Tuesday, November 19, 2013 – 11:15 to 12:15
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KRISTINA ROSETTE: If everyone could take their seats, please, we'd like to get started.

All right. We're going to start momentarily.

STEVE CROCKER: Let me just say welcome. On behalf of the board, we look forward to these interactions.

Some years ago they were more social in nature. We shifted to this format in order to make these meaningful, substantive. And the tradition is to be very direct, very specific, and not at all bashful and, when necessary, we'll respond in kind.

We also have sharp limits on time, so let's get on with it.

KRISTINA ROSETTE: Absolutely. On behalf of the commercial stakeholder group, I would like to very much extend our thanks to the board for taking the time out of what we know is an extraordinarily busy and heavy schedule to meet with us about our -- the concerns and the issues that are of greatest interest to our respective constituencies.

I believe we had previously identified the three topics about which we'd like to engage as how to maintain -- maintaining the multistakeholder model, name collision, and the ATRT2 recommendations.

We've identified a CSG lead for each of those. The order is actually slightly different than what it appears on the slide. We'll start off with name collision, turning to maintaining the multistakeholder model, and then the ATRT2 recommendations.

Tony Holmes from the ISPs is going to be CSG lead for name collision, Elisa Cooper from the BC on maintaining the multistakeholder model, and Steve Metalitz from the IPC on the ATRT2 recommendations.

So without further ado, I'll turn things over to Tony.

TONY HOLMES: Thank you, Kristina.

The good news on name collision from this community is we feel we're in a slightly better place than when we started the meeting because we came into this meeting with a very high level of concern that it wasn't understood how it impacted on our community or the high level of concern that actually had over this issue.

We had made those comments, certainly in response to some of the initial activities that had focused around this area, and in fact the ISPs had actually made a proposal to the ICANN board that we work with them closely to organize an event that would involve all impacted parties to try and look at this and get some direction.

Sadly to say, we didn't even get a response to that proposal.

So what had happened between then and this ICANN meeting is that industry had self-organized. We'd been involved in events in the U.S. and there had also been activities in other parts of the world -- in Japan

-- to try and fill that void that we didn't think was getting attention within ICANN.

The good news is that having had the session yesterday on name collision, some of our concerns we saw were being addressed, so we have made some steps forward.

But in particular, the work that is now going to be undertaken by JAS does cover some issues that we were concerned about.

It doesn't cover everything. We feel that there is additional activities that need to be undertaken.

For instance, the JAS work doesn't cover the issue of trials, and that's something that has some urgency that needs to be considered. Whether those trials are actually run by ICANN or whether they're run by applicants, decisions need to be made around that area.

What they would cover, in terms of the trials, how they would be run. What the criteria on which the results will be pulled together and assessed needs to be developed. And we're not aware of a mechanism to address any of those issues.

We're also very thankful for the work that's been undertaken by SSAC, and we met with them earlier today, and it's clear that some of the recommendations that have been made by SSAC should be addressed within the JAS studies, but not all of them, and our community is asking SSAC to prioritize work that looks at how that -- the results that come out of the studies will actually address all of the recommendations that they've put forward.

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So we believe that there is further work to be done in this area.

Certainly another issue that we're very concerned about is the outreach that needs to be undertaken to make everyone aware of the potential impact here.

And it's always a very difficult issue when you don't understand the full breadth of the impact of something. What you don't want to do is to be taken by surprise, and this is a rather unique problem because it doesn't matter how much study you do. Until we're in a situation where the new gTLDs are all in the root we'll never really understand the full scope of that problem, and we do accept that that is an issue. So outreach is incredibly important.

And one of the reasons we felt that our concern wasn't being recognized, and we failed to understand why, is because when things go wrong in the Internet, it isn't ICANN that take the phone calls from business or customers. It's ISPs. We're very much at the front end of this and we need to prepare for that in the best way that we can.

So we would like to make a proposal that that further work is given some priority, that attention is paid to involving the community in the decisions around an outreach campaign. We would like to propose that we have some form of structure set up -- maybe a steering committee -- that involves those elements of the community that need to be involved in that, and that this is given some priority, because it's going to be here very quickly and we need to be in a position to react.

So with that introduction, I'm aware that there are other members of our community who would also like to provide some insight before we ask for a response on that particular issue.

Thank you.

KRISTINA ROSETTE: All right. I see Mikey O'Connor, Jeff Brueggeman, Jonathan Zuck.

All right. Let's go ahead. Mikey?

Oh, and Steve DelBianco.

MIKEY O'CONNOR: Hi. I'm Mikey O'Connor from the ISP constituency.

I want to sort of recap the meeting from yesterday, what I -- the security update from yesterday, in which I led off by saying, you know, there's a lot to like in what's going on right now.

The ICANN staff and leadership has really put together a pretty solid move forward on the name collision stuff, and I want to amplify the last bit that Tony was talking about, which is that my observation to that group was there seemed to be three or four substantial important initiatives going on in parallel. There's the JAS work, there's the work that is taking place under the wing of several of the security staff -- and the names have escaped me this morning, without enough coffee -- but there doesn't seem to be a single person who is sort of keeping tabs on making sure that all that work is moving forward and dovetails well.

So I had sort of a project manager's reaction that said, "You might want to name such a person, just so there's a single point of coordination and contact, and then you might want to add an advisory body -- could be informal, could be formal, whatever -- that's comprised of some of us in the community who are really interested in this issue so that they would have a good sounding board for decisions and reactions that's fairly speedy."

So I just want to amplify what Tony was saying, that there is great concern, and that in a way debating whether or not collisions will happen and whether or not bad things will take place is sort of like the days of the Y2K debate where we debated whether or not bad things would happen and that's the wrong question.

The right question is: How can we get the organizations ready, if bad things happen, so that we can mobilize quickly, solve customers' problems, and minimize the impact of this. And as I said, I thought yesterday's update was a great step forward in that direction.

Thanks.

KRISTINA ROSETTE: Thanks, Mikey.

Jeff Brueggeman?

JEFF BRUEGGEMAN: Yeah. I wanted to reiterate both a concern and I think what Mikey can calling for, which is a definite focused work group effort. This is something that I had raised in the Durban meeting and I think we've

seen a lot of progress on the research front but we're not seeing the clear effort on the operational front. And I think these can be done in parallel, that we work together to create the materials to help users figure out what to do to proactively alleviate these issues, and we can do that now and we can start on that.

And in the risk management, the way that AT&T would approach this is we have a senior-level executive, we have a budget, we have a plan and a clear time frame for rolling this out, and with the community involved, and I really think this is an opportunity for the business engagement part of ICANN to both work with us and to work and show its value to the broader business community as a resource of expertise for proactively solving this problem.

So let's look at it as a great chance to work together to really solve a problem up front and really position ICANN in a good light.

Thank you.

KRISTINA ROSETTE: Thank you.

Jonathan Zuck?

JONATHAN ZUCK: Yes. Hi. Jonathan Zuck from the Association for Competitive Technology. Here, I'll wave so you can see me. I have to lean down to use the microphone here.

I guess my concern, I'm -- might again be addressed by Mikey's suggestion of some kind of steering group.

I think what happens is that the plan that came out has a lot of big ideas and a number of little ones, and it looks like there's some movement on some of the big ideas and that there might be a few small things that kind of get lost as details, such as, you know, what would represent substantial harm, and things like that, for an undelegation.

I'm still concerned about how smaller players will play in this world of remediation and how they will exist in a world where there's a lot of money changing hands, a lot of business being done, and how they will be able to raise the level of their concerns, you know, high enough in order to be noticed.

And then I guess the other thing I would love to see happen is more data sets simply being released, made available to the public, because I think you'll see a lot of entrepreneurial activity around this and a lot more study might get done if more data is made available. Historic data, et cetera. So anything we can do to make more information and data sets available, I think we'll get more information and know more going into this.

But -- and again, I'm very interested in the outreach piece of this as well and I've already communicated that quite a bit and we're happy to be as helpful as we can.

KRISTINA ROSETTE: Thank you. Jonathan.

Steve DelBianco?

STEVE DelBIANCO: The work that the board adopted with the October 4th collision management plan set in place -- set into motion a number of parallel tracks. And parallel is better since it gets things done more critical than putting them in series. But I believe that the first thing that happened is that a lot of us reacted to it. There wasn't a public comment period on the NGPC's collision management plan.   That's okay.   We publicly comment on it anyway, right?

And we held an event in Washington at the end of October just to analyze the plan and what could be done, and believe me, there's plenty of appreciation that there's good things in there, both the alternate and the primary plan.

At the same time, the SSAC in record time -- two and a half weeks -- the SSAC took a look at that collision plan and came up with SAC062. I strongly recommend looking at it. It's a fabulous document which picks up on things that you, the board, approved -- things like the trial and root instrumentation -- and puts some meat on those bones from the SSAC. It's an excellent document.

And so it's just sitting out there at the same time that staff solicited proposals from vendors. And Tony's already discussed the JAS Advisors -- Jeff Schmidt -- a very qualified firm responded and got that contract and has put out already a work plan.

The disconnect here is that Jeff's work plan was written without any visibility of the SSAC report, SAC062. In fact, Jeff's work plan doesn't

even mention the word "trial," and the word "trial" was prominent in your resolution and it's the main focus of the SSAC report. So I think that you ought to consider the opportunity of merging these processes, of allowing Jeff to modify his work plan now very quickly. I don't know whether that involves changing how he's paid to do the work. Ordinarily, vendors have to figure those arrangements out. But if you don't let him modify the work plan now, encourage him to modify the work plan, what will happen is in January when he comes back with his draft that's released to the public for comment, all our comments will indicate that there's a bunch of things that have been missed.

That will mean another delay as then the vendor dives in in February, March, and April.

It would be far better, because applicants really want to use the primary path to delegation which requires the framework. Applicants don't really want to use the alternate path, I'm told.

So don't put this in series. Keep it in parallel, along with the outreach campaign.

And it's ridiculous for us to give you this much detail in an interaction like this but this is our only opportunity. There is no public comment period. There's actually nobody to call except you on these kind of process management details.

KRISTINA ROSETTE: Thank you, Steve.

I think we would very much welcome the opportunity to hear from any board members who would like to comment on this issue or provide any insight or feedback.

STEVE CROCKER: Jonne, are you in a position to comment?

JONNE SOININEN: That was why I was -- oh, this just doesn't work. That was why I was putting my hand up.

So, yes. So first of all, thank you very much for your comments, and I -- I'm very happy that you like what went out in that document on the 4th of October and that you are willing to work with us and work with the staff to make the outcome also favorable.

On the -- and I really appreciate that especially ISPs are happy to work with us and make this then -- the collision management framework actually something that is very usable and then something that does address these problems.

I'm also very happy about the SSAC report which is -- which was definitely a very good report and something to be -- I urge everybody to read it. It gives a good insight to that and gives different points that -- what can or should be done. And some of these actions are already ongoing. We have had some discussions, for instance, already with IETF people about reserving corp and home and there has been some discussions ongoing around those.

On the project management and the staff actions, I would like to say that -- well, first of all, you have contact point. It's either Akram or somebody that Akram appoints to be responsible for this. But as long as he hasn't said a name, well, it's him. And I would actually like to refer to Akram more on the practical topics and operational topics on how people can contribute to the -- to the management framework here. So Akram, do you mind?

AKRAM ATALLAH: So thank you, Jonne. Thank you for this opportunity to discuss on the collisions issue. I would like to just make -- address some of the concerns that have come up. I heard the word "trial delegation" multiple times because it showed up in the SSAC report and all of that. Let's understand that the plan that we're developing is to actually understand the collisions and come out with the appropriate mitigations for these collisions. The appropriate mitigation does not exclude the trials. Trial delegations are one part of the mitigations that can happen. So focusing on -- on one of the mitigations is not appropriate mechanism. Let's focus on the -- the plan that's -- that's being worked out with the community.

So JAS has been instructed to develop the mitigations. So first understanding the collisions or types of collisions and then develop appropriate mitigations to these types of collisions. And that development is going to happen with the community. And so we will be reaching out to the community, we will be -- if you heard JAS yesterday, they've put out emails for -- for sending information to them, for volunteering data and alternatives. They will work with the community

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on developing these things. So it's not -- we're not doing that in a vacuum.

At the end of their work they will put a report that will go out to the community for public comment and that public comment will be taken into consideration before it's -- it's put in front of the NGPC for moving the plan forward.

So all of your concerns, we believe, are being addressed. It's just that maybe we're not communicating all the details well enough. But all of these concerns that I am hearing are being addressed in the next few steps that are -- that are being put in place.

There are some concerns on also the communication plan. So the communication plan is being put in place. The idea is that we have already developed a -- a white paper or recommendations for private networks like CIOs and IT departments and companies to look at these collisions and understand it and understand what they can do to mitigate it. That plan will be also communicated widely through the -- widely but focused on technical communities which means CIOs and IT ASO technical publications, technical Web sites, these kinds of things, so that we reach the -- as many of these interested parties as possible. And we will work with you. If there are other tools that we need for -- on communication, we will develop them. If there is any other ways to reach out and get to the -- to the appropriate parties, we will work with you on that.

So this is a plan that is very focused on two things, mitigations and outreach. And I want to emphasize that there is a third piece there that is very critical. The Internet moves very quickly, so we can study today

all we want to study and all the data that we want to study. Tomorrow there will be new set of data. After tomorrow, there will be another set of data. So we understand these issues and, therefore, we've put a mitigation plan to what's going to happen that -- you know, beyond our studies and beyond the -- the decisions that we make. Any affected party will be able to reach out to ICANN and inform us that they are affected. There will be a 24/7 NOC responding to these issues, and we will filter these issues, understand the concerns, and pass it to the registry operator. And we have a way to actually undelegate an SLD in order for -- if it's causing collisions. So not only are we addressing the historical information that we have and how to move forward, but we're also addressing new things that will happen after our decisions are made and how we're going to mitigate the issue.

So I think it's a very comprehensive plan and it's made to work with the community on developing it and provide us with the best ways to move forward from where we are today.

Thank you.

KRISTINA ROSETTE: Thank you.

CHERINE CHALABY: Thank you, Akram, for the response. I was also going back to the resolution that the NGPC passed. There are a couple of things there, as well, that it's worth reminding us that says, "The NGPC recommends to the board that the ICANN board Risk Committee expressly reviews this matter and report back to the board and continues to review and report

at regular interval." So this is not like we pass a resolution and say thank you, goodbye. This is a very important -- very important issue. And we need to make sure that this, you know -- the oversight also happens on that mitigation and outreach plan and reports regularly to the board. I just want to assure you that this is -- we didn't let go of it just by passing a resolution.

RON ANDRUFF: Thank you, chair. Ron Andruff from the B.C.

I'm here. Akram, I wanted just to come back to your response. And I'm -- we're grateful to hear that there are a number of things that you have in place and you have them at the tip of your fingers, but I just want to address the appropriate mitigation. It's kind of a very broad statement. Talking to a couple of members of the SSAC -- and I'll leave out who they were -- but they say they're freaking out about this issue. If they're freaking out, appropriate mitigation means that they really need to have the tools in place right now and be able to start testing those things and doing those things. We cannot get so far down the road that we're now -- all of a sudden we have a situation where it's starting to unravel and we're trying to put appropriate mitigations into place. I just want to highlight that term from the point of view that this is a really serious issue, and if our own SSAC is saying they're freaking out privately to us, then there's more dialogue, there's more integration that has to happen between what they're saying and what you are doing in your -- with your mitigation issue. So I just wanted to underscore that. I don't expect a response. But it's -- for us as business users, we have a very serious concern that we have a Y2K issue that's

not nearly as noisy as what Y2K was, and it was that noise of Y2K that perhaps solved the problem.   But there's not enough noise in the marketplace about this issue right now, and that's where we have our cause for concern.

Thank you.

KRISTINA ROSETTE: Thank you, Ron.

I know that Tony had wanted to say a few closing words on this topic before we moved on to our next one, so Tony.

TONY HOLMES: Thank you. The point you made, Akram, about the change from day-to-day with the data, fully respect that and that's why this issue is so complex. And I'm pleased to hear that some of the issues that we're concerned about are addressed.   But I'm also concerned because you mentioned that there may be 24/7 support on this. It isn't your phones that are going to ring. It's ISPs. And this -- it may turn out to be a blip. It may turn out to be something that's far more serious than we can understand. And I believe that it doesn't matter how much research you put into that. We're not really going to know the answer until it happens. And potentially it could be so serious that for some ISPs it could completely blow away their ability to handle this. And I'm -- I'm somewhat surprised that we're sitting here saying we want to work with you to address that, and you're not even involving this part of the community. You may have plans. We've had no sight of that, we've had

no engagement, and our offer here is to actually work with you to address that, and I really hope you will listen to that point.

KRISTINA ROSETTE: Thank you. Elisa.

ELISA COOPER: Well, again, I'd like to thank the board for meeting with us. I'm going to be making a few remarks before some of my other colleagues have comments to make related to where we are right now and our concerns about the multistakeholder model.

I'm not going to belabor this point because we've actually had the opportunity to speak with Fadi. He met with us and spoke with us and helped us to understand the situation. But I do want to make sure that the board is aware that we have grave concerns about how the situation was handled and how the process worked. I think I can safely say that within the CSG we were all very surprised by the Montevideo statement. And had there been at least a notification to us to let us know that this was the possibility -- I understand now better, due to the resolution. I understand what has happened. But going forward -- I think that's where we want to focus now. We don't want to focus on the past. The question now becomes, how can we participate? How can we be part of the process?   How can we engage in this multistakeholder model, especially as it appears that we are sort of broadening our focus and are participating in other places more broadly.

I would just say that within the CSG there are many, many people who are actively participating and have a great amount of information that they can share and that they can provide to you. And so I really ask that please include us. We want to be involved. We want to engage. We want to help out and find out if there is a way that we can work collaboratively on a strategy as we're sort of forging ahead.

I think with that I'd like to ask some of my colleagues to also contribute, because I know that there were many others that had thoughts on this topic.

KRISTINA ROSETTE: So I see Marilyn, I say Ray, I see Zahid, I see Ellen, I see Steve DelBianco. I'm sure I've missed somebody.

Marilyn, go ahead.

MARILYN CADE: My name is Marilyn Cade. Let me build on what Elisa said and note that Elisa is speaking for the entire CSG. We've spent extensive time on trying to grasp what is going on. Many of us are heavily involved, as Elisa said, in all of the Internet governance challenges and events. And in all the spaces. And so we have been able to share information, since we've come together.

I want to just reinforce the importance that we not get caught up in thinking that a single event held in April is actually the threat to the multistakeholder model. But it is a range of events and activities, and there are a range of opportunities to take proactive steps through the

Internet governance forum activities, the national, the regionals and other places. So not only to play defense but to play positive, contributing roles. And we want to be sure that we are contributing to ICANN's engagement in those other fora as well.

And then finally, I just want to make the point about operational excellence. To us, operational excellence is about everything that ICANN does. Not just about new gTLDs, as important as they are, but about everything, including engagement with the stakeholders to make sure that we are strengthening and contributing to the effectiveness and the respect for the model we're building here.

KRISTINA ROSETTE: Thank you. Ellen.

ELLEN SHANKMAN: Thank you, Ellen Shankman. We talked about it in Toronto going into the TLDs. And now we're a year later, having seen the launch of the first ones, but with the same concerns about what is this threat to the multistakeholder model and how to maintain it. I think these things are really important, but at the end of the day ICANN as a multistakeholder model has already committed to rolling out the TLDs and the credibility is going to be how that works. So as much as there are issues that we have to face in going forward, the TLDs are not behind us. And all of the concerns that we've raised and brands and other committees have been raised, I'd just like to emphasize that the credibility of the multistakeholder model is going to be affected and remembering that

we're not done and we need to get it right. And if we get this right, it will help a lot in maintaining the multistakeholder model.

KRISTINA ROSETTE: Thank you. Zahid.

ZAHID JAMIL: Thank you. Zahid Jamil. I think we're moving from why and what happened to what next and basically a need to call -- or a call for action. What Elisa said is shared by all of us. We are concerned and we hope that this will be different next time moving forward. But in any case, moving forward my comments are sort of looking towards what it is that we can do and the board can support, the role that the community can play in trying to engage with this process because it's a serious process, absolutely.

It would not be enough, I think, to say now go forth and involve yourselves in something which is basically just a Web site at the moment and is under-resourced, has its own challenges. We ourselves have budgetary constraints, going, you know, in just in a few months and so we need to ratchet up efforts. So we would look to ICANN, we would look to the board, we would look to Fadi to tell us what it is that the board and ICANN can do to help us to try and involve ourselves.

Let me share another example of another forum with you. The IGF, or the MAG that basically helps support the IGF in its plans, spends the good part of a year trying to plan for the IGF. The Brazil meeting is equally important, if not more important, and we need to take it seriously. The WCIT was a process which was not done by just one

group or people who just came together in one group on a Web site but was a cross-community effort of various organizations, international organizations, businesses, and ICANN and ISOC, for instance. We only have one meeting, in fact, between now and Brazil, and that meeting, the next ICANN meeting, is too close to the Brazil meeting. So effectively today here, now, at this meeting, literally is the only time we have to meet face-to-face and try to ask the board what is the scope, what do you want the scope to be, what is the agenda, what do you want the agenda to be? Is IANA or ICANN structures in or out? Do we want them to be in or out? Or what is our agenda and how do you want to play it through? In that regard also we would need to work on contingencies and safeguards. Elisa mentioned the Montevideo statement. Do we want something like that coming out again? Possibly not. What is our strategy? And in that sort of relationship between us and the community, we want to be supportive, we want to help take this matter forward, but we need you to give us some assistance, maybe a face-to-face meeting between now, possibly in January or in -- or something else. Because doing this online on a Web site is going to be extremely challenging, if we are to be supportive.

Thank you.

KRISTINA ROSETTE: Thank you. I have -- I just want to make sure I'm clear on the queue. I have Steve DelBianco, Ray, Olga.

All right. Steve, go ahead.

STEVE DelBIANCO: Thank you. Looking to the Montevideo statement, the key words in there that we focused on in the business constituency yesterday were, "To accelerate the globalization of ICANN and IANA." Those are key words in the statement. And we've already signed it, so I focus not on how we got there but how do we proceed with that.

So the B.C. discussed it yesterday, and this is not an official position of the B.C. but there are two suggestions and cautions we wanted to throw to the board for your reaction of how to accelerate globalization. The first would be, what about getting more governments to sign the Affirmation of Commitments where they draw a line underneath the one government that signed it so far and have them also sign on. That definitely would expand the perception and the reality of globalization of ICANN, as they sign on to ICANN's constitution. When they sign, they commit to the GAC, they commit to the multistakeholder model, and they get to hold ICANN accountable to the things that are in the affirmation. So it's very -- more than just symbolic, but certainly of high symbolic value to do that.

The second would be the IANA functions, since IANA is part of the Montevideo statement. I'm aware that ICANN today executes the IANA functions without any interference from any government. The 20 TLDs that go into the root every week do so without any government giving a blessing to that. It is a highly technical function that executes at IANA. So I think we could -- we do a better job telling the world that the execution of our IANA responsibilities involves no single government.

Now, it's better to make it something new. If we can find something new we can do about that so it doesn't look as if we are simply

repeating the status quo, it will sell even better and help to meet the mandate that you have committed to which is to accelerate the globalization.

There were two cautions that came up in the BC meeting. The first was all of us who have been to every IGF meeting and WCIT know that the ITU openly covets control of IANA. So you ignore IANA at your peril on this one.

And the second is if ICANN moves to new legal regimes, not just the setting up of outreach centers but if you move to a new legal environment that would affect the litigation of contracts, that would generate quite a bit of concern and uncertainty that I'm sure your legal team is already anticipating.

I would love to hear your reaction to the affirmation and the IANA execution, not the IANA award but the IANA execution suggestion.

KRISTINA ROSETTE: Thanks, Steve.

I just wanted to underscore, I appreciate your noting at the outset that these are talking points within the BC and haven't necessarily the position of the CSG.

Turning now to Ray.

RAY PLZAK: Thank you. I'm not going to speak to the mechanics of the Montevideo statement being how it was put together, et cetera.

What I really want to do is offer some food for thought. And what's really, I think, a point of discussion is that how do the various stakeholders inside ICANN contribute and participate to the larger forum of Internet governance?

You have two ways of doing this in my mind. One is, is that there's a multistakeholder consensus inside of ICANN which is then brought into the Internet Governance Forum. Or there's the other alternative, is that ICANN is an Internet governance forum in many different places at once.

If you look at the organization of the Internet Governance Forum you see four major groupings: Governments, business, civil society, and technical.

If you look at the ICANN multistakeholder model, you see the same thing except it's split up differently and so forth. And so it makes one wonder. And then you have people, for example, that do yeoman's work in this area, such as Marilyn, who is very active in the IGF-type of forums and is very active in ICANN.

But what if we were to take that thought that we somehow or other actually put together what amounts to the ICANN multistakeholder delegation, whereas the business pieces of the ICANN multistakeholder model are working inside with the other business concerns that are not in the ICANN multistakeholder model. And the civil society pieces of the ICANN multistakeholder model work inside with the other civil society groups.

In other words, ICANN doesn't participate as a single ICANN, but ICANN participates in general.

So that's just food for thought. I don't necessarily want to discuss it right now. But I think it's an approach that we should consider as we go forward, how we can best integrate the multistakeholder elements of ICANN into the multistakeholder conversation in the IGF.

Thank you.

KRISTINA ROSETTE: Thank you, Ray.

Olga?

OLGA MADRUGA-FORTI: Thank you, Kris.

Regarding Montevideo, we certainly -- we appreciate all of the comments that came in post the event, many of which did, indeed, reflect a sentiment that there had been an element of surprise that was unfortunate about the circumstance. So I'm very glad that since the event, there's been opportunity for exchange on it. And the issues have been, I would say, somewhat settled.

So the question going forward becomes shall we carry forward from that experience a sentiment that things have gone awry, or are we really ready to set that aside and work together in concert going forward?

I say that because if one were to carry forward a sentiment that that was an incorrect element of surprise and by that token then failed to actively positively participate in 1net and the Brazil meeting, et cetera, then we will be all of us together setting ourselves up for continuing that same element of surprise.

The only way to avoid a sense of not opining directly on the issues that might affect the commercial group is to be an active participant and let us know, identify special concerns, important special concerns like the jurisdiction of contracts and how an IANA contract dialogue might affect this community, and we need to hear all those viewpoints.

Lastly, I want to address the possibility of a conundrum, which is on the one hand we hear a desire for the board working together with management to lead and give guidance as to how to participate or what ideas to opine and participate on. And, on the other hand, we are hearing, "Well, do not get ahead of the strategy without our input," which is really causing us within the board, many of us working on this, to think before coming out with further ideas, et cetera, we really need to hear from the community, from the commercial stakeholders, from everyone.

So let's not create a paralysis at that juncture and really start opining and being active.

Thanks.

KRISTINA ROSETTE: Bertrand?

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BERTRAND DE LA CHAPELLE: First point regarding the question that Steve asked about the Affirmation of Commitments. When the Affirmation of Commitments was signed in 2009, I was still in the Governmental Advisory Committee as a representative of France. And this question and this solution was raised at the time, should other governments actually sign on the existing Affirmation of Commitments.

And I have to say that the reaction of my country and other countries were -- was at the time, and it will not have changed, we do not sign something that has been negotiated by somebody else.

And so there is probably no way to explore having the countries signing on the existing Affirmation of Commitments.

If, however, in the future the idea of a larger type of arrangement signed by a larger number of actors to which they participate, that's probably a nice way to go.

Second thing, regarding the Montevideo statement, I would always almost say that I'm surprised at the surprise. I think people didn't pay attention to what the regional Internet registries have been saying for several years. In the responses to the renewal of the IANA contract, if you look at the submissions that the APNIC and LACNIC and others have made, their statement is already present in the document.

The fact is that it has changed because it is now highlighted in one bullet point.

And as we all know, in P.R., in policy, and in business, sometimes stating something very clearly in one sentence makes it suddenly seem extremely new. But please go back to the statements. Back in the renegotiation of the IANA contract, the LACNIC and the APNIC and the others have made statements that were very much in this direction. So what was new, indeed, was the catalyzing of this message in one type of sentence.

That being said, going to Steve, again, on the IANA function, we all know that the question now since the Affirmation of Commitments and the new IANA contract is not so much the responsibility of one government in the operations of the IANA function as ICANN being the clerk. The key question that is a political symbolic element is the role of NTIA in the validation workflow. We won't open the discussion in this meeting, but this is the political issue.

And it can be addressed in many different ways. And one way to address this is to formalize what the objective is, which is a common objective. And there is a common objective.

Finally, regarding Brazil's conference, it's Brazil's conference. And all actors including ICANN but all of you have a duty somehow to put the pressure on the organizers to make sure the position is that it is as open as possible. But I would put that in a longer-term perspective. Because the real battle for openness is the upcoming WSIS +10 which is now turning more and more into WSIS3. And this debate is in the U.N. General Assembly and is coming in the coming months. And so it is very important the discussions in New York raise the topic of the degree of

openness of the WSIS +10 which cannot be ten years after Tunis less open than what it was in Tunis.

KRISTINA ROSETTE: Thank you. Erika?

ERIKA MANN: Thank you so much. Just a quick note. I think Steve DelBianco, he clearly expressed very eloquently the concerns which we hear from many. And we discussed many of the topics, of course, at the board as well. And I think management is completely aware of these.

What is interesting now is that because of the way the Montevideo statement was framed, it triggered a discussion. And this discussion will influence the Brazil summit. It will influence all of the other discussions in the U.N. environment. So it will be extremely important now how we want actually to see these kind of debates framed.

And so what I'm interested in and what we will be interested in is really to see how we can narrow down these topics without going into dangerous paths.

And I have no answer to this. So it would be probably important for the community to reflect -- to reflect on it. And I liked the way Steve framed it. And I think you see I'm searching for something which I can't -- don't want to express or can't express here right now. But let's continue to work together and find positive ways to frame the debate.

KRISTINA ROSETTE: Thank you.

                         Cherine?

CHERINE CHALABY: So we hear the community saying we did not participate or -- to where we are today but moving forward, we want to make sure we participate. So there is the Brazil conference taking place.

                         How does the community participate in setting the agenda or helping set the agenda and contribute to that?

                         I think we need to hear from the CEO. We need to hear from Fadi what ideas -- Fadi, what ideas do you have for us to make sure that what brought us to this point is not the same method by which we're going to go forward? We need to have some concrete -- because there is a danger of us expressing this and then we all disappear from here and nothing happens. All right?

                         And some of you said 1net is great but face-to-face meeting and discussion is more important. So is there a way of having a face-to-face meeting on discussing the agenda, the outcome, before we leave here? We need to do something. So I don't know what you have in mind or if you have something in mind.

                         I'm going to just throw it to Fadi in front of everybody.

FADI CHEHADE: He just threw it to me. First of all, I'm delighted that you're asking me to lead again. That's a good thing.

[Laughter]

FADI CHEHADE: Let me be serious here. I think we're struggling between two things. But I think we can solve it. On one hand, we'd like ICANN as a community not to lead from the front. We are trying to enable this 1net platform which is still nascent, of course, as a place where ICANN, ISOC, all the other ISTARs, the business community At-Large, bigger than ICANN, the civil society again, bigger than ICANN, all the community can work together towards these activities. So that's one side. We are trying to enable that, by participating, by encouraging people to go there. And, frankly, I don't want to find ICANN, at least as an institution, as an organization, trying to stay in front of that again. We'd like to let that organically grow.

Having said that, I think Zahid at the GNSO made a very important point, which is it doesn't mean ICANN should not, you know, coalesce and work as a community of business and civil society, et cetera, to make its agenda heard and its point heard. So I agree with that.

And on that second point, I was reluctant -- but now hearing it again from all of you, you know, I was going to ask our team to maybe work to create some cross-community working group to figure out how we participate.

But Zahid is right. We're all here. And the Brazil conference details are set to come out next week. And they've asked us to participate in that. So 1net sent a call to everybody on their list to send people to participate in shaping the messages in Brazil next week.
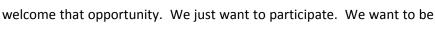
So that's going to happen on the 1net side, which we are part of. All of us are welcome. Many of you here are on the 1net list, I know. But maybe we should also have an ICANN community meeting to actually discuss what we would like that Brazil conference to announce next week. What is our input to that, that we could put into the 1net process and the Brazilian process?

So without checking with my team or my assistant, who's going to kill me back there, I do have a breakfast tomorrow meeting from 7:00 to 8:30 that I'm willing to cancel. And maybe we can book a big room, maybe this room, and come and share with you what we are hearing from the Brazilians about that press conference next week and debate it and discuss it and come up with an agenda and a set of ideas that we are comfortable with. And we will take it to the 1net folks as well as obviously to the Brazilians. So let me go check all of that. I have to quickly see if we can. But I'm cognizant and I'm -- as you can tell, I'd like to be agile on this. We're here. Zahid is right. Let's try and do something. So we'll send a message shortly to all the attendees if this is feasible. And everyone is welcome.

KRISTINA ROSETTE: Thank you. I think that's a fantastic suggestion.

Elisa, I know you wanted to say a few words before we moved on to the last topic.

ELISA COOPER: I will be very quick. That's excellent news, Fadi. I think we greatly welcome that opportunity. We just want to participate. We want to be

part of the process. So thank you for that. And it's great to hear that our message has been heard.

So thank you.

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

On the last issue, ATRT2 recommendations, that report covers a great deal of territory.   And, frankly, our constituencies have not, with everything else that's been going on, had the chance to come to formal positions on it.

This is exacerbated by the fact that the deadline for comments occurs during this meeting. It is ironic that one of the reforms that came out of ATRT1 was to exclude from the time limits for public comment these meetings.   And, yet, we're caught in the middle of this.   So I guess our top-line ask is for an extension of time to file comments on this.

But I will just -- if I can -- okay -- if I can, just flag two issues that among the many that are addressed by ATRT2.   First is Recommendation Number 7 about improving the public comment process. It was very strange for us to live through ATRT1 and the aftermath of that in which the very strong message that there needed to be more time for filing of public comments on major issues was met by a decision to reduce the amount of time that on major issues the initial public comment round ran.

This has led to the abuse of the reply period that is cited in the report. It is a totally rational response to, I think, an irrational decision.

And just to re-emphasize, our constituencies consist primarily of representative organizations. You can ask me what I think, and usually I can figure out what I think pretty quickly. Depends on the issue. But if you ask me what the eight organizations that I represent in the Coalition for Online Accountability think, that takes more time. And then all the other members of my constituency obviously need time also.

So that's point one on public comment.

Point two, on responses to the comments and how they are taken into account, I think we have seen some improvement in this area; but there are still many examples where the responses are pro forma and not really substantive and even where comments on particular topics are ruled out of scope ex post facto which is an extremely frustrating aspect of this.

The third and final point on improving public comment, we know there will be new ways, new means and experiments and pilots and some of this may come out of the strategy panels. And we're glad to participate in that. But let's make sure that we have the conventional system working just as well as it can. And this is such an important element of the multistakeholder model that we get the opportunity within ICANN, not just to comment on policy but even to comment on contracts and a lot of other things that don't ordinarily have that type of input.

The second major point I want to emphasize -- and if there's time, I know my colleagues have other points -- is on Recommendation 12 calling for special scrutiny of the financial governance structure of ICANN. There are many important recommendations there that I think we would be quite supportive of.

Most organizations confront these financial governance issues at times of scarcity and budget constraints. We may have the luxury of confronting them in a time of plenty and of growth for the organization.

But they really have to be confronted, and I don't think they have been. At one level, this is a question of sufficient time and systems for the community to actually have real input into the staff and to the board on budget decisions. Having lived through many of these budget cycles, this has been an extremely frustrating process over the years; and I think it continues to be so.

But at a higher level, it was striking to us that there is very little, if anything, in the strategic planning document so far dealing with improved financial governance both as a matter of accountability and transparency but also just having community knowledge of and input into where all this money is going. I think this is an issue that does need to be addressed in the strategic plan, and we would certainly refer you to the ATRT2 recommendations as a very good start in that direction.

So, I don't know if we have time for other comments. But I'm glad just to stop there.

STEVE CROCKER: Lots of people want to talk. We are down to the last minute or two of this.

Cherine, let me ask you to speak particularly on the financial –

CHERINE CHALABY: I just wanted to respond. Steve, you make an excellent point. In fact, what you have seen -- you have not seen the strategic plan in its entirety. You've seen only part of it. Let me tell you, there's going to be a five-year financial plan inside the strategic plan as well.

And we sat yesterday with the ATRT team on this recommendation and on the transparency.

The other thing is we want to move this organization from just expense budgeting to proper financial planning and reporting. And you will see shortly the first package coming out with balance sheet, P&L, cash flow, and all of that stuff. We 100% agree with your point. In fact, we need to raise it higher to a completely different level.

STEVE CROCKER: Fadi, do you want to add anything to all of this?

FADI CHEHADE: Simply to second Cherine fully. We are hugely upgrading that whole area. We have a new chief operating officer who is very focused on that.

And as Cherine said, it is the first time we're moving away from expense management to financial planning within ICANN, not just budgeting, financial planning and then now leading to two financial reports, the kind I'm sure you've read and expect from any organization this size. That's going to be in front of us.

STEVE CROCKER: I'll just say with respect to the broad process, the overall process for ATRT2 that we do take it extremely seriously, that one of the things that I've been conscious of -- and I've been participating in the ATRT2 process, although I've had to balance the time I spend there versus on board matters -- is looking ahead, there is time pressure. As a matter of form, the board has six months to respond to all of the recommendations. We've started that process ahead of time so that we can get a jump on it. And when we get the formal report, that starts the clock.

We have the outlines of an evaluation and decision process and how to distribute all that work. And then keeping track of the results, scorecard, and so forth. So you should expect and hold us accountable to having the ATRT2 recommendations be clearly accounted for and dealt with one way or another. I'm not going to commit upfront that we're going to implement every single one of them exactly the way they're written, but there is a very strong effort -- and the team is making an effort, to look into implementability ahead of time so that will alleviate some of the rough edges that sometimes are in this process. But it's a high priority, high visibility activity from our perspective.

So we are past time actually, so I'm forced to thank you and I think we met the expectation that we were going to dive into issues and speak frankly. No question about that.

Thank you, once again.

KRISTINA ROSETTE: Thank you.

[Applause]

[END OF TRANSCRIPT]