
DUBLIN – Joint Meeting of the ICANN Board and the Commercial Stakeholders
Tuesday, October 20, 2015 – 11:00 to 12:30 IST
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UNKNOWN SPEAKER: We'll be beginning in just a moment. To be clear about the format, there will be three 30-minute sessions with one constituency followed by the next followed by the next, so the constituencies will swap out their representatives at the end of each round. The first round will be the Internet service provider and connectivity provider constituency.

STEVE CROCKER: Given that we're already five minutes into the time, we should indeed get moving.

Welcome, everybody. It's a pleasure. We like to jump right into substantive matters, but let me take an opportunity to introduce the new board members that are joining us this time, and if you want to do any introductions, we can do that as well.

But on our side, let me ask Lito and Lousewies and Ron to show yourselves, and --

[Applause]

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And I can tell you that they have already been highly engaged and have jumped right in. They will be seamlessly integrated. Already are, actually.

So with that, take it away.

TONY HOLMES:

Thank you very much, Steve, and we always look towards these sessions with keen interest.

There's a couple of items which we'll get straight into from the ISPs' perspective.

The first one will come as no surprise. It's something that's very close to our heart as ISPs. It's universal acceptance. And for that, I'm going to hand over to Christian Dawson.

CHRISTIAN DAWSON:

Absolutely. We want to talk about universal acceptance and the broader topic of technical outreach through ICANN.

And one of the reasons why we wanted to start with this is that we're not really coming with a specific "ask" but we do want some guidance.

We are coming mostly for thanks, which we want to do because the board has given us -- has approved the budget for the UASG, a community-driven effort, and has given us the funds we need

in order to get started with the hard work of universal acceptance.

We just completed our second full-day workshop and things went very well. We are driving towards the creation of a CIO guidebook which we're going to be putting out -- our timetable has it coming out in January -- that we're going to be able to use to drive conversations about the important topic of universal acceptance.

This could not come without the great support of the ICANN board and so we appreciate that.

One of the things we wanted to talk about is that within the community of ISPs, this is -- this is an important topic, as was before it the topic of name collision, because within the technical community of the ISPs, we care about this stuff because our users care about these things.

Anything that happens on the Internet. We almost look at ourselves as the global help desk for the global Internet community.

The first question and bit of guidance we have centers around how the ICANN board is going to be looking at the work of the UASG and rating its performance when it comes to future budget considerations. What metrics they'll be looking for to determine

success in those matters. And I ask that with one -- with one specific point.

The one area in which we didn't receive all our budget considerations was in outreach. And that's because one of the things we wanted to talk about doing was going out to a hundred trade shows and carrying the conversation about the importance of universal acceptance. Of course that's a tremendous amount of travel, a tremendous amount of budget. That's -- those are the types of things that we scaled back to focus on a smaller remit of, you know, going out there with the CEO -- CIO guidebook type engagement and going directly to large email providers and going directly to software developer alliances.

We believe that we're going to be able to create the metrics to show that the resources that we're putting into this are showing success, but we may eventually need these larger resources to go out and cast a wider net.

My question to you is: How do we show that?

STEVE CROCKER:

I'm going to ask for multiple responses here. I'll give you mine very briefly.

First of all, I think it's great that you're doing this work, and for the people who have not had exposure to this, this is -- a lot of the software in the end user environment is not ready for IDNs, and we had a problem even earlier where, when we added top-level domains that were larger than three letters, longer than three letters, or even different from the existing set, that the software wasn't able to accommodate all that.

So there's a kind of a tail in the development process for the software for browsers and for other pieces of the system that have to handle domain names that they weren't quite ready for.

But I think it's great you're doing that. I'm eager to see the report in January. If it helps, I'll tell you that the ICANN board is going to have one of its regularly scheduled retreats in early February, and if this were one of the things that we could include as a package just as an awareness, they'd be happy to do that.

The board doesn't sit and make decisions quite at the level of, "Well, we've got to, you know, put more energy here versus here." I mean, ultimately we're responsible for approving a budget, but there's a lot of discussions and brokering and you participate and everybody else participates.

But it is an important topic and I -- to answer your question, what can you do to make the point, I think this becomes a kind of businesslike question of, "Can you show the relationship

between effort expended and result obtained? Where are the points of leverage?"

And to the extent that you can find them and you can document them, then it makes it a lot easier to grapple with that. Now, you can't always do that but that would be a piece of that.

And let me invite anybody else who --

Yeah. Bruce?

BRUCE TONKIN:

Yeah. Thank you.

Just in terms of a discussion I had with the commercial stakeholder group on Sunday morning -- and, you know, it was obviously a smaller group of people there -- but the way I look at the universal acceptance is in three layers.

One layer, I would say, is the infrastructure layer, and we've had a bit more direct involvement in that through our contracts with registries and registrars requiring them to support IP version 6, requiring them to support new naming systems and so on.

Then the next layer up is what I call the core Internet applications, and in this context is probably where browsers and email systems are. And I think it sounds like you've been reaching out to those groups and, you know, making them

aware and I imagine that that's actually getting a good dividend, or good return.

Then the third layer is all of the other Web sites out there that do error checking and accept user input of domain names and email addresses, and that's obviously the most challenging layer.

And, yes, you could, you know, "Ultimately, let's go and meet every single person in the world that writes software and tell them about this stuff," which is obviously going to be very expensive. The other approach could be to invest in actually creating some reference implementation, some cloud-based services that people can use to actually do that error checking, because a lot of softwares, you know, they just basically get libraries and things on line and use those libraries to check for errors in email addresses and Web addresses.

My personal view is rather than doing lots of trying to attend every conference in the world, is probably invest in getting those libraries. They could be open sourced and -- but that's just a comment on that factor.

As Steve said, at a budget level, the way we'd normally work is that you should sort of put in a budget request through the budget development process that Xavier and others are managing, tie the budget back to our strategic plan and

operating plan, or particularly our strategic plan -- like show how what you're doing fits in with the strategic plan -- and then again, if you can actually provide the data that says, "For this amount of spend, this is the amount of result we're getting," you know, that flows into the budget process and then the board, as Steve says, we're really looking at the budget in aggregate. We don't sort of go down into every single line item.

CHRISTIAN DAWSON: I will say --

BRUCE TONKIN: Yeah.

CHRISTIAN DAWSON: -- the approach that you advocate is exactly the approach that we're looking at this stage. I'm actually looking down the road at other stages, but I completely agree with you.

The one thing that we're doing in addition to that is trying to be a coordinating agent between various organizations throughout the globe that are already taking efforts in this matter and making sure that they're -- we're not -- they're not redoubling efforts.

TONY HOLMES: I believe Tony Harris wishes to comment as well.

TONY HARRIS: Yes. My name is Tony Harris, with the ISPCP constituency and I work in Argentina, as most people know.

What we have been doing -- I just thought the board might be interested in this brief comment -- we have, as far as universal acceptance is concerned, bundled this in with IPv6 in South America in our efforts to progress along getting people aware and solving these problems.

We realized some time back, a few months ago, that IPv6 is at a terrible, let's say, disadvantage implementation state in Latin America. We're barely getting to 3%, which is pretty bad, when you consider that the Internet of Things is coming down the road and LTE networks.

So basically we are on a hands-on technical assistance push now to get IPv6 solved in all our Internet exchanges and our networking contacts in Latin America, and bundled with that we are saying, "Well, we need to update the Internet." We're not presenting -- we're steering away from presenting universal acceptance as something that went wrong because it's not ICANN's fault. This is something which is defined by

programmers all over the world when they program addressing parameters and they don't know about new domains.

So we're very careful in our efforts to make this a push which says, "The Internet, per se -- the Internet critical resources -- are being updated and you should be aware of this and contributing."

I've heard comments within the UASG that CIOs would be resistant to changing things because of new domains, and I don't agree with this. I think CIOs in any home banking system or portal or whatever it is should be very aware and very keen to make sure that they're updated with universal acceptance, particularly, because they're going to lose business otherwise, or customers won't be able to complete transactions. Just -- just a comment on something we're doing in Latin America. Thank you.

CHRISTIAN DAWSON: So I do believe that Ray has a comment. I do have one more piece of advice we would like to seek but would you rather talk first?

TONY HOLMES: Ray?

RAY PLZAK:

Ray Plzak, for the record, for one of the upcoming last times.

But Tony is right. The IPv6 parallel is there.

From an historical perspective, the regional registries started allocating IPv6 addresses in 1999. That's a long time ago in Internet years.

And to Steve's comment about return of investment, after the millions of dollars, Euros, pesos, you take it, that has been spent on it, it has not been successful in its implementation.

There are several paths to take. You've identified a whole lot of them. And yes, these are all things that have been done to a certain extent with IPv6.

It's important that -- to go to meetings and conventions and so forth, places where you normally wouldn't go, to, if nothing else, set up a booth, distribute information, or things of that nature. That kind of outreach is important.

It's equally important to get the right people to go to corporations. You know, when you go into the boardroom, talk to the guys at the head of the table, not one of the guys sitting on the side. The guy at the head of the table, you got to get his

attention. Once you have his attention, the rest of the guys will do what they're supposed to do.

Another option is to look at what can be done in the con- --inside the IETF. There may be some things that could be done there. If nothing else, informational RFCs and things of that nature that could be developed. And those things get read by a larger technical community. So that's also available.

I think that ICANN should be prepared to spend as much money on universal acceptance as they did on promoting new gTLDs. They didn't do it with IPv6 so maybe they could do it this time with universal acceptance, would be another thing.

But there's a whole variety of things yet to go. You have to get it ingrained in people to think about it. You have to get people that produce the applications to have that in -- that capability in there. Maybe not necessarily turned on, but to have it there so it could be turned on at the appropriate time as well.

So there's an awful lot of things across a lot of spectrums that have to be done.

I think you're doing the right things, but I think that there is certainly a large degree of help, and I think that looking at what the regional registries have done in terms of trying to promote

IPv6, you may be able to find some additional paths and steps in there as well.

CHRISTIAN DAWSON: We thank you very much for your -- for your recommendations and your belief in what it is we're doing. Thank you.

The second half of --

STEVE CROCKER: One small thing which I -- is sort of quirky and silly, in a way, but I think actually might have some value is to start shifting terminology and make "IPv6" the default and treat whatever that other address space is as "non-IPv6."

CHRISTIAN DAWSON: I like that very much.

This actually dovetails nicely with the other piece of advice that we're actually looking for today.

The ISPs have been toying with an idea, when it comes to talking about auction proceeds, wherein we would be looking to see whether there's a possibility of creating some sort of technical outreach trust that would help us with issues like IPv6, with issues like universal acceptance, issues like name collisions, so that there was a pool of money on an ongoing basis to help with

the kind of outreach that we're trying to drive with our constituency.

STEVE CROCKER: Please formulate those ideas and put them into the appropriate channels.

CHRISTIAN DAWSON: Okay. Are there specific recommendations you would have about the ways that we could approach that in which the board would be amenable to those types of ideas?

STEVE CROCKER: Well, I was responding to your comment about the auction proceeds, and so there's a somewhat organized channel for that. More to come on there. There's a public comment process that's in -- underway, and I don't want to distract from here but there's a bunch of things that have been said in Webinars describing all of that.

So that would be one path to get in there. It's an interesting idea.

CHRISTIAN DAWSON: Okay.

TONY HOLMES: Thank you very much, Steve, and we certainly will follow up with that.

I think one of the things that comes out of this conversation is the recognition that universal acceptance, it isn't just a quick fix, it's going to have to go on for quite a long period of time. And that was one of the reasons we felt maybe going down the trust role model that we can call on as and when would be really helpful on that basis.

And it also leads us to our next issue as well, so we'll change tacks for a moment and certainly whilst ICANN is really focused on one big issue that we're very much aware of, within the ISPs we have been making sure that we try and expand our outreach membership to bring some of these -- these other issues to the fore.

And it will come as no surprise to anybody here that the last GNSO review left many of us disappointed that it didn't tackle the structural issues.

And it isn't just the commercial stakeholder group that hold that view, it's certainly a large part of the GNSO community.

We're finding that it's hampering some of the things we want to do, and we've overcome a few of the barriers because we have

the opportunity to come here today now as ISPs and talk to the board, and what we've been talking about are specific issues around issues that really impact us as ISPs, and I'm going to lead on to another element of that now.

But part of the frustration we feel really came home to me yesterday.

I went along to talk to the fellows, and we've got some really bright fellows there now because they listened to all of us who represent the CSG constituencies and they looked at the structure that we work in, and one of the questions that suddenly came up from the floor was, "If you have a list of priorities, how do you channel them through that structure?"

And it was a really good question, because if you ask us about what our key issues are and where our focus is across these three elements of the CSG, you get a totally different set of priorities.

And one of the priorities that we have from the ISPs is that we know we need to engage with more ISPs and we need to make it appealing for them to come here.

Many of them are involved in running their networks, operational issues, and we are really keen to explore the idea of the ISPs actually holding a technical day at some of the ICANN

meetings, so that we can really focus down on some of those issues for ISPs.

It's something that the CC community have done and they've done it very successfully.

It's difficult for us to actually promote how we do things like that with the current structure.

So that there's two questions coming out of this.

The first is that we still feel that the structural issues around the - the GNSO do need to be tackled. They weren't tackled under the review, and the key question here is, where do we go from here?

The answer, we do not believe, is, "Well, if it's going to happen now, it has to come from the community as a bottom-up process." That isn't going to happen. It isn't going to happen because even within the GNSO you have some parties who are quite happy with the current arrangement, other parties who feel very disenfranchised and even getting it on the table is difficult.

We're also moving into a new era where we have different meetings. We have the meeting strategy with A, B, and C meetings. And those meetings are really being looked at from where you sit in the community, in your own silos and trying to

take that structure and wedge it into the new arrangements for meetings.

So coming along with an idea where we have to hold technical streams, again, it's somewhat constrained by the structure that we're in.

So one question is: How do we look at this now? And having had these discussions within our constituency, we believe that it isn't just about a restructuring of the GNSO. It's -- it should be a really broad view of how effective ICANN can be in terms of bringing together some of the combined efforts, the cross-community working groups that have been introduced that are more successful, and how that relates back to the way we structure meetings and the way we structure the organization.

So it's a broader plane than just a structural review of the GNSO, but that's the key tenet of that as well. So I'll pause there.

There's a couple of issues in there, one structural. The other is how we can take forward the thinking that we focus down from each part of the community on issues that are important to us in terms of the new environment that ICANN is moving towards.

RINALIA ABDUL RAHIM: Hi. Rinalia Abdul Rahim for the record. I'm chair of the Organizational Effectiveness Committee. I succeeded Ray Plzak

in that position. I would also encourage him to supplement what I'm about to say.

Thank you for those comments regarding your concerns on structure. I think that it's important to note that in terms of structural changes, the initiation needs to come from the bottom up because you are seeing the problems. Other parts of GNSO are also seeing the problem, and I think that if you were to initiate that discussion at the GNSO level, then we can kick off that process. It needs to come from you. It can be not be superimposed from the top. The board can certainly facilitate and support that.

In terms of the review of ICANN as a whole, we are looking into it. We are starting to have discussions within the committee itself in terms of what is an appropriate approach to that. And we would also like to discuss that with the community when they are ready.

But I think the challenges within the GNSO has been prevailing for a while. And it would be good to find a resolution to that.

And so if that conversation can happen within the GNSO itself, that would be incredibly helpful. Thank you.

MALCOLM HUTTY: I think the point we were trying to make, GNSO Council level is not -- if you are talking about bottom-up, GNSO Council level is not the bottom. We're the bottom, and we're initiating it now.

TONY HOLMES: Thank you, Malcolm. That is a key issue for us because if we have to raise it up through council, as I mentioned, there are parts of the GNSO community that don't suffer from the same problems as other parts of the community. So the willingness to engage particularly when there is so much else on the table that's important to all of us isn't there. But this is important for those that who are impacted by it and feel it isn't working to try and generate a mechanism by which we can address this.

Now, some of that may be that we could have more interaction directly with the Structural Improvement Committee.

But that isn't the way this has been handled in the past. And it does require a much broader look.

Certainly, I would think that now is the time to do that because we are planning the future meetings. And we have the opportunity to structure those sessions in a way that the whole community engages in a different way, maybe more topic-based.

In the GNSO, I have a view that may or may not be shared by some that it still doesn't comply with what came out of the last review. That is, it was to focus down on policy management, handling GNSO policy.

It should keep its hands out of the engine room, which is policy development. I don't think we're at that place in the GNSO. And if we could free ourselves up from that, there's a lot more scope to do things differently within the community. This really does seem to be the time to do that.

But I do not believe if we just take this back into GNSO, it will get resolved or it will get the visibility that it really requires. So we're struggling with that dimension.

Ray.

RAY PLZAK:

Thank you, Steve. Since Rinalia asked me to come up here, I will.

Tony, I guess the real big issue here is the fact that just general comments about structural review is not really the way to go. In your mind, you have touched on some of them. You see real faults and so forth.

As Rinalia has said -- and this is a discussion we have been having in the committee while I was chair, and. Now that she's Chair, same thing is happening -- what's going to be the best way to force the GNSO to do this. Because the last thing you want is a structure put on you -- imposed upon you which was done the same way the last time by the board. This is the way it's going to be. Boom, boom, boom, boom. And that's how it happened.

I can sit here all day long and list to you all the things that are wrong with the structure of the GNSO and its functioning and so forth. And it doesn't do any good if I don't have people that are really affected by it making their voices known.

Now, what I would encourage -- and Rinalia has touched on it -- is that take these specific things. And if you just bring comments, if you will, if they can be demonstrated comments, fine. If they are only anecdotal, fine. The point is if you want the board to intervene -- which is what I hear what you want -- the board needs to have some information to go on. There may be other ways to go about doing this other than the board passing a resolution saying do it. That's a nuclear option. That's the hammer. And you should reserve that hammer for when it's going to be most effective.

So I would encourage you to take these items and put them down and set up a session. And Rinalia has more than welcomed you to do so and to either meet with the committee as a whole or meet with a subset of the committee -- I know when I was chair, we did that -- and get on the table exactly what it is you see is wrong.

What is it you would like to see it to be? Do you have to change the structure completely to get to where you want to be? Or is there just some things you want to change?

For example, you touched on one thing, the GNSO Council. There are people that complain about it all the time. Number one, it was never designed to be a governing body. It was designed to be a policy rubber stamp. Excuse my French, but that's exactly the way I viewed it happening. And I don't want to get into a debate it.

The point is, is that there are things that could be done to change things in different places that don't necessarily require a complete change of structure. However, there are things -- it may be the only way to change it is to completely change the entire structure as a whole.

But we need to have the specifics. Once we have the specifics, then we have got some things to work with.

So please take Rinalia's invitation to meet with her and with members of the committee and so forth and be specific. Then you'll get the intervention, I think, that you want.

TONY HOLMES:

Thank you very much, Ray. That's extremely helpful. The last thing we were looking for was to have something imposed on us. You are absolutely right on that.

What we were really asking for is some sort of framework in which we can take this discussion forward. And I think that's been offered now. And we will certainly take up that offer and dialogue with you on that. That is a great step forward for us, for sure.

And there are some issues which are GNSO-specific. But there are others, I think, where we will need to engage with other parts of the community because potentially they should have a say in some of the things I think you will hear from us that suggest we do things differently in engaging with other parts of the community. That's another important part of that. Thank you.

WOLFGANG KLEINWACHTER: Wolfgang Kleinwachter.

Tony, there is no need to repeat what Rinalia and Ray have said. But what I want to say, you cannot do this in isolation, isolation for the G community. Because if we have finished accountability, we will have a workstream 3 which will lead to a restructuring of ICANN as a whole. In Buenos Aires, I have call this ICANN 2020. This will take some time. But you have to start it here and now, and it has to start from the bottom. It cannot go from the top.

Malcolm is absolutely right. The council is not the bottom. The bottom are the constituencies.

I like what Avri said yesterday with the BUMP. It's a bottom up multistakeholder process. And we should probably use in our imagination not the existing constituencies to see what are the stakeholders so that we have the stakeholder understanding and can have then under the stakeholder groups various constituencies. So we have to be really thinking out of the box. This will take some time. This is not a GNSO problem alone. Thank you.

TONY HOLMES:

Thank you very much and totally agree. That's the other reason I feel that the timing of this is right, so right to do this now. And we are happy to take that forward.

It's been a really positive response. And I feel that we now have a way of taking this forward. That's been causing a lot of concern not just within our stakeholder group but in other groups as well. So thank you very much for that.

I believe our time is up from our timekeeper. Just within time. So we should change over.

GREG SHATAN:

Very well then. We will thank the ISPs for a very interesting discussion and for a very timely and on-time discussion and I will invite up the representatives from the business constituency up to dais. Thank you.

STEVE CROCKER:

Thank you, all.

STEVE DeLBIANCO:

Thanks, Greg.

Steve DelBianco here for the business constituency. With us at the table we have Phil Corwin, our councillor, Susan Kawaguchi, David Fares, Jimson Olufuye, who is our administration and finance chair.

Our goal here today is to really just have a dialogue and not a diatribe. We're working on getting better at that. And it's really

about one topic, the next I should say -- the next expansion, the future expansions of gTLDs. And we're actually seeking your views and advice. Seeking your views about what the board's currently thinking in its debates and discussions on six questions about the next round. And then advice on how the BC can be more effective in our engagement. I mean, you already know that we are -- in the BC, we have a good work ethic. We participate in working groups and review teams. We will continue to do that. We will continue to file public comments for which are prolific. But I sometimes think that's not really enough. There might be some other form of dialogue at the right place and the right time. It also helps us to arrive at the right place, if we have some sense of what the board is thinking. So with that respect, my colleagues in the BC will help to explore six questions.

The first one with respect to the next round is as you are well aware, there are multiple reviews required. And the question comes up -- I mean, as many as nine reviews, right? Several of them focused exclusively on aspects of the new gTLD expansion. The question is which of them would need to be so-called completed before we open a new round? Or which aspects of reviews need to be accepted and implemented before we open the door to the next round?

And to tee that up, the mother of all the reviews of the new gTLD program is the Affirmation of Commitments required review of the new gTLD program.

And Jonathan Zuck and I and several others participated in two years of work to design metrics so that we could tee that up. Bruce Tonkin, very helpful on that. Helped us to push that along so we have baseline on that review to measure against the improvements we see in consumer trust, consumer choice, and competition.

One of the questions would be: How do we handle the implementation recommendations coming out of that review team? And how does that interplay with the timing of the next round? Because review teams, especially one like this, can take a year at the minimum. It could take as much as a year and a half to two years to do that. And it's only slated to begin -- well, probably begin around first of 2016.

This topic became the focus of CCWG accountability because one of the goals we do is to implement recommendations to implement stress tests. And stress test 14 said because either party could cancel the AoC, let's bring the reviews into the bylaws. And the board and the CEO have been completely supportive of that, and we are making great progress. One of those four reviews is the review of the new gTLD program. And

in the second draft report, CCWG proposed that when we bring it in, adding a line there to say that the new round shouldn't open until implementation of the recommendations from the AoC review.

And I have to say that opened a very constructive dialogue with Rinalia and the board. I'm teeing this up first because I think it's a good example. Rinalia came back at first and say, The board would prefer to have complete discretion about which, if any, of the recommendations should be reviewed. We had no more than one or two phone calls, and it evolved into something different. And it said, How about in the review team we get incredibly specific in prioritizing our recommendations for the next round and indicate next to each one whether this one really ought to be implemented before the next round is opened? Maybe this one has to be implemented before applications are even accepted. Or this one has to be implemented before delegations begin. So I think it's great advice. And Rinalia on the team -- for that review team, I've recommended to work party 1 that's exactly the way we do it. The board was the only party who commented on that particular one line in the proposed bylaws. And I think many parties simply missed it. That was great dialogue. And I think we are likely to head down that track.

So I sort of wanted to tee that up for you. You have multiple reviews. It's not just that we are going to get the AoC review correct. We have multiple reviews, each of which will come up with recommendations that could affect the timing of a new round. And balanced against that is the board's intention of doing the new round relatively soon based on market pressure, maybe based on commitments that have been made. And there's plenty of members in the BC that are anxious to get a new round underway for some of their brands as well.

So I would invite a dialogue with any board members or any other BC members who want to contribute on this next question of the next round.

Bruce.

BRUCE TONKIN: Maybe just as a starting point, perhaps, Fadi, can we get a response to the question of when that review will kick off?

AKRAM ATALLAH: Hi. This is Akram Atallah. The CCT review already started in beginning of FY2015 in gathering the metrics that are needed. So the reviewer requested that we measure certain metrics at the beginning, a year after the new gTLDs are launched, and then a year later to measure the effects of the new gTLDs.

So the first metric was at -- the first set of metrics, measurements happened in beginning FY15. We released a lot of this information. And then the -- calendar 2015.

And then the next -- a year later would be in the beginning of 2016 when we will do the metrics -- measure the metrics again. And that will be delivered to the review team when they are ready.

And we are forming that team now as we speak. So hopefully by the beginning of 2016, we will have everything they need for them to get together and do the review.

How long that review will take will depend on the review team's work and schedule. But we're here to support them in order to get that done.

I would like to also remind everybody that the board actually did a resolution three or four weeks ago on this question. And the board typically said there are a lot of work -- I'm going to summarize the resolution. But there is a lot of work going on in the reviews. It's premature for the board to actually set the date before knowing what the review's outcome is going to be. So as we get closer to that time line, the board will review again and we'll come out with a consideration on that.

Last point to also consider is that the GNSO has taken upon itself a review of a lot of the things that happened in the previous round. And depending on what that review -- that review is going to come out with, I think that will be the long poll in the tent. So there are a lot of different elements. And it's very hard to come back with an answer now as a yes or no or a given date at this time. Thank you.

BRUCE TONKIN:

That's absolutely true. It's very hard to predict a final date. I think part of the question is what are the steps and when are those steps happening.

What I'm hearing you say, Akram, is that some of the data collection has occurred. There is another data collection point early next year. The team is, basically, selecting the members. So that review team will meet roughly mid next year. And hopefully towards the end of the year they will have some recommendations.

I think one of the things that's really important for us collectively as a community is really giving some clear instructions to these review teams because if I look at the ATRT2 review team, a lot of the recommendations were just to have further reviews. That's not actionable information.

It's just like, We recommend that you do another review of the IRP. We recommend you do another review of the ombudsman. It's sort of self-perpetuating.

What we really want out of the review teams is actually here's some concrete changes that we recommend and to prioritize those changes. You can't change everything. So I'd recommend we need to define the review team's terms of reference to say, it's not acceptable just to say go and do some more reviews. It is, come up with some prioritized recommendations that we can implement within, say, 12 months or some time frame. And that's on the terms of reference side.

And then in terms of what happens after we receive those recommendations, there may be a mixture of policy and what I'd call operational improvements. So an operational improvement could be maybe the Web site for submitting the new gTLD application could be improved. Some operational thing. Or it could be a policy thing. And it could actually be -- so in the policy we have policies around confusingly similar names and the review team might have -- recommend a policy change. A policy change would then need to go to the GNSO to actually, you know, do a process on that policy change.

STEVE DeIBIANCO: That's helpful, and we weren't looking so much for an operational report. We knew about the review teams and the metrics. We were the ones who helped to create them. We were looking for your preferences, acknowledgment that there are pressures to move ahead, and we understand that, and the recommendation you made I think is excellent. We should ask the review team when we charter it to really focus on letting us know which of these are implementable operationally, which require policy development, and if any require studies, they'll get in the way, so move them to the bottom. I think that's appreciated.

Let me make one final comment about that review and then turn it over to Phil Corwin to talk a little bit about the RPM reviews.

The final comment on the AoC review would be the composition of the team, and it's the chair of ICANN who gets to help to appoint the recommended members. The gTLD expansion concerns the GNSO and ALAC extremely in a focused way. It's a far less concern, say, to the ccNSO. I'm sure the GAC will be concerned. SSAC and RSAC to a less extent. ASO probably not at all. So the community as it is has certain elements who really want a lot more participation on that.

So in terms of looking ahead to what the CCWG recommendations are, please be liberal in what you receive with

regard to the size of that review team and the participation from Bruce from GNSO. You know, we've shown flexibility in the past as the board and CEO have appointed members of the review team. It will just be pointless to try to constrain the GNSO to 2 representatives on a team that needs 14 to 21 people to do the work over the course of a year. So please be liberal in allowing that to expand. Does that make sense?

BRUCE TONKIN: It does. Thanks.

STEVE DeBIANCO: And then Phil Corwin, on other kinds of RPM or rights protection measures reviews that could get in the way of a new round.

PHILIP CORWIN: Yes, thank you, Steve. Phil Corwin, one of the B.C.'s councillors and also acting chair of the B.C. at the moment. We're trying to figure out how various overlapping multiple reviews of similar issues are going to interact with the timing of a second round. We've got the AoC review which gets into a consumer trust and competition and those issues to some extent. That overlaps with some of the issues with the comment we're preparing right now on issues for the subsequent round of new TLDs and then, of course, that would incorporate to some extent the RPMs, and

then we've got this new preliminary issue report on policy development process review all RPMs in all generic top level domains, both new and legacy. And it's not yet decided -- that will be a comment period and that closes early November and then we'll have a final staff report in December and probably a PDP kicking off on that in the first quarter of next year. But it would seem axiomatic that the RPMs were created specifically for the new TLD program. It would seem logical that if they're going to be adjusted in any way that should happen before the second round is launched that we -- if we look at the results and they're going to make adjustments, it should happen before and not after the launch of a second round. And it's quite a daunting task because if you just look at the potential questions that staff has posed in regard to the URS, the trademark claims with sunrise period, the trademark clearinghouse and additional questions, there are several dozen. The community may come up with more, and then we don't know if that PDP is going to be just on the new TLDs or whether it's going to be integrated with a review on the UDRP, which has never been reviewed since its inception. And that just on its own would be a daunting PDP.

So the community will be grappling with how do we integrate these various reviews and comment periods and plug them in to the launch of a new second round, and I think we'd welcome the

board's thoughts on how they believe that can be best integrated to inform the second round before it launches.

STEVE CROCKER:

So, two quick things. A lot of empathy about the complexity of multiple reviews and how they relate to each other. Probably would be helpful -- I suspect some of this has already been done, Malcolm, but probably helpful to have a holistic picture of all of the reviews and what their interrelationships might be just as an informational and tracking document and so forth.

Phil, you've mentioned a question as to whether to implement some of the RPMs prior to or after the second round. I didn't quite understand what that meant.

PHILIP CORWIN:

Yeah. It's that we're going to be launching first quarter of next year a very significant PDP or perhaps two PDPs. It could be integrating review of the RPMs and adjustment for the new TLD program. The one on the UDRP might be separate or they might be one massive mega review. But even if it's just on -- if it's separated and just on the new TLD program adjusting the RPMs, it's likely that there will be some adjustment to at least some of the RPMs resulting from this PDP based on the experience in the first round, and it would seem logical that if those changes are

going to be made and formed by the experience with the first round, it would be good to have that in place before the second round launches, if there's not -- if the timing works out. We don't want to -- don't want to delay the second round forever. Within the business community, there's strong support for getting a second round of dot brands out there as soon as possible. But on the other hand, we don't want to launch the second round prematurely and then it seems -- we wouldn't want to see something like where the first, you know, batch of new TLDs that launch in the second round aren't covered by changed modified RPMs and then later on in the roll-out they are because the PDP has been implemented. So it's just a question of how we integrate that -- the mechanics of all that.

BRUCE TONKIN:

Yeah, I think probably coming back to Akram's thing, this is very much like agile programming for me. You know, you've got -- you've just got basically lots of things happening and then you react based on the measurement that you get at the time and then you make a decision. Trying to predict this as a complex system is not possible. But just at a general principle level, if we're looking at rights protections mechanisms, one, the rights protection mechanisms that relate to the current new gTLDs is probably perhaps a half a percent of the name space at the moment and the other 99.5% of the name space is in the legacy

TLDs. So really the only work that we do in rights protection mechanisms we should be looking at the 90 -- you know, the whole name space.

And then we actually have in our registry and registrar agreements, as soon as a consensus policy is approved, then those registries and registrars need to basically implement those mechanisms. So I think the timing are actually tightly coupled. You can be introducing new names in .COM and you can be introducing new names in, I don't know, .EXPERT and then you look at a new rights protection mechanism that applies to both sets of registries at the same time and to both name spaces.

So I think we've got to stop sort of thinking that rights protections mechanisms is a new gTLD issue. It's not. That's half -- .5% of the name space. Rights protection mechanisms really needs to be across the whole name space.

PHIL CORWIN:

Just very quick response. Just want to point out, some of the RPMs make logical sense to be imposed on existing TLDs, new and legacy, whenever they change, whenever they become contentious. But some of them like sunrise period and claims notice are only applicable, logically, to the launch period and you wouldn't want to have a launch where the first batch launch and then they're modified and the ones after that are subject to

different rules. It would seem like we want to get those rules up front before the second round.

STEVE DelBIANCO: Thank you, Phil. We have two more questions we wanted to cover with respect to the next round. And what's the timing, Bruce?

UNKNOWN SPEAKER: (Off microphone).

STEVE DelBIANCO: Great. That ought to work fine. The second one I'm going to turn to Susan Kawaguchi to describe because Steve, this is near and dear to you. When you -- one of the first things you did as a chair was to launch an expert working group to look at what do we do to permanently come up with a better long-term WHOIS and change the name to Registration Directory Services and Susan was on that Expert Working Group. And you may not think this is a new gTLD issue, but I think Susan can explain there's some opportunity as well as challenges on the interrelationship between the new gTLD program and RDS. Susan.

SUSAN KAWAGUCHI: Thank you, Steve. So you -- as you know, the final report for the next generation RDS has been published and there's a motion that's being considered by the council tomorrow. So hopefully we will go out with this PDP and establish the working group in the -- probably in the new year. I mean, we're getting to 2016 fairly rapidly. So -- but if the community did complete the work, get through all of this, and in time for the next round of applications would you include it as a requirement to be implemented in the new gTLDs?

STEVE CROCKER: Somehow I feel like this is a loaded question.

[Laughter]

BRUCE TONKIN: It does seem that way.

STEVE CROCKER: Well, it is -- it is a question near and dear to my heart and the -- I thoroughly enjoyed working with you and the others on the expert working group.

As I said when we kicked off that process a few years ago, I thought that was one of the most important decisions that we had made and I take the long view that we've -- the WHOIS

directory service process grew up out of the earliest days and it's morphed and morphed, but really needed a fresh look and I'm glad we've done that. And that said, I think we want to be thorough and careful before we start imposing a new set of rules. There's a lot of things to be shaken down there.

I don't have a crisp answer to give you because I don't know what the timing is, but I think the -- probably the preceding kind of question or the anticipatory question is, what do we know about the interlockings of these things? How much work do we have to do before we get to an answer? And let's have a picture of what those contingencies are. As Akram commented earlier, we resisted saying here's a date certain for when we're going to start the next round or here's a date certain for anything because I think it's a somewhat backwards -- we want to be driven by what the facts are. And I'm fully aware and fully appreciate that it is useful in many situations to set a date, put a stake down and have that be -- people drive toward that. So there's a balance between kind of those motivational things versus kind of being thorough in the process. And I think there are so many moving parts at the moment. The first thing I'm hungering for is to get a holistic picture, as I said, of what all those moving parts are.

I actually tried to request that from staff and put pieces together, and it kept getting distracted by having to get ever

more time scheduled for CCWG and transition discussions in general. So we had a retreat last month and had to re -- rework the agenda for that. We've had an agenda for this which we reworked and so forth. So there is a certain amount of interference, which I'm not complaining about, just observing, that it's a fact that we are well up against the resource limits and it's -- it's having an interference. But it is -- it is very much top of mind to get these things brought up in a way so that we don't lose track of what it is we're trying to do and bring it under control. It's not -- it exceeds all of our capacities to have -- when there's multiple reviews of different pieces that are underway and you don't know how they relate to each other. So I take that question very seriously. Mr. Disspain.

CHRIS DISSPAIN:

Hello. Can I turn that question around and ask you about what you think the GNSO will do with the policy development process and when that will start? When do you think they're going to start their work on that? Is there a problem with timing from your side as well?

SUSAN KAWAGUCHI:

I think we have the same fear that Steve voiced and the -- and actually staff did provide two really good slides, one with all the reviews and one with the working groups that may go out. And

so I think there is a concern about overcommitment of the community, but the work still needs to get done. So, you know, we have this motion on the table. Do I think it will be approved tomorrow? This is my guess. Probably not. It will probably be deferred. And we shouldn't start working on this until next year, but ...

CHRIS DISSPAIN: Hello!

SUSAN KAWAGUCHI: Is it you?

CHRIS DISSPAIN: No, my voice is the same, no matter what.

So to cover things, so first of all, we have a board working group sort of riding shotgun on this which I chair, so if there's anything we can do at all to help, that's great.

And the second thing is, just speaking personally, I think there's a danger of, you know, trying to make everything perfect and so never actually getting the good done, and actually starting on it is not a bad idea. So sometimes we just want all -- everything to be -- to be mapped out before we start and often starting the

work is a process that helps you to map everything out. So we're here to help -- help you in any way. Thanks.

SUSAN KAWAGUCHI: I appreciate that. And the question, the original question was not intended to think that, you know, there's a drive to make sure that this is done before the next round, but if by some miracle we accomplish that, the community accomplishes that, would you implement it. So thanks very much.

STEVE CROCKER: Thank you.

STEVE DeBIANCO: Thanks. And our third and final question with respect to the next round is going to be handled by David Fares, and it relates to the -- I guess it relates to this notion of a guidebook and how that was the whole key to the application, evaluation, and deployment of gTLDs and what's next for the guidebook. David.

DAVID FARES: Thanks, Steve. I guess it's a two-part question. First, as Akram said, there were a lot of lessons learned in the last round of new gTLDs. So will -- will we be starting from scratch with the brand new guidebook? Will we be posting the last guidebook for

public comment to -- so that we can adapt it from those lessons learned? So what's going to be the process around the development of the new guidebook? And I guess the second question is, do you anticipate that this will be a rolling process without a deadline or will there be consecutive rounds of new gTLDs.

STEVE CROCKER: Akram, would you like to --

AKRAM ATALLAH: I mean, we keep asking the same question over and over again. The guidebook is a tool for us to implement the policies. Based on the reviews and the recommendations that come out of the reviews that we wait for -- before we start looking at the next round, we will know whether the guidebook itself is going to be so changed that we're better off writing a new one and posting it for public comment or whether we should use the existing one and tweak it around to the next round. So I think that's a -- like putting the cart in front of the horse on the guidebook question.

On the whether we do more rounds or we open it up, I think that this is a GNSO policy that said we will do the new gTLD in rounds. Until there is new policy -- go ahead.

BRUCE TONKIN: So on that point, because I was chair of the GNSO Council when that was developed.

UNKNOWN SPEAKER: It was a little while ago.

BRUCE TONKIN: Basically what we said, Akram, is that we would start doing some rounds because you -- you are basically having to deal with contention in those rounds. So you -- it was envisaged as sort of popular names were applied for, you'd have multiple applicants for those popular names, and so it would be appropriate to sort of do those in rounds. But then it was envisaged that once we sort of got through the contention, in other words, multiple people applying for sets of names, you would then open it up just like you do any domain registration system. So it could just be an ongoing system.

So what I'd expect the review to do would be to actually start considering that point and deciding should we just do another round. Because you could have rolling rounds. You could have a rolling round of doing a round every year and then when you found that there wasn't very much contention, then you could just have first come, first served.

And to use an analogy, we did that with registrar accreditations. So when the first registrar accreditations were kicked off, there was a round of five -- and Melbourne I.T. was one of them -- and then we did another round, and I think there might -- I'm not sure how many rounds we went through. And then it just becomes, "If you want to be a registrar, you just apply."

So there's no policy that says it has to be in rounds. The policy was that we needed to start with rounds because you had to deal with contention processes for multiple people applying for the same name.

AKRAM ATALLAH: Thank you, Bruce, for the clarification. This is Akram, for the record.

STEVE DeLBIANCO: We're out of time, too.

AKRAM ATALLAH: Just to finish the thought, once we have the review team recommendations on this issue, and probably they should be considering your other concerns, which is on brands that want to apply for their brand, and there is a lot of talk in the community whether this should be separate from general

rounds of generic name applications, and so all of these issues should be considered in the review team and if they -- if the recommendations come out of that, that could be better -- a better way that satisfies multiple needs in moving the program forward. So thank you.

STEVE DeIBIANCO: Akram, thank you. We're out of time and I know there's two speakers in line and if you use your time, it takes it away from the IPC, but keep in mind that rounds could be special. There might be a community round, a brand round. There's ways to do it in small batches.

CHRIS DISSPAIN: I have a different question. We can run five minutes over, if necessary, but I'll wait for this gentleman. Please.

STEPHEN COATES: Thank you. Steve Coates, Twitter, Inc.

I just wanted to make a brief comment about dot brands and generic names.

We're interested in Round 2. We have several interesting opportunities to develop around that space.

I would advocate for bifurcating the review process, which I think is very important, especially around RPMs, but also bifurcating the round process, treating dot brands differently than generic names, because a lot of us brands who were not around to access and participate in Round 1 would like to participate in Round 2. And specifically, some of our brands -- and again, we are interested in both brands and generics. On the brands space, we have several opportunities to innovate and want to be there, but four or five years from now is the soonest time we're going to be able to participate.

Again, just want to advocate for bifurcating those processes so that we can participate in Round 2.

CHRIS DISSPAIN:

Thank you. It's Chris Disspain. I won't keep you long.

We've heard from the at-large this morning and the ccNSO this morning with questions about whether there should be a public comment period on the CCWG, whether there should be an intersessional meeting of ICANN or various parts of ICANN to discuss any final output from the CCWG. I'm interested in knowing if the business constituency has any comments to make about that.

STEVE DelBIANCO: Chris, we will after we have our BC meeting today. As a fellow member of the CCWG, I'm keenly interested in the same question. We'll get back to the whole group.

CHRIS DISSPAIN: So we should expect to get comments from you, is that right?

STEVE DelBIANCO: We're going to figure out what our position is on timing and public comment. Thank you.

The IPC, you're up next.

GREGORY SHATAN: Thank you. Appreciate the opportunity to be here today. I'm Greg Shatan, president of the intellectual property constituency. I'll let the other members of the IPC who are up on the dais introduce themselves starting from that end.

VICKY SHECKLER: Vicky Sheckler with the recording industry.

STEVE METALITZ: Steve Metalitz, vice president of the constituency.

MARC TRACHTENBERG: Marc Trachtenberg with Greenberg Traurig.

MARKUS KUMMER: Markus Kummer.

KAREN BERNSTEIN: Karen Bernstein, IPC; Bernstein IP.

KIRAN MALANCHARUVIL: Kiran Malancharuvil, MarkMonitor.

GREGORY SHATAN: Thanks. The topic that we wanted to discuss with the board today are issues that are coming up in several different contexts at this meeting, as well as for years before: the topic of contract compliance and the content regulation of accusation or concept; and the concept of voluntary standards, voluntary enforcement on which there will be an open session on Wednesday.

I'd like to ask Steve Metalitz to kick off our discussion. Thank you.

STEVE METALITZ: Thank you very much, Greg.

And I'm -- I am going to give a brief overview and then some of our other constituency members will be fleshing this out.

There's been a lot of moving parts here and some of the parts have moved very, very recently and as recently as yesterday when Fadi addressed this in the plenary session.

And one point that we took away from that, which we think was very important, was that ICANN recognizes that there's a serious problem with use of domain names for illegal and abusive activities and that it has an important role to play in addressing this problem.

So we hope that that message can be reiterated and it can help dispel some confusion that has arisen in the past from some past statements.

I do want to stress again, though, to make sure that there isn't any confusion, that we've never asked ICANN to be the content police. We've only asked that it vigorously enforce the contracts that it has entered into.

So let's -- let's make sure that's clear on both sides.

Another recent development was the blog post that Allen Grogan made at the beginning of this month regarding a key provision of the registrar accreditation agreement that requires

registrars to investigate and respond appropriately to reports of these types of illegal activities.

We kind of view that as a baby step and it sets out some minimum -- very minimal minimum standards. We don't think that by themselves, that constitutes an adequate or appropriate response to well-documented complaints, although I will say it exceeds what many registrars are doing now.

So we hope that there will be compliance activity to enforce these, but it's very important to work on more meaningful minimum standards, and I think we'll be having further comments on that, I think, from Greg.

The third point, which again came up in Fadi's comments, and as Greg pointed out will be the subject of a session tomorrow, is about Internet intermediaries.

We -- our members and our participants have had a lot of experience in this area and it certainly has been useful in some other sectors and it's a path that's important to look at, but we also know from that experience that the usefulness of those voluntary arrangements is directly proportional to the strength of incentives that the parties have to abide by them.

And in this context, the incentive that ICANN can bring -- brings to this, of course, is the contract compliance -- the possibility of contract compliance action.

So ICANN, we feel, has a very important role to play in helping to bring parties to the table, but it needs to exercise that using the incentives that it can bring to the process.

We also agree with what Fadi said that ICANN would not be the convener for those discussions.

I think our top -- and I know Marc Trachtenberg will have more to say about this as we proceed.

I just want to emphasize that our top "ask" for this organization is what it has been all along, that ICANN should vigorously enforce its contracts with the registrars and with the registries. There's an important aspect of this that's in the public interest commitments. I think Marc can address that. Also in the new gTLD registry agreements. So -- and as we've said, if there are to be voluntary efforts, they're not going to -- they're not likely to work in the absence of strong enforcements.

We're confident that there are many registrars and registries that can be persuaded to work cooperatively with right holders and with others to help build a safer and healthier on-line

environment. We welcome steps to do so, but there are going to be those who don't, so we need to be prepared on that as well.

And perhaps I can -- I can yield to Greg at this point to -- for more detail on some of these points.

GREGORY SHATAN:

Thank you, Steve.

And I think where I'd like to engage in a dialogue here is to get a sense from you, in your perspective on the board, in looking at compliance, which, you know, having elevated Allen Grogan to a more substantial senior role in compliance as compliance czar, perhaps, where you see things going next with regard to establishing these standards and working with different parts of the community in terms of fleshing out the kind of concepts that Allen began to develop in his blog, ultimately trying to head toward an implementable solution that, you know, works for all parties so that there's -- we're not sitting with such uncertainty that it's not even necessarily possible to move forward.

So just I'm curious to see what -- where the board is watching this and how -- you know, even your reaction to Fadi's presentation yesterday on these very points.

ERIKA MANN: Yeah? You ready? Erika Mann.

Steve, I would -- Greg, I would recommend that we wait until Wednesday. We have a working group tomorrow where we will sit together and we'll talk exactly about this topic.

Allen Grogan will be invited to this group. I'm sure many of you will be present. From the board side, definitely I will be present, and hopefully Bruce as well, to trigger these kind of discussions inside the organization.

So can we wait and then can we report back afterwards?

GREGORY SHATAN: Look forward to talking to the board about it after that. I understand tomorrow's session will be primarily presentations by people from, you know, various aspects and not --

ERIKA MANN: Correct, correct.

GREGORY SHATAN: -- developing the board's position, so --

ERIKA MANN: But I would rather prefer to wait and then come back to you instead of, you know, preempting a possible debate, of course.

Would this be fine?

We are involved. We are trying to steer the debate in the right direction. But give us the time to sort this out.

GREGORY SHATAN: Well, it's encouraging. I'm glad to hear that the debate is being steered in the right direction.

ERIKA MANN: Right.

GREGORY SHATAN: Certainly it's a moving target right now.

ERIKA MANN: Everything is moving in target, yeah, nowadays, yeah.

GREGORY SHATAN: Yeah. But I think I'll turn next to Marc Trachtenberg.

ERIKA MANN: Thanks.

MARC TRACHTENBERG: So I'll briefly discuss the voluntary standards issue, and, you know, I think we agree that voluntary arrangements with other Internet intermediaries -- for example, the credit card processor example that you gave in your opening comments yesterday -- have been useful in other sectors and could be a useful path forward in this context.

However, we don't think that the particular example of credit card processors is really a good analogy here. And the reason for that is that credit card and other payment processors have an incentive to investigate and take action against Web sites that promote illegal activity, and that incentive is that those types of sites tend to be associated with activity that results in fraudulent credit card and other payment activity which results in costs to the credit card processor so they don't take action, and so they have an incentive to take action which is the avoidance of future potential costs.

And that similar incentive doesn't exist with respect to registries and registrars.

And so, you know, as Steve mentioned earlier, in order for any sort of voluntary standards to be successful or useful, there have to be incentives for the -- for the parties to actually comply with those voluntary standards.

And here, you know, one possibility among many is a situation where those registries and registrars that don't comply with the voluntary standards are potentially subject to a compliance action from ICANN, or maybe where those that do have a presumption that they're in alignment with their compliance obligations.

But, you know, I think in general, for ICANN, as the entity that accredits registries and registrars, it generally has an outside role in bringing these parties to the table and making sure that these voluntary standards have meaning. And even to the extent that there can be some agreement on what these voluntary standards are, you know, they only have meaning to the extent that they actually provide some actual protections for intellectual property rights owners.

FADI CHEHADE:

Thank you. Thank you, Marc. Thank you, Greg. Thank you, Steve, for the thoughtful comments. And I must tell you we have never been, in my opinion, more aligned in our thinking.

So I thank you. I second everything that was said at this table.

From my perspective, this is aligned with the message I shared on Monday morning that ICANN has responsibilities that it

cannot walk away from, and that means the ICANN community and ICANN the organization, we have responsibilities.

However, I think we're all in agreement now on two things that, frankly, were not crisp in my mind before.

The first is that voluntary mechanisms may be a way forward but they need to have teeth behind them. They need to have incentives behind them.

I think that's a great good place to start, that at least we -- we're not going straight to make the contract work.

Let's find mechanisms that have -- may be more aligned with the speed of the Internet and the environment we're in and the transnational nature of what we're dealing with about jurisdictions.

I was recently speaking with a member of your community who said -- a prominent member of your community who said, "Even if the U.S. Congress passed the perfect law for this and every Congressperson signed it, it would be pretty useless because the global environment now requires mechanisms that are vigilant, fast, and voluntary."

But as you said, Marc, you're -- I'm agreeing with you on that point that we need to make sure those mechanisms then have incentives.

And the good news, by the way, is that many of our registries and registrars are now big companies. They also have reputational incentives to be involved, so that's good too. But we need to make sure that regime is well put together.

The second point we're all agreeing on, which I didn't feel before we were -- at least maybe that's my bad -- is that ICANN is not the first solution to this issue. However, ICANN needs to participate in the solution. We are not also out of the solution. We are very much a part of that solution.

But the solutioning of this is broader, is bigger than ICANN. It's beyond our remit.

As I did explain yesterday in my slide, determining the determination part of this is the part that cannot fall on us.

We don't even have the constituencies here to make those.

And I don't think we're in disagreement on that. I think we're all in agreement. We just want to see a vigorous commitment to work together, and you have that -- this is why I put this on a very busy agenda Monday morning, and if you notice, it's the only thing I put on that agenda besides touching on quickly our AGM members and our transition.

When I -- my team asked me, "What is top of mind for this community? What should we focus on," I put that up because I

intend, in the months at least I have left, to work with Akram and our team, and Allen, to focus energy on this, to work closely with you so we move forward.

So if I -- I'm happy the board is with us here and participating in this dialogue because we will need all of us to be supportive of working with our registries and registrars on one end who would like to have some guidance as to how they would participate in a solution, and from the IPC community here who is, in my opinion, reaching frustration levels that we need to deal with and address in good faith. However, with an understanding that ICANN's remit is not in that space. ICANN's remit is to be part of the solution and to -- we should bring our community to work with the solution once it is developed.

So let's go find the place and the time to work together, and you have my commitment on that.

Finally, Steve, just for you as -- as our chair and for the board to consider, we today are dealing with this matter in the context of our IP community, which is a -- after all, it's part of our community. Those folks are part of our community.

We will have the same issues coming up soon in so many other fields. I mean, we touched a little bit on pharmaceuticals earlier. We will get into crime. We will get into terrorism. Community after community will come at us and say, "We need you to act,"

and we will say the same thing. We will say, "We must act based on some mechanisms that we don't have that cannot belong to the ICANN community. However, we need to be responsible and know how we will participate and bring our community along the way in these mechanisms."

So here may be a good reference point for us to start building how we would do that with a community that is, after all, part of us and is engaged with us here.

So I hope this is helpful, Greg and Steve.

MARC TRACHTENBERG: Fadi, your comments are very encouraging. One thing I would just like to clarify, though, is that we don't view voluntary standards as separate from contractual compliance but, rather, as an integral part of contractual compliance, and the voluntary standards will be standards for ensuring that registries and registrars are actually complying with their contractual obligations.

And so just to clarify that for you, they have to work together.

STEVE METALITZ: Yeah. If I could just add to that, I'm also very heartened by what I've heard, but we do need to remember that there are some

things ICANN is in the position to do and must do, and that -- primarily that means enforcing the contracts that ICANN has already entered into.

Now, this may not be in the core area that we've talked about with, you know, Web sites that are dedicated to piracy or to counterfeiting. Issues have arisen about whether ICANN is really committed to enforcing the public interest commitments, for example, which overlap in this area and have obligations for registries, and we've gotten, I would say, very mixed signals from Allen Grogan and others on that question, so that needs to be clarified. And even when we talked about this in a much stormier and perhaps less productive session in Buenos Aires when we met with the board, we -- there were issues with compliance with the -- in the .SUCKS situation and Marc really well outlined some of the concerns that we had there.

So this is a broader issue, not just directly related to this but the need for ICANN to enforce its contracts I think is paramount here. It's the one thing that ICANN does have and needs to be able to do. And, clearly, it's an important element of the accountability that we're all looking for in the process.

So I just wanted to underscore that as one of the key things that we hope ICANN will continue to focus on. Thank you.

KIRAN MALANCHARUVIL: This is Kiran Malancharuvil with MarkMonitor. I think my comments are very similar to picking up on what Steve Metalitz just said. I think with regard to contractual compliance, what you said, Fadi, was really interesting, that you guys have a responsibility to this issue. And I think it's not just a responsibility but a really great opportunity for all of the people involved in this conversation to come together on this issue.

I think that we are a commercial registrar as well as an intellectual property and brand protection advocacy company. And registrars, from what I understand, the majority of them want as much clarity as we do around the meanings of these agreements and around the language of that. And we may not necessarily be coming from the same initial impression of what the language is calling us to do. But we all have the goal to operate in a clear space and with a clear understanding.

And I think that this is perhaps an area where we might come to compliance and ask for compliance to just sort of help us come together as opposed to asking you to take sides one way or the other. And we would ask for compliance to be more transparent about what their intentions are about the language.

And that comes back to what we often see in examples of where we tried to approach a compliance of these languages. What we are told is, the complaint is closed. It has been dealt with. And

we have no idea how compliance interpreted the language, how they interpreted our complaint, how they interpreted the response, or what the response even was.

So without operating in a transparent environment with compliance, we are not fully taking advantage of the opportunity to come together and reach clarity on these issues.

So I think I would also add to what Steve just said. Clarity is lacking sort of from a transparency perspective but also we get mixed messages sometimes. And I'm not sure if that's a result of, you know, asking the question to Mr. Grogan in a different way so we have gotten a different answer. Some of these things are really (indiscernible). Like, is compliance going to take a position on being able to enforce the public interest commitments or not?

So I think that if I had to put it in one sentence, which I have never been good at, I would just say please help us operate in a space where we have clarity, all of us, as a community.

FADI CHEHADE:

So I will commit myself and Mr. Grogan, if he's here -- here he is -
- that we will publish as soon as we can two pieces of clarifications that you just asked for, Kiran. One is, why is it -- what are the procedural reasons why we -- as you just said, so I

will need to confirm with my team -- sometimes do not give the details of a complaint and how we arrive at something. There may be procedural reasons for that. If there are, we should clarify them; and we should put out clarity on why we would do that, if that's the case.

So, Allen, if we could do that.

And the second thing you asked for is --

KIRAN MALANCHARUVIL: Public interest commitments.

FADI CHEHADE: Exactly what is our position on that. So I'm going to ask for both these things to be clarified and published because, you're right, if we all operate with clarity, it will be much easier for you, for the registries, registrars, and for us. So we'll put that up. We'll clarify it in writing and get it out for the community to see.

KIRAN MALANCHARUVIL: Great. Thank you.

GREG SHATAN: Go ahead.

BRUCE TONKIN: Have you finished your agenda items?

GREG SHATAN: Basically, yes.

BRUCE TONKIN: Just a couple of general questions. The first question that would be useful for us is just feedback on how you think the work is going on the accountability and whether there are any issues that each of the three groups here feels are outstanding or any views that you have on enforcement models? Just input really on -- it's useful to get perspectives from the individual constituencies if each of the three wants to comment on that.

MARC TRACHTENBERG: I think with regards to accountability, you know, that issue will be addressed in numerous other sessions, if not every other session. And we are hoping to utilize this time to stay within the topics that we raised earlier. So if it would be possible to address accountability from the CSG in other sessions, that would be preferable.

BRUCE TONKIN: When will the board hear from you?

GREG SHATAN:

I will answer that briefly. We've had a very fruitful discussion in our commercial stakeholder group meeting. But, of course, that's the IPC. As the IPC, we are meeting this afternoon in our open meeting and having continued dialogue on this.

I think that feeling is that the process has begun to settle into a better working mode. It's too early to say anything about outcomes. But I think that there's at least a better feeling in the room than there has been over the last couple weeks. That would be my comment. I think it is from that kind of basis that we can achieve a better result.

STEVE METALITZ:

If I could just mention one part of the IPC position on this, which is relevant to what we have just been talking about, and that is the importance to make sure that what comes out of that process clearly acknowledges and confirms ICANN's ability to enter into and to interpret and to enforce its contracts. There are a lot of different ways that might be done. I'm not commenting on any particular formulation. But that is an important point for us as the output of the accountability process.

CHRIS DISSPAIN: Just so that it's clear, we are actually asking to hear from you. It's not about -- we really do want to hear about -- especially about any problems you have and logistics because we're going to have to run this process once we get through to the end of it. So we really are hoping we will get some information from everyone to the board. Thanks.

GREG SHATAN: Absolutely. We are looking to formulate our positions and engage in dialogue, not just in the CWG room but engage as a constituency.

And as Steve mentioned, while we are not drawing any red lines or we are not at any end results, there are some topics, some approaches that are still in the document -- and it's still a draft document -- which raised, you know, some very significant concerns that almost would have eliminated our entire question that we've been discussing for the last half-hour if these stay in the document the way they are. And, clearly, as Fadi indicates, that's not a direction that ICANN seems to want to go in, to just kind of walk away from the issues we've been discussing here. We need to resolve those issues. Again, if we have the right process and goodwill, that should result in a good result.

Tony?

TONY HOLMES: Thank you. Tony Holmes for the record. In response to Chris' question, not as the CSG but as the ISP constituency, we will discuss this this afternoon in our constituency meeting. And we will be happy to share any key points where we are on the current state of play after that.

BRUCE TONKIN: Thank you. I think we heard from some other groups this morning saying that today is when they are going to be meeting. So they haven't got feedback. That's still helpful.

And then the other question we had is what ways could we do to improve the dialogue, I guess, between the board and the community here. I guess we're hearing some comments at a staff level, you are wanting to have a better way of engaging with staff on particular issues around compliance.

But are there things that you want to improve with your engagement with the board? Or is there better ways of organizing these sessions?

KIRAN MALANCHARUVIL: This is Kiran Malancharuvil from MarkMonitor. Sorry. I will be very brief. I actually just think that more opportunities to

dialogue like this would be great. But it's the one thing that none of us have more of which is time and bandwidth to do these sorts of dialogues. But it is sort of unfortunate that we have to think back over the last three months every time these meetings come around and then try to boil all of our things that we want to have a meaningful dialogue with you guys on into a 30-minute or less session, sometimes a few minutes more. And, you know, then sit at this table and do that, you know, in a time - - in a sort of time-constrained and work-restrained and energy-restrained space. I don't know what that would mean. I guess I will leave it up to people who have a better idea of your bandwidth and time. But time and more frequent brainstorming sessions like these are always the answer that I have to how to increase dialogue. Just keep dialoguing and see where we go.

TONY HOLMES:

Tony Holmes for the record. I couldn't let this go without saying we really do appreciate the fact we can come along now -- excuse me -- as constituencies and have these separate conversations. That is incredibly helpful to us.

Today you've heard a set of issues trying to nail that down where we used to just have half an hour as a CSG. Half these things would never have surfaced, and it really has helpful.

Whilst there are better ways of doing things and we can talk about that going forward, this is really appreciated. Thank you.

GREG SHATAN:

I'd also say one last thing, which is I think while it's great that we have these chances for these dialogues, both formal and informal, since I have seen some beers and board members in close proximity in the last 24 hours -- but that's all happening at these meetings which happen only -- three very pressurized times a year. So I think looking for a way to have a dialogue during the rest of the time, the other 49 weeks of the year, would be very helpful and would create a more naturally flowing dialogue over time.

GEORGE SADOWSKY:

Thank you. George Sadowsky for the record.

I agree, Greg. But I think -- I was thinking about this. And I think we don't -- we meet each other in various fora this week, and we also meet each other electronically over time.

I'm wondering if we can't do a better job of it. And I don't know quite what to suggest except that I think -- the board talks about it, but we don't know if you guys in the constituencies talk about it. And we don't know -- generally you're not shy. But we haven't heard suggestions -- at least I haven't heard suggestions

from you about how can we improve this. How can we get to the heart of what's important for us more quickly, more thoroughly, and more satisfactorily in terms of results?

I want to make one other comment on the accountability process. There is a tendency to cast the discussion in terms of us versus them. And clearly given the fact that the constituencies have different functions and powers than the board does, it's sort of natural to go there.

But I'd like to remind you and maybe you don't need it -- but I want to make the point anyway that it's us versus us. And it's us for us. And what we need to do is to make this a win-win situation. We come from the community. We go back to the community. That sounds almost biblical. And we are part of you, and you are part of us.

And it's important that we have a win-win situation out of this rather than making it an adversarial process. Thank you.

GREG SHATAN: Thanks, George.

NAO MATSUKATA: Nao Matsukata with FairWinds Partners.

Just a comment -- or, first, a comment of appreciation to the IPC for raising these topics and working these as thoroughly as you guys do. As a firm that represents many global companies, these issues are brought up to us every day. And we really see these as more infrastructure issues going forward for ICANN for the next round, whatever they may be. In other words, as these issues come up and as these issues are considered, if they're thought of as the foundation for the success of the next round, the participation of more people in the next round I think is one attitude to take. And I can't emphasize enough how important we regard these issues and thank the IPC for really raising these with the board and taking these on. So thank you.

GREG SHATAN:

Thank you. And it looks like we are out of time or beyond out of time. So I want to thank the board for participating in this, talking with each of the constituencies from the commercial stakeholders group.

STEVE CROCKER:

Thank you, Greg. It's been very helpful and engaging as it always is with all of you. This format of segmenting the time so we are talking to each constituency as opposed to the aggregate, I agree with you, has gotten down into specifics that

are more focused and I understand fully are of keen interest to each of the constituencies and probably less so to the others.

So what we are learning from this process, we tried some things in terms of rearranging the shape of the table, so to speak, last time and dividing up the time. We probably need tailored solutions from our perspective of how to engage with the constituencies.

And I'm happy -- speaking for myself, I'm happy to do that because, as I said, we want this to be real as opposed to just a pro forma exercise.

With that, thank you very much. And we'll continue with the rather spirited engagements that we all have during this week.

Thank you.

[END OF TRANSCRIPTION]