

**ICANN Prague Meeting
GNSO Public Meeting- TRANSCRIPTION
Wednesday 27 June 2012 at 15:00 local time**

***Live Scribing by Brewer & Darrenougue -

Www.quicktext.com***

>>STEPHANE VAN GELDER: Hello, everyone. Welcome to the GNSO Council public meeting here in Prague. We will -- this is just a 2-minute warning for councillors, policy staff, Marika, and everybody else. And we will look to start in two minutes. So please, councillors, take your seats and we'll be starting soon. Thank you.

>>STEPHANE VAN GELDER: Okay. Apologies for being slightly delayed. I also want to -- first of all, I want to welcome everybody here to the GNSO Council open meeting. My name is Stephane van Gelder. I chair the GNSO Council. I also wanted to apologize for the snafu in organizing the council meeting and the late changes in the schedule.

And I -- as you can see, the council meeting is already initially planned for 2:00 p.m. It was moved to 3:00 p.m. to accommodate last minute schedule changes. I want to thank the meeting staff for their assistance in helping us get to a satisfactory solution on that. I also want to thank all the speakers that we have planned today for their collaboration in helping us with this last minute schedule change. And I know a lot of people have had to move their own plans around to accommodate us. So, once again, sincere appreciation for that and thank you very much.

So, with that, I will open the council meeting and ask Glen to -- I don't know if Glen's ready to do that, but, if possible, to do roll call. So we'll do the roll call later.

So we'll start with the presentations by stakeholder group and constituency chairs. We had an initial running order. But, as I've just mentioned, we had some schedule changes. So I will ask any of the constituency and stakeholder group chairs that have urgent need to -- I know Steve and Marilyn both have to be elsewhere very soon. So I would ask everyone to allow me to ask them to go first. And then we will go through the rest of the list as planned. So, if that's okay, if there's no opposition to that, ladies, first, I guess. Marilyn.

>>MARILYN CADE: Thank you. Let me thank the council for this opportunity for the business constituency chair to discuss with you a few of the items that have been on our minds as we have been in Prague.

My name is Marilyn Cade, and I chair the business constituency. I gave the council a copy of the updated Prague newsletter that the BC put together. And our newsletter, I think, tells a bit of the story of some of our priorities, as we included in the newsletter, a timeline that is called "The Road Ahead for Internet Governance."

So some of the focus of our individual members and of our constituency has been on considering the risk and threats both internal and external to ICANN and to the multistakeholder model. We have also spent a fair amount of time focusing on the areas that we think are essential for improvement in the short run and in the long run for ICANN. And that would include discussions about the importance of prioritizing work and re-establishing a commitment and a delivery of operational excellence.

We also had the opportunity to have a breakfast with the ccTLD community, which was a return to an ongoing interaction that we have had in the past, which we greatly welcomed. And we shared a discussion on two topics, which I thought the council might be interested in.

One is what does it mean for ICANN to act in the public interest? And the second had to do with the risk and threats that face ICANN. That happens to be an area of mutual concern. And I just actually left the ccNSO meeting where they are examining one of the particular external activities related to a treaty discussion that will take place later this year.

Many of our members participated in that workshop on Monday afternoon. And we had members who participated in the panel.

I will just say one other thing. We've received -- within our discussions we were very positively enthused and welcomed the discussion and appearance of the CEO and look forward to his arrival in October. It's been a very busy time for us. There is probably one other thing I'd like to mention that we have focused our time on, and I think it is actually a conversation and a topic that all of us are focusing our time on, besides returning to operational excellence.

That is, of course, what I call the march of the brands. But it is broader than that. It is the arrival at ICANN of a very large number of entities who have applied for new gTLDs for one reason or another -- to operate a community gTLD, a brand TLD, an open generic TLD.

But a very large number of new entities are coming who are unfamiliar with our processes as they stand today. They're all going to be looking for a place to associate with as they go through their application process. And I -- we're aware of, as all of you are, that these discussions about where should people hang their hat; do there need to be new hooks, places; and is special attention needed to the applicants in just that role? That's going on in all the constituencies and stakeholder groups, as it should.

The other thing that is going on with us -- and I'm sure with your constituencies as well -- is what is it going to mean to the GNSO, and what is it going to mean to ICANN?

I'll say two things. We expect the council to focus heavily on what it does mean on gTLD policy development and management while the constituency and the stakeholder groups will look at the larger implications. But the final point I would make that we're focusing on and that we think will apply to all of us at ICANN is we're going to put new stresses on our existing services and on our existing numbers of resources, including the elected chairs and the excoms within each of the constituencies. So it's been a busy time, and I appreciate the opportunity to tell you what we've been focusing on.

>>STEPHANE VAN GELDER: Thank you very much, Marilyn. Before you go, I'd like to open it up for any questions or comments from councillors.

I'd like to make two comments. First of all, I don't know if the business constituency printing press can stand me plugging this document. But it is a very, very useful document, certainly, for newcomers. Because it has a very clear map -- not that one's needed, of course -- but of the council structure, which I highly recommend if you're unfamiliar with the way the council works. Although, I'm sure none of you are.

And the second comment -- I just wanted to add to what you just mentioned about the effects of the march of the brands, as you called it, or arrival of new gTLDs in general. That has been a topic, just to highlight, that we been discussing throughout our weekend session -- I know you attended those -- and at the beginning of the week. And it is something that is of clear interest to everyone involved in the -- both the council and the GNSO community. So just a thank you for highlighting that point.

Are there any comments or questions? In which case, thank you very much, Marilyn. Steve?

>>STEVE METALITZ: Thank you. Steve Metalitz from the intellectual property constituency.

We, too, have been very busy. We're extremely envious of the business constituency newsletter. So we're going to take that as a challenge, I guess, to try to emulate it in some way. But it is very good.

And I'm not going to go through -- I'm really just going to mention two issues that are of particular relevance at least in the near future to this GNSO Council. There's, obviously, many other issues that we've been discussing.

On Thursday -- tomorrow, I guess that's Thursday -- in the public forum, there will be a discussion of one of ICANN's most important contractual agreements -- the agreement with VeriSign to operate the largest -- by far the largest gTLD registry.

And I remind you that, while there are many expectations for future gTLD registries in the world we live in today and we'll be living in for a while to come, dot com is the dominant force in the gTLD registry world. So this agreement is extremely important. And we were preparing our remarks about it following on to comments we've made in the public forum and comments that other constituencies have made. So we were looking forward to this.

And we discovered on Monday that on Saturday the board, meeting behind closed doors, maybe in an underground bunker, had actually approved the dot com renewal agreement without any changes and without any discussion, substantive discussion of the many issues, many concerns that had been raised about the terms -- not the fact of the renewal of the agreement, but the terms under which the agreement would be renewed.

So I raise this for two reasons. One is that I think this means that the thick WHOIS issue, which this council deferred until that new contract came into force on the understanding that it might be dealt with in the new contract, is now -- obviously, will not be dealt with in the new contract. And, therefore, it may be that we will urging the council to take that issue up. We have to have a discussion about that among our group. But that may be something that we would urge to move up to near the top of the agenda.

There's a second aspect of this I think relates to what Marilyn was referring to and that I'm sure other speakers will refer to. And that is the perception that the ICANN model or the argument that the ICANN model is superior to other alternative ways of conducting management of the domain name system. Because it allows for greater public input, has greater accountability and transparency.

I think what the board has just done or did on Saturday to preempt this public forum, which was long scheduled on this topic, to act on this contract behind closed doors and to give no attention that we can tell at all to the serious issues that were raised about it, I think all of those factors make it very, very difficult to argue that the ICANN model is superior to other alternatives from the viewpoint of accountability and transparency.

So I think it's very unfortunate, and I think it's going to cast a pall over some of these discussions that are going to be ongoing. And that's going to have an impact, I think, on all the activities here, including of this council.

The only thing I would say in closing is that the -- whether it's the march of the brands or the headlong flight of the lemmings or whatever it turns out to be, the arrival of -- what happened on June 13th has had a very -- already has had a very significant impact on our constituency. And I think we're going to be spending a lot of time in the next few months looking at the different alternatives, different options for how in this new environment that's coming -- it's not here yet -- but the new environment of many, many, many new gTLD registries, how our constituency can

best advance the goals of ensuring good intellectual property rules in the domain name system.

So we're going to be spending a lot of time on that. And, of course, a lot of that does affect the future structure and operations of this council. So that's clearly a very important issue under discussion here. Thank you.

>>STEPHANE VAN GELDER: Steve, thank you very much for those very important points. Jeff, you have a question.

>>JEFF NEUMAN: It's not really a question. I want to thank Steve for pointing out those things without talking about the substance -- not about the substance on the issue, but in general putting something on the public forum and then deciding about it behind closed doors. I think I would be in favor again of not commenting on the substance at all, because I do agree that the agreement should have been approved. But more commenting on the process, I think. That is kind of shameful. And, as a councillor, I'm not happy hearing that. And I think maybe the council might consider putting in some sort of statement on that issue.

And I think -- I don't even know what to say. It's a shame. But sometimes they just keep shooting themselves in the foot.

You know? Thanks, Steve.

>>STEPHANE VAN GELDER: Thanks, Jeff. Any further questions or comments? Thank you, Steve. Marilyn, Steve, thank you both for moving your schedules around to accommodate this.

We'll now go back to the standard list as we had planned it. And, once again, if any of you have urgent need to be someplace else, please let us know. And we'll try to accommodate that. So I'll now turn to Keith Drazek on behalf of the registries.

>>KEITH DRAZEK: Thank you, Stephane. David Maher, with the change in the timing, ended up with a conflict. He sends his regards and regrets. I'm here in his place. So thank you.

I'd like to take note. I know Marilyn left the room. But I like the newsletter, too. So instead of march of the brands, I think it's march of the newsletters.

I just want to talk about one police of business that we had in the registry stakeholder group this week. I know we're moving away from the Q&A. Sorry, moving away from the reporting and more talking about topical things and the Q&A.

We had a development this week in the creation of an observer group within our stakeholder groups. I just want to give a context and background and update on that. The registry stakeholder group added an observer status category in 2010 in anticipation of new gTLD applicants. Because we are a -- in the contracted parties house, an applicant who has not yet executed a contract cannot be a full member.

They become a full member at their choice when they decide -- when they actually do sign an agreement with ICANN.

So, in anticipation of that, but acknowledging that new gTLD applicants would be interested in participating and learning and getting up to speed in the policy development process, particularly those who may not already be involved, we created an observer status. It's -- the observer status in the registry stakeholder group is open to all new gTLD applicants. And those observers have all rights within the stakeholder group except for voting. So they're able to participate in our meetings, our mailing lists, public comment development, et cetera.

As of this meeting, we have approximately 30 new observer members. I'd like to take this opportunity to welcome them. And, as I said, it's open to all applicants. This is not meant to be a pitch, just an informational explanation of what this group is all about in our stakeholder group.

In addition to the observer group, we have something called interest groups. And the -- within the stakeholder group, within an observer group status, there is now, as of this meeting, been the creation of an interest group. And I'd like to note that on Tuesday the charter for that group was passed. And no meeting at an ICANN meeting would go -- would be successful without the creation of a new acronym. So I'm happy to announce the new acronym. It's the NTAG, the New TLD Applicant Group within the registry stakeholder group.

Just to be clear, participation in any interest group in our stakeholder group is optional. There's no restriction on the formation of additional interest groups. And observers or members may participate in the multiple interest groups at the same time. I know there had been concerns or question or confusion about what exactly was going on within the stakeholder group and among the observer members at this meeting. And I just wanted to sort of explain the situation and make myself available for any questions.

>>STEPHANE VAN GELDER: Thanks, Keith. I think that's very useful. So thank you very much for taking the time to explain that to us. Are there any comments or questions? Jonathan?

>>JONATHAN ROBINSON: Hi, it's Jonathan, registries group councillor. I just thank Keith, because you highlight the challenge there that we all face between sometimes promoting something and yet we have something that is very inclusive and intentionally so within the registries group, but we didn't want to shout from the rooftops either. And I think you explained it well. So I think it's helpful to have gotten that on the table and understand. Thanks.

>>STEPHANE VAN GELDER: Thank you very much. Any further comments?

Keith, thank you very much.

I will now turn to Matt Serlin who is the chair -- lots of jokes coming to my mind there, but I'm not going to go there -- the chair of the registrars stakeholder group.

Matt, thank you very much.

>>MATT SERLIN: Thanks, Stephane, and thanks to the council for the opportunity. And also thank you for limiting the hazing of me this week. This is my first meeting chairing the group, so other than Stephane, I think everyone has been very welcoming, and again, appreciate that.

So a quick update on the Registrar Stakeholder Group. This week, we have obviously been spending a lot of time, as I think members of the council know through our interactions with you, discussing the RAA both with the community, with the Board, with the GAC, continuing conversations with the law enforcement folks. Really, what we have -- what we have been saying during the week is that we've made significant, significant progress on the agreement since we last reported to the community. So, you know, for an example, out of the 12 law enforcement requests, the registrar group has essentially agreed to 10 out of 12 of those, and the remaining two really, from our standpoint and from the feedback we continue to get from the community, are issues that require further development by the community.

So we look forward to bringing the RAA negotiations to a close and to continuing on with input from the community on the discussions on the remaining items.

We also, on Sunday, I think it was, had a good session with the GAC, some representatives of the registrars stakeholder group participated in a discussion regarding the domain name marketplace to provide some information to the GAC members about just the different business models that registrars and registries, actually, there were some registries folks there as well, just some of the diverse business models that are represented within the stakeholder group. So we thought that was a very good interaction. We look forward to continuing those interactions with the GAC as well.

And then just would like to take a moment to thank the staff for coming in and participating in our meetings on Tuesday. The policy staff, the SSAC folks came in, and so that meeting was very productive as well.

Stephane?

>>STEPHANE VAN GELDER: Sorry, I was obviously paying a great deal of attention to you, Matt.

>>MATT SERLIN: The hazing continues. Thank you.

>>STEPHANE VAN GELDER: Any comments? Questions?

Matt, thank you very much for that update.

We will now use to the Non-Commercial Users Constituency, and it's not Robin.

>>DAVID CAKE: No, I'm not Robin. David Cake, interim chair of the Non-Commercial Users Constituency.

Yeah, we had a very productive we can so far as well. We spent a lot of our item in our meeting discussing outreach for our constituency. In particular, we talked about just the -- navigating the intricacies of -- navigating people through the intricacies of first having to join a stakeholder group and then join a constituency and exactly how this might -- we might help that with our Web site and other material that's out there.

We spent quite a bit of time discussing strategies for outreach. In particular, we are planning an outreach event the day before the Toronto meeting. That will probably be a full day event with panel discussions and so forth about a range of topics. We will be inviting many other members of the community to participate. There should be a general theme about the implications of -- policy implications of cybersecurity, I think is the general theme.

And that will be the second such outreach event. We did one before the San Francisco meeting and we are hoping to make them a lot more regular.

We discussed -- In terms of policy issues we discussed, we probably spent quite a lot of time wondering how best we might participate, be helpful to the RAA negotiations. Of course, we're neither a registrar nor otherwise involved, about you what we did, indeed, decide is perhaps we could most be useful in outreach to privacy organizations. We have been drafting or will be sending a letter to some privacy organizations to help highlight concerns in that and, hopefully, re-form so that we are able to have those organizations participating in the future.

We also discussed, of course, the continuing issues like the continuing riddle of the Red Cross, IOC IGO. We discussed consumer metrics issue and how best we might be dealing with, of course, like all the constituencies, we're going to see some changes thanks to the many changes we're going to see from new gTLDs.

And do we have any -- That's pretty much it. That's what we did in NCUC, so....

>>STEPHANE VAN GELDER: Thank you.

Do we have any comments or questions for David?

Thank you very much.

Next we have Alain Berranger from the not-for-profit operational concerns constituency.

>>ALAIN BERRANGER: Merci beaucoup, Stephane.

I wanted to share with you, because this is only the second time I come in front of the Council, and I've never covered with you our vision and mission, so I thought I would share with you that our vision is one of a world without digital divide.

The mission, which we share with our sister constituency, NCUC, is to facilitate and augment the participation of civil society in DNS policy development and implementation.

My approach today is to report to you how we try to walk the talk and give you the executive summary of our activity since San Jose.

First of all, we held elections. We were an interim Executive Committee at San Jose.

Second point I want to share with you our membership numbers. They total 48 if I include all categories of approved, pending, under dispute, recent -- and recent.

Of the new or pending membership applications, 80% are from developing countries. We have quickly engaged into a partnership with the global knowledge partnership foundation. It is, like ICANN, a multistakeholder run not-for-profit which will multiply many times the outreach which NPOC would achieve on its own.

Two initiatives have already emerged from that partnership, and I would like to point out that this report is based on no financial resource, only volunteer time, and the financial resources outside. We had none from ICANN, which is not a criticism, but we had to fund-raise.

Our first event is that we were able to have an event and a booth at the World Summit on the Information Society at the 2012 event in Geneva. The second one is ambitious but we're very proud of it because it has advanced already. We will publish or cause to be published a publication entitled NGOs and Internet governance. This will -- We have already signed an agreement with the Journal of Community Infomatics, and, in fact, we are very happy to report that one councillor here, Mary Wong, and Dot Avri -- sorry, Avri Doria, have kindly accepted to serve on the editorial board.

We did an outreach to Africa because that's where we felt the participation was the weakest, and we did this in collaboration with Africa's manager, regional relation, using the AfriNIC dot net network. The call was posted in four languages for optimal reach: English, French, Arabic and Portuguese.

We had five NPOC members in Prague: U.S., Gambia, Switzerland, Trinidad and Tobago, and Canada.

We also prepared our proposed program for FY13 to submit to ICANN, and parts of it were approved in Prague recently.

Our focus of programming in the months to come will be outreach. Webinars, recruitment, workshops. But we won't do stand-alone workshops. We will do everything in leverage and in parallel to ICT conferences where we don't have to pay the price of attracting large audiences that we need to reach.

It was easy for us to be transparent on financial issues, but a modest resource that we spend, you will find a statement of revenue and expenses to 15 June on our Web site, which accounts for every penny that we spent.

We had a workshop yesterday on e-fund-raising and NGOs, and our speakers -- it was quite successful, and we had speakers from the Business Constituency and the Intellectual Property Constituency.

And finally, an anecdote. During this period, the prestigious, austerious price was awarded to an NPO member. I am referring to the International Federation of Red Cross and Red Crescent societies.

So thank you, councillors, for listening to my activity report.

>>STEPHANE VAN GELDER: Merci beaucoup, Alain.

So are there any other comments or questions for Alain?

Thank you very much. And we will move to the last presentation on our agenda today on this part of the agenda and that's going to be given by Tony Holmes from the ISPs.

Tony, thank you.

>>TONY HOLMES: Thank you, Stephane. The first two constituencies that reported to the council were the other members of the Commercial Stakeholder Group, the BC and the IP constituency. But we make the up trio of constituencies within the Commercial Stakeholder Group. And sometimes as ISPs, we tend to focus on slightly different issues or we come at them from a different perspective. But two points were made in their presentation that I want to pick up on. And I think there's a link between them, as well.

The first was the point made by Steve Metalitz about the renewal of the dot com agreement. That never made it on our agenda. We had a very full agenda, and we didn't actually get to discuss that. But certainly within the ISPs, a number of ISPs have also expressed exactly the same concerns that Steve put forward here. And I was particularly pleased to hear Jeff's remark about there maybe an issue for council to consider here.

And that links with the second issue I want to pick up on, and that was the point made by Marilyn. Certainly within our constituency, a number of us are involved in looking at some of the external threats to ICANN, and we've had some discussion about that here with the Board, amongst other people. And we would appeal to

ICANN not to keep making our job harder. And when things like this happen, that really is the outcome. It just gets more and more difficult.

So we need to make sure that we get our house in order to help us with that. And that's a plea as much as anything else.

In terms of the constituency issues, there are two particular things I want to raise, because they were parts of our agenda that really were working sessions within this meeting.

The first was looking ahead to the impact of the gTLDs on the structure of ICANN, the constituencies. And along with other people here, we're working on that. We actually have a plan to take that forward. So it's very much work in action, but getting a lot of focus.

The second working session we had was really looking towards better outreach from the constituency, particularly where there are currently underserved regions of the world and trying to get more involvement from them.

And the final point I want to make is that we're very aware, once again, that even with the gTLD program, whilst we have members who are actively involved in the immediate discussions, and we discuss some of those within our meeting, batching and that sort of thing, we didn't take any decisions in the constituency. But we're aware that a lot of the issues for us come on the back end of that process. It's when we get to the stage where the gTLDs actually go in the root.

If there's any concern at that stage or any problems, as ISPs we are going to be the guys who are in the front line facing up to customers. Very often, they come directly to us. And we do have some concerns around that area.

So, certainly in Toronto, we are going to be focusing on issues around security, stability, and some of the threats potentially that come out of that.

Thank you.

>>STEPHANE VAN GELDER: Thank you very much, Tony.

Are there any comments or questions?

Thank you very much.

I'd like to thank all the stakeholder and constituency group leaders for talking to us today. Keith Drazek for the registries, Matt Serlin for the registrars, David Cake for the noncommercial users, Alain Berranger for the not-for-profit operational concerns, Marilyn Cade for the business constituency, and Steve Metalitz for the IPC and Tony Holmes for the ISPs.

Thank you very much to you all. We will now take a very short recess, and just to make sure we keep on schedule, I'd like to ask everybody to be back in time to restart at five to 4:00.

Thank you very much.

(Brief recess)

>>STEPHANE VAN GELDER: In five minutes we are going to reconvene to start the Council part of the agenda.

Thank you.

>>STEPHANE VAN GELDER: Okay.

I'd like to restart the meeting, please. GNSO Councillors, please come back to your seats, and we'll restart now with the full Council agenda, starting with the first item on our agenda today, which is the administrative matters that we have prior to every Council meeting.

Before doing that, I just want to say two -- a couple of things.

First of all, just to remind everyone that there is, after -- this is an open Council meeting. At the ICANN meetings, we always leave lots of room for community input. There are -- After each agenda item, I will call for any comments or questions. That includes anyone in the room or anyone online. The policy staff will, hopefully, be able to field any online questions that we get to me so that I can get to those. So please do not hesitate to come up to both microphones over there to speak or ask a question. If you wish to do so, just say your name and ask your question, and there will be, once again, lots of opportunity to do that.

The second thing I'd like to say before we get started is just to basically shine the spotlight on someone that's been with us for a number of years that is about to leave us, very sadly, although it's not sad for her because I think she's excited at the new prospect, and that is Liz Gasster, who is senior policy councillor. She has been with ICANN, I believe, since 2007. So five good, strong years of leading the policy team that works day to day with the GNSO Council and really, I'm sure you all know this, we could not find -- we could not tie our shoe laces without them. So that collaboration is really appreciated.

And Liz is attending her last ICANN meeting as chief policy councillor, so just wanted to give her a round of applause, say how much we have appreciated working with you. And I've actually got a little present for you, Liz. So if you can come up here, I'll give it to you.

[Applause]

[Standing ovation]

>>STEPHANE VAN GELDER: Okay. Glen, can you do a roll call, please.

>>GLEN DE SAINT GERY: I'll do that for you, Stephane.

Jeff Neuman?

>>JEFF NEUMAN: Present.

>>GLEN DE SAINT GERY: Ching Chao?

>>CHING CHAO: Present.

>>GLEN DE SAINT GERY: Jonathan Robinson?

>>JONATHAN ROBINSON: Yes.

>>GLEN DE SAINT GERY: Mason Cole?

>>MASON COLE: Here.

>>GLEN DE SAINT GERY: Yoav Keren?

>>YOAV KEREN: Here.

>>GLEN DE SAINT GERY: Stephane Van Gelder?

>>STEPHANE VAN GELDER: Yes.

>>GLEN DE SAINT GERY: Thomas Rickert?

>>THOMAS RICKERT: Present.

>>GLEN DE SAINT GERY: Zahid Jamil?

>>ZAHID JAMIL: Present.

>>GLEN DE SAINT GERY: John Berard?

>>JOHN BERARD: Present.

>>GLEN DE SAINT GERY: Brian Winterfeldt?

>>BRIAN WINTERFELDT: Present.

>>GLEN DE SAINT GERY: David Taylor?

>>DAVID TAYLOR: Present.

>>GLEN DE SAINT GERY: Osvaldo Novoa?

>>OSVALDO NOVOA: Present.

>>GLEN DE SAINT GERY: Wolf-Ulrich Knoben?

>>WOLF-ULRICH KNOBEN: Present.

>>GLEN DE SAINT GERY: Bill Drake?

>>BILL DRAKE: Présenté.

>>GLEN DE SAINT GERY: Wendy Seltzer?

>WENDY SELTZER: Here.

>>GLEN DE SAINT GERY: Mary Wong?

>>MARY WONG: Here.

>>GLEN DE SAINT GERY: Rafik Dammak?

>>RAFIK DAMMAK: Present.

>>GLEN DE SAINT GERY: Joy Liddicoat?

>>JOY LIDDICOAT: Here.

>>GLEN DE SAINT GERY:
Wolfgang Kleinwachter?

>>WOLFGANG KLEINWACHTER: Yes.

>>GLEN DE SAINT GERY: Lanre Ajayi.

>>LANRE AJAYI: Present.

>>GLEN DE SAINT GERY: Carlos Aguirre?

>>CARLOS AGUIRRE: Present.

>>GLEN DE SAINT GERY: Alan Greenberg?

>>ZAHID JAMIL: He just stepped out but he was present and he is coming back.

>>GLEN DE SAINT GERY: Thank you, Zahid.

Han Chuan Lee?

>>HAN CHUAN LEE: Present.

>>GLEN DE SAINT GERY: So the Council and all liaisons are present, Stephane.

>>STEPHANE VAN GELDER: Thank you, Glen.

Can I ask at this point if anyone wants to update any Statement of Interest?

And may I remind councillors that there is an Adobe room for you to raise your hands in, but please do so here as well because it's difficult for me to look at the room and around this actual real room at the same time.

Hearing none, can I ask if there are any calls to review or amend the agenda?

I know in saying that, because of the time change, we have all discussed possible changes, so Zahid, I know you have something.

If anyone else has a change of agenda that they'd like to request, please do so now.

Zahid.

>>ZAHID JAMIL: Stephane, thank you.

For those of us who were in the GAC room when the Board met with them, it was helpful to understand the importance of the IOC, RCRC issues.

I think the GNSO was sort of flagged as the institution or the organization that hadn't actually provided feedback. I think we need to have that discussion.

I would encourage that we define someplace on the agenda to be able to accommodate that. I will leave that to your skills to see whether we can replace something or have it in AOB, but we do need to discuss it today.

>>STEPHANE VAN GELDER: Perhaps AOB is the best way. And can I leave that to you, then, to bring that up when we call for any other business?

Thank you very much.

Any further requests for any changes to the agenda?

Seeing none, I will just bring your attention to the previous minutes -- the minutes of the previous Council meeting, which was held on the 7th of June, and those minutes can be accessed via a link that is on this meeting's agenda.

I will also bring your attention to the Council's pending projects list, which is also accessible via a link on this agenda, and which is the list which we use to keep abreast of all the projects that we have ongoing on the Council.

With that, I will move to item 2, and that will be a quick item. It's our traditional consent agenda item. There are no items on the consent agenda today, so I'll move straight into item 3.

We are considering a motion today that was made at the previous meeting by Wolf-Ulrich Knoben and for the ISPs, and deferred from that meeting, so we are considering it again today. And Wolf, I believe you have sent an updated text of the motion to the Council list. Can I ask you to either read it or provide some background to that text?

Thank you.

>>WOLF-ULRICH KNOBEN: Yes. Thank you, Stephane.

Where can I find the motion?

So I don't see it on the Adobe, or is it here?

Okay.

Yes, thank you very much.

Well, I would like -- If that is accepted, just read the resolved, and then go to some explanation of that and what's going on, if you accept, Stephane. He accepts, thank you.

Therefore, be it resolved the GNSO Council recommends that the issue of a Service Level Agreement, SLA, for Web and port 43 WHOIS access, in brackets, (to determine -- and that's the explanation of that -- to determine what additional research and processes may be needed to ensure that WHOIS data is accessible in an appropriately reliable, enforceable, and consistent fashion which does not violate freedom of expression, privacy and related rights), bracket, be included in the RAA policy development process when it comments.

And further resolved, the GNSO Council will conduct a review by end of September 2012 to determine whether the RAA PDP has commenced and has included the issue of an SLA for Web and port 43 WHOIS access in its remit or whether alternative approaches to establishing such an SLA should be pursued.

So that's the motion as it reads.

As you recall, you will recall, we had an extensive discussion over the last weekend of -- about this motion and the rationale behind of that is an issue we have seen from former Council discussions regarding the the question of whether this item should be moved away from future Council agendas or not.

So it was on the consent agenda of the Council, but to remove that and to see it as fulfilled. And we, from our constituency, we saw a bit concern on that. So we're still not concerned that it's not fulfilled.

Also, there are a part of it in the environment of RAA and WHOIS discussed, and it is that way.

Though what we would like to see here is that this item could be taken to the agenda again of the GNSO, or, for example, when it comes to an RAA PDP and it commences and we are going to charter it that way.

So I would say -- would like to make a statement here to say I am open to restore this motion right now if we can get firm statement from -- firm statement in this regard that this item is not being put again on the consent agenda on one hand; and, on the other hand, if we can come again back with that item in this respect when the other items are dealt with; for example, in RAA PDP.

So in this respect, I would like to restore the motion.

Thank you.

>>STEPHANE VAN GELDER: Thank you very much, Wolf.

On behalf of the registrars, I can tell you that we have no issue with agreeing to not requesting for this to be put back on the consent agenda, as you have just requested.

And I will now open it up for questions or comments before going back to you, Wolf, to make sure that you are in agreement on withdrawing the motion.

Thank you.

>>JONATHAN ROBINSON: Yes, thank you, Wolf.

I actually had a question for you that I wanted to ask. But, after understanding you offered to withdraw the motion, it's probably worth raising anyway now.

The motion contains a clause about not violating freedom of expression, privacy, and related rights, which, you know, personally, I think is very sensible and it may well -- my question really relates to the fact that is it necessary to have this clause in a motion like this? And you may not be in the best position to comment. But is there not some overarching provision we have within bylaws or somewhere else that we should trust that this kind of issue is already dealt with? I just wonder whether it's necessary to have it in this particular motion.

I think there's a second concern that's very specific to this issue. And that I think what this does is potentially implies that we're talking about the data contained within WHOIS; whereas, in fact, this is a WHOIS access motion, which is about the accessibility and availability of WHOIS. So there's a kind of secondary concern. There's a primary overarching concern and a secondary concern. I hope I've expressed that clearly enough. And, to the extent you can, it's probably worth discussing that a little now.

>>STEPHANE VAN GELDER: Thank you, Jonathan. I have Lanre next.

>>LANRE AJAYI: Thank you. The last clause on the motion that's the GNSO Council recognizes the issues of rules access in the financial issue report of the RAA. And the reserved clause is not asking the GNSO to recommend inclusion of just an aspect of the WHOIS. I want to believe that limits the scope of the RAA PDP. I believe, rather than limiting the scope to just the SLA for the web and port 43, all the general aspects of the WHOIS should be considered. In that respect, I believe -- I wonder what's the mission intends to achieve since it's better to collect -- the WHOIS access is going to collect in the RAA PDP in the first place. So I wonder if it an observation. I don't know. Thank you.

>>STEPHANE VAN GELDER: Thank you, Lanre. I have Wolf.

>>WOLF-ULRICH KNOBEN: Thank you, Stephane. Regarding Jonathan's question, this reference made to not violating freedom of expression, privacy, and related rights. So you know how it works here on council. So we brought a motion some time ago. They suspected -- and it was amended. There was a question for amendment on that. I took it as friendly in that bring it up. So that means, for me and for my environment, there's no problem with that. So, if others may have another -- not a problem but may have reasons to do so, they could explain that.

>>JONATHAN ROBINSON: Wolf, thanks. I apologize. I put you on the spot. It was something that struck me in the interim that was worth discussion. But we can -- I just want to clarify that.

>>STEPHANE VAN GELDER: Thank you. Jeff. Yeah. Thanks. I think one of the other issues that we had, just to make the point with the motion -- I'm just trying to see if it was taken -- I'm just looking at this final "resolved." Somewhere it said -- yeah, okay, in the first resolved clause, it still says the RAA policy development process when it commences. Just to point out that there is no issue report or PDP on the RAA itself. There is no PDP on the RAA. There is a PDP on elements of the RAA that are within the picket fence. And I know that that sounds a little nitpicky. But it's very important, given the light of the negotiations going on. And it's very important for the registries, so I wanted to make that point.

>>STEPHANE VAN GELDER: Thanks, Jeff. Mason.

>>MASON COLE: I just wanted to echo what Jeff just mentioned because the -- excuse me. Let me just get a little closer. The issue of the picket fence, as it relates to policy development, is important to the registrars in that -- thank you -- in that it allows registrars and contracted parties predictability for operations of their companies and for the experience for end users. So the idea that a policy development at the GNSO level involves operational elements for registrars needs to take into account the picket fence. So I just want to echo that, as Jeff just did.

>>STEPHANE VAN GELDER: Thomas.

>>THOMAS RICKERT: Thanks, Stephane. A couple points I wanted to make have been covered.

But, getting back to the amendment respecting freedom of expression and privacy laws, just in general terms, a word of caution. I think that each and every resolution that the GNSO Council or the ICANN board makes should respect those core values. And, by putting it in here explicitly, that could imply that we don't respect those values when making other decisions. So it might make a precedent for us to ensure that we include this phrase in all future resolutions that we make. And, therefore, I think it might not be appropriate to include it here but just take it for granted that all decisions are made in this spirit.

>>STEPHANE VAN GELDER: Thank you. Can I ask everyone to speak very close to the mic, please. Because some people are a bit far away and difficult to understand. Any further comments? Joy?

>>JOY LIDDICOAT: Thanks, Stephane. Just a couple of comments and a question in response to a point that's been raised by Jeff and Mason. Is someone else's microphone on? No? Okay.

Firstly, just in relation to the question that's been raised around freedom of expression references. Councillors will recall that this is a specific response to the particular background documents and the issues that were raised in them rather than a generic call.

And, certainly, Jonathan, I'm not aware of any particular overarching document that references those three. But, in any event, I think the point was to focus on those, in particular. And, in addition, just to respond to Thomas's comment, I don't think there can be the suggestion that the GNSO Council, by specifically referring to these three in relation to this particular issue, in not doing so generically in relation to others would be sending an inappropriate signal. Of course, it would be open to GNSO Council at any time to issue some more general statement, if it chose to.

So I -- I think concerns about that, although rightly raised, can be allayed.

My question in relation to the points raised by Jeff and Mason and, properly so, in relation to the picket fence issues is are they seeking a particular amendment to the

resolution that might be seen as friendly? Or are they wanting their concern about that simply noted for the record?

>>STEPHANE VAN GELDER: Thanks, Joy. Mason?

>>MASON COLE: Thanks for the question, Joy. With regard to the motion, first of all, in substance of the motion, the registrars are seeking to not be obligated to -- for Port 43 for WHOIS because the registry is already provided and it can be flowed through to whoever is looking it up. So we've been instructed by our stakeholder group to oppose this motion on the grounds of its content.

In terms of the process or the motion, I'm not sure what amendment would help it. I've talked this over with some other councillors. And, with all due respect to Wolf, I agree with his intention. WHOIS should be open and available and accurate, of course.

But making a motion to -- that refers to a motion that's going to be made later so that that motion can be included in the second motion, I'm not sure process-wise that's the best way to go about it. I'm certainly not opposed to addressing WHOIS. But I think the council should do it in the most efficient way.

>>STEPHANE VAN GELDER: Thanks, Mason. I have Jeff next.

>>JEFF NEUMAN: Yeah, I think the registries discussed this in our meeting and came to the same conclusions as Mason and the registrars. In addition, we thought that the work seemed very duplicative of what was going on in a number of different areas, whether they were the negotiations themselves or whether they were the WHOIS surveys and the WHOIS studies and a whole host of the thick WHOIS PDP, which is likely to come back now because of the com agreement being done. So that we just thought it was extremely duplicative.

And the other thing that we kind of looked at was you're talking about making sure that port 43 is reliable. It's already required to be reliable in the agreement. So a resolution requiring something that's already required in the agreement doesn't seem like something that council should be necessarily doing.

>>STEPHANE VAN GELDER: Thanks, Jeff.

I have Wolf and Mason.

>>WOLF-ULRICH KNOBEN: Thank you. We're still in this phase where I could accept what you're saying and withdraw from the motion. I would like not to get into the whole discussion again of what is already put down and what is open. So we have this still concern that this is not really covered. And so, since we have this concern that is raised, that's very simple. Might be coming up to that. So we're trying to bring it in. So, if we can find a way, it is not -- the issue is not well to bring it in right now. That's not the issue. It is to bring it in in a way that we can participate in. And

that may be the end of this year or whenever those parts or those elements are going to be started and covered by a PDP.

So the echo I have got from all these sessions here with regards to RAA and WHOIS over the last days was there are controversial issues and they're not solved.

So -- and this is -- that is the major reason why I would like to get a chance not to come back with that issue. It must not be through that motion. Must be firm statement from this audience or from the community which is concerned about that that we will have a chance to come back with that. That's it. Thank you.

>>STEPHANE VAN GELDER: Thank you, Wolf. I have Mason next.

>>MASON COLE: Thank you, Stephane. Just a brief clarification. When I made reference to the registrars and port 43 WHOIS, I was referring only to thick WHOIS. I wanted to be sure that was clear.

>>STEPHANE VAN GELDER: Thanks, Jonathan.

>>JONATHAN ROBINSON: So, Wolf, it's Jonathan. I really appreciate the approach you've taken. And I think what I would suggest as a way forward is that we accept your gracious offer to withdraw, if I understand it properly, and that we continue to discuss this offline on the understanding that this may well come back to the council should it not be adequately resolved by other processes. And so really appreciate that. And I think that's what I would suggest, Stephane, that we do now.

>>STEPHANE VAN GELDER: Thank you, Jonathan. Yoav.

>>YOAV KEREN: Jonathan said almost exactly what I want to say. I think it would be redundant to do this now in the relevant PDP. You can raise these issues again and cover it.

>>STEPHANE VAN GELDER: Thank you, Yoav. Zahid.

>>ZAHID JAMIL: I was just saying that this is -- you know, we've seen various issues that can, basically, probably because of working group having provided us, you know, recommendations. And the RAP WG has been the victim of certain things getting dropped by the side. I know this is not necessarily the most important issue. I don't necessarily want to take it out of -- and -- you know, sort of beat it to death.

But this whole resolution was just a place holder saying that in September 2012 this is going to be looked at again. So I agree with at least the compromise position that, yes, let's take it offline but let's bring it back and not forget about it. Otherwise, the recommendations of the RAP WG will drop off the wagon. And I don't want to see that work go to waste. Thank you. That's all I wanted to say.

>>STEPHANE VAN GELDER: Thank you very much. Perhaps I can bring this discussion to a close now and open it up for open microphone, comments, or

questions, if there are any. Just waiting for one individual to make it to the mic. And don't forgot to say who you are, Mikey.

>>MIKEY O'CONNOR: My name is Mikey O'Connor. I was a member of the RAP working group. And I just want to clarify that the working group really had a very technical point to make that there is an SLA on WHOIS for port 43 for thick registries. But for registrars serving up WHOIS in the thin TLDs, there isn't. And our recommendation was let's just bring those to parity or figure out some mechanism to get the service level up to snuff. And that was really it. It was a very narrow, very focused, very technical almost housekeeping thing.

And so I think that this is exactly the right way to go and, you know, let -- let the events that have happened since we wrote that report two years ago play out a bit and then see where you are. So I just wanted to support where we're headed.

>>STEPHANE VAN GELDER: Thank you very much, Mikey. That's very helpful. Any further comments? Okay.

Can I turn back to Wolf and John Berard as seconder of the motion and ask them if they are willing to withdraw the motion as was suggested by them earlier on?

>>WOLF-ULRICH KNOBEN: Yes, I'm willing. And I'm waiting for the minutes.

>>JOHN BERARD: Sorry, I can't do that. I'm okay with that plan. I do want to just make the point that the hard work that the working group did, Mikey in particular, who at that point was pillar of the business constituency, makes it important that we not let that effort go undiscussed. And so the fact that we're just slipping it off the agenda now but it is set for reemergence at an appropriate time is fine with me.

>>STEPHANE VAN GELDER: Thank you very much to you both. We will withdraw the motion and not forget about it, obviously. Jeff, you have a final comment. And then I'd like to move on.

>>JEFF NEUMAN: Yeah. I want to thank Mikey as well. I also want to just remind the council and everyone that this was one of many, many recommendations, most of which we acted on in one way or another. We've started a number of PDPs based on the work, I think it was back in 2009 it may have completed. So just for everyone up here and down there, we did take a lot of the report. This is the last remaining item that hadn't been acted on in one way or another. So thanks.

>>STEPHANE VAN GELDER: Thank you very much.

So we'll move on to agenda item 4. And this also addresses a motion that I've made and that was seconded. I've actually forgotten by whom now. Zahid. Thank you very much. And this motion is on the Internationalized Registration Data working group final report. I will read the motion out and then open it up for discussion.

Whereas, on 21 April 2009 the ICANN Security and Stability Advisory Committee, SSAC published display -- sorry -- SAC037 display and usage of international registration data.

Whereas, on 26 June 2009 the ICANN board approved a resolution requesting that the GNSO and SSAC in consultation with staff convene an Internationalized Registration Data working group -- in brackets (IRD-WG) comprised of individuals with knowledge, expertise, and experience in these areas to study the feasibility and suitability of introducing display specifications to deal with the internationalization of registration data.

Whereas, in September 2009 the GNSO Council approved the charter of the IRD-WG.

Whereas, on 15th November 2010, the IRD working group published an interim report in the public forum for comment.

Whereas, on 3rd October 2011 IRD working group published a draft final report in the public forum for comment.

Whereas, on 6 March 2012 the IRD working group sent a final report that addressed issues raised in the forum to the GNSO and SSAC for consideration.

Whereas, on 10th May 2012 the IRD working group sent a revised final report that addresses changes requested by the SSAC to the GNSO Council for consideration.

Whereas, the GNSO Council wishes to coordinate with the SSAC to jointly deliver this report to the board in a timely way but recognizes that further consideration of the recommendations contained in the report, especially those that may have policy implications, is needed by the GNSO Council. Resolved, the GNSO Council approves of the delivery of the revised final report to the ICANN board and requests staff to prepare a joint letter from the GNSO Council and the SSAC to transmit the report.

Resolved further, the GNSO Council shall review the recommendations in the report and shall provide to the board its advice with regard to those recommendations that may have policy implications.

Resolved further, the GNSO Council thanks the IRD working group members for their diligence and persistence on this important topic and upon the agreement of the SSAC disbands the working group.

So that's the motion. Let me open this up for discussion please. Ching?

>>CHING CHIAO: Thank you, Stephane. For the motion. The registry appreciates the effort by the IRD working group and the revised report by SSAC.

So we are in favor of this motion. But knowing that, in this motion the recommendation, as the resolved clause shows, the recommendation listed in this report will be further reviewed by the GNSO if containing any policy implications.

So that said, in the recommendation 2 listed in this report, we actually look forward to you know, collaborating and receiving the issue report on translation and transliteration of registrant contact information either from the staff or from the IRD working group. But, meanwhile, just add my other personal remarks to it. So they are, you know, actually recommendations regarding developing the new IRD submission and display standards, which listed actually in the one and also the DNRD -- the domain name registration data -- access protocol as listed in recommendation 3.

So I will actually encourage that the ICANN staff actually takes GNSO, particularly the registry and the registrar, as the resource in developing those new standards. So that's my remark. Thank you.

>>STEPHANE VAN GELDER: Thank you very much, Ching. Any further comments?

Any comments from the open microphones? In which case, Glen, can we proceed to doing a voice vote on this, please?

>>GLEN de SAINT GERY: I'll do that. A voice vote or roll call vote, Stephane? Voice vote.

>>STEPHANE VAN GELDER: Let's do a roll call vote. Let's have a bit of fun. This is the only motion we're having today.

>>GLEN de SAINT GERY: Okay. Wendy Seltzer?

>>WENDY SELTZER: I get to go first. Exciting. Yes.

>>GLEN de SAINT GERY: Rafik Dammak.

>>RAFIK DAMMAK: Yes.

>>GLEN de SAINT GERY: Stephane van Gelder.

>>STEPHANE van GELDER: Yes.

>>GLEN de SAINT GERY: David Taylor.

>>DAVID TAYLOR: Yes.

>>GLEN de SAINT GERY: Yoav Keren.

>>YOAV KEREN: Yes.

>>GLEN de SAINT GERY: Brian Winterfeldt.

>>BRIAN WINTERFELDT: Yes. Apologies. I was consulting with my fellow counselor.

>>GLEN de SAINT GERY: Wolfgang Kleinwachter.

>>WOLFGANG KLEINWACHTER: Yes.

>>GLEN de SAINT GERY: John Berard.

>>JOHN BERARD: Yes.

>>GLEN de SAINT GERY: Joy Liddicoat.

>>LOY LIDDICOAT: Yes.

>>GLEN de SAINT GERY: Zahid Jamil.

>>ZAHID JAMIL: We do get work done sometimes, yes.

>>GLEN de SAINT GERY: Mary Wong.

>>MARY WONG: Okay, yes.

>>GLEN de SAINT GERY: Thomas Rickert.

>>THOMAS RICKERT: Yes.

>>GLEN de SAINT GERY: Osvaldo Novoa.

>>OSVALDO NOVOA: Yes.

>>GLEN de SAINT GERY: William Drake.

>>BILL DRAKE: Yes.

>>GLEN de SAINT GERY: Chin Chiao.

>>CHING CHIAO: Yes.

>>GLEN de SAINT GERY: Wolf-Ulrich Knoblen.

>>WOLF-ULRICH KNOBEN: Yes.

>>GLEN de SAINT GERY: Lanre Ajayi.

>>LANRE AJAYI: Yes.

>>GLEN de SAINT GERY: Mason Cole.

>>MASON COLE: Yes.

>>GLEN de SAINT GERY: Jeff Neuman.

>>JEFF NEUMAN: Sure.

>>GLEN de SAINT GERY: Jonathan Robinson.

>>JONATHAN ROBINSON: Yes.

>>GLEN de SAINT GERY: The motion passes unanimously, Stephane.

>>STEPHANE VAN GELDER: Thank you very much, Glen. That was much too painless. I'd like to withdraw the motion and start again next time. That was, obviously, a joke.

We'll move on to item 5. And, as I'm sure most of you know, the GNSO's currently engaged in several studies on WHOIS. This item is an update item on part of the work that's going on in this area. And Liz Gasster will be providing that update for us. Thank you, Liz.

>>LIZ GASSTER: Hi, thank you, everyone.

I will be giving this overview of the WHOIS studies both the four WHOIS studies -- there I am.

The four WHOIS studies that were originally requested by the GNSO back in 2007, which is this study we refer to as the misuse study,

registrant identification study, approximately and privacy abuse study and proxy and relay reveal.

So I'll be giving you an update on all of those and briefly touching on a WHOIS requirement survey that the GNSO Council has asked us to engage in as of 2007.

First, I'm going to start with just a little background on the history of studies. I know that's well known to most of you. But, just to make sure that everyone is on the same page. And I really need to apologize for all of you. My back is to, you and I feel uncomfortable about that. But that's the setup. So please forgive me.

Many of you know that WHOIS policy has been debated for many years. And in 2007, the GNSO Council decided that we really needed an objective, factual basis in order to make policy decisions, that there just was not enough information about WHOIS and specifically some of the issues related to WHOIS from a factual perspective in order to engage in informed policy making.

So the council identified several WHOIS study areas that reflected key policy concerns with the hope that, with completing those studies, there would be good insights to use for that future policy making. And RFPs were developed by staff and used to determine study costs and feasibility.

So we had open RFPs where we invited independent researchers to respond with proposals, and it was a wide-open RFP in each case. And we now have identified research organizations to conduct all four of the approved studies.

So that's just a bit of background. And I'm going to now talk in a little more detail about the studies themselves.

The first one, as I mentioned, we call a WHOIS misuse study. It's being conducted currently by the Carnegie Mellon University Cyber Lab, which is located in Pittsburgh, Pennsylvania in the United States. And this study is assessing whether the access to public WHOIS information significantly increases harmful acts and the potential impact of various types of anti-harvesting measures in curtailing public access for harmful purposes.

And there are actually two smaller studies involved in this overall approach. One is a descriptive study that has been surveying gTLD domain name registrants, registrars, and other experts about WHOIS misuse instances that they may have experienced or had responded to.

And then the second part of the study is an experimental one where this independent research firm at Carnegie-Mellon is registering gTLD test domains and then measuring WHOIS misuse incidents that may result from that.

The total cost of both studies has been estimated at about \$150,000. It was launched in mid-2011, and we're expecting a draft report in March 2013.

The next study we refer to as a Registrant Identification Study. This study is being conducted by NORC at the University of Chicago in the United States, and it's examining how gTLD domain registrants actually identify themselves in WHOIS and classifying different types of entities that register and use domains, including natural persons, legal persons, and those using proxy and privacy services registrations.

This is an exploratory, data-gathering effort and relates to several GAC proposals that were also put forward in the 2008 time frame when we solicited input on what studies to conduct, not only from the ICANN community very broadly but also from the GAC specifically because they had quite an interest in having studies conduct in the area of WHOIS.

So the cost of this study should run about \$180,000 U.S.

It was launched in October of 2011, rather recently, and we are expecting a draft report in September 2012.

The third study that is being done we referred to as a Privacy and Proxy Abuse Study as distinct from the misuse study, just trying to distinguish those two.

This study is being conducted by the National Physical Laboratory of the U.K. If you are not familiar with that organization, they do quite a bit of standards development for the U.K. government as well as other standards and technical work.

And what they'll be doing, they have just begun, is comparing a broad sample of privacy and proxy registered gTLD domain names associated with alleged harmful acts of different kinds to assess how often bad actors may use privacy or proxy service to try to obscure their identity in WHOIS; how this rate compares to the overall use of privacy and proxy services and how this rate compares to alternative types of abuse such as falsified WHOIS data, compromised machines, free Web hosting and things like that.

The cost of this study should run about 180,000 U.S. As I say, it was just launched in April 2012, and we are expecting a draft report in March 2013.

The last of these studies is a -- well, it's a privacy and proxy reveal and relay survey, but it was originally -- our original RFP actually requested proposals for a full study that would gather actual relay and reveal requests for privacy and proxy registered gTLD domains to explore and document how they are processed.

We did not get any bid responses for this study when we released the RFP, and we did some digging and asking of various independent researchers who responded to other studies and tried to really ask what their hesitation was about submitting RFPs for this study. And essentially, the upshot was that it -- there was concern that the full study, as defined by the RFP, really might not be feasible due to perhaps constraints on availability of data, these reveal and relay requests, the willingness of participants to actually share specific cases of reveal and relay requests because of confidentiality issues with customers, and then, also, concerns about the validity and verifiability of self-reported input and results.

So as a result of that, the Council opted to, instead, perform a pre-study survey to really ask potential participants to help us determine whether, in fact, a full study was feasible.

This pre-feasibility survey was launched in mid-2012; again, to help the community assess the feasibility. And some of the things that Interisle Consulting Group, who was selected to do this survey, conducted in that process, well, what it was going to really look at in detail to determine feasibility was, first, the willingness and ability of relay and reveal request originators and also privacy and proxy providers and registrars also to participate in a full study.

They examined data availability and what conditions there might be among necessary participants to share that data, what regional limitations there might be on participation, and how this -- these issues might inform the design of a full study. For example, would we have to build a special system or model for protecting the confidentiality of cases? And if we did do so, would it be significant enough to

reassure those who were hesitant because of confidentiality concerns to actually participate in the full study?

Anyway, and then also offer the opportunity for possible participants in a full study the opportunity to identify themselves as willing to participate in that full study.

The cost of this pre-study survey was \$80,000 U.S., and we have just posted this draft study on June 4th to solicit public input on this and to determine, based on the draft report that the Interisle drafted as well as the community views, what next steps the Council should engage in.

So we have a public comment period pending.

Well, this talks a little bit more about the actual survey methodology that Interisle used. They created a Web-based survey that was open to all from 14th of December to the 31st of October. They found, actually, despite a lot of proactive outreach that recruiting participants in the survey was challenging, and getting adequate geographic diversity and distribution also proved challenging.

They did receive 168 completed surveys, which they analyzed, and this was also supplemented by 16 individual interviews.

The findings and report are available there in that link as well as the appendices which are separately linked, and I encourage you to look both the the report and at the appendices, which have quite a bit of backup data to them.

This report, as I say, was kind of just posted before the ICANN meeting, and we knew the schedule for this meeting would be too full and intense to give adequate detail in time to discussing the nuances of this survey, so our plan next is to conduct a Webinar, probably two Webinars, not next week but perhaps the week after, to enable the community to hear directly from Interisle what their draft findings are and to offer opinions that they may have about that on the Webinars, but then there will also be this public comment period which is currently pending the -- the public comment period looks like it closed the 25th, but it hasn't, actually, and we'll be extend being the comment period so that it continues past the date of the Webinars, and you can use the information in the Webinars, perhaps, to further inform your thoughts because we really do encourage those of you interested in this to definitely provide public comments that can inform the final report that Interisle will issue before the question is then turned back to the council about in light of this report, whether you would want to proceed with a full study or not.

I also want to touch on a WHOIS Service Requirements Report survey on WHOIS Service Requirements Report That the GNSO Council asked for back in the -- I think October -- September-October time frame in 2011. Berry Cobb is the staff person supporting this working group as well as me. And the roots of this survey was a report that the GNSO Council asked policy staff to compile back in May of 2009 that would look at potential technical requirements for WHOIS service that would reflect

not only known deficiencies that have been identified, for example, in several preceding SSAC reports and elsewhere, but also look at policy debates that have occurred in the past and what technical underpinnings might be required to support any of those policy initiatives should the Council decide to proceed with those initiatives.

That report was released in July of 2010, and in 2011 the Council convened this survey working group to really try to estimate the level of agreement with these various, quote, "technical requirements," and we use "requirements" in the technical sense among the GNSO community.

This working group -- Oh, and then some of the things that the survey will include stem right from that report completed in 2010, which included in the inventory things like a mechanism to find authoritative WHOIS servers, the need, potentially, for a standardized query structure, for a well-defined schema for replies, standardized error messages which have been known to be a problem for many, some history of domain registration data, such as the Who Was service that has been discussed, and also technical issues related to internationalized registration data.

So these are some of the things that the survey plans to ask the community about.

And the benefits of the survey, we think, are several fold, really. To help estimate the level of agreement with these requirements among the GNSO community, and in particular, the GNSO technical community, because we're not really focusing here on policy requirements but, rather, technical capabilities that might be needed to address policies that might be approved in the future.

It also gives a voice to kind of the technical features that might be needed. This report may be useful as the IETF pursues its protocol activities, the WEERDS (phonetic) Working Group that some of you may have heard about earlier this morning in that WHOIS technical session.

Again, this survey, I just want to emphasize probably for the third time, that it is technical inventory and is not trying to define or suggest policies or operational rules that apply.

So right now, we posted a draft survey for public comment, and Webinars were held on the 1st of June to solicit input from experts, basically asking whether the survey itself is constructed properly. Because it's a technical survey, we wanted to make sure that the questions themselves were formulated in a way that made sense to the participants we're really targeting here, which is perhaps the most technical community. But then, also, are they phrased in a way that can elicit useful feedback? Are they generally understandable to, perhaps, non-native English speakers as well? That kind of input.

So that survey is up for public comment right now. And again, that's what we're really looking for in the way of input right now, but once we have incorporated any

comments we receive about trying to make that survey better, we will go ahead and release the survey for 30 days, hopefully solicit good input from a broad cross-section of the community, including technical experts. And then this working group will analyze the results and publish a final report, which then hopefully will guide the Council on further action.

So there are the four GNSO-requested studies from -- that kind of date back to the 2007-2009 period, and then this latest survey that dates back, really, from 2010, but then 2011 the decision to go ahead with this survey.

So if you would like more information about the WHOIS studies, there are some links there. There's a general information page on the GNSO site that tries to keep the status of all the studies up-to-date to be an easy reference for all of you. Again, I mentioned there is a specific public comment period open on this draft WHOIS privacy and proxy relay and reveal report that Interisle Consulting has prepared. And then there is also the announcement for the draft technical requirements survey, which is also pending your input. And those are kind of the key information or further references on those studies.

So I believe that concludes my presentation on the update. I thank you very much, and I'm happy to answer any questions that anyone has or offer comments from the community. Thank you.

>>STEPHANE VAN GELDER: Thanks very much, Liz.

So can I open this up for any comments or questions? And I have Wolfgang and John.

Wolfgang.

>>WOLFGANG KLEINWACHTER: Thank you, Liz. I'm excited to have so much new reading material so we can study all the dimensions of the complicated issues.

However, I have a question. You know, four -- All four contractors are from the Anglo American world. There are three partners from universities, academic world, from the U.S. and one from the U.K. The way we are talking about internationalization of ICANN, did you consider any efforts to do outreach to, let's say, non-Anglo American academic institutions in continental Europe, Asia, or Latin America?

>>LIZ GASSTER: That is a great question because we did a lot of outreach, first of all, and we did get a few bids, not many, from organizations outside the U.S. But the bottom line is we got very few responses at all for each of the studies, and they were very clear -- Well, first of all, we developed objective criteria to assess all of the RFPs that we did get. And I mean, we're talking kind of single digits here for each of the studies, despite our outreach. And there were some pretty clear differences in the

responses that we got, and our assessment of how well each of the organizations would be able to basically have the background and follow.

The RFPs were very detailed. I encourage you to look at them. They were, all of them, about ten pages long and quite specific in what we were looking for. And there was really very, very few responses. And I think just as a maybe personal comment about that experience of seeking input, doing some very considerable outreach, also asking many people in the community, including people in the community from other areas of the world, to suggest institutions that we should solicit, which we did, my personal sense is that there is a lack of -- generally, in academic institutions -- the kind of expertise that would enable many organizations to hit the ground running.

One of the things about selecting NORC, for example, at the University of Chicago was that it was very clear that NORC had learned a lot from having conducted two previous studies with ICANN and learned a lot about some of the challenges, for example, of assessing accuracy in WHOIS and what is meant by accuracy in WHOIS and the administrative contacts and such.

So that was, I think, a key aspect, was not very many responses at all, and much, much fewer elsewhere.

So I actually found that to be a disappointing disadvantage.

In fact, in a couple of cases we went back and really made sure that people weren't just too busy or didn't get word. But we do find that this is a small universe of expertise, and I have to say that one of the things that I personally am hoping for, especially with some of the study consultants that we haven't done work with before, that we might really begin to build expertise within those institutions so we can tap into that expertise in the future. Because it was striking the limited response we got overall.

I hope that's helpful.

>>STEPHANE VAN GELDER: Thanks, Liz.

I have John, Wolf, I see Chuck at the open mic.

I am going to have to ask you to keep it as short as possible so we can get to the rest of the agenda.

Thank you.

John.

>>JOHN BERARD: Thank you, Stephane. The motivation for moving forward on these WHOIS research projects has been to try to wrap what, at least, recently, perhaps historically, has been the emotional discussion of WHOIS in a sheath of data and statistics that would allow us to actually make rational decisions.

I think on the basis of the performance that we just heard, and I call it a performance, is clear that whatever gift we got Liz is too small by half.

She has been a rock as we have tried to navigate the stormy waters. So again, thank you, Liz.

>>STEPHANE VAN GELDER: Thanks, John.

Wolf.

>>WOLF-ULRICH KNOBEN: Thanks, Stephane. A brief comment on the draft technical requirements survey. Just to my knowledge, it started and you pointed out it was sent out for public comment on 1st of June, and to my knowledge it has been closed already on 20th of June or so. And they were searching to the Web site and didn't find any comment on that.

So that is the case, there should be a question mark why isn't that the case.

And I, personally, I tried to (indiscernible) and this was sent to me, and tried to get into and make some comments because I thought I know something about that, and I must say I was overwhelmed of the volume and the detail which was asked about that. And then I decided not to comment on that.

So the question is only so did you really focus also on the really narrow expert arena in this environment? Also, that these people are reached and asked really what is their opinion rather than you disclose it on the public comment where almost nobody can answer.

Thank you.

>>STEPHANE VAN GELDER: Thank you, Wolf.

Any further comments from the Council?

Thank you.

Chuck.

>>CHUCK GOMES: Thanks, Stephane, and thanks Liz.

Chuck Gomes from VeriSign.

Since Liz is leaving us, I did want to personally thank her for all of her efforts but in particular what she has done in WHOIS because a large part of her life, in addition to all of her other responsibilities, have been spent on this project as you could tell by her presentation.

So I really appreciate that it's gone over many years, most of her tenure with ICANN, and thank you very much.

And then for the record, I want to note that I did ask Liz before she leaves if she would help me tie my shoes one more time.

[Laughter]

[Applause]

>>LIZ GASSTER: Actually, Stephane, if I could just make one quick comment which is just to note if anyone is wondering, because I am leaving at the end of this meeting, what's going to be happening with the management of the WHOIS studies going forward, Barbara Roseman, who is a long-term ICANN employee and who actually started as, I think, one of its first ICANN policy officers, but who has been living in the IANA world for several years now, will be moving over to the policy department and she will be picking up the day-to-day oversight responsibilities for these studies. And she and I have been working very closely in the last week or two to make sure there is a smooth transition.

So I am very confident that you will continue to get very good input from her as the study results continue.

>>STEPHANE VAN GELDER: Thank you very much, Liz.

Steve.

>>STEVE DELBIANCO: Thanks, Stephane. Steve DelBianco with the business constituency.

I was going to ask who is taking over for you, but you have answered that and so that's great.

I want to put a finer point on John Berard's notion of the desire for fact-based information and the legacy of Liz's work.

More than ever we need the result of these studies because of things like the RAA amendments, the idea of a privacy and proxy certification program, which probably would occur through a PDP, and the notion of new WHOIS protocol, which was also discussed this morning.

All those need fact-based answers to questions like does public access to WHOIS actually enable abuse? We hear -- We hear that proposed, we hear it stated. Let's get an answer. Does it enable abuse? Does it drive abuse, and to what extent? Another question, do privacy and proxy services enable bad actors to hide when they perform abuse of the DNS? Many folks have alleged that. Let's get some fact-based answers to that question.

And the third is does relay and reveal, which are presumably obligations of privacy and proxy services, is it working? Does relay and reveal actually work when law enforcement or other folks are trying to protect their consumers and users?

Those are the kinds of answers we need to questions for all of the active work that's under way.

So WHOIS never seems to go away, and the only way staff can ever get away with it -- away from WHOIS is to leave, which is a shame. I wonder if that will have to be my alternative?

So finally, I mean, part of your legacy to ICANN is to help get those answers, and I'm anxious to work with Barbara Roseman because over the next several years, we will be asking many times, where is Liz Gasster? And I know where you are. You will be in Washington, D.C., and we will be asking it because we are going to want to thank you once again for the great work you did here.

Thank you.

[Applause]

>>STEPHANE VAN GELDER: Thank you very much.

So I will bring this item to a close, and obviously we all thank Liz for her outstanding work on this topic, as has been said by several speakers beforehand.

I will move -- I would like to request a small change in the agenda.

The next item, which is an update on the RAA, the registrars had someone to -- ready to do a presentation on this, and that person, because of the time changes of this meeting, is currently delayed in another meeting. So I'll ask your indulgence for me to change at least item 6 and item 7 around, and item 7 is a quick housekeeping item on our elections.

Would anyone object to me doing that?

Hearing no objections, let me lead into item 7, which is an item item on the Council leadership elections. For those of you unfamiliar with the Council and the way it works, we elect our leadership every year for single-year terms.

The Council as a whole elects the Council chair and each house nominates a vice chair.

Each house is allowed to nominate one candidate for council chair, and each house is determined -- is responsible for determining how it wants to nominate its candidate for chair and how it wants to select its vice chair.

So -- But, however, there are some key dates, and this is what I wanted to highlight today, because we do have to, as a Council, to prepare for this process which must be completed at the AGM next year -- this year, sorry, in Toronto.

So we are currently proposing the following method, and we've worked on this with the Council secretariat, Glen de Saint Gery, to try to put some dates together and put

this out for any comment or discussion. We would like to ask each house to submit its nominee for council chair by September 26th of this year.

We will then ask nominees to submit a candidacy statement to the GNSO secretariat, and we would like them to do that as soon as possible, obviously, but we would like to set a limit on that of September the 28th.

And, as a reminder, the candidate for council chair does not need to be a member of the house that is selecting or nominating that candidate. So, also, if -- as you know, we have three NomCom appointees. Should the non-voting NomCom appointee be elected as chair, that person would be a non-voting chair.

So that would be the basis for the selection nomination process. We would then ask that the candidates for the position of chair from each house meet the council during the GNSO working sessions in Toronto probably on Sunday, October the 14th.

We would then ask for voting to take place sometime during or after the open council meeting on Wednesday, the 17th of October. And we suggest and propose that we use the same procedure that was used at the 2011 AGM to elect the current chair of the GNSO Council, which would be to have, first of all, run the standard full open council meeting with the current council; then seat the newly incoming councillors for the next term, starting after the AGM; and ask the new council to have one -- a meeting with one agenda item, which would be the chair election.

That is the proposed process with the dates. Can I ask if there are any comments or questions on this? Wolf?

>>WOLF-ULRICH KNOBEN: With respect to the voting, I recall -- the chair should be elected by 60 or 66% of each house, isn't it? Is that the case? Two-thirds.

>>STEPHANE VAN GELDER: I've actually forgotten the voting threshold, so you're putting me on the spot there. I'm desperately looking for the staff, someone to help me out. I actually believe it's a majority of each house. But I'll look it up.

>>WOLF-ULRICH KNOBEN: Okay. If you can check.

>>STEPHANE VAN GELDER: Jeff?

>>JEFF NEUMAN: I think it was maybe 60%. I remember it was not a majority, because it had to be someone in every house. In other words, you couldn't have, for example, the registries plus their Nominating Committee member. We actually had to have some in the registrars. So I think it was 60 or some percentage that it worked out that way.

>>STEPHANE VAN GELDER: Yeah. We'll look that up. But, I mean, the point of this was to discuss the dates and the calendar and make sure that we're on the same page there. The actual voting threshold and procedures have not changed. So we'll

just look it up to make sure that we know exactly where we are with that. Any further comments?

>>WOLF-ULRICH KNOBEN: One last question. sorry, Stephane. From the nomination to the election, it's four weeks, yeah? Four weeks. Does that include a possibility for a second round?

>>STEPHANE VAN GELDER: This election is -- we would like to run this election the way we ran it last time, which was as part of the new council's first meeting, which would allow for two rounds, if needed. If there's no result, then the new council would have to plan for a new election and a new timeline.

I'm not seeing any other hands. I will then move to -- back to item 6. Oh, I see Lanre has a comment. Is this on the previous item?

>>LANRE AJAYI: Yes. I was just wondering if it's a smart move to get councillors that were just appointed to vote? They probably would not know the candidates very well. So I do not want to front that decision.

>>STEPHANE VAN GELDER: Okay, Lanre. Thanks very much for asking that question, which is a simple one that we've never debated over.

This was actually the subject of much debate at the previous round of elections. And there was a request to -- by, I believe, a vast majority of the council at the time to have the incoming council vote.

Some members of the council did highlight the point that you've just made. Others -- and I'm just, you know, paraphrasing from memory here. So please forgive any mischaracterization and put me straight, if there are some.

But others felt it made more sense to -- for the people that would actually serve with the newly elected leadership to be the ones that elect those people. For the 2010 -- was it 9 -- 2009, I think. I forget. For Chuck's election, the previous council voted. And after that there was discussion, and it was decided to ask the new council to vote. So that's the background for that decision. I see Marilyn is standing up to add to my explanations, I hope.

>>MARILYN CADE: Thank you. My name is Marilyn Cade. I used to be a councillor as some of, you know. It's been some time ago. We have taken a variety of approaches. But I do think the most consistent approach is the approach of the new council voting.

But perhaps one useful fact. That is the percentage of turnover. Because, when we say "new council," we actually may not be conveying to the community the fact that there -- not every councillor changes at each annual meeting. There's a -- Glen will probably know the numbers. But there's a limited number of councillors, new councillors who are seated. So I thought that might be useful to add to the

explanation. I fully support your recollection of the fact that, after all, it is the new councillors who will be working with the chair. But I thought just the idea for the community it might be helpful to remember, remind them that there's only a few changes in councillors on a -- at an annual basis. Thanks.

>>STEPHANE VAN GELDER: Thanks very much, Marilyn. Any further comments or questions? Zahid.

>>ZAHID JAMIL: I think -- I don't disagree with any of the dates you've set. I just wondered did you want to give any of the councillors an opportunity to go and discuss some of that with their constituencies, or should we lock it in right now?

>>STEPHANE VAN GELDER: The idea for this, just this, is just to put this on the table to just make sure it's in everyone's minds. It's a very preliminary discussion. Please do go and discuss this with your groups and come back. We will have -- as you can see, we do have a bit of time. We're trying to take this early before the expected deadlines. But I'm sure you know that there is the -- organizing the elections is a lot of work for both Glen and myself and the vice chairs as far as the admin stuff goes. So we just wanted to get that out early. Please do go and discuss it. Come back with any comments so that we can make sure we have a process that everybody is happy with. Thank you.

Any further comments? Okay. So, very quickly, I'll move on to -- I'll move back to an update on the RAA negotiations. And we have -- I think it's Becky giving -- Becky Burr giving the update from the registrar negotiating team.

The idea for this is so that everyone on the council and in the community is up to speed on what's been happening in these negotiations. So Becky, thank you.

>>BECKY BURR: Thank you. Becky Burr from NeuStar. I want to just clarify that I started out doing this work with the RAA stakeholders group as their attorney. I am not their attorney. But, as Lloyd Cutler used to say, attempting to be a helpful counsel to the situation.

Just to let you know, the negotiating team from the registry stakeholder group was diverse represents -- because, alas, we're not quite done, a very diverse group of registrars both geographically and in terms of business models. The information from the output has been going out to the study group or the stakeholder group and, in particular, to some members who are not part of the negotiating team but are they actively following us.

That said, the documents that we're going to be talking about have not been released as a whole. So these sort of represent the position of the negotiating team.

The scope of our work was from the beginning a comprehensive review of the Registrar Accreditation Agreement. In other words, not just looking at the RAA requests but looking at sort of streamlining, cleaning up. The registrars had some

asks. The ICANN staff had some asks. And we've been going through it comprehensively.

This does create some tension from a drafting perspective because sometimes, when you make a lot of changes, there's concern that there will be misunderstanding and the way in which the document works together won't be fully clear. So, as you are reviewing these, I do encourage people to read them sort of carefully and holistically.

We have exchanged drafts with the ICANN staff on comprehensive documents several times. I know, when Margie is in the staff paper, the information about the number of times we met on the telephone is in there. I don't know that the number of hours we spent on the telephone is, but it was considerable.

We met and sort of did not negotiate but had discussions with law enforcement in Costa Rica, here in Prague, and on a conference call in March or February.

So, just to give you an update on the status in terms of the law enforcement recommendations, there were 12 recommendations. I think you will have heard people say that we have reached agreement on 10 of them. I want to make sure that everybody understands that, in fact, there's been progress on all of them. We just haven't reached closure on a couple.

So, with respect to the privacy and proxy services, I think the registrars are committed to working with ICANN to develop a proxy accreditation service. And, assuming that comes into place, they won't use unaccredited services. That's an important mechanism and also will facilitate bringing any resellers' use of privacy and proxy services in to compliance.

Law enforcement had a couple of requests for specific and express prohibitions about certain kinds of conduct, largely relating to cybersquatting. We have had from the beginning pretty clear general agreement in principle. There are some remaining issues whether -- with respect to how final a judgment has to be before it has effect and how the cybersquatting or its equivalent are described.

I think that the ICANN staff and registrars have reached very strong agreement on the request for additional information about physical address, contact information, information about officers and affiliations.

Also agreement with respect to notifying ICANN and the community about any changes in location, ownership, convictions, and obligation to maintain an active business license or whatever requirement is required to do business in the jurisdiction.

On the reseller accountability, the -- I want to start by saying there is very strong and clear consensus among the registrars that I've talked to that -- and that have been part of this discussion -- that, you know, it is the job of the accredited registrar to

responsibly ensure that registrations that they sponsor are handled in compliance with the RAA. I think that we're still discussing some nuances about how that language gets implemented. But I want to be clear on this point in terms of the accepting of accountability and responsibility. That's quite clearly there. Registrars will provide standardized point of contact for abuse reporting and also will provide monitored contact for law enforcement to get in touch with them. There's an important privacy and legal issue surrounding authentication and verification of law enforcement. So we have been talking with law enforcement about how that would be conducted. But the notion is, basically, that registrars will have an obligation to interact and to proactively ensure that they have communication information out with law enforcement consumer protection agencies, quasi governmental organizations like hotlines that are designated by the relevant government.

The law enforcement also asked for some service level agreement on port 43. The registrar's report general consensus on willingness to move into a service level agreement, the detail of those requirements are not completed. And also, given the particularly in light of the likely expansion here, the notion is that this need only be done for thin registries. Because for thick registries, the registrars are actually just replicating what the registries are doing anyway.

The two big issues where we haven't reached closure but where I want to make sure everybody understands we have made progress is, first of all, in the WHOIS validation. The registrar negotiating team has agreed to standards for making sure that the data -- that fields that are used in the relevant country have actual data in them to check the format against telephone, e-mail, and postal addressing conventions. The negotiating team has proposed to -- that registrars would verify that the existence of a working telephone number or a text or an e-mail, either one of those two things, promptly following registration and creation of account and that they would suspend any registrations where that verification is not available, we're still some apart on this. The ICANN draft calls for verification of both phone and e-mail prior to the resolution of the names. From the negotiating team's perspective, this is a pretty major change in the way users interact with registrars and access this. And so the notion here would be that we should, before really making major changes, we should take some steps, get some data, understand how users are affected by this. And also I want to make clear that this is not intended to be an end of the road. It is intended to be accompanied by a process to identify going forward additional enhancements in the verification process as those can be identified but also, based on community input, impact assessment, and our experience with the process.

Sorry. This is a slide that has a lot of words. But the data retention and collection area is another area where we're somewhat apart. Law enforcement provided clarification about the kind of information they wanted retained. And the request from law enforcement was that you retain all of that information for the life of the registration plus 2 years so I'm going to refer to that as a life + 2 standard.

Given the nature of the data of the registrar, the negotiation has proposed bifurcating this into a two-tiered system. So for much of the information -- name, contact, information about the services acquired -- it would follow the life + 2 standard. But for log data, IP addresses, records about contact, and other information, the election -- the proposal is a minimum of six months for these -- for this information. The six months was not a random date. It was designed to try to create a level playing field, particularly in light of diversity across the globe with respect to what kind of data can be collected and retained.

Generally, the negotiating team attempted to respond to every element of the data requested by law enforcement. The request for very detailed sensitive payment information, including in cases where payment information is not collected because a third party is processing it, consistent with payment card industry standards, routing numbers, account numbers, the kind of things that, when I was practicing law, I regularly counseled people not to hold on to, we have proposed to cut that back and reduce it to means and source of payment information that is reasonably necessary for the registrar to process the registration transaction or the transaction number in the event that they use a third party payment processor. That's consistent with data protection laws, which, essentially, require that you not select information unless you need it for the purpose.

And then the scope, there is a scoping issue. The current ICANN drafting language imports this across all the services provided by registrars. And the registrar negotiating team would limit it to the services that are directly related to a registration and subject to the RAA.

ICANN had some asks -- we've heard a little bit about that -- including some changes to the -- what's referred to as the picket fence language. This is very sort of constitutional language for the contracted parties here. Probably not the right time to go into it, but I'm happy to talk to anybody about it. ICANN also asked for the ability to revoke the Registrar Accreditation Agreement across the board based on the determination that the accreditation model wasn't working. And then the other sort of big -- and I'm probably not being fair to ICANN. They had other asks. These are the ones that we're sort of still struggling with.

But there are a lot of references to sort of the specifications and policies that don't tie down to either the consensus policy process or a negotiated amendment process. And we would like to clean those up.

The negotiating team, as I mentioned, would like to limit port 43 requirements to thin registries. They would like to eliminate the bulk access requirements, which, generally, are used as a nuisance. And the bulk access requirements were inserted as a -- in a time when there was one dominant player and the access to the WHOIS data for value-added products and services critical. That is not the case here any longer. There's a request to streamline the renewal and TLD accreditation process. I think that we're pretty close to agreement on that. And then the other very important

request is -- and there are two sides to this -- one, to align the articulation of the consensus policy process and picket fence topics with the new gTLD agreement leave leveraging all the work that went into that over years, and to provide a mechanism whereby the Registrar Accreditation Agreement can be amended across the board and effective immediately when a sufficient number of registrars have signed up.

That I want to just call your attention to it, because that is the mechanism for enhancements going forward and for making enhancements to the agreement and maintaining a level playing field and having the value of any of those enhancements.

Did I -- I have to look to you guys to see if I libeled or slandered you in any way. So - - I didn't mean to. Does anybody have questions about --

>>STEPHANE VAN GELDER: Yeah, thanks, Becky. Zahid.

>>ZAHID JAMIL: Becky, thank you. That was a lot more information than we've ever had about this. And it was very helpful, especially the way it's laid out.

It's very encouraging to see the progress that's been made. I want to say that's excellent news. Keeping in mind the fact that the GAC made some comments yesterday about the fact that when we, as governments, recommend that you should look at the law enforcement recommendations, we do also balance that against privacy. So I think, in a sense, it's a good thing the GNSO when we were having our prep meetings doesn't necessarily bring that up in getting into the fray there. Having said that, I do believe privacy issues are a concern.

But I think the governments are hopefully looking at that from what they've said. Margie is going to be putting on a -- we believe a certain update which will show the high and medium priority items like we did last time in Costa Rica. So we look forward to that.

But, on the substance of the presentation, I had a question. You mentioned business licenses being required. And I was wondering, number one, how would that sort of be sort of -- I don't know if you can talk about it right now or not. But to what extent, you know, is it going to be burdensome on registrants to be able to provide that or not? That was one question to you.

>>BECKY BURR: It's not registrants, just to be clear. The law enforcement request was currently, when a registrar comes into accredit, they provide a lot of information about ownership and location and officers and business license and all that. And sometimes those lapse. So the fix was to essentially say that information needs to be kept current.

>>ZAHID JAMIL: For the registrars.

>>BECKY BURR: Throughout the life the registrar's accreditation.

>>ZAHID JAMIL: And with the verification on SMS, et cetera, and telephone, what happens if someone is unable to either receive an SMS or receive a phone call? What would happen? Does it go into suspension? Are they unable to register?

>>BECKY BARR: So the reason that we proposed -- in some places there's more ready access to SMS. And in others, e-mail is a better verification mechanism. So what we proposed is an either/or, because we know it varies by jurisdiction. And what would happen is, if the sort of automated response, whether it was e-mail or SMS text didn't work within a certain amount of time, then the registrar would go out and attempt to manually verify the individual and if they didn't, then there would be a suspension. But this is from the registrar's perspective a -- it does not prevent resolution. And there's a -- you know, there's a period of days for people to work through the -- whether something's fallen into a spam folder or not.

>>ZAHID JAMIL: Just one last point. When we talk about law enforcement, do we distinguish between different countries or is it just any law enforcement?

>>BECKY BARR: This gets back to the verification and validation and compliance with law requirement. And there's some ambiguity in the law enforcement requests. We believe and we have spoken with the law enforcement officers that, essentially, a registrar in Canada should be obligated to respond to Canadian law enforcement; a registrar in India should be obligated to respond to Indian law enforcement.

Now, if the Canadian -- you know, the Royal Canadian Mounted Police want to designate in writing somebody in another country that the registrar has to respond to, that's going to be a local decision.

But the notion is you know who the law enforcement authorities in the jurisdiction that you're operating in, that's the first stop.

>>STEPHANE VAN GELDER: I believe Wendy has a question. I'm looking around. I can't see her.

>>WENDY SELTZER: Thanks. I wonder, first, are these slides available? Extra helpful information.

>>BECKY BARR: I'm sure it's consistent with the ICANN documentation policy to make them available.

>>WENDY SELTZER: Thank you very much. I had a couple of questions.

One was I see various domain security threats in the verification process. Do you have in this process computer security experts analyzing the ways that this could be abused to steal a domain, for example, denial of service against somebody's e-mail server while sending the verification request in order to cause them to fail?

>>BECKY BARR: So this is a really good point. I think that there has been concern about, though, what we don't know about how this will affect users and their

access to this. What were some questions about how effective this will be and how easy it is to game it.

I want to be sure everybody understands, there is not unanimity among the Registrar Stakeholder Group that I have discerned with respect to this, and there is a great deal of skepticism about it.

The proposal that is here on the table is, first of all, the negotiating teams proposal, and second of all, it's designed to provide some choices and to provide a first step, but not to take steps that might have unforeseen consequences at this point.

>>WENDY SELTZER: Thanks. And the other question, quickly, was on the -- if registrars will only accept accredited privacy and proxy services, is there a notion -- I assume, first of all, that we'd have to define privacy and proxy much more closely and set some threshold. For example, as a lawyer registering domains on behalf of a client and keeping information private required to accredit.

>>BECKY BURR: Right. And I think that's a very good example. In private practice I often registered names on behalf of my clients. And so there are some issues about, you know, whether you know you're dealing with one of these services or not. All of that would be -- that's one of the reasons why the privacy accreditation process is important as opposed to just simply sort of dumping in some of these requirements.

>>STEPHANE VAN GELDER: Thank you very much.

Any further comments or questions?

>>MARGIE MILAM: This is Margie Milam. Thank you very much for the presentation.

Just a couple points we'd like to highlight from the ICANN perspective.

The documents that were published prior to Prague, although it says ICANN proposal, it was really an attempt to put into words the law enforcement recommendations. And the idea this week was to give the community an opportunity to comment on it.

So one of the reasons we had the sessions, for example, on Monday was to solicit information from the community as to whether or not those specific law enforcement recommendations were acceptable.

And so just want to have you keep that in mind as you look through the documents and as you provide comments to these recommendations.

And as we mentioned in some of the sessions this week, there is the community Wiki page that's up, and we certainly welcome further feedback to be able to get to a

negotiating position that can help close the gaps on some of these issues that Becky has highlighted.

And then with respect to the consensus policy issue that you raised, our understanding was, what we put into the proposal was simply a reflection of what's in the RAA at this time. And so one of the things we're going to do as, you know, we've heard from the community is really take that back and look at it and see if that's the case. There was no intent to try to expand in any way what's currently in the RAA.

Okay. So anyway, that's just the two points we wanted to highlight. And we certainly welcome -- I continue to welcome input from the community and the Council with respect to those issues.

>>STEPHANE VAN GELDER: Thanks, Margie.

Just as a housekeeping point, because we are -- I'm very mindful that we started late; that people want to get to what's happening next this evening. And I also very much want to have our traditional 20 minutes to half an hour of open microphone at the end of this meeting to make sure that everyone gets ample opportunity to make any comments that they want to.

So I am going to suggest that we rejig the agenda slightly and that we move just a couple of items. Item 9, which was discussion on the impact of New gTLD Program on the existing GNSO structure, which we heard a lot of from the updates of the constituency groups chairs and stakeholder groups chairs, and we discussed a lot during the week, I think we can push that back to the next meeting, if everyone agrees.

We also have an item 10 on the management of work, which is a crucial issue but one that I also feel we can push back to the next meeting. Just to give us more time.

And there was a question that came in from one councillor to defer the fake renewal notices item, which is item 11, to the next meeting because that councillor, unfortunately, has a conflict and cannot be with us and wanted to be involved in that discussion.

So can I ask if there's any opposition to us rejigging the agenda in that way?

Thank you very much, and apologies to Mikey O'Connor who was on hand to give that report on the fake renewal notices.

We will invite you to participate in the next open Council meeting -- sorry, in the next teleconference, if possible.

Zahid.

>>ZAHID JAMIL: Even though Mikey may not have an opportunity to speak, which I was really looking forward to his presentation on fake renewals, Mikey, would you be

able to send to the Council some recommendations as to what next steps are recommended? Because there's a whole bunch of options in the fake renewal notices report. It's unfortunate we're not going to be able to hear it today. I was really looking forward to it.

>>MIKEY O'CONNOR: This is Mikey. I am going to do this in 30 seconds.

The report itself really has our recommendation in it. It didn't change.

What you're getting back is the result of the comments. We've bumped a couple of recommendations up higher in the list, but we're essentially pushing the report back to you essentially unchanged.

We still prefer one course of action. It's at the top of the list. There are others for you to consider, but what you're getting back as a result of the comments is almost unchanged from what was there before the comments and we can easily highlight that for you.

And the one thing I want to do is just a quick advertisement for the DSSA which is a huge piece of work. And I was sort of hoping to do an update on that today. It fell off the agenda somehow. So please come tomorrow. There's 50 people that have worked for two years on this. It's a simply gigantic piece of fantastic work, and please come tomorrow morning. There's sort of a security morning: SSAC, DSSA, Board risk management framework committee, all in a row.

So I just wanted to do an advertisement for that and I'm done.

>>STEPHANE VAN GELDER: Thank you, Mikey. But please don't come tomorrow morning during the Council wrap-up session.

Hang on. I've got a queue. Jeff. Victor has been standing for a while, so perhaps we will go to him first because I believe you had a comment on the previous item and then go back to Jeff and Zahid.

Thank you.

>>VICTOR NDONNANG: Thank you very much, Stephane. My name is Victor Ndonnang. I am from Cameroon. I am an ICANN fellow alumni, also a domain name reseller. So I will just have a small comment because my question is not really focused on the previous presentation.

My comment about the previous presentation is about the WHOIS.

We are coming from different countries with different law and environment. So I was focusing with modification of (indiscernible) work things.

I would just like to mention that we have to take into account the environment from other countries. Like in Cameroon, it's important be -- it's easy for a registrant to

provide a mobile phone number and be rapidly contacted greater than providing an e-mail address for example.

So this is my comment. And I will strictly go to a question concerning the few number of ICANN accredited registrar in Africa.

We was having a meeting early this afternoon discussing about that issue. And we come out with some recommendation to ICANN and to other stakeholder of Internet development in Africa.

And the recommendation to ICANN was to see how -- if ICANN can improve the number of accredited registrar in Africa.

I know that ICANN cannot just decide to say, okay, from tomorrow, there will be more registrar in Africa. It's a bottom-up policy and it has to start somewhere.

So I know that ICANN spend a lot of resources, financially and human resources, putting in place a joint support -- joint applicant support in the development phase of New gTLD Program, and the result is clear. There is only seven -- 17 application from Africa.

It's also clear that all those applications is coming from -- you can say one country in Africa. So I think the problem is somewhere else.

My question is how -- is it possible that some positive discrimination can be put in place as we are talking about RAA negotiation, be put in place to encourage the businesses from Africa to become registrar?

I don't know is -- if the GNSO Council can answer that question or other constituency.

Thank you very much.

>>STEPHANE VAN GELDER: Thank you very much, Victor. An interesting question.

Jeff, are you in the queue? No. Zahid.

>>ZAHID JAMIL: I'm sorry, I was just -- I know we deferred the point of the fake renewal notices. The point that raises from that report is that the highest sort of recommendation of that report was that a section be added to the RAA, and the negotiations ongoing currently between ICANN staff and the registrars, something with respect to fake renewal notices or language for that will certainly be added.

The reason I bring this up is that those negotiations are ongoing, and I just hope that we don't miss that boat. And I would just sort of suggest that we make sure this is on our agenda next time so we can actually make sure that we either agree or don't agree, but if we do agree, we don't miss that boat. That's the point I just want to make. Thanks.

>>STEPHANE VAN GELDER: Just to confirm, the items that we're deferring will be on the agenda next time, all of them.

So are there any more comments on this RAA item?

Yeah.

>>THOMAS RICKERT: Just briefly, I very much would like to thank you for your comment which is very valuable, but I think there is another dimension to it.

One thing is encouraging companies to act as registrars. The other side to that is making domain registrations available to the people in the respective countries.

And when talking about authentication mechanisms under the new RAA, it finally boils down to cost. Not necessarily to profit for the registrar but it's cost.

The harsher the authentication mechanisms, the higher the costs of the domain registration will be. And I think that we should all be very cautious to make sure that the costs of a domain registration are affordable to most people in the world. Because, otherwise, we will increase and perpetuate the digital divide, the digital gap, and not allow certain parts of the world to get their piece of virtual property.

>>STEPHANE VAN GELDER: Thank you.

Can I ask if there are any other comments?

Michele.

>>MICHELE NEYLON: Thank you, Stephane.

Michele Neylon, CEO, one of the main holders of Blacknight. I'm speaking as a registrar and just to address the issues around the RAA. Particularly the gentleman from Africa.

And just to echo exactly what Thomas was saying. There are -- If you make it harder and harder for people to registrar domain names, then you are going to end up in a situation where you will find registrars serving their local area and you will probably only find the registrars in what are probably best described as first-world countries. And even within the first world countries you are going to find it's going to be increasingly difficult for those of us trying to actually provide a level of service to clients of varying levels of technical ability to actually continue to do so. And by way of illustration of this, we are partnered with Google, the Irish County and City and enterprise boards who are there to support small businesses and the Irish postal service in a project to bring small Irish businesses that do not have an online presence to get them up and running; to give them that first leg up. Especially now during an economic downturn globally.

So we are giving away a domain name, a hosting package, a Web site builder and an e-mail address to Irish businesses. And Google is doing this project in many other countries across the world.

Now, in Ireland, as many of you know, there is a ccTLD, country code, which is dot IE, which has very stringent requirements. So even when we were giving away the dot IE domain names, which are stringently controlled and usually more expensive, we couldn't actually give them away. 60% of the people who signed up of the 10,000 who signed up during the first 12 months opted for a gTLD. Be that a dot com or a dot biz.

In the case of those who did not opt for a dot com or a dot biz, they went for a dot EU, and only about 30-something odd percent went for a dot IE when we were giving them away for free.

Now, I am personally -- I take a very personal, strong issue with online abuse, DNS abuse, as some people in this room would know, and I obviously do not want scumbags, criminals, call them what you will, dealing with us, and I take my RAA quite seriously. However, I do have deep concerns that some of the proposals that are being shoved down our throats are far -- they go too far.

While we got an update from compliance earlier this afternoon, where they told us categorically that they had issues with registrars in a particular region of the world, yet when asked, they were not able to tell us when they had last visited those registrars to address those issues.

So the question I would ask is why should we suffer, why should our clients suffer, why sudden your clients, why should you, why should developing nations suffer when, you know, these things cannot be rectified?

Thanks.

>>STEPHANE VAN GELDER: Thanks, Michele.

Alain.

>>ALAIN BERRANGER: I am not a techie but I wanted to share information from two of our -- two African NGOs that cannot afford a domain name. And I had to have a long discussion to find out that the costs -- namely, an applicant from Sudan and one from Sierra Leone.

And you know we have rules that a member must have -- must own a domain name. And the cost is in the hundreds and even, in some time -- in some case, close to a thousand dollars. It just blows my mind.

So Victor's appeal, from Cameroon, should be considered.

>>STEPHANE VAN GELDER: Thank you, Alain.

Any further comments?

Seeing none, we will move on to item 8, and this is an update on an aspect of the RAP, Registration Abuse Policies Working Group on uniformity of reporting. The update given by Marika.

If I can ask you to do that now, Marika, please.

>>MARIKA KONINGS: The clicker is not working so maybe someone behind the desk can move the slides.

I actually don't have any slides on that item because it's an item I think I have discussed for the last two meetings but it's basically one of the remaining recommendations of the Registration Abuse Policies Working Group, on relation on uniformity of reporting. And this is where you received a report from ICANN compliance some time ago because you requested further information on how data collection is currently done with regards to complaints that are received by ICANN compliance in order to determine what the next steps might be in order for the GNSO, the broader community, to look at that.

I think it was an item that was actually put on the consent agenda originally with, I think, the suggestion to not undertake any further action at this point in time, but I think there was a request, if I'm not mistaken, from Wolf to actually move that to the main agenda in order to discuss what can be done next.

So I don't know if you have any further questions on that part, but....

>>JEFF NEUMAN: Marika, can you just give a little bit of -- Just summarize for the people that weren't either in this audience or that may not remember off the top of their head exactly what the options are for the Council?

>>MARIKA KONINGS: Well, the option -- the recommendation that was made by the Registration Abuse Policies Working Group is that the RAP Working Group recommends that the GNSO and the larger ICANN community in general create and support uniform reporting processes. And what they had in mind for that, they had a number of tentative goals that are included in the report which I can just list. Providing just-in-time education, knowledge of people wanting to report problems and making easier to submit a valid complaint. Reduce the number of root zones complaints. Improving understanding of the limits of ICANN policies and other options to pursue if the issue is not covered by policy. Improving the effectiveness of policy compliance activities. Improving the data available for GNSO working groups and ICANN advisory group policy-making. Improving the data available for compliance activities. And trying to answer the question, you know, what comes first, policy processes or definitive data describing the problem, along with suggestions as to how data can be gathered when it hasn't been -- hasn't yet been included in the reporting process.

I think that was basically the recommendation of the RAP Working Group.

>>JEFF NEUMAN: Okay. Wolf.

>>WOLF-ULRICH KNOBEN: Thank you, Jeff.

It has same, let me say, smelling as the WHOIS motion, that there was the question for us, you know, because it was in the content agenda, and we saw a need or -- a need for that, to deal with that and not to remove it from the GNSO agenda.

It was -- The reasons I understood why the GNSO was willing not to deal with or not to act on this is because it's dealing with more or less overarching issues. It means it doesn't affect only the GNSO but it affects others as well.

So the reason is, then, why should we get rid of it if we are of the opinion of, okay, we are affected as well from this, and it was unanimously accepted by the working team and the recommendation was accepted by the Council as well.

So the question is how -- which way we could find. It may have a smell of cross-community work, and we should just sort out these options we have how to deal with that, rather than to shut it down.

Maybe if you ask for other information from the public so it may help, so to get some ideas from there.

Thank you.

>>STEPHANE VAN GELDER: Thank you, Wolf.

Any further comments?

We have someone coming up to the microphone.

>>MIKEY O'CONNOR: This is Mikey O'Connor. I should have sat closer to the mic. I'm sorry to have consumed so much of your time.

I was on the RAP Working Group, and I just wanted to do sort of a little bit of -- maybe kick off some brainstorming.

Basically what the working group was saying was how -- how unfortunate that we have some policies for which we have data collection and compliance activity, but not all of the GNSO policies have that. And yet in sort of the spirit of the Affirmation of Commitments, the notion of fact-based decision-making, what we run into a lot of times on these working groups is we get into this sort of circular argument where we need facts in order to make policy but there is no mechanism to collect those facts. So we either have to make the policy sort of informally or we get stuck.

And so one of the things that the RAP group thought would be very helpful is if we could come up with sort of a uniform rule for collecting information about policy-

related things. And that list of benefits was sort of our list of things that would be useful not just to policymakers but to people in the end-user community, people throughout the community.

One of the things we -- and we probably made a mistake by doing this, is we said, you know, this isn't just a GNSO issue. This is an ICANN-wide issue. And so we threw out the option to do this some other way than through a PDP.

And I think with perfect 20/20 hindsight, that was probably not too clever of us because it sort of left you all with sort of a head scratcher. Well, what do we do with this? You know.

Really, the only thing we can do that fits into our process is a PDP. We know how to do these. This meta issues stuff that you guys talked about in your report leaves us floundering.

So the thought that I have, and I'm trying to put myself in your shoes, one way to do this would be to go ahead and start up a cross-community working group. You know, we worked a bit on that. That might be appealing to you or not. I don't know if it makes you run for the exit screaming or not. But another option would be to narrow the scope of this to something that could be done in a PDP context. Maybe start with the GNSO-related policies, start maybe easily with just, you know, the usual request to the staff for -- I have forgotten the name of the report. What do we call those? The very first thing, Marika. Help me. Issues report. I was thinking information. I had the wrong -- So do an issues report on this, see where it leads.

But I think the main point I wanted to make, and it's too bad that some of my colleagues on the RAP aren't here. I was talking to James Bladel about this a couple of nights ago and he was saying, "Oh, yeah, I will be right there at the mic with you if I can be there," but he can't. He's busy right now.

We on the working group, this was one of the few sort of totally unanimous, absolutely fully backed recommendations from the group, mostly circling back, finally, to that AoC thing about fact-based decision-making and the fact that some of the processes to develop those facts just either aren't there or don't cover, you know, the full array.

So it would be, I think, disappointing anyway if this sort of just fell off the back of the truck without any action at all. You know, I'd be happy to participate in a drafting team to refine this because I know that the -- I went back and read the part of the RAP report, and we weren't at our most crystal clear when we were drafting this part. And so if you would like, I could probably pull that gang back together again and take another run at that.

But this is just sort of an appeal from the guy on the -- you know, on the working group not to just let it expire.

Ta-da!

>>STEPHANE VAN GELDER: Thank you very much, Mikey. Appeal appreciated.

Any further comments? Yeah, Jeff.

>>JEFF NEUMAN: Yeah, I want to thank you, Mikey, for helping us remember some more about it, and I think this is an item we'll talk about on the -- at a wrap-up session tomorrow. And, well, you know, thank you for volunteering because you may just get it.

So thanks for -- Thanks again for volunteering because I think you're right not to let it drop, and I think it's some important stuff that could benefit the whole community.

>>STEPHANE VAN GELDER: Thanks.

Zahid.

>>ZAHID JAMIL: Thank you.

I have to admit, when I looked at the topic heading and the report that was along with it, I was a little confused.

The report that we received from the ICANN compliance staff is an update to say, well, since RAP WG recommendations came out, what have we done and where are we at, which is very helpful, but it doesn't speak to the point which you made which was uniformity of reporting in general, and you linked it with policy-making processes or policy in general without having to go through a PDP.

So I would welcome your availability tomorrow at the wrap-up session to give us a better understanding of what we should be doing with this.

Thank you.

>>STEPHANE VAN GELDER: Mikey.

>>MIKEY O'CONNOR: This is Mikey again. Unfortunately, this is a scheduling conflict. I've got that security morning, so I'm not going to be able to join you at the wrap-up session, but let me just comment really briefly on the compliance group. When -- report.

The way that request was framed, signals got crossed, because I read their report, and I think there's -- there is a way to make lemonade out of this but we kind of got a report back that's different than the real question that needed to be asked.

And so I would beg your forgiveness. Tomorrow morning, I can't. I'm security boy tomorrow morning. But I'd be happy to work whatever the right way is with you all to carry on this conversation subsequent to the meetings.

I've got a bunch of ideas about how to bend the pipes around on that compliance report so that we can feed that back in, but I just can't do it tomorrow.

Sorry.

>>STEPHANE VAN GELDER: Thanks.

I have Zahid and Marika.

>>ZAHID JAMIL: Thank you. In that case, may I request that we -- when Mikey can give us some feedback on the next council call meeting the defraud item of the fake renewal notices. You can tag this along for maybe five minutes and give us an understanding of it.

Thank you.

>>STEPHANE VAN GELDER: Marika.

>>MARIKA KONINGS: This is Marika just to clarify on the compliance report. Because I think the idea behind the compliance report was really to try to get a part of the puzzle, because the RAP recommendations really tried to see if there should be some kind of holistic approach to gathering data and getting information where the compliance part is one part of the puzzle. And, of course, they received their complaints for a very specific reason. And it was part of their enforcement and compliance activities. they're not the research part of ICANN that is set up to feed us information on policy development, even though it has been very helpful in the past because they have been able to provide us information on the parts received. But, of course, there are other parts of the community that have probably a whole lot of access to data. Registries, registrars, a lot of complaints I received there as well. So there other sources.

So I think that the compliance report should be seen as part of a piece of the puzzle so that any follow-up effort can see what are the missing parts and how can all those parts come together into something that will benefit us all and give us more information and access to data?

>>STEPHANE VAN GELDER: Thank you very much. Further comments or questions? Seeing none, we will move to item 12, which is AOB. And, Zahid, you wanted to add an item on that agenda.

>>ZAHID JAMIL: Thank you. I just -- what I wanted to do is take this opportunity and sort of add the issue of the IOC/RCRC and possibly the IGOs. But I think they're separate to a discussion today. The background to it was the sort of back and forth that we witnessed in the GAC board meeting where the GAC asked what have you done on this and the board said we're waiting for the GNSO to come back and the GNSO hasn't come back to us on this.

I understand there's been a lot of work and an effort made in the drafting team. And I also understand that, including myself, I must say, many councillors have not necessarily been participating with the same zeal and energy that would be required to get this work done faster and maybe send it to the council so we can then move on with it.

So just, even though I think one of the things is participation, let me say that it may help, from what I understand, to give a little more clarity to the purpose of, you know, the scope of the drafting team. Because some of us -- at least I am so confused about finding the top level that wasn't accepted by the board, we didn't hear anything back. So now that we're looking at the second level. You know, what are the scopes of it? Are we deciding on who this applies to, or are we deciding what to do? And I think it's important that we make that distinction. Because the job given to by the GAC through the board to us, in a sense, is that we are not supposed to look into whether this is supposed to be done but whether this protection is supposed to take place. So it's about how and not whether and if and to whom it should apply in a sense. That seems to be already having been determined by the board.

And I think maybe that could be something that can feed into the group.

The other thing was, you know, maybe we can expedite it. A PDP would just take too long. We'll just never get it done. And that sort of gets in the way of what the GAC wanted, which is we want it as soon as possible and before the launch, et cetera.

>>STEPHANE VAN GELDER: Thanks, Zahid. Maybe I should just add or stress that what you've just said is informal. Formally, we've not had any other response from the board than the one that we had on the -- when we sent -- when the working group sent us the result of their work and when we sent it to the board.

But I think what you've just said is useful. It adds to the discussion. Jeff Neuman is heading that working group. So perhaps you've got things to add, Jeff.

>>JEFF NEUMAN: Thanks, Stephane. And thanks, Zahid. It's -- my comments here are as the chair of the drafting team. So, just to clarify it's actually a drafting team, not a working group. And there's a lot of confusion around that as well. There is a lot of confusion around this area. And I don't blame the GAC and the board, although I couldn't fit into the room because it was so crowded. I tried to remote in, and I heard a little bit of it. And I think I got a flavor of what was going on.

The reason there's a lot of confusion is that there's a number of different moving parts and a number of different paths that are going on. So you have -- first, you have the proposal that the GAC made in September of last year, September 2011, that deals with just the International Olympic Committee and the Red Cross marks. That proposal was made as a reaction to a resolution that was passed by ICANN board in Singapore in June 2011, a year ago.

The drafting team was formed with the very limited purpose of looking at that particular GAC proposal and trying to dissect that proposal and provide advice only on that proposal to the GNSO so that the GNSO could then take that and then forward its advice on to the board. It was very, very limited.

So the drafting team decided to divide it into two parts. It looked at, first, the recommendations from the GAC at the top level. And then, after we did everything we did -- I'm not going to go through history -- we decided to look at the second level. And that's where it stands today at the drafting team.

Since then, there's now been an issue report, preliminary issue report out for comment -- and I think in the reply period now -- on the protection of international organization includes things like IGOs and NGOs and a lot of other items.

And that item, that particular issue paper, preliminary issue paper or issue report is out for comment. And, ultimately, probably the month or a month after we'll have a final issue report. We, the council will have to decide whether to issue a PDP on that.

There's confusion even with that report. Because in that report, there is mention of the International Olympic Committee and the Red Cross, even though they're not IGOs or theoretically international organizations that fit within the definition of what was contemplated. But the preliminary issue report talks a lot about the Red Cross marks and the Olympic marks. You add on top that of a briefing paper that came out from the staff on defensive registrations. That was in response to something completely different, which was a request from -- I believe by the board for some additional clarifications to comment on the notion of defensive registrations. So you have these three things that are all -- that all have intermingling parts. If you were to draw a Venn diagram of this, it would just be a lot of intersection but a lot of parts that are completely unrelated.

So trying to explain that to the GAC during the five minutes that we had was extremely difficult. There's also contemplated -- because the drafting team is seeking information from the ICANN staff that information -- this also came up at board/GAC discussion. That information is still labeled as privileged and confidential and redacted from the board report June meeting in Singapore. So we're trying to move forward with all these moving parts. There's a ton of work. And I think Zahid had said he really wants to move this forward. Nobody wants this to move forward more than I do. And moving forward doesn't necessarily mean accepting it or rejecting it. But we really do need participation from all the groups.

Today's attendance -- the attendance at today's session was fairly low. And it was not what I had hoped for. But I understand there's lots of conflicts that go on. But what we did today and what we're moving on is really limiting ourselves to looking at the GAC proposal.

But, ultimately, what comes up -- and I think Zahid had said this -- that you should just accept what the board and the GAC found and just move forward on how to address it. But I think what you'll hear -- and I know Avri is at the mic -- is there's not agreement on what the board did, the findings the board may have had. And, of course, we don't know what those are. And so the discussion within the drafting team is not as simple as describing how we address it. But we really have to get to the what and the criteria behind it. And it's fairly complex, trying to move as fast as we can. But we're finding that there's too many crossing parts and moving parts, so it's not an easy subject.

But I would certainly look forward to getting more involvement from you, Zahid, and from some other constituencies and stakeholder groups which have not shown up in a while. So with that, I'll turn it back.

>>STEPHANE VAN GELDER: Thanks. So I had Avri, Zahid, and Yoav.

>>AVRI DORIA: Thank you. Avri Doria, NCSG, NCUC. Just two quick points. I want to say first of all, I completely agree with everything Jeff said. Not something you've heard me say often.

One of the things that Zahid said that I wasn't sure that I understood correctly was that the board had already decided that there needed to be protection at the second level.

I've, actually, never quite seen any decision from them that said they had decided there should be protection and that all we had to do was define how that was put. So I don't -- I'm asking for clarification on that.

The only other point I wanted to make is to dispute the claim that a PDP could not be done in time. We have seen that a group of dedicated volunteers working weekly or even twice weekly with a specific set of goals and a specific set of things can do a PDP fairly quickly. And we've also seen that the process for getting new gTLD contracts out can't be done very quickly.

So I think that, you know, to sit at this point and say we cannot get a PDP done in the next 9 months, 12 months, which is what we've got, is, I think, an unfortunate thing to hear from the GNSO. I think it's up to you to be able to look at the PDP stuff and give us a schedule that gets it done.

I agree completely with Jeff, again, on we need to move forward. However, I would like to add that we still need to move forward within proper policy development processes. Thanks.

>>STEPHANE VAN GELDER: Thank you, Avri. I'll move down the queue. I also want to make it clear that, as we have 10 minutes left, this is also very much the open mic time. So, if any of you want to make any comments, not only linked to the

IOC/RC working group drafting team -- sorry, Jeff -- but any other comments, please do step up to the mic. I have Zahid, Yoav, Thomas, Chuck, Steve.

>>YOAV KEREN: Stephane, can I go one after? I'm just trying to get the board letter.

>>STEPHANE VAN GELDER: Okay, no problem. We'll go to Yoav then.

>>YOAV KEREN: So several points I want to relate to -- excuse me -- my voice is a little low. One is about the process. I want to remind us all that in the previous GNSO meeting in Costa Rica, while we, as registrars, were supporting that motion, we said that we are -- you know, we want the bottom-up process to be respected in the next time we have these kind of things on the table. I really trying to understand, because I wasn't at that -- this is kind of good that you're after me, Zahid, because it's a question to you.

I want to understand exactly what is the rush? So we have a year. It can be done in a year. I agree with Avri. It seems a minimum of a year that we have. So this can be done on time.

And, since I wasn't in the GAC/board meeting, I would really love to understand what is the rush.

And the third thing is -- and it's completely my own personal opinion, not registrars or anything like that -- is I really don't understand the notion of protection at the second level for specific organizations. That's only my personal view. And that's it.

>>STEPHANE VAN GELDER: Thank you, Yoav. Thomas next.

>>THOMAS RICKERT: Thank you, Stephane. Maybe the poor attention this morning was due to the fact that the drafting team session was at 8:00. At least I was suffering quite a bit from that early time.

But, having been present at the GAC/board meeting yesterday, and gladly -- thankfully, Jeff described some background. I was confused and I would have loved to step up to the mic and say some words. It sort of appeared like the GNSO was not responsive in this process.

And I would just like to go on record saying that for the first-level protections we've done what we could in order to provide the result in time. And, also in the meantime, we started working on second-level protections and answering that. And we -- it's not like we had left everybody else twisting in the wind.

There was a letter by the GNSO to the board -- to the GAC saying something about the status of our work and that we would get them involved as soon as we had something to share with them. So that's just something that I'd like to make clear for everybody. We have been very responsive. I think the drafting team is making good progress in gathering all the facts that we need in order to move forward.

And can just speak for me personally, but I'm willing to take this forward full throttle in order to close the matter following due process. Thank you.

>>STEPHANE VAN GELDER: Thank you, Thomas, I have Chuck next.

>>CHUCK GOMES: This is Chuck Gomes from VeriSign. But let Zahid go first, because he may very well address my issue.

>>STEPHANE VAN GELDER: Okay, Zahid.

>>ZAHID JAMIL: Great. I was looking for the board letter, and I think I found it. I'm not quite sure. But, looking at the GAC letter first, it, basically, says as an implementation issue, we should figure out how we're going to protect them. It's not a question of whether or not we should protect them and whether they are -- they merit protection or not. That's the GAC's view. Fine.

The board letter, again, sort of the one I'm looking at right now, says something similar. It says whether we can work out this issue of protection and definitely talks about second level. I'm struggling with some of the specific language. Maybe later on the staff can help me find that letter specifically. I can respond to that. Now that's the substantive aspect of it. That's the job we've been given.

Here's why. And I'm addressing Yoav's question. What is the reason? Why do we need to do this quickly? Maybe we can take a year, and after that it's okay.

We heard, I think, some very urgent requests from the GAC of the board. And the only thing the board did was say, well, the GNSO hasn't come back to us on it. In fact, it became fairly I think -- it was a pointed question that was asked. Is this enough for you that the GNSO hasn't responded yet? Is that enough for the GAC? I think the GAC's response was no. They may not have said so. But it was quite obvious. So to say, well, this is something we can make either part of a policy development process; we can push it down the road; it can take a while. I think we can do that, absolutely, if we choose to do it as GNSO. But we must be wary of the consequences of working with other SOs and ACs. There is a sense of urgency. Even the board senses it, I think, the pressure. So we can't sort of kick the can down the road to this one. That would be my response to Yoav's comment.

>>STEPHANE VAN GELDER: Zahid, Jeff wants to make a point of clarification on what you've just said. And then we'll go back to the queue.

>>JEFF NEUMAN: So, Zahid, so everyone's on the same page, can you just tell us a little bit about -- not tell us about, but just what board letter are you referring to? And if you could just give the date and -- so people can find it.

>>ZAHID JAMIL: As I said, I'm having trouble finding it myself. I just had something in front of me. I've got a GAC letter that was written to Stephane. I've got that and that -- from the GAC.

>>September.

>>ZAHID JAMIL: I'm struggling kind of trying to find any instructions from the board that we should do it. If we could look at that, that would be helpful to me as well.

>>JEFF NEUMAN: That's my clarification. I don't believe, unless I'm mistaken, and I'm chair of the drafting team. And I could just -- it could just be a long week. But there was a proposal by the GAC specifically on the IOC Red Cross, which is what I'm talking about. I don't believe there's ever any letter from the board to the GNSO asking us to address that. There was a resolution from the board or letter to the board on the GNSO on the IGOs, but that's something completely different. So maybe I'm just confused, and it's late.

>>ZAHID JAMIL: I'll respond quickly. You're right. There's a letter from the GAC. That's why we're doing this. Is that right? Do I understand what you're saying, Jeff, is that, because of a letter from the GAC that's why we're doing this? I hear you say yes.

Well, the letter from the GAC is very specific. It says -- and that's fine. It says please deal with this as an implementation issue. It doesn't say go into the process of whether or not they should be protected. So, if we're looking at our mandate as a GAC letter, I think that's absolutely clear. Then we are supposed to just come out with an implementation of how we're going to protect them. If we're just -- I think it's a September 12th letter of the GAC? Is that right?

>>STEPHANE VAN GELDER: Can I just -- I want to let other people get into the conversation. Jeff, I'll let you respond after I go to the queue, if possible. So Chuck, please.

>>CHUCK GOMES: Thank you, Stephane. I'm chuck Gomes. I'm the registry stakeholder group representative on this drafting team. Zahid, I interpret the issue with the GAC letter very differently than you do. The GAC certainly would like us to recommend that these be -- these names be reserved at the second level.

It's very clear in their request. That doesn't mean that we should automatically implement it.

It's our responsibility, because we are changing policy that was already approved, to do an evaluation of that and make a recommendation to the council.

Now, with regard to your other point with regard to expediency, totally agree with you. And Jeff can correct me if I'm wrong, okay?

But I believe the intent of the drafting team is to do very similar to what we did at the top level and to come back with a recommendation to the council.

Now, one of the possibilities there -- I'm not suggesting that this would happen -- would be that we suggest that this be implemented. Another possibility, among

others, would be that this be handled through a PDP. But I do think that the intent of the drafting team is to do something more expeditious and at least do similar to what we did for the top level in as expeditious manner as possible.

>>STEPHANE VAN GELDER: Thank you, Chuck. I'll go to Steve next, please.

>>STEVE DeIBIANCO: Thanks. Steve DeBianco with NetChoice.

Thomas, you, to an extent, and maybe Jeff to a less extent, we have a tone of almost being defensive about the implication that GNSO has not delivered or not been as responsive as it needed to be to whatever the GAC had imagined was our obligations and what they expected us to do. But I think we should take a queue from chairman Crocker and several members of the board at their GAC/board meeting the other night. Their tone wasn't defensive at all with the GAC. I think it's because they're all aware that right now ICANN is in sort of this perfect storm where a handful of governments, intergovernmental organizations, covet the sort of governance role, to the limited extent that we have it. If they knew how little we can govern the Internet, they may not be as interested to have it. That's the first part of the perfect storm.

The other part is we're on the cusp of introducing the most significant risks on the Internet since its beginning. The risks doesn't mean problems. It means potential for things to go wrong.

And the third element of the perfect storm is we've only done a couple things so far, and the first couple didn't go so well. We've had some operational hiccups that are being looked at under a magnifying glass as an indication that we're somehow not going to be able to execute.

With that perfect storm you heard Chairman Crocker open the meeting with the GAC with the words, "We're here to listen. We are here to serve you." Check the transcript. That tone kept through the meeting.

Right now, if, in fact, the GAC is asking for a response, and that letter is in September, 94% of the words in that letter are about second level. Only 6% were with respect to top level. I was one of the work team members who said forget the top level. We've already built in the ability to do objections at the top level. We should never have done that.

Jeff, I respect your leadership, and you've done a great job on the team. But I just respectfully disagreed with that decision. So that's all, be that as it may.

So at this point, let's not be defensive. Let's be aggressive. Let's move ahead as fast as we can with a PDP. I'm not saying get out of process.

We knew all along this is about protections at the second level. Let's get to it. You said, Jeff, that it's not easy and there's a lot of moving parts. That will not be helpful

rhetoric right now. We're the Marines, right? The difficult we do right away; the impossible takes a little longer. Thank you.

>>STEPHANE VAN GELDER: Thanks, Steve. I just want to read an online comment, first of all, before going back to the queue. This comment reads, "The distinction between drafting team and working group is important. The question is whether the preliminary issue report is a basis for preempting an agreed process that was adopted as a result of GAC advice to the board. ICANN has publicly stated to the GAC that it is awaiting the GNSO response with respect to protection of IOC and RC at the second level. This may merit further drafting team work and a special motion to be voted on before Toronto. This may be worth the effort regardless of the result." That's the comment. I'll now go back to you, sir, for the queue.

>>GAVIN BROWN: Thank you. This is Gavin Brown from CentralNIC. This is in relation to the gTLD registries stakeholder group, the introduction of the observer status.

CentralNIC is one of a number of registry service back-end providers. We are not an applicant for any of the gTLDs we're providing back ends for. But, assuming contention and objections go well in our favor, we could be running 60 gTLDs. But the observer protocol that -- I had a quick look on the gtdregistries.org Web site -- doesn't allow us as a non-applicant but still a back-end provider to participate in that process. It leaves us outside that stakeholder group. I wondered whether there's been any thought about expanding it to allow for technology providers to participate even if we're not an applicant.

>>STEPHANE VAN GELDER: Do we have an answer from the registries? Keith?

>>KEITH DRAZEK: Thank you very much for the question. Keith Drazek, registry stakeholder group alternate chair. It's a good question. The answer is that, because we're part of the contracted parties house, our members, our voting members must have a contract with ICANN.

So the answer is directly that, basically, we are limited in what we're able to offer as far as full membership or full voting membership.

That said, your customers could delegate or designate you as their representative within our stakeholder group. So you would be able to participate as far as, you know, participating on the mailing list, participating in the meetings, just as if you their representative, because you would be. So I think there's not currently envisioned a separate classification or a separate sort of division within the stakeholder group for somebody who is simply -- and I don't mean that in a negative way -- a back-end service provider or a technical service provider. But, certainly, as a representative of your customers, you would certainly be welcome if they designated you for that role.

>>GAVIN BROWN: Okay, that's fine. Thank you.

>>STEPHANE VAN GELDER: Thanks for you both. I know we're over time. I'm going to allow this discussion to continue. It's a very interesting discussion. I think we'll just take a few more minutes for it. Robin.

>>ROBIN GROSS: Thank you, Stephane. I'll be brief.

My name is Robin Gross. I'm the chair of the non-commercial stakeholder group. And first I wanted to comment that I am in strong agreement with Chuck Gomes' previous comments that we just heard. And I also want to ask this drafting team that it is incumbent upon these groups who want these additional rights and protections to show why the rights and protections and the mechanisms that we came up with through the process are inadequate. What is it about the existing mechanisms that we've come up with that don't allow them to achieve their legitimate rights? I think that is a question that needs to be answered from these organizations who are coming and seeking extra super protections.

And then, finally, I would just also like to ask again this drafting team to go out and really try to get some independent legal research. I think it's important that we can't - we have to do due diligence here. We can't simply rely upon the advocates of rights to define those rights, to tell us what those rights are and we're just supposed to trust that and give it to them. I think we have to do our due diligence and go out and get independent research on these issues as well. Thank you.

>>STEPHANE VAN GELDER: Thank you, Robin. Jeff, next.

>>JEFF NEUMAN: Thanks. I want to address a couple comments that were raised as, again, as representative of the drafting team.

And I'm impressed, Steve, that you counted the number of words. 96% or 94%. That's pretty cool.

I don't agree necessarily with your classification of that, you know, that number. And I do think that the GAC was certainly appreciative of the work that we did the at the top level. And I don't think any one of them say that we wasted our time. In fact, we found some things in there that they were extremely thankful that we brought up, things that would certainly be used by them in subsequent rounds.

But we're moving. You know, we are moving. We are addressing this. We certainly understand that there's a number of groups that want this addressed. I do believe we have a year. I do believe we have plenty of time.

As far as Robin, and I saw people shaking their heads at Robin in agreement. You know, it's easy to shake your head in agreement and say, "Show me why. Show me why." Well, I think these folks have put forth a good-faith effort to show us why. I'm not saying we all agree with that. I'm not saying anyone here agrees with what they've put forward, but I will defend them, in some sense, of saying that they have tried; that they have consistently provided us with information. Whether we like it or

agree with it or not, they have continually provided us with information. There may be other types of information that we're seeking, and one of the things that I've tried to do today and in previous calls is tell me exactly what type of data you want. And every time someone has asked them for some type of data, they have provided it.

So I want to thank them for providing that data. It still may not be enough and you still may want more, but please come with -- what I'm looking for help is tell me exactly what you want.

Thomas has done a good job with that. They have responded. I still think Thomas wants more. He explained that during the meeting.

So it's easy to stand there and say they need to show why. I think they've made a good-faith effort to show why. Again, whether we buy that or not, whether we agree with it or not, that's something we can weigh the data.

So show up, read the archives, read the volumes of material that they have submitted.

As far as our due diligence, I completely agree with Robin. I just don't know how to get there because it's not like we have a budget. It's not like any of on the team -- some of us are lawyers but not necessarily in that area nor do we have the time nor resources do that. I was kind of hoping someone had do the research prior to the Board actually passing the resolution in June. So I was kind of hoping that those three pages or four pages that are redacted could kind of lead us in the right direction. I may be completely off, but for now we are kind of guessing and grasping at straws.

So maybe it's a question to ICANN staff to go back and see if we can get independent analysis done on this. I don't know if we can. I don't know what authority we have to ask for that. I suppose you can always ask. It doesn't hurt to ask. But then again -- So putting my registry hat on and not the chair hat, I think when we discussed this in the stakeholder group, the registries kind of approached this more like Zahid was talking about is we have gotten all this material from the Olympic Committee and from the Red Cross. We also have this decision that was made by the Board and the GAC advice. We have no reason to believe that the materials provided to us by the advocates of those groups are in any way misleading or false. So we're trying, as registries, to say given -- assuming all that is true, what reasonable measures can we take that may balance those issues.

So I think the group is trying. I would certainly love Robin and Zahid and others to actually attend these groups and help us move it forward in one way or another. I guess that's all I have to say.

So thank you.

>>STEPHANE VAN GELDER: Thanks, Jeff.

And I'll go back to another online comment, and it's been drawn to my attention that I forgot to give the name of the person who made the previous comment so I'll put that right by saying it's Anne Aikman- Scalsese.

And I now have a comment from Rob Golding, or it's a question: As neither have or will ever get worldwide exclusive right to the words, there are hundreds of companies in the U.K. with Olympic names, including a tube station Olympia, roads in London of Red Cross Street and so forth. Why are we entertaining special provisions for two rights holders treating them above and beyond any other IP issue? Blocking the names at the highest level from registrations will impact legitimate other uses of same/similar terms and by IOCC/RC all for what appears to be sound bites and appearances to be doing good.

That is the comment. We are way over time, so I propose to bring this meeting to a close now.

I'm just going to mention two things.

First of all, the other AOB item that we had was to discuss the new GNSO Web site. I will just bring the existence of that Web site to your attention, thank the team that has worked on that relentlessly for a good number of months. We're all very happy to have a new Web site. We wanted to ask for feedback on how useful, clear, easy to navigate it is, but we'll have to get to that another time.

I also want to draw your attention to the GNSO Council's wrap-up session which is from tomorrow 10:30 to 12:00, and that is an informal discussion session in which we try to take stock of the week that's gone by and to look at the crucial issues for us going forwards.

With that, I will thank you all for your participation. Enjoy the remainder of your time in Prague, and thank you very much for bearing with us through these difficult schedule changes.

Thank you.

Live Scribing by Brewer & Darrenougue - www.quicktext.com