concern about it as well. But I'd prefer if we can to have the - more defined IP issues if possible led by the IPC.

Steve DelBianco: And to be clear, it doesn't have to be about IP issues. Amazon (had) to go anywhere objected to because we agreed to a guidebook maybe under duress. But we agreed to a guidebook that gave the governments the chance to give us advice for any reason they wanted. They didn't have to cite IP law. They didn't have to care if they violated IP norms.

I sat next to Peter Neddlefold yesterday on the - he's the Vice-Chair of the GAC for new gTLDs. And he understands that. And he looked at me and I said, "You know, you're not likely to have those kind of broad objection powers in the next round." He said, "Oh, I didn't think we would." So at least he's realist.

We're going to do it by changing the guidebook and that'll go through an entire PDP and policies in process so we don't have to - we don't have to look backwards at Amazon and Patagonia and who knows, they could even be resolved differently in the next. And we don't have to make it all about IP law. It's about what we think should be in the next guide book. And if we don't give them new powers they won't have those powers.

And so I feel like we are going to crowd out the discussion of counsel, which is coming up next, if we continue to go on this, and that there's been a lively discussion of this shadow IP group on the list. And we can do that, but mostly what we need is to get a draft done.

So there was one more in the queue before I closed it, and that's Elisa. And then I'll thank Brian for leading us through this.

Elisa Cooper: So I do think this is a very important issue that business should be weighing in on. And I was actually going to suggest possibly making a comment on this topic at this public forum if it's possible to pull from past positions.

Steve DelBianco: I think that would be a challenge. I will check our past positions in the BC. But I don't know for sure. What is your recall of what our position, if anything, was on this?

Elisa Cooper: I don't, I mean I don't remember. But...

Steve DelBianco: The GAC acted on the guide book, so we can't necessarily criticize them for acting on the guide book. We might however be able to suggest that their proposal for the new guide book powers certainly needs to be balanced against the practicality of not knowing what a string should be, how burdensome the process would be and who are the relevant authorities and conflicts with actual law.

We could make a four element high level comment like that, expressing that we want to do balance. And the timing of doing it at the public forum is relevant because this comment period will close in two weeks. And if the GAC is in the room - if they're even in the room Elisa - they'll hear that.

Man: They'll read the transcript.

Steve DelBianco: Oh yeah, they read the transcript? I wonder about that. So I do need to close this topic off. I will do the research necessary and then get back to you. Let's move it on to counsel, discussion of counsel. So as Gabi and John...

Man: (Unintelligible).

Steve DelBianco: Excuse me? As Gabi and John are gearing up for that, I will tell you this. I was invited yesterday to sit on a panel that's going to happen on Thursday morning at 8:30 on accountability, enhanced accountability. This is under item 4.

And they had asked us to present our stress tests, a five minute presentation on what the BC stress tests were. And as you know we approved ten of them

and put them in with the comments in May. So I'll present on that on Thursday morning. I'll send around to you whatever slides I come up with. And with that over to Gabi, John, and Susan.

Gabriela Szlak: Just to say that John...

Steve DelBianco: Who are you?

Gabriela Szlak: This is Gabi. I didn't want to say that this time. Just to say that John's going to save me one more time, for the last time.

John Berard: This is John Berard. Susan was adamant that she lead this conversation. I don't know.

If there were a 30-second holdover from the last conversation, (Steven), the business community has always been about visibility and persistence of the rules and the laws and I mean that alone is a business reason for commenting.

Anyway, so let's move forward to the council meeting, which is 1 o'clock now in the circus tent tomorrow. We got booted out of our room by the GAC. If you haven't seen it, the GAC has a new chair, Switzerland. I thought that was instructive.

There are two motions on our agenda tomorrow, and more important than those two motions I think are a couple of discussions that the council will engage in. And with regard to the motions I think we understand that the business constituency is in favor of both.

The first one is the adoption of the IRTP Part D File Report. This is the transfer policy work that's been going on for a while. We supported A. We supported B. We supported C. D I think is totally in keeping with it.

In fact, I think Zahid if you can recall, did you not have your name either as the person who made the motion? Were you not deeply involved in making this IRTP stuff happen?

Man: Are you not involved?

John Berard: Are you now or have you ever been, right?

Zahid Jamil: (Unintelligible). IRTP, yes.

John Berard: Yes.

Zahid Jamil: I'm not (unintelligible).

John Berard: Perfect. I'm not asking you to be. I'm just saying that the BC has a long history of support, and I believe that we should vote yes on this motion tomorrow as well.

The other motion is one that I'd like some input on. I think we're going to vote in favor of it. It's been, seems to be moving in the right direction, an important issue, and this is to adapt the charter for the Cross-Community Working Group on Internet Governance.

I have not been involved in that Cross Community Working Group. Gabi has not, so if there's anybody wants to - (David) why don't you go? And then Marilyn? Or swap them.

Marilyn Cade: Typically there's four BC participants - (David), myself, (Apina) and Phil Corwin. We did meet very actively at one point - Marilyn Cade for the transcript - we did meet very actively at one point. We actually wrote a recommendation to Fadi & Co., to the board as well but it was really directed at Fadi & Co. about ICANN's participation on NETMundial.

We held a town hall at an ICANN meeting seeking support from the community. We didn't have time to do a public comment so we did a town hall where we took public comment and got endorsement for a couple of recommendations in it, one of which was that ICANN should continue to support the IGF and that it should be made permanent. There were a couple of others.

The group has not actively met and worked much since then. This is an effort to revitalize it. He has a narrow (reknit). And I think the important thing to understand is it is not about transition. It is not about accountability. It is about ICANN's participation in Internet governance as it affects ICANN and in the larger ecosystem.

There's a lot of I'm going to say experienced intelligence on that group in terms of (Olivia), (David), you know, people who are active in the larger ecosystem.

Man: (David)?

(David): I agree with what Marilyn said. I think it is important that we did have - we had a long debate about what the mandate of the CCWG would be, and we did want to limit it to providing guidance to ICANN on how it should engage, when it should engage on Internet governance and how it should engage.

And a lot of our concern was precipitated by the fact that ICANN was proposing the launching of all these different initiatives or organizations without having input from the community. And so this is the mechanism by which we would like to give input to ICANN about that larger ecosystem as Marilyn said.

John Berard: Okay so we will be voting in favor of that motion tomorrow. I would like some comment on what seems to be a complementary effort, which is - or at least in the same ball park - the Cross Community Working Group to develop a

transition proposal for (unintelligible) stewardship on naming related functions. Who is the CSG person on that?

Woman: (Unintelligible) I think.

((Crosstalk))

John Berard: And then we have Angie Graves, (Anna Parna). (Tim Smith) and (Anna Parna) are watching that. So my question is what is that we should know or make sure gets put on the record during this conversation? Marilyn?

Marilyn Cade: So most of you know - Marilyn Cade speaking - most of you know that I have pretty deep long term contacts back into the technical community, not just the environment but the (IRs) and the CCs. And the IATF.

There's a possibility of splitting the numbering function from the naming functions. That - so naming just be the gTLDs. To me, from our purposes we do not want to separate those functions.

John Berard: But Marilyn, has that not already happened?

Marilyn Cade: Not in the long term. While the discussion process has happened, John, the outcome has not been determined to separate it. So the outcome could look like three baby IANAs instead of a single integrated IANA. That's the point I'm trying to make.

We fought in the very beginning to have naming alongside and incorporated with numbering because it's really easy to begin go treat names like a trade association function. And I think that brings a number of risks as well about - remember governance and others view the numbering function as much more neutral than they do the naming function.

John Berard: So even though there are two initiatives - one looking at naming and one looking at numbering - your point is you don't want the outcome to be separate. So the work can be done separately but it needs to be knit together for a single IANA contract.

Marilyn Cade: I would go on to say my quick analogy is that you can have two parallel sticks of wood and you can't use that as a ladder. You have to connect them together with rungs. And I use that analogy because I think we have got to say there has to be ongoing and frequent interaction and feedback.

If you haven't talked about this we can talk about it later in more detail. Naming is very politically sensitive. There's a proposal at the ITU for the ITU to get involved in both numbering and also gTLD name policy.

John Berard: I'd be very interested for alternative viewpoints. I don't think that - I mean if the conversation goes in that direction we certainly would seek to slow it down. And then we'll see how hard we need to make the point.

The other conversation tomorrow - did you have something you want to say?

Gabriela Szlak: Just to add - this is Gabi for the transcript - I just like that -- actually this is only an update on the work of the - so I'm not sure if this conversation will come up this time.

John Berard: True. The only thing that won't come up at the moment is a motion. But updates can easily turn into discussions which can easily turn into disagreements. And in fact if there's nothing else going on it would be fun to do it. So - yes Phil?

Phil Corwin: Thank you John. Phil Corwin for the record. Our motion, too, I just wanted to add the thought that I support voting for it, which I think is the consensus, but for two reasons.

One, we've heard Fadi say that he's refocusing on his main management job and will be devoting no more than 20% of his time to outside stuff like IG, which is interesting because if he's getting a million a year that means he's getting 200,000 for things not related to management of ICANN, which is another conversation.

But one, the community should be watching over staff shoulder to see what's going on and to be informed of what's going on on IG activities.

And two, kind of the board and staff took over IG with Montevideo and the outreach to Brazil on that Mundial, and this would provide an organized vehicle for the community to reassert itself on these issues and to provide all of the expertise that's in this room and in other places within ICANN of all the people who participate in IGF and other related activities. So I think it's good for those reasons as well.

John Berard: Thank you Phil. I totally agree, and I think that a yes vote on this thing is an endorsement for the continued oversight.

The other conversation also labeled update on the agenda has to do with name collision. So on the 7th -- which was a couple days before I came to L.A. and which is why maybe I didn't see it until very late in the game - there was a three page document that was distributed to the council suggesting that it was now time and it's on our agenda to discuss whether name collision rises to the level of the attention of policy development.

A first conversation always leads to a second one. There will be plenty of time by the next meeting of the council to fine tune what happens to dissect what is said. But my initial reading of name collision is that it's not a policy development problem. So is there anybody that wants to initially throw their point of view on the hopper here, into the hopper?

Marilyn Cade: Would you just repeat your last statement?

John Berard: That solving name collision is not a policy matter.

Marilyn Cade: I look around. I don't think (Christian)'s here. So we have a member who is also a member of the ISPCP who's been very active in the name collision issue. I don't disagree that it's not a PDP issue, but I want to recall for everyone that we did really have to jump up and down on ICANN's head and the board's head to get attention to the concerns.

I think Jim is here and is pretty knowledgeable about this, Jim Baskin. And it is an SSR issue. That does not make it a PDP issue. It's a security, stability, and resiliency issue.

So my own view is that can't be solved with a PDP, but an expression of strong concern is still needed to make sure that the staff work and focus continues. I found the briefing that was done very, very helpful, but Jim is I think much more expert on this.

John Berard: Well why don't I - Gabi and I get together with Jim and get a brief from him. And - Sarah, yeah?

Sarah Deutsch: I would just add that if the alternative to PDP is doing nothing, then it would be more helpful to at least have something said about it. So let's see what the issue is.

Elisa Cooper: I don't believe we have any resolution yet in terms of collision list names coming off of the lists that were not ever subject to sunrise periods. So that's something we still need to keep our eye on.

John Berard: This is John again. I would ask whether - going back to that hoary subject of policy and implementation - is even that a policy matter?

Woman: It's really - in my opinion it's implementation, right? It should be - those names were supposed to be subject to sunrise and they weren't. So that's more of like to me implementation but - I don't know - if there's something that you can do at the council.

John Berard: I understand Sarah's point very well. I mean I don't want to run the risk of us saying it's not a policy matter and then people just sort of running off and doing what they want to do, right? There needs to be some oversight.

And maybe that's the point that we want to make then. While we don't think it rises to the level of policy development process, we do believe that it's important for there to be continued GNSO oversight on the matter, especially because there have been so many flubs to this point. J. Scott?

J. Scott Evans: Yeah, and I think you can acknowledge the good work that the FSAC is doing on this and give them a nod and say that they're working on this because I think there was a presentation to you all on their work on this. And so I think I would nod to that but say there are still thorny issues that may surround this that require us to have oversight and to keep an eye on the ball.

John Berard: Thank you J. Scott. In terms of the rest of the agenda, there really isn't anything except I guess people will be forced to say nice things about the ten of us that are leaving. So this will be my last meeting.

Gabi, who will become the senior counselor for the BC, Susan will become the woman behind the woman on the council. And we'll go from there. So thank you very much. I've enjoyed it quite a bit.

Elisa Cooper: So at this point actually we're fortunate enough to have Marcus Kumar come visit. He wasn't able to be with us on Sunday morning but we're very grateful to have him here today. So Marcus, maybe you just might have a few words to say the group and they might have some questions for you.

Marcus Kumar: Yes good afternoon. It's a pleasure for me to be here and again my apologies I was not able due to a long-standing family commitment to be with you on Sunday. But I promise that I will be with you at the next ICANN meeting in Marrakech. I'll be there.

So I'll be there in time and I'm also very committed to working with you and to listening to your concerns and suggestions between meetings, organize calls, whatever. And those who know me know that I'm an open person, ready to listen and talk to anybody. And those who don't know me yet I hope will get to know me in the process.

I have been around ICANN for the past ten years, but I was never deeply involved in ICANN policy. I was small coming from the Internet governance side. I have a learning curve ahead of me, but I'm committed to climb this hill, climb this mountain, and be at your service. I'm looking forward to working with you, and I'm also happy to answer any questions you may have. But don't expect a coherent program of policy.

I will try to implement - I like to quote Bill Clinton as he said in his San Francisco meeting - let's fumble forward in the right direction, take it as it comes.

Elisa Cooper: And just for those of you who may not know, Marcus is joining the ICANN board. He was selected from the non-contracted parties' house of which we are members. And so we're very lucky to have him here today.

This is an open meeting Marcus, so we would love you to stay as long as you can stay. Are there any questions for Marcus?

John Berard: Hi Marcus. John Berard. My question has nothing to do with policy, but it really - I'm just curious. Are you comfortable and capable of resisting kind of peer pressure that often seems to be exerted at the board level to create conformity?

Marcus Kumar: I suppose only time will tell, but I think those who know me know also that I do have my own mind. So I'm relatively comfortable, but there is obviously always a group think process in whatever group you join.

Now from the outside my opinion of the board has already changed a bit. I was attending the board meeting, the board workshop in Istanbul after the IGS. And I was actually favorably impressed by the quality of the discussions. And my impression is that it maybe doesn't come across to those who are not in the meeting.

There's clearly I think some work to do at improving the communication between the board and the rest of the community. And I hope I will be able to contribute to improving the flow of information.

Elisa Cooper: Phil?

Phil Corwin: Marcus - Phil Corwin for the record - picking up on the comment you've just made, which I personally and other BC members have long advocated that the board at least if not make video or audio available, make transcripts of their meetings -- redacted where necessary for personnel or other sensitive matters -- so that the community could in fact know what was going on in the board, on the view that it would improve the community's understanding of the board and how it reached its decisions and a lot of other positive things.

So I just wanted to raise that again because it's been rebuffed repeatedly by the current chair, and I think it's a really short-sighted attitude in the board to not be more transparent when it's the most important part of ICANN that should be transparent. So I just wanted to get that on the record.

Elisa Cooper: Marilyn and then we should probably move on to our next topic. Marilyn?

Marilyn Cade: Thank you - Marilyn Cade - well, I'll open my comments by saying there are several people in this room - (David), myself, and a number of others who can attest to the fact that Marcus has a mind of his own because he proved it during the (unintelligible) process when he was with the Swiss government and had to withstand not just other governments but also all of us.

But my comment was really about this transparency issue Marcus that I think Phil was beginning to build on. I think most of us would agree that in smaller conversations with board members that we often find that we're able to have good understanding and exchange.

But because of the nature that the board, when the board exercises this, we speak as a group. Very often the exchanges that are needed between the board and members and the community are very lacking.

And this is something that has happened just in the last few years. We used to have board members attending sessions - thank you for coming today - sitting in, learning about our concerns. The board did not go off by itself and have dinners. It was integrated into the community even in the evening.

So as you go into the board, perhaps one thing to think about is the more interaction with the community, not just in listening to us but actually dialoguing with us and exchanging with us.

And secondly, the board still receives staff reports that are kept totally private from the community. And they use those reports to base their decisions on. We have been asking for a long, long time to have those reports shared with the community.

And there should be no reason - if there's a briefing that goes to the board which gives the rationale or background information - certainly confidential information can be redacted - but there really should be no reason that

reports that the board then makes a policy recommendation on should not be shared with its community.

Marcus Kumar: I listened and I'm all in favor of transparency, and I made some of these remarks also at the workshop in Istanbul. Why is there no report made available? It doesn't have to be that much detailed but at least to communication what we were talking about.

And I also don't think there's any harm if it's made clear to the broader community that different views are held on different issues by board members and in the end we come up with a position that's - I think it is important that the process leading to a decision does get documented.

And this is something we definitely need to work on and I'm committed to improving also the transparency. And definitely I think this is something I think that would greatly enhance the coherence of the whole organization.

With that, I will not longer hold up your meeting and please excuse me. I have to go back again to the board meeting of various constituencies. I will stay for a few more minutes.

Elisa Cooper: Well thank you so much for joining us. We appreciate you coming by. With that, I think we should turn onto our next topic, which is around new gTLD issues. I know a lot about this but this was put on to this agenda at the request of a couple of others.

So I'd like to open it up to members to discuss what some of the issues are that you're seeing. What I thought we could do was that we can take these issues down and we could feed them into the discussion group at the GNSO. I have a colleague who is participating in that discussion group. So I'd be happy to feed the issues that we gather up here into that discussion group so that they are noted and utilized going forward.

- Man: Question on that. Are any members of the BC participating in that discussion group? It's the one that was organized by Brett Fausett and discussed extensively over the weekend. No one yet?
- Okay and if we did have something, we would want to feed it through I guess from the BC directly. You could do that as well. We could join.
- Elisa Cooper: Yeah, so my colleague - I think he's joined just as an individual - but yes we can...
- Man: Do it officially.
- Elisa Cooper: ...get somebody to join.
- Man: Some of it just to gain - take advantage of the opportunity to capture our experiences, concerns, frustrations, and even suggestions on how to improve the new gTLD process before the next round.
- And by no means is any of these suggestions going to show up in a guide book that gets published in two weeks. It's just to capture thoughts about the new gTLD program, the actual experience, and capture it now while it's fresh in your mind.
- You know we have all these reviews we'll be doing over the next couple of years where it officially gets analyzed. But this is the time to capture it.
- Gabriela Szlak: So I'm evaluating to join. It depends on the timing and all of that, but yes, I probably will be joining. This is Gabi Szlak for the transcript.
- Elisa Cooper: All right, so does anybody want to share any experiences or have any - okay Susan?

Susan Kawaguchi: So I don't know - and I'm sure we tried to do this with the first round, but it is ridiculous the amount that they charge for sunrise periods. Like there was just one - I think it was dot top - and it was 4500 or something in the sunrise but 90 in the open registration period. So there should be some reality between the price of what it...

Man: Five hundred? Say that again.

Susan Kawaguchi: Forty-five hundred. I can get the exact number if you want. But it was around \$4500 to apply for Facebook.top in the sunrise period. The open registration period it's \$90. So now I'm fighting with other registrants.

Man: (Unintelligible).

Susan Kawaguchi: Ninety dollars.

Man: Oh \$90.

Susan Kawaguchi: Sorry.

Man: Wow.

Susan Kawaguchi: So \$4500 for, because...

Man: Extortion.

Susan Kawaguchi: Yeah, exactly. So I'm going to file a URS if I don't get it, right, because that's another 500 and whatever it is. And so I'm not paying a registry that for the sunrise.

But I think if there's a way to get some guidelines and then some restrictions to making the sunrise periods not ridiculously expensive. It's like I'm fine with covering their costs, but I am not fine with extortion.

Elisa Cooper: Sarah.

Sarah Deutsch: Yeah I agree entirely with Susan's point. We've been documenting various new gTLDs where that seems to be happening very consistently, so we think it's a matter of best practices and also protection for consumers generally. So I'm glad to share at a separate time some of the data we've been collecting.

Elisa Cooper: One of the things that I've seen is that there are registries that are selling their premium names through auction sites like (CIDO). And essentially you've got in my opinion some discriminatory pricing practices because the names are being hosted. They're actually not - they're not yet actually registered to anyone. They still belong to the registry.

But they're being sold through an auction platform. And the idea is that the registries are actually selling them directly to the registrant basically. There's no registrar yet involved. The names still are held at the registry. And it's sort of make an offer.

So whatever you're - it depends - you can never prove that there is any discriminatory pricing because there's only one domain that is ever sold. But you can't prove like, "Oh, okay here comes Thomson Reuters. Well I know that they have deep pockets so I can sell them at 10,000 this name."

"Oh, let's see, you individual over there. Hmm, I don't know you. You're nobody. I don't think you have big deep pockets. I'll only sell it to you for \$100." But you can never prove really that it's discriminatory because you're always dealing with a completely different domain name.

Sarah Deutsch: And then I think the three that you probably have more data on Elisa were the Chinese ones for dot world, which I think was \$160,000, the domain name, and then followed by dot luxury. And again that makes sense, and maybe if

you're a luxury brand in one of those. But when you're Verizon.rich, it's just kind of an extortion issue.

Woman: The one thing I just sort of notice anecdotally - I don't have any data on this - but I keep seeing domain names offered in the new gTLDs on third party sites. Don't know if they're connected to a registrar or a registry, but they're collision names.

So it's like - because I'm like we should have this. Why don't I have this? Oh, it's on the collision list. So they're offering to auction them off even though - so they're prepping for the release of those domain names.

Elisa Cooper: Yeah they're like pre-registrations.

Woman: Mm-hm.

Elisa Cooper: Marilyn.

Marilyn Cade: So here's my tsunami example. Tsunami example - Marilyn Cade for the transcript - we're at the stage of the little ripples out in the ocean, and we're about to experience a tsunami of problems. And I'm worried about the fact that we're beginning to identify this kind of problem at this point.

We're at 300-and-some gTLDs in the route. They're under 2 million names. And without disclosing where I got this information, the vast majority of those names are dark or duplicates. Their forecast was much, much more than this, but even in the dark and the duplicate names, we're identifying what I consider fraud, exploitation. You guys are identifying it because you're experienced in dealing with it.

I'm concerned that we not wait too long to highlight some of these examples and call for more investigation on the part of ICANN as well. This is the kind of thing that in the next three weeks I am going to be sitting at the IP

(unintelligible) and these examples of failure of ICANN to properly govern and enforce - and (Paul)'s going to be with me - to properly govern and enforce its commitments is really going to be used against ICANN and against the private sector.

So if we have these examples - there was a situation before when (Margie Mellon) still worked for (Mark Monitor). And Sarah and (Margie) and I from AT&T disclosed confidentially some of the problems we were beginning to see. Maybe we need some of the folks who are experiencing the problems need to think about how to share this information and get more concerned.

Elisa Cooper: This is Elisa Cooper for the transcript. So I actually met with ICANN's new compliance officer, and I shared all of these situations. The problem is with most of these, they're in the gray area. If you look back into the agreement, there's nothing that's prohibiting you know let's say premium pricing. And there is nothing that's necessarily prohibiting you know selling on an auction platform.

For most of these things, it's all in a gray area. And so the best that we can do is we let them know and they can kind of try to discourage that. They said in the past when they've seen some behavior and they've shone a light on it, that it's done some good and there's been a desire to - well, the registries have pulled back or the registrars have changed their practice. So we'll see if they do any of that.

Man: Because it looks bad.

Elisa Cooper: Because it looks bad. It's bad for the industry. It's bad for everyone. And so certainly ICANN is aware of it. So yeah, I talked to (Cyrus) and the new compliance officer, so he's aware of it. J. Scott?

J. Scott Evans: Can't we get some reporter somewhere to shine the light? I mean if you want to call the cockroaches out, turn on the light. And so I think what we do is why

can't we find someone to say, "Let's talk about the real deal." Let's talk about the real deal with new gTLDs and break it down for them and have them put it out there publicly, just tell the story, and shame them into straightening it up? I mean it just seems to me that that might be a way to go. I don't know.

Sarah Deutsch: Yeah. This is Sarah. I love that idea. And I think the whole reason for expanding this space was to promote competition and consumer choice and to drive innovation. And are these kinds of marketing practices driving innovation and choice or are they simply exploitive?

Elisa Cooper: Gabi?

Gabriela Szlak: This is Gabi Szlak for the transcript. So if we do a report on this issue, maybe we can also add to it some kind of what we think are the best practices for these new registries. And so we can also give a positive message to the community.

Elisa Cooper: John?

John Berard: This is John Berard. So maybe we should look at the discussion group that Brett is leading as if it were a public comment period, the way we would then ask among the constituency who wants to take the lead on drafting. And maybe we recruit two or three people from the BC to serve as our rapporteurs and writing the BC comments to that proposal.

This gives them the opportunity to drop all the data that we can collect, all the anecdotes that we can tell, into a transcript that actually has been designated in ICANN PowerPoint as having legitimacy. So I would offer to - in this instance - to think of this discussion group as if it were a public comment period.

Elisa Cooper: I put myself in the queue. I think that's a fine idea but I don't think the registries are reading the transcripts and I don't think they're paying attention

to that. I don't think they care. They're interested in making money. And as long as they're getting away with this kind of behavior they'll continue to pursue it. That's my personal opinion.

But I mean I think we need to participate. I want us to participate in that discussion group, so that's great if Gabi and maybe some others can. I think I saw a hand down here? No?

I mentioned - I want to mention one other pretty egregious compliance issue, and I mentioned it in the CSG meeting but I think there are a number of you that were not able to make that meeting, and that's around (dot ovh) which is this French registry.

And essentially they didn't accredit any registrars except for themselves because they had an affiliated registrar. And essentially the sunrise passed. There were no corporate registrars participating in any sunrise period. Since that time they've given away 50,000 free domain names in (dot ovh). And I mean that's pretty clear cut breach in my opinion.

We brought this to compliance. We told them you know I think the only way to rectify the situation is to now have a sunrise period for this registry. And if there are any registrations that are already registered they'll have to be deleted and granted to the rights owner. But we'll see what happens with that.

But that's pretty egregious to actually not have the sunrise period with accredited registrars. And I don't want that to happen again. But I think that needs to be an example. Any other thoughts or questions, comments?

Okay so we have a few items. And Gabi if you're going to join that I can work with you to capture these so that we can get these (unintelligible).

Gabriela Szlak: Thank you, excellent. That would be great.

Elisa Cooper: All right, shall we take like a bio break and come back at 3:05, so ten minutes?

Man: Yes.

Elisa Cooper: Okay.

Elisa Cooper: Everybody know we called the hotel engineer to try to adjust the climate in here.

((Crosstalk))

Elisa Cooper: All right, why don't we go ahead and get started? In the next part of this meeting, I had fortuitously planned to have us talking about our priorities, which I think will end up working out very well given that we're probably going to be working with the rest of the community to try to devise a shorter list of initiatives on which we want to focus.

So I think this was very fortunate. So I think that (Steve) is going to take us through sort of a list of priorities that we've had in the past. And it's just sort of a starting point for us to have discussion. And then we can add things to that list or remove things from that list. And I think also we can think about things that are maybe not on the list at all that we want to take up as initiatives. But with that I'm going to turn it over to Steve.

Steve DelBianco: Thanks Elisa. I went back through the last several months of policy that we've been working on through the policy calendar and comments we've submitted. And I made a list of what I found to be the seven things that have attracted the most attention. So I'll be the scribe and write down which other ones you would add.

But I'll read these seven and just look for a sign of recognition that you're even still awake, and some element of raising your hand to indicate the

priority because priority issues, it would be good to know whether they rise to the level of making you raise your hand. If they don't rise to that level I'll bet the BC doesn't care so much about it.

So the seven items I wanted to propose for you first are - ready, number one - the envelope is: accountability enhancements through this whole IANA transition. We feel like that's a priority? Fantastic. It was the number one priority coming out of the IPC yesterday I heard.

Number two: The GNSO review and the restructuring so that we have a voice when we need it. GNSO review and restructuring. Great. I'd rank that a middle.

Woman: (Unintelligible).

Steve DelBianco: Yeah, have you filled out the GNSO 360 survey?

Woman: (Unintelligible).

Steve DelBianco: Ooh, that's not so good. GNSO 360 survey, it's so easy to do it. But it closed - does it close this Friday?

Woman: (Unintelligible).

Steve DelBianco: Hey please, we need to have better turnout than that.

(David): (Unintelligible).

Steve DelBianco: Gabi would you circulate the link, the hyperlink? Thank you (David). All right, number three: The reviews and policy revisions needed before the next round of gTLDs. And I phrased it that way so that it's not about hurry up and get the rounds started but we need reviews and policy changes.

All right so that didn't rank as high as accountability, and I'm quite surprised, okay.

Woman: Sorry, what was that again?

Steve DelBianco: Reviews and policy revisions needed before the next round of gTLDs. There you go.

Number four: Role of the GAC in our relationship with governments. The role of the GAC in relationship with governments. All right that means three of these have been very similar. Just three more and then I want to take a queue for others.

BC outreach and recruiting. We are supposed to be a global organization. BC outreach and recruiting - oh, look at - come on, put those hands up.

Next one, what formerly known as ("who is") but is now the Expert Working Group on New Directory Services. The BC had been a leader for years on this because it's really about stopping fraud and abuse. It's not about just trademark.

So who feels like the EWG needs to be a priority? And the last one I came up with was non-comm changes as well as the BC role, non-comm changes and role. Not really. All right, let me strike that one as a low. That's the seven I have, and if you'll manage the queue, I'll take the notes, Elisa, on other items of priority for the BC.

Elisa Cooper: So we're just kind of - if we think of this as brainstorming, let's get everything on here and then we'll try to actually rank order these. J. Scott?

J. Scott Evans: I don't have another idea. I just wanted the accountability thing. I think somebody needs to reach out to Jonathan Robinson because they're putting together a drafting team, and we need to volunteer some people to serve on

that because he was sort of, "Oh, how are we going to get started?" So I think we should volunteer to get involved so we can push that thing along.

Steve DelBianco: Let's think about other priority issues that pop in your mind and put them on the list and we'll try to rank them.

Elisa Cooper: Marie?

Marie McCann: I'm not sure where you'd fit this, but compliance. We have a new compliance officer, but what's he going to do?

Steve DelBianco: I want a show of hands for the ranked importance - the higher the hand, the more important it is - on compliance, contract compliance at ICANN? Okay, this is as big as accountability, thank you.

Elisa Cooper: Are there things that ICANN is not doing that they should be doing that we want to take an interest in? Okay. So maybe we can do some rank ordering of these things because I think what will likely happen is we'll build - there's going to be some mechanism by which probably each group puts forward their top initiatives and probably having them rank ordered is going to be - I would think will probably be part of how we get to a shorter list.

Steve DelBianco: Then from what I heard, this is the rank order I heard. Ready? Accountability enhancement through the IANA transition, contract compliance, GNSO review and restructuring, the reviews and policy revisions before the next round of gTLDs, role of the GAC in our relationships with governments, BC outreach/recruiting, who is directory services or EWG, and then non-comm changes.

Woman: (Steve)?

Steve DelBianco: Yes.

Woman: I'm sorry. Some of these are policy development opportunities and others are engagement opportunities. Could we - and I think like the outreach, etcetera, is engagement. I can't recall if there is any other one like that. But if we could bifurcate the ones that are about policy and then keep the outreach as a priority but treat it differently because there may be very large interest in participating in it while the policy work is largely done online. Two very different...

Steve DelBianco: So if we were to take policy and non-policy I guess, outreach and recruiting as a non-policy, is non-comm changes a policy thing? Probably not.

Woman: I would say I would put non-comm changes - the other topic that I didn't raise and I'm now thinking how remiss I was - it's non-policy, but the ICANN budget and the strategic plan have real implications for us because that is where the money comes from to do compliance, etcetera, etcetera.

Steve DelBianco: So let's see a show of hands for the priority of ICANN budgeting and strategic planning. High medium to low medium then. All right, put that in there right below outreach and recruiting, based on hands.

Elisa Cooper: I would just add that when we talked about sort of what the big buckets of workstreams were, this idea around outreach and recruitment was actually a big topic. We talked about sort of workstreams when we were talking about how we were going to prioritize. So I would propose that we actually keep this list as it is because they all create work.

Steve DelBianco: Circulate this list of items in numeric order as best as I can after the meeting and we'll take e-mail replies as to whether there's things that you thought about that you'd like to add. And if any of you see this rank order, you can reply saying I really see a different order and rearrange them. A little tough to do in the room but it's easy for you to do as a one-off e-mail. Is that all right, Elisa?

Elisa Cooper: Yes. J. Scott? Oh, I'm sorry, Phil. Can we go with J. Scott and then - okay, go ahead.

Phil Corwin: Just one thought on the compliance thing. You're describing it as contract compliance. One suggestion we made in a paper that we're just doing on the BRG on the same topic is that the compliance officer within ICANN should be both looking at contract compliance but also compliance of ICANN itself with its own rules as you would have in other organizations. And if you saw that right there you may want to tweak how you describe compliance.

Steve DelBianco: So Philip, I had the word "contract compliance." Give me a better phrase because you are an expert at these things.

Phil Corwin: Just compliance and you've got the two streams of that - internal and contract.

J. Scott Evans: That was sort of what I was going to say is I would say accountability and compliance and put it all - like we did this morning when we talked to the board. We put it all together.

Steve DelBianco: J. Scott that would have the disadvantage of lumping together this accountability (unintelligible) had the beginning and middle and end over the next year. And don't you really think of compliance, internal, and contract to be evergreen and perpetual?

J. Scott Evans: Yes.

Steve DelBianco: All right, so I'll send that around. And Gabi, would you join me at the front of the room real quickly for...

Come on down. This is our opportunity to do something we do any time we have an officer, counselor, or somebody who's served the BC in an amazing

level of integrity and attention for an extended period of time and then reaches a term limit that takes them out of that running.

So what we're going to talk about a little bit here is John. We have a nice little recognition certificate. I wanted to start out by saying that John has been known over the past three weeks as the BC's outgoing counselor. And he beat me to that pun yesterday because he's the master of puns as you all know. Because he's not only the outgoing counselor. He's the counselor who's definitely the most outgoing guy we've ever had on the council.

Now I said outgoing guy because Marilyn was once a counselor, so I don't think you can compete with that. But he's also been our most entertaining counselor.

I cannot tell you how many times in the face to face meetings - well let me explain why it's valuable - in the face to face meetings and even on those interminable council calls - there would be a lot of tension over a tough vote or somebody's feeling insulted, a change in the attitude, and the tension was so thick you would cut it with a knife.

But not Berard. He would cut it with his incisive wit, a self-deprecating comment of some kind, a ridiculous pun that nobody laughs at but everybody smiles at for sure.

Man: (Unintelligible) I don't know.

Steve DelBianco: But it would always work, and always a clever turn of phrase because you all know that John is a communications professional. And everything about him in credible context is about communicating more effectively. And it has been phenomenally effective to watch him work.

And so I'm going to turn over to Gabi for a little bit more to talk about her experiences with John. And then we'll present him with our little award.

Gabriela Szlak: Okay, I can resume this as John has been my savior as was just said before. Actually this has been a great experience for me. He has been a mentor in any way that you can imagine. He's even been my translator, which is we're talking about he translated for me all these strange phrases that everybody uses in English, like cultural phrases, political phrases, whatever you can imagine.

And then we were joking about how to translate those into Spanish. And so yeah, we had fun as well. Also in a more personal comment, I would like to say that I think that John has been my friend. And I really wanted to share this with you. So thank you so much.

Steve DelBianco: So John as a token we have a nice little certificate as well as a gift from the BC, all of your members in the BC. And it'll be a check I hope you'll cash and use wisely. And you will be missed on counsel but I am glad to say you won't be missed in the BC because you're still with us for as long as I hope you can. All right everyone, one last hand for John Berard.

John Berard: Thank you. I fear I've said too much already.

Woman: No, go on. (Unintelligible).

John Berard: I can say with 100% sincerity and honesty that I had no frigging idea what I was getting into when I agreed to stand for - that was a bit of insight I left out when I was promoting the idea to Susan. But what struck me about being on the council and being in the BC is that compromise is not capitulation, okay?

Compromise is not capitulation. It's reasonable people coming together and collaborating on a decision that ultimately will serve the greater benefit, even if it doesn't serve your benefit entirely. And that's essentially the one step at a time approach that I think ICANN has taken. And in some respects has been the reason it has been criticized as much as it has.

I mean we joked a year or so ago about the multi-stakeholder model being loud, long, and messy and that people were trying to accelerate through that. But loud, long, and messy I think is really an appropriate way for a group with as many diverse interests and individuals to come together - it's really the only way for it to work. And you have to maintain a good sense of humor.

You have to maintain your sense of humor. And you have to appreciate that it's okay to give up on something every once in a while because as I said it's not capitulation. It's collaboration, so thank you very much.

Man: (Unintelligible).

Man: Yes.

Elisa Cooper: So we actually are about 15 minutes ahead of schedule.

Woman: Woo.

Elisa Cooper: Yes, very good. I wanted to slot in a couple of folks before we have staff visit us to discuss the GNSO review. So my apologies to Phil Corwin. Phil, I wanted you to talk about the privacy proxy services accreditation session that you went to on Friday.

If you could just give us - I think there are a number of people who are very interested in that whole session and what all was discussed and what came out of it. So Phil?

Phil Corwin: Thank you Elisa. What I mostly want to talk about is the usefulness of this novel exercise that we went through on Friday on the substance of accreditation standards for privacy and proxy service providers.

There's a lot of issues to determine. There's a lot of technical details. We've got major registrars in the room. Explaining what's feasible and what the costs are. So we're not close yet to even a draft report and recommendations on that.

But the actual process that we went through on Friday when we brought everybody - most everybody - together on that working group into a room with the general rule you could have your phone on but on silent. You could have your laptop or pad on, but don't be catching up on your week's e-mails. You can respond to clients or your boss in an emergency.

But mainly staying in the same room focused on interrelated issues for eight hours straight with short lunch and refreshment breaks was very useful. The general agreement at the end of the day was that in those eight hours with - and let's face it, when we're on conference calls a lot of us are multitasking when we're on calls. We all know that. And we know when people put us on hold because we hear the music from their company.

When you get everybody focused and considering issues without an artificial one-hour deadline and you talk about one issue and then we talk about the next issue, it's related, it's all related. So you get to say, "Oh, we just - now we see how that connects to that, connects to that." It was an extremely useful exercise and I think we got - the agreement was that we got more done in those eight hours than we would have gotten done in 12 hours of conference calls. It really was a very efficient way.

And if ICANN is willing to pay for people's hotel for a night or two and bring in a facilitator - I can't comment on the facilitator they brought in because one I found his opening remarks a bit condescending.

It was like you have to consider the other person's point of view and not get emotional. It was like he was talking to people who aren't used to doing this

kind of work on a regular basis. I don't think he really understood the group in the room.

And second the poor man left after that with food poisoning and disappeared for the rest of the day, so (Thomas Rickert) took over as the facilitator. So I can't - maybe it would be even more efficient with a professional facilitator and we didn't have that experience.

But even with just (Thomas Rickert) trying to facilitate without that kind of expertise, it was an extremely useful exercise. And the consensus in the room was that we would recommend ICANN do this where it's appropriate for other working groups. It was a very efficient way to move things along and get better results. Thank you. And any questions about any of that?

Elisa Cooper: Marilyn?

Marilyn Cade: It's Marilyn Cade speaking. For some time I've been saying as you know that we need to find ways to support more face-to-face work. So this was a face-to-face work activity. I think regardless of the cost that we're probably better able to achieve our outcomes if we do face to face work. Could you just comment generally on whether you think the face-to-face approach is something that we should be thinking more about? Because that we'll have ICANN budget implications as well. Just quickly.

Phil Corwin: Yeah, well yeah, as I said it was very useful and there was agreement that it was useful in two ways. One by being in the same room people really had to focus on what we were discussing. They weren't on a call and multitasking and getting interrupted by e-mails and all that.

But second, when there's no substitute for face to face communications for really communicating as completely and efficiently as possible. I mean even compared to a video call of some type, it's just there's more communication going on. There's more real time interchange and understanding and sharing

of ideas. So it was very useful and I would recommend that ICANN do it for other appropriate working groups.

Elisa Cooper: Phil, what were some of the big takeaways? So what did you decide as a group or at what point are you now at in terms of making recommendations?

Phil Corwin: It's hard for me to say other than we're a lot closer than we were at the beginning of the day. The issues remain the same, which is when should a privacy proxy provider relay a message that he received from some party to the registrant?

Should they let the person who initiated the communication know when there's no response from the registrant and when it bounces back and they realize they've been provided with incorrect contact information. The big issues of course is at what point they should reveal the identity.

We didn't reach resolution on any of those but I think the differences narrowed and there's much greater understanding of the different perspectives and also from the registrars in the room of what is really involved on their part in - I think their main message was we just want to know what the rules are. We do not want to be placed in a position of having to make value based subjective decisions all the time.

We need to know what's expected and we'll do it, but it's not efficient and it's very costly for us to be placed in positions where we have to make subjective decisions about particular fact situations all the time.

Elisa Cooper: Thank you Phil. Any other questions for Phil? I think we - so we are still scheduled for 3:45 to hear about the GNSO review. But we do have a little bit of time, so I was thinking at this point, Jimson had sent out a request for funding for a meeting that's happening in two weeks. And so I wanted to give Jimson about ten minutes if that's possible to kind of answer any questions, maybe go through the request. Jimson.

Jimson Olufuye: Thank you Elisa. Yes I sent the advice request to you all. And in that request made it - I put in more light with regard to the coverage for the request (unintelligible) to bring in two leadership personalities in the business sector. They're from Nigeria and South Africa with a high potential of becoming a member of BC and also to support the lunch during the outreach that we'll have November 3.

We're going to have about 150 delegates from across Africa - 20 countries have signified interest in being at that forum. And as I said yesterday we may consider this as part of our (unintelligible) because the first meet was supported by ICANN, of course through these requests, and was quite successful. And we need to build on the momentum we've already created.

So we want to do more materials, roll out banners. Web site will have information about the event. Anyone outside the event, there will still be a number of advertisement to further create awareness about the business (unintelligible).

I've spoken to a few of us here, so I hope we'll be able to also mobilize your local representative in North Africa to be a part of it. So again this is a request for support and continuation with what started last year for the summit of the Africa SD Alliance.

Where we met last year was just five with about 20 (unintelligible) associations in Africa, quite excited to be at that event in two weeks' time. Let me also note again that ICANN is having a workshop along with the event and also the government of Egypt is part of the programming. So this is what I've requested that we support and that's it. Questions? Ready to take them.

J. Scott Evans: So this is J. Scott Evans from Adobe for the record. I'd like to move that we consider a motion to fund this endeavor.

Woman: And I would like to second it.

Elisa Cooper: All those in favor...

Man: Need discussion.

Man: You have to have discussion.

Elisa Cooper: Oh, I'm sorry. I'm sorry, sorry. I don't know parliament procedure. I don't know if even that is what it's called.

Questions for Jimson or thoughts. John?

John Berard: So I have a thought sitting here next to the embodiment of Google for example.

Are there members of the BC who have people in the region who would be able to spend - who would be able to go to that lunch and reinforce the message of BC membership?

I apologize for picking on you but you're sitting right here and it was easy. But I could have picked on you I suppose - I'm pointing at Susan.

But that would be great if we could find somebody or some other group of companies that could shake loose an employee, an executive, for the day - for the two days kind of thing; just an idea.

(Andy): This is (Andy). I'm happy to look into it.

Elisa Cooper: I have a question for (Andy). Would those people know about the BC?

(Andy): No, so I'm happy to explain and be a liaison.

Elisa Cooper: Yes - no, no. Marilyn.

Marilyn Cade: I think Jimson mentioned this, but this event is actually co-sponsored by the Minister of ICT from Egypt. And the primary contact that has worked extensively with Helen and with me and others, (Nomeen El Sadi), is the recently promoted to Deputy Minister, is the person who is helping to organize this and who acted as the organizer for the IGF and for the ICANN meetings when they were held in Egypt.

So they will be doing outreach to business. And even though your employees, they spoke of Google or even I was thinking we should let (Mike Corcorino), the EMEA VP from AT&T, even though they might not know about the BC, they might be very excited about the opportunity to hear from the Minister.

And part of the conversation that I'm aware that (Noreen) is working on, because she will be at the plenty pot during that time, is to get reinforcing statements from the Minister about multi-stakeholder engagement.

So there may be other reasons why the business guys might find it interesting to participate.

Elisa Cooper: And so just to be clear, it's 5000 Euros - is that correct? And we've got 7500 Euros set aside in our budget, and our budget year ends in June? Yes.

Other thoughts/questions/comments?

Woman: So this is sort of an extension of this, but there is the other funds that Jimson mentioned in his details. And so Elisa and I were at a meeting with ICANN the other - I don't know, Saturday, Sunday? I have no idea what day.

But I found it interesting that there was quite a few different funds that there are three different ones that we can avail ourselves of. And I think we should

really think as a group where we want to target next, and Jimson already had this going which I think is great. So after this one, we should really think about targeting another region maybe.

And then I think we should have an established procedure. And even though Jimson has probably brought this up to the BC before, maybe a ten-week time span before the events so we can apply to ICANN first, use their funds first and then use ours as backup.

Elisa Cooper: J. Scott?

J. Scott Evans: You know, I'm happy first to fund this, especially given our physical health right now. But I want some sort of report or something to show how, you know, who came, did we get any members out of it, that kind of stuff, because it's an investment. I'm happy to make the investment, but I don't think we look like good stewards of funds if it's to do recruitment and we're not doing a follow-up to talk about how successful it was.

Man: Yes, just a quick response that actually, the ability, the reports, you know, for the last (unintelligible), even on our Web site, it's for the capture or this.

And let me also say that initially, I reached out to (Chris Wondini) and he actually directed me to the African Vice President that is (Pier) and also (Estma), you know, which is the Vice President for Middle East and more Africa, so they are committing to organizing the (Dennis Walkshow), you know, to promote more awareness. They're also bringing in more people.

So just to enrich the process that is related. Thank you.

Elisa Cooper: Are we ready to vote? Any other questions or comments?

No? All those in favor?

Group: I.

Elisa Cooper: All those against? All right, it stands.

So we are now at a point where we are able to have Matt - and I'm going to mispronounce your name - Ashtiani.

Matt Ashtiani: Actually you didn't. So thumbs up; appreciate it.

Elisa Cooper: Okay, great. And so we are very happy to have you hear.

And Matt is here to talk to us today about the GNSO Review. And what I kind of had in mind is, you know, you could give us a bit of a background and sort of where we're at in plain English for those that may not necessarily be following the entire GNSO Review, to kind of tell us where we're at. And then I think many of us will have some questions.

Matt Ashtiani: Sure, this is Matt Ashtiani for the transcript record. I'm actually going to hand that over to the Independent Examiner, Westlake Governance. So I'm just loading the presentation and now we can begin.

Richard Westlake: Thank you. I'm Richard Westlake from Westlake Governance. And as Matt says, we've been commissioned to do the independent review on the review of the GNSO.

You will all have received in your several thousands of emails over the last month or two, an invitation to participate in the 360 Assessment. This is your chance to participate and to tell us what you really think.

You will also recently have had a reminder, and for anybody who has one of the blue bags handed out at the start of this meeting, you will have received a postcard which also has a link to the survey. So there is no opportunity for

saying you don't know where it is, and I'm hoping after this there is no opportunity for saying that you didn't know it was going on.

And out are gathering for the review consists of three aspects. The first one is the 360 Assessment which is open at the moment but won't be for very much longer.

Secondly, I am here with a colleague of mine, Colin Jackson, who has been heavily involved with ICANN for a very long time, former President of the dot ends (Ed) country codes domain manager. Between us, we've also been working with ICANN on various tasks for about the last six years. This is the third full review that we will have time.

We are meeting with about 25 people this week, probably also doing subsequently half a dozen to a dozen further interviews after we leave here simply because of calendar clashes this week or people who aren't here but want to participate.

And the third thing we're doing is a pretty extensive desktop review of the mountains of documentation by, for and about the GNSO to review the processes, the practices and what it actually does.

But this aspect here, the survey, is your chance. As of a few moments ago before I walked into the room, we had had something like 223 people had started the survey and approximately 138 of those had completed it.

For those who haven't been into the survey yet, please understand that here is the assessment responses so far as of about two or three days ago. You will see some areas of very under represented. Fortunately and thank you, the GNSO is by far the largest contributor to date. But there is a significant number of people who have started but not completed it.

If you don't have much time, and who does, you can complete it in about 10 to 15 minutes. You can go in, you can give the basic starter, you can answer some quantitative questions. You have the opportunity to add some qualitative information early on.

There is then an optional section that you flick through relating to each of the stakeholder groups and constituencies with a page of statements and freeform questions in relation to each of those. So if there is just one of those you want to comment about or if there are several, you have the opportunity to do that.

And then at the very end, by the time you've decided that the survey doesn't ask you what you really wanted it to ask you or has missed a point completely, you have three free-form questions to tell us what you think and what we should have asked you but haven't, or that you would have liked us to ask you, or that you would like to tell us anyway.

So I would invite you to take that opportunity. And if you do that, the more of those people who complete those in a thoughtful informed fashion, the more value the assessment is going to be. Thank you very much.

Elisa Cooper: Questions?

So once the review is completed, what will be the product and how is it envisioned to be used?

Richard Westlake: Right, thank you for that.

Well first of all, let me go through process. The survey has to close at midnight UTC this Friday. So you have approximately three more days in which to complete it if you haven't done already. And I would encourage you because this is your opportunity.

As far as the rest of our work goes, we are currently undertaking all of that. We will have a draft report that will be produced for the GNSO Review working party at the middle of December. It will then be provided to the working party for their feedback, their questions, their challenge and their overall comments.

Now those are comments perhaps asking justification for some of their conclusions or corrections of fact or suggesting that perhaps their conclusions aren't based on the full understanding. If people don't like our conclusions or recommendations, that's a completely different matter. Just because you don't like them doesn't mean they're wrong anymore than if you do like them validates them.

So there will be a month's feedback from the working party after which we will work on a second draft, and then it will then come in the normal ICANN process for full public comment period so that everybody has the opportunity to comment before we produce our final version, the final report, with recommendations as we have done in past reviews, which I think is about the end of the first or the beginning of the second quarter of next year.

Elisa Cooper: And based on the submissions, are you able in the report to provide like statistics in terms of like how representative these responses are?

Richard Westlake: What we're aiming to do is to be able to back with hard evidence from this 360 as much as possible to say that a significant component of people said this or that.

What will be particularly interesting is if, say, from within a constituency, there's a range of views in one direction, and if externally it is seen as completely different. So those types of aspects would always be useful.

In some areas we can already see that they're 180 degree opposite views. We have to weigh those and then form our own conclusions and our own recommendations.

And so we will be using as much evidence-based - getting as much evidence-based conclusions as possible with a view to drawing our recommendations, but also based on a qualitative understanding to a degree as much as we do.

Elisa Cooper: Any other questions/comments? All right, well thank you so much for joining us; we appreciate that.

Yes, John.

John Berard: This is John Berard. I wouldn't want you to think that not being barraged with questions/suggestions/recriminations is any indication of the level of interest that this group has.

But you are a recent (immigrant) to our land. And we have been grappling with what we believe are extraordinarily thorny issues, some of which are structural, some of which are historical, some of which are personal.

And there is - I have a hope that this project can lead to some progress, but I'm skeptical, right. And I think that what you are - in what you are not hearing is perhaps some skepticism about will this time be the time that we are able to make progress against what have been seemingly intractable problems.

So I don't want you to go away mad.

Richard Westlake: I won't go away mad at all having come from a very valuable constituency only a few minutes ago. The lack of questions was actually quite an interesting contrast.

And I take your point though. But you can remain cynical and skeptical and that's absolutely naturally. You will remain cynical and skeptical until you see our report.

If there is one way I can guarantee that it will not have sufficient evidence for us to draw our conclusions it is if people do not participate.

If we have to draw our conclusions based on very limited and potentially weighted or unbalanced feedback, then that's what we will have to do. We will have to use our own judgment and our previous reviews both ICANN and for other TLD managers and for other customers outside the sector.

We haven't always used a survey as well; we have been totally qualitative based. So we do have a fair amount of interview experience. We do have a lot of desktop experience.

We also have an accumulation over the years of some experience of ICANN and its various SOs and ACs. So I don't think we're coming into it totally naïve. We didn't come down in the last shower, but I absolutely accept that we're not part of the monsoon that you're currently part of.

John Berard: You haven't been here, but in keeping with the theme of the meeting, I guess what you mean to say is I might have been born at night, but I wasn't born last night.

Richard Westlake: I thought that was a particularly English expression.

Woman: So I heard when you did the presentation with the Council the other day that there was no feeling from anyone in other languages than English. And I've been trying to make the Latin American community fill this survey, so has there been any change since then?

Richard Westlake: Gracias. As of this morning, no.

Elisa Cooper: Well thank you very much, we appreciate your time.

John Berard: Thank you.

Elisa Cooper: Thank you. And I would sincerely ask everyone to please please complete the survey; it is critical. If we want to be heard, if we want to see our views illustrated in the report, we must complete the survey.

All right, well we are - we've actually accomplished quite a bit today. We've gotten through our entire policy calendar. We were able to come to decision on Jimson's outreach, we prioritized our initiatives, we really did a lot.

I don't have anything further at this point. Is there any other topic or anything else that anybody would like to discuss at this point?

Jimson?

Jimson Olufuye: Thank you Elisa. Let me use this opportunity to appreciate everyone again for the support.

I think two documents, and the second one is from the outreach criteria, which we both discussed yesterday. And then there was a suggestion that actually incorporates scenarios. So I increased scenarios (during) where we got to do (unintelligible) benefit in the all menu of outreach program ICANN has for us.

So I don't know if you've taken a look at this, and you may want to ask questions and then maybe take a decision. Thank you.

Elisa Cooper: Does anyone have any questions? I don't know, I mean it's been a very long day. I don't know if we're ready today to make a decision about the criteria

unless people feel strongly you want to make a decision about the criteria right now.

Yes, I agree. I think taking it to the list - thank you very much - is probably the way to go.

But if you can take a look at what Jimson is proposing in his Outreach Program Beneficiaries Document - is that okay Jimson if we take it to the list? Yes, okay.

Anything else that anybody wants to bring to the group? Anything we should discuss before we convene, moving on to the next thing?

John.

John Berard: This is John Berard.

The one thing that I have carried with me since our meeting with Bruce and Bill was Bruce's description of how we have come to be viewed as we are.

And I don't have an answer for how to get that change. But I think it's important for us to spend some real time thinking about that. I mean when you - Bruce was very kind when he said, "Look, this is the way, if the three constituencies present yourself with the same point of view for a long period of time, it's hard for us not to see you as a single entity." He said it more politely than Ray did today. You know, if you have a problem then, you know, deal with it.

But I think that we probably, as the Business Constituency, probably need to spend some time thinking about who we are, what we want to do, does it really matter. What would we do if someone said, "Okay, here. You remake the GNSO." What would we do with it?

I mean our problem in my view, if I were to say that we have a problem, it is not with the negotiating with policies and panel participants with the ISPs and the IPC, but it's trying to bridge that increasingly wide gap that I see between the commercial stakeholder group and the non-commercial stakeholder group.

I sat in on the NCUC session this morning because it started at 9:00 and ours started at 9:45, and there is a dedicated unruliness I think, which I find, you know, I enjoy that.

But when you plug that into a network that seeks to be efficient and effective and productive, it can become a problem; it can become sand.

And you know, I'd like us to maybe spend some time thinking about that. What would we do if, you know, if you were king, what would you do? Because I think that one of these days it's going to come to us, somebody here at the BC saying, "Well this is what we think it ought to look like."

So I just offer that up as a to-do I guess.

Elisa Cooper: Yes, I think that's a big topic of discussion and I've heard many different scenarios. Some of them make a lot of sense to me. But I think that's a big topic.

And I think, you know, part of why we did the prioritization is to try to rank order with things like figuring out what should be our position on structures. And I agree, we have work to do there for sure.

Any other thoughts/comments?

Woman: Well just to follow on but just the differentiation between the three groups.

Do we - do you think - and I don't know the answer to this question. But do we comment on different topics than IPC for example?

Elisa Cooper: Yes.

Woman: Is that a differentiation there that we could really point out to them?

Elisa Cooper: Yes, I mean I actually felt very good about the conversation we had at least with Staff and when Bruce was there yesterday when we had an hour talking about what the differences were. And it was not confrontational, it was us explaining, and he really got it.

And I feel confident that Staff is probably not going to be making as many requests and understand, like we have different perspectives.

Woman: Yes.

Elisa Cooper: You know, we're wholly concerned with business and conducting business and consumers and security and all of it. And I think they understand that the IP focus is really IP.

And with ISPs, you know, I think the way they described the fact that, you know, they're sort of the first line of defense when a Web site is not resolving, they're often the ones that get called. And it has something to do with naming or numbering, you know, that's why that have to participate and that's why they are here.

So I feel actually pretty confident after the discussion that we had with Fadi that he really gets it. And I think we made a lot of strides there.

You know, we had that conversation today with the Board where we sort of laid it out. And I don't know if that sunk in or not, but I feel at least from the staff side, we're in a better place than we were before for sure.

J. Scott Evans: Yes, I just find this whole thing a red-herring. I mean it chaffs me to no end that the Board says, "Oh, when three different groups tell the same thing, we just act like it's one person that told us this." Rather than, "Oh, maybe we should do it the way three different groups are telling us because they've reached consensus."

Right, that - I'm like really? That's how you do it? That's what you're telling me is that you just marginalize us because we all had the same message because it's the right thing to do. Right? That's what kind of chaffs me about the whole thing.

And then so that's the reason when they say that to me, I'm just like all you're doing is letting me know how you're gaming this whole system to justify ignoring us, right. And I'm tired of it. And I think that we do speak out on broader issues.

And you know, maybe we should start stuffing their mailbox every time we find something that's outside of this and say, "Oh by the way, we filed on this security protocol, we filed here." I don't know.

But I don't take it. I'm not going to let them define us and I'm not going to run from the fight when they want to have a fight about it.

Woman: Yes, but we do need to manage that.

J. Scott Evans: Yes.

John Berard: This is John. The evidence, J. Scott, that undercuts their argument is how effective it was when the broader coalition, hence the mic in London, when the broader coalition filed a request for reconsideration.

So again, you know, my - now Bruce did say overtime, right. I mean so he did have that third matrix on the thing. But still it is frustrating that obvious aspects are overlooked.

I mean one of the things that I don't really quite understand, and Gabi and I have this conversation a lot, the ALAC. I love the ALAC; their great. They do great work, I enjoy going to their parties; terrific.

But the Board's default is to see that as a regional - "Well there are five regions, we have to five people." Well, Business is regional as well, and yet there is no consideration for that in the default thinking of the Board.

Woman: And Businesses are registrants. I mean if we were not paying fees, there would be other types of businesses that pay, but I mean, you know. We do keep registries and registrars flowing.

So yes, why is ALAC considered the registrant constituency and, you know, may get those five representations.

Elisa Cooper: Are there people that want to start - I mean we're talking about trying to pair back what we're doing. But it does seem like there's a lot of interest in this.

I mean are there folks, is there a small group of people what want to work on this topic internally within the BC to talk about, you know, do we make a change or what would we do? Not would we make a change but what would we do if we could do something else?

Or do we want to just sort of put this aside. We've got so many other things going on right now.

John.

John Berard: This is John Berard. One of the things I'd like to do is perhaps be on a call with Stephane who came from the Registries - Registrars? Where was Stephane before this, registrars with J. Scott who was within the IPC.

I can talk about my time working with the Registrars as well. Are there others who have experience in the other constituencies that maybe say three or four or five of us got on a conference call and we could actually maybe think about how to effectively present the differences and agreements? I don't know, it's just a thought.

J. Scott Evans: No, I'll jump on the call. I mean I can't tell you that when we were in the - when I was President of the IPC - and I've served like two terms I think for Vice President and Vice President and whatever.

There were many times where we passed on a lot of stuff because it wasn't IP oriented at all. We made no comment. We just said, "No, we're not doing that. All we need to concentrate on are the IP issues and the IP issues are X, Y and Z. So we're not going to - that's not really for us. We'll leave that to the Business Constituency or some other group."

So we parsed that way a lot and a lot dropped off our plates because we didn't have to do that.

Now the problem we have, I think John, is that the roles are a lot more blurred than they use to be, right. There are IP people who are now Registry arguably.

And I think that's some of it is because this is how they're plugged into the system but their roles have changed, and until the BRG is recognized as a constituency, they don't really have another place to do it. So they may be picking up things they didn't before because there are different interests involved.

But certainly when I was there it was very narrow. And I'm happy to jump on the phone.

And I think another thing, do we have a place we post our papers that we submit and comments? Do we have a repository?

I'm happy to after the 24th, right, after I get that out to maybe scroll through that and make a little list of the things we've done and where we've put in comment, and maybe also look at the IPC side and show how they're different where we've, you know, and do a little comparison so we might be informed that way.

Is that something do you think might be helpful just to think about?

Elisa Cooper: Can I just respond to J. Scott? I think it's a great idea but I think it also sounds like work.

J. Scott Evans: I mean I will do it. I'm not asking anyone...

Elisa Cooper: No, you already do so much.

I mean I think we know how we're different. We do share a lot with them but we're different because we have overarching concerns, and I don't want to repeat all that.

If you want to do it, I mean it's a great idea; it would be great to know for our own edification. But on the other hand, I think we know.

John.

John Berard: So John Berard again. So as I said in an email that probably got overwhelmed by every other email, we may know exactly who we are.

But if the people we're trying to convince still don't have a clue, it's clear that we have some work to do. And it's not them that needs to do the work. The only way we're going to convince people as if we do it.

So maybe the goal here is really to think about, from a blue sky perspective, if we were king, what would we do and justify what we would do. We could have that kind of conversation, we could do a small two/three page white paper that we could circulate among the members. I'd be more than happy to participate in that.

Yes, it is more work but it's fun. It's not, you know, it's not IRTP Part D.

J. Scott Evans: And I mean to be fair, we're looking at the charter right now and it might not be a bad time to sort of do a little bit of this exercise as we go through that process as well to help inform.

You know, we don't have to do it but I'm happy just as first to look at it and...

Elisa Cooper: No, I think that's a worthwhile - I mean it's a worthwhile exercise.

I would personally be a little concerned - I mean if I were going to restructure things, I would do it really differently.

J. Scott Evans: Oh yes.

Elisa Cooper: And I would probably make a whole bunch of enemies and I would not want that white paper out there. You know, because it's going to upset I think the other constituencies. So that's my personal opinion.

Marilyn?

Marilyn Cade: You know, I like the idea of a kind of narrative approach that describes like looking at the transcript from this morning and building on that.

We used to have something on the BC that we'll have again shortly that Brenda will do where we ask the members that are group to tell us like how many members do you have? Are they large or small from the associations? What geographic spread do you have?

We also asked the large companies to describe the regions they did business in. And that was on our Web site. So you know, it was like we were able to say, as Kristina did this morning I think, you know, "We have 52 members, X number of them are associations. Through the reach of our members, we cover these regions heavily and this number of SMEs, etcetera."

The membership includes companies that focus on automotive and retail and blah, blah, blah. We could do a narrative, which I think would be very helpful, and it probably will be more persuasive actually than analyzing what our comments were.

So that, I think also if John would help, a bit of a marketing communications on it, that's the kind of thing we could hand out at (Evicta). That's the kind of thing we could publish in a format like our newsletter that people could download.

Just an idea because I see that the marketing piece (unintelligible). So when you go to a company and you ask them to join, you know, Twitter they need to look at the list and go, "Oh, my competition, other social networking companies are there."

Elisa Cooper: All right. I think that's a good idea. We have that SAQ that we used to do, that might be a place to do it.

Other thoughts on this topic, questions/comments?

Susan.

Susan Kawaguchi: If I was king...

John Berard: If you were king.

Susan Kawaguchi: I were king - sorry - tired.

What if we were in an advisory status and not a constituency? What if we could be the same level as the GAC?

John Berard: So you do want to be king.

Susan Kawaguchi: I do.

Elisa Cooper: Marilyn?

Marilyn Cade: Thank you Elisa. Marilyn Cade.

Of course everybody knows that I have a vested interest because I actually paid the lawyer that wrote the GNSO bylaws years and years ago. That's a joke, true, but bad joke.

I think the advisory role is a red-herring. Because advisory councils don't give votes, they can have liaisons, and we would be isolating the contracted parties in what will become a trade association for contracted parties.

The balance of the participation of the non-contracted participants is what justified - it is something of an antitrust protection to the contracted parties. And when we set ICANN up, I spent a lot of legal expenses from IPAA Legal Staff and others and chamber folks, looking into, you know, what were the risks of having the contracted parties; remember, we only had one at the time. But what was the risk of having the contracted parties isolated from the customers since this is developing binding policy?

I personally think it's a red herring. I think it's a different issue for making sure that Board members and staff - there are 300 staff. More than 50% of them are so new. One of them actually approved a marketing document that referred to ICANN as the International Corporation of (Findings) and Numbers. We need to help the staff know who we are too.

Elisa Cooper: All right. Anything else?

All right, well I want to take this opportunity to thank all of you for your continued support in the BC, for coming to the calls, for contributing to the comments.

I really want to thank (Steve) in particular for just doing an outstanding job. He just continues to amaze me. So thank you very much (Steve), I appreciate all that you do, and really all of you. So thank you so much.

We are scheduled to have one last meeting tomorrow. I will send out a reminder. It is at lunchtime.

It typically is a short meeting where we prep for the public forum and so please do come. I'll send you a little reminder about where we're meeting, what the specific time is.

Man: (Unintelligible).

Elisa Cooper: Yes, short; 30 minutes maybe. So if you're able to come to come like at the start and we'll break as soon as we're, you know, done.

So thank you so much and I'll see you all around. Thank you.

END