LONDON – Board with Commercial Stakeholder Group
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ICANN – London, England

STEVE CROCKER: We're five minutes overdue. Let's get started.

Don't know what it is in this room. In a previous session, I was feeling chilled. Now it feels warm in here. Maybe that's a precursor to foreshadowing the topics that we're going to talk about.

Your session.

TONY HOLMES: Okay. Thank you very much, Steve, and I'd like to reassure everybody. I don't think it is because of our topics that the temperature is rising, so maybe it's just people getting more comfortable.

But this session is obviously the commercial stakeholder group that brings together the business constituency, the intellectual property constituency, and the ISPs together to just talk with you as a board.

We always really appreciate doing that, the time you spend with us.

And we're doing something a little bit different this time. Normally, I think as a board you probably tend to get focus from the input from the various stakeholder groups on the same topics. We're probably going to veer away from that a little bit and we hope that the input we bring to you is positive and points to improving things as we walk the path that we're now undertaking.

So there are two issues that we want to cover.

The first one is compliance, but it's a slightly different spin on that. It really is identifying what we've seen as some potential compliance risks.

And the second issue that we'll come along on -- and I'm sure that is one that comes up frequently now -- is the whole issue of accountability.

But if we could start with the issue of compliance risk, I'm going to ask Elisa to introduce that session.

And then hopefully as well as having interaction with you as board members, we'll also be in a position where we can open up the floor to our members to contribute to that debate as well.

So with that, I'll hand over to Elisa.

ELISA COOPER: Thanks, Tony. And thank you for hosting us, as always.

So while there clearly is a lot of activity going on at ICANN right now, I can tell you that businesses are very focused on the new gTLD program. That is what they are working on right now and that's what they are focused on.

And so I want to tell you about three different issues or types of issues that I'm hearing from business as concerns and potential problems, and I've kind of categorized them into three different groups.

One are potential compliance risks, so we haven't seen a compliance problem yet but I believe there is a risk for an issue.

There are things that I'm seeing going on that I don't think we can do anything about in this current round but I want us to be cognizant of them and I want us to flag them as we move on to future rounds, but I do think it's important that we talk about those items that are going on.

And then we do have an issue of non-compliance and I think you might already be aware of it, but I wanted to flag it and make sure that we were all aware of it.

So starting off with what I think is a potential compliance risk. And this is something that's going on as a result of name collision.

As you probably know, those name collision names, for many registries, were put onto reserved names lists, and for some registries, even though the names were added to reserved names

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lists, they were still made available and subject to sunrise periods, and so the Donuts registries, for instance, they have made those names, even those that are name collision list domains, available for sunrise during the sunrise period, but there are other registries who have added those name collision names to reserved names lists, which means they're not available for registration and they were not available for registration during the sunrise period. And the reason I'm calling this a potential risk is that I want to ensure that when those names come off of the reserved names list, because they were cleared of the collision, that those names will be subject to a sunrise if they had not previously been subject to a sunrise.

Now, I understand that there's all this discussion that names that are on reserved names lists will not be subject to sunrise, but these are names that were never subject to sunrise. And I can tell you that there are many brand owners that are anxious and wanting to register these names and are assuming that they can do it because they've submitted to the clearinghouse, it's an exact match registration, but they can't get it because it's on the list.

And so I'm hopeful and I am really advocating that we ensure every name is subject to a sunrise period, even those that were added to a reserved list due to name collision.

So that is the first area that I see as a potential compliance risk. It's not non-compliance, because we haven't taken those names

off the list yet, but when they do, again, I really hope that they will be subject to a sunrise period.

The second area where I think -- you know, we've -- we're seeing some issues, and I don't think there is anything we can do about it right now -- are issues where we're seeing trademark names, clearly identifiable, very unique trademark names, appearing on premium name lists and those names are being charged -- there are exorbitant fees, much higher than what is going to charged in general availability. And I don't think there's anything we can do about it now, but in the future -- in the future rounds, I'd like us to make sure that we've flagged this and address that somehow.

We're also seeing an issue where there is what appears to be a bypassing of the registry/registrar distribution channel, and this is occurring when registries, once they're past their sunrise periods, they are going out and they are registering domains to themselves and then they are putting them up for sale en masse on auction sites.

And why that is, you know, sort of changing the whole channel is now you no longer have an opportunity to select which registrar you're going to use. You're forced to obtain the name from a particular registrar.

So again, there's nothing, I don't think, that we can do about this in the current round, but again something that I would flag for the future.

And then the final compliance issue -- and this is really, I think, an issue that's one of non-compliance -- is around one particular registry and it's a situation where domains were registered to registrants without them agreeing to terms and conditions, without even asking for the domains to be registered in the first place, and, you know, my understanding is -- I don't know where this stands. I know that this particular topic was submitted to compliance and I really just want to make sure that this does not become something that other registries do in the future, and this is in the .XYZ registry where certain registrants of .COM names were provisioned matching .XYZ names.

And I'm not saying that they were -- that they were trademarks or anything, but what I am saying is that there was no agreement to the terms and conditions; they were simply just given the names.

So those are the sort of three areas that, you know, I think we have concern with and wanted to raise to the board and make sure that we take note of these in this round for some and then in future rounds for others.

STEVE CROCKER: Elisa, thank you very much.

We've been listening actively while you've been going through this list and there's been some quick vigorous interaction among board members uniformly focused on one single thing, which is

every one of these is an important and legitimate issue but really should be focused and funneled to the staff, to Akram and his team, and perhaps some to Maguy, and is not the kind of thing that the board -- I mean, we're listening and we understand, but it's not the kind of thing that we can grab hold of and do something ourselves except in the background to make sure that there's a response internally.

So I guess one -- one thing I could ask is: You surely have had some of that interaction, I imagine. What's the state of play?

ELISA COOPER: So the issue around non-compliance, that has been submitted to compliance.

The first issue that I raised about the name collision names, I've had feedback that staff is saying under no certain terms that name -- that lists -- that domains on reserved names lists will be subject to a sunrise, and so I'm not sure where to go with that from here, and so that is why I think it's important that I bring that to the board.

STEVE CROCKER: If that's the response -- I'm just echo -- I'm not deeply familiar with it. I'm just echoing back what you're saying.

If the response is that every name that's been on a reserved list has to go through sunrise, then if you're seeing some instances where that's not happening, then you have not a potential but an actual compliance issue and then you have something that can be acted on rather directly.

ELISA COOPER: Well, I think -- and is Maguy here? I'm not sure.

I think what I'm hearing, though, is that they're saying it doesn't have to, so there's not a compliance risk. And I'm not sure why that's the case, because these are names that were never subject to the sunrise.

STEVE CROCKER: I'm sorry. Did I misunderstand? I thought you said you had asked and you were told that every name that -- that's on the reserved list has to go through --

Ram?

RAM MOHAN: This topic came up in yesterday's name collision workshop as well.

What staff clarified yesterday is what Elisa was saying: It is not required -- registries are not required to put those names through sunrise.

The concern that was raised from community members was that it ought to go through that, and what staff said yesterday was they would consider that feedback and come back with an analysis to the NGPC/board.

STEVE CROCKER: I see. So this is a -- provides different -- different treatment for names depending on whether they were or weren't put on the reserved list and so that's a question of how the applicant guidebook was constructed, and I get it. I'm not going to say another word.

[Laughter]

TONY HOLMES: Okay. Ron?

RON ANDRUFF: Hi, Steve. Ron Andruff, business constituency. I think what we've brought to your attention here are a number of issues that obviously the board is not going to wave a magic wand and resolve them and they do have to go through the proper channels. I think that's all perfectly clear.

The bigger issue I think that we're flagging is that we've got some gaping holes where -- that you can drive a truck through and we

really need to maybe tie those hole- -- kind of close those holes up.

Having brands or trademarks be charged premium prices -- $2,000 a name and then 2500, $16,000 a name -- when it's your trademark because it's coming at a registry level, not even a registrar level, that's a very disconcerting thing.

Now, we understand business models are open and free to -- to do, but when you're talking about trademarks being put into that situation, there's words called extortion and others that could be applied to that and this is not good for ICANN as an institution.

And so I think what we're trying to say here is while the business community has some concerns, the larger concern is for the institution of ICANN to be able to withstand this, particularly as we're now moving through this transition period and we are -- want to talk about accountability.

These are black eyes and you cannot -- as you well know, if I punch you in the nose and you get a black eye, it doesn't go away tomorrow. It stays with us. And that's the problem that we're addressing. So we need to bring this to the board's attention. We need to start looking at how can we start to close some of these loopholes and really solve this problem before it exacerbates, because clearly, for every new, you know, 10, 20, 30 gTLDs that come out where they're not given any reason to slow this down, it's only going to get worse. Thank you.

STEVE CROCKER: Yeah. Cherine, have -- has there been action in the NGPC on this in the past?

CHERINE CHALABY: No. I mean, this is -- this is now raised to the level of the board so I wonder if Akram is here or is here to answer that, but I can't give a comment on that at this point.

STEVE CROCKER: I think there probably is an aggregate set of questions related to the consistency of the applicant guidebook and application of the rules and so forth that would be worth a little bit of exchange, at least, and probing, to see how this is playing out.

There's a broader question that we might want to ask that is related to this, which is: How well is the market working for all of us? And maybe we can take that on as a related and separate topic, but I don't want to derail where we are too much.

TONY HOLMES: We did have some discussion, Steve, around whether this is something that needs to be fed into later review of how things worked out in terms of this particular round, but felt that we were at the stage where it wasn't really appropriate to leave it to that,

there was a need to bring it to your attention now, and that's really where we came from.

But I notice there are other people in the queue. Ray, if I could hand the floor to you.

RAY PLZAK: Yeah. Thanks, Tony.

In my mind, some of these matters that are being brought up here are clearly policy issues. Anytime you start talking about a requirement, that actually becomes, in my mind, a policy issue and is something for the community to decide what they want to do, what they think should be done, as opposed to letting a small clique of people on the NGP or the board decide it for you.

And so I would suggest that probably what's in order here is to do some sifting and winnowing what's in there and identify those things that should be simple policy statements and put those through a policy process and identify those things where there are existing procedures and processes that deal with them, and if those procedures and processes aren't adequate to do the job, then take whatever measures are necessary to change those processes and procedures. And here again, that may also be a policy discussion as well.

So I would really like to see more engagement and discussion in this direction, as opposed to relying upon the board to make

some decision for you when the board is not as fully as the community, and they never will be.

Thanks.

TONY HOLMES: Okay. I think I saw Mike requesting the floor.

MIKE SILBER: Thanks, Tony. And just building on what Ray said, I made a comment a few days ago and it was jumped on in terms of the new gTLD program is not perfect and it's based on GNSO policy.

And I'm not suggesting these issues are the fault of the GNSO, but at the same time they can't -- we can't point a finger at staff. They are not perfectly able to predict every activity and they've certainly tried with the GNSO.

And what I'm encouraging is, thank you for bringing this to our attention. It's very useful to know about it. We may need to look at, in future rounds, some sort of interim response to issues that are -- that arise which are fair to all parties which would involve a reasonable and proportional stay in respect of potential abuse but without holding up the entire program. But at the same time, it's the responsibility of everyone in this room -- board, staff, GNSO, and other members of the community -- to then action these

items. It's not a board item or a staff item; it's a collaborative process that we need to embark on.

TONY HOLMES: Thank you. Kristina?

KRISTINA ROSETTE: Certainly. Just to respond -- or address the points that both Ray and Mike have raised.

I think we're certainly cognizant of that and I think that's why, for example, one of the -- the very first category that was identified were -- or one of the categories that was identified are things that we need to deal with in future rounds. So I think that there is recognition that that hole needs to be plugged.

But I think perhaps there might be some misunderstanding. It's certainly our perspective that with regard to the name collision lists, most of which are chockful of globally recognized trademarks, that was a staff-created list. That was a kind of group of names that was taken out of what should have been the usual sunrise trademark claims process.

So while I certainly recognize the point that you do need to identify where we're talking policy and where we're talking implementation, I think we want to just make it very clear that

with regard to the name collision issue, that we are talking about implementation.

And I also just wanted to note, you know, certainly with regard to the points that Steve had made, I just wanted to remind everyone that we raised these issues in Singapore, and the response we got was, "Give us evidence. Come back to us with evidence." And so that's exactly what we're doing here.

TONY HOLMES: Ray, did you want to respond?

RAY PLZAK: As a quick response, first of all, in my mind there never can be implementation without policy, period, and the implementation has to be the implementation of the policy.

And if there's a difference of opinion about how something's being done, then it's going to have to be discerned whether or not it's a matter of violating the policy.

If the policy wasn't correctly drafted or crafted so that it was clearly understood what was meant to be done, then that could be rectified through another policy to fix that.

With regard to things that are in place and have sort of a legacy value to them, there's nothing that stops a policy process from going forward and fixing it. In the meantime, if there are things

that need to have immediate action, then it is certainly within the capability of the board to provide an interim policy statement to take care of it and then a policy process opened up to do one of two things, either substantiate what the board said or, two, to put in place a better crafted policy.

So I think that there is a lot of work that needs to be done in that area. And I think if you take the aspect of looking at these things -- any time there is a requirement stated or a judgment is being made, that has to be based upon a policy. And if it's not, then there needs to be one put in place to do it.

TONY HOLMES: Okay. I saw Marilyn and then I will hand back to Elisa.

Marilyn.

MARILYN CADE: Thank you. Marilyn Cade speaking.

I just wanted to use the illustration -- and I appreciate following Ray because I think I'm actually going to perhaps build on a comment he made.

The issue of reserved names in name collision, name collisions came up as an SSR issue much too late for any of us to have been prescient enough to have addressed that in the guidebook. And I'm not now talking about whether I support what I'm hearing

staff say about how to address name collision. I'm just trying to do a comment here on timing.

So when the staff created the reserved name list in response to the name collision issue, we did not have perhaps a quick enough understanding that we needed to quickly go back and try to get an interim policy in order to deal with the problem that was described. It may be that that is the very thing we need to be, all of us, focused on. And that is, if something is recognized now as creating a really serious problem, that we have to have a triage response with a plan then for fixing the policy and adjusting.

But I just -- I don't want this to appear that we are bringing you a problem that we are unsympathetic about. But we've got to realize that name collision only appeared on the scary horizon relatively recently.

TONY HOLMES: Steve Metalitz.

STEVE METALITZ: Yes, thank you. Just to follow up on Marilyn's point -- this is Steve Metalitz with the intellectual property constituency. Whether it's called policy or implementation, clearly part of ICANN's messaging about the new gTLD process has long been that the rights protection mechanisms will apply to all names in the new gTLD process. Sunrise is a cornerstone of those mechanisms.

And now because of an issue that arose late in the process, after the application guidebook was finished essentially, we have a situation in which many names -- a significant number of names are apparently, according to the staff, not going to be required to go through sunrise, although some registries are agreeing to do that.

So I think there is -- it really is a good example of something where perhaps an interim policy, some interim activity from the board is needed. I think Mike Silber's suggestion that in the future we build in some way to make interim adjustments for unforeseen circumstances is a good one. There's obviously a lot of issues about how that would be done. But I think that's good for the future.

But for this round, I think it is important that the board consider, that the NGPC consider, what steps might be needed in order to make the reality of the new gTLD process conform to the messaging that the public messaging that the ICANN has given the world about rights protection mechanisms. Thank you.

TONY HOLMES: And, finally, just to wrap up on this, Elisa, if I could turn back to you.

ELISA COOPER: So I guess the ask is: Is that something that the NGPC would consider, an interim policy to ensure that all domains are subject to a sunrise period?

CHERINE CHALABY: Let's reflect on it and come back to you on this, okay? Thank you.

STEVE CROCKER: And Bruce?

BRUCE TONKIN: Yeah, I was just going to say, I think the right way to respond -- I think the board is not going to be able to respond on the fly, as I think Marilyn is pointing out.

I think what we should agree, though, is that at least for the public forum on Thursday, we will get the staff to give an update to the community on this issue.

Really what we are talking about is a series of iterative changes. An iterative change was to introduce the reserved name list of name collisions. As a result of that, they dropped out of that sunrise process, as Steve mentioned.

Clearly, that needs to be taken into account when they are reintroduced. Let's get the staff to first respond on what they can do. And if the staff feel they need some board resolution or policy

or whatever, then let's let the staff tell us that. They may just be able to implement it on what you have suggested. We don't know that yet. Let's just start with the staff response. We should get that on Thursday. And then if the staff believes the board needs to take action to implement what you've suggested, then they'll do so.

STEVE CROCKER: Let me grab hold of that and make it a bit stronger. We have a curtailed, shortened public forum session because it is going to be quite a lot of focus on ICANN accountability and on the IANA stewardship transition. I don't see any reason why this shouldn't be a topic that we queue up in advance. I don't see why we shouldn't try to get staff ready to respond so that we can take this interaction and move it.

Let me ask -- we've got multiple talents here. Let me ask a combination of Cherine and Bruce to work with staff to queue that up and be ready for that.

Thank you for bringing it up.

TONY HOLMES: Thank you very much, Steve. And we certainly appreciate that very positive reaction and response. So thank you.

You mentioned that the public forum is going to be a little bit shorter this time and the fact that this focused on some real key issues.

And our second subject to bring up here certainly fits into that very well. It is the issue of accountability.

And on that particular point, to put some context around the discussion we'd like to have with you, I will turn it over to Steve DelBianco.

STEVE DelBIANCO: Thanks, Tony.

Make three points from the standpoint of the CSG regarding the IANA transition and ICANN accountability. The first is the CSG wants you to know we're very grateful that the board acknowledged that accountability was a vital aspect of the transition of IANA and the termination of the Commerce Department's contract.

And we're grateful because you set up a separate track on enhancing ICANN accountability. Comments are due later this week, and that working group will begin next week.

It is also something we're grateful for in that you haven't attempted to impose constraints on the scope of that enhancing accountability working group and haven't tried to prescribe the

membership of that working group. And I think in both regards, it is really going to make for a productive experience. And all of our groups have prepared comments to submit, and we have all submitted names of folks who want to participate.

Second point is that we want to acknowledge there's the distinction between ICANN the corporation, or organization, if you want to call it that, and ICANN the community. We clearly understand -- and this discussion came up over weekend discussions in council.

We understand the board's duties are to the corporation or organization. The bylaws say, quote, the directors shall serve as individuals who have the duty to act in what they reasonably believe are the best interests of ICANN and not as representatives of the entity that selected them.

So we get that, and we see the value in it as was expressed by five or six of you on the Sunday afternoon session with council.

So rather than changing the duties of directors, what we will seek in this new enhanced accountability process are enhanced mechanisms to hold the management and its board accountable to the greater community.

I mean, think of it as an example -- think of the cross-community working groups that develop policy or the cross-community review teams that the affirmation creates, where all members of

the community then hold the board and management accountable. What we need is something perhaps that is a more permanent version of that.

So the third point, and final point we want to make, is to clarify how we see the relationship between the IANA transition and the Enhancing Accountability Working Group. In an interaction with the staff and CEO on Sunday afternoon, we heard that the IANA transition and enhanced accountability tracks were interdependent and should inform each other.

Well, okay, fine. We get that. What we were pursuing in a unified way was something a little more specific. The CSG and, indeed, I believe, almost all of GNSO is unified that we ought to sequence the dependency. And that would mean the accountability enhancements would need to be created, developed, approved, and at least begun the implementation before we would complete the IANA transition.

We understand that in the minds of some on the board or management that generated quite a bit of concern if it should impact the September 2015 termination of the IANA contract.

I think we would like to say "Relax a little bit about that." Please, for instance, start by having staff dedicate good legal resources to help the working group on enhancing accountability so that we can develop structures, whether it is a bylaw change, whatever it is we do to enhance the accountability, make the affirmation

more permanent, that we just need as much help as we can get so that job gets done quickly. And then if a short extension were needed for the IANA contract, that would not jeopardize the transition.

If, for instance, U.S. presidential elections were a concern, as I have heard from management, you have until the end of 2016 with the current administration. There's plenty of time to get this right.

I will close by saying that the business community, the people in this room, we have been and we still are ICANN's biggest ally and defender, in Washington, in every national capital, at the United Nations, the ITU, and the Internet Governance Forum. After all, we are ICANN. And our real goal is to preserve that, protect it, enhance how it is accountable to those it is designed to serve.

STEVE CROCKER: Thank you. As you very clearly pointed out, there is a level of concern about if you sequence that way, then that may lead to delay and even more strongly I'll make it very pointed, the suggestion that that may be the purpose of that. And I recognize that that's not what you are saying. But there is sort of that idea floating in the air unintended or not.

STEVE DelBIANCO: Steve, I might suggest that we may discuss this point today, and we made that point to you because we had heard that floating in the air and want to be absolutely clear that that is not where the business community is coming from.

TONY HOLMES: I saw Bruce, I think, and Ray.

BRUCE TONKIN: Thanks, Tony.

I think one of the challenges on the ICANN accountability is that there's quite a few subtopics, I guess. And part of the question is, do we look at all those subtopics together or do we prioritize those? So some of the subtopics are looking at the ombudsman function, can we make that more effective; looking at the reconsideration process, which at the moment really is looking at questions of process and not questions of merit in the disputes and whether we want to have some appeal mechanisms that look at the case on its merits.

And then we have the independent review tribunal which really has only gone through the whole process once, and that was with XXX.

And then currently we have a few parties that are in the early stages of that but really not much experience with it, to be honest.

And then I think, Steve, you're talking about a potential additional accountability mechanisms which, in essence, what are the consequences if the board isn't acting in the best interests of the community and what are the consequences. Is there some mechanism of replacing the board in such situations? That would be a new mechanism that we don't currently have.

So I just kind of raise that if you are working on all four of those together that I mentioned, it is hard to get all that done. Do you work on all four in parallel? Maybe. Or do you pick perhaps the new one that you're referring to and focus on that initially because that might be the thing that's most critical with respect to the IANA transition.

But the other things are part of continuous improvement which we all want to improve as well.

TONY HOLMES: Ray?

RAY PLZAK: Thank you, Tony.

Two things. One is we shouldn't focus on an appellate structure as being the only mechanism of accountability. So we need to be careful of that.

Second thing is, is that when you look at the ICANN community, the ICANN community consists of many, many structures. This is an example of one of them. And so I think it is incumbent that each of these structures in the framework of ICANN accountability look at their own accountability mechanisms.

How is this particular organization accountable? What are the things that have to be done in here to make it accountable or more accountable or better accountable? Take your pick of adjectives.

But the point is, is that we can't just talk in terms of the metaquestion of accountability without looking at the parts of the organization. Thanks.

TONY HOLMES: Okay. Thank you.

Steve?

STEVE DelBIANCO: For Ray and Bruce, thank you for those suggestions. And I do think it is key to understand that where the Commercial Stakeholder Group is going with that is community accountability.

And the community includes GNSO, ccNSO, ALAC, SSAC, ASO, governments, GAC. It includes all them because we all participate as a community when we do affirmation reviews and we do cause community working groups.

So there's a high probability that by keeping that accountability to the community within the structures of the people that know and work within ICANN today, we will greatly reduce the risk that these new accountability mechanisms would be too complex to implement. This is mostly to the point that Bruce brought up. And this is not in any way an attempt to try and create brand-new structures of accountability that bring in outsiders who aren't currently part of the community that are in ICANN today.

TONY HOLMES: Bill?

BILL GRAHAM: Thanks, Tony.   And thanks, Steve, for that -- introducing this discussion.   That's really useful.   I would like to support what Bruce and Ray have said.

I'd also like to say that I'm concerned a little bit about trying to deal with the accountability piece entirely before the IANA tran- -- sorry, I've lost the word.

BRUCE TONKIN: Transition.

BILL GRAHAM: -- transition.

I understand from listening to your concerns, the concerns of this community and all parts of the community that there are very broad concerns about ICANN's accountability.

I wonder if it's possible to split out a little bit the accountability mechanisms pertaining particularly to that very narrow IANA function.

I get that there is a need to look at accountability very broadly across the organization. That I'm afraid can become a rat hole that we can disappear down for years because, you know, frankly, we've been through a whole stack of reviews. We've made a whole bunch of changes.

I think while we're not there yet, there have been improvements in accountability, but I think what -- I read that as a symptom of an extremely broad-based concern about accountability.

So it's just a matter of can we get this done at the same time as we're doing the IANA transition, taking the entire breadth? I recognize that the entire IANA transition process gives us an excuse or a rationale for looking very fundamentally at accountability, and I'm sympathetic to that. I wouldn't want to

step away from that. I'm just raising this question of the pressure of time. Even 2016 is pretty soon.

TONY HOLMES: Rick, if you wanted to come the mic.

RICK LANE: Rick Lane, 21st Century Fox.

When I was at the chamber in '98, '99, 2001, I was the point person for the business community at the U.S. Chamber of Commerce for business community on ICANN and Internet-related issues. At that point, ICANN was at a transition up on Capitol Hill. There was a lot of thought and concern on Capitol Hill about the future of ICANN. And we, as the business community, led the effort up there to alleviate their concerns and say "Give them time. Let them work this out."And I think we were right at that point.

I think the concern now -- and I handle domestic policy for 21st Century Fox -- is that if you wait, like you said you wanted to do in the IANA transition, I don't know how Congress will react if there are still concerns about the ICANN accountability.

So we look at it, because we're supportive of the IANA transfer, that it gives us ammunition on Capitol Hill to say to members of Congress from both parties -- the concerns aren't just

Republicans. I can tell you that. It is both parties and whoever the future President may be, if it takes a little bit longer.

What they want to hear from the business community and the NGOs is that they feel comfortable with this transition and the ICANN accountability.

We look at it as the best way to ensure that there isn't a problem on Capitol Hill in these last stages to have strong accountability, to have ICANN business community working together in a way that we can go again unify like we did in '98, '99, 2000, in those early days, and say, "Look it. They got it right. They are moving forward." This is an opportunity for all of us to work together.

If it is not there, it won't be just U.S. businesses, there will be international businesses asking us to slow things down. I just -- this is a good thing to work together on.

TONY HOLMES: Steve?

STEVE DelBIANCO: Thank you.   Bill, when you mentioned that "sequence dependency" was the phrase we used, let's just be clear that the IANA transition planning, it is underway.   They are parallel planning processes. It is as if you are doing an accountability and

transparency review team which takes several months in parallel with something like planning the IANA transition.

So the IANA transition can be all planned and approved, but we're maintaining it ought to be parked until the day we approve and begin implementing, approve and enhance the accountability structure.

And we've explained over and over again why we believe those are appropriate to link. And I get your point, that we'll have to be disciplined about the structure, disciplined about the people at the table. It is an ICANN exercise. It is not an exercise in which ICANN is coordinating with the rest of the planet. It is, in fact, an ICANN exercise so the community is involved in that.

We've done a lot of things in parallel before, including a new gTLD program. And I believe if the pressures are there and board and management feel the pressure of the calendar, well, that only works to our benefit to get this done.

TONY HOLMES: Erika.

ERIKA MANN: To the two comments, I think you are totally right. It's important to have the sequence between the two processes done in the right way. One has to be careful when we talk about link. I think

you have to -- both processes have to be clear, understandable, and they have to fulfill definitely the political obligations which you just described. So the background, which is by the way, not just true for the United States, but it's true for Europe and many other parts of the world. So they have to reflect political concerns, but they have to be in operational terms correct as well. So because -- if you don't get these two processes right, nothing will work in a correct way. I think we have to be -- and I was -- I was grateful for Steve's comment on this one. I think the timetable is a little bit more flexible than we originally thought, because we were under the assumption, you know, to get something done until -- you know, as early as possible. I think we should maybe relax a little bit on the timetable and not feel under too much pressure. And this will then allow the accountability process to evolve in correct terms as well. So I would say yes, the sequence must be right, they must be connected. They must be not linked in -- in all areas because I think they -- they are not identical. They are different processes. But in the -- in the major areas they connect to each other. I totally agree with you. And we have to get this right on the board and the management as well. So yeah, thank you for highlighting this point again.

TONY HOLMES: Thank you. Marilyn.

MARILYN CADE:	Marilyn Cade. I'm the CSG officer in the business constituency, and I mention that because I want to build on some of the comments that have been made before.

I want to first of all refer back to a comment that Rick Lane made because Rick and I were part of a coalition of business and think tank and NGOs that also reached out into other countries to explain and clarify through -- over a very long period of time, because ICANN was a new entrant and a new animal at the time it was established. We were educating, though, and creating awareness in a more finite base of countries and environments than today. And I think what Rick was indicating -- and I think that's the message you're getting from all of us -- we, too, have a much broader footprint and presence and engagement with industry associations and other groups and we are, in fact, the people, combined with NGOs and others, that are best able to educate about why this is the right model. And how this model is evolving to include the kind of accountability mechanisms, I will just say one more thing that I hope we're all really remembering. The president's strategy committee, the Affirmation of Commitments, ATRT1, and ATRT2 already had us on a track of awareness that we needed to strengthen and improve our existing accountability mechanisms and perhaps add others. And I think we should keep that in mind, even as we're now looking at the implications of the IANA transition.

My final comment is going to thank all of -- there's a very large turnout of board members here with us and staff, and I -- I know we all really appreciate that, and we miss those who are not able to be here to hear this very thoughtful and productive discussion.

TONY HOLMES: Okay. So I -- I think that was a good comment to -- towards ending this particular issue, but before I do, are there anybody -- any other comments from the floor that want to pick up on any of the points we've raised here? If not, I'll build on Marilyn's point and thank you all for your time and participation and look forward to keeping up this relationship. We brought up a couple of issues, I think we've had a good debate around those, and we look forward to moving them forward. Thank you, Steve.

[Applause]

STEVE CROCKER: Very nicely done.

[END OF TRANSCRIPTION]