

Transcription ICANN Beijing Meeting
Commercial and Business Users Constituency (CBUC) meeting
Tuesday 9 April 2013 at 13:15 local time

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <http://gnso.icann.org/en/calendar/#apr>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

<http://gnso.icann.org/calendar/>

Elisa Cooper: Well thank you to everyone for joining. Maybe we should go ahead and start the recording. So this is...

Woman: (Unintelligible).

Elisa Cooper: Yes okay great. So welcome to the BC meeting, which is being held today, which is Tuesday, April 9 in Beijing at 1:15. And we've got a pretty full agenda today, so why don't we dive right in.

But before we do that - and I know we did this very, very quickly. But maybe we could just take a moment to just say a couple sentences about who you are and what your interest in the BC is. And I'll start off, my name is Elisa Cooper and most of you know that I'm the chair of the Business Constituency.

But my day job is working at (Mark Monitor), where I'm a product marketing director. And my real interest is in helping really our clients to understand and to know what is going on at ICANN.

Steve DelBianco: Steve DelBianco, I'm with (Net Choice). I'm executive director of a trade association in the USA on e-commerce issues. And on the BC, for several years have served as the vice chair for policy coordination, which is trying to keep us together with respect to supporting the counselors, making comments at the microphone, and then helping to coordinate our written comments to ICANN.

Chris Chaplow: Chris Chaplow, I've been a BC member since the (unintelligible) meeting in 2008. And elected vice chair finance and operations and that's - as I often say, it's the engine room, working on the budgets and the outreach materials. And things like that, so I'll pass on thanks.

(Amy Mushowarr): Thank you. I'm (Amy Mushowarr), I'm a private (unintelligible) data security attorney at (Ballard Spar), and I represent the Association of National Advertisers.

(Liz Sweezey): Hi I'm (Liz Sweezey) from (Fairwens Partners) and I represent - or my company (Fairwens) represents corporate brand owners, particularly and most recently with submitting applications for gTLDs and also protecting their brands and (unintelligible) as well.

Martin Sutton: Martin Sutton from HSBC, a BC member and credentials committee, can't remember how long I've been on the BC. I'm also an applicant for new gTLD and a founding member of the brand registry group.

(Mahmoud Dacdouf): Hi I'm (Mahmoud Dacdouf) from (Tagge). This is my first BC meeting. I'm happy to be here, really looking forward to learn more about the TMCH, new gTLDs and its impact on the businesses in general.

(David Sneed): Hi I'm (David Sneed), I am the vice chair and co-founder of the Internet Infrastructure Coalition. It's a advocacy group for web host and data centers. It's in the U.S. And I'm not a member of - we're not a member of any constituency. We're trying to figure which constituency wants us.

(Linda Vulcher): Hi my name's (Linda Vulcher), I'm with (Lake Shore Entertainment). We're a film production company, so obviously interested in (ITR) rights. So I apologize beforehand because I have to leave early, sort of the (IPC). But interested to learn what the business constituency is up to with that - regard as well. Thanks.

(Dan York): I'm (Dan York) with the Project of the Internet Society, focused on deploying (IPP6) and (DNS SEC) and part of our outreach is to businesses and so I was coming here partly just to understand what this constituency did here. And on the other hand, I'm also advising some different companies around interactions with TLDs, so I'm curious to hear more about that.

(Ishan Sahn): (Ishan Sahn) with the International Chamber of Commerce, long time BC member. Our organization represents businesses from around the world and across sectors, so many of my member companies are BC members, but they also are members of the other CSG constituencies. And a few of them are in the contracted party house as well. Thank you.

Gabriella Schittek: And this is Gabriella Schittek from Latin America and e-commerce institute. Our institute works mostly on building trust in the digital economy, and (unintelligible) e-commerce and helping to bring the - also more awareness about the (unintelligible). And if you open the newsletter of the BC, you can find an article about what we're doing (unintelligible) regarding the (unintelligible) and everything related to awareness.

Also I just wanted to thank everyone, because I don't know if you know that I'm now the - one of the local projects (unintelligible). So that means that I will get some support, because I'm the only Latin American member. So thank you very much for that.

(Aparnash Renar): Hi everyone. I'm (Aparnash Renar). I'm with Google. And I focus on broader Internet governance issues, so I'm - if you have questions about gTLDs, you should talk to (Andy Abrams), because that's his wheelhouse.

(Mary Jo Fuquhar): I'm (Mary Jo Fuquhar), I represent name administration and that's why I'm here.

Jennifer Wolfe: Hi I'm Jennifer Wolfe. I am the non-comm appointee to the GNSO. So that's why I'm here, is to listen and learn what's happening in this constituency today. I'm also an IP lawyer and run a digital brand strategy consulting firm.

Man: Hello. I (unintelligible). I'm here representing my company and (unintelligible). I'm also in a general way (unintelligible).

(Karen Nall): And I'm (Karen Nall) and I'm representing (Ali Baba) group. And I'm the - I think (unintelligible) counsel for (Ali Baba) group. And I'm interested in managing, which is IP or new gTLDs. Also (unintelligible). I think this is second BC meeting that I'm attending and we are in the progress of becoming BC members. And that's why I'm here.

Elisa Cooper: Just walking in is John Berard who's very important member, as he is a GNSO counselor. Maybe he - you can - sorry to ambush you. We were just kind of going around and saying a few words about who we are and kind of why we participate at ICANN. And what our interest is in the BC in particular.

John Berard: Yes my name is John Berard. I'm a public relations consultant based in San Francisco, California. I've been involved in ICANN matters since 2003.

And find the BC to be the best place for me to participate because it is a - focused on the Internet as a business platform, making sure that it follows these practices and procedures of the organization are conducive to that, stretching from the trust and safety of registrants all the way through to the ability to create and expand business on the strength of the digital platform.

Elisa Cooper: Thanks John. (Dahid) maybe you can do the same quickly?

(Dahid Jamime): Oh right mic. Hi (Dahid Jamime), I'm a member of the BC technically by - through the main industry resolution center in Pakistan. I'm an attorney and I participate in the BC and eventually got elected as counselor. I've been doing that for the last - I think now 4-1/2 years or so. And represent you on the council.

And so I feel that the BC represents - well presents the best way for me to be able to participate in ICANN because I share the same values as business and commercial concerns. So that's why, thank you.

Elisa Cooper: So I know we have some more people kind of coming in, but I do want to be cognizant of the agenda. But one thing I would like to say to just preface this meeting is you can see there is a wide variety of talent and experience and expertise here.

And I would like to try to keep this meeting somewhat interactive and conversational and I really want to encourage people to ask questions, even if you think maybe it doesn't make sense or you've got a question what is an acronym? I'm going to make an effort not to use the acronyms today.

But let's - I really want this to be a session where you walk away feeling like you've learned something. So please help me to make that happen.

So we're going to kick it off. Before we do that, I'll let Marilyn Cade introduce herself as well.

Marilyn Cade: That's what we're doing...

Elisa Cooper: Yes we were just doing...

Marilyn Cade: Sorry my name is Marilyn Cade, and I'm the CSG representative for the Business Constituency, which basically for some of you - I am using an acronym, that's the Commercial Stakeholding Group. And the purpose of that role is to work with the other constituencies and with other groups in support of the BC's agenda. Thanks.

Elisa Cooper: All right so let's jump in. (Liz Sweezey) from (Fairwens Partners) has graciously agreed to provide us with a bit of an overview of what she's hearing from her clients in terms of getting ready for new gTLDs, the trademark clearing house, and I thought it would be a great opportunity for (Liz) to kind of share with us what she's hearing.

And then for us to also have some discussion about it. So (Liz) take it away. (Benny)? Would it - I think (Benny's) popping the slides - wonderful thank you.

(Liz Sweezey): Hi everyone I'm (Liz Sweezey) from (Fairwens), thank you Elisa. You'll have to forgive me, I don't do public speaking well. And I've also been up since 2 o'clock this morning. So please you know definitely feel free to participate in discussion and ask questions. We have a great many experts in the room, so hopefully I won't be the only one talking here.

So for the most part it does say - the agenda said new gTLD updates. And I took that as for this particular group, as a discussion of the trademark clearinghouse.

So as requested, I've divided up the presentation into three parts, dealing with trademark - the trademark clearing house sorry. It says TMCH in some of the parts that I will try to use the non-acronym.

Elisa Cooper: That's okay (unintelligible).

(Liz Sweezey): Okay TMCH got it. Planning for registry launches and policing for abuse. Someone pointed out on the BC thread that you all - everyone pretty much knows what the TMCH is by now. And what it does to my points will be more about what I'm seeing from my clients and definitely open up for discussion. First slide please?

Thank you. So dealing with the TMCH. At least initially, most of our clients are approaching it very conservatively, but you know of course there are some that aren't as well.

We have a large retail corporation that we work with who is planning to submit 50 marks. A global bank is submitting less than 20, and an international food service company is submitting less than 10. So we're really seeing you know the numbers across the board.

But for the most part, people are proceeding with caution and definitely those - a wait and see approach. A more risk averse company, concerned about its presence in IDNs will most likely file their trademarks early, because the IDNs are going to go first as most of you know. Do we have to use a - okay thank you.

So the 30-day notice requirement for the sunrise period allows brands to register trademarks as needed. So as I mentioned earlier if you - you know if a company feels like it needs to register IDN - register domain names and IDNs, then they will probably go first.

For a smaller company that's not so concerned about IDN, and that's maybe primarily based in the U.S., they can probably wait a little bit longer, it just depends on their preference.

The 30-day notice requirement of sunrise periods laws - oh excuse me sorry. Brands are primarily looking at the TCMH as a means to register in the sunrise period, as opposed to using the trademarks claims period. Which - is

it - I think it's 90 days now. Ninety days where - so I'm going to assume that most of you don't know the trademarks claims period. Is that a fair assessment?

So that allows trademark owners - excuse me a registrant goes to register a domain name in a registry where the trademark is registered. The trademark holder will receive a notice, and that can found - I don't have that in my slide, I probably should've added it. But you can find that on the ICANN web site as well what that looks like. Next slide please.

Planning for registry launches. Before registry launches it's critical -- and we think that it's critical -- for brands to have defined domain name policy and strategy, in order to define which names to register. So we've actually found that a lot of companies have a lot of success when they put together what we have seen called as a domain name council.

Stakeholders including people from the IT group, the marketing group, e-commerce, and legal. I have in the deck developed a plan for second level registrations as sunrise periods begin. It should instead say that a strategy should be in place before the sunrise periods begin in my opinion.

The strategy should be flexible and account for the new gTLDs that are coming up and be ready to register selected marks during the relevance and rest periods. Next slide please.

Policing for abuse, now this is my - actually my favorite part of the TMCH so far. I was the - (unintelligible) so far. The uniform rapid suspension, the URS was designed as a quicker and more cost effective way than the UDRP for new gTLDs. It's a lot cheaper, it's going to be between \$300 and \$500 to take down a site, as opposed to \$1,000 to sometimes \$3,000, depending on who you're having do your UDRPs.

So it's a much cheaper option. It takes between two to four weeks, as opposed to about two months to get the name taken down. And instead of a domain name transfer, where the brand owners has to maintain it in order to protect it, there's a place holder URS page.

So if it's something that you're not terribly concerned with, but you'd rather someone not own - third party owned domain name, it puts up a place holder, so you never have to - you don't have to register it and you don't have to maintain it in your portfolio.

We work with a lot of companies who have very large portfolios that are basically and for the most part defensive registrations based on you know a domain name that maybe their CEO stumbled upon one night, late at night. Sent an e-mail to their trademark group and said, please go after this, I don't want this out there.

It's just a cheaper, more cost effective, and faster way to take care of that. And the - excuse me the URS will be operational before the first gTLD launch, so we've been told. And the UDRP will still be an opinion. Oh yes - sorry?

Chris Chaplow: Sorry Chris Chaplow (unintelligible) interactive. I've got a question. You've mentioned the place holder page.

(Liz Sweezey): Yes.

Chris Chaplow: Does that remain until the end of the - the domain is registered?

(Liz Sweezey): Yes.

Chris Chaplow: At which point the name then becomes free.

(Liz Sweezey): Yes that's correct.

Chris Chaplow: Okay.

(Liz Sweezey): So it's not a permanent solution, but it - you know it does take it off the market for a little while I guess. And I think that about closes it.

Elisa Cooper: So how many - like what percentage of companies are you finding are actually getting prepared?

(Liz Sweezey): I would say about half of our clients are prepared. We've helped them put together lists of trademarks that they want to file on trademark clearing house. But also the second level as well. Well I'm sorry, I guess that's all the second level.

But figuring out which gTLDs they're going to register in and then which second level they're going to register and what in - you know in each gTLD.

Elisa Cooper: So you'd say like half of...

(Liz Sweezey): I would say about 50% yes.

Elisa Cooper: Fifty percent wow.

(Liz Sweezey): Which may seem like a lot, but I feel like the time is kind of coming more - it's coming fast and you know more companies definitely need to be aware and prepared.

Elisa Cooper: How are - so I'm sorry. And I again welcome questions. But how are companies getting ready for the IDNs?

(Liz Sweezey): We actually don't work with a lot of companies that are going to register any IDNs off the bat. So we haven't seen that, and I would love to open it up to

you know anyone in the room and to ask for their strategy and what they think about IDNs. Anyone?

Man: (Unintelligible).

(Liz Sweezey): Pardon?

Man: (Unintelligible).

(Liz Sweezey): Oh no I don't. Sorry I don't know.

Man: (Unintelligible). Hi I think the IDNs would close a lot of problems for a lot of people. (Brad Mohan) mentioned yesterday that when someone like in the U.S. receives an e-mail with an IDN domain name, and he wants to replay to that e-mail or to forward or to deal with that, there would be calling a lot of problems because you - our keyboards are not really equipped...

(Liz Sweezey): Right.

Man: ...with different script. And you have to deal with different scripts. There is a lot of scripts around the world.

So this will cause a lot of problems in stability, as well as for brands, as well trademark issues (unintelligible). So I'm not sure who are dealing with these issues, but we have to keep an eye on these issues absolutely.

Marilyn Cade: It's Marilyn Cade. You - we may not have an answer here, but (Zodiac) is speaking on Thursday morning, and they are around. And it might be if we have enough interest Elisa that we could grab (Pam Little) for further conversation.

Some of you know that (Pam Little) formerly with the - some of us know her because she was formerly with ICANN, and she's a consultant now to

(Zodiac). And they've applied for the majority of the Chinese character strings. And she has quite a bit of expertise. So if there's enough interest, she might...

Elisa Cooper: I know one of the issues that I've heard from (Mark Monitor) clients is that they just don't know what they want to register. They have a hard time figuring out even which Chinese trademarks or whatever language script it's in, which ones are the important ones.

And it has more to do with sort of figuring out what it is that they really want to prioritize. Any other questions or topics or things that people want to talk about related to sort of the new gTLDs? Chris.

Chris Chaplow: Just a comment, it's not IDNs. I've had a couple of web design clients that are interested in the trademark clearing house. But most of my environment is small business and it is an option that I'm recommending for smaller business that aren't sort of worldwide marks that are really under attack all the time, is simply to wait and then register within the first few days of general availability, which I think has got to be a strategic option.

Martin Sutton: Martin Sutton, HSBC. Just trying to think of what might be the sort of drivers to get people to use the trademark clearing house early on? And sort of what advantages do you think that there is in doing it now? The reason I ask that is it's fairly well untested.

We haven't had any new TLDs launched yet. Delays are inherent in the whole program, so it's not to say that there will be no further delays. So when do you start being charged for the items going into the trademark clearing house, is one of my questions, which says is that still a deterrent?

The - there was one other - leave it at that one first of all. If you've got any other drivers to encourage people onto it?

Elisa Cooper: Sorry to - so your ultimate question is what are the drivers to register early? I can't say that there are drivers to register early. I think that it's - you know I think the wait and see approach is certainly not a bad one. Steve did you want to chime in there?

Steve DelBianco: If - Martin if someone has to - wants to take advantage of something the business constituency really fought for, with the notion of adding dozens of extra strings that you've had to previously fight for and a - because they abusively registered and used.

And they call it the 50 plus for short. But that process is so new - we had asked for it for a couple of years, but it was just granted a little over a month ago. There's very little published yet by ICANN staff on how it'll work. But the hope is that all the companies in this room and the clients of the attorneys in the room would quickly prepare those lists.

And it's not just from UDRPs. It could be from previous court proceedings, where your customers were being defrauded by someone who pretended to be PayPal, by spelling P-A-Y-P-A-1, as an example. That's not a trademark. That's not an exact match.

So how do we get people to add those strings in, because that's part of the system. We are proposing that's going to be a huge benefit to registrants.

Martin Sutton: And can I just respond quickly to that. It's just - I'm not saying that it's not worthwhile doing. It's the when, what's the encouragement now to get your brands into the TMCH?

Marilyn Cade: If - so it's Marilyn. I'm going to make two points. And I think everyone realizes that all of these meetings are being transcribed and are publicly available to everyone to read, just as all of the meetings yesterday were publicly transcribed.

So even if you weren't in the room, you might have seen for instance that there was a particular workshop between a couple of groups who were interested in trying to undertake opposing moving forward with the 50 plus and seeing that there could still be struck out.

So I just mentioned that as something to - for us to think about in terms of we fought pretty hard based on information that we had and based on public comments. I see (Amy) sitting here - based on public comments that came from groups that are not - were not directly inside the constituency, trying to come up with reasonable improvements to the (RPNs).

I'm wondering if maybe this might be an area where we need to do a little more quick examination to make sure that we understand how these things are going to be used and if there's going to be slow take-up, we have some good understanding of it so we can articulate it.

Martin Sutton: And I think as far as I understand, one of the advantages of going on there is that you get them logged into the system, you know that they're there, and you don't actually get charged until the first TLDs get launched. So I think that's one area just to bear in mind that it's not having to pay now. And then wait.

Elisa Cooper: Of course and - I'll jump into the queue here. I don't know if the fact that (Got Jobs) is going to start using the trademark clearing house will somehow trigger.

Woman: No.

Elisa Cooper: It will not?

Woman: No.

Elisa Cooper: Okay.

Woman: I asked that question.

Elisa Cooper: Okay so it will not. But just to add on to Martin - what Martin is saying and you know - and I think everybody knows I work for (Mark Monitor). We are a corporate registrar, so let me preface this by saying that.

And - but to what Martin just said, I think you know registrars would say -- and the agents of the clearing house would say -- to submit early because you're going to probably have your hands full trying to figure out what to register with you know the first registries possibly launching in the middle of this year, within just the next few months.

So to sort of take this off your plate and also - plus the fact that you know you wouldn't be charged until the first registry launches. Again I work for a registrar, so you know of course I guess take what I'm saying with a grain of salt. Yes. I'm sorry, I think Susan wanted to say something and then - okay.

Susan Kawaguchi: So I would think if you had a huge trademark portfolio, then it would be easier just to start getting them in. I am going to wait probably till the last minute, because you know we have two basic trademarks to protect. It's not that I'm going to enter two in there and that's it. But I just don't have the scale of trademarks so.

Elisa Cooper: Yes.

(Dan York): Yes a newbie question as far as the 50 plus string that you were mentioning there. Is there an additional cost to that - associated with that? How does that work in a situation? Or does - do we not know?

(Liz Sweezey): I don't know. I think what I had heard is like some nominal additional fee. And the previously abused registrations are associated to a validated trademark in the clearing house. So the trademark has been validated.

And then my - yes my understanding is that you would go back - the way it's written, validated marks so that you would go back and add those. But that hasn't been defined and the technical requirements for how that all - will all work have not been provided to anyone. And so we'll just have to wait and see how that works.

This is not confirmed obviously, I...

Elisa Cooper: (Liz)? I'm sorry. Can you please say your name, just for the record?

(Dan York): It was (Dan York).

Elisa Cooper: I'm sorry.

(Liz Sweezy): No that's fine. I - somewhere along the lines I have heard, and this is not confirmed, so just again take it with a grain of salt. I've heard \$30. But again just don't hold me to that, but that's something that I have heard.

Elisa Cooper: Any other questions or comments or thoughts on trademark clearing house or new gTLDs or getting ready or anything around this? Marilyn?

Marilyn Cade: Marilyn Cade. I'm thinking that we'll want to maybe communicate about this issue after we see the GAC communique. I think everybody pretty much has a sense that they'll be just a very short list of absolute consensus objections. That will be less than 10 and possibly around five to six is what you know kind of absolute knows.

But there will be categories of objections and then the board will have to decide what they're going to do with those categories. And that may also have a big impact on the scheduled rollout, depending on whether there's particular complexity.

One of the categories is dealing with - different regulated industries. So you know I just wanted to park that for us to maybe think about because that may actually completely change the cycle of which names are able to - which - what numbers are able to go through and the board may say, thank you very much GAC. See you. Which I wouldn't advise myself.

But until - the board may also you know say okay not we have to have some kind of public comment process on what kinds of approach should be taken in certain sectors.

Elisa Cooper: All right well thank you (Liz), that was great. I really appreciate that. Next up we've got Susan Kawaguchi, who is going to give us an update on - I probably shouldn't call it Whois, I should probably call it (TLB) directory services. But before she does that, I think she's got also a special announcement. Yes.

Susan Kawaguchi: (Unintelligible). I'm Susan Kawaguchi, I work for Facebook. I am soon to always focus on Whois issues, because it's the bane of my job, so I spent a year and a half on the Whois review team, which then they sort of - the board sort of said, yes good recommendations, yes we'll just put them over here. We won't do much.

And then they established the expert working group and for whatever reason, I applied and they selected me. So we are now not calling it - yes.

Woman: Excuse me just a moment. Remember that talking in the back calls to everybody? Why do you think they selected her? It's because she's so great?

Susan Kawaguchi: I do have an opinion on Whois at least. So I am now participating on the expert working group for the new directory services and so - there's a lot of different things we call the record associated with the domain registration. And we've met in L.A., London, here is Beijing, and we're heading to New

York in May. So this was supposed a 90-day commitment. It's now looking like a year. So we'll see.

So obviously for this group, what we really - I feel it's most important to keep pounding on with the rest of the team who comes from all different parts of ICANN. And is that we need an open accurate available Whois. We need a proxy registration. I mean I use the (My Self) but that needs to be regulated and have processes in place.

We need to stop the bad guys from using domain names and the Whois record as if it's their playground. So we have a few challenges. I don't know if you were in the presentation that the (EWG) did yesterday in the grand hall I guess it was, but we - there's definitely members of the team that want anonymous registrations. That doesn't work. And there is - they also want tiered access. That doesn't work.

So my point of view is that each consumer -- never mind the trademark owners -- but each consumer needs to know who they're doing business with on the Internet, and that's what I'm going to stick with. So it will be open accurate and available or it'll kill me. One of the two, I'm not sure.

So we're going to keep moving forward. We have the firm backing of (Fahdi) on this and (Chris De Spain) and (Steve Crocker), both members of the board are on the team also. We're not just looking at the current Whois, we're looking at what should it be. And trying to reinvent, reimagine it.

So if you have any ideas or concerns, (Susan K at F C dot com), I'd always love your input. And you know I'll take any questions here, anything I didn't cover.

Elisa Cooper: I'll ask a question while the mic is traveling. So what will be the outcome? Like what will - so you guys will come up with these recommendations? What will happen?

Susan Kawaguchi: So we're not calling it a recommendation is the blueprint. We should have a blueprint by - so the straw man is way too weighted of a term at this point in ICANN. So we will have a blueprint and hopefully we'll - what that - what we're really aiming for is a design, maybe not the technical aspects, but a tool we've thought out, design of the Whois with reference to policy.

And as much detail as possible, and then that goes to the PDP process, the GNSO will take it from there. But (Fahdi) has guaranteed that we will have a - the ability to say wait, you're off on the wrong track. Or you are taking too long, speed it up.

And so that this will be - it's going to be - it's still going to be years. This is just too big of a change, but we don't want it to be 10 years. We want it to be three to five of actual implementation so - and that's pretty aggressive for ICANN.

Elisa Cooper: John.

John Berard: John Berard. Susan in the directory services session that Chris led with you guys yesterday, he left the impression that tiered access was not a foregone conclusion one way or the other. But I get a sense from you that it might be. Or is that your position and it has not yet - there hasn't yet been a consensus on that?

Susan Kawaguchi: There hasn't been a consensus on anything. We've done a lot of discussion. That is my point of view that tiered access of the current information that's shown in the directory services you know I'm talking about the registering contact and all of that. What we see in a Whois record now, that should be open and available, that's my position.

And I'm going to just stick the stake in the ground (unintelligible). There's definitely others in the group that think it should be very, very limited. I think

we can work through that. But if we include additional information that's not already included in the Whois record, that - depending on what we add, that might make sense to be tiered you know and...

John Berard: And on the basis of the request from law enforcement and the multiple factor of validation, it's likely that there will be more information in the directly services than exists in the current Whois record right?

Susan Kawaguchi: Well because there is a lot more information currently collected by the registrar, so would that be - the question is should that be included? I mean there - you can understand the credit card is very, very controversial so. Yes.

Marilyn Cade: I just was - I was going to ask a couple of questions, but let me make a statement. In the interest of disclosure -- my name is Marilyn Cade, that isn't the disclosure -- everyone - I chaired the first Whois task force at ICANN for two years.

And we met for more than 12 months at that time, twice a week, two hours a day. We did a survey. We had over 30 people in the working group. We did a survey of users of Whois, it's still available and out there.

And I suspect that if we did the survey - the same survey today, we would find pretty much the same results, but on steroids. And the reason I mention it is there's all this other work going on within ICANN, which has proven and proven and proven that there are - that Whois is a resource to use in helping to address fraud and abuse and attacks to the network and other kinds of problems.

And yet we continue to find ourselves struggling with misunderstandings or disagreements about what the rationale is to provide this information for particular uses. But we have never in the time that I have been involved in Whois, which would be - since ICANN's 15 years old, that would be 17 years. We have never asked to have credit card information made publicly available.

Susan Kawaguchi: That's nothing something I asked for.

Marilyn Cade: No I know. I just wanted to mention that. But what I really wanted to go back to is, there was a meeting between law enforcement and the GAC. I wasn't able to stay in the entirety of it, I don't know if anybody else was. But I think it - we may want to put on our agenda, making sure we - if there is a transcript, making sure we look at the transcript or catching up on that issue.

The second point of course is we're struggling within - for some of the governments we're struggling with the confusion about whether this is personally identifiable information and therefore should not be displayed due to data privacy laws.

I - my own focus would not be on the Europeans on that issue. But maybe making sure that if we need to do an informational approach, we address some of the Latin American countries and the African countries to explain what our rationale is for making this data open and available. Because I suspect we're going to have to deal with GAC input on this too.

Elisa Cooper: Yes (Marie)? Oh...

(Marie Futello): Is it - yes it is working. Thank you (Marie Futello) for the record. Please going back to yesterday's hearing, for want of a better term, a couple of points if I may. Firstly, they talked about there being a cost for access to data. What I've got written down is it didn't seem to be controversial, because what I remember is nobody actually make a comment. Could you expand a bit on that?

And the second point is something that I find extremely concerning. It - this is not a direct quote, this is me typing. I won't say who said it, but those of you who were there will know. ccTLDs are more competitive, if they don't have

strict accuracy and residency data. Whois data today is abused by parties who think they have the right to the data.

I find that really worrying and a bit bizarre. Could you comment on that for me as well please? Thank you.

Susan Kawaguchi: So remind me what the first one is, because that second one just makes me so crazy.

(Marie Futello): Yes. I thought I was talking quite calmly when I said it. Should there be a cost for access to the data? It was on one of the sides I think.

Susan Kawaguchi: Yes I mean we were asking about that. My viewpoint's no, and I would fight hard against that. I do think there may be a reason to have some sort of gating of the data, so that we know - we don't necessarily know who is getting the data, because that could be a problem. But we know how many records are accessed at a time.

Woman: Like is it five or if it's 5000?

Susan Kawaguchi: Right and so what is happening with this data. And maybe it wouldn't be such available in 5,000 records.

Woman: Right.

Susan Kawaguchi: So there should be some gating. But in my opinion, the cost of the Whois should be associate - or with the directory service should be associated with the domain registration. Let's make the domain registration cost \$1 more, and you've have fewer registrations, which would be fine with me because I'd - right now I've got 80,000 targets with domain names I - we have 2200 domains in our portfolio.

Very small portfolio for a company, but I've got 80,000 targets of domains that I need to review and decide if they're infringing and that I need to take an action on. So that's a huge disparity in my opinion, and that's just what I know about.

So on the other I think what he was saying and that was (Elliott Noss) with - if I remember. And I will say his name.

Woman: Good to know.

Susan Kawaguchi: That he's wrong. If you look at ccTLD data, my experience it's much more - it's not always accurate, but it's closer to being accurate, because they ask for validated information to start. I have sent my passport or my driver's license all around the world to get registrations and nobody's complaining about me doing that.

You know if I - if my company wants it, they don't want my company information, they want who signing. So I have to provide personal information so let's get all those privacy people out there registering ccTLDs and see what they think.

So you know - and actually I've put together a report that I'm going to share with the - our working group that shows that pretty well, just (unintelligible) so. No.

Elisa Cooper: Any other comments or question?

Susan Kawaguchi: I wouldn't (unintelligible).

Elisa Cooper: Well thank you so much Susan. We really appreciate all the work you do. All right. Next up Martin Sutton to talk about the brand. Okay I think (Benny) has your slides, so (Benny) if you can pull up (Martin's) deck, and I think she's getting it up there.

Martin Sutton: I think there's quite a lot opportunities already where the full deck of slides has been revealed so I think the majority of BC members have seen this either in the GAC meeting or the preceding CSG meeting so I'm not going to center too much around the slides. I'm just going to pick out a few of these to tease out the important elements. And then really open it up to Q&A and interaction.

If we could go to, I think a couple of slides in or slide four. So essentially - well so many years ago, I was - I've been working in BC and other parts of ICANN looking at issues of brand abuse, of fraud. Trying to minimize e-crime and worked on the registration abuse policy working group and things like that.

So you know I'm familiar with the side of the fence which says, protect our consumers. And always looked over the fence at the contracted parties. Now I've got merge with those parties, and so a number of brands that have applied for top level domain with valid reasons and good ideas and the strength of this is really about a trusted model for our consumers.

Is that we now have to work out a way of working within this ICANN environment as it is and also bearing in mind that there could be some restructuring as we go forward. So we've got to balance quite a lot of - or juggle quite a lot of information and ideas at the moment.

So let me just try and make sure that it's clear as to what we are and why particularly we are different and the existing models, the registry models that we see here in the dot com's world.

Key points are and that we are the owner of the brand that is being registered at the top level into the root. So we have a trademark, it's our business, that's us for a start. And the business that we actually undertake is not typically registry business.

This is like a dot on the radar that keeps beeping occasionally, amongst many, many, many other dots that appear on the radar. So from a HSBC perspective, you know a new gTLD is a very, very small part of our overall business. You may occasionally just see it bloop on the radar screen.

Because our business is not the Internet, but we put our business through the Internet, and this is where it's much useful for us and other brands to go forward and apply.

The other aspect here is that we will not be selling domains. So the traditional open commercial model is volume driven domains for third parties. So the security element, the control element, rests very well within a branded TLD.

And is an advantage then for any consumer that are wanting to find the right home when they're trying to find (unintelligible) services, whether it's luxury goods, whether it's financial services. They know where they're going to go. Could we go to the next slide please?

Thanks (Benny). I think just to make it abundantly clear, at this stage we are not including the brand generics that have been applied for that this stage. That's a distraction at this time, and there's lots of wider debates about that so the group that we're talking about there, the brand registry group is concentrating on those brand TLDs, I mean not the generics that have been applied for brands.

And thanks (Benny). I need to move on a few slides I think. I'll tell when to stop. Okay thank you there. So one of the major areas now that we need to set up and organize ourselves as a group and interact with ICANN is because prior to becoming to a registry, there's lot of issues ahead of us even before we sign an agreement with ICANN.

Because there are a variety of areas that don't really apply to our model, or we are a completely different risk, so we need to approach it differently. You know our organizations are - can be very large, very - and international. And we have all sorts of regulators crawling over us.

And so to have them allow ICANN to drop in at short notice is not really going to happen. But we've got to expect some you know ways to work through these aspects with ICANN.

And rather than look at it individually as a one to one process, it's going to be far more easier if we can come together as like-minded and in a situation where we can actually think together what are the key components of the registry agreement that obviously keeps changing every five minutes at the moment.

But which we're trying to battle with that in terms of making sure that the brand registries do get a say now to make sure it makes ICANN's life easier, it certainly should make our lives easier, and minimize the amount of negotiations - individual negotiations that could take place as we go through the application process.

Now when I mentioned earlier that - you know that I've been involved at ICANN very much in terms of the consumer protection element, we fought for a lot. And a lot of things have changed for good, and we've got lots of things we've got into the applicant guide book to create the safeguards for consumers.

Now within a brand registry, those risks are very different. And when - because we're not selling to third parties any domains, we're controlling that environment. It's a trusted environment.

So some of these things aren't going to really apply in that model. Nevertheless, we've got to work those things through and that's where

probably we're going to have some divergence as we go through the next few months, from where I previously was concentrating on from a BC perspective.

Thanks. Could you move the slide on please (Benny)? So what we're working at the moment, and we - there's masses of work going on already. Seven o'clock this morning, we had three members working on the negotiation team with ICANN, with the registries that exist already, with the new registries that may be involved in NTAG but are again more open commercial variety.

So we had three members, sat around the table this morning with them to make sure that there is a recognize - that it is recognized that we need to concentrate on creating a brand template for the contract. Could you move on please (Benny)?

And then after we delegated I think it's very important then that we maintain that level of input because we're going to have to consider some of the policy and processes that are going to impact us in running our registry. And we don't want to have onerous issues - onerous cost and - if items are not relevant for our type of model that we're running.

And so it will be key for us to make sure that we have a say going forward. And currently we are - we're still in the throes of creating the formal organization as a not for profit. We are engaged with ICANN in terms of setting up a constituency within the registry stakeholder group.

So this is early days in that process. We're working that through in terms of understanding what are the steps. What do we need to do, because now we've got many members coming forward, supporting this initiative and last night's count was over 30 members now supporting this. And more are coming in.

So that's positive. With that momentum going, we believe now we're going to have the capabilities to sustain, to do the workloads, because as we know,

workloads are drastic. So that's where we are at this stage. I'm going to close it there and open it up for questions and answers.

Ron Andruff: Martin thank you very much. Ron Andruff for the transcript. I really commend you on developing this. I think that you've brought the same clear focus to it as you have always brought to the BC meetings, and I'm very pleased to see that you've narrowed the scope to strictly brand, service, trademark, and no generics.

Because this - what I - it's what I refer to as the pure brand activity, and it's something that I for one, really am happy to support. I think you've done an excellent job of pulling this together and I congratulate you. Thank you.

Martin Sutton: Thank you Ron. I think just to be clear Ron, the wording is currently excludes because I think there's much wider debates going on out there and you know there may be some synergies post that debate that we need to look at. So it's not a closed door, but it's certainly for now off the radar.

Marilyn Cade: Thank you Martin. It's Marilyn Cade. I am going to offer a - from my personal point of view perhaps a word of caution about two things that should just kind of be examined. One would be, I'm sure you will have because (Phillip) is working with you, but the existing criteria to establish a new constituency has certain parameter to it.

And some groups have failed the criteria to establish a constituency because they're not geographically diverse. So all I'm going to say is, you need to look at the existing criteria to establish a constituency. And then perhaps see if there a rationale to seek waiver to something that doesn't today make sense or, you know, that - so I think you understand my point being about the geographic diversity issue.

Secondly I will say that while I'm very enthused about the idea of a DotBrands constituency in the contracted party house of brands that are

focused specifically on their existing identities and it is associated with their trademark identity I am very hopeful that companies like that, where the operation of a registry will be such a small portion of their focus, will continue to be actively engaged and contributing to the Business Constituency...

Steve DelBianco: That's you...

((Crosstalk))

Marilyn Cade: ...he'll be sitting here until he agrees. But it's just a point that I think has been around the BC for quite a long time. And I just wanted to restate that. But I would have very strong concerns if we could not find a way to continue - it has nothing to do with your establishing the constituency - but I'm going to have very strong concerns if we could not really continue to find the commonality of concerns about the consumer protection issues, etcetera, etcetera.

And then finally I would just say I think we're almost going to have to think about one page FAQ sheets to explain some things to the GAC on certain issues to the governments because in the breakfast this morning I think we were hearing some things that can be very confusing to them. They're not specialists, they come here and so it may be that not just your slide deck but, you know, an FAQ or something could be helpful.

Martin Sutton: Thanks, Marilyn. I think that was point one, thank you for the advice; taken. Two, yes, I can't - well personally the risks and issues don't change for me as a business on the Internet. In fact they're going to get a lot worse and I'm going to have to be using all the tools that we've asked for in the open commercial TLDs.

So I can't see that being an issue and I think I would encourage, you know, wherever businesses still have, you know, an interest and a concern that they

still have representation. How we work that out in terms of, you know, the actual detail to be done still. But, you know, duly noted.

There was one other bit I think which was - sorry, your first bit about geographics?

Marilyn Cade: Well the thing about the first bit was - so I'll give you two specific examples - to be approved as a new constituency you have to show geographic representation. But the other thing would be, just an example within our own charter, we don't allow the same person to be the designated point of contact. So and it's maybe things to think about in terms of how you deal with that.

The final point was just that the GAC - the governments, and maybe even some of us, are going to need the executive summary one page version of some of what you are and what you're about because it's easy right now for people to get a little confused.

Elisa Cooper: Why don't we go ahead and hear from John and Susan and then we should probably wrap this portion up because we are going to be hearing from Aparna who will lead us on a discussion about defending the multistakeholder model. But go ahead, John and then...

John Berard: Sure. This is John Berard. So I was in the GAC meeting when you made the - when Philip and J. Scott made presentation. And that was a good first step but you've probably already figured out how you need to sharpen and make more clear the shared interest that the brand registries and the GAC have or maybe it was just hot, I don't know. I say maybe it was just hot in the room, that kind of thing.

But the application for a new constituency, you know, it's a chicken and an egg. The brand specific registry agreement, the brand registry, what comes first, the chicken or the egg? Politically one probably enhances the other, I don't know, and then I will look - I will watch closely how you handle that.

The other thing is your application for a new constituency will be made to the stakeholder group that you seek to join and so I guess my question is how are the legacy registry members, registry stakeholder members reacting to your initiative?

Martin Sutton: Okay I'll take the last question then. I don't think there's been a great deal of engagement yet in that respect so wait to see. But what I would say that this isn't just the brand registry group looking at similar things.

As I walked past this room I've seen a slide where there's other interest groups formed that expect to then fit in as constituencies in that same stakeholder group. So it's certainly not a surprise to anybody. But there needs to be that engagement and consideration as these get pushed through.

Because, you know, to answer to some of the points Marilyn raised, we do have to make sure that, you know, these are legitimate reasons for going in, to create a constituency. There's an awful lot of effort and work that will need to go into reshaping everything. So we do need to be aware of the sensitivities, the concerns, but we've also got to do something.

Was there an earlier question or was it a statement?

Jo: That was an observation.

Martin Sutton: I'll leave it as that, thank you.

Elisa Cooper: Susan. You sure?

Susan Kawaguchi: What do you envision the (translation) of a TLD if the brand owner decides they don't want to be in the domain name business anymore? What's the fall for that?

((Crosstalk))

Martin Sutton: Sorry, the main thing here - and perhaps I didn't make that clear earlier on - is that they're our domains so we're not (conning) any third party as a registrant. And it's very much like our businesses; sometimes we have to close branches because it's not viable to keep them open and you shot those down.

But it would have to be something that you manage just as you would do with any closure of business.

Susan Kawaguchi: Yeah, I would agree.

Martin Sutton: But the - it rests on your shoulders in terms of how you deal with that and how you communicate to your customers and consumers.

((Crosstalk))

Steve DelBianco: ...official position on that was that if it's a single registrant TLD and you own them all, whether it's your trademark or a generic word, if you own them all you ought to be able to terminate and ICANN should not be able to transition that...

Marilyn Cade: Exactly.

Steve DelBianco: ...to anyone else without your consent. You may consent to it. But other than that ICANN should (unintelligible).

Elisa Cooper: Well thank you, Martin, that was very, very helpful. So at this point I would like to see if we can pause the recording because this section will be a closed session, section rather. And I think Aparna was going to lead us through a discussion of - regarding the supporting and defending of the

multistakeholder model. So can we go ahead and pause the recording at this point?

But - and I see the recording has started again so thank you very much back there. I was wanting - so first of all, Chris, thank you so much for joining us today.

And Chris is here to talk a little bit about his role, which I understand is really kind of a new role, and what some of your plans are and thoughts are for how to go out to business not only to engage them with ICANN but just also to make them more aware of what ICANN is really doing and what's going on in the ICANN world.

Chris Mondini: Yeah, thanks very much and thanks to many of you because I have a number of very good mentors in this group and I hope to learn from a broader group of you. My role is Business Engagement which is a new role in ICANN. And it is, as we say repeatedly, engagement is about listening first and so it's not just outward communication. So I'm sincere in saying that I've learned from many of you and I hope to continue to learn more.

The new role was really part of a wave of investment and resource in the engagement function for ICANN. My background is that I was before - I was the Chief of Staff here at ICANN for the - for Fadi and for his predecessor. I've been with ICANN for about 18 months.

I worked for Deloitte as a consultant for 10 years doing cross-border regulatory investigations for tech companies in Silicon Valley primarily. And before that I was a US Diplomat at the State Department.

And so I'm very keen to get back, as it were, to a really sort of - an external business development engagement role much like the one that I had in my consulting role. And it's a tough - it's a very tough category, business, as sort

of as a first step we tried to define business. And of course there's big business, small business, local business, global business, regional business.

And within those businesses there are very diverse interests even in - within particular companies. And so this is really my first ICANN meeting where I've been spending time with each of the commercial stakeholder groups too to understand their diverse interests and needs.

I've developed just some high level thoughts about how I would like to approach this role. And I seek your feedback and your input. Broadly speaking you saw the video that Fadi presented at the opening that talked about the next 5 and 10 years of Internet development.

And he talked about where the next billion users are coming from, the parts of the world, the languages they're interested in. And it's really with this in mind that we look to what I see as my sort of personal goal is to broaden the base of businesses and stakeholder in ICANN.

And in addition to my role there was a role created for Vice President of DNS Industry Engagement and that's Cyrus Namazi focused very much on registrars and registries.

And we're sort of working out where we have businesses who are already engaged. We have businesses that are contracted. And we have businesses that really have no idea about the important work of ICANN and its contributions to the Internet and therefore to the global economy and so forth.

So under the objective of broadening the base to stakeholder in the business category and growing awareness we also want to find a way to be welcoming and responsive as we grow this space and that's where I really will need brainstorm help with this group.

So we're still in the stage of doing a little bit of mapping not just of this definition of business but also within companies. One thing that I noticed, you know, I'm sort of new enough to have observations about who actively participates now and I was talking briefly with Susan about this yesterday and I was also talking with Philip - the representative from Philips - about how from a particular company, in this case big global company, maybe one particular department, the department that's assigned, that's following ICANN activities whether it's security or whether it's IP, legal, so forth, they come with their particular set of mindset and issues.

And sometimes within that organization there isn't the leadership of the participants sufficient to sort of bring those diverse views together. The woman from Philips who I met was telling me how they have an Internet strategy development committee. And it's led by their chief digital strategy officer.

And it includes somebody from IT security, it includes somebody from legal, it includes somebody from marketing strategy and so forth. And that's how they address the kind of issues that come up in our fora they address it as sort of a multidisciplinary group within their company.

Now I think that's a best practice and I would love to promote that kind of approach but it's really not in our remit at this stage to sort of tell companies how to engage; it's really in our remit right now to do outreach. So that's a little bit of a future state scenario.

Sally Costerton has joined. And we just are diving in - I'm just giving high level of sort of my role and a few initial thoughts or observations and then I'd like to open it up for discussion.

So in addition to doing this mapping exercise, both the business, broadly speaking, and within business to figure out who the buyer is, who the influencer is so to speak, putting on my old consulting hat, I think we have the

key messages which are that the Internet, being key to business and economic development, ICANN is key to the Internet and therefore we support business growth.

And also that we have this competition and choice mandate and it is balanced with the fact that we have responsibilities for part of the coordination of the global shared resource so there's the public global benefit aspect.

But I find that that's actually - that resonates with the business people that I speak with. So on a tactical level what are we doing? We're starting to do some outreach and we're going to see what happens. So here Thursday we have a breakfast - it's a business breakfast.

Our hosts are (CNIC) and the Internet Society of China, have sent out some invitations. You're all very welcome to come too. I hope that you've promoted it. I've brought invitations.

We'll have sign up sheets and we'll do sort of an intro to ICANN where we'll discuss both these broader themes of how ICANN contributes to the Internet and therefore growth, to the explanation of the constituency model and how it works because it's different - it's new for many part of the world, and also the - sort of the value proposition for why business should become involved whether at ICANN or in Internet governance generally.

That's the kind of activity we're going to do to and see what kind of traction we get. We're - I have also envisioned that the round tables that Fadi and other leaders have been doing can be broadened and expanded with the combination of some experienced businesses with perhaps new businesses to state this value proposition and get some more of them interested in our work.

And we'll do that in collaboration with groups like the IPC or the World Economic Forum. We have some resources within ICANN working on online learning tools and social media platforms because I see a couple of real needs for tools where we have gaps which is where is the intro to ICANN that you can click and see how you can engage. It's true for other stakeholder groups as well.

And then once you've decided that you'd like to keep up with ICANN, you may not want to come and make policy, but you may feel like you want to remain informed. We don't really necessarily, as a communications team, as an engagement team, have that kind of an ICANN-light, you know, follow us here option.

And so we've got some great consultants that we're just starting to work on. And the content will likely come for people in this room. So your stories, your experiences, your good experiences, negative experiences, we want to put that out there to see what resonates with your counterparts around the world.

We'll do a little bit of targeting I think in some key, I would say, underlying all of this is the focus on the developing world with some key business associations, probably some target lists for specific influential companies that are big Internet players that may not know about ICANN's role.

And all of this will be done also in coordination with this group and other of the commercial stakeholder groups in terms of showing up at meetings, partnering to make presentations and so forth.

So I think I will stop there. I have a couple of other broader statements to make. But I'd rather listen to what I've said so far. And, Sally, if you have anything that you'd like to chime in on please.

Sally Costerton: Thanks. Thank you, Chris. I just wanted to make a couple of points. Marilyn asked me to just talk about the meeting on Thursday, the stakeholder engagement and PPC meeting which I will do in a second.

But before I was - I'm very tempted to jump up and use the flip chart which of course will mean that I have no microphone.

Marilyn Cade: Yes, you will have a microphone.

Chris Mondini: Yes you do.

Marilyn Cade: (Unintelligible).

((Crosstalk))

Sally Costerton: Thank you, Chris. Wow, this is a shortest flip chart in the history of flip charts.

((Crosstalk))

Sally Costerton: This is a flip chart without a (pen) and for very small people. Okay I'm going to abandon the flip chart idea. It doesn't matter...

((Crosstalk))

Sally Costerton: It's okay. It's fine. It's fine.

((Crosstalk))

Sally Costerton: No it's cool. All I was going to say - let me...

((Crosstalk))

Sally Costerton: So all I wanted to do was - Chris started very well and I'm working on a set of slides that we can share with the community that expresses...

((Crosstalk))

Sally Costerton: ...this strategy a little bit more crisply. But essentially after all these months of talking and building and doing a bit more building and doing a bit more engaging we've come to the conclusion that as well as engaging much more intensely with our existing ICANN community, that's what Thursday is, I'll come back to that, clearly our priority is engaging with - our real priority needs to be - and your priority is - how do we bring the next billion? You know, how are we going to reach out and as Chris says with a particular focus on the developing world.

And I, honestly, I visit all the stakeholder groups and that is something that all of the ICANN community pretty much has in common at this - slightly sweeping generalization but not by much.

So Chris is describing the evolution of a strategy - and I'm going to say something now which I haven't warned her about okay so I make - I don't know what's going to happen when I say this. But this was very heavily influenced by Marilyn.

So she - I was in the middle of thinking about this and we happened to meet each other in Los Angeles and we happened to have a chat. And we had a very, very creative white-boarding session which was quite competitive. We were working towards each other from either side of a very large white board.

And what we were discussing - and it was one of those moments when, I mean, this is what I'm saying, she's saying yeah but you need to think about this and you have that ah-ha moment that just occasionally happens in life that you go okay now I understand; I get it. Like I've moved myself to the next stage so thank you, Marilyn.

And Marilyn said, it's about concentric circles. She said it's about taking the individual on a journey and helping them to do that or she said something like that. Maybe I PR'd it nicely afterwards.

((Crosstalk))

Sally Costerton: This is it. Yes and he's got a slide on it. So is it on the wall behind me?

((Crosstalk))

Sally Costerton: Oh but we could put it up, okay, which is much better than my flip chart drawing, which is dreadful. And putting it very simply, you know, we have a - we want to bring people - the first thing I'd say is our engagement strategy needs to be much more digital, I mean, by a factor of - a very, very big number. It doesn't matter.

We need to be very clear about how we speak to the user. We make our engagement strategy user-focused. At the moment it's structure-focused and therefore it assumes that you know that you want to be part of ICANN before you even look it up on the Web which is clearly a bit of a problem.

Somebody said to me - I just came from the NCUC brief and they made some expression they said, you know, 99% of people are governed on the Internet by 1%. And of the 99%, 98% don't know the 1% exists. And I said, I'm going to quote you on that. That's crystallizes it perfectly.

So going to the 98% to begin with on the outer ring of the circle saying okay here's what we're doing, here's why you might be interested in it. That's really awareness-raising in the major kind of (unintelligible) in that this is what we would call communication of various different types, okay?

Let's assume now, some of them always stay there, which is what Chris was saying, and we have some tools that - some gaps we have to fill around that circle in communication. The biggest one we have to fill is probably social media but that's a kind of a communication discussion.

So coming to the next layer, so then suppose - and I'm taking myself on a journey by the way - I'm still not in the community, I'm just expressing an interest. I'm coming a little bit closer. And I may be educating myself on the way through our e-learning platform that Chris also alluded to, which is a project that (Michelle) is currently leading - or come together so we're parallel processing some work here to get things done.

So I might be reading some - I might be reading something like this. I might be reading some thought papers. I might be looking at what's been going on in the gTLD community if I happen to find that interesting I might be marketing person so I might be interested in what the brand guys are doing, what the luxury brand guys are doing.

I might be interested in human rights. I might be interested in Africa. Okay so looking at tools that help me as an individual navigate that process for me. And at the next level in okay I'm actually - I'd quite like to do something now. I actually think I might like to take some more action. I might need to - I'm not just listening, I'm now contributing.

So I might want to join chat groups. I might want to come in to the community but not get to meet people just participate, you know, like a listening group or a Facebook, that kind of participation. I'm just having a conversation. I'm not a member yet because I'm not quite confident enough, I'm not quite sure. But now I'm peering into the conversation.

And then - and I'm educating myself a little more in the process. And then maybe I'm thinking actually you know what, I'd like to get involved with this

organization. And at that point we have to - of course people will get involved through the stakeholder group; they don't turn up as individuals.

Because by this stage they are much clearer about the specific tunnel that they're taking. In fact you know what I'm saying, true are well. So by the time they turn up on the BC (unintelligible) they are well educated enough for them to be useful to you because there is no point, (unintelligible) and I just raised a load of awareness and this is the piece that Marilyn really made me think about.

Do not go out and recruit hundreds of thousands of people who turn and know nothing about anything. This is not helpful. Okay? And she was absolutely right. So that's no - she's going to defend herself.

Marilyn Cade: I didn't say they weren't helpful; I said they'll eat us alive.

Sally Costerton: Oh well that's not helpful. So this is something where I think we've really advanced our thinking in the last two or three months through lots of discussions inside the community, inside (unintelligible), outside with consultants.

And let's assume now that, you know, okay so I'm now at the point where I want to join the community. Now at that bit we pretty much know how to do that bit; ICANN does that bit quite well. It can do it more efficiently, we can manage budgets better. We can coordinate processes, (unintelligible) Websites. That's what Thursday is about.

Thursday is about looking at what we're doing now and how to make sure that we have a good understanding as a cross-stakeholder community about what are the collective priorities of that community.

What are the must-have items in the four buckets that we talked about so digital, tools and platforms, (unintelligible) so print, websites, kind of stuff that

you write and you hand out content, events, face to face, speaker bureaus, DNS SEC trend, anything that involves people going to places to talk to other people which could be online, it could be offline.

And then finally this wonderful methodology that the community developed under - the group that do community outreach group that Kurt led which is a great method, great engagement methodology. I've seen it before in other industries, it's a very solid model. I love it. It just has nothing in it.

So the fourth group I'm going to ask to look at, okay can we have a 30-minute discussion on how are we going to populate this? What do you think? I don't know, there's lots of ways we could do it. Loads of different ways to put data in to accrue to think about, how do we categorize and codify. But that's what that group's going to have a discussion about on Thursday.

So the goal of that meeting is to talk to the existing participants and communities. That is not aimed at, you know, recruiting the next billion. But it's aimed at establishing a better rhythm of engagement at the SO AC staff level to say what are the key - can we just have a bit more shared understanding about what we think the priorities are.

Xavier is going to be in that session because I know full well that if Xavier is not in that session every single conversation will be about resources - so financial resources and dollars and travel dollars. And I don't want that not to happen but I want it to happen once at the beginning.

So Xavier is there to be super clear about how he is seeing this so that in the group the facilitators will be the instructed to take the issues - anything about money is off the - out of the scope for the 30 minutes otherwise we'll never made headway.

And the groups will be cross-stakeholder. So if you're interested in one of those groups by all means let us know. Some of you have, just ping me or

ping Janice or Mandy. And if you don't mind but you'd just like to come along, come along, we'll give you a number so 1, 2, 3, 4, it's entirely up to you.

That - if that session works - and it's quite complicated - I naively thought doing facilitator breakout groups was a really good idea. I mean, I think it is a good idea but of course you've got to factor in remote access to sessions so it may - I hope that we won't fall over our feet. But it's an experiment.

And if actually at the end of day, you say, look, this was a lovely idea but it just doesn't work in an ICANN meeting, it's just too hard, then it doesn't mean we won't gather together again to discuss these topics but we just, you know, we (unintelligible).

But we have to try these things I think and innovate. And some people in this group were on a call helping me to - and there was a broad support for let's give it a shot; what's the worst that can happen? You know, we were going to exchange information. We'll have a useful session. And if the method is a bit clunky then it's a bit clunky. Works very well in other situations so we'll see.

So I hope that's helpful. And we will be engaging with you, as Chris said, a lot. I mean, I think, you know, you go - many of you in this room, you know, have been incredibly helpful already. Some of you I've spent a lot of time with; some of you less time with.

Our regional vice president, particularly Pierre in Africa, Rodrigo in Latin America and Baher in the Middle East, have also been very involved with this constituency in terms of pulling together the working groups and the input.

In fact we were together in a session yesterday on exactly this topic and you've been a great contributor which is much appreciated. So I feel this group - I really genuinely feel, you know, that this group really gets it and wants to be part of it. So it's - I feel like we're really on a - in a good place.

And I hope that we can not rely on you is too strong a word - but maybe that is what I mean, to keep us moving with this because my biggest fear, I've got to be honest with you, is that my team will just vanish into the weeds of this stuff and we won't fix the problem - oh which is not on the screen.

Man: (Unintelligible).

Sally Costerton: We won't - because - and I'll make one final comment. I said this to the other group so it's on the record so I'll repeat it here. I came to ICANN, I really did come to ICANN to do that. That's what I want to do. That's my personal passion is how do we do that for the next billion? That is what I want to do. That's what I want to crack.

And in the process, you know, we do hire lots of people. We do lots of process and the rest of it. But that's my goal; that's my personal vision. And if I can do that in the time I'm here or even make a significant - even put it in a place that other people can develop and build on it in the future because this will never be done, by the way.

Because look at even in China, the speed at which Internet usage is going up. This is not a, I mean, I'm looking at the (unintelligible). I mean, gosh, you know, I hardly need to tell you, you know, these are - and these are Internet models really and in that sense they're a little bit like Internet businesses and they're very, very iterative.

So we will always be doing something new. But if I can make that headway in my time here I will feel absolutely that, you know, it was the right thing to do. So as you can tell I'm quite passionate about it and I hope that you will really help us to make that happen so thank you.

And you need us to leave now because...

Elisa Cooper: No I think I'm sure we have a couple of minutes and I'm sure people would like an opportunity to ask you some questions if that's okay. So I see Ron.

Sally Costerton: (Unintelligible).

Ron Andruff: Ron Andruff. Thank you, Sally and Chris. Have to say it's really refreshing. I'm over here. Sorry.

Sally Costerton: Oh I'm sorry.

Ron Andruff: It's really refreshing. My first ICANN meeting was Montevideo. I walked into the room and it had BC - Business Constituency - on the door and I walked in, there were five people in the room. And I said, "When does the meeting start? When will everyone get here?" And they said well we are here and we're starting right now so welcome. And I thought five people and this manages the - this is the Business Constituency of the global Internet?

So here we are today and maybe we're 50 and it's 13 years on. So we welcome all of these ideas. We welcome your enthusiasm. And I can tell you, you can rely on us because we do want to grow our membership.

We've had a number of initiatives over the years where we tried outreach to - through IPC and through other contact - other different bodies within, you know, when we arrive in Cairo we would actually have reached out in advance and try to do an event and get a cocktail and try to stimulate people.

But the two trickiest parts of this - and I'm sure you're well aware of it but it seems the trickiest part is where in an - who in an organization are you targeting? Is it the CEO? Is it the marketing department? I mean, who actually will take ownership of this within a company? And that's always one of the toughest elements to get to.

And the second is the value proposition. Everybody says well the Internet works; why do I need to come? It functions fine. I log on, it works just great and if I have a problem I go to my IT guy. Why do I need to come to ICANN?

So those two issues are so vague and so difficult to get your head around. So I'm very grateful that you're drilling down and keep drilling deeper and challenge us. And let's see if we can find that because for my part that's been the part that's been so elusive; that's the butterfly we're trying to catch.

But we're very happy to see you and the team doing this because this room should be 500 people. And that's where we'll get the new blood and that's the ICANN of the future. And that's where the dynamics will be. And so we'll have a lot more paddles in the water. And I think we'll do a lot better then. So thank you very much.

Man: (Unintelligible) from Jordan. Actually it's a comment not a question. I really appreciate your efforts to reaching out. And I'd like to comment that what works really for you (unintelligible) and businesses might not work really for other parts of the world. And we have to keep this in mind.

I really want to see more businesses from the Middle East, from the Arab region, represented here in the BC. It would really be useful for them and for the Internet community in general.

I might be able to help reaching out for businesses to join the BC. I need to work on something and share it with you maybe in order to have your feedback and then go on and reach out to our different businesses.

Sally Costerton: This is a really great suggestion. And I was in fact discussing this very topic, (clearly) with Baher who is our - you know Baher, yeah? And I was asking him - I asked all my regional VPs about a month ago the same question separately, which is in your region, which is the stakeholder group that you

feel is least well represented - or group or groups - that you feel are least well represented?

And in most cases, not all, it's not the governments. There are still, you know, we would still like some governments to join the GAC so I'm not saying there isn't a requirement for government outreach but not from a recruitment point of view.

But business came up in my conversation with Baher. And we just - we talked about it and he shared exactly the same aspiration that you have which is a good start. So I would definitely say talk to him, share your ideas with him. Make sure you're part of his plans. And he will - I know that he will welcome you because this is something he really wants so I'm glad that we met and had this conversation and the two of you can join up.

Woman: Is this working? Yeah. From Latin American eCommerce Institute and I also want to say something very similar (unintelligible) just said that we offer our institute and our efforts to help you as well. We have an institute that is like (unintelligible) for the region and will reach over 80% of all the ecommerce companies of the region through our events already.

So we have events in place regarding ecommerce. So we are already having a strategy that means that we're building - we're putting some of the new gTLD information available in these events for our companies. And actually we really need your help to be able to put this in place and, we need resources, we need speakers, we need materials.

But what we want to do is bring this information where businesses already go where they - they don't have to go to a special place to learn about this. This is the place where they already go. These events are in place since 2007. They have like 1000 - and I don't know, 2000 participants or 3000 participants in Brazil, 1800 in Argentina and well we reach like nine countries already with our events.

We have actually 50 events every year but 10 are related in particular like huge events and many are Webinars, many are online. So we have platforms to have everything. And I will be very happy to work with you to take advantage of all these resources that we develop and to make it available for ICANN. So that would be great for us.

Sally Costerton: Well that's super to hear. And I really hope that you're already working with Rodrigo but if you're not you - good, you are, that's a great relief.

Woman: Yeah, something else. I want to say that the Business Constituency has been very helpful for me in general mentoring me and also giving me (unintelligible) event last year launching this initiative with the BC resources. It was a great event.

Actually not so much in the sense that people were angry about the information that they heard in general in the sense that they said oh what's going on and we don't know anything about this. And so like for instance some lawyers came because it was in a (unintelligible) and so one was like freaking out, I mean, I don't know anything about this and I have to advise my company about this and he was a huge ecommerce company.

So some of them reacted badly. And - not to us, I mean, they were thankful that we were giving this information but they felt like why all of this is going on and we don't know anything about it. So - but it was a great event in the sense that we raised awareness for the first time and we hope to be creating awareness through the whole year because we want to get to Buenos Aires prepared. We want to really take advantage of that opportunity. So - and Rodrigo is very helpful.

Sally Costerton: Well thank goodness, I thought you were going to say something else. No, I would find it surprising if he wasn't but, you know, I have to be open minded about these things. We are actually also - the other thing I should say as part

of the regionalized the internationalization which you heard Fadi talk about on a number of occasions.

I'm trying to bring communications and engagement really very close together. I'm now slightly different skill sets but we're essentially in the same. One is very content focused, the communications guys and the others are a little bit more kind of - it's not quite so much about the written content it's more about relationships and brokering and bilaterals and introductions and this kind of thing.

But they are really very, very close. And as we evolve the platforms that I was talking about earlier on - the platforms in the circles we - and these meetings, by the way, are a huge platform. And in Buenos Aires - you're absolutely right about Buenos Aires.

But it is pretty much our only platform at the moment; we're a bit light on platforms and we need to even that out better. So we have clarity. The other thing is a very clear content strategy across platforms.

And I really believe what you've just said is coming that way so from the region to Rodrigo up to our team globally, this is precisely the kind of feedback that will help us to - because that will be an issue everywhere I wouldn't mind betting.

You will have (unintelligible) organizations in other regions or something like that. So just one idea like that can help trigger a whole program of resourcing and storytelling and video and content and so forth that can really help you and it will help other people because we can develop it centrally and translate it.

So we don't just have to do it once for you. No, in some cases we will just do something once because it is only relevant in your region or maybe even in one country. But this is what (unintelligible) about just trying to make sure we

serious (unintelligible) if that's what we need behind things that we go in and use in every region and for the most amount of stakeholder groups.

But I really value what you say; this is very encouraging. And it's great to hear it, great to hear that there's so much interest.

Elisa Cooper: Okay we - I think we actually need to move on. I think Zahid had maybe one quick comment and then Andy maybe just a quick comment and then we'll thank Sally and Chris for joining us.

Zahid Jamil: Right, Sally, thank you for reaching out to us. A couple of things, I think I would encourage you that there is absolutely no condition precedent for business to be outreached to and to be brought to ICANN meetings. And we would welcome many people whether they've been prepared or gone through an education process or got a degree or whatever; at ICANN it doesn't matter. Send them our way.

Gabby is a perfect example of somebody who's recently joined and has been a very active member. So there are no preconditions, I just wanted to sort of underscore that point and we encourage you with your outreach - I know you're going to be at ICC, Chris will be there, that sort of stuff, that's very encouraging. Thank you.

Andy Abrams: My only suggestion as someone who's worked with the newer members and the emerging markets people over the course of time is that people get geared up for this and they get excited and they come to a meeting in their region and then if we don't do anything to keep them in the loop over the course of time we not only lose the credibility but we also lose them as a resource going forward.

They may - we need to come to - we need to be able to deal with the fact that the people who come to a Nairobi meeting may be able to do the East Africa thing and may never show up at another ICANN meeting for, you know, a

whole cycle or two cycles or whatever. And so we need to - whatever tools you're building please make it so that they can continue to keep those people in the loop.

Sally Costerton: This is such a good point. When I said at the beginning we want to make it user-focused that's one of the reasons because if we think about the potential scale that ICANN should be - I'm not talking about bringing 100,000 people to an ICANN meeting, I'm talking about a massive community of interest and awareness. This is tiny today in comparison to where it should be in the longer term and it needs to be.

And this is the thing that challenges me most is how do we scale in a way that allows us to keep the intimacy and the relevance - how do we scale without producing things that are so cookie cutter that no one can use them? So this is very challenging.

And if it - I can tell you one of the consultants I spoke to said - and he went off for several weeks and came back and he said I've been doing an enormous amount of research to find comparative models to look for best practice.

And he said I can honestly tell you this is the most complex multistakeholder - so the combination of the global reach, the diversity of the stakeholder group, which is everybody on the planet in kind of different buckets, and the bottom up model he said I think it is unique.

And the fact that it's so mobile, and I mean mobile in every sense, so it's not - we can't stop it and say can we just freeze frame at whatever it is, 4.5 billion, please, because we're just not quite ready for the next billion. Could you just - it's not 4.5 billion I just completely made that up.

Can you please just slow down, chaps, because we really have to build this stuff just so that you can keep up. We can't do that. And so that is a very much a complicating factor that we are having to do an incredibly complicated

thing, which no one else has really tried to do in the same way bits, yes, but not the whole picture, very quickly - not operationally quickly but in kind of historical terms quickly.

Because that's the - otherwise the Internet will have gone past us. The users will have overtaken us before we've even caught their tail. And one of the ways that we're going to do that is to make it sustainable in every sense of the word.

So if I engage as a user and I come to you over time as somebody who is genuinely committed I'm giving you the conditions upon which I'm going to engage and I'm going to know much more about ICANN will know much more about me in the same way that, you know, I shouldn't (unintelligible) that's going to get me into trouble. In the same way that any other internet organization, any other organization I will - you know, we begin to know more about each other.

And I'm going to tell you what kind of commitments I'm going to make and what I need from you but I'm going to do it in a way that doesn't involve necessarily getting on a plane three times a year and putting you through thousands and thousands of air miles and hundreds of thousands of dollars; totally unsustainable. Can't do it.

Man: (Unintelligible).

Sally Costerton: Got it. Yeah, yeah, we're in the same place. Easy to say, harder to do but we are in the same place.

Elisa Cooper: Well, thank you, Sally and Chris so much for joining us. We really appreciate your time.

Sally Costerton: Thanks for having us.

Elisa Cooper: Yes, no.

((Crosstalk))

Sally Costerton: Have a great meeting. (Unintelligible). Thank you very much.

((Crosstalk))

Elisa Cooper: Yeah.

((Crosstalk))

Elisa Cooper: We'll definitely plan on...

((Crosstalk))

Elisa Cooper: Oh cool.

((Crosstalk))

Man: ...is no products.

((Crosstalk))

Elisa Cooper: Oh thank you.

((Crosstalk))

Elisa Cooper: All right maybe we should go ahead and reconvene now that everybody has had a chance to...

Steve DelBianco: That's supposed to be a...

((Crosstalk))

Elisa Cooper: ...stretch.

((Crosstalk))

Elisa Cooper: Yeah.

((Crosstalk))

Elisa Cooper: Steve, whenever you're ready.

Steve DelBianco: Bennie, can you hear us? Bennie, if you can hear us would you put up the policy slide?

Benedetta Rossi: Yes of course, Steve.

Elisa Cooper: What time is it there? Oh oh not too bad. Considering she's probably been up since 5:00 in the morning, no, wait, way before that.

Benedetta Rossi: Oh sorry, were you talking to me?

((Crosstalk))

Benedetta Rossi: It's 9:30 now but, yeah, I've been up since 2:00?

Elisa Cooper: Two?

Benedetta Rossi: Not too bad.

Elisa Cooper: Well with twins you know how that is.

Steve DelBianco: All right thanks, Bennie.

Benedetta Rossi: Nothing new.

Steve DelBianco: Right, for the recording it's Steve DelBianco, the Vice Chair for Policy Coordination. We just have seven quick slides to go through on policy and I'm pretty sure we can get us close to being back on schedule.

The first slide is the discussion of what we've done since Toronto. That was the last meeting of October of 2012. The BC has filed seven public comments just since October; it's been a busy series of weeks.

And, you know, that started with a few short ones on DNS security and trademark clearinghouse but it culminated in some very beefy comments on things like the Strawman presentation, where we actually played a major role in that, and then policy versus implementation, closed generic TLDs and the Registry Agreement.

In addition the GNSO Council adopted a resolution that John Berard moved forward on another project, the Consumer Trust and Consumer Metrics advice. And that happened also since the October meeting and that was something where the BC played an instrumental role.

So in addition to these seven and that let's go to Slide Number 2 to talk about two public comments that are in process right now. First - and I'm glad (Mahad)'s here from (ADTR), the first is a public comment that's pending now on ACDRs proposal to become a UDRP vendor.

So for BC members to try translate both those crazy acronyms ACDR is the Arab Center for Domain Name Dispute Resolution and (Mahad), is going to tell us a little bit about what his firm does. And then UDRP of course is the Uniform Domain Name Dispute Resolution Policy.

The BC has had a position for almost three years suggesting to ICANN that, yes, we understand you're going to need more UDRP providers; they currently only use WIPO. And when you open up the world to new providers we said to ICANN that you had to have standards to select them and once selected the providers had to have standard methods for handling cases and we made that rather passionately in 2010, we repeated it in 2011 and for all intents and purposes ICANN has not followed through and I don't want to say they ignored us but they didn't follow through. They've been very busy with a lot of things but nonetheless knowing that the new TLDs have been released they want to add to their capacity of UDRP providers, particularly in the variety of languages and scripts in regions of the world.

And to that end ACDR together with a BC member purposed to become a UDRP vendor and that is an opportunity for public comment, which gave the BC a chance to either submit its old position, modify that position or to take a harder look at ACDR's proposal and evaluate it. And so I'd like to say it's a real tribute to the BC members who all of them weighed in on the first draft, attended a significant conference call on March 20 and we worked out some ideas for alternative proposals.

So those of you in the room who have voted already thank you, if you haven't voted, voting is only open until April the 12th and I need to get those votes in and we need to have a quorum of 25 of our 49 - 24 of our 49 members for the quorum to count, so we're not there yet. So I've been looking around the room and many of you haven't yet voted, check for your last email from the meeting. It would have been probably Friday night or Monday and in there I would have indicated just hey reply or reply all if you wish to share your vote with the rest of the BC.

But so far I'm just tracking them all with an effort to announce that result on the 12th and that result then will channel us into filing alternative one or two. Alternative one is a rather short comment that really just maintains the BCs

2010 position that ICANN shouldn't approve any new UDRPs until they get a method together and it doesn't say anything about ACDRs proposal.

Alternative two is a qualified endorsement of ACDR, they put together a good proposal and on the calls they've acknowledged that there is a need to standardize methods and that once ICANN develops them ACDR would embrace those methods. And we say it's a qualified proposal because in addition to giving an endorsement of ACDR, we went on to say to ICANN you must develop a standard for selection, the standards for UDRP operation and you'll have to do it with a staff led but community input process and you'll have to do it immediately. And that's the one and two that are up there.

And I'll stop there and take comments either from (Phil), (Mahood), anyone else who wants to weigh in on that. Take a queue. I saw (Lisa), (Phil), (Mahood) you want to say anything about it (Mahood), (Lisa)?

(Lisa): Yes. How close are we, you think, to having enough votes to move forward?

Man: We're halfway there. Need another 13 votes.

(Lisa): Thirteen. Okay. I thought we were a little closer.

Man: The BC usually has some votes until the very last minute. But let's see what we can do to encourage people to do it. It only takes a minute, you hit the reply button and you pick one or two.

(Lisa): And tell me the date one more time.

Man: April the 12th.

(Lisa): Okay.

Man: (Phil)?

(Phil): Thank you. That working? Yes. I've been involved with this issue, I helped draft the original BC position in September 2010 when the ACDR and another provider were - had applied and when I saw that the draft agenda for the February 28 ICANN board meeting had approval of ACDR on the consent agenda that was without any republication of the revised application and public comment, which is the proper way to go, I raised that with the BC and the IPC, which brought that to the board's attention, filed a - sent a letter to (Scotty) and (Steve Crock) of my own organization.

The issue here is not - I think we all recognize there's going to be more applications to the UDRP providers, there's going to be more providers that it's justified in many ways particularly in IDMs coming on but the name of the policy is uniformed dispute resolution policy and if there's no way for ICANN to establish basic standards to ensure uniformity, it's not going to be uniform in application and the goal is to maintain for the benefit of both registrants whose domains are challenged and complaints who bring the actions is to maintain the uniformity.

And most of all to prevent form sharecropping where you start to get divergent types of UDRP jurisprudence from different providers. We already I believe four providers, we have (WYPO), we have NAF, we have Check Arbitration Court and then I believe there's one in China that's been a credit, I forget their name and there's going to be more.

And there's no Supreme Court of the UDRP to assure consistency, the closest we have to that is (WYPO), the (WYPO 2.0) compilation of panels views, which is not a binding president but at lease it provides a template. But there are problems, I'll give you one problem from the prospective of registrants and that National Arbitration Form lists about 140 experts and yet they'll let 5% of their experts decide half their cases, which so they list all these experts and yet most of them are never involved in any decision making.

So it's just about having ICANN take responsibility to make sure that there are basic standards across all providers so we have uniformity in the administration of this very important policy, important to (complaints) to protect their trademark rights, important to registrants to make sure their - that when they are legitimately operating domains that they are not unfairly taken away and transferred to others.

And I appreciate your cooperation on the call and having a major and a drafting vote position, I think both positions whichever one wins will move the ball forward in a very positive way.

Man: Thanks (Phil), appreciate your cooperation on that and (Mahood) tell us a little bit about your affiliation with (bitter) and any other comments you want to share.

(Mahood Madool): (Mahood Madool). Actually I didn't really - was involved in the application procedure itself but my (unintelligible) was that was applied for that application and that being said, we applied back in 2010 for the first application and we received - it was for public comment for (unintelligible) at the time and we reviewed those comments and then we re-applied again, taking those comments and of course direction as a wise application.

So we've taken several comments into consideration as well as their last comments period. We really do support the uniform procedure that everyone is talking about and we don't want to be understood that we are against this but I am and my firm really believe that those two issues should be separated. We do support this move that we need a uniform dispute resolution procedures for all providers but now we cannot delay further and that resolution of new providers because as you all know new details are coming up on the end and several issues raising that we have to deal with.

Solving a problem, might be causing other problems on different levels, so we don't want to leave that (unintelligible) out of provided that might be able to help in new details in the (unintelligible) stage. Thank you.

Man: Thank you very much. In the comments you made, you may have adjusted things significantly from your 2010 proposal but the BC comments were things that ICANN needed to fix, a selection procedure and a methodology and there's nothing your proposal could do to solve either of those, so I appreciate that and yet your appeal is to unlink the standards to the approval provider and for those who are voting for number one, are making that case, linkage is leverage and leverage is very important at ICANN.

The linkage becomes the leverage to say that I can get moving because if they ignored us for three years, so the hope is that they wouldn't ignore us if there were leverage but we have two, I think two outstanding positions and please do vote before April the 12th. Are there any final comments on this?
Marilyn?

Marilyn Cade: I've been around ICANN since before it existed, as far as I can tell there - and I need for (Steve) to - sorry. (Steve) as far as I can tell, there is no possibility and no process in place to deliver such standards today, a framework for standards and I had made a comment before on the list that and I really want to treat this as separate from the fact that everyone knows from the list that I support option two, so even though it's a private vote there's no point in my not announcing that.

But I also earlier said and I saw that both (Gabby) and (Mahood's) company supported this but separately the BC should be thinking about what would go into the framework of standards and I guess I'd really like to ask all of us to think about putting our energy into - myself I'd like to move forward on supporting the - but I'd like to have us maybe if there's interest in it have a small working group even while we're here to find time to brainstorm some

ideas about what would go into that framework, so we're not just hanging around waiting for the ICANN staff to get around to it.

Man: I took that into account because you'll see in the version two, even in version one I believe the concerns that would be addressed to such a framework are listed in there, even if just by example. We didn't go so far as to prescribe what the framework would be. We talked about the major problems such a framework would solve, we also used your comment that it ought to be a staff driven process with community input and that's in there. So I'm reminding you all to vote by April 12 and let's get that done.

I have another comment in process I wanted to briefly cover and (Benny) if you could go to Slide 3, this is the BC comment on the proposed new registrar accreditation agreement or RAA, those comments closed the 19th of April and the key to the BCs comments are listed on the slide. The good news is we did get a volunteer both (Anjolie Hansen) of the Better Business Bureau and (Zahad Jamelle) have started to draft, Ron Andruff was also helpful on a particular aspect in comment and Susan Kawaguchi: is assisting.

And our goal was to get those comments in front of you this week, we'll do it by email with an intent for BC to approve review so we can get it into ICANN by the 19th deadline. The bullet points on the screen talk about our priorities as we want to make sure the law enforcement concerns were addressed because most of them have to do with enforcement.

But we were told by ICANNs staff yesterday that the pattern of practice would be grounds for termination but I learned today that that may not be the case if it's a pattern of practice of abuse only a pattern of practice of specifically cyber squatting and I'm going to turn it over to (Zahad) in a minute, there's the amendment process which is where the BC was to be consistent, the BC didn't support unilateral amendments in the (registree) agreement and I'm pretty sure we wouldn't support unilateral amendments in the registrar agreement either.

(Susan's) among the ones addressing the temporary rules for privacy and process services. Would it be great for someone to dive into the registrar's responsibilities, looking for a volunteer there and then we know we have to emphasize the validation of information for registrars and for the account holder. Ron Andruff is drafting two paragraphs on why ICANN needs to put it out in public after the RA has been agreed to. I'll take a brief queue on that and then move on. (Zahad)?

(Zahad Jamelle): Thanks. Just two quick points, obviously the RA draft is currently a moving target because we have heard that there's been some negotiation in the last 48-hours really and even the registrars don't actually have the final language, so it's not a question of it's not being shared with us, it hasn't actually come through yet.

So while we do draft our comments, we should always be aware that there maybe site changes number one, two there was some discussion that I had with some staff members at ICANN relating to security who also had certain concerns about, as (Steve) mentioned, whether a registrar would be able - could they take contractual compliance action against the registrar where say 80 to 90% of what he was registering or facilitating registration was actually abuse of registration and what could be done about that.

And apparently the language doesn't exist in the registrar registration agreement and to enable some sort of action in that respect and, you know, it doesn't have to surely be termination or suspension but, you know, if they can take like a star away from them or accreditation or something like that. That would some sort of beginning at a way to address this.

Let's also keep in mind that under the registry agreement, there's something called the both delegation dispute resolution process under which basically if a (registree) does something similar, they can - there's a possibility of

contractual compliance on that that is in process so why not one for the RR registrar? Thanks.

Man: (Zahad) if in fact it is a moving target on the amendment process, it might be that our comment would be that we wouldn't support bold faced unilateral amendment but we'll reserve comment on the new one until we see it. It might be as simple as that right? Okay. The BC has two established positions on the RAA in the past and they were part of the list of eight that came out of Toronto.

One was that the new registrar agreement had to validate who is information, registrar information. The second was that registrars would have to use the new RAA if they wanted to sell domain names under new (retail names). And that second one was a request that we thanked the board for today because management has made that part of the registry agreement that they are only allowed to use registrars that use the new RAA.

But as you'll learn on our next slide, John and (Zahad) will talk to us about the fact that that very concession or win on the part of registrants on the business community is being challenged by some in council and that will be part of the discussion tomorrow. So with that we'll turn to the next Slide 4, if you can (Benny), Slide 4 and this is the second channel for policy matters, so I want to turn things over to our counselors, our elected BC counselors, John Berard to my immediate right and (Zahad Jamelle) on the end.

You guys want to walk us through what will be discussed council tomorrow?

John Berard: Cool. One's enough really. With regard to the slide before you there is no motion on the PDP on translation transliteration that was incorrectly noted on the Web site. There are two motions for our consideration tomorrow, one as noted on the reconsideration of the (Straw Man) decision and the other focused on the registrar accreditation agreement negotiations.

Man: The third bullet on there, I had them all underlined.

John Berard: Okay. And I would say that - so taking a look at the (Straw Man) one, this was a motion offered by (Maria Farrell) who is the nominating committee member to the council, who formally had been a staff member of ICANN and formally had been on the nominating committee herself. She has been inside ICANN for a long time, her point of view is well documented and consistent aligning often with the non-commercial users on the council. In fact the other motion is offered by (Wendy Seltzer), who also is in that same part of the house.

Anyway, the (Straw Man) motion focuses - and excuse me but (Benny) do you have those that you can post? Did you cut and paste the language into it? Anyway if you did that'd be great.

The - back and forth with the council regarding the (Straw Man) on the trademark clearinghouse has been shrouded in criticism of the process by which those changes were adopted. That it was in defiance of a pre-existing policy decision that it sought to cloak policy decisions in a wrapper of implementation, which of course now leads us to a third part of the meeting tomorrow, which is a discussion about policy versus implementation. It is quite possible as I look at it that this motion will pass.

Man: It's asking sort of kind of consideration.

John Berard: Right. It's asking for the board to admit that it overstepped or to ask that the thing be kicked back to the council and that the specific aspects of the trademark clearinghouse that were added be put through the policy process. That's what it said yes?

Man: ...yes on the original, it hasn't changed in the intervening days.

John Berard: No. That's it right there.

Man: Wow!

John Berard: Yes. So Marilyn, yes?

Marilyn Cade: I have a - I just need to have a point of clarification before I offer a proposal, what is the present status of the improvements, are they approved and accepted by the board, the things that are being objected to?

John Berard: Yes. There's no board action, they're (unintelligible).

Marilyn Cade: I think that that means that if they want to a reconsideration, there'd be a word for that and a place for that and it don't be at the council, it'd be - they have to I think they would have to file a reconsideration not, you know, I mean - I think it'd be - it has to be a formal and I think we need to look into that typically to see if that's the case. I understand but I think we ought to - if we're thinking it may pass, I think we've got to do our legal research, do you know what I mean?

Maybe if we can find out from approaching (Halloran), if it is approved and agreed to then it maybe that their asking the board to kick it back may require a more formal process in order for them to do that.

John Berard: And I make the judgment that it might pass because it's a motion offered by the NCUC aligned counselors and seconded by the registrar counselor so.

Marilyn Cade: You know, I'm just thinking that maybe it would be worth you guys checking with the legal staff about it.

Man: That's actually a very good point Marilyn thank you. My sense was from the discussion we had over the weekend and on Saturday and Sunday when we discussed those particularly, we had like (Mason Cole) and others actually come out and say that they weren't necessarily in favor (Jeff). I'm not sure but others at least (Mason) said but he wasn't completely sure about this motion.

That's helpful because you can see that it has some aspect. I mean I don't know what the reasons necessarily were.

But I heard that it wasn't complete consensus on the part of the contracted parties how they would be behind this, now that's something we can probably try and work with but assuming we get revised today and tomorrow, we have the whole morning to the afternoon tomorrow that this thing is liable to pass and there are two things we could do. One is the point of order as you mentioned, the other is to seek deferral saying we need to further discuss within our constituency giving us more time to basically then, you know, do some lobbying I guess.

Man:

Yes. I wanted to note that on Saturday's discussion one of the reasons the registry's, in the case of (Jeff Newman), objected was we felt like the language in here - disappoint and concern, it was pejorative language with respect to the board, that doesn't mean he wouldn't vote for it, he didn't like the language and that was an invitation for the makers of the motion maybe to modify their words.

John Berard came up with just a beautifully worded alternative like a letter that would express the primacy of GNSO for policy making and as usual, I mean you offer alternatives they don't start to move until people feel the pressure to move and the pressure will build tomorrow. For those of you who are somewhat new to the BC, I should have clarified initially the (Straw Man) only has three proposals in that we're focusing on now.

One will be we need an advanced notice of 30 days before sunrise begins, the second would be that the trademark claim notices for exact matches not just show up for the first 60 days registry but for the first 90 days and the third element was a BC idea, a BC original that we pushed last year, which is that each trademark clearinghouse entrant could put an additional 50 (strings) in there to cover previously abused or registered used terms and cover that briefly when (Liz Sweezy) was speaking up here.

Those are the three elements of the critical (Straw Man) that were proposed by management at implementation, and it's that decision to make them implementation that the makers of the motion are complaining about.

Man: And because it is tied up in this policy versus implementation argument because it intrudes upon the ego and landscape of various - yes various constituencies. There is - it is not just to be judged on its face but on the way it attaches to the various elements. The second motion and (Zahad) if you want to talk about this one, be my guest, is equally interesting as they say.

Man: Yes. I was just about to write to (Mason) to find out what the situation (unintelligible) was, okay so this is a pretty short simple motion, what it does is (Wendy Seltzer) says that effectively the registrar negotiator - the RA negotiations are to be conducted in a manner which are just not appropriate, for instance in Line Item 2 where there's ICANN is (unintelligible) as (unintelligible) implementation the (unintelligible) program saying that sort of leverage being used.

She suggested basically the whole RAA was negotiated over the last 48-hours be scrapped, not used. - Yes. Right. Exactly. And should be completely scrapped and we should just simply go with the RA that was prior to that that currently exists and move forward. Now obviously the registrars having thought a lot of sweat and blood into negotiating this new one were just definitely not in favor of this.

So I think there's very little support that you'll get from the registrars because they will lose face, you know, with law enforcement, GAC and there's a lot of GAC pressure on this as well. So - and then this is something that (Wendy) was sort of, you know, it was a discussion and again it came down to, you know, the language isn't right and I don't think it's constructive. That's what the pre-discussion on Saturday and Sunday was all about. So we don't think that this will probably pass.

Man: In fact we may see the registrars and the registries falling on different sides of the question yes. Yes. Just because the implications for - so the deal that the registrars have negotiated that allows for unilateral changes by ICANN but with a review built in is still a bridge too far for the registrars - registries with regards to the registry agreement. And so it is a fast moving stream right no, I mean in the hour and a half we've been in here the world could have changed completely for all I know.

I do know that I think law enforcement, the FBI has already either yesterday or today in the GAC meeting put in another request that, so if they ask for 11 things or 12 things and they got ten or 11 of them in the RAA and everybody thought that it was tied up and nailed down and now they've requested that that last item also be included, which could change the circumstances yet again.

Let's see what is the rest of the agenda? As I said the most interesting part, I mean if you have not participated in a GNSO council long march before, the discussion on policy versus implementation and I think could be an interesting introduction to - I think you'll be able to organize the council and its ideological buckets on the basis of it I think you'll be able to get a sense of who has influence beyond their official standing and I think that you'll get a sense of just how often we can spend a lot of time talking about how many angels can dance on the head of a pin.

This is an interesting pin, sharp ends both front, top and bottom. When is by the way the policy implementation panel?

Nine o'clock tomorrow morning? So it might be a good companion piece to participate in that and take what you learn and bring it to the council meeting. The...

Woman: It's worth mentioning (Steve) is on that panel.

Man: Right. That's another shy flower.

Interesting to me because of some things - some conversations (Steve) and I have been having off and on is that last one about the template for the issue report. In terms of policy development, it all begins with the filing of an issue - filing an issue report. If there's something we want to take a look at, we first have to describe it in an issue report or the request for an issue report that we then move at council for the staff to conduct and then when that issue report is written, it comes back to council and a decision can be made to then move on a policy development process about it.

(Steve) and I have been talking about the fact that the BC has been - we haven't been as active as perhaps we could be in moving some of those - some of the policy matters that we care about as aggressively as perhaps we should and when I saw the fact - the template it reminded me that we should be more forward-thinking in terms of how we would like to have the agenda for the council set for (Durbin) and for Buenos Aires.

And so I would encourage everybody to think about just what are some of those policy matters that would be appropriate and useful and helpful for the BC to initiate?

Man: Okay. Uniformity's reporting, there was a registration abuse policy working group and one of the recommendations the (wrap) working group had was that there should be uniformity reporting on complaints that are given to contractual compliance department and the way that the data comes out should be uniform one. Second that registrars providing the data regarding complaints should come out in uniformity and the issues reported usually as just was mentioned was designed to then possibly lead to a PDP or policy building process.

The issues report actually from staff has come back and (Barry Cobb) will be presenting tomorrow, was actually a former member of the BC, is going to be sort of presenting that issues report and what it basically says is there's no need for a PDP here. We don't need to have PDP, there are alternative mechanisms we can use. When this thing was actually suggested it was a time when the contractual compliance department hadn't got the tools, wasn't about to get the tools necessary to try and have metrics statistics and all this stuff.

Now they are on their way to doing that and therefore there may not be need to have a PDP to do this. There's only one other alternative recommendation, which is let's form a working group that works with ICANN, that works with contracted parties and registrars and basically tries to get the data from them on different complaints and then to assess it, you know, to see what kind of data they're getting and that's the only sort of - so I guess we're not going to go for PDP, if there's anything there's going to be a working group.

Man: That's great. Thanks (Zahad) and John and for all of you who've been to ICANN meetings, I do think tomorrow's council will be fun and exciting and relevant to the BC. The two motions that will be debated closely involve BC priorities.

All right let me transition now, the final slides are on what BC statements might be so if you go to the Slide 5 (Benny), this channel is things that we would say at the microphone, so it's a marriage between our priorities and the present opportunities. So when we're at an ICANN meeting there are opportunities to speak. You've seen a few of them, the board breakfast on Sunday morning, the GAC this morning, the board discussion with CSG this morning, council's tomorrow and then public forum on Thursday.

So because every week includes multiple opportunities, we try to generate what the BC would focus on, where our statement lie. The first three bullets I think we've really already covered here. The first three bullets are priority

items. Look at the fourth one though, this has just come up and BC member (Bill Smith) argued persuasively yesterday, is (Bill) here today? He's not with us right now? He's in another meeting but (Bill) brought up the notion that security stability and resiliency risks that might be transferred to registrars and users as a result of the roll out of the new GTLZs, there's one or two particular issues.

You know the scale and size of the zone, not really likely to be an issue but (Bill) is an expert at things called certificates, the certificates that are necessary every time you use https, colon, slash, slash instead of http. So that is certificate authority that have been issuing certificates for decades and their certificates include some of the words that will become new TLDs.

Words like corp, dot corp, words like mail, dot mail and this enables a rather clever criminal to sit in a coffee shop and intercept the wireless traffic of somebody trying to get into one of those servers and issues certificates that enables them to do their banking or do their corporate email on a fake server and it's very complex, it took a little over an hour to go through it yesterday and there's not widespread agreement on whether it is a significant risk, how big of a risk it is, whether it's appropriate to shift the risk to people that use our online banking or not.

The big fear is that if it is a significant risk would it result in a delay of putting out two new TLDs? And that certainly gets everyone's attention around here as you can imagine. So I think it's likely to come up, not in council, but likely to come up on Thursday in the public forum. I don't think the BC has a position other than we are insisting on security, stability and resiliency. We don't have enough expertise and other than (Bill), have enough expertise to understand the extent of that risk.

So I'd love to take a queue and I see a few already on whether the BC ought to say anything at all I guess to sort of stand back and listen, (Lisa) you first.

(Lisa): I'm only going to say that we do have a meeting scheduled tomorrow at lunch to discuss what we might say in the public forum. So if we don't get through all of this right now, we do have time - tomorrow's Wednesday right? We might have time tomorrow to discuss us it.

Man: Marilyn?

Marilyn Cade: So just remember that the present structure of the council actually allows people as individuals to go to the microphone and so it maybe even that, you know, we do have a position on the BC at a high level about the importance of security, stability and resiliency, we've taken positions before about how ICANN can be, you know, I think we've said enough that if (Bill) were prepared to be the guy at the microphone speaking on behalf of PayPal in his individual capacity it would be a great way to really build some awareness.

Man: Speak as himself but you make a good point, I could give him an exact quote of what you said in the BC about SSR and you could weave that into his comments and just site them. Great idea. Anyone else in the queue on this? Okay. Great. Let's move on to the next item, it's a question on here about whether we should discuss the singular/plural contention sets. (Marie) is nodding her head, Marilyn says yes. If you go to the next slide (Benny) I have a breakdown of this.

I did this slide this morning as we were all sitting in the CSG, of course the stakeholder group meeting this morning and the BC doesn't have a position on this, we have questions and concerns, we have four concerns and they're really not that difficult to get your arms around. A little background here is that ICANN had a panel, which was supposed to determine ahead of time whether any of these (strings) and (unintelligible) were confusingly similar.

And it gave them a standard that included the word visually similar but it didn't stop at visually similar, it said confusingly similar. That panel did it's work over the course of several months, almost ten months and finally comes

back with a ruling that said, you know, we don't think any of these are really similar except hotel and (hotice), which is Portuguese for hotel. The lower case i in (hotice) is like the L in hotels so those were similar.

And then two others were the letter R followed by an N was similar to the letter M, so they only looked at visually similar and said there's really no confusion between these 24-pairs of singular/plurals, auto and auto, car and cars, deal and deals, kid and kids and there are proposing that ICANN proceed full steam ahead to delegate both kid and kids, both deal and deals, loan and loans, both delegate it.

So the BC, what I would recommend, I've gathered input from a number of members and I'd recommend, we don't have a position but a concern. We would say number one this is going to confuse consumers. You listen to a radio commercial for a company that's giving loans, consumer.loan, so you go to your computer but you don't remember was that consumer.loans or was that consumer.loan? And that confusion, at the very least, is going to lead to some consumer deception.

And I would say the defense registration's an additional 24 TLDs is a concern. I think to make that what we need with, we already have a big defensive registration problem, 24 more makes it worse but it's not the main concern. The third is it's an insane president for the next round. Let's suppose an applicant has worked very hard to get through a dot book as a TLD, well three years from now in the next round, I guess an applicant could come in and say they're going to build on all of the work that you've done on dot book and they're going to put in for dot books.

And how is ICANN going to reject dot books from dot book if they're not going to reject it here? So I think it's a terrible president, that's the point we should make. A lot of people are sort of convinced when we make that point. And finally I think it's going to really reflect poorly on GTLD expansion. Why do we say this? Because everybody we ever talk to about it and the GAC CEO of

ICANN, board members, they all nod their heads in mystery, they can't believe the decision was reached.

But they're just as powerless to stop it, to change it. It turns out the only mechanism in the guidebook has been for the applicants themselves to file (string) confusion objections and I guess (Andy) you had roughly two weeks from the announcement of the contention set to the closing of the objection window. The stars are all Google. (Andy Abrams) here with us today but the asterisks on this list indicate contention, (string) confusion of objections that were filed and they're not inexpensive, they're a lot of work to do and tens of thousands of dollars to file, thank you for filing yours.

And (Andy's) firm Google did layout the rationale for why these were confusingly similar. But that means that those who don't have an asterisk didn't file. I'm sure they're concerned but they didn't file and it maybe because an applicant who's say is after dot photo maybe happy of the fact that dot photos was out there because they'll potentially get bought off by the more well-yeild applicant, so they don't have to have two delegated. Who knows what the motivation is.

So I wrote on here two potential solutions and I'd like to take queue on thoughts of the BC on whether or not we pursue this at the microphone. One solution would be this - be first in the queue then, one potential solution is the international center for dispute resolution or ICDR they're the ones who are going to hear Google's objections as well as about, there about 33 objections filed on (string) similarities, only seven or eight had to do with plural/singular.

If they come back and rule that the singular is confusing with the plural, well then we might argue that that should apply to all, that's what I wrote up there as number one, that they should apply to all. So I'll stop there we'll take anything you want to clarify or come up with solutions?

Man: No. I mean I agree with you on all those points. My question is why can't we take a position, I mean those concerns do sound like a position. Can we be a little bit stronger?

Man: We could. We have a thing called the charter which requires a certain number days notice so I, but you know what if in fact we have a question. We can add to this suggestion as to what these potential solutions are, these we just made up this morning, so as the policy coordinator I'm not as - I'm honestly not as comfortable saying we have a written position on what the solution is. It's easy for us to agree we have concerns and can articulate the concerns but it may not be necessary to have a position to simply miss some ideas that ICANN could consider.

Any thing else you want to add? That's great.

Marilyn?

Marilyn Cade: My name is (Marilyn Cade) and I do sleep with the charter under my pillow. Actually the - and the reason I say that is I think we should - I think the executive committee should look at the charter, there's a provision in the charter that says when we are together (Steve), so could we look at that real quickly?

Man: We'll go ahead and do that but even if we knew we could because the executive committee can do certain things and we have to remain uniform but what would a position be, we have a high standard in the BC for what is a position? A position is not just raising of concerns, it's prescribing what we think ought to be done. I don't know that we thought that through enough to turn it into a position.

(Marilyn Cade): Let me just state my concern about it. This clearly means that in 25/27 names because this is not a question of these (unintelligible) even going to auction, there's no contention. This means both of those names are going to be

awarded, so this isn't a question of, you know, I'm going to be bought out was the point I wanted to respond to - somebody could voluntarily at some point okay? But I think it's more - (Andy) and I just had a side conversation - I think some of these guys want confusion and that means more defensive registrations and more consumer confusion.

We have a position about consumer confusion, could we not make a statement that relates this to consumer confusion?

Man: And that's what I relied upon to make the concerns that I did. I have Ron and (Marie) and (Zahad) and we'll close the queue to everyone, I want to move this quickly and then we can pick it up again tomorrow at our pre-meeting before public - before the policy, Thursday before public forum, right?

Woman: The meeting's actually tomorrow at 12:30 to 2:00, so we have a fair amount of time to discuss exactly what we want to say at the public forum and in the interest of time, I definitely want to make sure we have time for (Chris) to go through the budget issues and hopefully you can do that in ten minutes so.

Ron Andruff (Steve) in terms of how can we establish a policy on this or not I mean say it's a policy, the bottom line is that everything up there that you've noted is absolutely antithetical to what ICANN stands for and all the work that goes along with ICANN, defensive registration, terrible president, consumer confusion, we've been saying these words out of a microphone for 13 years. So there's absolutely no reason why we shouldn't be taking a position of this. This is what perplexes the board and the GAC.

So let's take a position because they're saying please take a position, otherwise if we don't we have to wait for the GAC, hopefully the GAC (communicae) comes out early so that we can say oh we can point at the GAC (communicae) and say we support that, somebody has to have a position. So I'm not sure why we would shy away from this at all.

Steve DelBianco: There's no shyness Ron about me getting to the microphone and as your spokesperson and articulating these concerns. The notion of turning it into a position is what are we saying they should do about it and I don't think we know what they should do about it, we know that it's a mess.

Ron Andruff: Well I can tell you what they should do about it, the book closed right, the applicant guidebook closed and we're talking about our new registry agreement, well how'd that happen? So I'm saying there's things that have to get done, this just passes the absurdity test, this is insane, we all know it. So it's not about - we don't have to tell them what to do, they can take action. We have to make very clear our policy...

Man: And we could raise these concerns without voting on anything as you say we have president for all of them.

Ron Andruff: So let's just do it. The problem is right now no one is grabbing this thing by the horns and I just can't - I'm absolutely mystified why we're not doing it.

Elisa Cooper: I think we can and I think we need to just work through exactly how we want to position this and we'll do that tomorrow and hopefully everyone can join us at 12:30 tomorrow. We're in Grand Hall B I think it is, I'll tell you - I'll confirm before we go today.

Man: (Marie)?

(Marie Futello): I know that you want to leave the phone (Lisa) so I'll be as quick as I can, my three-year-old cousin could tell you that this was confusing, she actually just had her third birthday so thank you for clapping and I'm serious. On the consumer confusion issue, firstly (Steve) yes we have to put that first. I would add though it's not just about me reading something in a magazines or on the radio, as a representative of brand holders it's about the deliberate (unintelligible). It's about the deliberate (unintelligible) that sell (fakes).

It's about the deliberate (likes) that take (unintelligible) gains. I have a member who makes toys, they make very well known toys and they have thousands upon thousands of domains that they don't want, that they have to keep to stop (unintelligible) children to porn, that to me is the absolute perfect way that they can do it so.

Man: (Zahad)?

(Zahad Mahood): So it's two types of confusion apart from the brand holders rights be affected, one is the end-user confusion but also the registrant confusion, which I'm going to register my domain name, which one am I going to choose is an issue as well? As far as this being an issue or not an issue, I think that now we've come to a conclusion I understand that why (Steve) you may be sort of asking to see or, you know, feeling the room, are we okay with this? I don't think this is an issue.

When we did the IRT we supported it, it had the S in it, when we did the SCI it had the (unintelligible) in it, we've had this position constantly so this is not a new position we're having to come up with number one. Second the solutions, I think apart from everything that is up on that list, I think should write letters, individual companies of the BC should write letters just like we've done for the (Straw Man), just write to the board. Just like we've done in other cases that have actually led to changes, we should actually activate that, write several letters to the board.

You know, and what other solution could they come up with? Well they need to get a outside legal counsel opinion on this or how are they going to be sued in California law if suppose they go ahead with this and also under the AOC because it was a requirement. My understanding is that (string) contention algorithm, the algorithm where you check this, most of these things are coming up with like 70% contention and that is the substance of the applicant guidebook.

So I think it's going to be, you know, if they go with that they have a solution out of this problem, otherwise I think what they're scared of and I think you hear board member say this is, well if we do this now are we going to get sued and that's what their concern might be.

Man:

Thank you (Zahad) so we'll pick up that discussion again tomorrow but thanks everyone. All right let's go to the last slide (Benny). This is a question that the BC considered when we looked at what ICANN called closed generics, not a phrase that we had used. We simply asked in Toronto does an applicant, does a registry operator need to get an exemption from the code of conduct if they want to register names in their own TLD? Whether that's a brand, whether it's Google running dot apps where or it's Amazon running dot books, it doesn't really matter.

We just simply said if a single registrant - single user TLD wants to own its own names, does it have to get an exemption? Is it an exemption, which is shown up there under Paragraph 6 of the code of conduct requires that they go through and get ICANN to say that yes we can give you the exemption because we're not worried about protecting the public interest in this case. So we asked the question in Toronto and ICANN has not answered the question, ICANN legal didn't do that.

They put out for public comment something completely different, they put out for public comment sort of a red herring idea that said that should we create new categories for those generic and restricted TLDs and that of course wasn't the question we were raising. So the whole thing is a bit muddled right now, ICANN legal still doesn't have a real position and it's entirely possible that the GAC advice could say something about this.

There are a couple of BC members who are going to pursue this and I guess I do think that most dot brands in the BC would consider pursuing this and if they do it would benefit all to have some clarity from legal but I've learned in conversations with BC members over the past day or so that the preference

would be to wait and see if the GAC advice takes us over a cliff here and if it did - bless you - the BC could come back and say wait a minute here we - the GAC advice was really not on point.

It looks like the guidebook and the contract already anticipated this and there's no need to go further than that. So summarizing the discussions I've had with a number of you over the past day and a half is that we have a statement we made in Toronto, we made it in our comment on closed generic and it's really an appeal to ICANN to clarify the rules and the process to give owner control to the names in your TLD.

We probably will withhold that unless and until the GAC has made a definitive statement about it and we probably ought to know that by Thursday afternoon. So I'd love to take a queue from the BC members about whether we should press this issue and again we're not indicating what the answer to the question ought to be, we're simply wanting to ask the question for the benefit of registrars, for the benefit of registry operators. John Berard?

John Berard: I'm sorry that neither (Phillip) nor (Martin) is still here because I wonder if the energy behind a registry agreement for brand owners who had make us mute or on the other hand if we were to push this would it damage the opportunity, did it slow them, would it diminish the chance that they might be successful and then the question is what does the business constituency feel about the arrival of a brand registry - constituency?

I mean I guess it's all tied - it's all part and parcel there.

Man: John do note though that this particular prohibition, in number 1B and the exception in six have nothing to do with whether your brand, as long as you're saying that I'm going own all the names in my TLD, it doesn't have to be my brand, so it applies to what are called closed generics as well as closed brands.

John Berard: Right. But (Martin) was very clear in saying that the door was not closed to that so.

Woman: (Andy)?

Andy Abrams: I have a question for you (Steve). Thanks for pursuing this. Isn't the ROCC exemption issue a little bit of a red herring in that, you know, this issue isn't about whether or not closed generics can exist right? It's about whether or not companies need to use the exemption. So ultimately I don't see the practical, you know, really the issue there because if you're a single registrant registry what does it matter whether you're going to allow all ICANN registrars to sell free domains to one registrant. I mean that's just doesn't really make sense.

And so if the issue is whether that should be allowed or not, it can serve like a false issue as opposed to, you know, whether closed generics generally should be allowed or should not be allowed.

Steve DelBianco: Interesting way to look at it. The exemption is next to the code of conduct exempts you to the whole code of conduct and that includes the requirement to use all registrars. (?)? Marilyn hang on one second. So (Andy) the requirement to use all registrars is not really the one at issue, it's what's in 1B up there, which is the ability to own and register names in your own TLD, that's the part that - it's an open question, was six written to give you an exemption from 1B or does 1B include the exemption in green that says, well it must be reasonably necessary, so the purpose of the TLD.

Man: You but throw out all dot brands as well.

Man: And then anybody could do it. Nobody would ever need to get six at all if you followed the green part of 1B. If the green part of 1B isn't entirely permissive, you don't need to go to six. We simply are asking ICANN which is it? Did we do a code of conduct for a reason, does it apply to everyone and does the

exemption in the code of conduct necessary, whether you're a brand or a generic doesn't matter but if you want to own the names in your TLD you have to get an exemption?

That would lead to the question that we asked in Toronto, which says that if one has to get an exemption, one of the tests in red there is necessary to protect the public interest and the BCs a big arguer to say wait a minute let's just find what the public interest is let's just keep it narrow, let's focus on security, stability, resiliency and the integrity of the domain name system. We may not even get to that question because at this point we're just simply asking ICANN does this document matter? Does six apply to 1B or does the exceptions follow the rule?

Want to reply to that?

Man: But ultimately even is you get to six, three the portion in red it's talking about whether you need to open it up to registrants right?

Man: And it's talking about whether you can own your own name.

Man: Understood.

Woman: Yes. So the way I'll tell you that most dot brands are reading this is that where it's the purpose of the TLD necessary for the purpose of the TLD number 18 an applicant - in the application was your mission and purpose so if in your mission and purpose you put in the mission and purpose was to have all of the domain registered to you or at least as an option, that's how most dot brands are reading this. So they're not really concerned with getting, I mean they're not concerned with getting an exemption.

They're fine to use a registrar and they see no purpose in owning all the names because it's necessary for the purpose of the TLD and the purpose was in the application that they submitted to ICANN so that said I think

there's a question, we're already over time. I guess I want to ask if we can take our question over here and - so you're done - and if you would not all mind staying an extra ten minutes if that would be okay with you so that (Chris) can go through the finance.

Man: I'll just be real quick and this has to do with Amazon. I think the real question is whether we do bring up the issue or not and I think it's a read and react situation where, you know, read and react to what might come out of the GAC and/or what happens in the room, you know, on that day. If it's a non-issue from the GAC, I don't know if we need to get into the trouble of minutia unless it becomes an issue.

Man: Thanks everyone.

Elisa Cooper: So (Chris) has graciously agreed to go through his finance portion tomorrow in our lunch meeting so thank you all for coming and I appreciate your time and your participation. And yes tomorrow is Grand Hall B, which is on the third level.

Man: And the next show is in Grand Hall B at 4:45, the GAC and the board will meet I think you'll want to be there for that. It's usually a main highlight of the week.

END