

**ICANN San Francisco Meeting
New gTOLD Session
TRANSCRIPTION
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Stéphane van Gelder: Okay, welcome to you all. We shall start with the session on new gTLDs and once again please have - can I have all the councilors in the room at the table if possible? I think most of us are here.

So we will start as soon as I get - is the recording on? Yeah, okay good. So Kurt, over to you.

Kurt Pritz: Thank you everyone. Hi, welcome to San Francisco. This room is fraught with a sense of déjà vu; a mere 22 months ago many of us met here as part of the IRT and crafted a set of trademark protection mechanisms for new gTLDs. So it's ironic that we're back and I can find my way around and I didn't realize why until I realized we were here a short while ago.

So we want to make time for two topics today. The second is our sort of traditional talk about new gTLDs and where we are. Now even that's session is a little bit different though because there's no Applicant Guidebook to discuss and sort of march through.

And I think the focus there is really more on the status of the GAC Board consultations but also we'll describe the work that was done very briefly since the ICANN meeting in Cartagena which was a mere 54 working days ago.

And as is traditional I think, you know, we've reserved most of the time for questions and answers so I'll take you through some of the material and then pause.

But I wanted to reserve some time first to talk about IDN variant TLDs and IDN variants for two reasons; first it's a really important topic. And I know the GNSO is involved in that through the (JAG) and through other IDN discussions.

And secondly because there's a session on IDN variant management and a sort of kickoff to a phase of the project at this meeting and that meeting conflicts with the GNSO Council meeting. So I wanted to apologize for the conflict, blame it on the fact that - where everybody knows that the schedule is kind of (schmiggy) because of the multiple GAC Board consultation meetings that have been scheduled.

And therefore I ask that we take some time here to describe what we're going to talk about in the main session on Wednesday; that conflicts with the GNSO Council meeting.

To give you a flavor for it, give you a chance to ask questions about it but mostly because it's a recruiting - it's a recruiting tool where we're looking for participants in a series of studies where we try to close on this thing so we can delegate IDN variants which is very important to many regions of the world.

So there's multiple ICANN staff but I want to call particular attention to Karen Lentz who you know of course is the - essentially the author of the Guidebook. But first I want to turn this presentation over to Francisco Arias who is one of the co-managers of the IDN variant management project from the staff side to describe this work and then we'll take some questions. So if that's all right with everybody we'll proceed with that first.

Francisco Arias: Thank you Kurt. Good morning everyone. So I'm going to talk about the IDN variant TLDs issues project. We - why we are is - has been a long-standing request from the communities - IDN user communities. And these projects started because of (more) resolution passed on 25 September last year.

As of today variants cannot be delegated according to the Applicant Guidebook or the IDN (unintelligible) Fast Track. Applicants can identify the variants that they would like to see delegated in the root but the delegation is not possible until a solution is fully developed.

So the proposal we have on the table then - we will be discussing this on the Wednesday session in the afternoon - consists of five (unintelligible) cases from participants from the community. We are initially thinking having Arabic, Chinese, Cyrillic, Indic and Latin.

We already have some thoughts with some people from these communities and we understand that this cases may need to be a little bit refined and probably the scope will be changed a little bit given that some of these cases are really, really complicated and big.

Yesterday I was sitting in the IDN SBC session and there was this presentation by Doctor (Kukarni) from the - about the case in India. It was really impressive to see how complex this issue is in a country like India.

If I remember correctly he was talking about 488 languages - I probably have the number wrong - but it's in that range that we're talking about. So this is a big issue in an area like that.

In terms of the composition of the cases to this we understand that this is a multidimensional problem so we are proposing to have members with different (unintelligible) particularly we're thinking DNS, security, policy, linguistics, race (separations) and of course community representatives from the specific cases that we are thinking on doing.

And there will be also some members who will be shared across the case to the teams. For example DNS is something that is global; you probably don't need someone - an expert - a DNS expert from each of the different areas to probably - who have just one expert in DNS or two and share across the teams; probably same thing with security.

We also are aware that this is not the first project about this subject. We know there has been some work done before. And so we are intending to coordinate with other groups that are also doing work right now, for example, the joint working group from the GNSO and GNSO about IDNs.

There is also some technical work going on in the IDN from the DNS extension working group. It's trying to find a technical solution for the name (unintelligible) problem which is something that probably will be used for the IDN variant solution.

There are also some regional initiatives like in the (Arabic) community, the Chinese and others so we intend to coordinate with them, use information that they have produced as an input to our work.

And also as one of the initial steps in the project we are thinking on doing a survey on the current TLD policy on IDN variants. We know that there are a lot of TLDs that are (really) provide IDNs. And they - (unintelligible) are already providing variants so we plan to see how they are doing that so we can learn from that experience.

That's the scope of the project. The project is planned to produce an issue's report so that the scope of the project is to basically define the problem that we are talking about. When people talk about variants they usually think of different things.

There is (unintelligible) for example that some people think is part of the (unintelligible) problem. Variants can be on the proctor level, on the (swing) level so there are different problems that people think when they talk about variants and we need to define what we meant by variants.

So the first thing we need to do is create a glossary of terms that are probably (unintelligible) by the technical and linguistic communities to define what a variant is and some other concepts that need to be defined. And the second thing is to identify the challenges or the requirements in order to be able to delegate the IDN variant TLDs.

So like I mentioned the intention is to have an issue's report. There will be also intermediate outcomes of this project which will be the issue's report from each of the (unintelligible) cases.

And at the end we will try to integrate those issues in one report that will even define them; general issues and - raised all those issues that are specific to some cases. We know that maybe some of those issues will be special to those cases that we are intending to work on.

This is a proposed timeline for the project. As Kurt already mentioned we are intending to recruit community members to participate in this effort. We are thinking on having those themes formed by the end of April.

And by the way there is some handouts that we prepared that are available with Glen if you are interested in knowing more about this project you can approach her at the end of the session and you will get this handout.

And the end result of the project we are expecting to have this issue's report by 15 December - by the end of this year basically. We understand that people want to have IDN variants delegated as soon as possible but we also know that this is a difficult project - a difficult concept to work with - IDN

variants - so we know that we first need to define clearly what is the problem (stop) in order to be able to work on the solutions.

Finally if you have any feedback about the project the proposal is sitting in public comment. You can see the link in the slides. And you can also approach the project coordination team; there are some members here, I can see Kim here, Steve Sheng is around and (unintelligible) and myself. Yeah.

Kurt Pritz: Thanks Francisco. So I just want to reiterate that - a couple things. One is, you know, this is a very important project because as you know in the guidebook we've decided not to delegate variants, you know, variants at a basic level being TLDs where there are varying characters or characters - different characters that represent the same character in a script in the same string so that if they were delegated user confusion could result if proper rules or technical solutions aren't in place.

So that barred a delegation right now; it also barred the usability of IDNs in several regions of the world. So it's very important. There's been undertakings in the past where we've tried - as Francisco said we've tried to solve this issue.

And then in discussing it with board and community members we hit on this case study way of going about it because every time variants are discussed and we get close to a solution say in Arabic somebody will say well that doesn't work in other scripts.

So we think by separating this problem into five different problem sets we can develop issues and then solutions for each of the five. We can find out what issues are shared across the different scripts and solve them once and then - but solve the particular issues associated with each script without gumming it up with the issues of other scripts.

I think it'll also allow work on certain scripts to proceed ahead if those scripts are ready so maybe can solve problems in some regions faster. And the ultimate goal of course is to resolve this in time for the delegation of gTLDs which in the best case would happen, you know, well over a year from now. So thanks for letting me reiterate what you said.

So if you have - if there's any questions about this for Francisco or any of us you can do so now.

Stéphane van Gelder: So if there are questions just raise your hand, I'll take a queue. Okay.

Man: Thank you, Chair, and thanks to Kurt and Francisco on this update on the variant issue. One quick - I mean, the observation that it have here as, Kurt, you point out that the path that this report is leading to is not to delegate the (unintelligible) possible to finding out a way of possible solution for the delegation of the IDN variant.

And your - in the beginning of your update you talk about the sort of the integration and combination of the effort from other community - cross community, I mean, working group like JIG. So I think my question here is that how does that, you know, I mean, procedural-wise how do you see that this working group will receive the input from this community?

And, I mean, my - to be specific is that is this a board only, I mean, sort of the advisory group or this has to still come through a community consultation process in terms of this change of the position from not to delegate an IDN to a delegation of the IDN. Just want to get a sense of that.

Kurt Pritz: So I don't know if this will answer your question. Certainly it's supposed to be - these five cases studies are - the teams are comprised of community members that will work separately from one another. And they will develop a set of issues for that script.

Some teams might share a member because there are some issues across so the community representative on a variant team would have to be - they'd be different for each community. But perhaps the DNS, you know, if there's a DNS expert on each team, you know, perhaps he can be shared or she can be shared.

And so there could be coordination - natural coordination of those groups by sharing of some members. So clearly there has to be some amount of coordination and there has to be some amount of autonomy.

And certainly - and again I don't know if this is an answer to your question - certainly the board is very strident about ICANN developing a way to delegate variant TLDs and wants that moved forward and has committed, you know, to develop this path and has committed, you know, a fair, you know, the Finance Committee is going to commit over \$1 million to support consultants or other efforts that are needed to support this.

Man: Just to make myself just a little bit clearer is so we - right now at this point we can sort of to forget about JIG...

Kurt Pritz: Yeah.

Man: ...so we focus on this one or what's the...

Francisco Arias: Hi. Actually we will be talking about that tomorrow in the session with the JIG. We have been in contact with them. And we are trying to find a way to cooperate in this issue. We have - let's say common interests in this.

Man: Okay so this - so this still being determined because I realize that in the JIG one of the goals, I mean, the work that they're actually working on is to deal with the variant issues. So my assumption here is that now this project is taking a lead on the variant issue is that correct?

Francisco Arias: Well they have at least three issues. They are working a - if I remember correctly the single character domain names and the universal acceptance of the IDNs plus the IDN variants. So we intend to work with them. We will stick to - we are still - we need to work on the details how this would work but we intend to work together on the issue.

Stéphane van Gelder: So I have Marilyn next.

Marilyn Cade: Thank you. My name is Marilyn Cade and I'm the Chair of the Business Constituency. I want to thank you for the presentation and in particular calling it I think to all of our attention.

I do have a question in relation and I also applaud the approach of case studies. I do have a question about the - whether you have already planned to include socio-linguistic experts such as those who may be identified by UNESCO which brings a very strong and consistent background in this area.

And I know that they have a very strong interest in contributing to this work. So if you could comment on that.

Marilyn Cade: Sure. Yes, the answer is yes we are certainly considering inviting them to the team and we are reaching out to them to see how we can work on this.

Stéphane van Gelder: Any further questions on this one? Avri.

Avri Doria: Not so much a question but I wanted to back up and thank you as a member of the JIG. I think that indeed there are still the common - trying to find a common language for the policy issues as seen by ccNSO and GNSO that's work that's still, you know, quite useful so as, you know, and you've come and talked to the JIG and I think it's great that the cooperation is slightly - there's overlaps certainly but I think there's a slight different in focus.

Stéphane van Gelder: Thank you. Anything further on this? So back to you.

Kurt Pritz: So our new gTLD discussion this time around has to be a little bit different than previous times because there's not a new guidebook to march through. I think we understand why the consultation - latest consultation between the board and the GAC occurred, you know, a week and a half ago or something.

And so - and that consultation is actually ongoing rather than I think bifurcated between the Brussels session and these sessions here in San Francisco. So it wouldn't be appropriate to issue a new guidebook while those discussions are ongoing.

So we put together a set of slots and a proposed set of discussion questions or discussion topics. If you want to take the conversation in a different direction, you know, that's certainly fine and more if you have questions or topics that are all outside the list that Karen and I and others have developed that's fine too.

So I just want to take time here to review what's gone on with the construction of the new gTLD process since the meeting in Cartagena and - with a focus on the GAC Board consultations but also on other things. And then - to sort of turn that sideways and say so here's the topics we think we should discuss. But I'm happy to discuss others.

So with that since the last meeting which again was a short period of time ago quite a bit of work has occurred. One is this set of GAC Board consultations that occurred in Brussels. And that was remarkable in itself but the amount of work that went into preparing for that was very significant.

ICANN prepared briefing papers on each of the 12 GAC topics. There was a series of pre-council calls between ICANN Board and GAC members to try to get clarity around the issues that were going to be discussed and precisely defined areas - the difference before the consultation so we could sort of hit the ground running and then the GAC indicated - I can't say that word so

that's why it just says GAC Scorecard up there - was published. And so I'm going to talk more about that stuff later.

We also closed public comment for - on several areas; one was the last version of the guidebook; another was the applicant support working group report. Then we - there was comment periods on the economic studies and then comment periods on root zone stability.

So when we closed public comment we take that comment and perform, you know, what we call a set of analysis. So on each of these, you know, answered the questions that were posed and suggested, you know, and agreed to changes that could be made in the guidebook or tried to explain why those changes were difficult. So there's a lot of reading there.

We kicked off the IDN variant project as Francisco just described. And that project plan was published for circulation. And Francisco's (unintelligible). So he has one-page handouts that are sort of recruiting documents for those who are interested in participating in these working groups.

And so that's a - thanks Glen. So - Glen - for those of you watching at home Glen is showing the one-page handouts. So we encourage you to comment on the project plan. And that - the Board published its rationale for its decision on vertical integration. And that's sort of a precursor for - precursor for rationales in the future.

So as the Board hones its publication of papers that are given to it before the board meeting and its rationale for its decisions the rationale on the vertical integration decision is a significant step in improving how the board explains the reasons for its decisions.

The HSTLD gave its final report in its work on the definition of high security zones. I'm going to talk more about GNSO briefing that the board directed

ICANN publish regarding community TLD changes. Is there a slide on that later? Yeah, so - so that's good.

We've done communications plannings for when the program is launched how we're going to execute that. And significant work getting ready to support the new gTLD program from the staff side both from the standpoint of processing applications and doing the evaluations and then administering to the needs of gTLDs and the community through increases in compliance and IN operations and other areas so that's a brief overview of the work that's gone on.

And I'll talk more about a few of those issues later. But let's just turn to the GAC consultations. And I - yeah so I've already - as is my predilection I've already kind of talked about this slide in the preamble and described the amount of work that went into it.

I'll take an opportunity here to say two things; one is - and I'm going to say this on Monday in the big room too. So there's unintended benefits to a lot of important work that goes on. And one of the unintended benefits of the new gTLD program I think is created a, you know, a paradigm shift in how ICANN, you know, the big ICANN - us sitting here - operates.

And it really started with the formation of working groups where the, you know, the board tasked the IRT to develop trademark solutions and tasked other, you know, the (SPI) and then tasked other groups, you know, all the acronyms are escaping me right now but there's dozens of them - all these groups that were formed and did really significant work in a really short period of time.

As you and the Council know it's kind of thrown off your whole work schedule. And, you know, you're struggling with how to prioritize tasks and get your business as usual stuff done with all the stuff the Board is throwing at you.

But it's really created a working relationship across the ICANN community where hard problems need to be discussed and solutions are derived - not perfect ones but solutions are derived in a pretty short period of time. And now, you know, to me anyway the GAC wasn't fully integrated in that but I think now they are.

Up until now the GAC would publish communiqués or publish letters and in fact really significant changes were made to the guidebook particularly in the areas of geographic names and other areas based on the GAC writings. But many of the GAC writings couldn't be incorporated into the guidebook because they lacked that clarity or specificity about changes.

And with this set of consultations - with this set of consultations I think that that corner has sort of been turned. And it marks another new - maybe not a chapter but a section in the book on how the GAC and - well I don't want to say GAC anymore - how governments are integrated into the ICANN process.

And we're having, you know, a substantive discussion of issues - or a discussion of substantive issues - well in any case detailed discussions and making specific changes based on the needs of governments and - which are very important in this process and certainly are very important to the ICANN model. So I think that's big.

And the first step in this was the publication of this indicative scorecard which really laid out in some detail where the GAC had additional policy input into the new gTLD process.

So I think, you know, that's a good thing. And now we can kind of look across the whole ICANN community and say, you know, all the different constituency groups and stakeholder groups contributed important work and now the governments are involved in that process too so that's the end of that plug.

And we'll go onto the next slide and say the goals of the consultation were really, you know, the bylaws say if the board's going to act in - in a way that disagrees with the GAC it has to identify those differences. So the primary goal for this consultation was identify specific differences between the GAC advice and the current implementation of the GNSO policy.

But then - the second goal was once you have specificity then you can kind of work on solutions, you know. So by the publication of the scorecard and other papers we were able to work on resolutions and make some headway and then identify what differences remain. So I think those were the two goals.

And everybody has - and we're going to come back to this slide. But everybody's familiar with these topics. These are the - sort of re-sorted these are the 12 issues highlighted in the GAC communiqué coming out of Cartagena and then were described in some detail in the scorecard. So I'll just - I'll let that sit there and have a sip of coffee and not read them all to you.

Going to turn the page then we're going to get to questions. So then, you know, through the two-day process which really became a three-day process - and I take that as a sign that it was working so well that the Board and GAC met for a third day. They were supposed to meet separately and try to recovery what - try to recover what they all talked about but they decided to do that together and so that's a good sign.

So the Board took - those 12 issues really subdivide into 81 sub-issues. And the Board made accommodations on some, you know, indicated that the guidebook could be changed on some; indicated that we're already (limit) on some.

And so kind of parsed those issues into different categories where, you know, we call 1(a)s the areas where there were complete agreement; 1(b)s where, you know, the Board made a change or indicated that we're in agreement in principal but quite not on all fours. Or, 2, where the Board position is not

consistent with GAC advices described in the scorecard. So those were the parsing of the issues.

And then if you read the posting we, you know, so we think that, you know, that the guidebook - of the 81 sub-issues the guidebook is consistent with 25 of them; were consistent in principal with another 28 of them so essentially 2/3 of the issues were consistent and not consistent with 23. That doesn't add up to 81 because there's a few TBDs that really couldn't be sorted out.

So are we closer to - are we closer to resolution? Well I think we're closer to - we're a lot closer to defining what the differences between the GAC and the Board are if the Board were to adopt the current version of the guidebook.

And we've also identified, you know, 28 issues for moving forward and we've identified 23 issues for the community to look at in these sessions on Monday and Wednesday and say, you know, what do you think; where we're different here what do you guys think on that so that's what we're going to talk about in the public sessions on Monday.

So here's what I thought we'd talk about; for each one of those 12, you know, we could talk about, you know, with specificity what's the status of the Board and the GAC. You know, the Board's offered - if you read the notes the Board has offered to make some changes in the guidebook on several of these issues. So what's the status on that, I think that's of interest.

And then another topic of interest is, you know, if we make changes in the guidebook are we - what's the status of that and GAC advice in the GNSO policy on the issue.

I'll tell you that the Board in its discussion held very firm on the issue of ensuring that they didn't run counter to the GNSO policy or, you know, we've still, you know, the Board approved the GNSO policy quite some time ago now on new gTLDs and thinks that its positions are consistent still with the

GNSO policy but thought that might be one of the topics you wanted to talk about here.

And then how will the GNSO contribute to the - the discussion on this issue. And then there's some additional areas of work we're going to talk about afterwards that are also of interest to the GNSO. So the slide is really there so we can do this two ways, I can drone on in monotone about where the Board is on each one of those or we could just kind of take questions on where the Board is or where people are interested.

So it's kind of up to you guys.

Stéphane van Gelder: Yeah perhaps it's better not to have you drone on. If people want to ask questions? I think maybe the first thing might be - it might be useful for you just to set the scene for what's happening this week because there's been so many late schedule changes that not everyone in the room might be clear - or listening might be clear on exactly what's happening this week.

There's a meeting tomorrow, there's a meeting on Thursday; what do you expect to happen there? Is it too early to say? Is that something you can, you know...

Kurt Pritz: Sure. I'll try to add some inflection. So there's two types of sessions this week. That was good. There's two kinds of sessions this week; one is the bottom bullet there - are the Board-GAC consultations.

So to me that's essentially a continuation of what occurred in Brussels that the GAC and Board are going to continue to work together to find additional areas of agreement in the issues associated with the scorecard and also hone the areas of difference so if it comes to the GAC - if it comes to the Board disagreeing with the governments that can be really well defined.

So those two ICANN-GAC Board consultations will occur Tuesday and Thursday. And they're essentially all day - all day sessions. Now just as a footnote immediately following the Thursday session will be the public forum. So the public forum will be on stuff other than new gTLDs and that will occur then.

So as in Brussels those are GAC Board meetings - those of you who have attended the, you know, couple hour Board-GAC meetings at every ICANN meeting know that they're for their discussion only. But the meetings are open for observers just like they were in Brussels.

But Peter, as Chair of the Board, and the Board is very keen - especially being able to take advantage of the opportunity of the occurrence of an ICANN meeting to get public feedback on the issues and especially those issues that, you know, we've classified as too as areas of difference.

And what's the community's viewpoint on those issues where the governments and the Board differ. And so two sessions - so as you saw in an earlier slide there's about 23 of those. So two sessions have been scheduled, one on Monday and one on Wednesday so there's a total of 5-1/2 hours for that which is indicative of the importance that the Board attaches to this exercise.

And the other detail I have is that the Board will - well we're going to try to go through all of the issues on Monday in one pass and then go back and capture them. So first the issues that are classified as 2s and then the issues that are classified as, you know, 1(b)s. So those are the sessions for this week.

And I can take questions on that or go back to the other slide, whatever you think.

Stéphane van Gelder: That's - I have two people who's already - Jeff, I'll add you and I forgot to mention that if anyone in the room wants to ask a question please just put your hand up, come up, we should have an open mic there so that you can ask your questions. Avri.

Avri Doria: Thank you. In Brussels there was a - a finer-tuned schedule for the days of GAC-Board where they were planning on separate, you know, GAC-GAC and Board. And I'm wondering is there that sort of schedule especially as those of us that basically both want to find a way to attend these meetings and listen in and have our stakeholder and constituencies. And if there is any sort of advanced notice of their schedule that this is when they will go off to do their separate that would be really useful to know also. So maybe we can do some planning around that.

Kurt Pritz: No. But initially there planned to be full day sessions so no dead spots are - go off and be consultations but we don't know. And in the same manner they plan to go through the area - focus on the areas of difference first. So - and try to go through all the issues - all the issues right away so very similar to the Brussels consultation in that regard.

Stéphane van Gelder: Thanks. Kristina.

Kristina Papac: Kurt, I think you've answered part of it but can you just go back and clarify again for the sessions on - the public sessions on Monday and Wednesday how, you know, are they going to be duplicative or are you going to try and cover all the topics? Are you only going to cover the 2s; how that's going to be organized so that folks can try and figure out where they need to be and when. Thank you.

Kurt Pritz: Yeah. So the Board was discussing this yesterday. And, you know, it's complex to get through all these issues and there's a lot of ways to skin that cat. So the Board is going to try to get through all the 2s in the first day and

settle that and kind of see where the dust settles and then create an agenda for Wednesday that's meaningful.

So the first - the first attempt at a schedule is to march through the 2s and the 1(b)s and then see what would be beneficial or Day 2. It's undecided yet whether the GAC is going to participate in that meeting. You know, and that offer has been made and they're meeting today and talking about that and are going to give us an answer so that's uncertain.

The meeting will kickoff with I think the - Stefan and the chairs of the different constituencies or stakeholder groups have been invited to give a statement if they want to at the start of the meeting. So for example the Chair of the IP Constituency is invited to either talk or designate somebody else to give a brief statement.

And the goal of - somebody put your phone on mute. The goal of the session is to get community feedback on the 2s and try to - so the Board can judge whether it'll move or not move or - is that good?

Stéphane van Gelder: Thanks. Jeff.

Jeff Eckhaus: Yes, as someone who attended Brussels I want to say thank you for the work that you all did; I think it was a great session. I think there was a lot of movement on the side of the board and on some of the issues and classifying those issues.

My question is on some of the items that may be a 1(a) that the Board may have agreed with the GAC that we need to talk about certain implementation mechanisms and how that will happen as an example, you know, the Board and the GAC agreed that they should provide a - write a first refusal for a URS complainant that wins to get a transfer of that name if the name were to ever expire.

There's some practical implications of that for registries and registrars and we need to just figure out a way to make that happen. There's some added expenses, maybe added databases, things that we just - we really need to talk about how that's achieved.

And, you know, I'm not disagreeing with the policy that was decided I'm just saying that there needs to be some sort of mechanism - maybe it's talking to the registries and registrars of how we can actually implement that before it's put into the guidebook.

The second thing is on, you know, it was another subject which I think is a 1(b) if I'm correct about assisting law enforcement. There are some comments that we may have on that I'm just not sure - it's good to have the sessions that you have on, you know, the public forum sessions but I'm not sure if anyone from the GAC are attending those sessions.

And it would be great if they could also hear some of our views and it's not just, you know, ICANN staff and Board that are hearing our views that it'd be great to get the Board to hear those as well.

Kurt Pritz: Yeah so I agree. We had those two exact discussions when we were trying to react to the GAC positions and saying, you know, this is going to be a burden, you know, the URS issue was a burden on registries. And, you know, we had a very specific discussion with the GAC about law enforcement, well whose law enforcement, you know, and so we have to define it carefully so that the registries can succeed in complying with that.

So that's it exactly. And so the - I think the important part to your comment is we need to establish a mechanism for capturing those concerns so we can implement it in a way going forward that isn't burdensome.

Stéphane van Gelder: So I - Alex next.

Alex Gakuru: I'm assisting with the microphones so maybe - if you want to give the microphone.

Stéphane van Gelder: Okay so you don't have a question at this time.

Alex Gakuru: No.

Stéphane van Gelder: Okay sorry.

Alex Gakuru: She does. I'm here to give...

Stéphane van Gelder: I can't see so you'll have to stand up and come - maybe come towards the table so we can see you.

Elaine Pruis: Can you hear me now?

Stéphane van Gelder: Yes I can.

Elaine Pruis: I'm Elaine Pruis. I just wondered, Kurt, if there has been any further communication between the GAC and the Board since they wrote letters to each other shortly following the Brussels meeting? I think the Board wrote a letter on March 4 so I'm wondering if there's been any further talk or if those positions that were put in writing at that point is going to be the basis for the discussions that will start on Tuesday?

Kurt Pritz: The Board and the GAC met yesterday for about an hour and discussed the path forward on some of the substantive issues. For example the GAC representative from the UK has done more work on trademark protections and has forwarded the answer to some questions he received.

And they also discussed, you know, as I think everybody here is aware, they also have discussed whether to call this the bylaw mandated consultation or not so just to get that out in the open.

And while I think that's still being discussed what's - what was agreed in the meeting and how the meeting ended was individual GAC members stating that they thought the Brussels consultation was very successful and they were very eager to continue the work.

And so that's what they were looking forward to in these two sessions here in San Francisco was that the work could go on. Thanks Elaine.

Stéphane van Gelder: Thank you. Avri you're next.

Avri Doria: Thank you. I just - something I wanted to clarify because I didn't understand. I understood at first that the SO and AC Chairs would be given a chance to make a statement. Did I also hear that constituencies, specifically IP Constituency and perhaps others would also? So constituencies and stakeholder groups also have an opportunity to make a statement or did I misunderstand?

Kurt Pritz: I don't know if a letter - did you get a letter?

Stéphane van Gelder: I was actually going to come back to this point because I haven't got - I don't recall the specifics of that.

Avri Doria: You're certainly going to get a letter.

Kurt Pritz: You're going to get a letter. So - and it's going to say - because I wrote it - no it's not from me. No it's going to invite the Chair of the GNSO, the Chair of the ALAC, the - and the chairs of the different stakeholder groups - that's the right term, right - to - if they want to give a statement at the start of the session or appoint somebody to give a statement at the start of the session.

Avri Doria: Thank you.

Kurt Pritz: Recognizing that the goal of the session is to try to get, you know, where we should go on these issues that are labeled 2s.

Stéphane van Gelder: Okay, any more questions? Yeah, Chuck.

Chuck Gomes: Chuck Gomes from VeriSign. Kurt, I keep hearing about this required consultation. And when I read the bylaws I don't see any specific requirement for a consultation; I see a requirement good faith effort and I see a requirement after that effort for the Board to make a decision and communicate the - where there are differences and provide a rationale.

Can you help me out there? I'm probably looking at the wrong place in the bylaws.

Dan Halloran: Hi Chuck, this is Dan Halloran. I think we're looking at the same thing and then there's just, I guess a lot of different ways that people are reading the same provision in the bylaws. We're talking about Article 11 in the ICANN bylaws sets out the advisory committees; Section 2 on specific ones and then 1 is the governmental advisory committee.

And then J and K down at the bottom of that lay out in pretty straightforward terms what's supposed to happen. And then what we've had in Brussels and then here is just a lot of back and forth about how do we do these, how do we structure these, what's the timing, how should it run. But you're looking at the same section we are and that's...

Chuck Gomes: Yeah, I'm looking at exactly the same section. And so what I heard you saying, Dan, if that's correct is you're looking at J and K as a whole as the consultation? Because K doesn't talk about a consultation.

Dan Halloran: Right, I mean, I understand K just talks about what happens after the consultation if they can't reach...

((Crosstalk))

Chuck Gomes: After the good faith effort. So you're referring - you say consultation you mean the good faith effort.

Dan Halloran: Yes.

Chuck Gomes: Okay.

((Crosstalk))

Chuck Gomes: Okay so that's been ongoing; that started in Brussels and is ongoing here in San Francisco.

Dan Halloran: Yeah, I don't want to - I mean, there have been blogs on this and debates about this and discussions about this and I don't want to take a side or go into the minutiae but, you know, some characterize the discussion starting with pre-consultations or is this real consultation; when is the real consultation. So it's been a debate is all I can see on that. But we're all looking at the same exact wording in the bylaws.

And so this might be one of the things - I don't know if the groups are going to give statements if they have opinions on this, on the process. Hopefully without getting too bogged down because all we really want to focus on is what are the actual subjects; what's the substance of the GAC scorecard requests and how can we deal with it appropriately but the process is also open to discussion.

Stéphane van Gelder: So perhaps it would be useful to come back to my earlier point to have an idea of what's expected at the end of Thursday in terms of the process here. Do you have an idea?

Kurt Pritz: So frankly I think it's not certain. I think that the Board is going to make decisions based on what they hear this week. So they're going to make decisions on timeline; they're going to make a decision when we should post the next version of the applicant guidebook.

So we've already drafted, you know, potential - some potential changes based on the meetings we've had with the GAC so far. We've drafted changes based on the public comment period and changes based on the work of the Recommendations 6 working group.

And so the Board will make decisions there based on what they hear this week and they'll also make decisions regarding the closure of, you know, how to close public comment and the good faith effort to arrive at a decision with the GAC.

Stéphane van Gelder: Any further questions? Yeah, Antony.

Antony Van Couvering: Hi, Antony Van Couvering, Minds and Machines. Would it be fair to say that the board has made a good faith effort?

Kurt Pritz: Yeah, has and is making. So, you know...

Antony Van Couvering: Is it not also true that the bylaws this should be timely and efficient?

Kurt Pritz: That's right. And so let me - so I understand where you're going Antony. And let me say a couple things. I think that - no I think a remarkable amount of work has been done. I think that clarity and understanding has been derived on many issues and that there's been a combination on many issues.

I think they're still, you know, if you look at the 1(b)s or, you know, I think there's not - I think that work is not done. I think that work is going to go on

here. I think that governments now energized are moving very, very quickly, you know, by their standards.

And so has the - no, I'm not, you know, so I'm really not kidding; they have a different set of customers they have to work with, they have the different set of buy offs they have to do. And so they are, you know, in my perception which, you know, I'm not from that world is that they're moving very quickly.

So, yeah, the Board is making a good faith effort. And I don't think the Board thinks it's done; I think the Board is motivated to close it. And, you know, the Board certainly wants to hear from everybody on Monday and Wednesday regarding that.

Antony Van Couvering: Just - and, you know, they deal on very, very large timescales and yet they still managed to publish their papers. Thank you.

Kurt Pritz: Yeah.

Stéphane van Gelder: Rob.

Rob Hogarth: Kurt, just a clarification, I think you said just a few moments ago that you thought the next step might be that you'll publish another guidebook; did I hear that correctly? You expect there to be another public comment period or will this be more of here's the one that the Board is approving?

Kurt Pritz: Yeah, I don't know.

Stéphane van Gelder: Okay. Any further comments on this? If not can I just - Marilyn? Yeah, sorry.

Marilyn Cade: Thank you. Marilyn Cade. I want to join others in recognizing how hard the staff and the Board have been working on this and the governments as well. The unusual changes that have been necessitated in the schedule have

presented a number of challenges for all of us but the good will and the positive attitude that's been conveyed I think is very, very important.

And the - I think we're probably - all of us very hopeful that this week we are going to continue to make a lot of positive steps. But let me just join everyone else in thanking all of you who've done all the extraordinarily additional work and commit to you we're all going to keep coming to those meetings this week and asking more questions. But I think it would be appropriate for us to say thanks.

Stéphane van Gelder: Thank you very much for saying thanks. Philip.

Philip Corwin: Kurt, Phil Corwin. A procedural - I'll save my substantive comment for the public session tomorrow. But having gotten up in the middle of the night three days in a row to listen to the Brussels proceedings Chairman Thrush emphasized that what the Board was giving the GAC were the initial responses but not necessarily the final position of the Board.

So on one particular issue where there's - are 1(a)s are they completely foreclosed or are there some flexibility in joint where other parties can say we're not trying to get the Board to reverse a position but we think there's a better way to do it that is better for all affected parties and for the economic cross (unintelligible) new TLDs. So is - can 1(a)s be looked at in terms of is there a better way to do it without reversing the decision?

Kurt Pritz: So I got three nights in the middle of the night to get ready for those sessions in Brussels so. And so 1(a)s are areas where we think, you know, where - so where the ICANN Board and staff think we're done.

And so the caution for us is, you know, that unfortunate cartoon that was published by Emily that said, you know, here's the GAC saying substantive stuff and here's the Board hearing blah, blah, blah which, you know, I'll take Marilyn's comment and say that just isn't the case.

But so often you sit in a meeting and you want to hear things the way you want to hear them. And so there's some caution being exhibited where the Board first parroting back in those notes saying this is what we heard, this is where we're going to move, this is what we're calling it, we're calling it agreed; what do you think?

And so while we need to really focus on the 2s because that's where we're going to disagree I think we also have to take the time to confirm that, yeah, these are areas of agreement and here's where we're in agreement in principal and confirm those.

So that's one comment. Second is, you know, the final answer is always in the details, right? And so how many times have we talked about policy in principal and then when we try to negotiate agreements either changes to the RRA or RAA or, you know, guidebook - guidebook sections when we see the writing then there's areas of disagreement.

So the Board notes that came out of the GAC consultations are being worked into guidebook sections. You know, there's a new procedure in some cases; there's new requirements for registries and others. So those have to be, you know, read in the guidebook as confirmation by the GAC that that's what that means.

So I think - so I think we want - the Board has been very careful not to hear blah, blah, blah; the Board has been very respectful of the GAC and that respect has been mutual. And - but to ensure that we are in agreement we have to take the, you know, complete the documentation. That make sense? It's a long answer.

Dan's going to - Philip?

Dan Halloran: Phil, I think the answer is yes you can still comment on 1(a)s.

Stéphane van Gelder: Okay, Chuck.

Chuck Gomes: Thanks Stefan. And I want to echo Marilyn's comments of thanks to the staff, to the Board, to the GAC members and the tremendous effort that's gone into this. I think that's really, really commendable.

And I also want to compliment the Board and staff for the issues you've identified as 2s. And let me explain why I'm saying that. It's my personal feeling having participated in the new gTLD PDP from beginning to end and through all the implementation efforts that have gone on over the last few years that unless the GAC compromises on some of their wishes it would seriously damage the bottom-up policy development effort if some compromises were made.

It would, you know, in my opinion would invalidate some of the key things that were accomplished through that process. And so in my opinion you've identified the right 2s and I compliment you on that. And I encourage you to do what you already said, Kurt, is that, you know, it's important that the GNSO policy recommendations are not compromised. And I think you've done a good job on that and I thank you for that.

Stéphane van Gelder: Thank you, Chuck. I think both you and Marilyn actually made some crucial points for us. I mean, I was in Brussels and talking just for myself there was an immense amount of work being done and I think the way it started with the GAC scorecard which the presenters - a lot of work and then we saw those three days of immense work going on. So I think it was important to mention that. Thank you both for doing so.

Also before we move onto Kurt's next topic I would like to give the Council something to think about. We had on our agenda after this we have a working lunch and then we had a session on the PDP work team from 2:30 until 3:30. That has been canceled.

If you can all think about replacing that session with one where we brainstorm on the possible comment that we've been invited to make that Kurt just mentioned at the beginning of these (unintelligible) sessions and perhaps that might be useful so just give that some thought. And if you're all in agreement then perhaps we can replace the canceled session with a session on that.

Thank you. Kurt.

Kurt Pritz: So I'm just going to - before I leave the GAC Board consultation behind I just - I'm just going to pause for one more second because the second question that Chuck brought up - so I thought it might be a segue to some more discussion but maybe not as the interaction between GAC advice and GNSO policy.

So I was going to take time for an advertisement that said that the Board did strive to adhere to the GNSO recommendations and even the implementation guidelines but Chuck did that much more ably than I.

But I want to pause for just a second to see if, you know, or what discussion or what points the Council might want to make regarding ensuring that the GNSO policies still complied within the implementation plan or if a discussion on any of those issues is needed?

Stéphane van Gelder: Tim is wanting to make a point.

Tim Ruiz: I actually - ask a question. So maybe a little bit off topic but I think related to some extent given that I think there was GAC consultation however we define that involved as well and that's just in regards to the .xxx decision and if you can say whether or not we'll be hearing something definite on that by the end of this week?

Kurt Pritz: So I think the meeting schedule states that, right? The meeting schedule says the consultation is on new gTLDs and the ICM issue. I am not - I think it might be settled now but I - when we made this schedule which was like a day ago, right, we were not sure at what point that was going to occur in the timing of that. But there is intended to be discussion on that also.

Stéphane van Gelder: Any further discussion on the points that Kurt invited us to discuss? If not - oh, Adrian.

Adrian Kinderis: Kurt, what would a good result be this week for you personally?

((Crosstalk))

Dan Halloran: Oh I'll turn my microphone on now.

Kurt Pritz: I - my, you know, my view - it's - this has been very interesting for me because I'm very passionate about these issues and have a vision for what the guidebook should be. But I'm also passionate about the process.

And so a good - the good resolve from ICANN has got to be to come out of this new gTLD thing with a model - and a model for Internet governance that's been affirmed and it's been affirmed because this bottom-up multi-stakeholder thing works.

And it's been demonstrated to work in a lot of the work that's gone on - that's gone on with the different constituency groups contributing to those working groups. And it's really important for ICANN to - it's really important for the ICANN model that there's an effective role for governments in that process.

And so it's really important for governments to come away from this meeting and from this new gTLD process with the sense that it's found its role and played an appropriately role.

I think also that, you know, it's vitally important for the ICANN model that this thing get launched because we've invested, you know, we've talked about it for 13 years and we've invested, you know, four years of really hard work. So another really important outcome for ICANN is that the thing gets launched.

And if those two things happening I think, you know, sort of cement, you know, puts to an end the idea of the ICANN experiment and then, yeah, you know, it would be the place and the model for Internet governance going forward.

Adrian Kinderis: Thank you for your answer. Let me be more specific. For you this week what do you anticipate the result is for - when you're walking away so next Monday you're in your office in Marina Del Ray and you're debriefing on the week what's a good result for you?

Kurt Pritz: I have never predicted that correctly once.

Adrian Kinderis: I'll tell you what I want you to say...

Kurt Pritz: I know what you want me to say.

Adrian Kinderis: I'm kind of hoping you can say well we have a timeline. We've published a timeline that - to an end result. We've spent a lot of time with the GAC and the Board and we've worked through our 2s and 1s. We maybe have a little bit to go on that but we're making progress.

Kurt Pritz: So I think that another version of the - the lower to your version of the successful week would be for the Board to define with some specificity what the timeline going forward is. It's not - I don't think it's completely within the Board's control but - and it will require a lot of hard work this week.

There's actually hard work to do and not just sitting in meetings. And those - that timeline could be specific about, you know, when the next guidebook is

going to be published, whether or not it's going to be for public comment and, you know, the path for closing the process.

Adrian Kinderis: Thanks Kurt.

Stéphane van Gelder: Jonathan.

Jonathan Robinson: Hi, it's Jonathan Robinson. I wanted to ask - I suppose there were two questions in and around this issue of - Kurt, of timeliness and, yeah, (unintelligible) - of timeliness and the consultation.

And has anyone talked about, you know, going back to Chuck's point earlier and in fact Antony's and so on - has anyone talked about actually whether at this meeting you'll be able to really flesh out and nail down what a consultation is, what a timely consultation is or try to pull that out so that at least even if it were to extend beyond this meeting or into any - at least then turning into Adrian's point one knows what one's dealing with in terms of this final active consultation with the GAC and the timeliness or not of that?

Kurt Pritz: So I think three things, one, to mirror - or repeat what Chuck said and Antony. This is a good faith effort that's going on right now. Two is that I think that we're, you know, we're in the middle of something where people are working really hard.

When you get close to the end on these things and it comes up and you know it when you see it. And so right now we don't know what it is but I think it's not far off. And, you know, as soon as the momentum slows down we'll see we're kind of at the end of that.

And the third is that the Board really has a sense of urgency for closing. And all their discussions are about getting to closure and finishing. So given the goals of, you know, all that ICANN model stuff that I talked about earlier the

Board does want to see this through and bring it to an end and that's what they talk about.

Oh so I'm going to move on?

Stéphane van Gelder: Oh Steve DelBianco.

Steve DelBianco: Thanks. Steve DelBianco with NetChoice. The bylaws articulate our bottom-up consensus process but they also articulate the process by which the GAC gives advice to the Board. I mean, they're both in the bylaws. I don't think one trumps the other.

But I don't think the GAC would concede that they're blowing up the process by doing it this way. All of you who were there in Brussels were like they seem to have found their voice on this.

So I don't think we should create the impression that the GAC's intervention whether it's appropriately timely or not it's somehow going to undermine or blowup the process because frankly the bylaws contain both a provision for the GAC advice and a provision for the policy development process we're all working on. If those clash well we probably designed the bylaws wrong.

Kurt Pritz: So here's some work for you guys; one is the work of the applicant support working group and there's - well we see there's two issues here. One is timing, right, so the working group is developing models for assisting applicants that might not otherwise be able to afford to apply for a new gTLD providing some financial aid.

They've also recommended other kinds of aid that ICANN is already undertaking and the Board has directed that ICANN establish and allocate some Website resources towards that end.

But I think the big issues here are, one, timing. So as the applicant support working group gets through its work and the process - the new gTLD process is launched will (unintelligible) the financial aid be available in the first round. And so I think this is going to be a policy question when joint applicants - or working group finishes its work.

For those of us who watch the money I think it's important, you know, I think it's important to note that this work has to identify sources and uses of funds. So certainly criteria for who might get financial aid but more importantly where does that - where does that money come from?

This is a zero sum game and I can be strident about that. There's - it is a zero sum game. So how do we identify the sources of funds that could help others? Is it some outside source of funds? Is it an increase in the application fee? You know, I think these are policy questions that the - that the GNSO is going to have to consider when this working group finishes its work.

And at what point to interject the results of that work into the new gTLD process. So I think that's coming up. (Ben).

(Ben): There's another bit of work that the Board asked the GNSO to undertake.

Kurt Pritz: Sure. Can I call on Chuck, is that all right with you? Chuck? Not Chuck, Tim.

Tim Ruiz: Yeah, you can call me Chuck. Anyway it would really make Chuck angry.

Chuck Gomes: It might. No, I wanted to say something too.

Tim Ruiz: I just had a question on the - on this - the joint applicant working group and the timing. Are you implying that once they - that we're held up until they complete that and then the Council looks at that from a policy perspective or are you, you know, does that hold up this first round or are we talking about,

you know, continuing to move forward and this is something that may apply at a later date or a later round?

Kurt Pritz: So I see it as not holding up the launch of the new gTLD process. And I see it as a policy decision as to when to inject, how and when to inject the recommendations of that working group into the process.

Chuck Gomes: Thanks for calling on me, Kurt, I appreciate that. The - I'd like to give you another alternative to think about. And this has been talked about over the last couple years of implementation discussions.

But as you know the budget framework that's out for public comment right now clearly proposes - and this has been part of the new gTLD plan all along - that historical new gTLD costs be recouped in the fees for new gTLD applicants.

It seems to me that that's a - would be a fairly easy thing - area where funds could be used to help need applicants and certain language communities for things like the bundling concept that's been talked about etcetera.

And I'm not necessarily suggesting that you do away with the plan to recoup all those - to not recoup the majority of those funds. But if - it would be relatively easy and it's money already spent. Now it means a little bit less goes into the reserve.

But we all know that this is a community concern and the GAC has expressed a concern as well to support needy applicants. We also know that the JAS working group, you know, some of that stuff may not be finalized in time for the applicant guidebook. We hope it is but we don't know that.

So why not consider adjusting that plan to recoup all of those historical funds which are fairly significant as you know better than I do - and use them for needy applicants. And I'm sure the JAS working group is going to provide

some guidelines or they're working on that diligently to provide procedures for identifying needy applicants.

And also to support underserved language communities that frankly won't get IDN TLDs unless that happens and they'll have to wait until the next round or some future round in that regard. I really think that that should be seriously considered.

Kurt Pritz: Thanks Chuck. So you as well as anybody would recognize that, you know, it's sort of a complex accounting issue that ICANN funding comes from fees to registries and registrars and so they're essentially the ones that paid for - and registrants - registrants through registries and registrars - and so they're the ones essentially that paid for the new gTLD development.

And so whether, you know, if ICANN is also a not for profit zero sum game then operating expenses in the future either come from, you know, those fees or can be replenished through the - I think \$25,000 per application that's meant to offset over the first couple rounds probably the development costs. So anyway I've got, you know, your suggestion is certainly well taken.

Stéphane van Gelder: Is there any more questions?

Kurt Pritz: Another issue that's been raised lately has been with regard to the community TLDs - community TLDs will have restrictions written into their registry agreement. And it's anticipated that over time business models will change or even the way the TLD can more effectively address the targeted community will change.

And the TLD will request changes to its registration restrictions or other restrictions in its agreement. And given issues with current, you know, well I'll call them community TLDs but they could be restricted or sponsored TLDs there's a set of issues that have raised about under what circumstances should community TLDs be allowed to change their registration restrictions.

And the Board recognized this issue and asked ICANN to write a briefing paper to the GNSO on this matter. And so we've done that. And, you know, the form of that paper actually took is a proposal for how to address that. And that's simply because, you know, considerable thought had been - had gone into this issue already and a process or a test for when those agreement changes should be allowed - a procedure for when they should be allowed was developed.

So what was sent was really a draft model that was sent to the GNSO. So I think on this the input, you know, if it were up to me the input I would be looking for from the Council is, you know, to draw a line between policy and implementation.

So under what, you know, under what broad set of circumstances should community TLDs be allowed to change their registration restrictions? Should it be a model like the one we've given the GNSO or should they never be allowed to change their restrictions and more likely fail or should there be more of a laissez faire attitude? What's the policy on that?

Our discussions from the very start have always been that the - or my sense of the Council has been that these restrictions for community TLDs should be written into their agreement. And so we've done that. And so under what set of circumstances should they change?

So, you know, personally I'm not looking - I would not be looking for a noodling of the procedure we sent but instead a sense of, you know, this is the right approach to this or there should be a different approach either more lax or more stringent in how those registration restrictions can be changed.

So I hope that's clear. And I think there's some time to work this. I don't think it's on the critical path to launching the process; I think it's on the critical path to delegating TLDs.

Jeff Eckhaus: So I wanted to thank Kurt and ICANN staff for taking a first stab at this. And I want to encourage all the would-be applicants out there to seriously read this document. I do think - even though it's not a gate to launching the TLDs I certainly see it as a gate to people's business plans.

I think if people think that if their initial model doesn't work or it doesn't turn out as positive as they want it to be there maybe a perception out there that they can change certain things when this process here it's only several pages long could seriously impact the ability to do that.

And so it's something that's very important for everyone not just the GNSO but everyone and every applicant to read it as it's got some serious implications. I can tell you right now just based on similar types of discussions about changes of agreements in general that you are not going to get a unified Council position.

I think you'll certainly have different groups having different opinions on certain changes. I'd also encourage people to read this not just because the procedure that's set up but some of the very broad definitions that are in here.

For example - and I know Kurt has been saying this applies to changes to agreements but actually if you look at the definition that's used in here it's any - let me read it, any - "A change of any community-related aspect in the community gTLD registry's agreement with ICANN," - that's the registry agreement.

But then it goes on to say, "Or a change that would materially affect any such aspect," which means it could be any change that the registry does in its operations that ICANN deems or, you know, that's deemed to be a de facto change in the agreement.

So it's very important that you do read this. I think they had some excellent lawyers draft this but the excellent lawyers that drafted it also there are some large loopholes here that really need to be explored including the very last thing which is that even once it gets passed through this entire process the Board at its sole discretion for any reason could accept or reject the change.

So even though you'd get through this entire process; even though, you know, there's no change to your community scoring, you know, the Board could still at its sole discretion for whatever reason deny that change. And I think, you know, one of the reasons we have these contracts are for predictability, certainty, stability. So everyone really read this one seriously, comment on it.

I think it's a good straw man but there are certain - I think some work needs to be done. And I'm one person that you know will certainly help in any way I can to provide comments.

Stéphane van Gelder: Yeah, Chuck.

Chuck Gomes: Just following up on what Jeff said. I think it's extremely important that whatever process is implemented in this regard - and it is consistent with the new gTLD process that went on; we talked about this a lot and there were a lot of concerns raised.

But it needs to be carefully bounded and there need to be protections in there because it's so easy to use a tool like this for disenfranchised applicants that maybe didn't get a TLD or individuals maybe that are part of the community but maybe don't represent a majority of the community to use this as a tool to make life difficult.

And like Jeff said to really make the business model difficult to make successful. So there needs to be careful bounds; there needs to be due process. And if we end up with something like that I think it'll be consistent

with the GNSO recommendations document and also provide the right protections for all parties involved and not allow it to be gained in a way that would be harmful.

Kurt Pritz: So, that's an excellent point. Certainly we're trying to walk the line between potential abuses such as you're describing and potential abuses by a TLD labeling itself as a community and changing later. And that's - where to strike that balance is where we're looking for Council advice.

Stéphane van Gelder: Tim and then I'll put myself in the queue.

Tim Ruiz: Yeah, that was - the concern I was going to raise was that, I mean, I think there's legitimate concerns later, you know, as far as protecting the community that they purported to be representing etcetera. But I think also even during the application process, you know, there's going to be some (deficit) given perhaps to community applicants.

And if that happens then later I think there should, you know, certainly be carefully scrutinized any changes that they would like to make because, you know, get that deference in the beginning as a community application and then later decide to become, you know, an open generic would not be fair to the other applicants that might have been competing for that TLD.

Stéphane van Gelder: Yeah, I also wanted to just - try and understand the way you thought this out. If - so say if you have an applicant that's a community applicant that's passed the initial application process although it was in a contention set with a non-community standard applicant. And it was chosen because it was a community applicant so it had priority.

And then it comes through this process. And the evaluation of the community priority criteria shows that the scoring for the new status it would not have been deemed a community applicant. But the prior applicants that were in contention don't object. That may be getting a bit too complex.

But would that still stand then? Would they be able to change and, you know, essentially revert to a kind of less community status? They wouldn't be totally open but that they would not have that priority community status if no one objects then that's okay?

Kurt Pritz: So in the evaluation round this applicant got the TLD because it had community priority and it had scored enough points. So now it's delegated; now it has the TLD.

Then it asks for a change in its agreement. So this process is intended to say you haven't denigrated your community representation by a certain amount so this change you want is okay.

Or it's going to say no, you know, you've got this - here's the goal - the policy goal is you got this TLD because you represented yourself as a community. You can't go back now and become an un-community and keep the TLD. So you have to find a way to operate as a community TLD and pass this test before you can have that change. Is that...

Stéphane van Gelder: Thank you. Jeff, sorry.

Jeff Eckhaus: Yeah and I think in the circumstances you're talking about, Kurt, where one wants to be a community or one is initially a community and then decides to be an un-community I think that's the certain obvious case. I think the problem is where you get cases like - I don't want to bring it up but the .jobs breach letter for example.

Those are much harder cases where there's a change where, you know, it almost seems that ICANN is making a determination as to whether it's fulfilling its mission. I'm not sure - that's a much more difficult type of change where you have to then go back and say okay yes it's still a community but

this one change that they want does it fulfill the promises it made in its applications or does it not?

You know, my question is do you have to - I would think you'd have to bring in experts that it really shouldn't be ICANN staff or the ICANN Board injecting itself into whether it determines that it's still within the restrictions of the community because otherwise if that happened I think you're going to be susceptible to very high paid lobbyists for competitors of those communities to be lobbied every time there's a small change where they want to argue that that's no longer the community.

And you've got to be very careful that - I don't know how you'd walk that line. I think that's probably why ICANN initially kind of stayed away from it and now is kind of being dragged into it. But it's a very fine line you're going to have to walk to make sure that you are not in the position of determining for example whether something is in the best interest of the international employment or HR community.

Kurt Pritz: Or the employment act for attorneys. So this is supposed to be a - this is supposed to provide an objective - a more objective way of going about it through a scoring methodology. And so, you know, so that's, you know, that's some policy advice we're looking for too is, you know, is, you know, how that can be made objective.

Jeff Eckhaus: Right and the concern I have - and I think that's great; I think we do need to work on that process. The concern I have is if you give ultimately the Board discretion at the very end to do basically whatever it feels like you're just asking for a lot of lobbying at the Board level for any change.

And I think there should be a objective process that basically limits the discretion of the Board in very limited circumstances if it's determined through the scoring that there was no change to the community score or it actually go

better, that it's a very limited circumstance where the Board could overturn that.

Stéphane van Gelder: Marilyn.

Marilyn Cade: Thank you. My name is Marilyn Cade. And I think it's probably good to remind everyone including myself we need to state our name for the transcript.

Kurt, I would just like to say that I welcome the idea that you're asking for public comments on this not restricting this to comments from the GNSO's Council that focuses on gTLD policy.

I think it is important to also note that there will be interests expressed and informed comments coming from people who intend to apply for any kind of a string whether it's a community-facing string or an open string. But we probably need to also make sure that we are able to hear from parties who actually do represent communities.

The BC's position much earlier was supporting community-facing and sponsored TLDs and we stated our reasons for that at the time. I share the concerns you've heard that we need to be very careful about gaming.

And I think all the comments that have been made have occurred to my mind as well; I'm not intending to be an applicant or be involved with applicants but I could certainly see gaming where someone would apply, think they could change it later or even do this accidentally where they thought they had a business plan and they perhaps didn't develop it well enough and now they find themselves interested to find an alternative.

So all of that I think is important. But I think we got to ask ourselves how can we hear as well from communities who may be affected by not - and I look at this as a managed space and I think that TLDs are supposed to be serving

registrants not just developing a business opportunity for the registry. So I don't have an answer but I have a question.

Kurt Pritz: Yeah so I think that's right that's why the GNSO established the community TLD, right? And so we should hear from them about their needs in trying to manage a TLD and the challenges they anticipate going forward in a changing environment. Does that kind of echo what you were saying?

Marilyn Cade: Actually I meant we need to also hear actually from communities not just from those who want to offer a community TLD.

Kurt Pritz: Sorry are there any more questions on any matter? So what are we going to talk about at the next ICANN meeting if I can't come in here and talk about new gTLDs?

Man: (Unintelligible).

Kurt Pritz: Yeah. Anyway, you know, thank you for your cordiality and the atmosphere in which these discussions are conducted. I think it's just great and I appreciate the thought and hard work that's gone into reading all this material that's been published beforehand and being able to have this conversation. I hope I - I hope I've fulfilled what you wanted to get out of the meeting. Thanks very much.

Stéphane van Gelder: Thanks much. Just a reminder to the - for the GNSO Council so we have - we finished early. We have a working lunch at 1 o'clock in here. And then we have that option of discussing the possible GNSO response or comment to the Board and the GAC. We could do that at 2:30 and take advantage of that canceled session or we could do it now seeing we have a bit of time.

So would you rather do it now? Yeah? Okay so - is that okay? Well it doesn't seem to be okay for everyone but you'd be now (averted) in this case. It's...

Woman: That's okay.

Man: We don't vote the authorization.

Stéphane van Gelder: So rough consensus that we do it now. So if the GNSO Council can stay in the room and we'll just have a five-second switchover. Thanks.

END