
CR – BOARD / Registries Stakeholder Group
Tuesday, March 13, 2012 – 13:00 to 14:00
ICANN - San Jose, Costa Rica.

STEVE CROCKER:

With these constituent day meetings, the way you can tell the difference between you guys and us is that we maybe have our heads on the table sleeping or something like that.

This is a two-way exchange. This is a part of the new way of engaging, and it's generally been very, very helpful and successful to have time devoted to specific topics, to dive in substantively and have a frank and open exchange.

So without further ado, we will do that.

We have a hard stop. Is it 2:00? Is that right? I think. I'm governed by machines here.

And so Keith Drazek is sitting in for David Maher, and as far as I'm concerned, it's your meeting, he's chairing, and we'll be responsive and eager to engage.

KEITH DRAZEK:

Thank you very much, Steve and Bruce. So I'm Keith Drazek. I'm the alternate chair of the registry stakeholder group. As Steve noted, David Maher, our chair, had another obligation and had to leave midday today. He sends his regrets and apologies, so you're stuck with me.

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So it's Keith Drazek, and to my left I've got Jeff Neuman, Jonathan Robinson, and Ching Chiao, who are our GNSO registry stakeholder group counselors, and we really appreciate this opportunity to meet with you all.

This is an event and an opportunity that we look forward to at every meeting and look forward to a good dialogue.

So maybe what I could do is just very briefly go through the -- sort of the list of agenda items or topics that we'd like to raise and also that we'd like to respond to from a question that was posed to us.

So just very briefly, we'd like to touch on the topic of vertical integration, talking about a PDP on WHOIS review team recommendations, confusingly similar strings in new gTLDs, single-character IDNs in new TLDs, the CEO search, and finally -- and perhaps most importantly -- the question that was posed to us from the board, which is: What do we view as the possible changes and impacts on the registry stakeholder group, on the GNSO, and on ICANN from the introduction of new gTLDs.

So with that, why don't we just go ahead and get started.

STEVE CROCKER:

So I'll just comment.

There's too many of those to do a decent job on all of them.

It's okay -- I don't have strong view. It's okay with me if we go through all of them, you know, sort of a little bit, or if we choose the three hottest ones and go into whatever depth we need there and come out.

Your choice.

KEITH DRAZEK:

Okay. Thanks, Steve. I think actually there's a couple of them that we can sort of tick off pretty quickly, so why don't we go ahead and get started and we'll sort of prioritize what we think are most important.

And be sure that we respond to the questions that you've posed to us as well.

So just to kick it off, the first thing about vertical integration, as the board knows, this is a topic that's been of particular interest to the registry stakeholder group since Singapore, and specifically vertical integration for existing registry operators.

To not spend too much time on this, we were very pleased to receive a response from the board and the staff on this topic, with an indication that in fairly short order, there will be a process and a procedure established for existing registries to apply for the removal of the cross-ownership, slash, vertical integration restriction for existing TLDs.

So thank you for that response. We appreciate the response. We actually appreciate the substance of the response.

But we do hope that the staff and the board continue to make it a priority, that it is a timely issue for us, and that several of our members are very interested in seeing that policy and -- or that procedure, that process, sort of finalized, so they can focus on it.

And that's really all that we wanted to mention about vertical integration, unless there's some response. That's sort of just the note that we wanted to make.

Jeff, go ahead.

JEFF NEUMAN:

Yeah. I think just to add to that, you know, I think one of the things that we wanted to make sure of was that the process was in place as soon as possible, and some of the registries expressed an interest in having the ability to apply no later than Prague.

I don't know if you all can make that commitment, but it seems -- if you look at the staff's recommendation, it's really just to use the exact same process that's already been approved, with a quick amendment to allow for existing registries.

I know there are some registries that are chomping at the bit to get this done, especially given the new gTLD process that's underway.

STEVE CROCKER:

Noted.

KEITH DRAZEK:

Okay. Thank you.

The second item on our list was just a quick discussion on the -- our view that a PDP would be required for implementation of WHOIS review team recommendations.

Jeff, you want to tackle that one?

JEFF NEUMAN:

Sure. And this is going to sound familiar because I raised the same issues on behalf of the council on Saturday or Sunday. I can't remember now.

But essentially, there -- you know, the registry stakeholder group is very appreciative of the work that the WHOIS review team did. We think they did an excellent job in reviewing the existing WHOIS practices, and so we want to congratulate them on that report.

For the registry stakeholder group, however, there are some recommendations in there that we believe amount to policy which should come, in general, from the GNSO, bottom-up, as opposed to from a review team.

So even though that the review team comprised -- was comprised of members from the community, that shouldn't be considered as a substitute for actual bottom-up policy development.

And, you know, to that end -- I guess basically that's it, just to try to make this short so we can get to everything. There are some recommendations that we think should go through the PDP process.

STEVE CROCKER:

Go ahead.

BRUCE TONKIN:

So Jeff, I think that's a reasonable principle, so certainly when you looked at the ATRT recommendations, many of those related to things that were board processes or different things that are under board control, and so the board was able to sign off on those and say, "Yes, you know, we accept the ATRT recommendation and we direct the staff to implement."

The difference with the WHOIS recommendations is they impact many parties in the community that would be affected by implementing some of those, so it would make sense that there's a community consensus.

I think the issue for the board will be how the GNSO would prioritize those.

So if the board said, "Yes, you know, thank you for the report from the WHOIS group. What do you think about it, GNSO," I guess the issue for us would be if the GNSO said, "Ah, yes, we'll look at that in 2020 because we're so busy right now."

So I think that's the issue for us is, principle-wise yes, but the issue is obviously that we, as an organization, do need to be seen to be taking action. So it wouldn't be enough for it to get stalled in the GNSO.

JEFF NEUMAN:

Bruce, I -- just to respond to that, I think that's an excellent point, but I think the board's given a very unique position in the GNSO and the PDP process for the GNSO.

In fact, the board is the only entity that can force a PDP on the GNSO without any kind of vote. So it's not a choice of whether the GNSO takes it up or not.

If the board comes back and says, "We require the GNSO to have a PDP, for example, on regulations concerning proxy or privacy registrations," there's no discretion. There's no blocking. It has to be done immediately.

Now, whether the working groups, in general -- how they work together and how they're able to come up with recommendations, you know, that's always a concern of any PDP, but at this point my recommendation would be that the board, you know, prioritize which ones of the recommendations require policy review. It basically sets a priority for the GNSO and says, you know, "We immediately request that the GNSO issue a -- or have an issue report on this issue," and go in order. Obviously we can't do it all at once. But I think that's the way that it can go forward.

STEVE CROCKER:

This is very helpful.

Let me add a slightly different perspective that will fill in some of the pieces here, but it's all consistent.

We're in the state where the draft report has been written, the recommendations are there, there's a public comment period.

I have asked staff to examine the recommendations and do a first pass of estimating feasibility, who would be affected, who has to implement, and so forth, as an information gathering process on the board's side.

And the question about some of these may require a PDP is clearly one of the things that we need to know, and what we need to know is with respect to each recommendation.

So far short -- well before the board makes a decision -- and the board makes decisions by gathering inputs and basically accepts strong advice or well-reasoned things from other sources. We don't typically sit around and say, "Oh, well, we should do this" and so forth, from first principles.

So we very much want and depend upon assessments that are done.

So well before you have to brace yourself for missives from us saying, "You will start a PDP," give us the best picture you have of what you think PDPs should apply to and what they don't, and estimates of time and priorities and all of that, and then we'll try to make an informed decision and hopefully one that is within your expectations and make this a much more sensible process than just a bare bones, you know, rockets from hell or something.

KEITH DRAZEK:

Okay. Thank you, Steve.

So unless there's any further discussion on that topic, let's move on to our Item Number 3, which was a discussion of confusingly similar strings. And I'm going to ask Chuck Gomes to tackle this one.

CHUCK GOMES:

Thanks, Keith. And thanks to all of the board members that are here in session. We always appreciate it.

I'm going to qualify what I'm going to say by noting, first of all, that we had this conversation with Kurt and John earlier today, so this isn't something that's just being presented to the board.

So we had a very -- I thought a very constructive conversation with them.

Secondly, I'd like to point out that this is not a new issue. It's not being brought up at the last minute. It's an issue that was brought up probably at least a year and a half ago in the implementation process for new gTLDs.

For some reason, it was never addressed. It was brought up several times.

So I don't want you to think we're bringing something up in the guidebook that wasn't previously addressed. That is absolutely not the case.

And in the -- just a quick overview to set the context.

In the new -- in the applicant guidebook, the -- there's -- the first string confusion review happens early on in the process, and it only involves visual similarity.

And when that happens, if there's a string that is so visually similar that there's a high probability of confusion, that application could be removed at that point.

In the GNSO recommendations, the reason for that -- it happens to be Recommendation 2 -- was to avoid user confusion.

So the intent of the GNSO was that you minimize user confusion. We're all on board with that.

The problem is that there's a distinct possibility that two strings could be visually similar and not create any confusion at all, depending on the way they are offered.

The board, in fact, passed a resolution for the ccTLD fast track for IDNs that made an exception, for example, when the same registry was offering two of those kinds of strings and they were minimizing confusion.

That was good. We support that. We think that makes sense. Because if there's going to be no confusion, that's the goal.

But right now, in the guidebook, there's no exception process for that. If two strings are visually similar, they could be eliminated. And we have some comments that will be submitted in writing. Again, not that this is the first time on this issue, but -- and that will happen in the next few days.

But what we would suggest -- and it doesn't have to be this option, but if there was the option for extended review where the applicant could provide its own justification for why there's no confusion, and then you

already have a string similarity review panel -- you're really not adding new things to the process -- you're just avoiding a consequence that the GNSO did not intend, that if there's no confusion, a string would not be eliminated.

And, so in other words, to put it very simply, a similar -- a string that's similar to an existing TLD or another -- for that matter, another string that's being -- a new one that's being applied for in the process shouldn't be eliminated automatically just because of similarity, if there is no confusion created.

KEITH DRAZEK:

Okay. Thank you, Chuck. And I think particularly to put a point on it, if one registry is applying for two strings, or three strings, that happen to be similar, but because -- in the way that one registry is offering them, it shouldn't necessarily be disqualified or be rejected because if the way that that registry is going to be offering that bundle or those domain names eliminates the confusion, it -- we believe it should be permitted.

And I think that's -- you know, to the point, back to the GNSO's recommendation, that was the intent of those recommendations is that if it was not confusing, then it should not be eliminated.

Any other comments on that?

Go ahead, Rod.

ROD BECKSTROM:

If I might, I just want to have a small question -- clarification.

Chuck, obviously the applicant guidebook has been approved by the board, and some minor changes were made that were also approved by the board.

Are you requesting a change in the applicant guidebook?

CHUCK GOMES: Yes.

ROD BECKSTROM: Thank you.

KEITH DRAZEK: Okay. Thank you. Let's, in the interest of time, move on.

The next item that we have on our agenda is single-character IDNs, and I think Edmon is going to tackle this one for us.

EDMON CHUNG: Thank you. So this topic, again, isn't new. I think the JIG worked on the issue and through --

KEITH DRAZEK: Speak up.

EDMON CHUNG: Louder? Sorry.

So the JIG, the joint working group, IDN working group between the ccNSO and GNSO, worked on the issue, sent a report through the two councils to the board, the board responded, and we had a further response.

And the -- the recent events -- what I want to point out, really, is the recent events from the SSAC.

SSAC produced a report on the issue. We took a look at it and found that most of the findings actually are very similar to the JIG findings, in terms of, there are interrelations between string similarity and certain -- to a certain degree, IDN variants as well.

So of course the recommendations are very different.

The SSAC recommended not allowing. The JIG, of course, recommended moving forward.

One thing I want to bring to the attention of the board is that also the JIG had a meeting on this topic and did invite some of the participation from SSAC to clarify some of the issues, and from there -- this is the point that I want to bring attention to the board -- is that it seems like from what we understand, the SSAC has based two -- its recommendations on two critical aspects, one of which is the -- the lack of boundary of -- or definition of what is a single-character IDN. And that is certainly, you know, one issue that is critical that they base it on.

The second one is a lack of procedures and tools to process string similarity review with single-character IDNs.

So these are key reasons the SSAC based their recommendations on.

The issue here is that if those bases are correct, then we have a larger issue, because currently the applicant guidebook requires that two-character IDN TLDs be compared with single characters, all single characters, and to prevent confusion between -- or to prevent it being similar to single-character strings.

So if we don't have a procedure, a process, to handle that, to handle what is a single character, then we have a bigger problem with the general new gTLD process.

The other issue would be that if we cannot identify -- you know, if we -- if the -- if it is true that we cannot identify the boundary of a single character, then we couldn't find the boundary for two characters either for IDNs.

So that creates, you know, a sort of -- I guess a trickle effect, and it creates a bigger issue, then, for the entire new gTLD process.

So I think these are a couple of items that we'd like to bring to the attention of the board. I believe we'll look into submitting -- drafting some statement on the issue as well, but --

STEVE CROCKER:

If I paraphrase what you're saying, it is you don't know what a single character is but you know one when you see one? I'm being facetious a little bit.

[Laughter]

EDMON CHUNG: But then that defeats the -- the premise of the SSAC report.

STEVE CROCKER: Yeah. No, I was -- I was attempting some humor.

[Laughter]

Didn't succeed too well.

So I -- but I do take from your comments that there is a lack of completeness, perhaps, in the SSAC reports or in other publications that give very clear precision on what the boundaries are we're talking about, and what constitutes a single character and all that, and perhaps some tools to support all that.

I -- I haven't been following -- Thomas?

THOMAS NARTEN: Yeah. Thank you. I guess what I'd like is could I get maybe a clarification of what the question is or what the issue is. Because I think in the space of, you know, IDNs and variants and one-character and two-character, there's still a lot of issues that have not been sorted out. And the question I have is: What part of this needs to be -- are you asking for part of this to be sorted out before, you know, finalizing the current guidebook or is this just a general comment we've got more work to do over the next year or so?

EDMON CHUNG: This is Edmon. The question is: If the -- if the premises of the SSAC report holds true, then we have a bigger problem with the existing new

gTLD applicant guidebook, because in it it requires us to compare a two-character IDN TLD string with any one-character string and do a string similarity review.

So in the current applicant guidebook, the process requires us to compare a two-character string with any one-character IDN string, and that couldn't be -- you know, couldn't be done if those -- if the SSAC report is true.

STEVE CROCKER: Thomas, and then Judith is queued up, and I may want to insert something here.

THOMAS NARTEN: Am I first?

STEVE CROCKER: Yes.

THOMAS NARTEN: Well, I mean, my understanding is the way you do the comparison is it's a visual similarity. So it's -- you know, when you have two things that you're comparing, they're either visually similar or they're not, and you don't have to necessarily look at the one-character/two-character distinction, you know, to make that judgment.

So I'm not -- that's why I'm kind of not sure about what's being asked here.

STEVE CROCKER: I take Edmon's comment to be including the idea that it's -- that we don't have a definitive list of all of the possible one-characters -- surprisingly -- that might exist. And I know that sounds odd. I mean, but -- but I take that that's what he's suggesting.

EDMON CHUNG: That's what's in the guidebook right now.

STEVE CROCKER: And -- all right. This is going to get -- already has gotten -- more technical than we can sort out here.

Judith?

JUDITH VAZQUEZ: My understanding of the SSAC report is basically a single IDN is a high risk, so it's a high-risk situation, and the question is: Okay, there is the marketing aspect of a single IDN, but the risk. Are we willing to embrace the risk.

And, so therefore, when we have two digits, a two-character IDN provides more context to the meaning, especially in Chinese characters, which is why the recommendation was to embrace a two-character IDN. And being Asian, that made sense to me. Thank you.

EDMON CHUNG: Just very shortly. I'm disputing that. I don't think we're disputing that. That -- yeah. Sorry. I don't think we're disputing that particular element of the report.

STEVE CROCKER: No. You're raising a -- the kind of questions that we engineers like to look at very closely. Edge conditions and so forth -- oops -- I say you're raising a sort of technicality question about the edge cases and the application of this idea not to single-character IDNs but to the two-character IDNs and the requirements to make them non-confusing.

As I said, we're not going to -- we're not going to be able to plumb the depths of this here now, but noted, and somebody should look into this.

My guess is that's as far as we're going to take that particular one.

KEITH DRAZEK: Yeah. So, yeah, thank you, Steve. And certainly to the extent that any board members or staff or other experts would -- would welcome input, further input, or the expertise of our experts on the registry stakeholder group, we are certainly available to do that on this issue.

Or any issue, really.

Why don't we jump now and try to move into a little bit more of a dialogue and really talk about the questions that have been posed to us from the board.

And that is, how do we as a stakeholder group, or members of the registry stakeholder group, sort of view the impact or possible changes

to our stakeholder group, to the GNSO, or to ICANN as a whole from the introduction of new gTLDs.

So I will kick it off and then sort it open it up to other members of our stakeholder group, but just to note that the registries have, for a number of years now, sort of seen the changes coming, at least as it relates to our stakeholder group, and within the last year we have updated our bylaws and our charter to acknowledge the -- the addition of observer members to our stakeholder group, and also to adjust some of our voting regulations or voting rules as it relates to possible new members who may be both registry and registrar or new registry and somebody who may have an intellectual property concern where there may be instances of registry stakeholder group members belonging to multiple stakeholder group or SOs or ACs.

So we have actually, in our bylaws, in our charter, made those changes that are, I think, very fair rules about voting that establish, you know, if - - you know, members can certainly belong to multiple SOs or ACs, but that there are -- we basically view that a member should only be able to vote in one at a time, and that there are certain procedures in place for -- and time frames established for switching back and forth so as to prevent any sort of, you know, gaming or flip-flopping of voting responsibilities or voting requirements.

So as a stakeholder group, this is something that we've identified as an issue for us in terms of our structure and have taken some very proactive and I think very fair steps to address that.

Further, we've actually engaged with the registrar stakeholder group and have been doing so for several ICANN meetings now -- I would say

for, if I'm not mistaken, over a year -- to discuss these issues about multiple -- particularly in light of the vertical integration and cross-ownership issue, about how we as stakeholder groups will address that.

And I would say that our conversations have been very constructive and very collegial and I think that our efforts, without speaking for them, I think have been -- have been helpful.

So having said that, why don't I open it up to anybody else, and we certainly welcome further questions or engagement or dialogue from the board.

STEVE CROCKER:

So I want to ask a quick factual question.

How many -- how many members are in the registry constituency now?

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(Speaker is off microphone.)

STEVE CROCKER:

13?

>>

(Speaker is off microphone.)

STEVE CROCKER:

13 voting members.

KEITH DRAZEK: Thank you, Sherry. 13 voting members, but we also do at this point have several observers for --

>> (Speaker is off microphone.)

KEITH DRAZEK: 6. Thank you, Sherry. Keeping me honest.

STEVE CROCKER: And so the -- just to get some concrete sense of this, you're expecting that number will grow quite substantially after the new gTLD round, and maybe order of magnitude or something.

KEITH DRAZEK: No question about it. We fully expect that. And to be frank, we sort of expect our stakeholder group to more resemble the registrars stakeholder group in the future, in terms of the size, in terms of the complexity, in terms of the -- the varying interests among our members, and to the point where, you know, if I had to guess, without, you know, putting the cart ahead of the horse, I expect that our executive committee will have to take a much larger role in the future than it has in the past, just in terms of just -- just pure operational and logistical management of the various issues and discussions and topics.

So Judith.

JUDITH VAZQUEZ: I'm aware that a registry, of course, such as the big three today, or big four, will be providing technical -- the technical platform for many of the new gTLDs, so when there is an issue regarding compliance or process, who does ICANN staff and the board address the problem to? Is it you as a technical provider or the registry?

KEITH DRAZEK: It's a very good question, and I think that it's -- I think it depends on the relationship between the registry operator and its registry services provider.

I think typically and contractually, the relationship will be between ICANN and the registry operator, the one under contract with ICANN.

However, it may be that in the future, that registry operators -- those under contract with ICANN -- elect to designate their registry services provider to vote for them within our stakeholder group.

It may be that they designate someone else. They could decide to designate a consultant, for example, to represent them within our stakeholder group.

So I don't think there's any one particular prescription, but in terms of the relationship between ICANN and -- and the registry, it really will be the registry operator with the contract. Ken?

KEN STUBBS: Yes, Judith, so much of that is going to depend on the nature of the actual registry applicant. And you're going to see and as you're well aware, there are significant numbers of brands that very may well be

applying for making application. How they intend on using the new TLD in the future may have a great bearing on how involved they are in the ICANN arena. If I was somebody like, let's say BMW and I was planning on applying for a TLD and I was primarily going to be using it for marketing and brand awareness and maybe a little e-mail, so forth, I may have very little involvement with ICANN. My primarily -- primary concern is, I want to make sure it works, you know. And they may very well delegate, but those that are planning a much deeper involvement with a broad variety of second level registrations in many different areas may very well become much more involved. I think that -- that will be the defining factor, really.

KEITH DRAZEK:

Okay. Thank you, Ken. Are there any other questions on this? So let's go Jonathan and then Jeff.

JONATHAN ROBINSON:

Thanks, Keith. I guess my question really is, we've provided an answer to this but this is clearly something that's attracted the interest of the Board because we've heard about it in the GNSO. We're heard about it within the stakeholder group itself, so I would like to ask members of the Board to what extent our answer that we've provided today addresses that question and is there something more you're getting at or do you think that's great. So that's really -- that's it, to what extent have we addressed your question and is there more to follow?

KEITH DRAZEK:

Okay. Jeff.



JEFF NEUMAN: No, Bertrand.

KEITH DRAZEK: I wasn't sure if Bertrand wanted to answer or not. Okay, Bertrand. Thank you.

BERTRAND DE LA CHAPELLE: Thanks for the question. Fundamentally the purpose of inserting this question at that stage is to have time to discuss all those issues. We had a session with the business constituency and IP and so on before, and there was a very strong message saying well, it's not the moment to change anything in the structure of the GNSO. We just finished and it's enough. I think there's complete agreement there. This is not about making changes right now. It's about allowing an ongoing process, among all the actors within the community, to understand collectively what is the impact of this important program.

The fundamental element behind this is that there are cases where quantitative change turn into qualitative change. ICANN is not -- and the domain name system is not going to be the same with the number of registries as it is today. There are a lot of problems, there are a lot of issues, there are great opportunities as well, but many structuring that may happen, regroupings of people who have the same kind of interest the same kind of challenges and so on. Furthermore, this is an issue that concerns constituencies, it's an issue that concerns the GNSO as a whole, and it's an issue that concerns the community as a whole.

As a matter of fact, when we had the discussion with the ALAC this morning, the question had been reformulated in the agenda, what is the impact of the new gTLD program on ALAC, which was actually not the initial idea, but it raised very interesting questions regarding what is the weight of the different SOs and ACs within the structure depending on the distribution of resources and so on.

So the point I want to make is, it is a way to initiate an orderly, distributed discussion process. This is something that we've discussed within the Structural Improvement Committee of the Board and also in the Public Participation Committee because it has a certain number of impacts also on the way policy is being developed and so on. And the -- the suggested approach is to focus first on a very simple collection of lists of issues. List of potential impact. No solutions, no nothing. Like trying to have a complete picture of all the points of pressure that are direct or indirect. Because sometimes you get a first effect and then it has a ripple effect on something else, on the policy-making or on the way the contracts are going to be organized and that sort of thing.

So bottom line is, it's just putting the topic on the agenda, raising awareness that it is a general concern, not infringing on the respective responsibilities of each level to address their specific aspect, but facilitating a holistic approach which may include, for instance, a call for input, not a public comment process but just an informal call for input on what do you see as potential impacts and trying to find an appropriate format, hopefully in Prague, to have a discussion among the different actors to have a common list of challenges so that everybody afterwards can go in its own silo or space, discuss on a commonly-agreed set of questions, and then when you come back afterwards in

the new iteration people have discussed on the same kind of line. So that's more or less the idea. The answers that you are giving are basically sending the message, of course we care, of course we're concerned, and I didn't expect less. I mean, of course.

KEITH DRAZEK:

Thank you, very much, Bertrand. Very helpful. Cherine, I think you had a comment.

CHERINE CHALABY:

Well, Bertrand said it very eloquently. I think just to add a point, we, ICANN was born 1998 or so, so it's now 12 or 14 years. It's no longer a start-up, per se. There comes a point in the life of its evolution when a big event happens, forces it to start thinking about its own structure. And I think the gTLD could be one of those big events or catalysts that make you think, well, let's begin to think forward. It's -- and if you -- you would say, let's continue to evolve gradually, slowly as we were, that's fine. But it may not be enough. And actually we all need to think outside the box, outside our own silos, to look at the totality and say, okay, do we need to do something different.

But as Bertrand said, this is not about actually doing a change now. It's about thinking about it. Let's put the issues on the table. Let's get our brain thinking, and we may say, no major change or we may say we need to do something different. But we need to get our thinking cap on. Thanks.

KEITH DRAZEK: Thank you, Cherine. Jeff.

JEFF NEUMAN: Yeah, I think we've all been doing a lot of thinking about this lately and as Keith said, we've been doing some thinking about this for a number of years when we thought this was imminent and going to happen in 2009, I think, at first.

You know, one of the -- just to throw in some more complexity of the examples. They talked about maybe, you know, the registry, back-end registry operator would be delegated as the representative for the registry in the stakeholder group. I know a number of situations where it's going to be the registrar that's delegated as the representative of the registry in the registry stakeholder group. There's a lot of registrars that are in that market, too. There's a lot of consulting firms out there that are all of a sudden going to be representing a number of registries in the stakeholder group.

One of the other things that I think is going to come out, too, is that there's very different types of registries that are going to be out there. There's going to be the traditional generic ones, but if the forecasts are right and two thirds of them are brands and we get 1,500 TLDs, you know, you're going to get 1,000 brands in there and they have very different interests. We saw that in the case of the COI, right, the Continuing Operations Instrument. There was a divergence between what some of the generic TLD registries had thought and some of the prospective applicants that were brand TLDs. There was very -- a lot of conversation on that. So that's going to make it difficult, not only in our stakeholder group to come out with consensus opinion, but there's

going to be a lot of different thoughts that go straight up to the Board on some of those positions, and it's going to be certainly a challenge to distinguish between them. Consensus policies that traditionally applied to all existing sponsored and unsponsored TLDs are going to be very different and have a very different effect on a brand. So we've been giving those issue a thought, too.

KEITH DRAZEK:

Thanks, Jeff. Very well said. We're going to Ching first and then Ken, and then I want to make sure we open it up to any other Board members that have any comments or questions.

CHING CHIAO:

Sure. Thank you, Keith. I think for this part, I think we might have actually some historical precedence we have seen. For example, we all know in this room that -- I mean, everyone know that is we have ccNSO in -- sort of established in year of 2003 and actually before that there some of the ccTLD, some in operations are now not in active operation. They formed the regional organization after -- before the -- I mean, the establishment of the ccNSO, and I'm just trying to make a point here is that, I mean, maybe -- I mean, right now in this room we are trying to -- trying to design what to do in the -- I mean, for the next round of the new gTLD but, I mean, outside the room there are potentially more than 1,000 or, I mean, even more. They would have to sort of still follow a sort of a bottom-up process and then trying to -- I mean, we probably have to leave some room for them to sort of to develop or to sort of figure out what -- what the structure would be.

One quick comment is during the APTLD, which we also are being sort of the observer member because dot Asia is a gTLD, we do not have sort of a voting right in that particular ccTLD centric, I mean, organization. They're also looking to -- how to expand the membership, I mean, structure to the upcoming new gTLD because for the APTLD they don't feel like having another competing, I mean, organization in the Asia-Pac, for example, Asia-Pacific gTLD centric or -- I mean organization, so they have also the similar kind of, I mean, structure. I mean, the -- the -- I mean, this is just two -- two cents from me.

KEITH DRAZEK:

Thank you, Ching. I think -- and you know, that's another good point that I hadn't thought of or hadn't mentioned before, was that there's going to be a lot of cross-pollination between ccTLDs and gTLD operators in the next -- you know, in the next -- in the coming years. So obviously another implication in terms of the structure of ICANN as an organization or as a community today. Ken?

KEN STUBBS:

First of all, I want to defer to any Board member that has any comments and then I'll be happy to --

KEITH DRAZEK:

So thank you, Ken. We have less than ten minutes left in our session here and I'm sure if there's -- if there's -- you know, sure you'd love to get a few minutes back out of the schedule if possible, but if there are any Board members that have any further comments or questions of us, we would certainly welcome them at this point. Okay. Erika.

ERIKA MANN:

Just a -- just a quick one. I listened yesterday and this morning again on the WHOIS discussion, and there's still so much uncertainty, particular from governments, you know, around if the datas which are collected are valid and what can be done to enhance the process. What is your answer to this? If you -- short term and long term where do you see, you know -- you know, yourself moving to, you know, which you could commit to, you know, arguing this is the right path to go?

KEITH DRAZEK:

So I understand the question, the question's of the risks that have been identified by the GAC and others? Okay. Any -- any of my colleagues care to tackle this one?

Then I'll just say, speaking personally, is that, you know, we recognize that the GAC has -- and governments in general have very, very legitimate interests and concerns in our community and they have had over the last year a growing voice, a growing influence, and that in my personal opinion, it's not inappropriate, that it's actually in some ways welcome. That the governments have committed their time and resources to contributing and providing advice, and I thought personally the -- the interaction between the Board and the GAC in Brussels last year I thought was a watershed moment, in effect. I thought it was very positive, for a lot of reasons.

So to get back to the questions of the risks, if the GAC or others have identified certain risks, then it's something that we as registries, registrars, you know, the businesses in the space need to take very

seriously. And I hope that -- that's a high-level answer, but certainly open it up to others.

JONATHAN ROBINSON:

Yeah, I suppose this is just one other minor addition -- sorry -- to just to add to your point, Keith, and apologies, Ken, if I jumped in in front of you. But one of the things that we've started to recognize as well is of course this is a complex issue and it's a legacy issue and it's been around for some time but as we move forward and as -- in some ways in line with this whole issue of the Board questioning how the space will change, we need to look at the whole industry holistically and indeed recognize that the cc's also run WHOIS services and that some sort of broader consistency of approach to these kind of overarching problems is very important as well. So that's another thing that's come into the mix in our discussions of how to deal with this. Thank you.

KEITH DRAZEK:

And I would just add to that -- and thank you, Jonathan -- is that questions of WHOIS, some in the community would view as a simply bilateral issue or something that only impacts registries or only impacts registrars, and I think it's quite -- that's quite the opposite. It is a much larger impact. The whole WHOIS issue, whether it's -- you know, the recommendations coming out of the -- of the review team report or questions of moving from thin to thick, it's not just impacting one registry or a handful of registrars. It impacts the whole community, registrants and others who use WHOIS services.

So I think generally speaking as we look to address these, it should be done through -- you know, if a policy is going to be established, it needs to be done through a Policy Development process. And, you know, so that everybody in the community has the opportunity to participate, to contribute, and so that whatever we end up at is defensible to those who may not have otherwise had a voice. Yes, Ken, and then Bertrand.

KEN STUBBS:

Yeah. This is a high-level 14 years, 15,000 feet view. I don't think you're going to have nearly as many problems in the technical management of the space. I think you're in for some very serious problems in the operational management of this space in the future. I think you're going to have significant policy challenges in the future. The reason being that there are going to be clear, definitive lines drawn as to how people will use the DNS in the future that is going to be significantly different from what we see it as today. And how the policies effect them will be, in my opinion, significant. You're going to see a very large group of people in the brand area that will have virtually no interest in the significant amount of this other than the fact that it works. There will be other groups that will have a much greater interest in this thing because it's going to effect developing economies and how languages are used and so forth. So the policy -- there may be a big paradigm shift there. You have to be prepared to deal with that. You have to be prepared to deal with significant compliance volumes that you have not lived with at this point in time on steroids.

A perfect example -- and I'll make it very quickly -- the IP clearinghouse. We have potentials for roadblocks in how this process is managed in the

next two years if there is not enough scalability to deal with some of the issues that will be coming out with this growth. So I'm -- that's --

KEITH DRAZEK: Okay. So Bertrand, and I think Jonathan Robinson had one last point, and then I think we need to wrap up.

BERTRAND DE LA CHAPELLE: Yeah, following the discussions that just took place, two or three typical issues that will be emerging is one is the diversity of types of new TLDs. And these actors will have very different modes of operation and very different types of problems and they will pose very different types of challenges for the rest of the world.

The second question, and so this diversity is what led actually initially the separation between the GNSO and the ccNSO within the DNSO. The second element, and that goes to what Erika was saying, is that within that diversity there will be one element of diversity that will be extremely important which is the level of relationship with national governments. Some of those TLDs will have had -- required an agreement prior by the international government. Some TLDs will be established in a country where the control of the government will be stronger than in others. And in that respect, in as much as within the cc space there is a blurring of the line when some cc's are behaving de facto as d's, in the new gTLD space there will be some so-called new gTLDs that will actually will be closer in the way they operate to cc's located in one country's local community than others. And so the

degree to which that would depend exclusively on ICANN-elaborated rules or will have to combine with the national rules is another element.

And the final point that goes again in the same direction is the impact of the script I mentioned. As we will grow the number of IDN gTLDs very naturally -- and I cross my finger that this will be the case -- we will see some convergence of interests similar elements that people share just like in the ccTLD, there are regional interests groupings, it will make perfect sense for some issues, not all of them, but some issues that is all the TLDs that are in Cyrillic, for instance, may find ways to collaborate, to reinforce themselves if they want, share some kind of type of tools, infrastructure or whatever, and so the emergence of potential clusters of TLDs, either by type of activity, by location, by -- this is the kind of structuring factors that is interesting to explore. Not that we can predict them, but as an example.

KEITH DRAZEK:

Thank you, Bertrand. Jonathan, and then we'll have some last words.

JONATHAN ROBINSON:

Very brief remark. And I think my opinion about that whole question is that it's been a valuable Board-level type question to put down and that's just my personal opinion.

The topic we wanted to touch on finally was this issue of Board composition and conflict of interest which is clearly a live, current, and significant topic. And I think, you know, it's clear that experience and expertise is at the heart of any good Board. And I think the opinion we have in our stakeholder group is that good governance is not necessarily

compromised by industry experience. And, you know, although conflicts may exist, providing they are not of an overarching nature, they can and should be managed. And in fact, we believe that, you know, we need a genuine industry experience and operational expertise to some extent on the ICANN Board in order to assist the organization to navigate the complex issues that it has to do.

And so, I think we understand and recognize that a good Board is balanced by significant and competent independent expertise but nonetheless, some of the issues we face in implementation and in execution require strong, competent, experienced industry knowledge. So I guess that's the position. I hope I've expressed that clearly and reflects our view.

KEITH DRAZEK:

Thank you, Jonathan. Very well said. Jeff, and then I think Rod wanted to make a comment.

JEFF NEUMAN:

As I'm known as the blunt -- the more blunt one that gets to the point, I think some of what Jonathan is trying to say, too, you know, we heard some comments yesterday about expression of opinion about who the Nominating Committee should put on the Board or what the Board should be comprised of and there seemed to be some negative associations with those that are contracted parties or registries or registrars on the Board itself. I think our fear and our concern is that without that industry expertise you have a Board that is going to significantly affect our operations and significantly affect, in our opinion,

the security and stability of the Internet. And if you do not have that industry experience on the Board, you are putting that at great risk.

KEITH DRAZEK: Okay. Cherine, then Rod or Rod then Cherine. Okay, Cherine.

CHERINE CHALABY: I think we fully concur with you. I think having a Board of just totally independent directors who have no industry expertise will not work. Also, on the other hand, having a Board of only technical and industry expertise will not work. And we need a balance and the balance we will get, but absolutely 100% in agreement there.

ROD BECKSTROM: I just want to say hear, hear on that. I mean, absolutely. I think balance is the question and beyond doubt, it is the expertise of the industry experts that's brought to the table in the multistakeholder model that leads ICANN to be so productive, in my view. So incredibly productive on the policy side, on the program side, on the evolution of the entity and vehicle. Absolutely. No question.

And I want to be very clear, there was not a negative word in my speech about the industry experts or the stakeholder groups at all. And so just to be clear, very positive, and I personally believe stronger than ever about the multistakeholder model, having had the great pleasure to work here at ICANN. So -- and I think this constituency is a great example of tremendous industry knowledge being brought to bear and contributing to the programs. Just look at the richness and the

complexity of these issues today. Single-character IDNs -- I mean single-character TLDs which is a very complex issue, but this group drives that contribution and that is absolutely the right model for the stakeholder representation.

And I just wanted to thank all of you, I mean, for -- you look at the work set that you've got. It's huge. And the set of issues. I am glad again overall that the operations of the new gTLD program, so far, is not on the table. So I think maybe, you know, that's -- that gives a hand to you and the staff, the staff that work really hard on doing that. So in appreciation, thank you.

KEITH DRAZEK: Thank you, Rod, great comments. Really appreciate it. Steve, is there anything you'd like to add before I make a couple of very final comments?

STEVE CROCKER: No, go ahead.

KEITH DRAZEK: Okay. Thank you. So we really do want to, as a stakeholder group, also commend the very, very hard and really excellent work of the staff and the Board in getting us to this point in the new gTLD program and just in general. It's a pleasure to work with all of you. We particularly appreciate the opportunity to meet with you in these types of sessions at the ICANN meetings and a face-to-face and a dialogue. And just the

final note, we really -- we are committed to the current timetable for new gTLDs.

We support the current timetable for new gTLDs and we do not recommend or suggest in any way that we diverge from that. Okay? So with that, thank you all very much.

Appreciate it.