ICANN Dakar Meeting
CSG Meeting - TRANSCRIPTION
Tuesday 25th October 2011 at 14:00 local

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Marilyn Cade: That's what I'm trying to find out.

Coordinator: You may begin.

Marilyn Cade: Did you want to add anything else?

((Crosstalk))

Marilyn Cade: Steve, Tony's okay with that as well as the debrief from the Board. Is there anything you want to add to that list we go through quickly?

Steve Metalitz: Nope. That sounds good.

Marilyn Cade: Okay. I'm going to wrap up quickly on the room situation. So far what I've been able to discern from contacts people have made with me is that based on information on the ICANN Web site -- including follow-up to verify that it indeed, in spite of the bad online reviews, was an acceptable hotel -- a number of business constituency members did book at Hotel (Unintelligible).

And Chris, Benedetta and I were there, and I ended up moving the three of us because of interaction that I encountered with someone local who suggested it really was not going to work. I bought my hotel room in that case for a much accelerated fee on Bookings dot com, in order to make the hotel change.

The (unintelligible) review team and the SSR review team fellows and a number of other people were assigned to that hotel by ICANN. There's a number of ALAC people, I think. There's a questionnaire that's being done by the ALAC. I haven't seen it, but I've heard reports of it.

And there's a strong concern about the decision that was made by ICANN. I'll repeat what I said to the BC just before we broke, and that is in my view we are very pleased to be hosted by Senegal. And it is a real pleasure to be here and to have the opportunity to be in Senegal.

And a decision, a judgment decision, about whether or not a hotel should go on the ICANN Web site with endorsement is made by the ICANN staff, not be the host organizer. That's my personal view about that decision. So in my view, the conversation that I will raise, based on things people have said to me, will be about the research validation, verification and decision made by the ICANN staff.

That's my comment about that. Let me open that before I say something quickly about the situation about no rooms at the inn in Costa Rica. I intend to raise this in meetings for the future, and at least one of the BC members is going with me. If anyone else wants to go, feel free. The second point is no rooms at the inn in Costa Rica. Chris, did you want to make a comment?

Chris Chaplow: Yes. It was just I think this is the last meeting run under the old system where there is a requirement for the country or the local provider to apply and to change - I think there's been a change now. And it's more practically ICANN

meeting, going out looking for cities and venues. That would need some clarification.

Marilyn Cade: There was a time in ICANN's history when they booked one hotel and announced the meeting location, and reserved the entire hotel, the block of rooms, to take care of the Board and the staff.

And after much feedback through the meetings consultation process and the public participation committees, we managed to achieve some change so that work would go into identifying a range of hotels before they were announced. I suspect that what has happened is the venue hotel has probably been completely blocked, whatever rooms are available. It may not be a particularly large hotel, or it may be that they just blocked rooms.

But the point of this is from my members' perspective, they're not happy with not being able to have either a group of hotels that are available or a reasonably sized hotel space so that there are no hotels available even before the hotel location is announced publicly.

So I don't have anything else to say about that other than it has been raised to me as an area of concern. Anyone else want to say anything? Tony?

Tony Holmes: Yeah, I'd like to mention about Costa Rica. There was originally an issue about size. But I think basically there was an interest in having a meeting in Central America because we never had one in Central America. I don't count Mexico as Central America.

And perhaps to allay people's fears, there are very good hotels in San Jose. It is a safe place to get around. It's not expensive. And I think even if the venue is blocked, there will be alternatives that will be perhaps more satisfactory than what you've been mentioning here.

Marilyn Cade: I'm challenged to spend time on administrative details like this, but this has prevented some people from being able to participate effectively in the meetings. And that's why we pay attention to that.

Okay. The hot topics from the Board - and I'm going to start with Steve Metalitz and turn to Tony to comment on anything you want to prioritize as a catch-up or a sharing of perspectives from your standpoint. Steve, from the discussion with the Board?

Steve Metalitz: Yeah. There was extensive discussion about the ethics issues. And I thought what was interesting there was the interest on the part of a couple of Board members to really do some fundamental rethinking. I think Cherine said do we strive to improve what we have now or is it time to rethink our role.

And the other thing I'd like to mention is in the discussion about the registrar accreditation agreement, Steve Crocker made a rather forceful statement, I thought, that deadlock without progress is not acceptable. We have a responsibility to make sure our process is working and we are making forward progress.

This may not have been all directed toward the RAA issue. Obviously there were other issues being discussed. But I think it was interesting and indicative of a somewhat more active role to try to solve deadlocks or work around deadlocks rather than just sit back and wait for the deadlock to magically resolve itself.

So I thought those were positive. That's just my personal take on this, and given my limitations -- and I wasn't really able to observe the atmosphere in the room.

Tony Holmes: Steve, it's Tony. I'll just add to what you said, because I think that the point I wanted to raise is somewhat linked, or we can certainly look to link it; and that is the point I picked up with Bertrand when he said that there's need for

originally constituencies, but agreed it should be GNSO to look at what the gTLD program means for constituencies, what its impact is, because it changes some of those dimensions.

And I think that's something we should proactively look to pick up within CSG. And I would like also to embrace some of the other problems that we're facing in GNSO, such as the situation we found ourselves in with regards to the RAA. I think there may be an opportunity here to put some thought into doing things in a slightly different way and fixing some of the broader problems as well.

Marilyn Cade: And I was just moving a couple of things and I missed, Steve, whether you elaborated on the other point that was raised, that is a major change and would represent a major change in ICANN; and that would be fully compensated Board members who would basically leave their businesses or their employment and be a paid professional Board member for a period of time.

That has surfaced before. And what some of you might not know, in the Board reform or whatever it was called, there were suggestions of a two-tier board approach where one would be like an advisory/consultative board filled with experts.

And the governing board would be a board of five or seven people that would be - Bill, I'm going to need a better term for this, but I would call them - they would be the professional, fully compensated board.

That discussion at the time didn't go anywhere. But it was raised today as a concept that possibly should be examined. And I know you - sorry, (unintelligible). I know you might have some thoughts. And then let me go to Chris as well, and then back to Steve.

Bill Smith: So I do think it's something that should be considered. One concern I would have has been the Board actually is an independent of the corporation, right? So that's one of the - in a corporate setting, at least, you have independent board members who act, set strategy, et cetera, and are independent from management.

And their responsibility is the shareholders and, you know, that's where the fiduciary responsibility lies. So if ICANN were to adopt that structure and fully compensate board members, then they have, essentially, have a conflict of interest themselves with the organization.

So I don't think it's a simple answer. I think the real thing though is around the board members need to act independently, independent of their own interests. And that's, I think - at least that is the concern I have, and the perception based on some of the recent revolving door incidents, let's say.

Marilyn Cade: We're beginning to build a queue. I've got Chris, and then I've got Ron. Who else wants to speak on any of the - this topic and any other topic that came up in the (unintelligible)? So let me do Chris, Ron, (Jeff) and (Wolf).

Chris Chaplow: (Unintelligible) Chris Chaplow. In the present FY '12, there's a cost attributed to the Board to 3.4 million. That's Board support and services. There's also - I can't quite find the figure, but I think it's 1 million attributed for Board remuneration. So obviously something was planned for this FY '12. If nothing's been talked about at this meeting, then I imagine it's going to be a hot topic in Costa Rica.

Marilyn Cade: I'll just say something real quickly about that 1 million. When we explored the amount of money before, 1 million is not an assumption of fully compensated Board. It's an assumption of the additional insurance costs to deal with liability, compensating Board members and paying them something between - I'm going to make a figure up because I'm not exactly sure I remember.

It was something like 15 to 50,000 for Board members, and between 50 and 100,000 for the Chair. But that million -- there's other language elsewhere which says the consultant the Board has retained and that the CEO and the general council have retained is moving forward with trying to determine what the right amount would be to come back and recommend it.

And then there's conflicting language that says they won't move forward with it now, but it is in the budget. But that's not full compensation. It's the version we've been seeing of part compensation. Ron?

Ron Andruff: Thank you, Marilyn. Ron Andruff. (Unintelligible), Chris, thank you for the lead-in on that. That was what I wanted to speak to, is the fact that there are a number of Board committee meetings with regard to this topic -- should the Board be compensated or not.

And there was a lot of strong arguments also on the list as well as publicly in forums about the fact we need a very professional board. And you can't expect someone to come out and to fully engage with ICANN without getting some kind of compensation, because it is a full-time job.

But the reality is I think it's somewhere between what (Phil) has said and where we are today, that there has to be a compensation mechanism for Board members so we get the best talent. But I think it needs to stay in the same realm as a corporation. And corporations right now, they have outside, non-executive directors.

Those non-executive directors do get compensation of some sort. But they are still independent actors in that story. And that's the whole point -- to bring independent views and not have a fully compensated Board.

So I for one would be against a fully compensated Board. It just doesn't make sense. They're beholden to the corporation. They become executives of the

corporation. They're no longer independent because they're getting a paycheck from them.

But I think there's a balance to be struck there, that we do provide a certain amount of remuneration for those who are willing to dedicate the enormous number of hours and effort and responsibility for guiding the organization. But at the same time, they are fully independent and they can maintain their other outside activities when it comes to their job and that sort of thing. Thank you.

Bill Smith: Thanks. I just wanted to make the point about the issue about the constituency structure. And related to the SSR review, I think - and (Susan)'s going through the same thing on the Whois. You know, I would say while we are behind and don't have a draft report yet, we are working on that.

And I think there's an opportunity to comment on several ways to approach this. One is are the issues substantively being addressed adequately enough on issues like law enforcement cooperation, fraud and abuse, and other issues.

And then the other is whether there are any process concerns. So for example, if there's a concern that the structure is leading to some kind of systemic inability to deal with these issues, there's something that might need to be (unintelligible), the reports are an opportunity to push for focus on things like that.

So as I said, we'll be coming out with draft recommendations, putting them out for comment. But I would think about it as an opportunity to comment in some of these areas.

Marilyn Cade: While we're on the topic of dates, before I go to the next speaker which was (Wolf), so you and (Susan) from the SSR review team and the Whois review team -- Bill, (Susan) -- you would expect your reports to go out for public

comment by X date, and then have a round of public comment, and to be, suffice it to say, on the floor in Costa Rica? Or, is that right?

(Susan): Yeah, we (unintelligible).

Marilyn Cade: Okay.

Bill Smith: I think we fell a little behind to where the Whois. But the goal would be put them out well ahead of the next meeting so that we could do the round of public comments and have time to hopefully have something, if not before the meeting, then, you know, basically right after the meeting, that's the final report.

Marilyn Cade: I'm coming to (Wolf), but I'm going to make a parenthetical comment, and that is we need to - Steve, (Diane) and others have been able to get out of the lunch line, which has been very hard to do, and make it here. So welcome to you two, (Sara), (Claudia).

Steve is on the phone. I think we need to park the comment -- not to deal with it now, but to understand that if there are going to be two very substantive review team sessions in Costa Rica, that will totally disrupt our ability to do other things.

And we're going to need to plan our presence and attendance accordingly, and possible try to influence the meeting agenda so sufficient time is set aside for substantive discussion on these reports. I just want to flag that for the leadership of the constituencies to come back to. (Wolf)?

(Wolf): Yes, thank you. I would like to comment on what was said with regards - this morning it was said with regards to dissatisfaction on council with the structure, especially with regards to some issues we have discussed about RAA and other (unintelligible).

So I also, as a councilor in the past, to some extent I feel dissatisfied with that -- with the voting scheme. And I was thinking about what is it about, what is the reason why. And I wonder whether it's a structural problem or it might be (unintelligible) a problem of the leadership of the council.

So how to guide the council to come to results, let me say, in this way. So from my point of view, I'm looking at the council itself not to - just to follow the processes which is essentially, but then not to come to a result.

So the question for me, how we should deal with that in the future. Should we start and argue towards the Board to start again with a new improvement phase which may be awful, because from (unintelligible), it took time -- over years and years -- to restructure the council. And the council (unintelligible) structure.

Or other than to think about what could be improved on council level. This regards to leadership questions as well. And this regards to their abilities and obligations to do. This is one point that came to my mind, and there's no answer yet, but I see there's a long-term discussion going on.

Marilyn Cade: (Wolf), I'm just going to thank you for that comment. I'm going to turn to Steve. I'm just going to, however, say that having a debate about whether the problem is structural or is leadership, I think, is part of the topics we can talk about for short term. But for medium term and long term, the structure of the - and the purpose of what we do at ICANN is changing dramatically.

And so I think that is going to be - while short-term improvements or dealing with particular stresses are going to be necessary, I think the thing I took away from the recognition of the Board -- and I think from many of us -- is that the entire organization and what it does and how it does it is going to be dramatically impacted by this kind of change.

I'm going to take a comment from Jaime, and then I need to go to Steve, who's been waiting.

Jaime Wagner: Just to comment on what (Wolf) was saying, this is Jaime Wagner for the record. And when I first came to ICANN and the GNSO, it was very - the start of the new structure for the GNSO.

And I found it a little bit - and remember at that time I commented with Tony, and I found it an imbalance. I was not here before, but I would like to ask it. If it is the structure tends to be not satisfiable to anyone, the present structure appears to be satisfiable to one of the actors.

So it is more unjust than the previous one, because when it doesn't satisfy anybody, it's better than to satisfy one part, you know?

Marilyn Cade: That was such an interesting comment. I think I need to go to Steve and then Zahid. But we are going to wrap on this because our guest is here. So I want to go to Steve first of all, and then to Zahid. But then we're going to - we've been gathering follow-up thoughts. We'll probably come back to that. We're not going to be done with it, I know. But I think we'll go to Steve, go to Zahid quickly, and then go to Brian and see if he has anything he wants to add, or Tony, and then we're going to introduce our speaker. Steve? Steve Metalitz?

Steve Metalitz: Yeah. I'm not in the queue.

Marilyn Cade: Okay. I wasn't sure if I heard you or something else. Zahid, do you have a comment? Brian, do you want to say anything in relation to this? Okay, then we'll go to Zahid, and then I'm going to turn my chair over to Xavier, and we will move ahead with the next section. Zahid?

Zahid Jamil: I'm just thinking that with respect to structural changes and improvements, what we might want to do at CSG is actually start having ideas that the Board can listen to in the sense of solutions.

The meeting, Marilyn, that me and Steve had the other day, with Ron there as well and Chris as well, with Bruce Tonkin - the one thing that Bruce Tonkin was asking was for solutions. So we have a structural problem. What are the solutions. Could you tell us?

And so some of them were presented to him, but I think that maybe if we as the CSG could sort of try and work on what do we want to see as a solution, what do we prefer as the next structure -- I think somebody getting together, trying to work that out, would be useful.

Marilyn Cade: I just want to be sure I'm hearing and see if I'm dividing this properly. I think we're talking about the short-term improvements to the present situation versus the major reshaping and restructuring which is being driven by the kinds of significant changes that are happening.

And what I'm hearing them ask us for, and have had some private conversations along that line, is what can you do to get away from the blocking issue now, or the - but then don't lose sight of the larger major changes that have to be thought about. So is that...

Man: Well I was just going to pick up on the same point. I think the way that we need to resolve this is to look at trying to fix what are the real problems from an ICANN perspective, not just the problems that we're all aware of, and Jaime explains so well that imbalance. But we need to look at what isn't working. And if we can fix those issues, I think we can fix our problems as part of that.

Marilyn Cade: Okay, we are now wrapping, and I'm going - this section. I'm going to turn this over to Tony to introduce our guest. We'll have about 30 minutes, and then we'll have another round of guests joining us. Tony?

Tony Holmes: Okay, thanks, Marilyn. Well (unintelligible).

Marilyn Cade: (Unintelligible). You can use the portable (unintelligible).

Tony Holmes: Oh, okay. Thank you. I knew you were here somewhere. I just couldn't tell
                   where. So I would like to welcome Xavier to this session. I feel quite
                   fortunate. I've managed to have a few conversations with Xavier before this
                   session. And I'm quite buoyed by some of those discussions that we've had.
                   But I think I should turn over to you straightaway, Xavier, and get to say a few
                   words of introduction.

Man: (Unintelligible).

Xavier Calvez: It's not very loud. It's very - you can...

Tony Holmes: Yes.

Xavier Calvez: I need to speak louder like this? Okay.

Tony Holmes: That's good.

Xavier Calvez: So thank you first to Marilyn and Tony to have invited me to this session to
                   come in and speak to you. I did not intend to have a presentation, which is
                   why I'm putting my face in front of you here instead of the (unintelligible)
                   presentation.

Tony Holmes: I can put up slides from your (unintelligible) if you'd like. Do you want to...

Xavier Calvez: If you would like, yeah. And I don't intend either to limit the discussion to that
                   subject only. It should be for any subject that you would like to bring up as
                   well. Marilyn and Tony are giving me the opportunity to introduce myself a
                   little bit more directly to your group, and I have met a number of you already,
                   which is great. But I was not able to meet everybody individually.

So thank you for the opportunity to introduce myself. I'll just take a few minutes to give a little bit of information on my background, and please feel free to ask me any question that you would like on the subject. And then I'll move on to a number of subjects that we can be covering -- the budget.

And I would rather then turn the session on the questions and answers, and I'll ask questions as well so that we can have an interactive session. It was not meant to be very formal, but more a good opportunity to get to know each other.

So quick background. I do not have a lot of Internet experience. I have experience in finance management of ten years at a company called Technicolor, the movie services company based largely in Los Angeles, but actually headquartered in Paris.

And I worked in this company, out of ten years, four years in Paris and six years in Los Angeles. Prior to that, I have an experience of public accounting, so external audit at two different companies -- KPMG and DeLoitte, both with an experience in France and in the US as well -- in Florida, in this case. I lived in Miami for a couple years.

Before that, I was educated, raised, born in France -- or more precisely for those of you who know, in Brittany, which is not exactly the same thing as France. I'll leave it at that. And I am married, have two kids -- a girl of six and a half year old, and a boy of one and half year old. I'll leave it at that for me.

I have - I'll just expand slightly on my finance management experience. I have been, in the past, the finance lead, CFO, of various divisions of corporations and within Technicolor. I'll mention the last two. One was an advertising business.

The other one was a business of manufacturing the prints that are being shown in the theatres, you know, those big reels of Kodak film that are in

those big cans and that are protected the old-fashioned way in the theatres. Technicolor is the company that manufactures that on behalf of the studios. It's a decreasing business, but nonetheless a few billion of meters of film are still being printed every year, and Technicolor was doing that.

My last position was in a division that was 750 million of revenues across the world with operations and finance teams over the four continents between North America, South America, Europe and Asia. I'll leave it at that, and please feel free to ask me any questions that you have on that.

And from there on, I would like to take a little bit more time on the budget. I'm not sure you can see much of this slide. Chris?

Chris Chaplow: Before we actually get into the budget discussion, I think Ron wanted to...

Xavier Calvez: Yes, yes.

Ron Andruff: Welcome, welcome.

Xavier Calvez: Thank you.

Ron Andruff: Great to have you on board. Ron Andruff, for the record. Thank you very much for that background. It's nice to know a little bit about you, because often in the ICANN meetings we're all so busy we never get a chance to find out. So thank you for that.

I wanted to ask that as you come in and you see this budget established, and you're looking at this with very fresh eyes, there's a lot of things that the community has had difficulty seeing ourselves within the budget, because a lot of things can get buried in different parts of the numbers.

But as you're looking at this thing, are you seeing the budgets as you come on the scene, you know, you can just pick up and go with them? Or do you

see places where you really feel there's some retooling necessary? Because we're looking at a new era, and there's a lot of funds going to be flowing into the organization.

There's always concern about not enough money to provide for the various constituency needs and so forth. So it's been a real - there's been a tension between us and finance to that extent. So I just wondered if you might shed some light on that. Thank you.

Xavier Calvez: Sure, thank you. So the answer to the question is a bit of both, a bit of both leaving it as is for now as I'm coming on board, but I know already that we will try to change things.

The reason why I don't want to start changing too many things now is because I've been on board six weeks, and I'm in the process of ramping up my knowledge of everything -- processes, organization, structures and so on.

And I don't want to start making changes right now until I have actually a better understanding of what the issues that you're referring to are. I need to understand what you guys need, what others need in the community, in order to have a comprehensive review of what the issues are today, and what the gap is between what you guys need and what we provide today.

I know there is a gap. I understand there is a gap, but I'm not yet having a comprehensive view of what that gap is. So I do expect to change things in the future. I will try to implement as many of those changes for the full year 2013, the fiscal year 2013, process.

I'm not sure that everything will be possible to implement then, but as much as we can, we will. But before I do that, I want to make sure I understand the environment, the expectations, the needs, and effectively where we are today

So it's a little bit of an uncomfortable situation for me right now, because I don't want to change everything. But at the same time I know and I see that there are changes required. So we'll try to go progressively. I will try to conduct them and implement them progressively. Some may be more structural than others, and some may be really low-hanging fruit that we can take advantage of.

I don't know yet with a lot of precision, for example, the way we're going to be communicating and managing feedback. For example, we've defined periods, and one of the questions from Marilyn yesterday was to clarify this process of input and responsive input.

But certainly that's one thing that I want to make sure is a lot more clear than it has been in the past, and that we do commit to receiving information, acknowledging that information and responding to it, even if it's to say don't know, we'll see how we're going to do that, and we're going to come back to you later. At least that's a response. I don't want to ignore and to leave the communication hanging.

So that's the type of things that I think are low-hanging fruit. How does the process need to be structured, what type of structural changes do we need to bring to the process, are things that I don't yet have a view on.

Another aspect of changes is the format and the level of detail of the information. We have talked a lot about that last night. I think this is definitely an area of improvement, both from the perspective of clarifying and stabilizing the formats that we share, and then making that detailed amount of information available to you, whoever wants to do it, to obtain it.

But that's an example of the type of changes that I need to have a much better understanding of what's required in order to define it. And as a result, I will take a little bit of more time to gain that understanding and do a better job at defining what we want.

And what I realize as well is that in this process of ramping up on that type of changes, for example, I need to make sure that I talk to everyone who can volunteer an opinion, so that I do as good a job as possible of getting a compromised view from everyone.

I recognize it makes things a little bit more difficult, but I think it's actually indispensable as well. So...

Ron Andruff: Well you won't find anybody shy to give you an opinion around here.

Xavier Calvez: Thank you.

Ron Andruff: Thank you very much.

Xavier Calvez: No, but on the other hand, I appreciate that and I know it's true. On the other hand, I do value having points of contact in each organization to be able to do that more effectively, because, you know, we're not going to have a conference call at 25 to speak about. So having anchors in each organization who can help me and convey communication is very helpful.

So I know I'll be working with Chris, more specifically, and with Tony and so on, for this group; and with others in other groups. I'm very much in contact with Byron Holland, with (Rolf Meyer) as well, for the ccNSO, and so on. So that's my intent.

Tony Holmes: Okay, thank you for that. I'm going to say that the good news, I think, from this group, is that we are now organizing in a better way to help you understand what our needs are.

The other thing I'd just comment on is that you seem to have this quite refreshing approach that we can look quite deeply at methods of communications that will actually be of benefit to you and to us as well. And

we can probably do that in a much better way than we've done it in the past, and I look forward to that.

But I want to ask now, Steve, I had assumed you'd have a few comments for Xavier now.

Steve Metalitz: Yeah, this is Steve Metalitz. Thank you and, Xavier, it's great to meet you remotely, and I look forward to meeting you in person. I would just second what people have said, that this is a great opportunity to turn the page and have some real improvements in the ICANN budgeting process.

We've had some very negative experiences with that in the past, but I think you've shown already that you're interested in providing, you know, a greater opportunity for our constituencies to comment and express what we think should be the budget priorities. And I hope that those concerns will be listened to, so we're really looking forward to working with you this year

And as you know, this stakeholder group is trying to coordinate its activities on this budget question, so that we'll be speaking with one voice to the extent possible. So we're looking forward to a productive next several months on that front. Thank you.

Xavier Calvez: Thank you, Steve. I was looking forward to meeting you as well. You're on my list of people that I was expecting to meet here, so I'm sorry we're not. But if I get a chance to go to DC anytime soon, I'll make sure I can look you up.

Steve Metalitz: Great.

Xavier Calvez: Thank you.

Tony Holmes: Thank you. Marilyn, you're (unintelligible) the floor. You'll have to run and get down here quickly. Thank you.

Marilyn Cade: We've come quite a long ways from the days of the $1.3 million line of credit to where we are today. And we've talked a lot about the availability of systems that are responsive.

We're trying to improve our ability to respond, but I think I -- this is my personal comment -- I'm not sure that the mechanisms that we are using for taking input in the strategic plan or in the budget and operating plan meet our needs right now.

So I'm going to ask you to think about a possible enhancement to it. And there was a day when we actually held working sessions that were more than getting a Power Point briefing on where we were going to go.

And I have before proposed that, particularly with the development of budget committees or groups of experts coming from the different supporting organizations and ACs, you might want to think about taking the Friday afternoon after a meeting ends, after the Board, and holding a working session and making it a working session of representatives from each of the groups, and augment the approach that is taken on the public comment, et cetera.

When ICANN published its first strategic plan, it was on Version 19 before it made it public. And it had no mechanism for doing an assessment. And some of the people in this room took $5000 of money, rented a hotel room and convened 65 people who came together for two days to work through that document.

I think there's a lot of commitment. I mean it probably can't be a horde, but it's possible that you could look at things like that. I'm not asking you to make a commitment. I'm just saying, you know, I think you're going to see a lot of willingness - needs to be done around an ICANN meeting so that people are traveling can maximize their time.

Xavier Calvez: Thank you. So I was smiling when you were saying that because not yet knowing precisely and clearly how much that is an answer to the needs, because I yet don't have a totally clear understanding of the needs. But that's what I used to do in different environments where there's different parties, different business units, different parts of an organization that have a participation in the budget process or in other types of processes.

So that model -- you've heard me talking about anchors in each of the constituencies. To be honest, that's what I had in mind is use those anchors as representatives of your group, as well as the Byrons and the (Rolf)s for the ccNSO, and somebody else for ALAC and so on, as the frame of a working group that can be used for different purposes and different steps throughout the process.

I'm fast-forwarding and speculating, but I can imagine that it would be, whether formally or not, a budget working group across the community, right? And that we have, through that structure, a more systematic and hopefully effective way of communicating, and at a level of detail which, to your point, doesn't exist today.

So that also creates a demand on the participants of that group. And it creates a demand on the ICANN staff as well. But so be it. It's better like that than in the disorganized manner, or that it doesn't really happen.

So I - sorry. I will be thinking through that idea much more, but I'm glad you're raising it. This is something that I've been thinking about, and I'm perceiving that this is an idea that will be well received, not only here. Thank you.

Tony Holmes: It's interesting to hear you suggest that, because I would argue that that's almost happening now by default, I think, as far as this group is concerned. We've actually recognized the need for that, and we're trying to work together and coordinate our approach across the constituencies.

Exactly the same thing has happened within the cc community, and of course there is already dialogue between this group and the cc group. So what you're proposing is almost happening from the grass roots up. And I think it'd be great if we could take that forward.

Xavier Calvez: If I understand correctly, Tony, and you'll correct me, the one spec that's missing to that existing process is the conclusion at the ICANN staff level, right? That we bring all those initiatives individually together so that the thinking that you guys make and produce for your group can be combined with the one from the ccNSO's, and that we bring value out of that for the budget process overall.

So that's where I think that layer is needed to make sure we do create the communication process that's required or enhance the communication process that's required, and make it a value-added technical process as well. Because...

Tony Holmes: Yes.

Xavier Calvez: I think - I'm sure that you guys are doing your respective (unintelligible) budget process or participate to them. Everybody more or less does. And we can all bring that to the overall ICANN budget process. So my concern at this stage is to be able to structure that process in a manner that is effective and pragmatic.

This communication will have to be in between periods of work on our side, all respectively. We will have to find the communication modes and so on, but then that becomes an operating implementation of that process. So I'm looking forward to try to design that, and I will try to seek your input on it.

Tony Holmes: Okay. We would surely welcome that. And that is exactly the situation. The requirements you're going to get from some parts of the organization are

going to be very diverse. So I think it is needed at that level to actually bring the things together.

There will be common elements that we will share, although the actual implementation may be different, so that there are obviously things that the cc's require that we don't, and vice versa.

Xavier Calvez: Right.

Tony Holmes: It's at that high level.

Xavier Calvez: Agreed, which is why I think having points of contact within each constituency will be helpful to mitigate that subject. On the other hand, I would also argue that as it relates to the efficiency and the quality of the budget process, we're all equal in front of it, right?

I mean the cc's or you don't have, I think, a different general expectation of us managing a correct and efficient and transparent budget process. I don't think anyone would say, "No, I don't care about that." Right? So from that perspective, I think we're all going in with the same intents, at least from a process standpoint.

Tony Holmes: Okay, thank you. We're fast running out of time in this session, so I just want to open up for a final round of comments.

Xavier Calvez: Blame it on me.

Tony Holmes: That's been very useful. I would never suggest that at all. Chris?

Chris Chaplow: Thank you. I don't know whether you've had a chance yet to go back and look at the FY '12 comments on the public forum. It certainly would be a worthwhile exercise, too, because (unintelligible) archived. And my suggestion is not just to look at the FY '11 ones, but also go back and look at

FY '10 ones. Go back a couple of years as well, and the comments and the staff summaries of those comments.

Xavier Calvez: Right. So I scanned through a couple documents that were including a bit of that, but I have not done yet the review of that. I want to be able to look at the special requests that were made last year, so that I have that background, because I can imagine that some of those that were not satisfied last year could come back this year, and further back as well.

I definitely want to also look at the responses or lack thereof sometimes, of (unintelligible) to those requests. So I definitely want to do that exercise, just basic checking the history. But I agree. I will - what I will try to do is - because I've had a similar discussion with (Rolf), for example.

I will try to make sure that I (unintelligible) back to you what I have seen, so that you can let me know, okay, you've seen half of the problem or two-thirds of the problem or 10% of the problem.

Chris Chaplow: Yes. The thing we couldn't understand this time around is the three very different things. We've got the toolkit, which is over in the policy budget department. We've got the SLA (senior class), and we've got the general FY '13 comments. And the three are going to be very independent this time.

In fact in my SLA (senior class), we don't even mention toolkit. And so there can be absolutely no confusion. Thanks.

Xavier Calvez: Tony and I were speaking this morning about trying to organize ourselves -- this morning or yesterday, I don't remember -- a call to just go in a little bit more detail or being more specific about comments.

We may want to try to do a three-way call together so that I make sure I have clearly pointed to me what you're suggesting, but I will do the exercise

nonetheless. But I want to make sure I cover it, and you will be helping me a lot to have that as part of our call and agenda.

Chris Chaplow: Yes. It will take a little while, so you might have to do it on Sunday, or...

Xavier Calvez: Not a problem.

Tony Holmes: Okay, with that I'm going to have to bring this session to a close, but I'd like to thank you once again on behalf of all of us. We really appreciate you coming on to join us, and we certainly look forward to working closely with you in the future. Thank you very much.

Xavier Calvez: Thank you. Let me just close on this. I thank you guys again for bring me on and letting me participate and know all of you. As opposed to what a lot of people have told me here in Dakar, whether it's told me that I have - they sympathize with the complexity of my job. So far it's been real easy, because it's easy enough to explain what you think and what you want to do when you've not been completely in the depths of the subject.

So my - what I consider being my biggest challenge is effectively managing to deliver progresses and improvements to the process. And that's this operational delivery that I think will be the real challenge.

So so far it's easy enough to speak with you and to listen. At some point it will become more difficult to make sure that questions turn into answers, and answers turn into action, and actions in to results.

So but I'm looking forward to doing that, and that's why I'm here honestly. And I will be looking for your help in making that (unintelligible) participation as well. So thank you very much.

Tony Holmes: Thank you very much. So with that I'm going to turn over to Brian to (unintelligible) further down the agenda.

Brian Winterfeldt: This is Brian Winterfeldt. I'm with the Intellectual Property Constituency. I want to introduce Maguy Serad, who is director of contractual compliance for ICANN. This is her second ICANN meeting. I believe I'm correct. And we really appreciate her taking the time to come and meet with us, and to continue to grow and develop our relationship with her department.

Maguy Serad: Good afternoon, everyone. Thank you for this opportunity. I know we have 30 minutes. We've condensed our materials to be very relevant to this audience. So my name is Maguy Serad. I am the head of contractual compliance at ICANN.

With me today co-presenting is Khalil Rasheed. Khalil is sitting by me because he's going to talk to topics that are very important to you. And then I have also Stacy Burnette, that many of you know and have worked with, and she's supporting us. (Unintelligible) support today. So we hope to address a lot of the items that will be important.

Can we have our presentation up, please? The slides. Who's controlling the slides? Okay. Next, please. Next one. (Unintelligible).

Man: That's okay.

Maguy Serad: Again like I said earlier, what we're bringing to you today is an update -- where we are and what we're doing. So from 2012 - last time I was here in Singapore - not here - in Singapore in front of this audience, we shared with you the focus area for 2012.

We continue to focus in those areas of process mapping, which means - okay, guys, if you go on our Web site, we have flow charts. We're revamping our foundation. Foundation's really critical to the success of anything we do in life.

The team is staffed up to eight full-time employees. We have three open positions that we're looking to staff globally to support us. In compliance and globally, it's important to hire global staff to understand the diversity and the language and the cultural differences in the office.

So process mapping is part of the activity that the staff has been undergoing, and will continue through next trimester. We have taken all of our processes, laid them out with swim lanes, roles and responsibilities. And in the next few months, we're going to go across the stakeholder groups and even internal ICANN teammates to see if they have a swimming lane in there to validate with them the roles and responsibility.

We're also documenting our procedures and standard operating processes. All that is very important because we're going to be (unintelligible), and we want to make sure everything is documented, everything is standardized. And we want to evolve into the next stage, which is continuous improvement, efficiency and effectiveness.

Exploring new metrics -- that's been on the radar screen because in the past we used to report specifically to registrar data, specifically to the different (unintelligible) -- so exploring based on the tools available to us today, what are some areas of reporting that will be relevant.

And we've engaged in every stakeholder meeting, and we solicit their input to send us. And the last slide you will see we are requesting feedback from you. If there is information that's not being provided, let us know what it is, please, and we'll explore opportunities to bring it to you.

Enhancing communication -- it's really important. The communication was kind of like the last thing in our area -- from a Web site to updates. We have spent some time on updating our Web site. We want it to be very user-friendly. We want to drive traffic. So we are continually looking at how can we improve it.

What information is relevant? Something as simple as publishing a calendar of events so people know what's going on when, and updates. So we are looking into bringing all this into our future steps of communication.

In addition to publishing, we want to also be doing outreach activities. We're already partnered with (Susan) and Bill to visit in the Bay area, to kind of bring forward some of the discussions of (unintelligible) Whois and UDRP.

Now Stacy's going to be coordinating an activity of outreach in the DC area. We are testing the outreach within our areas, and then we want to expand to the regions and different countries eventually, based on what we learn from these outreaches, if they have been successful.

Enhancing collaboration -- as you all know, contractual compliance provides specific contractual compliance service. And in order for us to enhance collaboration and mostly earn the trust of everybody, the ICANN model is very global, multi-stakeholder.

And the stakeholders we work with, they each have different areas and different expectations. So it's really difficult to be out there and meeting those expectations without - if we do not know what they are. So we're encouraging all the stakeholder groups to share with us what are their expectations of us, and to let us know so we can try to see how we can deliver to those expectations and explore these areas.

Staffing assessment -- as I mentioned earlier, we do have the three open positions. We have very intense searches underway globally. And then as we continue to evolve the model and start getting ready for new gTLDs, we will assess where we are with the full staff that we've ramped up to what is needed and what needs to happen.

The area that I want to share with you is along the pyramid. The model, as it exists today with just audits and monitoring, has worked for the past few years, but we're looking at how can we shift the model to be able to be more proactive and more responsibility on everybody.

And in the best industry, (unintelligible) industry -- I come from automotive industry where from a compliance perspective, we used to do self-assessments. So introducing this model here at ICANN for both contracted parties, we are in the process of developing that assessment, and will be reviewing it. And we will be publishing more of that information.

It doesn't mean we're going to count on their self-assessments only. It's just a means to address all the different contract areas that we are looking for compliance in, but allows us to come back and validate and review and go to the next level.

We will focus a lot on prevention and formal resolution, before we get to formal resolution. And I'm going fast, but I know we have 30 minutes and I want to get through the topics that are relevant to you.

We are applying a very standard approach. No matter what contracted party, what contractual compliance provision it is, each one will have a separate process.

But at a high level, you will see that we have three steps in the prevention, where we might receive a complaint of non-compliance or we might be - while monitoring or auditing, we observe non-compliance activities. So the first step, no matter where this is coming from, is to do an inquiry.

We will inform the contracted party that it is not compliant of what is it we have working towards. At the first inkling, we send an email with a specific turnaround time for response. We follow up with a second inquiry which is an email and a phone call, if we do not hear from them.

And then the last step in prevention is an email, a phone call, collaborating with the liaison team to make sure that nothing has changed in there, before we move into enforcement.

And then enforcement is where we start publishing on our Website - if we issue a breach notice. And our assessment of our overall process we know that once we publish a breach notice we don't follow up with updates what's going on after that so we're exploring opportunities - the frequency of updates, the type of updates that will be relevant to the community.

Khalil Rasheed: Good afternoon. Again my name is Khalil Rasheed. Can you all hear me in the back? Just want to be sure. Okay good.

So I think we have about roughly 15 minutes left so I'm going to skip a couple of slides and just go to the ones that I feel are most pertinent. I'll let you know which ones. If you can go back, please. Keep going back. Let's just start here.

Just to give you an idea, an overview of the some of the prevention activities we undertook during this past trimester there are some (picks) on the screen. I also want to highlight that tomorrow the Compliance Team will be hosting an all-day session at two points tomorrow where anyone can come by, drop by, ask questions, speak to specific issues or general issues about our work, the work we do.

So if you have further questions that we can't address here in this short timeframe please stop by tomorrow, I'm happy to answer questions, etcetera. If you could please go to the next one.

Thank you. So some of you may know we announced this in Singapore but about five months ago I was tasked with looking at our Whois activities and

assessing our Whois systems, what worked, what tools worked, who was using our tools, etcetera.

And so we looked at roughly about 5000 - we received and processed 5000 Whois and active (unintelligible) since leaving Singapore and manually assessed roughly 2000. The results of those investigations are on the slides here. And again I'd be happy to go into more detail at a later time.

If you go to the next. So now what's important is the WDTPRS or Whois data problem report ticketing process. And on this particular slide - and I think this is made available to all of you so I won't walk through each particular item here.

But I wanted to be clear how we close tickets or complaints of alleged Whois inaccuracies with registrars and how we - when we keep them open and why we keep them open which can lead to additional enforcement.

So the idea is that we can level (unintelligible) better understand the (unintelligible) in which we worked and increased better collaboration and better meeting of expectations.

You can go to the - proceed to the next slide. Again we also do our Port 43 Whois monitoring at ICANN. This is very important to many of your particular members as you often attempt to access registrar's Whois service or Whois information.

And we've put together a methodology. We discussed this in San Francisco as well as Singapore about the nature and the type of Whois monitoring we do. We pretty much access each registrars Whois service 4-10 times a day for each day of the year. And we note when they're down and if they're down for a sufficient amount of time we actually follow up with a potential - escalate a compliance action.

And during this past trimester we had I think 48 instances. Most of them were resolved through this new prevention model that Maguy mentioned prior to me speaking.

So another very interesting topic for this session though is the UDRP compliance. And this past trimester - so I will go into a little bit of detail here. During this past trimester, we like to call it, we received 17 complaints of registrars not implementing UDRP decisions. And that 17 complaints through our compliant intake system.

We looked into each and every one of those complaints, as we always do. We initiate an investigation and we were able to resolve at least 11 of those cases with the registrar actually implementing the decision in a suitable - what we were thought was a suitable timeframe per our investigation. And so we did that without actually having to issue an escalated notices of compliance or a breach.

Of interest to your members and oftentimes others is some of the UDRP cases are not resolved with an implementation but are closed on our end. And this is when a respondent challenges those UDRP decisions in a quote/unquote mutual jurisdiction. And that was the result of at least two of those complaints that we did receive proof that some sort of complaint had been alleged in a court of mutual jurisdiction.

So at this point because I've sort of went through I think what are some of the more important areas that your group may be interested in I'd also like to take questions if anyone has them. And if not I'll go back and continue through the slides.

Steve Metalitz: This is Steve Metalitz. Could I ask a question?

Khalil Rasheed: Sure.

Steve Metalitz: I think you showed on the slide that - in the Whois data problem reporting system that the ticket would be closed when the Whois data was updated. Does that include when the Whois data is updated with patently false data?

Khalil Rasheed: If you look to E on tickets that remained open that's where the registrar or registrant claimed that the data is correct but upon review the data appeared to be blatantly invalid so that would not result in a closed ticket.

Steve Metalitz: Okay so you look at what the revised data is?

Khalil Rasheed: We looked at 2000 reports this past trimester. But we do not do this in every case. I mean, I wouldn't want to mislead.

Steve Metalitz: Okay. But there are some circumstances in which that E applies because you've looked at the data and you see it's clearly invalid?

Khalil Rasheed: I don't think I understood that portion of the question. Could you repeat it?

Steve Metalitz: Point E on the right hand side there that occurs sometimes when you look at the data and you conclude it's invalid? Is that correct?

((Crosstalk))

Steve Metalitz: Okay thank you.

Khalil Rasheed: Yeah and that particularly happens with registrations or Whois data that alleges to have US postal addresses in the Whois data. For other countries - or this is a little bit less likely. But we do look at it and that has been determined to have happened and we have followed up registrars concerning that.

Steve Metalitz: Okay great, thank you. Because I didn't - I recall from having made these reports that there didn't seem to be a place where the complainant could

indicate yes the Whois data was changed but it's still inaccurate. I'm not sure if that's still the case but it sounds as though you're at least in some cases able to determine that.

Khalil Rasheed: Right so one thing I want to iterate - or reiterate is that what I have done during this past - the past few months is assess our systems. Currently at 45 days after a complainant has initiated a complaint in our system we actually do follow up with the complainant and ask what they believe the resolution of the data is.

And we're actually considering changing those bills. In fact some of the members of this particular body have brought to our attention that some of those did not really speak to the actual status of the domain name at that 45th or 46th day. So we are looking into that. But in addition we did our own investigation with the reports that we looked into and found that to be an issue too.

Steve Metalitz: Okay thank you very much.

Khalil Rasheed: Definitely.

Claudio Di Gangi: Khalil, thank you for this presentation. My name is Claudio Di Gangi and I'm in the IPC. On the UDRP the GNSO is working on this issue - right now there's an issues report on the policy and the staff recommendation was not to move forward with a PDP at this time.

I was wondering if the compliance department took part in that staff review? If there was anything from the compliance department you guys thought needed to change or if you think the policy is working well from a process perspective? Thanks.

Khalil Rasheed: No we did not. I actually saw the draft report. I saw the report but as compliance staff it would be somewhat inappropriate for us to make those sorts of recommendations.

Claudio Di Gangi: One of the staff points was that from a - they identified process issues. And when you mentioned there were registrars complying with the policy I think we've also heard from some registries about that a little bit. So it seems like there's a compliance element to the policy in terms of how it's being implemented. So that was the basis for my question.

Khalil Rasheed: No I think I understood the basis. I think I understood the question. But my position remains the same. And I think that - well excuse me - I think that my answer remains the same on that.

(Jonathan Zucke): (Jonathan Zucke) from the IPC. Just that I understand correctly this is a study that you did that's a subset of the total cases? In other words there were 5000 cases and you studied 2000 of them, is that right?

Khalil Rasheed: No this is not a part of a study. It's part of an assessment of ongoing compliance work. So what we did is we actually receive alleged Whois inaccuracy reports from two sources. One is a single submission source where anyone in the world goes onto this particular Internet system and submits a complaint that a domain name has inaccurate data.

And then we beta tested during the past two years a bulk submission process where we received numerous amounts of reports. So what we did was we looked at those single submission reports every single one of them that had not been responded to after 45 days or every ticket we could not close after 45 days and we made specific assessments after manually reviewing each of them.

So the idea was to determine how we can better do our work but at the same time we're doing our work as opposed to a study.

(Jonathan Zucke): Okay so the 2000 represents the subset that couldn't be resolved in 45 days, is that then where they came from? That's what those 2000 were?

Khalil Rasheed: That is correct.

(Jonathan Zucke): I see. And is there a breakdown that we could see that talks about how some of these individual - there're sort of (unintelligible) unresolved and these are different reasons they could resolve their - left open. And is there is a way - a report or something that talks about which things fall into which category and...

Khalil Rasheed: No there's not. I actually worked with one dedicated staff member on most of this. And the - just getting through those 2000 - roughly 2000 reports at this time has been rather challenging so we have not been able to break out into specific numbers and itemize it.

(Jonathan Zucke): And what is it that makes it such a challenge to get this kind of information?

Khalil Rasheed: Oh well you open each ticket, you look at each bit of information and that's a very time consuming process. I would invite to our Wednesday session and I actually walk you through it.

(Jonathan Zucke): I'll probably be there. So there isn't at this point any kind of a database or anything that contains this information that you could use as a mechanism for evaluating this process?

Khalil Rasheed: So that I understand you correctly that contains the information about how many tickets are closed or open after 45 days for these particular reasons? No there's no.

(Jonathan Zucke): And is there some progress on identifying some kind of an incident management system or something that'll be used going forward?

Khalil Rasheed: Part of our assessment is designed to come up with that. The reason why we're conducting this session. I think there are a few more questions in the room and I didn't want to - but please you're welcome to come to the session and we can talk about it.

Ron Andruff: Ron Andruff for the record. Welcome; it's nice to see you here again. Thank you very much. Maguy, if I'm not mistaken - I'm not sure how many meetings ago when you first joined us I asked the question about the - following on a little bit from what (Jonathan) was asking about some of the automated systems that were going to be put in place.

                    And this was kind of the concerns that we had, the challenges of having to address this with only 20 gTLDs. The question is when it gets to 200 and we get to 500 I'm not - our concern was that your team was understaffed. And I'm a little bit concerned hearing what I'm hearing now that it's still there. Can you shed some light on that for us?

Maguy Serad: Your concern is shared by many stakeholder groups and - in terms to ICANN. That's why we have the three open positions. But again if you remember since my arrival I wanted to assess where we are. We don't want to run and hire staff members - and I know with the new gTLD no one knows or has any idea what is that level and the flow and the flood of the work coming our way.

                    But regardless to the question that was asked now we're looking over our systems what are the tools - and we, sort of, as you all know it's tools, people, processes, everything. We are working on the tools aspect with our internal IT team to put a strategy together how can we improve an enterprise solution that provides lots of different information.

                    That's why I asked you earlier about collaboration. What data is important? We used to collect data and people say well that doesn't help me. So what is

the information that's relevant? We know what we need to look at from ticket management and complaint management approach.

So from a resource perspective I do have three open positions I'm just having difficulty finding the right staff.

Ron Andruff: So just speaking to that issue of what's important to us what's important to us is that there are concrete laws that have been established and enough police on the street to enforce those laws. We don't have the laws. We're really working on the policy side to get those laws and it's going hammer and tong to get there. But we really need to know that when we get those laws we've got a cop on every corner.

So I don't want to put you on the spot but if you have three open positions and that's been for a long time then we really want to raise that noise with the Board so that - so we get you those three cops. But we think we probably need 30.

And when you say no one knows we do know. There's at least 500 TLDs coming at you. There may be a lot of brands, there may be some linguistics. But otherwise you're going to have a flood coming at you. So I want to make sure you've got the rubber boats and have got everything so that you're - got your life preservers so you stay afloat in that environment because it's coming.

And so we really need to know from you very concretely what your needs are in order so that we can support you and put the pressure on because ICANN is all about building consensus and that's what we do; we build consensus within our own organizations and our own constituencies and with others to make sure that you are provide for.

And as we said when we first met your area, your department is the one that's gotten the short shrift all the way along and we, as the BC, and I'm not

speaking on behalf of the BC but as a BC member, don't want to see it anymore.

We want to make sure that you really have the tools you need. So please be, you know, don't be - you don't have to tell us now, you don't have to say it in a public environment; we know what's happened in the past so - but please share with us, okay?

Maguy Serad: My approach has always been transparency. And if you remember the (unintelligible) slide one of the bullets there is ongoing assessment of staff. So we continue that.

But I want to assure each and every one of you switching from totally different industry to this was my choice and by - my management. And I know sometimes it's not selling you on something; if I didn't believe in it I would not say it. I do have executive management support and buy in into a lot of the activities we're working towards.

So if I do not see that don't worry; I may be 5'2" but I can scream loud enough and get attention. And I am getting traction it just takes a little time. And traction has to be in the areas that are valuable. That's why, you know, the first support within a month Whois was critical; everybody shouting Whois. And we assigned two dedicated resources.

So I'm not jumping based on what's the nomme du jour on a daily basis, no, assessing and move forward. So I will keep that in mind, thank you for the offer.

If we may proceed please I just wanted to make sure...

Man: I think we just have one more quick question. Do you mind? And then we'll...

Maguy Serad: Sure.

Man: Ron, do you want to go ahead?

Chris Chaplow: Thank you, yes, Chris Chaplow, Vice Chair of the BC. Could you just remind me of those numbers that you - starting numbers that you mentioned at the beginning? Was it five plus three part time plus three?

Maguy Serad: Numbers of what, I'm sorry?

Chris Chaplow: Numbers of staff in the compliance department.

Maguy Serad: Okay we are eight full time employees today and I have three open positions.

Chris Chaplow: That's 11.

Maguy Serad: Yes.

Chris Chaplow: Where are the four?

Maguy Serad: I'm sorry?

Chris Chaplow: Where are the other four then?

Maguy Serad: I cannot hear you.

Chris Chaplow: Sorry. In the budget we're on 15 staff - it was 15 in FY'10 and then '11 - then 13 FY'11 and then we got it back up to 15 for FY'12 after a little bit of arguing. So I'm just wondering where the (unintelligible) people are.

Maguy Serad: I'm sorry I cannot - can I get back to you on that one? I know we - so that's at 11.

Chris Chaplow: Yes.

Maguy Serad: I know that's what I'm pursuing now with this three open ones.

Chris Chaplow: It's 15 according to Page 45 of the FY'12 budget.

Maguy Serad: Okay. Okay we'll look into that, thank you. Can you go a few slides? More.
                 More. We'll leave this with you. These are very specific registrar activities.
                 And again this is one - if you back up one slide please.

                 The feedback I'm asking you about is, you know, expectations, information
                 that's valuable to you. And we're providing a generic email address. This is
                 not a way to log complaints please; this is more of a collaboration to level set
                 on what is expected. And the next slide please.

                 Marilyn came up to me quickly when I came in the room she said who's idea
                 was it to lock you in a room tomorrow? Guilty as charged. In Singapore
                 everybody said we want to talk to you; we don't know where to find you.

                 And when I say we it's not just the stakeholders but community members. So
                 we are testing out a new thing tomorrow. We're not opening up to remote
                 participation. We're testing out - and this is not registrar-specific even though
                 we've picked two registrar-specific topics because that's where our focus has
                 been.

                 And we picked those two topics specifically for this area. But we are
                 marketing to everywhere we go that we are available in the morning from
                 10:45 to 12:00 and then in the afternoon for drop in. There is no specific
                 forum or mic you just come and talk to us, share with us if you have a
                 question, as Khalil said earlier, we can demo.

                 We want to interact. And based on the feedback we get from the community
                 members if it was successful for future ICANN meeting we can put on specific
                 topics for that time. We understand compliance is on everybody's agenda.

And I've never seen so many stakeholders who want to help compliance so thank you in advance. But tell me what your expectations are. Again it's about voice of the customers. I look at everybody as a customer for compliance.

So we will examine the success of this. I don't know - I do not know what volume we'll expect tomorrow. But I know that we will man this area to take questions and discussions during the Q&A please. And it's open to anyone, with ALAC, law enforcement, it doesn't matter who; stop by and talk to us.

Man: Okay, Maguy, thank you so much for you and your team for coming today and for presenting to us and we look forward to further opportunity to dialogue tomorrow.

Marilyn Cade: Thanks everyone and thanks to the team for joining us. Stacy, you as well. And now that we hear that you're going to be in the Washington DC area we'll all nab you to (unintelligible) on your calendar. I want to - I'll probably be out of the country but somebody can do it.

I want to take us now to our next opportunity. And we had planned to close this but I'm not sure we really need to. I think from Stephane's point of view and I think from our own it's fine to have it just continue to record and be open so that members who aren't here can listen to it.

So, Steve, if it's okay with you I'm just going to keep the recording going and keep the bridge open; is that all right?

Steve Metalitz: Yeah that's fine with me.

Marilyn Cade: Fantastic. It's my pleasure to introduce to all of you, as we had mentioned earlier, Stephane van Gelder, who is the current Chair of the GNSO Council standing for reelection. He is standing unopposed but I suggested to him

since the ballot will read Stephane and none of the above that he ought to come and out shine the none of the above girl or guy.

Man: A guy.

Marilyn Cade: He's a guy. What we're going to do is ask Stephane to say a few words himself and then take questions. And please, you know, some of you had a chance as councilors to ask him questions on Sunday so let's see if any of the members have questions. But do of course feel free yourself as councilors to raise your hand and ask questions as well.

And what I'd like to do now is introduce and turn over to Stephane.

Stephane van Gelder: Marilyn, thanks very much and thanks to all of you for having me. I don't want to say much in the way of introduction just to thank you for this opportunity; not all groups have done it actually so I think it's a very positive move on your behalf. And I was very happy to accept the invitation that you have sent me.

Unfortunately I'm a little bit under the weather today so I may faint halfway through in which case I'm afraid you'll just have to continue speaking with none of the other instead. But I will try my best to answer your questions and with that fire away.

Marilyn Cade: I'm happy to start with a question and then you guys can collect yourselves so that you either volunteer for a queue or I appoint you so start thinking.

Stephane, I think it might be helpful for our members because we've been through sort of multiple cycles of organizational structures in the Council. And the concept of vice chair was quite new not so long ago.

So it added I think from many of our perspectives it was to add a - I'm going to call it - I don't want to call it a layer of management - it added an additional

management resource. And the - I understand that the way it's worked in the past is that the chair and the vice chairs and the staff collaborate on administrative agenda, da-da-da.

Could - maybe you might say a few things to us about how you sort of see the - both the role of the vice chair and from your experience how you think it works and how you'd' like to see it work, that kind of thing.

Stephane van Gelder: Thanks Marilyn. And I think there's two ways of looking at the vice chair; there's my way as chair and there's the Council's way as - or each house's way as a conduit towards the leadership.

So my way as chair - my expectations are that the vice chair allowed the chair to be detached from the fight of the issues and to concentrate on the management of the Council itself.

In that regard being a vice chair does take up a lot of time; it's not an easy job because it needs to - the person that takes on for each house the role of vice chair needs to act in the way that is in close collaboration with that house and bringing back all of what happens at leadership level.

And what is that? Well we have leadership meetings before every Council meeting whereby we go through the agenda which I have prepared earlier on. It's a draft agenda at that point and the idea is to be inclusive of all the points that are important to each house.

And obviously I can't pretend to have that global vision by myself so the vice chairs in that regard play a very important role in providing substance to the agenda that the Council is going to be looking at at its next meeting. So in that way the role of the vice chair is to be the spokesperson for the house that has designated or elected it depending on which procedure is being used.

Now from the house point of view I think the vice chair is your flag bearer if you will for the issues that are important to your house. The vice chair is actually a very - I see it as a very comfortable role in the way that it doesn't have the constraints that the chair role has n terms of being able to stand up for the issues that each house feels is important to the members of that house.

So I think it's very important whatever person that the - you are going to choose as a vice chair for next year. I think it's very important you have a close relationship with them in terms of being able to help them guide the issues that are important to you.

I think the vice chair, in the same way that I can be detached as chair from the issues, the vice chairs can be detached from the admin side and concentrate on the issues.

Marilyn Cade: Thank you. I'm looking for someone who wants to ask a question. Ayesha, thank you and then I'll come to you Brian.

Steve Metalitz: This is Steve Metalitz, could I get in the queue also?

Marilyn Cade: That's fantastic, Steve. Why don't we go to Ayesha then you and then Brian if that's okay?

Steve Metalitz: Okay.

Ayesha Hassan: Thanks for joining us Stephane. One of the things that's really important to the broader business community at IPC is that the structure in ICANN continues to evolve and grow and as a whole it's a strong organization.

I keep coming back to the global level landscape that ICANN is a part of and the recognition that is necessary in every structure of the fact that its individual strength and efficient functioning is part of the whole.

Since you will have had one term and will have another one are there any specific ways in which you as the chair would look forward to working on strengthening the efficiency, effectiveness and overall environment of the GNSO Council given that landscape that I've painted? Thank you.

Stephane van Gelder: Thanks Ayesha. And there's two elements to - maybe your question is how to improve the GNSO Council. And in that respect there's two elements maybe that as a council overall we should be looking at.

The first is an obvious one to do with workload and the ability to tackle the projects that are before the Council in a way that is an effective way. It sounds obvious but that's actually it brings in itself or with itself a load of problems.

And those problems are - become obvious as you watch the policy development process unfold because obviously very dependant on the goodwill of the people involved in doing it.

Let me give you an example. If there's a motion that requests an issue report which is the preliminary set towards looking at any issue for the GNSO Council that report comes back after having been written by staff and if you find it's often the situation where council members don't have time to read it, consider it adequately, assess all the issues, you are then moving forward with a policy development process without having all the right conditions for everybody to consider the issues that are important.

And the problem is that we're seeing that because of the workload issues and the bandwidth issues that the councilors have and the sheer amount of stuff that's coming out of ICANN in general we're seeing that happen.

So certainly as chair one of the things I've tried to do and I have my heart set on continuing to do it if I'm reelected is to look at the workload issue and the

ability of the Council to have the time to adequately look at the issues in front of it.

Ways of doing that are to bring back to the agenda regular items that are on the Council's pending projects list making sure that the Council has those items in mind, enable to have sufficient information on them, looking at improving the briefing material which is provided to councilors. We've had a few experiments with that during council meetings, open council meetings.

I have to say we haven't found the right formula yet but I know for example the Board struggles with that as well. I mean, they get 700-page briefing documents sometimes and it's difficult to wade through them and they tend to be actually more harmful than useful. So it's a balancing of that and we are looking at possible avenues to try and make sure that process goes as smoothly as it can.

You mentioned something about the atmosphere and that's something that's in a way it's a subjective thing that's very hard to tackle. I've heard comments during this meeting - as you know there has been a bit of tension within the GNSO community and in part the community that I represent as a councilor.

And I've heard some people say that the new structure - the one that we've just spent the best part of five years working on and consumed amounts of staff and volunteer resources working on is actually one that's not working and that we possibly should go back to the previous structure.

And when you hear things like that it does show how much explaining there is left to do in terms of why the new structure is where it is. And I think it's important to remind ourselves that it's an attempt to improve the balance between what is inherently two sides of a same council. That's why now it's a bicameral structure. And the idea is to have good balance.

But obviously no system is perfect. And I think we're seeing some tensions to that system that merits some explanation. Maybe, I mean, there's bound to be improvements to be made but I think as councilors and certainly me as Chair and I think this is very much my role to be a staunch defender of the Council and the way the Council works and to spread that message as much as I can.

I think that's something that the chair can do more easily than the councilors because they are tackling the issues and I don't have to.

Marilyn Cade: Steve - we have Steve and then we have Brian and then we have Ron and then we have Tony. Is that okay?

Steve Metalitz: Yeah, this is Steve Metalitz. Stephane, thank you very much for coming to the meeting; we appreciate it. I have a very brief comment just based on what you just said.

I think some of us who have been through the restructuring process are concerned about the outcome not because we don't understand it but because we don't think it works. We think it is so far shown that it is not an improvement over what we had before.

But let me turn to my question. Under what - what is your view about the circumstances under which you speak for the GNSO Council particularly in the world outside ICANN but also within the ICANN bubble?

Could you talk a little bit about what are the circumstances in which you are speaking - you have authority to speak on behalf of the Council or to be identified as the GNSO Council Chair and what are the circumstances in which when you're speaking to the public you are not speaking as GNSO Council Chair and should not be identified as such?

Stephane van Gelder: Steve, thanks for your question. It's one that was asked actually during the interview session I had during the weekend sessions - at the GNSO Council's weekend session. So thank you for asking it again because I think it's an important point that obviously many people feel strongly about.

I'll give you an answer that's very similar to the one I gave before that there's a very - in my mind a very clear cut set of rules. The GNSO Council Chair cannot speak on behalf of the GNSO Council unless it - he or she - has Council approval.

So when I - obviously I still have a normal life, you know, I'm able to continue working for my own company and are - I am involved sometimes in workshops or other things. And in that sort of situation even though I remain what I am, which is the GNSO Council Chair I can in no way speak in that capacity. And I'm always very careful to make that point.

Perhaps too careful in a way but I think it warrants care to make that point before I make any kind of public appearance in that regard. So when I'm speaking in my personal capacity it's important to make that distinction when am I speaking in my personal capacity at all times apart from when I'm asked to do so as Council Chair and have Council approval to do so.

An example of that - recent example of that is the Eco reception that we had in Dakar yesterday which Eco being a group of - I'm sure you're aware that German companies and interests had asked me to come and speak as GNSO Council Chair specifically.

So before agreeing to that I sent information of that to the Council and sought their approval and obtained the approval to do that. And in that case the only word or message that I'm carrying is one of outreach to attempt to get people more involved in the GNSO community and into what the Council does. So come to our meetings, participate, know that our meetings are open.

It's often surprising, I know some of the people like yourselves that have been in this process for a long time; others who have not don't even know that they're able to participate. I had a person during the weekend who came up to me at one stage and said is it okay if I speak during one of your sessions? I have a question to ask. And I said yes of course, they're open sessions.

But there's that natural barrier of not being able to speak; not knowing that you can. So that's - when I'm doing outreach of that sort it's to try and make sure that people are involved in what the Council does if they want to be. I hope that answered your question, Steve.

Steve Metalitz: Yes, thank you very much, Stephane.

Brian Winterfeldt: Hi, Stephane, Brian Winterfeldt: New councilor starting later this week from the Intellectual Property Constituency filling Kristina's ample shoes.

And I wanted to ask...

((Crosstalk))

Brian Winterfeldt: The shoes are...

((Crosstalk))

Stephane van Gelder: You're already in trouble there, Brian.

Brian Winterfeldt: I know, I'm not sure what to say so I'm just going to move forward. So, you know, I - I'm especially kind of invested in this question. As kind of a new councilor I feel like it is really important I know that there are, you know, the ICANN community is very diverse so Council is very diverse, a lot of different viewpoints are coming forward.

We've talked a little bit already about making sure that the process was functional and that we get to good results and we don't get sort of stymied in our camp.

But one of the things I think that's also really important to me is sort of making sure that we keep a very professional dialogue and respectful dialogue among the councilors and that things don't sort of devolve into personal attacks or things of that nature.

And I know that there's been some sort of dissention among the councilors and frankly some of that behavior may have taken place. And I wanted to know sort of first of all what you sort of think about that and whether you see a role for yourself in mediating that or making sure that we sort of stay at a very professional level.

Stephane van Gelder: Thanks Brian. Yeah, I think the chair has a clear role in that which is to make sure that there are no personal attacks and to call the people out that might carry out those personal attacks.

Obviously it's sometimes a fine line between - don't forget, as you've just mentioned the Council is very diverse in terms of interests. Don't forget it's also very diverse in terms of nationalities, philosophies, background. And some things may appear as non-insulting to some people and very insulting to others.

I mean, obviously the French have a very high tolerance level for anything but some others don't. So it's important to make sure that that level of respect is always in there.

I do see the role of the chair as making sure that that happens. But it is a fine line between - I mean, I'm going to be honest; since I've been on the Council for a few years I've not seen very many cases of outright - on the Council of outright attacks.

There have been one or two episodes that I know were difficult. They tended to be the result of maybe working groups that had gone one way and people disagree. It's difficult in that case, I think, to identify specific instance of someone actually being insulted on the Council which is what you alluded to.

If that happens and it becomes very clear and it's the chair's role and that's a role that any chair like a working group chair or any group chair has to assume is to stop that and to make sure that the people that do that are called out I guess.

And, you know, so that as you say it stays if not friendly because sometimes, you know, we are passionate about the issues that the Council addresses but at least cordial.

Ron Andruff: Thank you Stephane. We commend the work that you're doing and - I'm sorry, Ron Andruff for the record. We commend the work. And so please don't misunderstand any of these questions or comments because it's not an easy line to walk that you're walking.

But what was mentioned earlier - and Steve Metalitz mentioned it and it's been mentioned often - the system isn't working and it's not working because it was kind of an eleventh hour Hail Mary, let's do two houses; we've got to get this done, let's do it.

A lot of us were not very happy about that outcome. And we thought well it's done, we've got to give it a try so the Board has forced us basically to re-jigger ourselves. So what we find is a kind of an automatic veto at this point. If there's one side of the house says we don't want to do it it doesn't even come on the floor; that's not a working system.

So none of us wants to go through another retooling and shake it all up again. Believe me we can't afford the time or the energy to do it. So I don't think

that's going to happen. But we really have to drill down and see where the problems are in this.

So my question to you is how, you know, being that you're on - you're in one house; you're not neutral to this. I mean, it's impossible for you to be neutral because if in fact you were to side with one side or another you'd be vilified by the other side.

And it makes your life very miserable. So this is the tricky party for you; how can you give us some confidence that you really are neutral and that you're working behind the scenes to get these guys to understand because we know the constituency you come from and they're very tough characters in terms of, you know, they're not giving too much grace if I can put it that way.

So this is a tough one. And I'm not even sure what the question sounds like to you but it's really one we'd like to kind of understand how do you deal with this? How do you solve these problems and find a way through because that's really your job to make sure that things do get to the floor and can be debated and discussed in an open forum.

Stephane van Gelder: Thanks Ron. It's actually, I mean, I certainly wouldn't take the question badly or as an aggressive question. I think my answer and the way I've been doing it is to stay clear of the issues, pure and simple.

I mean, we had a discussion about this during the Saturday - or the Sunday session when I was being - the question and answer session for the chair candidate. Chuck said - made the point - Chuck Gomes, sorry, from VeriSign, made the point that the chair - the group that's putting up the chair they're in effect losing a councilor.

And I actually agree with that. And Chuck said that he had no - when he was chair - had no problems taking his chair hat off and fighting for issues as long as he made it clear that he'd taken his chair hat off.

And I responded to that saying my style is different because I have not been able to do that. I'm not - I have no desire to get involved in the issues. And my - the way I've tackled this - the way I've gone about it is to determine that as long as I have volunteers to serve the Council in this role and therefore to serve the model that I believe in as a business man, which is to be able to impact the governance issues of the industrial sector that I'm in, I do not want to mix the two.

So I've not been involved in the issues in my own group or in my own hat. And I think that's the only way that I can save myself from becoming schizophrenic. So my focus is on making sure the Council itself works. I feel - once again I'm a great supporter of the GNSO Council as it stands.

The structure itself is something that I inherited as chair. I was not even on the Council when the discussions were being finalized. It's, I mean, between you and me probably not the way I would have gone but at this stage as you've just mentioned the only way for me or for the Council to change that is to restructure the restructure.

So I can tell you as chair and vice chair before that I've been - I've seen how much resource the restructure took and I'm not feeling that great that I want to start that again.

Ron Andruff: That's a helpful answer but just a quick comeback if I may, Chair? I think what would make us all feel more comfortable - and I'm speaking on my own behalf and I certainly didn't get this from my colleagues. But I think it would make us all feel more comfortable if you were telling me I will get involved and I will get underneath and I will go over and talk to those guys and I will tell them they need to start - a little more given and take.

Because one of the frustrations we're feeling is that we give. We're coming from a business sector, we're coming from an IP sector so, you know, it's always - it's about trying to find a common ground and make something work.

The industry sector that you represent isn't interested in that right now; they're interested more in driving revenues to their bottom line understandably. But they're not interested in finding common ground on issues that may impact their margins because margins are thin. It's a really cutthroat business that you guys are in the registrar side of the business, no question about it.

But we're not there, we're on the other side; we're trying to build an institution. So we really need you to get, you know, get out of - step back from the chair, go back in the back hallways and say guys, you've got to work on this one. We need that and that's really - I just want to try to enforce that that someone has to do it and I'm not sure if - if it's not the chair there's nobody in this area.

Vice chair looks at what are they going to do, kick them if they don't come from that constituency. So it's a tough one; I know it's a real monkey I'm putting on your back but it's something that we need as the community to hear that there's a - somebody fighting for us as well to try to get through these impasses.

Marilyn Cade: So I think I'm going to summarize what Ron said was that the chair sometimes has to play above the constituency role, look at all constituencies neutrally and say how are they contributing to the work of the whole in a neutral and productive manner as opposed to it's any particular constituency. Is that what I heard you say?

Ron Andruff: Correct, Madame Chair.

Marilyn Cade: Because the same could possibly be said of any other constituency. I'm going to do Tony and then Bill and we're going to give a wrap up comment to you if that's okay?

Stephane van Gelder:(Unintelligible).

Marilyn Cade: You know, yeah we probably can't get you the questions and then you could do - yeah that's okay. Tony and then Bill and then we're going to give you a wrap up.

Tony Holmes: Hi Stephane. Just a quick comment before I go to my question on the discussion that went before. None of us particularly want to go through the exercise you went through before on restructuring. But I will make the point it doesn't have to be done that way; that was really an intensive exercise and we don't have to go down that path again. So I don't think there's particularly anything to be scared of on that front.

But my issue is a little bit different from that and some of it comes from actually serving on the Council for a while. I think Council itself is almost a microcosm of the multi stakeholder model because it brings diverse parties together.

And you've built a relationship over time with other people from the other stakeholder parties. And because of that you use it as a forum to discuss many things. Sometimes what surfaces from those debates are issues that clearly need to be discussed on a broad basis. But they don't (unintelligible) of gTLD policy.

And there is a tendency from all of us to actually bring those issues to the table. And they are somewhat problematical. And I wonder how you view that as a chair. Because from my perspective part of the chair's role is to say that isn't our territory, guys, we can't do this stuff. How do you actually view that?

Stephane van Gelder: Sorry. You can do it. If it's an obvious, I mean, we have had recent examples where the Council has tried to move in the direction though probably wouldn't be one that is solely concerned with new say gTLD policy or policy development.

And as chair I think you can do it; I think you can say is this within the remit of the - I think you can ask the question rather than saying this is not in the remit of. Because if someone brings it to the table then that's - may foster discussion and it's an issue that's important to the person bringing it to the table.

And to be honest, Tony, I think it's not often extremely clear, I mean, those easy cases where oh yeah this has nothing to do with gTLDs are actually rare. Sometimes working on gTLD policy you shoot over and you go into an area that, you know, isn't something that the Council should be looking at. And then as chair you have to gently try and pull it back.

Tony Holmes: May I just follow up on that? I agree that the boundary is very difficult. I think the message that would come from this community is always err on the side of caution with that wherever possible.

Marilyn Cade: I think we have Bill and then we have a quick moment for - okay I need to - I'm going to ask the group to make a decision here. Bill wants to ask a question, Claudio wants to ask a question. I'm going to give a two-minute for close for Stephane. And then if you guys don't start packing now you'll miss the Board GAC.

Bill Smith: Sorry, Bill Smith with PayPal. I want to thank you for coming and appreciate your candor. I hope to be equally candid. I'm looking for some advice, perhaps from you, and it's around the fact that Internet governance has been an extremely hot topic very recently and over the past few years.

There are moves afoot in other international organizations, in particular the ITU most recently has taken some action at the council level. The, you know, it's difficult to read tea leaves but nation states are very interested in what is happening in Internet governance and that ICANN is an important piece of that.

The perception that I see as I travel internationally and attend these events in Europe in particular at the parliament and the commission there is a perception that ICANN is both nonresponsive and ineffective and particularly with the Council.

And so how do I, as a business person, decide where to place my bet? Do I bet here where things are blocked and not moving or do I bet with the ITU where I have not a great voice? So I would prefer to stay here but the model needs to work better and it's not working right now. That's my perspective. So help me. Convince me that the Council will work because right now it isn't.

Stephane van Gelder: Someone said earlier on that the Council was an analogy for the multi stakeholder model. So in that sense if the Council is not working then perhaps the model itself is not working. And if the Council is then ICANN is.

I can certainly recommend where to place your bets, Bill, and I would certainly place them here because as you've just said you don't have a voice anywhere else or not the same voice, not the same voice.

But - and this may not actually apply to you specifically, Bill, because you represent a large company. But I can tell you my company or me as an individual, passionate about the Web and about the way it's developed, I do not have a voice anywhere else.

And moreover I do not know of a model anywhere else that is so in tune with the speed at which the Internet is changing. So if you put the Internet in the

hands of the governments only in my view you slow it down sufficiently to make it nonfunctional.

And I think the ICANN that I've seen over the years has actually been very reactive to certain things. Look at the GAC Board negotiations just before stance that I could see was the Board saying we're not going to move and we're never going to talk.

And then suddenly they are reminded - someone has managed to remind them that they may need to talk. And it's important to reach out. Maybe because of some of the dangers that you speak of.

So I think that this community has shown both resilience and the ability to be able to react to the dangers outside. But certainly it's a model in my mind that is very - the Council model itself which is possibly dysfunctional, possibly needs to be improved, possibly needs to be - needs more flow in between the parties. But it is a model where all the parties can come to the table. And that - I don't know of that elsewhere.

Marilyn Cade: I was saying that I'd like for Bill to have a chance to have more of a direct conversation in follow up. If I could just get those of you who want to ask a question to state your question then at least we could get that on the record and, Stephane, maybe you could talk to them. So I have Claudio and I have Jaime and I have Sarah. And then if Bill could talk more directly with you for follow up that would be fantastic.

Claudio Di Gangi: Thanks a lot, Stephane, for stepping out of your stakeholder group meeting today and again your willingness to serve in this position. It's kind of just a follow up question to what Steve asked in terms of the role of the chair sort of just a philosophical question.

In terms of speaking within ICANN do you think the chair's role is really more representative of the Council or do you think the chair represents the GNSO as a supporting organization?

Stephane van Gelder: The Council.

Jaime Wagner: Well first I would like to express my admiration for your work (unintelligible) I can say it. But I would like stress something that you said about the - how the GNSO or the Council that is a microcosm of the multi stakeholder model can react to things.

And I think - there is a problem we are facing now with the - well I think we will hear - in the GAC about the law enforcement agencies and the registrar. And I think it is something that - there is a strong demand for the Council and the chair of the Council to take a stand to make things happen in this arena also. So to get things moving ahead of the - of what we have achieved.

Stephane van Gelder: I know we're short on time but I just want to say two things to what you've just said, Jaime, about - and thanking you for your kind words. The first is that you heard me during the GAC GNSO Council session say one thing; I did not get involved with any of the discussions except when one of the GAC members said something that was not true as part of the PDP process.

I think that's the chair's role and I don't think anyone else can handle that in terms of just making sure that people understand that when you ask for an issue report all you're doing is fact finding. You're not saying this should be done that way.

And as you know there's a recent example where we've done an issue report and it's not led to a PDP. So it is fact finding. And, you know, when people - because the Council structure is complex when people don't understand it it's the chair's role to make sure that the record is put straight in that sense. So that is clear to me.

The other point about the Council itself working or not working that is a point of - from this discussion I - this is the first I've heard this group - because obviously we're all in - normally in day to day business - so this is the first time, and I find it very interesting, I've heard from this group that they want the chair to be a facilitator between two groups. And that is a message that I'm certainly taking back.

Marilyn Cade: Sarah.

Sarah Deutsch: Yes I just wanted to echo Bill's very on-point comments. I think, you know, there is this perception that the GNSO is kind of not listening to the - at least this room and their concerns. And we saw an illustration both with the law enforcement example, with the governments and we've seen it with the UDRP which we discussed extensively.

I just wanted to point out that the same way in the intellectual property world when we find that some in our community go to far in intellectual property enforcement then you get something called the IP backlash. Now we're getting an ICANN backlash.

I've never, you know, I spend a lot of time in Washington and I've never seen companies are, you know, kind of waking up to the issue in this volume and extent.

And I think it's in all of our best interest to keep ICANN as a working place where things happen but I'm very concerned that people are kind of giving up on ICANN and saying oh that's, you know, they just cook the process, they know they can railroad anything through, they don't listen to us. We're not going to deal with ICANN; we're going elsewhere. And that's kind of what's bubbling up in Washington right now and it concerns me.

Marilyn Cade: I think it's bubbling elsewhere because many of the companies who are awakening to risk in question have long arms, that is their subsidiaries in other countries, etcetera.

It has been fantastic to have you come and talk to us. I think one of the things I will take away from this is that you had a chance not only to talk to us about how you might handle certain things as chair but to hear about some of the issues of concern; things like ICANN's role in the Internet ecosystem and how many of us spent a lot of time on that and worry about why it matters.

So from my own perspective I hope all of you found it helpful. And that this is maybe as days goes on to the rest of today and tomorrow that you'll also have a chance to follow up with Stephane on the particular questions that you wanted to take further. Is that all right?

Stephane van Gelder: Yeah, that's fine. Thanks very much.

Marilyn Cade: Thank you everyone for coming. For the BC folks please look at your calendar. There's been a little - your email from me - there's been a little readjustment on the ICANN agenda. We do have a meeting tomorrow. Benne will post the location. Steve took the public forum topics today so we will be doing Chris's budget and the - we also have a presentation tomorrow for those of you from the BC from Philip Sheppard and from Martin Sutton.

END