

**ICANN Costa Rica Meeting
ICANN Board and GNSO Meeting - TRANSCRIPTION
Sunday 11th March 2012 at 13:00 local time**

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Coordinator: Welcome and thank you for standing by. I just want to inform all parties, today's conference call is being recorded and if you have any objections you may disconnect at this time. Thank you.

Stephane Van Gelder: So, we are supposed to be starting around now, I will ask all council members and board members please that are in the room to try and find a seat at the table. We should have just enough space for us all. And we will, please go and help yourself to lunch if you've not had any yet. And we'll look to start in a couple of minutes. So thanks for your patience and we'll start straightaway.

Okay. Welcome everyone to our joint session with the board. My name is Stephane Van Gelder, I chair the GNSO council. I will introduce a set of questions that the council has for the board, I know the board has questions for the council as well, and we'll try and work through these as best we can. These are discussion topics, obviously, so (unintelligible)?

Man: I have a question on format, so it's your intent that we will have all of the GNSO council's first and then what time is left we'll have for the board questions?

Stephane Van Gelder: That would be nice but we can do it any way you want to do it. We...

Man: The board has got some topics they would wish to discuss too so maybe you could look at alternating back and forth or something, that would be fine with me.

Stephane Van Gelder: So let's do that. So we can take a board question first and then a GNSO council question.

Man: I note there's four veeps, so we can...

Man: I have no problems with the GNSO council question being first, by the way.

Stephane Van Gelder: Okay. So let's start with the first GNSO council question then. And the questions are on the wiki, they're up on the screen here. They're up in the Adobe Room for those of you connected in there. But I'll just read the first one out.

For each question we have someone from the council that will sponsor the question as it were and just introduce the topic. For this one (Adam) you are presenting the question, so perhaps I can just let you read it out and launch us into it. Thank you.

(Adam): The GNSO's getting mixed messages with regard to a number of things, and I think we need some guidance with regard to policy development and specifically what is policy.

If you look at one of our current issues, the IOC/Red Cross, we got a message from staff a week or so ago which said in capital P, this is a policy issue we need input on, yet adding geographic name restrictions into the new gTLD

process, allowing two character IDN names, was all deemed to be implementation.

In fact, presumably the board restriction on IOC and Red Cross names in the top level, since it was done on the fly without any consultation presumably also was implementation and not policy. And now we are suddenly being told that these are policy.

Aside from the mixed messages, the GNSO has bylaw restrictions as to process that must be followed if indeed it is policy. And those are far more time-consuming and onerous processes than the other ones we go through. So I think the answer - the question is, we need some guidance, or how do we recognize policy versus implementation? Because it's getting more and more confusing. Thank you.

Man: Let me attempt an answer. First of all thank you for, all of you for inviting us and this format I think is one of the more productive kinds we have.

So I think there are two elements in what you've said (Alan). One is the generic issue of how do we determine policy versus implementation issues and so forth. I'm not going to try to give you an absolutely definitive question but, except to say I think that important kind of question, I think that's something that we need to be specific and concrete about so that there's no misunderstanding as to what is on the table at any given moment.

So without a refinement in communications in essence, and I'm very sensitive to that class of problem in general. I think that we can reduce a lot of tensions and issues if we're simply clear about where we all stand on things, then we know what the next steps are. I wish I had a crisp answer to that.

With respect to the specifics here on Red Cross and Olympics and obviously tied to that, are there others in this category and how is all that handled. We sent a letter requesting some input from the GAC, I think this needs to be sorted out. I can tell you that one of the questions that occurred to me, and I'm behind on the learning curve on this, is (Bruce) here?

(Bruce): Yeah, I'm...

Man: Yeah, right there, excellent. So rather than say what I'm going to say, let me - because the end of what I was going to say is Bruce is educating me, what's the state of play on where this sits in terms of we have mechanisms versus we need new mechanisms.

(Bruce): Okay, let me just comment firstly at a high level in response to your question (Alan) which is about, you know, what is policy. One of the ATRT recommendations was actually to try and, you know, provide a bit more clarity around that topic, and it is a complex one.

I think if you look at it on a principle level, if you create a policy that impacts multiple Internet stakeholders in a material way, I think the principle is that there should be consensus amongst the Internet stakeholders, you know, before you impose that rule. So at a very high level, if you're impacting multiple stakeholders with a policy, you should have some degree of consensus amongst the stakeholders who are affected by that policy.

I guess that's the principle, and then different parts of our organization specify different processes to use to determine when consensus is reached. So firstly that's the, you know, when is something policy.

Then the second issue is how much detail is part of the policy versus how much the detail is the implementation.

And the way I'm looking at that and, you know, starting to talk to my colleagues in the board governance committee is, if it's a policy that just affects ICANN as an organization, so let's say it's a policy to do with how we present documents to the public, and we can have a very high-level policy that the board might approve which is, you know, our policy is to present translations of documents in major languages.

You know it might be just a single sentence, and that's the ICANN policy that's approved by the board, and it impacts ICANN the organization.

The implementation of that policy might be a much more detailed document staff produce about which languages they use and when they use multiple languages, and that's something that's a dynamic document that could be updated at any time. But it only affects ICANN because they're the only one that's actually having to translate these documents.

Contrast it with the transfers policy, you could have a very simple one-liner for the transfers policy, and you say the policy is it should be possible for registrars to transfer their name from one registrar to another, and that's a very high-level policy.

But you're looking at something that has to be implemented by 1,000 registrars and you're expecting ICANN as an organization to manage compliance to whether that's been done properly. And so the GNSO has actually gone into a lot of detail, it is implementation detail essentially but you have incorporated that to have...

(Unintelligible)

Man: ...that basically said, that since all recommendations weren't changing policy, that they wanted an explanation of why we're doing what we're doing, and more importantly, why we're thinking (unintelligible).

Man: Just one more thought (unintelligible) I think the GNSO and probably the other parties can do much better work in dealing with problems (unintelligible).

Man: On the other hand, one thing that's really important (unintelligible). So I don't want the board to be in the way and I also don't want board meetings to be a sudden event that everybody is rushing to and it (unintelligible).

Stephane Van Gelder: ...second topic that the board (unintelligible) those of you on the (unintelligible) defensive registrations at the second level (unintelligible).

Man: ...mechanisms at the second level are, the more that that's encouraged, the more the burden on trademark owners to apply, and so yes we think it's a shame and we do have, we've submitted some comments to the last defensive application, and comment period there saying what we think would be good. I won't go through them now but some of them are in there by the URS and the various things and happy to take those up if you wanted.

Stephane Van Gelder: Oh, good. Mason.

Mason Cole: Mason Cole, with a registrar stakeholder group. I would say that the registrars do have a point of view as well on who does data authentication at the moment of registration, so I'll repeat back in this forum two things that were said earlier.

One is (Alan)'s point that being given a problem and working on a solution collaboratively is more effective than being given the solution itself, and then to what (Bruce) said, I think that an issue like verification is far broader than something registrars can address alone.

And to that end, the registrars are hosting tomorrow a - that wasn't me - tomorrow the registrars are hosting a session about who is validation. It's open to everyone, there's going to be a panel of experts who talk about various verification methodologies, and I guess I'm causing this audio problem, I'm sorry. Anyway it's on the ICANN schedule, I hope everybody here can make time to attend that.

Stephane Van Gelder: Thanks Mason. Jeff next.

Jeff Neuman: On defensive registrations, I see when I looked at the comments that were submitted I actually see that there's some confusion as to what defensive really means. There's one interpretation which I think is a problem, which is that defensive registration is one that registers a mark because they're afraid it's going to be squatted and they don't - I think that is a problem that should be addressed and I think that is something that we should get comments on. And I think that's a lot of what David's comment.

I see another type that's being called a defensive registration which I don't actually think is. And that's where a company is going to register a name, they don't necessarily know what they're going to use it for, they know they want to have it, it's for, you know, for fear that there may never be another round or for fear that, you know, their competitors are going to do something with it and it's going to be a cool idea, and they want to make sure they have it, then in the future they can use it.

I don't see that second type as being a problem but I see it's very confused on the public comment list that there are entities commenting thinking that someone who gets a TLD, doesn't know what they're going to do with it, that that's defensive, and I don't really think that is, and I think there was some miscommunication in the comment period on that.

Stephane Van Gelder: The question is at the second level, though.

Jeff Neuman: No, the question was at, the question initially posted...

Stephane Van Gelder: The second level.

Jeff Neuman: Oh, I'm sorry, I was talking about, you're right I was...

Stephane Van Gelder: Yeah, this...

Jeff Neuman: I was talking about the public comment period, sorry.

Bertrand de la Chappelle: Actually yes, sorry, Bertrand de la Chappelle. The distinction that we're talking about, the question here is about the second level. But I want to come back to what (David) was saying regarding the top level, so-called defensive registration. And I'm a little bit surprised by the use of the word shame, which I think is probably a little bit too strong.

I was personally surprised to see this topic re-emerge that late in the process. Because one year and a half ago in Cartagena, I have personally made an explicit approach to the IP constituency leadership with an exclusive proposal that was just testing the waters to avoid exactly this problem of defensive registrations.

I have made a proposal in the personal capacity, I've spread it, I have asked again and again whether there was a feedback from the IP constituency, and I have explicitly said that if there was no feedback either to say it's crap or it is good, I would consider that as being a signal that there is no problem in that constituency regarding defensive registration.

And therefore I'm a little bit surprised that this problem is re-emerging as a major concern of the business actors or brand owners when the feedback was absolutely no feedback.

So I would be very happy to get a feedback now from the IP constituency on why there was not feedback at the time, whether the proposal was appropriate one or not, is not the point. The question is that the question was raised appropriately as a topic and there was no feedback at the time. Is there an explanation for that?

Stephane Van Gelder: (David), (David), can I just work through with you, and you can come back. (Chris) was next. Okay. Go on.

(Chris): Well I wasn't going to go into the ins and outs with the proposal but then we can certainly discuss that if you want, and the reason I was really raising at the top level is tying into your question there, because certainly talking about the defensive registrations at the second level because of this worry that there's a lack at the second level that's encouraging something, and I think if there was much higher protection at the second level we would see less concern at the top level.

But I do think that the real issue for all brand-owners is that the second level rather than the top level, there's not many people out there who want to

register dot-Nike for \$185,000 and just lose it in a legal rights objection. So that is less of a concern, but it's Nike wondering how they protect at the second level for eternity with these 2 or 3,000 different TLDs coming through, so.

Stephane Van Gelder: Okay, I have (Chris) then Jonathan.

(Chris): I think the issue at the top level is slightly different. I don't think the issue at the top level is about somebody registering your name for want of a better hat term, using shorthand. It's, defensive registrations at the top level is about, I am registering this because I think I have to in case somebody else gets it. And it applies in some very specific circumstances.

It applies where you are a brand and you have a name that is your brand name that is a generic word, it may be trademarked but it's a generic term.

And so the issue there and the issue that we went out to ask a comment on was around that, it was around, you think it should be possible to have some sort of system where when you put your application in, you know, you mark it as being defensive, you're only doing it in case somebody else gets it.

And then if no one else applies for it, it gets withdrawn or something. And that's what that's about. Defensive registration at the second level is a much, much, much more complicated issue.

Stephane Van Gelder: Thanks (Chris). Jonathan.

Jonathan Robinson: Thanks Stephane, it's Jonathan Robinson. I suppose this, there's two points, I'm a little curious as to why we're discussing this now when there's, sort of so much water under the bridge as far as the mechanisms for

protection, is there a concern, is the board got a general concern about the strength of protections?

In that respect I think one of the biggest challenges we've got as a community and I think largely within our community we understand in broad terms the objectives of the clearinghouse, I think one of the challenges we've got in a broader sense is that I expect that many rights owners might think that having put their name in the clearinghouse that will offer them some sort of broad-based protection across new TLDs when really it's just the very first step, it's a part of the mechanism but not a broad-based protection.

So I think that's certainly a challenge we've got in general, but as I say the first question I would have back to the board is there a thought that we might modify the rights protection mechanisms at this stage, or where is the question, what's the motivation for the question.

Stephane Van Gelder: I've got Bertrand next then (Mike), and I suggest we might want to close this off there to give us time for the other topics.

Bertrand de la Chappelle: Bertrand de la Chappelle. Without belaboring on the question of the top-level defensive registration, one point in addition to what (Chris) was saying is that there are situations where because of the trademark system that exists worldwide, there are several corporations that may have the same, the rights to the same string in different countries or in different classes.

As you know, nothing in the neutrality program has taken into account at any point in time the notion of the mis-classification and the fact that there are several actors who may have rights to the same string in different places or for different activities. Hence, there are situations where a corporation is maybe not as Jeff was saying, not intending to actively use a TLD.

But knows that there are other companies who may have rights to exactly the same string and may feel compelled, not knowing what the other one is going to do, to apply defensively in order to make sure that they are not caught flat-footed.

Because of the current rules in the guidebook, if you have the rights to a brand or trademark, and there's another company that has a right to a brand or trademark, you cannot use the objection mechanism for trademark, because the other one is a perfectly legitimate owner of this trademark, right?

So without belaboring in that point, I still would like to know, because the board has been receiving requests and letters and signals about the burden of this kind of top-level defensive registration. And the point I was making, and I still do not have an answer, is why is this problem re-emerging now when the topic has been raised a year and a half ago and brought no question, or no reaction. Thank you. I don't want to belabor on that.

Stephane Van Gelder: Thanks, Bertrand. (Mike)?

(Mike): Very briefly, why is the board asking this? Because leading up to the launch of the application round, the board got a huge amount of pressure, a huge amount of correspondence, pressure in Washington, in the press and elsewhere, asking for the round to be cancelled or delayed. Our response was we don't intend to cancel or delay (unintelligible). Let's see if we can close the gap if there's a gap there that needs to be closed. So hence the question went out. And I think it's reasonable and we're not concerned about (unintelligible) we're not concerned about the second level -- their issues of the second level.

But the question is, to what extent is this issue at the top level not fully addressed and having it being well enough discussed earlier? So how much devotion, is there a top cap that's required because we don't intend to cancel or delay and that's being kept.

So is there an additional step that's required to -- that could potentially make some of the actors we've been asking for delay or cancellation could satisfy their requirements?

Stephane Van Gelder: Thanks (Mike). Just this is a big conversation, Zahid if you can be very brief. Wendy did you want something? Very briefly and then we'll have to move on, thank you.

Zahid Jamil: I just wanted to say if you look at most of the RPMs and a lot of people from the BC and SCU have actually looked at this issue, they see that most of the projections really are where anybody is trying to protect their mark has to pay out of their nose.

If you get a trademark pay for it, if you want a UDRP, pay for it. If you -- all of the protections basically are geared towards that, even the watch notice that is there, it's just a notice.

It doesn't protect people against the - the enormous cost of having to defensive registration. That was I think probably -- I'm trying to be short, so I'll leave it at that.

Stephane Van Gelder: Thanks. Wendy, last word?

Wendy Seltzer: Yes just wanted to say my lack of comment means I do not have a problem with this.

Stephane Van Gelder: Thank you. So the next question that the council had was on the RAA and to introduce this topic we have asked Mary Wong to ask the board a question.

Mary Wong: Thank you Stephane. And I would say that I was asked because I was foolish enough to volunteer to try and draft a question. So that was the form of the request I believe from the chair.

So this question I think it's not a surprise to a lot of people. And some of the reasons why the council thought it would be useful to us one is obviously the timing. But secondly there are some concerns that are similar to the ones described by (Alan) in the first question.

So really what we're seeking here is clarification from the board and guidance from the board. I think the question more or less speaks for itself. It's sets out background including the board's resolution in Dakar that requested an issue report for remaining items regarding the RAA.

And under the new PDP rules for the GNSO that does mean that we commence a PDP. So given that the issue report has been prepared is out and that negotiations are proceeding with the registrars and ICANN staff I think the rest of the GNSO community and the council ask the shepherd of this community I guess would just like to ask the board, is it your intention that we start the PDP?

Are there other concerns? Are there other things you can tell us about how you want us to approach this process? And I should say we hope that the answer is not a simple yes or no, but some further guidelines. Thank you.

Stephane Van Gelder: Thanks Mary.

(Steve Krocher): I was debating about whether to give a simple yes or no or a more nuanced answer and then when I heard you ask -- suggest you didn't want a simple yes or no, I was relieved.

There's a couple of things as you correctly point out negotiations are under - are still under way so it's uncertain what the outcomes of those are finally going to be. And that inherently creates a question of, "Well, why bother getting into it until we know what it is and wasted effort?"

There is another side to this which is -- and it's of great concern both in this particular instance and more broadly -- and that is -- this is going to become a regular theme.

It's about effectiveness, do we get the job done as an organization as a community? And one of the failure modes that we all can point to various examples of are things that just go on interminably and don't ever reach a conclusion.

That may serve the purposes of some segment of the population that's involved but it certainly isn't the mode that I think as I community that we want to operate in.

So -- and, you know, to make the point quite straightforwardly this certainly is an area that has been plagued by endless negotiations and discussions over time.

I'm not prepared to say yes go ahead right now begin the PDP. But there's certainly discussion that is pointed in that direction partly because that work will be useful under all circumstances.

And partly because it will serve to set a pace that informs to use a polite word -- the other parties thing. You have this much time otherwise the problem will be solved for you.

Stephane Van Gelder: Thanks (Steve). I put myself in the not as a chair but as a registrar rep. because I think we certainly as a community you have problems with this. And are looking for guidance as well.

The problems that we may have -- I understand what you just said but looks to us like either -- it's a kind of message of either you negotiate or we'll do a PDP?

And I would also add that you've just answered -- you are not telling us to do a PDP at this time. I would put my chair hat back on saying that we don't have a choice.

We are supposed to do a PDP because you requested one. And I would actually go as far as to say that the issue report the stop has produced recommends delays while the negotiations are going on.

If that had not been the case, we would have been -- because of the timing of the issue report -- we would have been obliged to do a PDP to start this off at this meeting.

So you see our problem here is one of both process and the actual content of what we're being asked to do.

(Steve Krocher): Yes, let me try to put the nuance in again. I would hope that if we ask you to do a PDP, you'll know that you've been asked. I mean it'll be very crisp and clear.

I wanted to signal that that's a - an area of discussion, no reason for you not to know what - what we're thinking about. But we haven't come to a point of saying that and I think we will be deliberate and careful before we do that. And - and so I'm trying to be helpful as opposed to create more, you know, discomfort or dis-confusion.

But we have not yet said that and as I say when we say that, I hope that we will know that's it...

Man: We can't hear you (Steve).

(Steve Krocher): But what I'm trying to say is that when we ask for a PDP I hope that it will be a cleared unambiguous statement. And we will know that we said that and you will know that we've said that. But we're not there yet, but I did want to signal that certainly that's in the air.

Stephane Van Gelder: Thanks (Steve) that's helpful. Jeff, Zahid, anyone else?

Jeff Neuman: Yes, my questions I guess are much more simple and much more obvious. The board's resolution asked us to address the "remaining items". We're kind of confused as to what's remaining since there are a number of things that are being negotiated in a separate group.

My assumption again may have been very simple that once that negotiation is done then we'll know what's remaining. But until then we don't know what's remaining.

Man: I hope that we will draft the resolutions more carefully next time.

Stephane Van Gelder: Thanks. Zahid?

Zahid Jamil: In the interest of time I just wanted to say that the BC supports the position that was articulated earlier by the board, the representative from the other chair.

And there are those in the council who would like to keep the option of the GDP on the table. I just wanted to specify that there are people who support that.

Stephane Van Gelder: Any further comments? Okay. So we'll move on to the second board question if I can just scroll down, sorry just bare with me. Thanks.

Man: While he's coming up with the next question just a comment that I'm compelled to run a PDP. I think my reading of the bylaws is that the board or the GAC or, you know, any advisory committee can request an issue's report.

I think either side whether you perceive of that, I like to think to direct you to do the whole thing.

Jeff Neuman: Not with the board the advisory committee you're right, but with the board we have to do it, there's no discretion.

Stephane Van Gelder: Thanks. So the next board question is, what will be in your view the medium term impact of the new gTLD program structure of ICANN in general challenges that brings to the GNSO's constituencies in PDP?

What are the potential issues and how to anticipate them? Can I take a chew on this? I'll put myself in but after people have had a chance to speak.

(Defon)?

(Defon): Thank you, just an element of clarification. The reason why we put this topic on the - on the agenda is because it is going to be a major issue and the idea to anticipate as much as possible the landscape.

In a short presentation part of the challenges are between the houses inside. There are a certain number of the business constituency. For instance, are going to become registrars sorry registry's with brand TLD's within the contracted house the considerable increase of registry's in the subpart that is dealing with registry's the vertical integration consequence of registrars being sometimes also registry's themselves.

That's the kind of problems that I would like us to just put on the table and keep as an ongoing discussion in the future sessions of the ICANN meetings. And also get a feedback from GNSO counselors on how to address this, i.e., do we need a process to discuss this? Should it be within the GNSO more broadly and so on? That was the gist of the question.

Stephane Van Gelder: Thanks. John?

John Berard: John Berard, Counselor from the business constituency. I can say with certainty regarding the business constituency and I can probably say with some degree of authority in the other constituencies that each of us has been looking at how our membership will change -- could change once the green flag gets dropped on the new gTLD program.

And I also think it's probably certain that none of us has sorted out exactly what we intend to do about it. So we - we see it and we know it's coming and we're working towards that.

In terms of the council I think that we collectively are quite attuned to it and in fact I point to the work that we have done on -- in consideration of cross constituency working groups that will give the council a basis for participation and what we see as a future of far more complex and cross community issues.

So whatever the future looks like, we would be - be able -- we'd be prepared from a strong base to participate.

Stephane Van Gelder: Thanks John. (Chris) then (Thomas).

(Chris): Thanks Stephane. The closest the ccNSO went through a slightly well similar when the introduction of IDN ccTLDs we found ourselves in a position where it was possible that you might have to - to registry managers to keep different ccTLD managers in the same territory.

And we didn't have anything in that bottle to deal with that and we're dealing with that now. We started work on it sometime as I can recall that's comes to - come to completion.

I think that you -- the GNSO you really need to look at this holistically, looking at it perhaps in an individual silos or houses or whatever, whatever you call them is probably not all that helpful.

One question that springs to mind immediately is what is the brand owner going to be? It's the brand owner actually running the registry, using the background registry operator?

Are they in the registry constituency? Or are they in the business constituency? That's two different sides of the organization in line about which bit of one side you go in. So I think you really do need to look at this pretty smartly.

Stephane Van Gelder: From those specific questions they could be in both. And it also depends on the bylaws of each constituency or a stakeholder group and there's an element of being in both and where do you vote, that's the real question.

And the bylaws of each group tend to address that. So let me -- I've got (Thomas), Ray and then (Thomas) got one.

(Thomas): Thanks Stephane. At the moment I think it's a little bit difficult to guess what the impact of the new gTLD's will be. I think that once the strings and the applicants will be published we will be in a position to better estimate what the impact might be.

But rather than -- I think that one aspect that we haven't yet discussed and (Chris) has touched upon it slightly is that at least the brand owners are supplying for their TLD that might not even want to get involved.

So the question for ICANN at this stage is rather how do we reach out to these groups in order to make sure that they get etiquette for presentation in the ecosystem?

Stephane Van Gelder: Thanks (Thomas). Ray?

Ray Fassett: Thank you, going back to the original question. And I've heard several answers so far to say, yes we see it coming and we're not doing anything now and we should wait until we see what happens and so forth.

I would suggest that that's probably a little bit too late and that there's no reason why you can't develop some cases as to why something should happen or how something could happen.

And then anticipate measures that could be taken against them, that was the last part of that question, how to anticipate them? And so, the real question is, is that even if you're not doing anything now or something like that, what do you think you should be doing or what do you think you should do when the situations arise?

And have you given any thought to attempting to characterize the kinds of solutions that you may have to do?

Stephane Van Gelder: Thank you. I have (Thomas) over here next.

(Thomas): To expound a little bit on what Ray just said I think an important element of the question is, somebody needs to get ahead of this to reiterate what (Steve) - what (Chris) said.

It needs (unintelligible) on the GNSO level, you guys need to really get to this.

Stephane Van Gelder: Thanks Wendy?

Wendy Seltzer: Thanks. And to take a bit of what are the potential issues when we build silos and houses and constituencies we can tend to forget how much of a shared interest we have.

All of us here within ICANN and so one of the challenges that I might see is how do we help inculcate among the newcomers to the ICANN space the culture and the sense of protecting the internet, protecting the it as a space for innovation, protecting it's creativity?

And joining in the process of helping to preserve that, how can we as a council, how can we as a board and as a community bring newcomers into that sense?

Man: I'll clap too, I like that.

Stephane Van Gelder: Thanks, wow applauses. I never get those. Zahid?

Zahid Jamil: Thank you. I'm a BC counselor and I just wanted to say that the new changes with the new gTLDs we will be probably in contractor parties' houses as well as in the non-contracted.

And would like to keep both, the trouble is we can only vote in one under the current rules. And so the question that arises is what GNSO rules change in light of basically a review that we are going to be seeing in 2013?

Because the board has to basically review all the structures and see well how they're working and whether there needs to be restructuring of those rules and to me to be one of the questions that would come up, I just wanted to make sure to flag it.

Stephane Van Gelder: Thank Zahid. Jeff, Jonathan, perhaps we'll close it off there.

Jeff Neuman: Quite interesting one because registry is our business and we've been arguing that we should be able to vote the business constituency for years. With that put aside the registry stakeholder group has in fact been thinking about this for a number of years and we built in a lot of protections into the stakeholder group charter.

In fact, we when gTLD's were coming in 2009 we rushed to do this in 2008 and actually even though the number of registry's we thought back then may be at most a couple hundred now we're realizing are well over 1,000.

I think the same rules are robust enough to hold true, so the good news is that we have been thinking about it and we've been happy to brief the board on our charter and the mechanisms that we've come up with.

So this is something we definitely have thought of for a while.

Stephane Van Gelder: Thanks Jeff. Jonathan?

Jonathan Robinson: Thanks Stephane. I think Jeff started to cover what I might have said about the registry's constituency. I suppose it's a challenge for the GNSO to deal with something like this honestly.

And it's clear from the points that we've heard around the table that this is something on the individual and collective minds of the board. So we can - we now can hear from you that this is an important point.

But I would think it's difficult to challenge -- to manage from the GNSO as a whole without having effectively established our positions within our different stakeholder groups.

So I'm not sure we're going about it too badly. We sense the urgency and appreciate your point on that. But we've done, as Jeff said quite a lot of work in our particular registry stakeholder group. And I'm sure there's been other work going on in other groups.

Stephane Van Gelder: So (Deklan)?

(Deklan): Yes, thanks and we are open to discussion in this. It is a discussion that actually goes on three levels and no one should hamper the discussion at the other levels.

You will need to have the discussion in each of the sub groups to constituencies, the houses and so on. There's a need to have a discussion at the GNSO level.

But let me add another layer, this doesn't concern the GNSO only, it of course concerns all of the community. And this is a question that the board is putting on every single interaction with all the different entities.

And so the key question that we will have moving forward is, in order to avoid getting into the circular mechanism whereby until each subgroup has defined it's position on the topic, you cannot get to the next layer which means that in the end it becomes a negotiation on the agreed position which is not good.

One of the steps that could be - could be explored is before looking at solutions is to have a thorough list of the trends, like the evolutions that will come.

It's the number of actors in one, especially constituency, it is the presence in different considers, it is the different types of TLDs that will come in the new gTLD program we will have a certain number of them.

We will have very strong ties to their national or local authorities because in the process they have to get an agreement and so on. Are there going to be sitting somewhere in between the cc's and the g's are they going to be full G's?

That kind of question before trying to find the solution has to be sorted out. And I hope that in - in the course of the next meetings we can collectively have a - an ongoing discussion at the whole ICANN community level on just making this list altogether. Because it may have an impact on the cc's it may have an impact on others. Thank you.

Stephane Van Gelder: Thanks very much (Deklan)? So we will move on to the next GNSO council topic which is one on the Whois review team final report recommendation implementation which is going to be carried by Jeff Neuman.

Jeff Neuman: Sorry to be speaking so much here, on the Whois review team, the council really hasn't addressed it very much at a council level yet. It's still out for public comment. We think it was an excellent report and all the groups are still analyzing their comments.

One of the things that we just wanted to -- messages that we just wanted to get across though was that we believe there are maybe a number of items in that

review team report that are actually items of policy as opposed to just straight recommendations and advice to the board.

There've been a couple of statements by some staff - ICANN staff as well as some governments that they expect that the board is going to act on those recommendations in (PRAG)'s.

We're hoping that what it means to act means to send appropriate items policy back to the GNSO as opposed to maybe just adopting those items that do involve policy.

Because they do need to come from the bottom up process. The review team was not although it was a cross section of the community, it was not a bottom up process.

And so we just want to make that point that we believe that items of policy need to come back to the GNSO before implemented.

Stephane Van Gelder: Thanks Jeff, so let's open that one up for comments and discussion.

(Judith)?

(Judith): Someone has to say this, Whois is a museum piece. It was not designed to address law enforcement and intellectual property requirements. With all due respect from museum piece, my beloved (Steve Krocher).

(Steve Krocher): Living, breathing portable museum piece here. Well, said (Judith) and more succinct and more forceful than.

(Judith): That's why it's so hard to do.

(Steve Krocher): Yes. Clearly there is an underlying issue here which is what Whois was designed quite a long time ago in a very different setting. And it had a very specific purpose, this is not the time and place to go into all of that.

But it -- that is definitely an issue that needs to be addressed. Let me just bring the - the attention to where we are in a moment. As the Whois review team has done a very thoughtful and forceful job.

The report is clearly got a lot of substance to it and needs to be read very carefully. There cannot be an automatic process of going from the delivery of that report to therefore all those things would be implemented boom, boom, boom.

There are a number of questions and I think the question that you posed Jeff is absolutely one of the ones that has to be taken on board which of these things are within scope which of these things are a policy issues, etc. etc.

Other elements of that puzzle are, what is the cost, what is the feasibility, who would implement these things, where would they locust of control be? And inconsistent with what I've been saying in other settings I think we want to take all of those questions seriously.

I think we want to take them and understand them and not proceed too hastily. But I do think we want to proceed expeditiously. I don't want to tie that to a particular decision schedule.

We won't be - we won't be slow about it but on the other hand I don't want to be too hasty on the input from - from this body on what you think the policy issues are in judgment would be enormously helpful to have.

And so I do recommend that you speak on that.

Stephane Van Gelder: Thanks (Steve), I've got Ray next.

Ray Fassett: Thank you. I'll go back to what (Judith) said and what (Steve) has just said. I'll pick up and dust off I'll put on my old ITF hat. The ITF many years ago addressed the issue that Whois would not be capable and would -- had deficiencies in it to address the issues that were being placed upon it as a directory service.

And so the issue is of a directory service, there was an awful lot of work done on the ITF on this. And as far as form and function and what a improved directory service would look like and wouldn't have the name of Whois by the name.

And it was presented to the community and has basically been ignored. I know that in the past there have been several technical persons that have brought up the fact that this does exist.

And the fact that it's being ignored and as (Judith) has pointed out that people still want to make improvements to a museum piece that wasn't designed to do the functions that you're trying to impress upon it.

And here exist a model that and firmly developed a model of directory service that could be used. And so my question is back to you (Judith) is why are you ignoring this and why wouldn't you seek to do some implementation of an improved directory service?

Stephane Van Gelder: Does anyone want to respond or comment? (Judith)?

(Judith): Because I'm you are so polite it took a Philippine to say it.

Stephane Van Gelder: Don't get me started on countries otherwise you'll have the French in your face. (David)?

(David): Thanks Stephane. Just to point out that the IPC has already submitted comments and fully supports the review team report and one point there just following on from (Steve) that there's an obligation on the board to act on the review team recommendations within six months.

So we're keen to see this moving along.

Stephane Van Gelder: Thanks (David). Anything further on this? In which case let's move to the next board question. Which is I don't know if it's a question, the resolution of conflict with MPAC. Was that you Ray?

Ray Fassett: I'll expand upon this. The board is aware of the fact that there's an ongoing conflict with regard to - to MPAC. And so we're interested in knowing what is the view from the council on the status of this conflict?

We'd also like to know what the council can or will or should do, you know, regarding the resolution of this conflict? And then lastly, if this is really -- could be construed as a governance matter, what is the view of the council regarding it's role in this and other governance matters that may arise from time to time in various segments of the GNSO?

Stephane Van Gelder: I have absolutely no authority to speak to this, so I'll open it up to council members who do. Jeff?

Jeff Neuman: Yes, I think it's interesting questions Ray, the problem is the way the bylaws are set up is that the constituencies as stakeholder groups essentially go to the board.

Everything's to the board level, nothing's to the GNSO council level. There's no GNSO council approval of charters. There's no -- everything's directly with the board.

So it's really -- none of the issues that have been going on with the MPAC and NCCA I guess have ever been brought to the council nor is there any mechanism for that to happen nor am I sure that we necessarily want them.

But there is no council position on that just by virtue of the way it was set up in the bylaws.

Stephane Van Gelder: Ray did you want to come back?

Ray Fassett: Yes, well what do you think you should do? Should - should they - your bylaws be changed to allow this? Should the council be more involved in the governance of the GNSO? Those are - those are real questions and because the board is not the caretaker of the GNSO nor should it be, and if the Bylaws are construed in such a way that the Board is the caretaker of the GNSO, then there's a real problem here.

And so I think it's something that should be thought about long and hard. This is a good example. The paralysis that could be caused by this kind of conflict will - could paralyze the Policy Development Process and could hinder the GNSO from going through and developing policy in a timely manner.

Stephane Van Gelder: Thanks Ray. Just a personal comment, I wonder if there's just an element of unfairness in what you've just said. And the fact that we've had a GNSO review as you know, that we're specific on the Council's role and you're talking to the Council right now.

So we have to be specific whether we're talking about the GNSO or the Council. But I don't know that this specific - this particular problem which is one that is specific to the NCSG is one Stakeholder Group within the Council.

Telling us that, you know, should we be more involved in the governance of the GNSO, I think the review that we've undertaken has been quite specific on the actual role the Council should take in these things.

Ray Fassett: Well you're going to get another review beginning next year.

Stephane Van Gelder: Yes.

Ray Fassett: Okay, and that review will be based upon experience gained from what was done with the previous review. I would think that this is something that the GNSO would be doing in terms of an internal assessment of the impact and affect of that review and the implementation of those recommendations.

So it's just something that should be an active concern and discussion inside the GNSO.

Stephane Van Gelder: It is a concern. Mary.

Mary Wong: Thanks Stephane and thank you Ray. I think when this question was posed to the Council we were all rather puzzled as to what it was. One interpretation

was is there a conflict between the Council and POC that we weren't aware of that we needed to resolve?

So the only one that we could identify was possibly the issue within the NCSG. And I think the view of many on the Council - and this is an interesting discussion.

The point that you brought up is that it is an internal SG governance matter that should be resolved within the SG, then it may have not been appropriate to had it brought up to Board level but that's kind of water under the bridge.

I should also say without going into all of the gory details that a lot of - and I won't even characterize it as a conflict. I think there were a lot of issues and difficulties involved that arise or arose from the transition of the GNSO itself, for example the imposition of an SG structure over existing constituencies, plus the formation of new constituencies.

I would - I think this is an issue that we can take offline with the Board as an SG, and then maybe as a Council explore the additional questions that Ray has asked conceptually without specific reference to this particular one.

But I'll now say as a member of the NCSG elected to the Council that we have internally made a lot of progress in working through some of the issues and problems that were presented through the transition and the formation of new constituencies.

I think many in the community would have noticed I hope that we have in fact filed a - one or two - a couple of joint statements on behalf of the whole NCSG and not individual constituency statements.

So if there's any other questions I think we'd be happy to take it as an SG, but we don't believe that this specific issue is an appropriate issue for the Council.

Stephane Van Gelder: Thanks Mary. Once again I'd just like to add that before going to Bertrand, you both make points, you and Jeff, and I think we need to echo them.

One question we could ask you is what is the conflict, because as far as the Council is concerned there's been no official word on a conflict with impact. So who's impacting and conflict with?

Where's the conflict? What have you heard? What are you talking about, because we wouldn't like to answer at cross-purposes?

Ray Fassett: I'm referring to the conflict that Mary was just referring to, and she would have the latest information as far as what's been going on with it.

Mary Wong: Ray are you asking for the - in terms of what the resolution of the conflict is?

Ray Fassett: Well I'm just answering his questions, that you have more fresh information than we have.

Mary Wong: And I'll say that - what I said earlier, that I believe we have worked it out to a very, very large extent and we are simply working on statements of policy together and on policy issues sometimes.

And this is the nature of the constituencies within an SG that there will be differences of opinion. I don't think this is specific to any particular SG or constituency.

Ray Fassett: Right. And so the actual impetus behind us was not so much to discuss that conflict, as it was to discuss the governance matters that could float around us that probably should be examined.

Stephane Van Gelder: Thank you. So I have Bert, (Paul), Joy, (Bill) and (Brian).

Bertrand de la Chappelle: Thank you. This is a matter of subsidiary and the responsibilities at the different levels between the structure, the sort Russian doll structure that the GNSO is.

I think I strongly echo the way Ray formulated the question. Beyond the specific case there is a very important question, which is as Stephane highlighted the question of the role of the GNSO in the governance of the GNSO - I'm sorry, the role of the GNSO Council in the governance of the GNSO, which does not suppress the existence of a - respective roles within each constituency and each Stakeholder Group, nor does it suppress the responsibilities that the Board can have in making sure that things are being addressed correctly.

The reason I highlight this formulation of the governance question and the role of the GNSO Council in the governance of the GNSO actually directly dovetails to the question we were addressing before, because in the evolution and given the impact of the New gTLD program on the GNSO, one subsidiary question will be who should be in charge and - of dealing with the evolutions that may be needed and what kind of distribution of responsibilities at the different levels should we put in place to address this? So the two questions are actually nicely connected.

Stephane Van Gelder: Thank you very much. Joy.

Joy Liddicoat: Thank you. Joy Liddicoat and speaking as an NCSG constituency Councilor. I think it would've been helpful if the question had been posed in the way that it's now being put in relation to the GNSO Council, but in fact the question wasn't put in the rather more eloquent - elegant way in which it - what has now been put with the result that I think the very clear view from the GNSO Council has been that it's inappropriate and actually an unhelpful use of the Board/GNSO Council time to phrase questions in relation to particular constituencies in this way.

And we would like to extend an invitation to any individual Board member or any other person who has a question about this. You three please come and talk to us.

We're very open to those discussions and would welcome them, and we're welcoming discussions of our MPOC members which are fruitful. But please, I think if you have a question in relation to the GNSO Council and governance responsibility in relation to its constituencies or the NCSG or any others, please frame them in that way and we can use our time more productively. Thank you.

Stephane Van Gelder: Thanks Joy. Though on a personal note I would say that the way the question is now being phrased is very interesting and should be of - we should be grateful for - to the Board for asking the question that way.

(Bill). I have (Brian) after that, (Judith) and I saw another hand.

(Mike): (Mike).

(Bill): I have to admit that like others I was puzzled by this in part, because when in the past people from MPOC approached the Board to raise concerns about

how they felt things were going within the NCSG in NCSG/Board meetings, the Board said, “Why don’t you guys go off and figure it out. It’s an internal matter.”

And now we’re coming back and we’re doing it at the Council level, which is kind of not where one would’ve expected this conversation to be happening, because indeed I don’t really see that the GNSO Council has much of a role in the internal management of Stakeholder Groups.

So the whole thrust of discussion over the past year or two has been in fact that people want, you know, a lot of the other Stakeholder Groups to minimize the role of the Council in a lot of things and let the Stakeholder Groups, you know, go off on their own influence smart.

So why would the Council now be involved in internal matters? I don’t understand it frankly Ray, but it’s the - back to the important point. The - yes, what is the issue?

There were early problems of trust in the process of chartering the Stakeholder Group and bringing in a new group. I think that that’s probably an inevitable process.

I think a lot of that’s been worked out. I think where we are now is that as Mary suggested we’re moving forward and we’re working on stuff. The biggest problem from my standpoint is that there’s a Grade A symmetry, because if for example, and I don’t know why anybody wants to hear about this, one were to go and look at the NCSG discussion list, 99.9% of the people speaking on it are from NCUC.

We don't get participation from the MPOC people. We don't really know what they want. We don't hear from them about anything. And it does get to be an issue sometimes when we want to adopt an NCSG position statement on something, and all the Councilors are in favor of doing it, which is consistent with our charter that we have rough consensus in our policy committee.

And then we get a letter from the Chair of MPOC saying, "We don't agree." And we don't know why they don't agree or what the process is. So those are issues that we still have to work out together, but those are just internal teething issues.

One hopes over time that they will become more focused, more clear in their agenda, what substantive issues they want to engage on and engage with us more.

And we'd be really happy to have that happen and have it flourish just like any other Stakeholder Group.

Stephane Van Gelder: Thanks (Bill). Now I suggest since - that it's been explained to us that the question wasn't about - specifically about MPOC but about the way the Council should behave.

In terms of GNSO governance we try and address those points from now on.
(Brian).

(Brian): Sure. I just wanted to state that I do think that I'm not sure it's a Council issue. I feel like it probably is more a Board issue. I think we need to look at when we're bringing a new constituency in how to make sure there are plates at the table.

I'd like to point out that there is no Councilor of the MPOC at the table.
That's part of why the Council doesn't have a perspective or a view on what
the issues are, and why we're not aware of exactly what's going on.

((Crosstalk))

Stephane Van Gelder: Not an MPOC Councilor. (Judith).

(Judith): Having been into the ICANN Board, the first question I asked (J.J.) was why
is BC and MPOC among others within the GNSO, especially with the New
gTLD program? I said, "This is chaos."

Stephane Van Gelder: Thank you. (Mike). (Mike) is passing so we'll close this topic perhaps,
unless there are other comments. We've got 15 minutes left and John do you
want to - what, my question? (Judith).

John Berard: Hi, this is John Berard. I just don't think I understood the question, that's all.

(Judith): Because I came in with newcomer - with a newcomer's eyes and my
understanding of a GNS of course is the generic name. And being Registrars
and Registrys of course there is a contractual relationship, and contractual
relationships of course carry certain provisions, compliance and so on and so
forth which are extremely specific to your business.

And therefore seeing Stakeholder Groups such as commercial, business and so
on and so forth with trademark issues, intellectual property protection issues,
we've been a Contracted Party Group being a businessperson myself, coming
from the media space myself, owning a telco cross connection site myself it's
- and within the New gTLD program there will be certain issues required,

certain decisions and so on and so forth specific to contract that need to be worked on by the GNSO.

And is it constructive I ask myself to have so many various interests within one umbrella, and given the bottom up model is there a distinct possibility that what can happen is what is happening right now, that's all?

So isn't it time for us to really think around this structure of - now this is me. This is my own personal opinion that maybe we should really look at create - re-reviewing - I'm not saying for eight silos, but reviewing how to structure ICANN so that a decision can be made moving forward. Thank you.

Stephane Van Gelder: Mary.

Mary Wong: Yes, not so much a direct specific response to (Judith)'s comments, which are very welcome. As a newcomer it can be very bewildering for everybody at every level, but also as a response I think and a follow up to (Brian)'s comment.

And it may be a good thing that we're starting this discussion now that - bearing in mind that in a year we do have to do the GNSO review all over again.

What a lovely project because some of the comments I think including (Brian)'s raises a specter that some of us thought were - was put to bed in the first round of improvements, which is the election of Councilors from constituencies as opposed to Stakeholder Groups.

And I think that that written large as a broader issue also impacts on what Jeff and others were saying earlier about new membership in say the Registry Stakeholder Group.

So may I suggest that this is something we consider as we go into the process next year and continue the discussions then?

Stephane Van Gelder: Thank you very much. So we'll move on to the next and last topic from the GNSO, which is just a question that I've been authorized by the Council to ask the Board on the IANA contracts.

This is obviously referring to the recent communication from NTIA. The question is, "We expect the Board will amend and submit a revised ICANN proposal that addresses what NTIA says was lacking in the first proposal. Can you provide any further information on this?"

Jeff Neuman: No.

Stephane Van Gelder: Nuance. No. Okay.

Man: Seriously this is, you know, obviously very fresh where there's not much information that hasn't been conveyed directly. We're not in a position where it's appropriate to make a comment, and in addition there isn't much information available. Stand by.

Stephane Van Gelder: Thanks. So the last topic on the agenda is we can answer this last topic with a single word answer too. "What is the Council's mid-term policy development calendar?" Actually I - now I can do three words. I don't know. (Thomas).

(Thomas): I'm going to follow up a little bit since I perpetrated this question. Part of the background here and the question, how can we as a community better plan over longer time periods what we're dealing with on the policy level?

I overheard some of your earlier conversation about it. You brought up the set of pending processes that you have that is the current view of what is going on.

The thing that we really don't have as a community is that long-term view, and I think that's a bit of a problem. And so please take that question as an encouragement to actually get that done.

I'll also throw in a reminder. There is a GNSO improvement Working Group report that's about four years old that asks the GNSO to prepare a three year view of planned and anticipated processes.

And that was approved by the Board in June 2008, and so I think this is another of those items that I would expect will feed into the 2013 review of the GNSO and it would be highly useful if the Council could start to get into a conversation about how it plans to actually get a better handle of the work that the GNSO is doing.

This is another of the governance questions fundamentally. Who sets the agenda? How does it get worked out? How can the constituencies and the Council together figure that out?

Stephane Van Gelder: Thanks (Thomas). Perhaps I can venture one response, which is on the policy development calendar itself that the GNSO has. One of the things that might be helpful to us and I would stress that there are - there has been and

there is ongoing considerable effort on prioritization and managing our workload.

One of the things that might be useful is to have better communication between us and the Board when you send us PDPs or requests for work, because it helps us.

One of the things that we're finding in terms of workload and bandwidth is that when we get a request that we haven't been expecting and we're already so overloaded, it's very difficult to accommodate it.

And I think you've seen some of that in the questions that we may have raised today, so that's, you know, meant as a constructive comment that I understand what you've just said about the community in general and us in particular needing to work better on this.

I think it is a community problem as well, that we all need to have better sight of where we're going and what the - what's on the agenda. Jeff you want - you're next.

Jeff Neuman: Yes I was going to say kind of similar to what Stephane said, you know, we're under water. I mean, we have so much going on just like the rest of the community.

Part of the reason we're under water is if you look at the last several years of the things that we're working on, in addition to the things that come bottom up to what we propose to do ourselves, we get things like GNSO improvements in general which took us a number of years with a number of subgroups.

That came essentially from the Board and the review. We had the IRT that essentially took up a lot of time. We had Vertical Integration. Again these were not issues that were brought bottom up.

These were issues that the Board had wanted comments on. We had the issue of consumer trusts. Now we have the Registrar Accreditation Agreement, and then of course we got all of the review teams and, you know, we're saddled with reviewing that kind of thing.

All of that came from essentially the top. We have not yet had the time to breathe and actually think about what we can do long-term. We - but we do have a pending projects list, which I would say is pretty much our three to five year plan since it's going to take that long to get through it.

But I know what - I hear what you're saying. The problem is that every time we try to sit down in that kind of exercise we get flooded with a lot of things from different areas.

Stephane Van Gelder: So on the list I've got (Steve), (Thomas), (Thomas) and Bertrand.

(Steve): So I caught the comment about the interplay between Board actions and your actions. Another element that is part of the whole puzzle of how do we work more efficiently that I've been focused on just internally within the Board is documenting our processes and laying out procedures so that not so much creating policies, but just looking at the - kind of the nuts and bolts of how things get done and sorting out wherever the rough edges are.

And the next step or piece of all that, and I don't think it's done sequentially, would be to look at things like the interactions between the Board processes and GNSO processes or any other SO or AC, and to make sure that there is -

that the pieces knit together, that there aren't gaps and missed expectations and, you know, use the talents that we have in abundance here for building systems and solving problems.

So let me turn that into an invitation, not as a formal Board statement about starting a PDP, but just a common sense so we can sketch that out. And I'm quite open to that and I've devoted resources inside the Board to trying to do that, and I'd be happy to work jointly with you.

Stephane Van Gelder: Thank you very much (Steve). (Thomas). Not.

(Thomas): Just a couple quick comments, one on the miscommunication issue. May I suggest that you get some - something from the Board that you don't quite think makes sense or you're scratching your head?

Come talk to us or go find a Board member because there's a lot of - it's easy for people to spend a lot of time based on miscommunication and waste, you know, your own time so try to avoid doing that if you can.

Don't wait until this session just sort of, you know, get things on the table would be my suggestion. The other comment I make is Jeff, on your, you know, the top down versus bottom up, I think - I suspect we'd all agree that the work that came top down was work that needed to get done.

So it's - and arguably it came top down because it wasn't getting done from the bottom up in the way it could've or should have arguably.

Stephane Van Gelder: (Thomas).

(Thomas): A similar direction, part of why it is useful to have a longer-term view of what the things are that need to get done bottom up, a view beyond processes that are already initiated and are in your list of pending projects is exactly to be able to anticipate what is not on the GNSO's agenda, and to be able to have that conversation early.

That's exactly why it is so important to get that sort of planning done. What you're describing are ultimately the symptoms of the interaction very often being events driven between the two, and not having enough early planning.

Stephane Van Gelder: Thank you. Bertrand we got two minutes left and (Rod) and (Steve) would like to make some closing remarks.

Bertrand de la Chappelle: Yes I know, it was just a comment regarding the list of topics that Jeff has mentioned, and it's not just a prerogative question. It's not to get an answer.

One of the challenges is do we, do you have available the correct processes, the correct tools to handle those different issues? I know that the GNSO has gone through a very lengthy and very in depth process to revise its PDP process.

It's a very fair and open question of are we yet at the point where we have the tools to do small things quickly and long processes correctly documented, but not for an answer. I'm just throwing the question which is in the back of my head.

Stephane Van Gelder: Thank you Bertrand. So can I turn to (Rod) for some closing remarks?

(Rod): Great. Thank you very much. This is a complex house and it faces a lot of complex issues, but I think it's really - your commitment is a testimony to the real power over the multi-Stakeholder Organization and the fact that so many issues are being addressed and being forwarded.

And one that I want to note is the one that has gone undiscussed directly, which is very good, which is the largest program in ICANN's history that you crafted and shaped, the New gTLD program, which is under operational mode now and I'm glad it's going well enough.

At least it didn't raise up to the top-level agenda. There have been some slight, you know, blemishes and user issues that Jeff among others helped bring to our attention that we've addressed, but the program is running well.

And I just want to, you know, express the gratitude to all of you for your work in supporting that multi-year effort, in total six years of effort to get the program crafted.

But that is going well. I also want to thank you for the kind remarks a number of you have expressed for the great efforts of our ICANN Staff supporting the GNSO and the other Stakeholder Groups, so that's very much appreciated.

But really the thanks goes to all of you. The efforts that you put in as volunteers in this group I think is nothing short of remarkable, and without that great contribution there's no way that ICANN could move forward and have credibility in the world.

So huge appreciation to each of you and especially your leaders, Wolf-Ulrich, Jeff, Lanre and also of course my high school classmate from Germany or same school, Thomas Rickert, and Stephane.

And in recognition of those incredible efforts and so much time given, can I ask that we give a round of applause for the whole GNSO Council and the leadership?

And now Stephane you can never say again that you never get applause. Touche. Thank you.

Stephane Van Gelder: Thanks (Rod). I walked into that one. (Steve).

(Steve): Hard to match (Rod)'s eloquence. I simply want to say on behalf of the ICANN Board, a very strong appreciation for the efforts of course that you put in and in particular this interaction and - that we worked out in recent times.

Seems to me to be very constructive and it's gratifying that we get to use the time productively, dive into things that may have a degree of sensitivity, speak frankly and in the spirit of constructive progress take on board any issues that arise and commit to working together. So I thank you very much. I look forward - I know the Board members look forward to this, not only for the lunch that you provide. Thank you.

Stephane Van Gelder: Okay, the GNSO Council - but on behalf of the GNSO Council I thank the Board and close this session. We'll start again immediately with a discussion of the motions that we have on the table this week.

END