ICANN Costa Rica Meeting
Preparation for Discussion of GAC, Board and ccNSO Meeting - TRANSCRIPTION
Sunday 11th March 2012 at 09:30 local time

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Coordinator: Thank you for standing by. At this time today's conference call is being recorded, if you have any objections you may disconnect at this time.

Stephane van Gelder: Okay so let's start this second session of the day. And it is one that is important to us in preparation of our meetings later on with the GAC and the Board. So let me just turn around to the operator. Are we good to go?

Guys, can we start the session?

Thomas Rickert: Yeah.

Stephane van Gelder: Good, okay. So we discussed this yesterday as you'll remember and put together a brief list of topics. We had some topic ideas. We had some methodology ideas. And we had different topics for our meetings with the Board and the GAC.

So just to give you a brief run-through of what we have so far we have a Red Cross and IOC topic for our meeting with the Board, which Alan has kindly volunteered - where is he? He's not there.

((Crosstalk))

Stephane van Gelder: Okay. Kindly volunteered to carry. And because of time constraints on his part we will run that topic first. We then have a topic on the Whois Review Team that Jeff has kindly volunteered to carry for us.

We have a topic, which is just a question on the IANA contract, which I will ask. And we will close with the RAA and there we have Mary Wong carrying - where is Mary - there she is - carrying that topic.

For the GAC we have a developing topic on human rights. I'm looking around for Joy. There she is. She'll be carrying that if we agree on it because Jeff suggested that we might want to look at that again. And we have an RAA topic. So a little short - no, I'm sorry, I was - forgot to scroll down.

We have an additional question from Wendy on engaging the GAC on the LEA recommendations. And apart from the topics that have been suggested by the Board as well we also have a suggestion from Jonathan - there he is - that we may just want to open up topics for general discussion rather than asking specific questions.

So with that let me open it up and just remind you all that in an hour's time we need to know what we're doing. Jeff.

Jeff Neuman: I think we left off one of the most important topics of the GAC - got dropped from the last but the IOC Red Cross that was what we wanted to get their feedback on our proposal. That's what they're expecting so I don't know...

((Crosstalk))

Stephane van Gelder: Sorry, it's probably my fault in the email chain I may have missed it. But what was the question?

Jeff Neuman: The drafting team has recommendations. We've put it before the GAC. Do they support them? I mean, that boils it down but that was the main item that we had - initially.

Stephane van Gelder: Would you carry that then?

Jeff Neuman: Yeah.

Stephane van Gelder: Yeah.

Jeff Neuman: And then the - just the second comment I had we saw it on the list was - and you had raised the issue about the - about human rights discussion. So the specific topic is what advice can the GAC give the GNSO about the human rights impact assessment requirements of the PDP in light of the UN Human Rights Council's recent (HRP) panel on freedom of expression and the Internet.

My comment on that was, number one, is that while the PDP - the PDP manual talks about an impact statement that could include - sorry - that could include - that must include an impact statement. What it says is that it could include impact on a number of different topics. It says impact on rights and that rights includes intellectual property, human rights and a whole bunch of others.

I don't think it's a fair assessment to say that PDPs require an assessment of human rights. I'm not saying I'm against that so don't take this the wrong way but I'm saying it's just not a requirement.

I think the way you might bring it up is in the context of a specific policy issue that's going on. So for example - and I don't know this to be the case - but, you know, if you want to say the GAC have endorsed the LEA recommendations for the registrar accreditation agreement, you know, was

there any kind of human rights discussion within the GAC on that before you supported it.

I mean, that's the way you can introduce the topic by pointing it to a specific issue as opposed to just throwing out there the general notion of human rights.

Stephane van Gelder: Joy, what do you think of that?

Joy Liddicoat: Joy Liddicoat for the transcribers. Thanks, Jeff, for your helpful comment. And thanks also, Jonathan, for yours overnight. And just to step back a little bit from the specifics of the question the rationale really for raising this topic is because governments made some good statements at that panel.

And so this is an opportunity to - to respect the work that has been done by governments on the - across the political spectrum. So, I mean, this topic is not being raised in order to raise tension or cause difficulty or make governments uncomfortable in any way but rather to affirm the good work that they've been doing (unintelligible) and its overlapping nature in this sphere.

So I thought that Jonathan's suggestion therefore was a constructive one in terms of opening the discussion in a more friendly fashion. And I also liked Jeff's suggestion of raising I within the topic - within an existing topic of discussion as between the GAC and GNSO.

So this is a good (turn) about and process where we get feedback and comment. I'm very comfortable with raising the topic perhaps in the context of a specific item. And I'm open to suggestions from councilors as to which one might be best.

In terms of being suggesting to asking the question of are they aware of the Human Rights Council Panel in any event asking for their views on it. So I'll...

((Crosstalk))

Joy Liddicoat: ...the discussion.

Stephane van Gelder: So I've got, John, you're up next. But just to make a few suggestions. First of all we need to decide whether - and I think we've kind of decided actually whether we follow Jonathan's initial suggestion of just putting down headliners and letting the conversation freely roam around those.

I think we are crafting questions so my impression is that we're not going to be quite so, you know, just have one single subject matter and not draft a question around that. Is that a fair assessment?

Jonathan Robinson: ...and I'll just respond to that. There's two points...

Stephane van Gelder: Sorry, I have to - I forgot I was told to say something which I forgot to say which is please speak into the mics because no one can here you remotely.

Jonathan Robinson: Hi, it's Jonathan Robinson. So there's two points, Stephane. I think it's not an accurate characterization to (unintelligible) we should have three topics and talk around them. I mean, I think it was quite specific at the end of the session that we had three or four key topics and we had some specific points or issues we wanted to achieve under each of them.

And in addition they formed themes with which we could then discuss bigger issues with both the GAC and the Board. So I just want to make sure that that's clear understood. I haven't just suggested we have free-ranging discussion around each of those topics. There are some specific points.

And then in terms of what Joy said overnight I was - I think we, again, characterizing the topic as a human rights issue I don't think this is the point. The point is that in any given PDP it could have human rights implications

which is what Joy has said. And it's a useful added dimension to put on something for in particular with things like data.

And so it's important to be able to discuss that with that in mind. But it shouldn't hijack the whole topic. It's a dimension of the topic. And Joy has talked to us about where that topic is being discussed and had what seemed to be good government support. So it's really a matter of attempting to join the dots rather than saying what do you think about human rights. It's are you aware - as I've phrased in the email - that there has been this other work going on and then they can be linked together. So thanks Stephane.

Stephane van Gelder: So I have John next.

John Berard: Thank you, Stephane. John Berard. I have two points both born out of anxiety, which is where I live mostly. The first one is that the email traffic with regard to the Red Cross and International Olympic Committee seems to suggest that there's still an unease about that.

And even though I was only a remote participant in Dakar I would not want to see the meeting with the GAC spin out of control, run off the rails, whatever metaphor you choose. So I would like to have a sense of exactly how we think it's going to go and how we want to approach that.

Point two is that the GAC in its deliberations for our joint meeting has on the - its set of a question a discussion of the GNSO work on consumer trust metrics which we have not had a discussion about. And so Steve DelBianco is here is probably the most informed on that matter. So I thought we probably should at least get a few minutes on that and then decide whether or not we want to agree ahead of time to - that we will spend some time talking about it.

Stephane van Gelder: Thanks, John. I'd suggest that Rosemary, who's carrying this, not being here it's going to be difficult to discuss that specific topic with them. I haven't

seen that question from them so what you've just told me is something new. But by all means let's discuss it and see where others are on that.

But I would like to get some focus on exactly what we're going to be asking and how we're going to phrase the questions that we ask. So can I ask - I mean, we can take the GAC or the Board first but let's run through the topics and let's get some results because otherwise we're just going to once again go into free range discussions and not go anywhere.

So if I start with the Board on - and just to pick up from where John left off in anxiety land we're - our first topic is the Red Cross and Olympic Committee names. And the question that I've written down is we're getting mixed messages from the Board and the staff what - this is once again our discussions with the Board - what exactly is expected of the GNSO in terms of policy development. If we send you a motion this week will you act on it?

Now - and there we are extremely specific. So can I get an idea of is this where we want to go on this topic? Are we all set there? Can we put that one to bed?

Thomas Rickert: Stephane, I can only reiterate what Jonathan said. I think we're using these topics to kick off a discussion. So there might be subsections that would need a discussion with the Board as well. I said yesterday; I'm saying it again, I think with the Board what we definitely need to discuss the role of staff and how the Board makes sure that staff acts in the interest of the GNSO because we have this confusion about public comment period, which I think was unfortunate.

And in the light of our discussion with the Board being earlier than the one with the GAC I sort of predict that the GAC might ask us the question of how this...

Stephane van Gelder: Sorry, can I put you back on track? I'm asking a very specific question which is on the discussion with the Board do we want to send the question that I've just read to the Board as what we will be discussing with them or not? And what I'm getting from you two - and I'll pass it over to you, Jeff, in just a minute, is you'd rather be less specific and just use that topic to start the discussion.

Thomas Rickert: I'm just saying that you can - I confirm I'm happy with you to send on the question or to use the question as it is.

Stephane van Gelder: Okay.

Thomas Rickert: But I'm trying to say that we will not be able to fully script our discussion with the Board...

((Crosstalk))

Thomas Rickert: ...in advance. So I think that it's important as a, you know, sub point, if you wish, to this general discussion about the IOC/RC that we talk about the role of staff and that we take the results of that in preparation to our Board - for our meeting with the GAC.

Stephane van Gelder: And am I understanding you correctly that you're not suggesting we add that in the question we just keep that in mind for the discussion is that correct?

Thomas Rickert: That is correct.

Stephane van Gelder: Thank you. Jeff.

Jeff Neuman: Yeah, I just - on the actual question I don't know if we're getting mixed messages from the Board because I don't think we've had direct conversations with them. I think the letter came from staff. I don't know if they

ran that by the Board. I doubt it. So I would just change the question to the GNSO is getting mixed messages from the staff. I don't think we've gotten any messages from the Board. So - I don't know.

Stephane van Gelder: Any opposition to that? Okay. Can we close that topic? Any opposition to closing it? None, good thank you very much.

I would like to suggest that we put the RAA second. And I will read what we have. It needs fine-tuning. We've got two things here. The Board's Dakar resolution requests an issue report for a PDP as quickly as possible to address remaining items that may be suited for a PDP - that music is so appropriate on this - relating to the RAA.

Given that negotiations are ongoing on certain topics between ICANN staff and the Registrar Stakeholder Group and the final report on the RAA was just issued on which the Council will be expected to act. Is it the Board's expectation that the timeframe and specific topics for a PDP will be dependant on the duration or outcome of the negotiations? That's the first question.

What is the Board's view on the relationship between the scope of topics to be negotiated directly in that for a PDP especially as regards topics that may be considered policy matters.

I have a first suggestion which is that we miss out the second part and just concentrate on the first as a primer once again taking my queue from what Jonathan and Thomas have suggested as a primer to that discussion. I think the question that you're raising there, Mary, is of paramount importance to us.

And in the context of these two processes working side by side; negotiations on one hand initiated after the Board requested a PDP initiated on the RAA. And in the interim we've had an issue report from staff. What, you know, where are we; what does the Board expect. And I think that is sufficiently

intense that we may want to miss out the second part; I don't know what you think.

Mary Wong: I'm fine with that because - I just sent around the question as a starting point for discussion. I think that in some respects the second question might flow from the first and from whatever discussion emanates from the first. So I think that's totally fine, thanks.

Stephane van Gelder: And in that case I would just like to shorten the first question at the end. And I'll just try and - offline try and refine the text slightly is that okay? Any opposition to that being second and framed that way with the Board? Good thank you very much.

Next we had the Whois RT final recommendation - report recommendations discussion of the policy issues here versus the expectations that some may have that these recommendations could be implemented straight away. Jeff, you had that. Any - I think that's pretty straightforward. Any comments? Any opposition to us running that that way? Thank you very much.

We then had the IANA contract. And this is just a question that I would be asking; can you provide any further information on this? We expect the Board will amend and submit a revised ICANN proposal that addresses what the NTIA says was lacking in the first proposal. What - will the Council need to undertake any policy development to enable the revised proposal.

In this instance I have a suggestion which would be we rephrase the question to miss out the what is expected of the Council part because I actually think - it sounds to me like it's kind of an excuse to ask the question; we don't need n excuse.

We could just say with respect to what the NTIA sent ICANN two days ago we expect that the Board will have submitted, blah, blah, blah what is the, you

know, can you provide any further information on this. We could just - does that sound good? Any opposition to that? Okay great.

And in that case I'll just refine all that. Jeff, and have you got the list of GAC questions.

Jeff Neuman: What's that?

Stephane van Gelder: Have you gotten the list of GAC questions?

Jeff Neuman: Yeah.

Stephane van Gelder: Can you just figure it out from there while I'll just refine...

Jeff Neuman: Okay so I'm going to start with - oh, Wendy, you have a question?

Wendy Seltzer: Sure, Wendy Seltzer with the question. Are we going to spend some time discussing possible responses to the questions the Board has floated with us as questions they might like to hear from us?

Stephane van Gelder: Yeah, sorry. What I want to do now is just refine what we just decided so I have it on paper. So I've asked Jeff to just run through the GAC questions and then we can do that - address the questions that we've had from the Board.

Jeff Neuman: Thanks - thanks, Wendy. So on the GAC agenda we have the first question is on the - and we could talk about the order if you all have an issue with that. On the GNSO the drafting team for the IOC/Red Cross recommendations. I'm the presenter for that and we'll just basically ask them the question, you know, you've gotten our - the drafting team recommendations, you know, will the GAC support those recommendations essentially is the overall question.

Is there any discussion on that? Joy?

Joy Liddicoat: Just a procedural question really in terms of I heard John's anxiety earlier about how we have the conversation with the GAC. And I think that's important for us to be clear about before we talk.

And I'm just - was thinking it might be, for example, that the GAC responds with some questions about the nature of the discussions and the drafting team or otherwise in light of whatever their own discussions are raising particular points. And I just wondered if you feel comfortable fielding those questions about reporting back on other, you know, other aspects of the drafting team work should the GAC answer questions about that and just checking that you would do that.

Jeff Neuman: Yeah, assuming they ask the questions I think that's exactly the approach we'll take. You know, that there were other options that were considered and we did talk about this. And, yeah, I'm comfortable going into all of that. And after we get the list of questions I think is when we'll come back and we'll address John's comments which were also raised on the Council list by a number of others.

Marika.

Marika Konings: Yeah, there's actually a remote question. There's someone asking - (unintelligible) is asking in the GAC session yesterday US representatives stated that the GNSO is working on protection for IOC and Red Cross at the second level. What is the response when the GNSO is asked whether this work will be done in time to apply to the new gTLDs. (Unintelligible).

Jeff Neuman: Okay thanks for the question. I think the answer is the same that we gave last week to members of the GAC that our goal is to finish our work on recommendations at the second level in time for the Prague meeting so that we can have a discussion with the GAC. And if anything comes - if there's any recommendations that come out of it the intent is to send that to the

Board at the Prague meeting. So well in time for this to apply to the new gTLD program. So, yes, we have an answer for that.

Okay so the second topic - and again we can talk about the order - was Joy's topic on the human rights impact assessment. And so how do we want to - I don't know, Stephane, if you were working on rephrasing that question. I didn't have that...

Stephane van Gelder: No I haven't rephrased it since when I sent...

Jeff Neuman: Okay.

Stephane van Gelder: ...last time.

Jeff Neuman: Okay so, Joy, given the discussions how would you reword that or rephrase that? Remember we're supposed to send these to the organizations before the meeting so that's what we're...

Joy Liddicoat: Thanks, thanks. Joy Liddicoat for the transcribers. I actually liked the way that Jonathan had framed the questions overnight. And I thought that his - framing them as open questions for, you know, is the GAC aware of the recent HRC panel on (unintelligible) and the Internet? And if so, you know, it has come to the attention of the GNSO Council and we're interested to hear GAC's views on it.

In particular a human rights impact assessment may well provide a different perspective. I'm just reading the questions for those who don't have them. And the GNSO views that this is something that could be considered in the future. So I actually thought that was good.

I thought it was a open way - I'm quite happy also for it not to be the second item of discussion in terms of the order of questions. I thought it might more

naturally flow after other agenda items that are existing such as the RAA or other topics so I'm relaxed about that - that's helpful.

Jeff Neuman: Okay, Jonathan. Oh, sorry, Mary. Sorry, I'm blind this morning, sorry.

Mary Wong: For the record Mary Wong not Jonathan Robinson. I want to agree what Joy said; I really liked the way Jonathan formulated it as well so I suggest we go with that. As a corollary to that I think to tie this to some comments made earlier - one example that we could raise if asked for an example is that even within the current RAA process the Council passed a resolution that called for a freedom of expression impact analysis.

And that's been mentioned in the final issue report as well. So in terms of the need to give an example as to what, if any, if the question comes back is the Council doing instead of just asking us questions we can say we have started looking into things like that and here's just one example.

Stephane van Gelder: Jonathan, did you send an email with those suggestions? Can you resend it because I can't find it in my long list of emails. And then I can just copy and paste. Thank you very much.

Jeff Neuman: Okay so I think - thank you, Joy and Mary. So I've copied that question down. And then we'll decide on the order. Let's go through the topics and then figure out the order.

And I suppose you're right because I think the next topic we have is the RAA topic so that may actually - switching that one with the RAA may make sense.

So in this one I have Mason lined up. Where's Mason? There you are. Again I'm blind this morning so I apologize. And the question we have is there'll be an update from registrars and then why does the GAC think pushing for Whois verification will resolve cybercrime? And will you push for the same level of verification for all TLDs worldwide including ccTLDs?

And then there was another question...

Stephane van Gelder: Thanks.

((Crosstalk))

Stephane van Gelder: Can we just get some feedback on that? Is everyone comfortable with that - just that first part? You want me to read it again? Yeah? You are comfortable? Okay good.

Jeff Neuman: Okay.

Man: Did Jonathan have a question?

Stephane van Gelder: And Kristina has a comment as well. And we have missed Kristina so I would like her to speak.

Kristina Rosette: Kristina Rosette for the transcribers. I would - I don't know whether you all were planning to forward that question literally but I would strongly recommend against using the word pushing for; perhaps supporting might be more appropriate.

I think that language is inclined to - would be likely to push buttons that are already kind of on the verge of being pushed anyway with that group and it just doesn't seem to be productive.

Stephane van Gelder: Thanks, Kristina. I've amended that to supporting. Thomas.

Thomas Rickert: I think that it's a good question to ask but I think that it needs to be carefully phrased in order to give the impression that now that we have difficulties with the GAC during the last meeting we're sort of trying to establish pressure in the opposite direction.

Yoav Keren:　　　It's - oh sorry. Want to go first?

Stephane van Gelder:Jonathan then Yoav.

Jonathan Robinson:　Thanks, Stephane. I mean, my point - it's Jonathan Robinson. My point is it's in line with Kristina and Thomas that I think so much of this is often about tone. The issue here is that if we go down a certain route within the gTLD space the danger is that we - I mean, someone used the analogy of squeezing a balloon that pops out somewhere else. I think often this is about tone and expression and, you know, it's the subtlety of how we express it as much as the substance of what we say.

And in this instance the issue is that if we in effect enforce, modify operational practices on the gTLD registrars and don't take a - don't have a holistic view which sees that the ccTLDs are in operation along side those and in many countries compete directly against, you know, compete directly with the gTLD - one or more gTLD terms the negative or the bad actors will simply flow into the ccTLD space which is why it's important to consider this holistically.

And so I think it's a question of tone and putting a bit more substance around it in how we ask. Thanks.

Stephane van Gelder:So how would you change that text? The text reads, why does the GAC think supporting Whois verification will resolve cybercrime? And will you push for - we probably want to change that. I mean, the reason I stopped us on this is that I can't see myself asking the GAC this question at all. I have to be honest.

In my dealing with the GAC since I've been Chair I don't think we've ever asked them something along - with this tone. I'm happy - if the Council wants to do it, you know, but I'm not going to be carrying this. I'll probably step out of the room. I've got a queue, Yoav, Mason, Thomas, John, Jeff. Yoav.

Yoav Keren: Yes, since I raised that question yesterday so I don't care if it was changing the tone or if it's okay - it's not coming to tease anyone. But I would maybe not change pushing for to support but rather to asking for. So - because there's a different then support that means someone else is promoting a change for the...

((Crosstalk))

Stephane van Gelder: But we don't know that the GAC has asked for this; they haven't asked us. You know, we have to be very careful on the words.

Yoav Keren: Well but they did ask for the gTLDs to - am I right or wrong? They did ask for changes for gTLDs so what I'm asking is are they going to ask the same thing for ccTLDs? That's my question.

Stephane van Gelder: Yeah - the question, as Jonathan and yourself have just - the idea that things are imposed only on the G-space is, you know, and is there a problem with that. I understand that. My struggle with how do we ask that..

Yoav Keren: Okay.

Stephane van Gelder: ...with the GAC. Mason, do you have an answer for us?

Mason Cole: Sorry. I'm sorry, Mason Cole speaking. I agree with you on tone. Perhaps we could change it around to what is the GAC's point of view on how verification will contribute to solving online crime or, you know, online fraud or however you want to phrase that.

                     And how can - how can the GNSO cooperate with the GAC to bring the same level of verification or something of that nature to the ccTLD space. Would that help?

Stephane van Gelder: Yes.

((Crosstalk))

Mason Cole: I agree with being non confrontational, I mean, there's no sense in that.

((Crosstalk))

Stephane van Gelder: We have - sorry, Thomas is next.

Thomas Rickert: Thanks, Stephane. This is Thomas Rickert for the transcription. I think that we shouldn't start off with the assumption that the ICANN - that the GAC believes that cybercrime can be - or the issue of cybercrime can be resolved by setting Whois requirements.

And I think that, you know, unless we have evidence for that statement to be true that would be an allegation that might cause some contradiction. So I think that, you know, that's point number one.

The second point is I don't know whether it would be a profit for the GNSO to sort of try to push the ball into the ccNSO...

Stephane van Gelder: Yeah.

Thomas Rickert: ...arena. You know, which might look like, you know, we just want to put the pressure somewhere else. So I'm inclined to ask the question more generally that, you know, whether the GAC has considered a more holistic approach to prevent cybercrime using other channels than gTLDs or something like that because, you know, I wouldn't need a domain name to be a criminal.

Stephane van Gelder: Sorry just - this is happening on the fly so you'll have to be bear with me. But what I've got now is what is the GAC's view on the way Whois verification

would contribute to resolving cybercrime? And can a more holistic approach be considered?

Thomas Rickert: I'm sorry, I really believe that that takes the substance of the questions. We cannot forget - a holistic - we need to speak very clear, okay. A holistic solution means you do the same thing for gTLDs and ccTLDs. So I'm - I'm okay; we're not trying to push anything for ccTLDs. But if you're going to take this whole market...

((Crosstalk))

Stephane van Gelder: Okay so - so if I take that out it becomes then how can the GNSO work with the GAC to bring the same level of security to the CC space? And now I understand Thomas's question, you know, it's not up to us to work on the CC space. So if we ask the question that way it almost feels like we're over-reaching.

But anyway let's go back to the queue. John, you're next.

John Berard: I think some of my anxiety has bated at this point. The - putting the focus on the CC space seems like, you know, the old Everett Dirkson thing; don't tax you, don't tax me; tax that guy behind the tree.

Do we know if the GAC has talked to the ccNSO about this? Have we talked to the ccNSO about this? Do we have a point of view that is different than the GAC with regard to the potential effect of Whois verification reducing the potential for cybercrime?

Stephane van Gelder: So - sorry. My suggestion just to try and resolve this; why don't we just say what is the GAC's view on the way Whois verification would contribute to resolving cybercrime? And then allow councilors to go into the conversation as the conversation develops and put their foot in - sorry, and talk about the ccNSO? Does that - would everyone agree with that? Jeff doesn't.

Jeff Neuman: I think this may be a technicality but an important one. The GAC did not
                     support Whois verification. The GAC supported the law enforcement
                     recommendations. I think it's very, very important because if you ask a
                     question about pushing or supporting Whois verification they're not going to
                     know how to answer it other than saying we supported the law enforcement
                     recommendations.

Stephane van Gelder: But the question is what's the GAC view? We're not - Adrian Kinderis,
                     unbelievable.

Jeff Neuman: I would not...

Stephane van Gelder: Go back - behind.

Jeff Neuman: So the way I was asked the question is more in terms of you supported the
                     law enforcement recommendations - sorry, Adrian, I - I'll wait. I know. So
                     anyway what I was saying was I would this as you supported the
                     recommendations of law enforcement for gTLDs.

                     If you want to bring the CC's - which I'm not necessarily sure I necessarily
                     support that either. But I think it's very important that when you approach the
                     GAC on this you're phrasing it in that terms and not in terms of supporting
                     any particular recommendation in there.

Stephane van Gelder: So are you okay with just asking what their view on it is, that in the way -
                     just cutting that question short to what is the GAC's view on the way Whois
                     verification would contribute...

Jeff Neuman: No I think it's too specific. I think it's way too specific.

Stephane van Gelder: Do you have another wording?

Jeff Neuman: I would say, you know, instead of Whois verification it's more of the law enforcement recommendations as a whole.

Stephane van Gelder: Mason.

Mason Cole: Well I respectfully disagree with you, Jeff. I think this issue is big enough that it deserves specificity in the question. I mean, it's going to require cooperation from all parts of the community. And out of all of the law enforcement recommendations its by far the biggest. And I would actually prefer to hear the GAC's point of view on it.

Stephane van Gelder: Personally I agree but...

Jeff Neuman: But that's not a council - sorry...

((Crosstalk))

Stephane van Gelder: Thomas. Thomas.

Thomas Rickert: I think there's no disagreement or at least what I'm hearing that this matter should be discussed. I think nonetheless it's difficult to start the conversation and not to appear to be pushy or to try to move responsibility to another group. So I think that at least it should have a very diplomatic tone to it when we introduced the subject.

                  Like, you know, we do appreciate the GAC's concern about cybercrime and their efforts to support matters to counter the cyber activity that the GNSO is willing to play its part but that we're nonetheless interested in discussing certain matters that are currently tabled to see whether actually that would help resolve the issues or whether other measures would need to be taken.

Stephane van Gelder: Thanks, Thomas. Mary.

Mary Wong: Mary Wong. I think John's anxiety is communicating itself to me. Because I'd like to take a step back and ask two questions. One is are we all agreed on the reason for asking that question or in other words what are we as a Council on behalf of the community trying to understand or learn by asking that question? And I think I have a view and we each do but I'd like to get that, you know, agreed.

And secondly I suppose are we also agreed that the verification question, as Mason has said, is the biggest issue in this specific context. If the answers to both these questions are yes then maybe we can formulate a question that's got some specificity but without looking like we're pointing fingers at the ccNSO.

Stephane van Gelder: Wendy, sorry, I missed you.

Wendy Seltzer: Wendy Seltzer. And I'm sorry that I'm being such a shrinking violet and getting missed from the queue here. One of my goals in this discussion is to engage the GAC in how they can have conversations with us more directly as the policy process is moving forward rather than swooping in afterwards with recommendations or even worse swooping in with recommendations channeled from law enforcement that they're not even empowered to engage in discussion about.

And we need to do that tactfully but also as an invitation that we are here open for dialogue; we are interested in helping them with their problems if they can help us to understand the problems rather than simply quoting at us the solutions that they have been offered from law enforcement.

So can we get to - and we won't in this particular dialogue - but can we invite them to come to us with the problem rather than verification is the solution; implement it.

Stephane van Gelder: Thanks, Wendy. Jeff.

Jeff Neuman: I think, again, introducing the topic in a more general way and then using the verification as an example may be better than just throwing out this very specific - I know you guys want the answer to it and I'd like the answer to that question too but to throw that out to the full group as the GAC in this very meeting without ample time to prepare for something like that is just I don't think the best way to go.

I understand the issue and there is a session on verification tomorrow I think or whenever it is, right? I think that's another place where this topic can be brought up. But from a Council overall perspective I think we have to start with the general and maybe use it as an example.

Stephane van Gelder: Zahid.

Zahid Jamil: Jeff, I completely agree with you. I have a language proposition here. GNSO recognizes the importance of LEA...

Stephane van Gelder: Don't speak too fast.

Zahid Jamil: So sorry.

((Crosstalk))

Zahid Jamil: I apologize, I know.

Stephane van Gelder: Or send it to me.

Zahid Jamil: I'll read it out. The GNSO recognizes the importance of LEA recommendations - and I'll write this and send it to you but let me read it out. The GNSO recognizes the importance of LEA recommendations with respect to the gTLDs.

And the GNSO would also appreciate the GAC's view on how to tackle the same concern in the ccTLD space for a more holistic response to cybercrime, for instance, the Whois verification issue. And the GNSO looks forward to working with the GAC on these and other important issues.

Stephane van Gelder: Sounds great to me.

Jeff Neuman: Yes.

Stephane van Gelder: Any - yeah, well done. Zahid, can you please send that to me now?

Zahid Jamil: I'm going to send it right now.

Stephane van Gelder: Great. Thank you very much.

Zahid Jamil: I should clarify - I'm being told by my chair that it's not the GNSO it's the GNSO Council.

Stephane van Gelder: Yeah, we'll use the GNSO just to annoy your chair. Thank you very much BC. Yeah, Brian.

Brian Winterfeldt: Do we...

Stephane van Gelder: Oh sorry. Brian had - he's not spoken yet.

Brian Winterfeldt: Brian Winterfeldt for the IPC. I think we are very concerned about asking the GAC anything about setting policy for the ccTLDs. And I just think we should be very cautious about asking those questions of the GAC.

Stephane van Gelder: Yeah, Jeff.

Jeff Neuman: I guess I'm not so concerned about asking them something about the ccTLDs because I've known many occasions where the ccTLDs have gone in and asked about the gTLDs - many occasions.

In fact I was an early member of the ccNSO - one of the founding members. And there were constantly questions from the ccTLDs about the GNSO. So - and I'm sure it still goes on today.

So I'm not sure I'd be, you know, we should understand the sensitivities but I don't think we should be afraid to ask especially if it's a concern of the gTLDs - or the GNSO, sorry. GNSO Council.

Stephane van Gelder: So just to get clear is there opposition to asking the question that the BC has just drafted? Thomas?

Thomas Rickert: I think it wouldn't be necessary to specifically mention the ccNSO - ccTLD space in the question.

Stephane van Gelder: I can't even hear you so I don't know how the online people can.

Thomas Rickert: Well the mic is on at least?

Stephane van Gelder: Yeah.

Thomas Rickert: Can you hear me now? Better?

Stephane van Gelder: Speak louder.

Thomas Rickert: I'm happy with the language but I would recommend to take out the part specifically mentioning ccTLDs and keep that for the discussion.

Man: I agree.

Stephane van Gelder: Okay, Zahid, can you send me that? Thank you very much. Yeah, yeah, I'll take it out. Thank you very much. Sorry, Jeff, I lost track at the beginning. Did you - which other subjects did you discuss?

Jeff Neuman: So we discussed the first three, the next one was the general suggestion from Jonathan.

Stephane van Gelder: Okay so that - I think we've covered that. We have some - Wendy.

Wendy Seltzer: Wendy Seltzer. I'm just wondering whether my subsection of that question wound up in the discussion?

Stephane van Gelder: Absolutely right.

Jeff Neuman: Yeah - we didn't get to the second question...

Stephane van Gelder: We didn't get to that. I would suggest we leave that out now we have a question that makes everyone feel comfortable and introduce it in the conversation in the same way that we're taking out the ccNSO part and introducing that into the conversation. That would be my suggestion. Any violent opposition to that, Wendy? I think it's your question.

Wendy Seltzer: So long as I can position myself in a place where I'm more likely to be recognized to add it into the conversation.

Stephane van Gelder: Try not to take that personally but. Yoav, did you want to...

Yoav Keren: Yeah. I just wanted to answer Mary's question. I really think that verification is a very big issue. And it's okay we can go about that. We need to understand what are the implications. And just for an example - and this is the problem - we can stay - we can speak very, you know, high level a lot but details here - and I completely disagree with what Zahid yesterday said. I didn't have the

time to comment on that yesterday. Is that we shouldn't go into details. Details really matter here because this is what makes the difference.

So just for an example what happened in China when they changed to a verification process the dotCN dropped from 14 million to 4 million. So there are other implications of course that you might see on that, on human rights or whatever.

So we need to understand that this is where it's going. And the big question, as Jonathan said it very well, on a holistic solution if we're going to do that on the gTLDs then everything is just going to be pushed to whatever dotCO or who knows what. So did we get a solution?

And this should be very straightforward. We need to talk about that. And I'm not - look, I don't think we should be afraid from putting this on the table. We're going through this process. But these things need to be very clear to everyone on the community that this is where it's going.

Stephane van Gelder: Okay but surely that's something that we can introduce into the...

Yoav Keren: Yeah, yeah.

Stephane van Gelder: Cool, okay great. So we will now have - we've got nine or eight or seven minutes left to discuss the questions that the Board has suggested because we don't have confirmation yet do we? I'm looking at staff - I don't know - that they might want to ask us. And while I'm drafting the rest of the questions can I ask Jeff to once again - or Wolf, whichever one of you wants to just pick up the last bit? Thank you.

Jeff Neuman: Yeah, I don't have the full question. So, I mean, I have the possible questions for the Board, the first one was - yeah, okay - the - what will be in your view the medium term impact of the new gTLD program on the structure of ICANN in general and challenges it brings to the GNSO, its constituencies and policy

development process? What are the potential issues and how to anticipate them?

This is a question they would like to have all parts of the community starting to consider. I don't know if anyone's got thoughts on that or if anyone wants to lead that from our side?

It's a very broad topic. I would ask that to go to the very end because it's a tough one to answer and I'm not sure as we speak it'll be individual opinions it's not really going to be anything that we've had a chance to talk to our groups about but - Alan?

Alan Greenberg: Isn't the short answer that if we knew the answer to that we would have already covered it? And what we're going to be working on are the things that come and surprise us.

Jeff Neuman: Well I mean, that could be one of the answers. I mean, speaking from the Registry Stakeholder Group we've been anticipating that for a long time and we've developed our charter based on the anticipation of having new gTLDs. So I think at least from a registry perspective we've considered it. Obviously we don't know what surprises are in store but we've at least anticipated it.

And I'm assuming some of the other constituencies or stakeholders may have also been considering it. I think the registrars have been working on things too. So we can answer in generalities like that.

Stephane van Gelder: And just to make another point this meeting is in a couple of hour's time. I still haven't received any official questions from the Board. So at this stage, you know, I will send them our questions. And I suggest, as you've suggested, Jeff, that we lead with those.

It's good to discuss, you know, what could our possible responses be because we've got some heads up on what they might want to ask. But I do

not know - I cannot confirm at this time whether these questions will be asked or not. Jonathan.

Jonathan Robinson: Given that context and given what Jeff just said and the time available the overall situation, Stephane, I suspect that probably the best way to handle that if indeed that is the question is to simply indicate that we haven't had a chance to discuss it and formulate a view as the GNSO as a whole but that different groups can give some indications of the progress made in their areas.

That's - as Jeff has indicated in the registries group - Registry Stakeholder Group. And I think that's probably the most constructive way we could handle that. So you introduce our responses in that way and then give an opportunity for the different stakeholder groups or organizations to contribute - to respond in their own way.

Stephane van Gelder: Thank you.

Jeff Neuman: Okay so the next question was what is the view...

Joy Liddicoat: Sorry - sorry to interrupt. I just had a response on that.

Jeff Neuman: So Joy, yeah.

((Crosstalk))

Joy Liddicoat: The only thing I was going to suggest signaling in relation to that question if there is time is that there is interest in the review process for the - in relation to the first round of the new gTLDs. And this is something that certainly our constituency has been keeping a sort of a list of things as we go and experiences to reflect on.

So - and it may be something that the GNSO Council itself obviously talks about at some point. But just to really signal the review process will be one in particular that we'll be focusing on for the purposes of the Board.

Jeff Neuman: Thanks, Joy, I think that's a good point and something to bring up when they ask the - if they ask the question I guess. The second question is what is the view on the need for stronger protections against defensive registrations at the second level and a shift to Whois data authentication at time of data submission?

So I think those are really two very distinct questions in there and need to be tackled separately. The first part is what is the - what is the view on the need for stronger protections against defensive registrations. Are there any comments on that one? I have some personal thoughts but I'd rather hear from others. Mary.

Mary Wong: I'm not sure that this - this is Mary. I'm not sure that as the Council we can answer that question or we should be answering that question...

((Crosstalk))

Mary Wong: ...the public comment period and forum that's open. So, I mean, I hate to say to the Board why are you asking us this question? But actually why are you asking us this question because I don't think we can answer it.

((Crosstalk))

Stephane van Gelder: Yeah, I fully agree. Actually I've got the same issues with the next question which is...

Mary Wong: So do I.

Stephane van Gelder:...resolution of conflict with NPOC. I think these questions are unfair to be honest - of the Council, I mean, they're good questions. Fine, you know, in general discussion but as two bodies meeting together I certainly will not be answering anything to do with resolution of conflict with NPOC. It's not my place to do so.

I don't know if the NCSG wants to do so. And, Mary.

Mary Wong: Well I fully agree with you. I think our stakeholder group agrees. I don't think it's - that second question even more than the first is a fair question of the Council as a whole. So all I'll say here for the Council is that that was a topic that we had discussed as an SG with the Board at the last meeting that as an internal matter we have made a lot of progress and actually resolved a lot of the issues.

And perhaps that resolution hasn't trickled up to the Board. But I think that that should be something the Board if they're still interested discussed with the NCSG when they meet us.

Stephane van Gelder:Jeff.

Jeff Neuman: Yeah, I'm actually - as Mary I'm actually more disturbed by the second part of the question because it makes an assumption. It says, "And a shift to Whois data authentication at time of submission." Whose shift? What are they talking about? And that actually worries me that the Board is presupposing that there is a shift towards data authentication at the time of submission.

That is almost presupposing a policy question that's never come to us. And that is actually disturbing to me more so than, you know, having said, you know, what is your thought on data verification in general.

But the fact that they specifically use the words, "...and a shift words data authentication at time of submission," is actually something we should have a

strong message back to the Board saying, you know, not only do we think that's an unfair question in general but we think that presupposes a policy outcome that's never come to us and we'd prefer if you actually not ask that question of others, you know, until the GNSO has had opportunity to consider that question.

Stephane van Gelder: So my impression here is that these questions should be tackled taking a leaf out of Jonathan's book once again. These questions should definitely be tackled as general discussion points. And I'd like you all to be able to jump in readily. I think, you know, there's obviously some good points and some strong feelings on this from the Council in general.

So my strategy on these will be to immediately open it up to you guys. I think it's - it would be difficult - either I start off as Chair and then we get into all sorts of trouble or I just open it up to you guys and you take the heat as usual. And I'd much rather have that second option. Thank you very much.

There's one more question which is what is the Council's midterm policy development calendar? And I'm not even sure there what they're looking for. We have a pending projects list. What do they want? Some times on when the project - this is unclear to me. I don't know if anyone else understands it better than I do. So once again we'll put it to you guys. Wendy.

Wendy Seltzer: I guess I would - Wendy Seltzer. And I guess I would hear that question as a broader strategic plan question of are there places that the Council wants the organization to be going? Are there things that we should be - that we can give at a slightly abstracted level from our pending projects list of what are our key areas of focus if we had to describe in a few minutes what we as a Council see the organization's key focus where would we put that?

Stephane van Gelder: Okay. We've got to bring this to a close. We've got new gTLD session now. Kurt is with us. I will send - I can either just read through the questions

as drafted once again just to make sure that we are all agreed one last time. That may be better than just sending them to the list again.

So if perhaps I can just indulge for two more minutes just to make sure we have agreement on everything. So the Board questions, Red Cross and Olympic Committee names. The GNSO is getting mixed messages from the staff what exactly is expected of the GNSO in terms of policy development. If we send you a motion this week will you act on it?

I'll just read through these. If there's any opposition or problems just speak up. If I don't hear anything I'll just - yeah, you won't (there) but you're presenting it.

Alan Greenberg: That's my question. To what extent am I limited to those explicit words or can I frame it? For instance when I framed the question originally I raised the issue of policy versus implementation with some examples and I think that level of concreteness is necessary for them to come up with any sort of response. Do I have the freedom to ad lib to that extent or am I restricted to those words?

((Crosstalk))

Alan Greenberg: ...I missed the first half.

Stephane van Gelder: Yeah, I will send the questions as drafted here and what we were discussing earlier on is that the - these are conversation starting points. So they can be augmented.

Alan Greenberg: Thank you very much.

Stephane van Gelder: Next question: RAA - the Board's Dakar resolution requests an issue report for a PDP as quickly as possible to address remaining items that may be suited for a PDP relating to the RAA. Given that negotiations are ongoing

on certain topics between ICANN staff and the Registrar Stakeholder Group and that the final report on the RAA was just issued on which the Council will be expected to act does the Board still expect the GNSO to initiate a PDP on the RAA as an outcome of the issue report?

Next. Whois RT final report recommendation implementation and discussion of the policy issue here versus the expectations that some may have that these recommendations could be implemented straight away.

Next. IANA contract: 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?

GAC topics. Is the GAC aware of the recent HRC panel on freedom of expression on the Internet?

((Crosstalk))

Stephane van Gelder: The what one?

Jeff Neuman: The International Olympic Committee Red Cross one is first. The second would be the RAA. I'll send - you were drafting; I'll send it to you.

Stephane van Gelder: No I did - we just talked about that with Alan.

Jeff Neuman: What?

Stephane van Gelder: The IOC was the first thing we just talked about.

Jeff Neuman: We talked about it for the Board. You're on the GAC now.

Stephane van Gelder: Yes I'm on the GAC now.

Jeff Neuman: That would be number one...

Stephane van Gelder: Oh you waned the IOC as number one, okay sorry. Okay.

Jeff Neuman: And then the second one was the RAA.

Stephane van Gelder: I did miss that. So the first one would be - and the second one the RAA, okay. So - just - sorry, just bear with me for five second. So the first one then would be IOC/Red Cross; the drafting team has recommendations does the GAC support them?

Second one, RAA; the GNSO Council recognizes the importance of the LEA recommendations with respect to the gTLDs and GNSO Council would also appreciate the GAC's view on how to tackle the same concerns in other spaces for a more holistic response to cybercrime for instance the Whois verification. The GNSO Council looks forward to working with the GAC on these and other important issues.

Third question: Is the GAC aware of the recent HRC panel on freedom of expression on the Internet? If so and in any event it has come to the attention of the GNSO Council and we were interested to hear the GAC view on this in particular an HRC impact assessment may well provide a very different perspective on any given PDP process relative to say LEA IP perspectives. The GNSO views that this is something that could be considered in future.

Okay great. So I will send those to you and the GAC and the Board. Thank you very much. This has been very productive. Operator, please end this session now. We'll start again in one minute. Thank you very much.

Coordinator: Thank you. That does conclude today's conference call. Thank you for participating. You may disconnect at this time.

END