
LOS ANGELES – At-Large New gTLD Working Group
Monday, October 13, 2014 – 18:00 to 19:00
ICANN – Los Angeles, USA

EVAN LEIBOVITCH: Hi, there. I'm sorry, I erred. We do have interpretation for English, French, and Spanish in this room. We've been informed that the interpretation services will be extended for us for the duration of this meeting, so I thank ICANN staff and the interpreters that have already done physical work to date and for giving us one more hour to get through this.

I'm fully appreciative. This is late in the day. You're all tired. We're all tired. But this is an important thing, so thank you for giving up your effort and your time to be here.

Okay. While we're waiting for some things to be done, I'm going to ask for the recording to start. We're not yet ready for things on the screen, but what I'd like to do while we get a start is very quickly get role call around the table. Please just identify yourself very quickly your name. And if you wish to identify an organization, please do that at this time. Edmon, would you like to go first?

EDMON CHUNG: Edmon Chung, Internet Society, Hong Kong.

EVAN LEIBOVITCH: Wolf?

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

WOLF LUDWIG: Wolf Ludwig, EURALO.

HOLLY RAICHE: Holly Raiche, APRALO.

JOAN KERR: Joan Kerr, FBSC.

RAFID FATANI: Rafid Fatani, ALAC.

HONG XUE: Chinese Domain Names Users Alliance, Beijing. Hong Xue, that's me.

MAUREEN HILYARD: Maureen Hilyard, APRALO.

EVAN LEIBOVITCH: Evan Leibovitch, ALAC.

HEIDI ULLRICH: Heidi Ullrich, ICANN staff.

GISELLA GRUBER: Gisella Gruber, ICANN staff.

ARIEL LIANG: Ariel Liang, ICANN staff.

SILVIA VIVANCO: Silvia Vivanco, ICANN staff.

SANDRA HOFERICHTER: Sandra Hoferichter, EURALO.

JOHN LAPRISE: John Laprise, independent.

ANTHONY NIIGANII: Anthony Niiganii, NARALO.

CHERYL LANGDON-ORR: Cheryl Langdon-Orr, APRALO but noting I'm here, even though I'm a longstanding member of this work group, I did withdraw when I joined NomCom. I'm here in a purely observant observation status. So just as part of my watching brief, but my NomCom role prevents me from being engaged in new gTLD activities.

RON ANDRUFF: Ron Andruff, Business Constituency.

OLIVIER CRÉPIN-LEBLOND: Olivier Crepin-Leblond, ALAC chair.

GABRIEL LEVITT: Gabriel Levitt, vice president of PharmacyChecker.com.

UNIDENTIFIED MALE: [inaudible] with Dominion Enterprises.

JIM SCHRAND: Jim Schrand, Dominion Enterprises.

[LEE AKER]: Lee Aker, Dominion Enterprises.

UNIDENTIFIED FEMALE: [inaudible], ICANN staff.

ANTONIETTA MANGIACOTTI: Antonietta Mangiacotti, ICANN staff.

EVAN LEIBOVITCH: Okay, that's it. Oh, one more, two more.

CHERYL LANGDON-ORR: We're always blindsided.

ALAN GLENNON: Alan Glennon, Taggage.

RINALIA ABDUL RAHIM: Oh, I have to? Rinalia Abdul Rahim. Do I have to say At-Large Community?

UNIDENTIFIED FEMALE: Yes, you do.

EVAN LEIBOVITCH: Okay. So thank you very much. Oh, more. Sorry.

YANNIS LI: Yannis with APRALO.

[JENNIFER]: Jennifer, I guess also with APRALO.

EVAN LEIBOVITCH: Okay. I hope you understand my indulgence because we have a lot of people that are not normally coming to ALAC meetings that come to this, so I appreciate everybody's participation. Let's move right along.

First thing on our agenda is I'm actually going to switch things up because of the participation, so I'm going to swap number two and three – commentary from ALAC regarding the next gTLD application round. Based on some of the information we heard this morning, it gives me the impression that there is not going to be an incredible rush on the next round. We had commentary including from the president and the Board that it'll be done when it's done and doing it right is more important than doing it quick, so I think we have a little bit more time to work with dealing with future rounds.

So given the time nature today, I think it's better to actually swap them, delve into the issue of public interest commitments, because that is an issue dealing with the current round, not future rounds.

So just as a matter of background, the issue of public interest commitments in the gTLD application round has been a subject of significant contention within At-Large. Some time back some members of the Business Constituency together with some members of At-Large got together and drew up a request for a public comment process, because we believe that the work to date on public interest commitments had been insufficient, and so that public comment period is over, and so part of what I'd like to do today is go over the comments and try and discuss here what future step we would like to take.

In the public comment that we put out, the ALAC reserved the right to do whatever we saw fit in response to the results that we received.

Is everyone here aware of this process that has gone on so far? This has taken essentially the better part of 2014 so far, and so I'm happy to see the PCP having been finished, that we have the results, we have the comments, and so now we're ready to do something with it.

As you can see on the right-hand screen that we have is essentially the summary that ICANN staff assembled. If I may be so blunt, essentially we had a number of commentaries from members of the existing applicants and from the registry community that were most opposed to revisiting the issue of public interest commitments. We had a number of third parties that spoke in favor of it.

And so, because we're short in time, it was not my intent to reread this. I'm hoping in preparation that most of the members of the working group actually had a look at this document. It was widely circulated in advance.

And so, what I'd like to do is open the floor and try and get some discussion going on on what should be our next steps based on this. We have lots of options available to us, including the creation of a motion that could be presented to ALAC and voted on this week while we're here. So we have a number of options open to us, and so I'd like to open the floor. When you want to speak, put your hand up or your tent card. Or if you're behind me, please try and get the attention of myself or somebody on staff. And also, if staff could monitor the Adobe Connect room if we have anybody participating remotely.

By the way, as we did the roll call, is there anybody participating remotely that can be added to our list?

GISELLA GRUBER:

All the people on remote participation will be added to the attendance list and noted Adobe Connect. Thank you.

EVAN LEIBOVITCH:

Thank you, Gisella. So please keep a note if anybody remotely has a question or something that they would like to add into the record.

Okay. Right now, I just have one person in the speaking queue. That's Ron Andruff from the Business Community. Ron, go ahead.

RON ANDRUFF:

Thank you very much, Evan, and thank you to the community for allowing me to join and speak with you about this today. Evan did a very good summary I think of the situation in terms of how we came to this point, but I just wanted to add a little bit of color to flesh that out a little bit.

This is not a BC issue in so much as this is a community issue. So the BC has filed comments on this which are very strong and very supportive of this idea of having safeguards, which effectively condition the applications or the applicants for new top-level domains. And when I say condition, it basically means that we shouldn't be giving regulated sector strings to individuals without any conditions around them. It's just not the way it happens in the real world. Governments regulate industries for very specific reasons: to protect users, protect the public citizen.

That's why when we – myself and other colleagues – started to draft this document we came to ALAC leadership and said this really is something more that sits in your bailiwick than it does in the BC, but we do have BC support for this, as well as other constituencies.

The main issue here at stake is that, in Beijing, the GAC called for safeguards for highly-regulated strings and they called them Category 1 Safeguards. These safeguards spoke specifically to health and fitness, financial, gambling, and charity. There are 28 actual strings in that group.

We felt that if there were the possibility of having what we called a Policy Advisory Board that would work with those operators to establish the policies for who gets a domain name under what conditions and so

forth, ensuring that there would be, in fact, appropriate checks and balances to make sure that anyone who applied for those strings were in fact from that sector. But also to make sure that people couldn't take a gTLD and use it to legislate.

An example of that is the .pharmacy. What's happening here, if you look at the applicant, NAPB, they are big pharma. They're all of the major pharmaceutical companies. So they are standing behind this application and they're promoting it that you will only get a .pharmacy domain if in fact you meet the policies that big pharma effectively determines, which puts approximately a million Americans at risk, as much as five million by some estimates, because they're getting their medications from Canada because they can't afford to get those medications in the United States.

So it's a really unhappy circumstance. My experience, for those of you who know me longer will know that I was behind the .travel launch years ago. So we applied that experience of being with .travel to this case.

What we did then is we went out to every travel and tourism sector, we invited them to send a representative and we set up a Policy Advisory Board that once we, as the registry, drafted the policies, we then vetted them with the community that we were serving so that they, indeed, could be satisfied that their needs would be met and that we weren't some outside body that's going to come and force them to do something.

The reality of this story is that the policy development process may take a couple of weeks. The vetting process happens in a day. You all sit

down and you'd look at the policies. We'd discuss them and find out what makes sense, what doesn't make sense and the revisions are made and the policies are done.

From that point on, what the Policy Advisory Board is doing is in fact assisting compliance here at ICANN by making sure that the body that they are a part of is in fact following the policies according to the rules. And that's a very helpful thing, because it's basically, in simple terms, putting auxiliary police on the street to assist the police force to make sure these things go well.

So it's been mischaracterized in a number of fora, particularly in the United States government and the GAC have called this a business model and they wouldn't support a business model. It's far from a business model. In fact, what it is is safeguards, just exactly what they'd called for.

So yesterday in the GAC meeting, this conversation came up about safeguards and there was a lot of discussion where the anger of the GAC was quite palpable, because since Beijing and every meeting since then, they've called in their communique for better safeguards.

The European Commission's response to the NGPC response to the GAC was a lot more needs to be done. The NGPC response is insufficient. They require better and further review. The United States government said, "Insufficient. We have serious concerns. Validation of credentials for highly-regulated strings is critical and non-discriminatory registration practices are also critical."

The U.K. government noted that .bank and .finance had put some very good practices in place and that was encouraging and there were good examples of validation and verification, but also noted that Category 1 contracts are being signed by ICANN staff even while the ALAC public comment on the Policy Advisory Board model was out for the public to review.

He noted that our ministers – and this is a quote – “Our ministers will be highly critical about how we are protecting the public and consumer interests if we don’t get this right.”

Germany then said, “We share the concerns of the U.K.” Switzerland said, “We also are as concerned as the U.K. and Germany.” And the GAC is struggling with confidence with this implementation.

So the reason I’m pointing out these specific quotes is to let you know that your follow Advisory Committee is as equally upset about this as you are. And I think it’s really important at this juncture in time when ICANN is now stretching out and we’re trying to do a lot of things with regard to accountability in particular.

ICANN is not being very accountable to the Advisory Committee that speaks directly to users’ interests. This is a very, very important point.

I’ll finish with noting that of the 28 possible Category 1s, seven have now signed contracts - .poker, .surgery, .dentist, .creditcard, .lotto, .university, and .pharmacy.

It’s very disheartening to see that staff are going along without any concern to what the community wishes are, and we’ve been

determining our wishes through the Policy Advisory Board public comment that ALAC put out.

So one of the things I would like to [table] here, if I may, chairman, in the GAC meeting, the chair of the GAC made clear that IGOs and NGOs and that entire discussion and all that's going on around it, she made the point that everything is frozen. That is to say that there will be no second level names given out or nothing will happen in that regard because everything is frozen until as and when that time comes when the issues regarding IGO, NGO have been resolved.

And so I would submit that there's a possibility for ALAC to step forward and say we would like to have these 28 highly-regulated strings frozen until the time has come that all of the discussion and the decisions have been taken, and at that time they can be unfrozen.

This is not about a commercial interest. This is about taking care of end users, and unfortunately Evan and Cheryl and many of us have been around for 15 years in ICANN and we've watched every year time and time again how, if there's a possibility to cut a corner on the commercial side, they will cut a corner. If there's a possibly of stretching out and trying to do something that's not quite right, they will do it. It's unfortunate, but that's human nature.

And I come back to my opening statement. That's why regulated industries in the real world are regulated: to make sure that that unscrupulous behavior does not happen. Thank you, chairman.

EVAN LEIBOVITCH:

Thanks, Ron. I see Cheryl. Go ahead.

CHERYL LANGDON-ORR: Thank you, Evan. I'm just wanting to follow up with Ron and his statements there. Yes, there is the human nature aspect. There is making the best deal, which of course any company has to do for itself and its shareholders. But there's also the issue that often happens is, as time goes by, the actual staff that's engaged in things from the get-go and development change and things get lost in a company's corporate knowledge.

So it's not all vilification here, but I'll put it in the "it happens" pile and you can put the "S-H" in front if you feel the need to. Remember, I'm an Australian.

So it's a mechanism that we're looking for to ensure that there's an aspect of diligence which minimizes that risk, rather than to think that there's anything particularly sinister [inaudible]. Even I will give some people the benefit of the doubt, and actually this is one of those cases.

EVAN LEIBOVITCH: Thanks, Cheryl. Next is Edmon.

EDMON CHUNG: Thank you. This is much more about the Policy Advisory – is it called Policy Advisory Board?

RON ANDRUFF: Yes. And in fact, I omitted to say it's not – from our part, it's not about the actual Policy Advisory Board itself. It's about safeguards. It can be in any shape or form.

EVAN LEIBOVITCH: The nature of the actual public comment that was put out essentially was effectively split into two parts. One was to try and indicate the problems that existed with the current PIC regime, including very, very specific things that we saw in some of the PICs. The remedy for it afterwards could in fact be addressed separately.

I can tell the group that in conversations I've had with some GAC members, there is widespread agreement that the PIC system as it exists right now is insufficient. There is divergence whether or not the Policy Advisory Board model is a suitable repair for that.

So it's possible, in fact, that as we go forward, we may in fact finding ourselves wanting to split this up and saying we've got very, very broad agreement. The PICs are broken. What we don't have broad agreement on is how to fix it.

So going forward, we may be taking that path. We know something needs to be done. We need to engage the rest of the community in how to fix it. But the one thing we absolutely know for sure is that the PICs that they exist right now between the regime for even the mandatory ones and the optional ones, which we found aren't really worth anything, need to be addressed. Ron, go ahead.

RON ANDRUFF:

Just a follow-on to what you said, chairman, just to make it clear. For example, there's the largest portfolio manager of top-level domains have approximately 14 strings that they have applied for within the regulated sector. They're PICs, basically. It's one paragraph which is more or less fluff, and then at the end of it, it says, "And if these particular public interest commitments are not serving the company, we have the right to unilaterally cancel them at any time."

So the question then comes is: well, what kind of commitment is that? This is the issue we're bumping up against. In fact, for the 14 strings, they basically had this paragraph with that comment and said you can apply them to all 14 strings.

So while the GAC continually gets frustrated by it, they also have issues like .wine, and [.va], and .amazon which have driven wedges between the various members of the GAC community, so you're not seeing that ability to come together around issues and this issue is one that's important, but not as important as the others and that's why we fall into this box.

One of the ideas that's come up recently – and if I may just put that forward, chair – is that the idea, I'd recommend it about maybe looking to get them frozen. And while they're frozen, perhaps we set up a joint working group between the GAC because there was a committee that was being established between the European Commission, the United States, Australia and Germany amongst others to talk specifically about how the public interest commitments should be dealt with, and perhaps we look to them to do a joint committee with ALAC or perhaps others in

the community. So while it's frozen, we bring the community together to find a resolution to this. Thank you.

ALAN GREENBERG:

I have Hong in the queue. But before that, I just want to note there is going to be a meeting between the ALAC and the GAC. The public interest commitments are part of that agenda. So what you're asking for is certainly within reason to be able to ask at that time. There's precedent. There was coordination between GAC members and ALAC members on applicant support, so we do have a model for having done this before.

So it's absolutely reasonable. There's a precedent. So if the working group agrees, then this might be something worth going forward on. Hong, go ahead, please.

HONG XUE:

Okay, I have two points. First point is that if we are now commenting the ICANN current policy or implementation mechanism, [inaudible] PIC and PIC DRP, it seems that [inaudible] not sufficient as Ron mentioned, a safeguard. This PRC mechanism especially is DRP. We have a lot of issues with this DRP, especially this DRP is different from the other DRPs. They are not making decisions. It's actually making recommendations to ICANN implementation staff and ICANN will consider whether there's [inaudible] breach of contract and whether they're going to impose any section of that.

The issue here is that this DRP, is this relevant to the new accountability review? Can people appeal to this DRP recommendations? There's a lot

of questions around this resolution proceeding. I know a standing panel has been appointed. Three experts were appointed. I don't know [inaudible] function [inaudible] they're sufficient. So my comment is that [inaudible] and DRP is not sufficient is point one.

The second point, let's think about our strategy. Yes, I assume that for the safeguard, we need to think about the whole process, not only this is a post-delegation phase. Even before it has been delegated that there needs to be some safeguard, as Ron mentioned several times. So the [people] has mentioned, even a review panel at that level. There should be some safeguard.

And of course there should be some pre-delegation review. There's another layer. And the post-delegation phase, we have this PIC DRP already, and we can also have this PAB. I guess this is not neutrally exclusive. It's complementary

So what I'm suggesting, probably we think about an [overall] process how to safeguard the public interest from the string that's been applied to be a TLD until it has been finally delegated to the root. And even [has] been delegated during the process of this DRP of this TLD, as opposed to being [supervised] through some mechanism.

EVAN LEIBOVITCH: Thanks, Hong. Edmon, you're next.

EDMON CHUNG: So I want to throw my support to what Hong just said. I think if we think about the whole process, then the evaluation process of any applicant

needs to take it into consideration as well. Therefore, I was asking whether it was the PAB. What I wanted to say was actually if we look at the whole PIC problem, we need to look at it holistically. I think it would be perfect to work with the GAC on this particular issue. It appears that ICANN on an implementation level doesn't seem to have a strong will to do too much.

In terms of the GNSO, because of the interested parties, it might be difficult to push through anything without some work from ALAC and GAC as well. So I think this work, it would be right for this work to be done around here. A little bit like, as you said. A little bit like the applicant support thing. There was no will from the GNSO to push it through, and therefore GAC and ALAC community, we should take it on.

EVAN LEIBOVITCH: Thanks, Edmon. Further complicating the situation or putting another factor into this was the CEO's announcement this morning of a new position of Community Safeguard Officer. And it made me wonder, okay, we're hiring somebody to be a policeman to enforce non-existent laws, which sort of begs the question of what that person is going to be doing. If the PICs are so weak, what is there to enforce?

UNIDENTIFIED FEMALE: [inaudible]

EVAN LEIBOVITCH: He knows what he's enforcing, but from our point of view, there's very little to be enforced. The mandatory PICs basically have to deal with



intellectual property and that kind of thing. The actual public interest components of the PICs are mostly in the optional group which basically, from what we've been able to demonstrate in many cases have little teeth at all. And even so, there's been no issue at all on what the remedy is. Right now everything is binary. Either you're in breach or you're not. Well, if you're in breach, what does that mean? That means the RAA is null and void, so it's basically there's nothing interim. It's either the nuclear option or status quo.

So either a contract is breach and doesn't exist or it's no penalty at all. This is also the kind of thing that has caused a problem with this.

We are, in terms of timing, I'm just trying to be cognizant so I'm not pushing you after. We are 15 minutes to the hour. Okay, go ahead. Just identify yourself.

JOHN LAPRISE:

One thing I was dismayed to hear from Fadi was, in terms of the title of the new officer, was for consumer protection rather than user protection. I think that hints at a more thematic approach to what this officer's responsibilities are. I would prefer as a member of the community that someone in that position would be advocating on behalf of users more broadly, not in a more – I guess focusing, to my mind, [inaudible] consumers in a more subservient kind of way. That was troubling to me.

EVAN LEIBOVITCH:

Okay. So getting into action items now. We've had our discussion around the table. We have the rest of the meeting to say what do we

want to do about that? What are the particular items that we want to do? Things that we can send back to the ALAC, recommendations of what we should be doing this week and what we should be doing afterwards.

So can we have any discussion of what the particular options are? What I've heard so far is, number one, make sure that this is brought up in the conversations with the GAC and trying to establish a working group that would have members of this committee together with interested members of the GAC to get together. Is there anybody in this group that does not think that is worth pursuing?

Okay, Ron, go ahead.

RON ANDRUFF:

Thank you, chair. Sorry. To add the other point, the other recommendation that I had suggested also has a precedent and that was to freeze all of the Category 1s.

EVAN LEIBOVITCH:

Sorry, I'm not there yet. I'm just going through. There's a number of possible remedies, so I'm just trying to go them one by one. First one is engage with the GAC and try to talk to them about setting up a joint committee that will try and figure out what to do going forward about this. And after this meeting, I'll invite anyone from the group to come forward and identify themselves if you're interested in being on that committee, so we'll keep that in mind as we start talking to the GAC. So that's one.

The second is taking the form of potential request for ALAC advice to the Board. Ron, what you're suggesting is if we're going to call for a freeze, this is a working group, we have to propose something. This is something that would, if it were to be initiated, would have to take the form of ALAC advice to the Board. If we just do something out of this group it has no authority whatsoever. So what you're suggesting is the proposal for a motion that the ALAC consider this week that would request the Board to freeze those particular domains.

RON ANDRUFF:

In fact, that's it. And I think that follows on very well from the public comment. I think the public comment as you saw and as you noted, there were clearly two camps. One camp, a contracted party, saying, "We need nothing. We're good to go." And the other camp saying, "We really need these things." So I think on that basis alone, that you have enough people saying, "We need to look at this longer," you could ask for taking that step. It's not an unusual step. As I mentioned before, it's already [present] within the GAC. They've done it on IGO, NGO. And because this is as important – perhaps even more important – there's no reason why they should not hold these 28 strings, or 28 applications. Unfortunately, there are now seven also signed agreements. But freeze them all until this decision has been taken. That would be most effective. Thank you.

EVAN LEIBOVITCH:

Understood. Now, is there any discussion, any commentary, from anybody within the working group on whether or not we should do something for the ALAC? And if we do, we're going to need some

people holding a pen to actually put something forward. Since we have the chair of the ALAC here, then Olivier, you called on me last meeting, so I'm just getting you back.

So, essentially, I just want to find out and make sure that there might be an opportunity to discuss a motion coming forward from this working group that could be approved by the ALAC as advice. Should we go that route?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Evan. This working group, if it wishes to propose a motion, can. It is able to do so. Obviously one that would be ready by tomorrow and voted on, etc., is probably not possible. It would have to follow the usual process, so as for it to be considered on Thursday morning. And I'd remind you we have a very short amount of time on Thursday morning as well, so you would probably have to circulate this within the next 24 hours, probably find some time during the ALAC meeting tomorrow to alert members of this proposed motion, perhaps even find some time tomorrow to discuss it for a short while. And I think we'll probably have to work with Heidi to try and see when we could fit that tomorrow.

EVAN LEIBOVITCH: Thanks, Olivier. And in fact, I believe I'm allocated some time to speak on behalf of the gTLD Working Group, so I guess we could use that time. I'm allocated only enough time for report, but that could be used at least for the heads' up in advance of something to be presented on Thursday.

OLIVIER CRÉPIN-LEBLOND: Indeed, that would be the case, yes.

EVAN LEIBOVITCH: Okay. So I know what I'm doing with my time tomorrow. Now, having said that, as Olivier said, we need something to prepare. We need something fairly quick. Can I get a show of hands from anybody who's interested in participating as being a pen holder? What I'm hoping to do at this point is to do something on the order of a Google Doc that would be a working document. Multiple people could log into and work on from your hotel room or from wherever to try and expedite things and allow people to work on their own time. Is there anybody at the table who is interested in doing this?

Okay, I have Raf.

EDMON CHUNG: I'm not putting up to volunteer, but I wanted to say something.

EVAN LEIBOVITCH: Too late.

UNIDENTIFIED MALE: Introduce yourself.

EDMON CHUNG: So not volunteering. I won't have time in the next couple of days to help. I support it. But I wanted to ask a question. Do we know how likely

the GAC might actually come to some kind of advice this time in the
communicate?

The reason why I ask that is perhaps as we draft our advice, it being
synchronized in the type of wording or the type of thing that we're
asking might actually lend it stronger force behind it. I mean, that's the
reason why I brought this up.

EVAN LEIBOVITCH: Okay. Ron, would you like to answer that?

RON ANDRUFF: If I may, just a response chair.

EVAN LEIBOVITCH: Yes.

RON ANDRUFF: Yeah. I would be happy to connect the European Commission and the
U.K. government as lead on that with your chair and see if a dialogue
can then happen literally within the next few hours. I can send that mail
shortly and then see if there's a connection. Then you could at least
explain what's happening between what you're considering here and
get a temperature check from them.

EVAN LEIBOVITCH: That would be over and above the discussion that we're going to have
with the GAC?

RON ANDRUFF: Yes.

EVAN LEIBOVITCH: So you're going to put us in touch with some people that might be potential, at least contributors, into the work we're doing.

RON ANDRUFF: And be aware. While Edmon was asking, if I understand correctly, what's the feel of the GAC? Would the GAC kind of lean in this direction? Would they be happy to hear this news type of thing? And that's why I'm suggesting to have a couple of GAC people tell you directly rather than me try to interpret what they might think.

EVAN LEIBOVITCH: Go ahead. Just be cognizant. We're getting short on time.

EDMON CHUNG: My suggestion is a little bit more than that even. The wording that we use or the way that we present it, if it's more synchronized with the GAC's wording, it would lend both of us greater force I think. If we're going after the same direction, then let's use similar wording so that the Board gets it loud and clear. That's the idea.

EVAN LEIBOVITCH: Very well taken. And if we can do that, there's no reason why we shouldn't. I have one comment on Adobe Connect. I'm going to ask Gisella to please read into the record. Thank you.

GISELLA GRUBER: Unfortunately, [inaudible] hasn't written his question in the Adobe Connect room and he is not on the audio bridge. Thank you.

EVAN LEIBOVITCH: Thank you. If you could ask him, kindly, since he's raised his hand, if he has it, to express it in text because that's the only way we can communicate.

In the meantime, I still have a call of people interested in authoring an ALAC statement. So right now I have myself and Rev. Well, Edmon almost volunteered. Okay. So I heard from Holly as well then. No? Okay, well, please just remember that unless we have enough people doing this, it's going to be that much more difficult to get done. I guess Raf, you and me, we've got a job to do.

Ron, if you can put us in touch with people that will help inform and perhaps suggest some better language that, as Edmon does, we'll put things in synch, that will be great. Holly, you have the floor.

HOLLY RAICHE: I was just saying to Evan I think that a person to be in contact with is also the Australian representative who is vice chair and who probably shares very much the same concerns as the European Commission and U.K. They're on the same page, so happy to just send him an e-mail.

EVAN LEIBOVITCH: Holly, if you could arrange that, that would be great. As you know, we're working on a very, very compressed timeline. We'll be talking to the GAC.

HOLLY RAICHE: Just tell me what words you want me to say.

EVAN LEIBOVITCH: We'll speak afterwards offline. Okay. So do I have any other interest in people to help with that? So right now I have Raf Fatani, myself. Anybody else who has an interest in this?

HONG XUE: I'm happy to help, but I'm leaving tomorrow. So, you see – I help on the airplane.

EVAN LEIBOVITCH: Okay. So I have Hong. So what I'll do is we'll just give you access rights into the document. You put in as much as you want, as little as you want.

HONG XUE: [inaudible] in Beijing. I don't have access [inaudible] Google Docs.

EVAN LEIBOVITCH: Okay. We'll do what we can. Okay, last look around. Okay, it is four minutes to the hour. We started late, but we got a lot of work done on a very important issue. There is the second agenda item, which is the matter of activity that we want to talk about for the second round. I'm going to suggest putting that off to a future meeting of the working group because there is no real hurry on that.

Rinalia, would you suggest at this point, is there at all an urgency for us to have a commentary on things to do with the second round? Given what I heard this morning that there seemed to be consensus to move cautiously with it and to take care of reviews, is there any activity that you think ALAC needs to do in the short- to medium-term to act or advise on the second round? Thank you.

RINALIA ABDUL RAHIM: I think maybe a statement just to formalize the Advisory Committee's view on the importance of the review process, if that has not been conveyed before. If that has been conveyed before and given the perspective on the SO, AC panel this morning, I think it would be fine that you don't provide the input on it, in terms of urgency.

EVAN LEIBOVITCH: Thank you, Rinalia. Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Evan. There is one concern that I do have with regards to a statement just by the ALAC rather than a concerted effort by the ALAC and the GAC, which is that the Board has already replied to

previous statement of ours saying – or not statements, but concerns that we have expressed to them about the topic and they have said that they are not ready to reopen the issue.

So having a statement that says the same thing as previously asked will only yield the same answer, except if the statement is delivered in a different way.

EVAN LEIBOVITCH:

Olivier, if you're referring back to the issue on the PIC thing, the Board has told us it's been a dead issue. If you recall, during the London meeting between the ALAC and the Board, the Board members told us in no uncertain terms that they believe that the GAC was satisfied with things, only to find out later during the GAC communique that that was far from the case.

So we now know the GAC has concerns. We now know the ALAC continues to have concerns. So perhaps with the assistance of some of the government people that we're talking to that we can use appropriate language that essentially says the issue is not resolved, Ron has made the suggestion specifically of a request for a freeze. That is something we did not say in the last statement, so this will not be an identical go-around at it. It will have fresh content. Does that answer your question?

OLIVIER CRÉPIN-LEBLOND:

Thank you, Evan. It's just the question on whether you are expecting the ALAC to make a statement on this or whether you are expecting the ALAC and the GAC to work together on this.

EVAN LEIBOVITCH: I'm actually – as I read this meeting, we're coming out with two action items. One is to engage with the GAC. One is to prepare a statement of ALAC advice to the Board. So I'm coming out of this actually with two separate action items.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you for the clarification.

EVAN LEIBOVITCH: Okay. So it is exactly the top of the hour. Because I know everybody is tired, we've covered off this very important issue and a second issue we were going to be discussed can be deferred to a later date. Does anybody have any new business that they would like to raise? Edmon, go ahead.

EDMON CHUNG: Just shortly, we had a little discussion on the Skype chat about the CPE process. Does that fall under the next round kind of thing? It's still ongoing. There's a ton of reconsideration requests and the whole process seems to be something that we should keep an eye on. So I wonder if this is part of the bucket of the next round or something that we should think about now already.

EVAN LEIBOVITCH: Holly, did you want to say something? The light is on on your microphone.

HOLLY RAICHE: No.

EVAN LEIBOVITCH: Okay, thank you. I guess my answer to that was when originally considered, yes it was considered to be in the bucket of things to think about for the second round. Now, if you believe, Edmon, and if there's people in the community that believe here that there is activity that we could be doing that we should be requesting in the short-term because there are certain evaluations that are still underway, that's absolutely legitimate and that does fall under our realm.

We are a bit tight on the ability to bring that up right now. Is this something we can take into the mailing list perhaps for bringing to a subsequent ALAC meeting but not this week? Is that reasonable? If you believe this is a discussion we need to keep going, let's bring it into the working group mailing list, turn into concrete action that can be presented to ALAC. And if we want ALAC to recommend to the Board, they have to look at the CPEs that are going on in this round and not just consider it as fixing it for the next time. This is legitimate. It's worth talking about, but I don't think we're going to finish doing it today. Is that reasonable?

Okay, let the record show Edmon nodded his head. And on that note, seeing nobody requesting any new business, then I declare the meeting adjourned. Thank you for coming and for spending the last part of your ICANN day here and giving us the last bit of your energy. Thank you so much for this. Olivier, do you have a last comment?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Evan. I was just going to suggest thanking people that are sitting in booths behind you.

EVAN LEIBOVITCH: Yes, absolutely. Thank you above and beyond. [applause] As well as the people who have done the audio, the tech support, make sure the screens run, the cameras and everything. This has not been a trivial exercise, so it's appreciate all around. Thank you.

[END OF TRANSCRIPTION]