ICANN Singapore Meeting
CSG Meeting
TRANSCRIPTION
Tuesday 21 June 2011 at 09:45 local

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

Tony Holmes: Good morning everybody. I'd like to welcome you to this commercial stakeholder group meeting. We are in a moment going to go around and ask people sitting at the table who I think are all members of the three (unintelligible) stakeholder group constituencies to introduce yourselves.

What we're here for primarily this morning is to prepare our session that the (unintelligible) stakeholder group has with the board that will take place from 11:00 until 12:00. This room will actually be closed from 11:00 until 12:00 and then we will come back into this room to continue our discussion.

And those people who aren't members of the (unintelligible) obviously you will not be involved in the meeting with the board but you are welcome to come and join us afterwards again and we'll further discussions about what has occurred during that session.

So my name is Tony Holmes and I (unintelligible) the ISB constituency and I'd like to work around the table, I think everyone knows Marilyn but I'll work around this way.

Marilyn Cade: And just, my name is Marilyn Cade, I'm the chair of the BC and just a quick word, the meeting is being (unintelligible) there is an Adobe connect link that you can (unintelligible) on the ICANN agenda, and the board meeting,

although it is limited for our members to go with us into the room because of seating the board meeting will be streamed so you will be able, and there will be a transcript, so even if you're not a member you will be able to be aware of what takes place.

Steve Metalitz: I'm Steve Metalitz, Vice President of the Intellectual Property Constituency and I represent our constituency on the CSG Executive Committee.

J. Scott Evans: I'm J. Scott Evans, President of the Intellectual Property Constituency.

Brian Winterfeldt: I'm Brian Winterfeldt, Treasury of the Intellectual Property Constituency.

(Luka Boldero):   I'm (Luka Boldero), member of the Intellectual Property Constituency.

David Taylor: David Taylor, member of the Intellectual Property Constituency and GNSO council rep.

(Heather Forest):   (Heather Forest), member of the Intellectual Property Constituency.

Man: (Unintelligible), member of the Intellectual Property Constituency.

Man: (Unintelligible), (unintelligible) member of (HPCP) and also representing (unintelligible) which is a member (unintelligible).

Chris Martin: Hi. Chris Martin with the U.S. (unintelligible) for International Business, member of the business constituency.

Ron Andruff: Ron Andruff, Business Constituency (unintelligible) partner.

Martin Sutton: Martin Sutton, BC.

Bill Smith: Bill Smith, Paypal EB, eBay, PC (unintelligible).

Lynn Goodendorf: I'm Lynn Goodendorf, I'm with the Business Constituency and I'm also serving on the WHOIS review team.

Susan Kawaguchi: Susan Kawaguchi with the BC and with (unintelligible) team.

Man: (Unintelligible) for (IS PCP).

Mark Partridge: Mark Partridge representing the American Bar Association as a member of the (FDC) and I'm a member of (Nomcom).

Man: (Unintelligible) representing (unintelligible).

(Mike Conner): (Mike Conner), I'm a member of the (unintelligible) for (unintelligible) and we're the ICANN Singapore meeting (unintelligible) and co-chair of the (DNS) Security and Stability Advisory Cross Constituency Working Group.

(Jonathan Duck): (Jonathan Duck) from the Association for Competitive Technology, member of the IPC.

Tony Holmes: Okay. Thanks I'd like to look around this way now (unintelligible)?

(Nellis Marima): Hi. My name is (Nellis Marima) with (JP Nick ISBC).

Tony Harris: Yes. My name is Tony Harris and I'm with the (IS PCP) constituency.

Chris Chaplow: Chris Chaplow, Vice Chair of the BC (File) (unintelligible).

Jaime Wagner: Jaime Wagner, I am (unintelligible) GNSO council member.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben, the same like Jaime.

(Bella Torosti): (Bella Torosti), BC (Secretariat).

Jim Baskin: Jim Baskin, Verizon BC.

(Emanuel Raha): (Emanuel Raha) and (unintelligible) IPC.

(Tom Cormack):   (Tom Cormack), BC.

(Michael Evans): (Michael Evans), (IPC).

Steve DelBianco: Steve DelBianco, Vice Chair for Policy Coordination in the BC.

Philip Sheppard: Philip Sheppard, BC.

Andrew Mack: Andrew Mack, (unintelligible) 98% member of the BC (unintelligible) working group.

Man: (Unintelligible) with (Mike Monger), members of the BC and IPC.

Fred Feldman: Fred Feldman and what he said.

Claudio Di Gangi: Claudio Di Gangi, I work on staff for (unintelligible) the Intellectual Property Constituency and I'm also on the (unintelligible) executive committee.

(Bob Moreno):   (Bob Moreno), IPC member.

John Berard: John Berard with the BC and move unanimous consent to designate (unintelligible) as the worst dressed member (unintelligible).

Woman: Hi (unintelligible) from the BC.

Ayesha Hassan: Ayesha Hassan, International Chamber of Commerce, member of the BC.

Man: (Unintelligible), member of the BC, also (unintelligible) GNSO.

Tony Holmes: Okay. Thank you. A couple of requests if you're not speaking could you make sure your mic is turned off please and the other request is that if you are going to speak for the benefit of the recording could you please give your name at the start.

I mentioned that this (unintelligible) is really about planning for the interaction with the board, and as (unintelligible) issues which we put forward for discussion with the board, it's the ATRT review, the bucket issues, how it relates with the operational plan, and the role and relationship between the ICANN board and the larger ecosystem.

So we can spend a little time trying to get the views of the constituency members on each of those so that when we have that discussion we can key it off on the right foot and we, we're in a situation now that's a little bit (unintelligible) for all of us.

Traditionally we've always met with the board at every meeting, it appears that that isn't going to be the way we continue in the future, we aren't going to have the opportunity to get every ICANN meeting, so these sections get more and more important and (unintelligible) gets more and more important accordingly.

So this is your opportunity to help steer us so that we can pitch our (unintelligible) at the right level and we're going to start with the (ATRT). There is a link from the ICANN Web site to the Accountability and Transparency Web page.

And of course the recommendations that came out of the ATRT committee have yet to be implemented and one of the reasons primarily that we raise this and want to take it further to the board is that we feel that within these three constituencies there's an awful lot of knowledge and awful lot of help that we can offer in terms of trying to take those recommendations forward to contribute to the process.

The sort of things that I am going to follow on there's going to be an assessment of board skills, there's going to be an independent experts report on restructuring ICANN's reconsideration mechanisms, there is a development of a new public note and comment process linked with the Web site, translation guidelines along with metrics and progress on all those recommendations.

But so far that (unintelligible) hasn't really taken place and part of the (trust) that we're looking to put forward to the board is to get an idea of these things are going to happen and how we can actually help them with that task to realize those goals.

So I'd like to open now for (unintelligible) concerns people have or particular issues that you may want to raise related to that discussion. Marilyn.

Marilyn Cade: Thank you. Marilyn Cade. Tony there are 27 recommendations in the ATRT, the ATRT is an outcome of the affirmation of commitments. There's information that has been on the ICANN special page for some time, it is an evolving document where ICANN has been, staff has been instructed to update the status of the activities that ICANN is engaged in that fulfill the ATRT topic.

Then there's, and several of these are particularly critical to I think these three constituencies, particularly the public notice on the reply round, which is going to be a fairly complicated (unintelligible) of the way that we do public comments. There's also a requirement that ICANN, that the, to me a clear statement that ICANN has to do a better job of how they deal with comments in their (system).

Can you tell us more, and I think you had a chance to talk to (Denise) a little bit, it looks to me like that the staff is instructed to update this document on an ongoing basis, but the list of things that they say are related to the ATRT

but then there's some major areas where we don't see any substantive materials to comment on.

And we since the, my understanding is that ICANN is supposed to present a report in June which I think is for the acceptance of the board but it's not been published in a way that the community can see it and comment (unintelligible) to give any feedback to the board.

Tony Holmes: Okay let me pick up on that point and share with you what I know. I don't think (Denise) is here with us now, but I believe she will be joining the board when we have this part of the discussion with them.

The issues that you've seen updated on the Web site I believe are just an initial phase that was considered helpful to the board and staff to kick off this process.

The (unintelligible) stage, which is I think the most concern we have is due to be announced by the board (at the) meeting as to how that's going to be taken forward. And I assume there will be some resolution linked with that for the board meeting this coming Friday.

The discussion we have I think is to try to get ahead of the game a little bit, trying to make the point that certainly the input and the (unintelligible) that we have within these three groups can actually help them along that part, and as Marilyn quite rightly said, these issues are of fundamental importance, some more than others.

But there's some really big issues in there as to how the (unintelligible) development process will actually work in the future, how it will be reviewed and what it means in terms of taking ICANN forward to meet the requirements of the ATRT report.

I don't have any more detail other than that at this stage, so I hope when we come back here at 12:00 we will certainly be in a better position to consider what our future action will be. Chris.

Chris Martin: I was just noticing on the (unintelligible) transparency...

Tony Holmes: For the recording Chris could you just...

Chris Martin: Oh Chris Martin, U.S. (CID) member of the BC. I did notice that on the accountability and transparency Web page there are links to, they're not final documents but they have been submitted to the board for review and approval and there's a timeline document and there's actually a, looks to be a fairly robust report document that we may want to consider in terms of providing feedback to the board, it's pretty lengthy so I don't know if we'll be able to do that within the (unintelligible).

Marilyn Cade: Marilyn Cade. Chris for those, I'm not looking at a laptop, and I was on those pages two days ago and found a one-page document, so I'm is this new?

Chris Martin: I think it may be new, (Denise) had forwarded it to me yesterday the timeline document, but I do see these are now on the Web page itself and they're dated June 2011, the second one updated 19th of June and another one June 2011.

Tony Holmes: Chris could I just ask because I haven't seen that either, whether the timeline which you said had been forwarded to you fits with the timeline that Marilyn hinted at the start of this, that by June most of the staff should be done and culminated in a report, is that how it is?

Chris Martin: I haven't had a chance to really look through it, I literally just went to the page now as we started this discussion. They do, it does seem to be a fairly as I said, robust report, which I think seems like it will be put forward to the board for its consideration. They note at the top it says this is staff document was

submitted to ICANN's board for consideration and does not represent board action, it's just for public information only.

Tony Holmes: Okay. Thank you. Steve.

Steve Metalitz: Yes. Steve Metalitz, the IPC. It's good to know about that, it is interesting that in terms of ICANN responding to the review on accountability and transparency I guess in order to know what they're doing you have to ask Denise Michel and she has to tell you where the page is, I mean I would think there would be a little better way of understanding this because as of now I don't really know what the board is planning to do.

I wanted to hone in a little bit on one of these issues which is the public comment process and one thing I think cuts across all of our constituencies is that we are avid users of that process and I think all of us have some, in terms about the short comings of that process and the ATRT report is a way to try to address those and get in the affirmation of commitments calls for ICANN to make the decision on recommendations by June 30th.

I guess one question we could have is how can we expect the public comment period, public comment process to change a week from, by a week from next Monday or Thursday I guess, by a week from Thursday, which is the (unintelligible) June 30th.

There are several pending public comment periods, will those be effected, and I think we'll talk about this later on budget but we just had a remarkable illustration of the problems in a meeting that several of us attended on the budget in which it appears that the comments that we filed that our constituency filed and BC filed, several individuals, I think Bill Smith filed comments on the budget and operating plan.

Those were actually they may have been received before the board finance committee met and approved the budget, but they were never communicated

to that committee and probably were not even received until after that committee met, which was 8:00 a.m., which was seven hours before the close of the public comment period.

So that may be an extreme case but it's somewhat indicative of the problem we face right now and I think we should be asking the board how they plan to change that and when that will change.

Tony Holmes: Okay. Thanks Steve. We will come back around to the budget issues and discuss them in a little bit more detail, but I would sort of like to point out there's another big issue that I'd like to draw attention to linked to the ATRT and that is that one of the other consultations that I believe is going to be up and coming is going to look at the distinction between issues that are subject to the policy development process and those that fall within the remit of executive EG staff actions as well, that was another aspect to this that we need to monitor pretty carefully. Chris?

Chris Chaplow: I was just going to add some detail and then (unintelligible) but it was actually two hours Steve, the public comment closed at midnight on the 17th, which is 6:00 a.m. here in Singapore and the board (unintelligible) committee met at 8:00 a.m. So many of our comments (unintelligible) I know yours went (unintelligible) 2:00 in the morning here in Singapore, the (unintelligible) went at 3:00 in the morning ahead with (unintelligible) and (unintelligible) staff at 8:00, but I don't know how we can do that in two hours. Thank you.

Tony Holmes: Okay. What I'd like to do is just make sure that there aren't any other specific points people want to add to the list for any discussion they're going to have of the ATRT report actions (unintelligible) forward and if there isn't anything then we can continue on with the budget aspect, which is another point that we're going to raise with them.

Steve would you like to say a little bit more around that issue?

Steve Metalitz: Yes. I'll kick this off, I think our plan here is to split this between Chris and myself and Chris will be talking about some of the process issues, which we've already touched on a little bit, and then I want to talk about at least one substantive issue which is contract compliance.

So Chris I don't know if you want to just briefly summarize what you're going to present and then we can get feedback on that or, and then I'll be glad to talk a little bit about contract compliance.

Chris Chaplow: Yes. Thank you Steve. Thank you. I'm Chris Chaplow from the BC. Yes I was going to talk briefly on two points, one on the process side of things and the other on the lack of detail.

I think on the process it's the idea that (unintelligible) Brussels there were going to be improvements in the process and we're going to have more opportunities and I think using the concrete example I think it was a worse case but it did close just two hours before the information went to the board governance, board finance committee.

So I think we need next year that the process is, well the timeline is actually shifted forward and then the other is obviously lack of detail and I've got some examples of where you know, FY '11 we were all told we were going to get more detail actually in FY '12 and I've checked against FY '11 we've actually got less detail.

And I've got a sheet summarizing all the financial information on the costs in the budget, when you take out all the words and leave just the numbers and at least very little and I think that that's what we're going to be asking for on (unintelligible) way so that we're only going to (unintelligible) on a positive note and basically saying, you know we're here to help ICANN get the information and we'll help but we don't need to (unintelligible) we can't. Thank you.

Tony Holmes: Thanks Chris. Steve.

Steve Metalitz: Well I guess we can then see if there's other input from the members here on either of these points. In terms of the substance in the budget I know the (IPC) (unintelligible) and others raised a number of points, one that we did have some discussion at the meeting that Chris and I are referring to three or four board members were there including a couple of members of this board finance committee, so I think it was useful.

One of the things that we've always stressed in the year, as we have commented every year on the budget at least once is the importance of contract compliance and really how central this is to the multi-stakeholder model if ICANN's contracts are not enforced then the idea that ICANN will manage the domain (name system) through contracts becomes rather (unintelligible).

So we always stress this and we're glad to see there is a good increase, 25% in the FY '12 budget. But we were struck by the fact that there were zero dollars allocated for contract compliance in the new GTLD program, now that the board has approved that program apparently approved Chapter 7 of the budget, even though they haven't voted on the budget yet.

But that was part of the resolution yesterday, so we're, so there's nothing to indicate that any additional money will be spent on contract compliance in preparation for the new GTLD program. We understand that there will be no contracts actually entered into during fiscal year '12, which ends June 30, 2012, with new GTLD registries, but the idea that that operation can go from its current level to a five, you know a 25-fold increase in the number of contracts that it is (unintelligible) and view that, that it can just jump and do that overnight seems kind of far fetched to us.

The budget, clearly as I read it, and obviously I had a long dialogue with the COO about this at this meeting, but if you look at the budget (unintelligible) 72

it's obvious that the new GTLD program is not indeed to be cost neutral, it will generate a surplus of $18 million, above and beyond what's necessary to pay for the costs already incurred, above and beyond what's necessary to reserve for the processing costs in fiscal '13, above and beyond what is necessary to sit aside as the risk reserve, which is a very substantial amount.

So the question's what to do with that $18 million. We found at the meeting yesterday that in fact the budget approved by the board finance committee was different and that it only has $9 million in that category, so I'm not sure what happened to the other $9 million but I'm sure there's a good explanation for that.

Be that as it may if there's $9 million and ICANN has to decide what to do with that, some of it could be put in reserve fund of course, but our proposal form the IPC was that one-third of that should be dedicated to contract compliance activities in preparing the contract compliance department to actually make sure that the registries, and as we know there will also be many new registrars as a result of this, particularly with the vertical integration decision.

And we have to make sure that all of, you know they're ready to enforce all of those contracts so I think we should present that to the board and whether, while we don't know what the exact number is since we don't know what was in the budget, whether it's $3 million or $6 million, the exact number is not that important.

It's the concept that the board ought to be given priority to contract compliance as a means of (unintelligible) demonstrate the validity of the multi-stakeholder model, so that's a point I hope we can make in our discussion with the board. Thank you. And I welcome your comments on that and also on any other specific budget items that you think we ought to bring up.

Tony Holmes: Steve could I just ask that during the discussions you've had here has the issue of the $2 million that the board threw out the other day, they factored into those debates, where is that coming from?

Steve Metalitz: That is presumably coming from the $9 million or $18 million, so it's been a moving target but we know there will be a substantial seven figure sum, and we are urging some of that be allocated to contract compliance.

Tony Holmes: Thank you. Philip.

Philip Sheppard: Thanks. I'd just like to speak very much in favor of what Steve was saying. I also think just in terms of a response it would, it is helpful if we suggest a certain sum just to see what they come back with. I think that's quite a good way forward.

And just an aside and in reference to our breakfast earlier this directly reflects what we're talking about around our table in terms of how you actually walk and talk in terms of the public interest. I think that point is worth making as well. So I think not only probably we as this stakeholder group will be looking for this but I think you'll see other eyes in ALAC too for the same objective.

Tony Holmes: It's always good (unintelligible) could I just remind you to announce your names before you take the mic? The next person I, it seems J. Scott.

J. Scott Evans: I have a couple of points, first with regards to the budget I am very concerned about the toolkit that we supposedly, and constituencies have been told has been coming for two years, three years now? And in fact in a private conversation that we had with (unintelligible) and (Juan) on the budget they were of the opinion we already had a toolkit that was providing a certain level of service.

I think that the board needs to know that the recent restructuring has placed onerous burdens on each constituency on what it is obligated to provide to

the community and yet they, and pressure to outreach which we can do at $10,000 a piece, or they can help us.

And they keep telling us there's help but I don't see it anywhere, I don't see line items and when we ask questions I get an e-mail from staff prior to coming here after our call, prior to this meeting saying oh by the way the toolkit, well let me tell you where we are, but that's the first I've heard so I'm a little interested to know what the board's going to do with regards to that topic.

In general with regards to the board I think the point needs to be made that we continually see them say to us don't come to us with problems, come to us with solutions, but without information on what the board or staff or whatever the plan is on whether it's ATRT or whether it's the budget or whether it's, we can't come to you with solutions in a face-to-face meeting when we didn't get your position until an hour and a half.

You know we're supposed to be inclusive, we're supposed to be reaching out, we're supposed to be doing all this for you, you give us 45 minutes and three, you know, three sets of papers all cross-referenced, all 20 pages each, and so we come to the board and you say we're negative and we're saying well no, we just, we've never gotten enough information or time or tools in order to do what you keep asking us to do.

Tony Holmes: Thanks J. Scott. Chris, I believe you may be able to clarify some of the points around the toolkit.

Chris Chaplow: Yes. And J. Scott's, I was going to say right to be confused and because the, we're confusing two areas in the budget here and the area of (SOAC) support requests in the 10,000 is one area of the budget and the toolkit actually comes under policy staff support in the budget.

So from the budget point of view they've nothing to do with each other and we actually in the BC we reiterated our toolkit request, it's sort of parallel process if you like, in the support request.

In hindsight, we shunted them because it was (unintelligible); I mean not the tool kit process started a long time before. As to what to do about the tool kit, I think that the - as far as I know it's been approved.

I think what we got to do is sit down with (Rob) Hoggarth and get down to details and see exactly with copy of your tool kit application with the 11 sections in it and go down to get down to details and find out exactly what you can have and push it along so we can do that jointly if you want to, get (Rob) in accordance on my own (unintelligible).

Glen DeSaintgery: Thanks (Rich), just on that point I also had some discussion with (Rob) regarding the tool kit and whilst that dialogue needs to take place, I don't think we're (unintelligible) where the full tool kit is available.

There are still elements of that can't be provided today.

(Rich): Well the tool kit was of course in two phases, the part in FY 11, the part in FY 12 and it was amplified what we could possibly have an FY 12 which is slightly greater than what was available in the 11 sections. I think only eight of them were valuable, well FY 11 happened that wasn't all but a week.

So, you know, move on FY 12 it's also a (unintelligible).

Glen DeSaintgery: Okay, (unintelligible).

Bill, I'll do you next.

Bill Smith: Thank you, Bill Smith with PayPal.

On the operational plan for 2012, I have a request for those going to the Board and that's just to ask basically two questions: "Were the comments considered, the comments that were submitted?" And then follow-up is, "If they were what was the discussion and what's the disposition of each of them?"

Each of them was, you know, each of the submissions that I saw were very specific and it's just I think we all deserve what the Board decided to do with them.

Also on gTLD, the fact that there is no increased costs for compliance or anything else related to in terms of making sure that we're not going to just push additional costs out into the ecosystem. It's the only way that a significant number of new top-level demands can be created without compliance being increased by ICANN is for the ecosystem to absorb the cost and that's unconscionable.

Glen DeSaintgery: Thank you, Mikey?

Mikey O'Connor: Thanks, Mikey O'Connor. Just on the budget thing, a question for the Board would be, well let me tell you a tiny little story during the question. So I'm Co-Chair of this ESSA working group and one of the things that I found interesting was that we showed as a line item in the budget under the SSR category.

So I thought, "Cool I never heard about that, " so I asked, "Well how much money do we get since we're a line item?" And I got an answer, "Well we don't budget anything below the top line in the category so SSR gets whatever SSR gets $7 million or something like that."

But the line items under it don't have specific budget numbers (unintelligible) and so I think a question for the Board is, "What level does the budget

system actually track resources in the budget?" I have the feeling that part of what's going on here is that they don't have a system to track these numbers.

We heard a great story in the joint ccNSO/GNSO meeting yesterday where a very able group of ccNSO folks found a $2 million error in the budget and the answer from ICANN as far as I can tell was, "Oops" so I think we got kind of budget system infrastructure question for the Board here. It'd be just interesting to hear if they're aware of that and if they have any plans about that?

So that will be my question of the day.

Glen DeSaintgery: Thanks, I must admit that $2 million error never seems to occur in my budget, but Jaime?

Jaime Hedlund: Yes (Mike), one of the things that I worked yesterday, do CNSO have the group, the working group to (unintelligible) the operation meeting plan here on the budget operating plan. I think we could make a joint effort and have the same level of awareness that at least from my side I don't have.

And I think that the general thing there with all - do you accept Chris as my side and I think he is the only guy here who has a solid understanding, that understanding of this process by much.

And I have a question to Chris, this tool kit thing I understood it is only restricted to quality staff or have other resources also defined staff?

Glen DeSaintgery: Did you want to take that Chris?

Chris Chaplow: Yes, Chris Chaplow of the BC. The tool kit is an initiative in the policy. Staff is actually kind of the GNSO improvement and its word is so that any organization - I forget the word now - but in the organization that qualifies can have the tool kit.

But basically I read that as any of the constituencies and (unintelligible) the work groups and apply in the GNSO Council. And having applied these 11 sections to it still with some of the things that we already have and take for granted. Telephone support, the - some of the staff support, the Secretariat, the transcripts, things like that so it sort of formalizes and asks - it asks each group that is applying for it - what you wanted in each section.

And I think it was, you know, it was well laid out and well done and organized. It's just, just been very slowly, that's all.

Are they inseparate from the support requests that we've had problems with just recently?

Glen DeSaintgery: Thanks. That's my understanding thing as well that covers both the constituencies and the working groups within that category.

Incidentally I believe that the conversation I had with (Rob) Hoggarth here that he's quite open to having an update from the constituencies and the working groups as to what you actually need out of that tool kit. So that's certainly an ongoing action that we should take (Roy) off of this ICANN meeting and consider back to the now respective groups.

(Mary)?

Marilyn Cade: Thank you, Marilyn Cade. Let me first of all comment on the tool kit. So far I have probably had five conference calls with (Chris) participating in various discussions with (Rob) and with Akram and Juan in a face-to-face meeting with (Abba), Akram and Juan and (Carol) in San Francisco.

We organized that because of what I would consider the fiasco experience in Brussels where - and we still had constituency who had made concrete proposals as well as the (INCSG) and we somehow really fell off the page

between our making the proposal and the budget process, although we were assured by the stay of both, our comments would be taken in to account.

So I think we made a pretty significant effort to be productive and positive and to work with the staff. The staff do not have the tools, Mikey, that they need and they told me that directly in our call. They tell me that they may have them in a year to give me retroactive information. I'm forecasting and planning before in a previous line is kind of not helpful, but they don't have they can't give me.

And I don't think it's a lack of will on their part, but I think it would be a really good idea for us to return to something we used to do. And I would welcome the establishment of a CSG working group on the budget and the operating plan with designated representatives on that, each of the constituencies plus any additional volunteers.

But I really want to be clear that as the BC Chair, my strong recommendation would be that we have designated representatives on that. But from each of the constituencies.

The second thing that I want to propose for us to think about is a result of an experience I had before in the DNSO and I had talked to (Bruce) about it and that is the establishment of a Budget Advisory Group that is drawn from designated representatives from the constituencies and the stakeholder groups.

And from the other SO and the AC's that have the face-to-face working session twice a year, once on the operating plan on the budget and then the second one on the (strap) plan should be open to anyone who wants to come, but again I would say we need to have some designated accountability, otherwise they actually just are in an unfortunate position of dividing and conquering. They almost have no choice.

I think that last one is actually returned to the Budget Advisory Group that (Steve) and I are on and I think Bill was on in the early days and we were against - I think we were actually pretty influential and helpful to them at the stage they were in. So I think (Bruce) is extremely interested in that last idea, it needed to take place in my view the Friday before an ICANN meeting or the Friday afternoon of the last day so that it doesn't interfere with the other commitments that we have because right now we would not get the staff time and we wouldn't get our own time to do the kind of in-depth work that's needed to pay attention to us and Mikey.

Glen DeSaintgery: Okay thanks Marilyn. Just a final comment from Mikey and then we're going to change topic.

Mikey?

Mikey O'Connor: Well in keeping with J. Scott's plea that we come up with positive stuff instead of just complaining all the time, maybe one of things we ought to do is tell the Board, "Dear Board we certainly want that project that's going to get better budgeting tools for the staff in place. We want the priority and resources behind that raised."

You know, I won't be laborious, but as the controller of a $2-1/2 billion a year university, the budget system is kind of important for allocating resources. There is no budgeting system which appears to be the case. It seems to me that one of the small, positive points we could make is maybe a bump the priority on that project just a little bit.

Glen DeSaintgery: (Unintelligible) I'd like to ask that the leaders of the three constituency basically consider Marilyn's proposal doing their meetings later today, providing it's supported from within the constituency. I'd like to further ask that maybe we could get as far as having volunteer names to form that group because the quicker we kick this off, the better.

If we can walk away from the meeting today with that accepted, it would be a big step in the right direction.
So the final topic that we're going to raise with the Board, it's the role and re-election sheet between ICANN and the larger ecosystem.

And Marilyn, that was something (unintelligible).

Marilyn Cade: Thank you. Just for housekeeping purposes, I'm going to say (unintelligible) and it has a sign-in sheet, be sure you do that.

And secondly we are going to wrap here at five minutes till. Do close the room, and the reason we're doing that is I've heard a lot of comments about the experience that the Board has had interacting with different groups and that the groups perhaps aren't prepared, organized or on time. And I thought as a commercial stakeholder group, I want to start an example by showing up at the door ready to talk so just to set the stage for that.

The topic that I want to introduce is the role as in responsibilities -- oh let me phrase it slightly differently, the relationship that ICANN needs to have with the larger internet ecosystem and the benefit of understanding the contribution of the members of these three constituencies.

ICANN is indeed part of a large Internet ecosystem that includes booth friendly and unfriendly critters. In other organizations, sometimes they're unfriendly because they don't get (unintelligible) or they're not exposed to a (unintelligible). And other cases, they may be confused and think that they should be doing ICANN's job.

But the point is we have around ICANN a number of organizational structures and that includes a very important organizational structure called the Internet Governance Forum which is a major place where tough issues like ICANN's role and the role of critical internet resources and other issues are addressed.

ICANN participates in that, but we also have challenges to ICANN's responsibility that raise be that by governance or by IPO's. And ICANN right now has, it does have an approach to addressing that larger ecosystem, but it is not an approach that in my view is well understood by the broad stakeholder groups at ICANN probably so I don't want to put this just on gTLD policy which is what the GNSO is responsible for.

Individuals that needs to be constituency are very active in that larger Internet ecosystem, they're leaders in it, they're contributing to it, the companies and the organization that make up these three constituencies are both knowledgeable and interactive with governance on a wide-range topic and we're a terrific resource ICANN.

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And I know from working in that larger ecosystem that ICANN is not maximizing the relationship and leveraging the work that we could do to help them and that would help us help ICANN.

I'd like to raise that topic of ICANN's relationship with the larger ecosystem and the experience that we all have in working in it. We have a number of people who really are leaders in that space.

And I think it'd be good (Tony) to maybe ask Eric Loeb from AT&T and Ayesha maybe and maybe someone from another constituency that's active in that so just a few follow-up comments after I kick the topic off.

But can we just open up the discussion to this?

Glen DeSaintgery: Thanks, anybody want to respond to that to start with?

Eric, thank you.

Eric Loeb: Thanks very much. Well Ayesha closer together at ICC and one of the things we were talking about earlier today at breakfast was indeed the Board's are

recognizing the dramatic changing environments of how central the interests of the Internet are to the representatives participating here.

So this is no news story to anyone, but you know, one of the important lessons taken from the gTLD process is of the benefits of active, early and respectful engagement and responsiveness, indeed as we see within the multi-stakeholder process the - must have the interests of government are central.

Constantly working to improve the dialogue here is going to be critical and it's a great opportunity. This is all stating the obvious, but we've certainly been working through this and ICC and view it as an important part of dialogue with the Board understanding their perspective on this and how we can continue to improve this in a battle at the end of the day, in a multi-stakeholder group of government.

Without that the expected balance, government's going to have a very heavy hand.

Ayesha Hassan: (Jeff), to add to what Eric has said, this is Ayesha Hassan from ICC.

I think part of the discussion with the ICC community has also been about how, what happens in this environment affects other foreign end processes where many of the issues that we're dealing with in ICANN are also being discussed or broader ITT and Internet issues are being discussed.

I thought that the Portuguese government representative made a very poignant plea during the Board GAC discussion on Sunday about the fact that outside of ICANN, many of the government delegates around the table in the GAC are outside in other processes defending this model and defending this organization and trying to do what they can to ensure that it continues to involve in a positive and productive way.

So we have watched many of those government delegates and other processes and I think it's very important building on what Eric has said that the commercial stakeholder group is seen to be helping to improve the partnership and cooperation with government for inside ICANN and then outside ICANN.

Thank you.

Marilyn Cade: It's Marilyn again.

I just want to share with all of you that I think the Board right now is in a bit of a quandary and I hope we can help them. There are certain parties within the ICANN stakeholder environment who resent what they consider the more active role of the government that have emerged.

And in some cases they feel that the business community broadly - the business user community broadly, these three constituencies used the government to get what we didn't get in the earlier stages of the new gTLD program.

I don't want to go to that level of detail, but I think the issue of an active, informed, involved set of government through the Advisory Committee at ICANN was part of the core foundation at ICANN. And I do think there's a risk that if ICANN doesn't grasp this opportunity and enhance the active, informed participation that there are other venues where governments are really being urged to come and take up a harsher attitude toward what ICANN is responsible for.

Glen DeSaintgery: Bill?

Bill Smith: Bill Smith, PayPal.

Marilyn makes I think an excellent point and the other people have spoken as well. Earlier today J. Scott, you know, mentioned at the breakfast that the Internet really is an international resource and that ICANN in a sense is the, you know, is the trustee for it.

On the one hand, we don't won't scope creep for ICANN, we don't want it to go too far around things, but it really is - because the DNS is so central to the Internet, the functioning of the Internet, ICANN really does - has a much a larger role by virtue of that.

I think the Board needs to recognize that. One way to avoid some scope creep I would suggest would be to for ICANN to recognize that for a likely idea are relevant and in their own right. And I know this is controversial, posted before, but I think ICANN should take some of the 2, 8, 9 or 18 million, whatever number it is and consider doing a major funding of the IGF and say, "Here it is, it's your organization right, your forum. We recognize a responsibility as ICANN to help fund this and we have money to do it."

And if done properly, I think it could be done as a - in a show of good faith and it would establish better relationships. So I just throw that out, but I agree with Marilyn. ICANN is not participating at these things and others are and it would be good for the Board to consider those things and how they are going to interact, how ICANN is going to interact in a positive way.

Glen DeSaintgery: Thanks Bill.

Philip?

Philip Sheppard: Philip Sheppard. I think the suggestion is a very good one. I think we also need to be aware of what's going to be a slight confusion in the Board and it's like confusion in the GAC I think and the outcome of the discussions that they've had on (CLD's) and some of the GAC would have been under the

impression that they were helping to pursue certain public interests or certain issues that some of them are asking for.

It was actually well-pointed out in a couple of the cases those issues would be in good-spirited (unintelligible) when the December objective is being pursued by both sides. And judgments will be made in terms of relative harm in a world of uncertainty.

And I think there is a job of some diplomacy to do that we can help in terms of winning where made may still be some apparent - may still be a perception of difference when perhaps that is less and we can certainly help with that.

I'm just speaking in terms of my own patch. We should not underestimate the change that we're seeing with the European Commission and the candid-speaking Dutch representative, who is a reflection of an increased seniority within the Commission, increased interests from his box who is relatively new in that job and is a significant player in terms of Commission politics.

At the time when the key European directives to do with this area are under discussion for review and so there was a political opportunity to make changes in law which may be unfortunate being that this is a reasonable change rather than a global change.

So there are lots of dynamics that I think we can help with and probably something the Board would appreciate to be getting right.

Glen DeSaintgery: Well the importance that you stress there Philip I think brings us to a conclusion in terms of preparation.

It's notable that since the creation of ICANN that this particular issue and it's important has just got more and more important with time. And when you look around the ICANN community, the people that have engaged in this in the early days are very much the same people who are there today.

It hasn't increased in terms of strength or representation or presence and I think the discussion we just had emphasizes that we do need to rethink this and reprove and expand our efforts in that area. So this is another extremely important topic that will take forward for the discussion we're going to have in the next hour.

With that I'm going to close this meeting to enable us to go in session with the Board.

As Marilyn mentioned and I mentioned at the start, this is a session for the members of the three constituencies only purely because of the dynamics of this meeting, but the meeting will be streamed and we will resume here in an hour. And we'll pick up this discussion and the outcome from that Board session.

Marilyn Cade: So you can leave things here, but we are asking to leave the only person in the room will be Benedetta. So if you decide to leave something in here, she'll make sure no one comes into the room.

I personally never leave my laptop and I would urge you, the BC Secretariat, for not to be responsible for your laptop, but if you have other things that you want to leave, I think you can feel comfortable doing that.

And to all of you that are here as guests, we apologize for asking you to leave for an hour. Find a coffee and come back and join us again.

Coordinator: That concludes today's call. Thank you for participating...

Marilyn Cade: I actually am going to make one other announcement, it's Marilyn.

Some of you know that the BC organized a memory book for Peter and you haven't signed it there's lots of blank pages and it is open to any one who

wants to sign it. It's primarily got pictures of Peter in it so you can endorse it. It'll be here when you come back.

Thanks.

Coordinator: That concludes today's call. Thank you for participating, you may disconnect at this time.

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