
ICANN77 | PF – GNSO: CSG Membership Meeting
Wednesday, June 14 2023 – 15:30 to 17:00 DCA

BRENDA BREWER:

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And with that, I will hand the floor over to CSG chair Lori Schulman.
Thank you.

LORI SCHULMAN:

Thank you so much for being here. You'll note we're starting almost ten minutes late because of the runover for the GNSO Council. That's okay. We will speed up the agenda. That's certainly possible, and we'll make sure you get out at five. We know these days have been incredibly long. So I may cut the time from some of our presentations, so be warned. That will happen.

But with that being said, I will start quickly into the agenda and of course, always to thank the ICANN staff for their wonderful support; Brenda, Andrea, Devin, Terri, everybody. The whole crew has been incredible with this back to back packed schedule, and we don't want to forget to thank the people who support us. And it's absolutely the GNSO Secretariat, so thank you.

I'm going to go right into my update. I had scheduled 20 minutes for discussion, and I'm not going to take it. We'll get through this quickly, because since this agenda was written and submitted, there have been some changes and I will report the changes and perhaps we'll leave the discussion to a later date or time. I might just ask some questions for temperature checks.

With that said, people are very interested in knowing about the update on Board seat 14. As you know, Board seat 14 at this point, unfortunately, has become a contentious matter in terms of how we approach it moving forward. CSG had vetted candidates. We proposed

candidates. We proposed two candidates. One candidate ended up not being eligible because he was from North America, and because the contracted-party-appointed member, Becky Burr, is also from North America. Our North American candidate didn't move forward.

The next candidate was Mark Datysgeld, an equal candidate from Brazil, from the Business Constituency, was put as the proposed nominee, and Mark was not accepted by NCSG.

NCSG then floated Rafik Dammak as a potential candidate to consider. At that point, the CSG reserved the right to review Rafik. We have not interviewed him yet, but as soon as we understand how we're going to move forward, we'll certainly interview Rafik.

The issue for us on the CSG side is there is an agreement from 2018 that describes a process that, upon review of the current ExComm, did not meet what we felt was an acceptable standard of a selection process for a variety of reasons. But the primary reason is there is no mechanism for breaking a stalemate, for ending a tie. In theory, while we're supposed to compromise on a candidate and work in good faith, there's the potential for endless interviewing rounds and stalemate. And we felt, without having a remedy to the stalemate issue, that future selection processes could be quite difficult.

What we'd like to do is fill Board seat 14 under the current agreement. We're not suggesting that we break the current agreement for this round. That wouldn't be fair. But we are suggesting that, moving forward, we need to amend the agreement so that there is a remedy for stalemate. We have suggested that the filling of Board seat 14 and the

reopening of Annex Seven happen in tandem. This was not accepted by NCSG.

We then recommended going to mediation through ICANN' offered alternative dispute resolution specialist, Melissa Peters. Julf Helsingius, who is the chair of the NCSG, and I met with Melissa. We were offered conditions to the mediation that the parties would have to agree that filling Board seat 14 is the primary urgent task, and that the fixing the agreement, if fixed, would be a secondary task. And we were also told that the negotiations in the mediation were strictly confidential.

Neither of these conditions were acceptable to CSG. One of the conditions was acceptable to NCSG. That was the condition of filling the chair first. Ad also, on both sides, where we have complete agreement is that whatever happens next, that any negotiation should be transparent, that the leaders of the two sides of our house cannot be constrained by confidentiality rules, that in order to lead, we need to convene and consent and have input from our members.

So you'll see here how to move forward. Paul McGrady, who is the NomCom-appointed GNSO counselor, has offered very kindly (he's an experienced attorney and mediator) to do a facilitated discussion—no particular rules at this point, but just to sit down and talk face to face here in Washington, DC, tomorrow, to at least get some communication going that could produce a productive result in terms of filling the seat moving forward and fixing a problem. And the issue is we don't have consensus on the problem. What CSG views as a problem, NCSG views as a quality, something to be promoted, being forced to compromise—and if we can't compromise, then we keep going. And that's a process

that at least to the IPC membership and the other CSG chairs[/representatives] is not of great interest to our side of the house. There needs to be an endpoint in a process.

So with that, that's where we are. The conditions tomorrow are that the ExComms of both sides of the house will meet and we'll negotiate and speak. However, the room is open. This is not confidential. You can come and observe. What we are asking is that we keep the negotiators to the leadership, that we don't want to have so many negotiators there that ... I think it's going to be a lot if we have six or seven around the negotiating table anyway. But we're working that out. We're still working that out. There's an open question if perhaps we might have someone who's not part of the ExComm as part of that, and we're working that through.

And Steve, I know you also had requested that you'd be part of the team. I have to be honest, I have mixed feelings about it. I think, given your history with the CSG, and ... I believe you were a part of the team in 2018. Is that true? Who negotiated the 2018 agreement?

STEVE DELBIANCO:

We didn't have a team. We sat in a room, Hyderabad, worked it out, exchanged a lot of emails, and then it was approved in the end of 2018. But it was open to all of CSG.

LORI SCHULMAN:

Right. I'll tell you the truth, my instinct right now is, at least for this first meeting, to keep it to the present leadership and focus on the present day issue rather than go back to the past. But we're still working that

out. We're still talking about who will contribute tomorrow. And we'll get back to you.

STEVE DELBIANCO: I'll be available if needed.

LORI SCHULMAN: Okay. We really appreciate that. I'm trying to strike the right balance between being open and being manageable, because sometimes when something's too open, it becomes unmanageable. But we do—Steve, did you raise your hand again.?

STEVE DELBIANCO: If you don't mind.

LORI SCHULMAN: Sure.

STEVE DELBIANCO: A question. I see Damon here, and I had a chance to look at the alternative proposal that Damon put together. Fascinating. Thank you for doing the work. And I'd appreciate understanding a little bit when we as a group, when we should consider it, if at all. And if so, we'd want to have better explanation on how it works, where we see positives and negatives. Has the NCSG seen that and responded in any way?

LORI SCHULMAN: No. So this is why you haven't seen it. This has been a very difficult discussion, and we are doing our best to conduct it civilly, diplomatically, and within, I would say, the rules of logic, to put it quite bluntly. And what I had said in our negotiations ... I never agreed to confidentiality in that mediation, and I don't so I'm revealing that in that mediation or attempt to create guardrails for the mediation, I had said to Julf, "Look, we've written something. I'm not even going to ask you for feedback now, but will you just take a look at it? Just take a look. Just see where we got do you think this is even," and he refused in that meeting to even look at it when it was something we had given a great deal of thought to, which I thought was, quite honestly, a pity.

We're also getting pressure—

STEVE DELBIANCO: [inaudible]

LORI SCHULMAN: Yeah. And we'll ask again. We're going to ask again tomorrow. And I'll talk a little bit about tomorrow's strategy, too, being transparent.

Damon?

DAMON ASHCROFT: Steve, just for clarification, what we had prepared I never envisioned as a person who could have the first cut at it to replace the 2018 agreement, but more along the lines of sort of amending and supplementing. So I just want to clarify that for people.

LORI SCHULMAN:

Nobody has said ... I want to clarify a few myths that have been going around ICANN, and they are myths, but unfortunately, some of them been put in writing. Number one, CSG never said we are not filling Board seat 14. That was never said. CSG never said we're not honoring the 2018 agreement in 2023. So I want to just make that very, very clear. We have gotten three communications from ICANN Legal, one indirect, two direct, who has decided to insert itself, in its opinion, into the proceedings. In terms of replying, I've acknowledged receipt of the communications. I have not directly responded to the communications other than to acknowledge receipt and note the points. The first message came from David Olive, clearly written by Legal, that basically reminded us of our responsibilities and our priorities and the fact of the urgency of filling the Board seat. That was communication number one. Basically, I felt the message was saying, "Behave."

Message number two was ... What was message number two? I actually now forget, but it was the same thing. "Behave." Oh, no, it wasn't. Message number two was, "I'm here to let you know that you have an obligation to fill the seat. You have not met your deadline. There's now a bylaws violation," which is true. We haven't met the deadline. "There's urgency here. Move forward." What I found interesting ... Oh, and by the way, "If you don't confirm a new appointee, then Matthew retains the Board seat 14," which is true under the ICANN bylaws. This is a fact that we have stipulated from the get go.

So in terms of the urgency of the seat, the seat is filled by Matthew. If we don't rubber stamp Matthew, then he keeps the seat. So where's the

leverage? The leverage is about fixing a problem we're anticipating three years from now. First of all, Matthew should be a legitimate seat holder, which means having the approval of both sides of our house. That's the first thing. The second thing, even if he doesn't, he's still in the seat. He still can vote. So the urgency that I'm feeling and getting these messages about to me is a false urgency.

And then the third communication I got from ICANN Legal (I think it was yesterday) was, "Oh, we've reviewed Matthew and you're not done with your selection process, so we're going to pass Matthew's rating on to you for you to consider." Take that for what it means. But I see this again as ICANN Legal inserting itself into a situation that is not ripe for ICANN Legal to do so. In my view, and I've been open about that, I have not contacted JJ directly. Perhaps that's my next step. I don't know.

Right now, I do feel that the mission should stay focused on opening lines of communication to at least having sides agree to look at things, if not exactly comment. So our strategy on the annex was to produce a written proposal, get some feedback, and then socialize it to each side, rather than have you look at something now, have it change again and again. Whatever we socialize to the CSG, we'd like it to be in a form where not near final, but reasonably far along, so that what you see will probably be what you get with some changes. We're not sure about that. So the way we did this is we did some drafting among the leadership. Damon, being a former NomCom chair, very generously donated his time and expertise to come up with the solution. We vetted it with the ExComm and the leaders of each. It might have gone through your policy team, I don't know. I know on the IPC side, it went through the elected officers and the GNSO counselors. On the CSG side, on the

ISP and BC, I don't know. But the chairs are responsible for the vetting and we vet it.

So, in my view, we have done this fairly. We've done this practically, we've done this with an open mind. And I quite frankly feel, that ICANN Legal is now being used as a lobbying tool. And I don't think that's an appropriate role for ICANN Legal. Why the legal department felt necessary to send these communications, who knows? But again, I think that's a secondary issue to the issue at hand, which is filling the seat and getting a result in terms of Annex Seven and how it would be applied three years from now. Also, in the event, should somehow Matthew vacate his seat before three years, we'd still have this issue.

So that's where we are. So the next step is the facilitated discussion. So the room will be smaller than this. The table holds about 15, and then there's some observer chairs. So it's not a real big open room like this, but we won't turn people away. If you have interest in hearing, you can come sit and listen. Again, we're not hiding anything, although I do feel strongly about limiting the number of verbal contributors at this point, again, to keep the conversation manageable.

So that's all I know, everything I know, and I'm very open to anybody who has creative suggestions about what we may or may not do. My approach has always been in situations like this, having mediated myself ... I'm not a certified mediator, but I've been in mediated situations where I have facilitated and I've been one of the people at the mediation table. And what I like to do is start with points of alignment rather than points of friction. So what I'm hoping that happens tomorrow is that same technique, that we can find some things that we

agree on, open issues that need discussion. Some have been suggested about human rights after our human rights discussion yesterday. Some have suggested aspects of SubPro that we both have mutual interests in, DNS abuse that we have mutual interest in.

In fairness, prior to the mediation, I had several conversations with Julf that I documented afterwards with follow-up notes that were also copied to the CSG ExComm, and in those notes, I verified that, yes, Board seat 14 is one issue that needs to be reckoned with. And then we came up with (and we had discussed this at our meeting in Mexico, if you recall), what would be five common areas of interest that we could discuss?; things like making sure GNSO recommendations are implemented more quickly, addressing volunteer burnout communication. There were five specific ones. So that was documented too.

So all along the way, there's been documentation of where we feel there is alignment. So I was quite surprised in recent back-and-forth that even that may not be what I understood to be common areas of agreement on where we might work together. So we really are at a very sticky point. Julf and I agreed not to correspond anymore by email until we have this discussion tomorrow and that we get some things out on the table. Maybe we just need to vent for an hour. I don't know. That'll be up to Paul as the facilitator. We'll see how it goes. I'm still hopeful. I'd like to find a reasonable and timely solution.

My own view in my personal capacity and my view as a leader is I am willing to stick it out for the benefit of our constituency, but I am not going to allow other institutions inside of ICANN to push me one way or

the other. We'll do what's best for our constituency in the time frame that is needed to get what we need done, done. So if anybody has any questions ...

Mark?

MARK DATYGELD:

Apologies for my tardiness. The council was this morning. Pam Little and I needed a moment to recover. So as far as this subject is concerned, all I will say is I remain available for the NCPH community to help build those bridges. It's something that I've been working hard at and intend to continue doing so regardless of any outcome of this discussion. And if it is the desire of the CSG, I remain available as an option. Or if you would like to reconsider, let's do that. But I like to stress that I'm very available to continue trying to push forward this because it is, after all, for the good of the entire house, right? So whatever it is that can be done, let me know.

LORI SCHULMAN:

We really appreciate that, Mark, because we know you've been through a lot, you've been through the interview process. You were recommended along with Damon. Damon ended up being disqualified by virtue of the fact he's North American, you're Brazilian. You're still qualified in my view, but unfortunately the other team, the other side, has not seen fit to endorse that. So where that all ends up, I'm not sure. And I wish we could sort of take you out of limbo somehow, but I think right now this is just part of what we have to cope with.

Susan Payne had privately asked me, but I'm going to publicly answer. The meeting that I'm talking about tomorrow was not published on a schedule because it was done long after the schedule was published. We just recently got the room. We didn't even know the room till yesterday. But I will tell you when that meeting is, which is tomorrow, June 15, and it is at 4:00. No, it's at 11:00 A.M.. No, sorry, I'm reading my calendar. It is at 10:45 A.M. and is in Marquis 14. 10:45, Marquis 14. If people come to observe, we will let as many in as the room can tolerate. If it becomes crazy, then unfortunately we will ask people to leave. But we're hoping that's not the case.

Brian?

BRIAN KING: You got a question from John.

LORI SCHULMAN: Oh, yeah, Philippe and John, sorry. Who was first? Was it John?

JOHN BERARD: I have no idea who was first, which sounds a bit like an old Abbott and Costello routine, but when objections are made to offered candidates, are they specific or is it just a yes or no?

LORI SCHULMAN: It can be yes or no. Sometimes if it's a hard no, we will ask for specifics because maybe there's a block that we can clear. In the case of Matthew, I will tell you that during Matthew's interview, (Matthew

Shears, the incumbent), we had some concerns because some promises were made about improved communications, reporting back. Those obligations weren't met. So we asked him, and very fairly he responded yes, he had made the promises, but no, he hadn't been good about keeping them. But he'd work on it. It was a reasonable answer, but we decided at the end of the day for a variety of reasons (Matt had been on the Board for six years, there were some concerns about having enough of a business point of view to balance the nonprofit point of view, there were some questions), there were enough questions there that and enough CSG members objecting because of course, we go back to our constituencies, we don't make random decisions at the ExComm level, and there was a strong objection to Matthew, strong enough that unfortunately, we decided that we would not endorse him for a third term. And again, we were applying a NomCom standard. To get a third term on the Board, if you go through the NomCom process to get that third term, you would have demonstrated leadership, extraordinary contributions to the Board. And we decided that that would be a standard that we'd follow. That's also, quite frankly, part of the issues with Annex Seven. Annex Seven doesn't name standards. So the response from NCSG was, well, that's not the standard we agreed. Well, in reality, we didn't agree to any standard. So we took the accepted ICANN standard, which we thought again was reasonable.

So then I got another email saying, can you give us more specifics? And I declined. I do not want this to get personal or nasty or have things written in emails that do not help the situation. And I felt going further than the reasons I just gave you was not helpful to the process. So that's where we stand on the communications issue.

Philippe?

PHILIPPE FOUQUART:

Thank you. I just want to add a small thing to and possibly elaborate on what you just said on the need to work on the procedure from the ISPCP's perspective. Although the constituency is supportive of Matthews continuing (I think we can be transparent about it), we think that, given the terms of the bylaws, given that although we can appreciate the problem of optics, nothing's broken per se, and that had we been in a situation where it were Matthew's 3rd term, we would be in hot water.

So to us, the priority is to work on where the process is broken rather than ... And we appreciate the optics, that's bad. And again, we are supportive of Matthew continuing, but the issue is very much on the process, because again, had we been in a different situation, we would be in trouble with an [empty seat].

LORI SCHULMAN:

Correct. And that's why we're pressing so hard on the procedure. And that's, quite frankly, a CSG chair. Openly, this has been a real challenge because Philippe articulated the ISP position. The BC and the IPC have different positions. Reconciling all those positions to get consensus, to move forward, has been quite a challenge. And we do have consensus on the process. We don't necessarily have consensus on Matthew, as you just heard, but two of the three constituencies have extremely strong objections. So we certainly couldn't go forward on that basis. Would somehow fixing the annex remove the objections? I don't know.

At this point, I don't know. And that's the question we'll ask when we get there, but we're not there yet. But it's well-noted from ISPs where you are. We've really respected where you are, and we're working very hard to get an outcome where the right candidate, whoever that is, is in the seat and that the procedure is fixed to your point, because that's what we've been hearing from the CSG side. “Well, we have time. We'll fix it in three years.” It's like, no, we're not kicking this can down the road anymore. And I agree. Nothing's broken. It's just optically. And this, quite frankly, where I feel like the intervention of ICANN Legal and senior policy staff on this issue is creating a false sense of urgency and calling fire where there probably isn't a fire yet, but could be. So it doesn't help.

Any other questions or comments? This is an important issue. We are spending a lot of time on it, which I think is important, and I'm not going to sacrifice this issue. I may ask the other presenters to cut five to seven minutes off their presentations.

Yeah?

PHILIPPE FOUQUART: Just on this, if I may, I see that we scheduled 20 minutes for point number two. It's going to be two minutes.

LORI SCHULMAN: Awesome. So we'll get our time back. Okay, thank you, Philippe. And I had put there building bridges with NCSG, meeting with ExComms in DC. I said we didn't know it when I wrote this schedule, but in fact, we did know it, and I apologize for that.

I think the questions that I was asking to this group is, do we still agree about tandem negotiations? And I'd like to recommend a joint selection team and not have, however we move forward, CSG moving forward with a process or NCSG moving forward with a process, and we keep going back and forth. What I'd like to see is a joint team and all candidates vetted by the joint team and have we start from ground zero together rather than have it sort of be like a tennis rally back and forth between each side of the house ("Here's my candidate." "No." "Here's my candidate." "No." "Here's my candidate." "No.") because I envision that, and I want to try to prevent that if we can. It's just time wasting and energy wasting.

May I close the discussion or is there any other ... Is there somebody in the back I don't see?

KRISTINA ROSETTE: There is, yes. Can I make a suggestion?

LORI SCHULMAN: Yes, Kristina. Thank you. Kristina Rosette, you're recognized.

KRISTINA ROSETTE: Kristina Rosette, currently blissfully unaffiliated, former IPC counselor, president, vice president, BRG member, Registry Stakeholder Group member.

LORI SCHULMAN: And I told her she can have the presidency back anytime she wants it.

KRISTINA ROSETTE:

So I'm coming into this never having heard about this particular issue until yesterday. But I'm just wondering whether you've given any thought to perhaps (I know this is going to sound crazy) inviting whoever from ICANN Legal wrote the letter and David Olive to attend the meeting as observers. To me, that would accomplish a couple of goals. First, it would give them some visibility into what's actually going on, as opposed to whatever messages they may be getting from the other folks at the bargaining table. It would also give them actual information, because in the absence of any response to any of their communications, I think the natural tendency is to assume the worst. And I think you would have to be extraordinarily clear with them that you are inviting them just merely as observers, to level set. And because you haven't had an opportunity to respond formally, here's this chance. You can see what's going on.

In terms of the mechanics of it, I think what might make the most sense would be, if this is what folks wanted to do, to send those two folks an email, copy your counterpart at the NCSG, but make it very clear that the ICANN Legal and policy attendance would be conditional on NCSG agreeing. Because if they do, you win, and if they don't, you win.

LORI SCHULMAN:

And this is why the presidency is open to you, Kristina Rosette. I think that's a great suggestion. Do people agree with that suggestion? I think it's fantastic. Absolutely. I will do that. I will do that right after this meeting. That makes a lot of sense.

John?

JOHN BERARD: Inviting them to it, even as an observer, validates their participation in the process.

LORI SCHULMAN: Well, I could position as this: “Since you've demonstrated an interest__.” I wouldn't validate that they have any sort of obligation. It might be how I word it. It might be, “Since you've demonstrated an interest in our business, please come and take a look.” But I get your point, John. It validates what they're saying.

But on the other hand ... It's very interesting. So NCSG took the option of responding point by point. So it's interesting. So the first communication came by David Olive, which we acknowledged because we had face to face discussions with him as well. So that was okay. The second communication came directly from John Jeffrey. I thanked him and I said that the points that he pointed out were well noted. And that was the end of my response. I was not feeling that I wanted to defend the actions that we are taking. I didn't feel that was appropriate. NCSG took a different tact and wrote a letter that explained how they viewed the problem and the steps they've taken to resolve the problem from their end. So more fulsome. Less fulsome answer. The communication that we got yesterday kind of floored me. I just again, thanked them for the information and that we would consider it because, again, I wasn't really clear and I didn't have any way to verify even what I was being

told was, in fact, the practice that the evaluations of the Board members are routinely sent.

Damon?

DAMON ASHCROFT:

I think Kristina has a great suggestion. That all being said, I think that the communication, particularly what was sent out yesterday, was just completely inappropriate for ICANN Legal to send out. Evaluations of Board members, I could tell you as a NomCom Chair, is something that the NomCom has to ask for, typically fight for, and sometimes we get, sometimes we don't get. I think it bears noting that what they did was not appropriate. I think inviting is your prerogative if you want to do it, but still, it was wrong.

LORI SCHULMAN:

Right. So here's what I'm thinking. To invite them, to Kristina's point, is promoting transparency, and the biggest issue that I have with them right now is that they sent their staff mediator in and said, this is all going to be confidential. And we're like, oh, really? "And not only that, here are your priorities." "Oh, really?" Okay. So my response when someone's hitting me with something like that is to note it, but I'm certainly not going to make it any bigger or give it more importance by somehow doing a point-by-point response. I just didn't feel that that was the time. There may be a time, although my thought is the time is after we have resolved the problem, not conflate the problem. Right? So I would like to prioritize the concerns that we have and go that direction. If I start wrangling right now ... I've publicly expressed my

dissatisfaction. I think that's sufficient. If there's a question, they know where to find me, obviously. And then when this is all over, we can talk about it and assess it. But I feel like we're just too much in the middle right now, and I don't want to make it worse.

So other than John (again, valid point), are there other people who ... Can I just maybe just take a temperature check, a show of hands, for who thinks we should invite them?

Who's, no, don't invite them?

All right, well, the yeses have it. I will send out a very carefully worded invite. I will copy Julf. I will copy Paul. And maybe as a courtesy to Paul, as the facilitator, I will ask them first. Okay. They had invited Steve to participate. They asked me, so I think that's fair. So I will get this going in whichever direction we head. A communication will go out before the meeting one way or the other. Does that make sense? Because I do not want to be disrespectful to Paul or Julf. Okay. But Mason and Damon and John, your objections are absolutely noted and considered.

Damon?

DAMON ASHCROFT:

All I want to say on this topic is thank you, Lori. Thank you for all your efforts on this, and thank you for the other folks that have contributed to this. This is not a fun thing, so thank you.

LORI SCHULMAN:

Thank you for the thank you. This is the first time I think I've heard in a while. So I do appreciate it. This has felt thankless, to be honest, but I

do appreciate that. This is one of the toughest issues that I've dealt with as a leader in ICANN. And I was in on the discussions when Matthew was initially nominated, when Marcus had been nominated prior to that. I mean, I've been at the table for Board nominations for most of the time I've been at ICANN. And this is funny because it would have been 2018 when the agreement was discussed. I don't recall that at all. It's so funny, I just have zero recollection. So I probably, I'm sure, did not participate in Helsinki because I have no memory of it. So I do remember Reykjavik very clearly. I remember the discussions with Marilyn Cade regarding Marcus, and I have very clear memories. And the fact that I don't have a clear memory of Helsinki definitely leads me to believe I wasn't part of it. So, unfortunately, I don't have a personal reference point. I have only been going by what I've been told.

And the one thing that I would do differently now, as opposed to six months from before, when we started all this (really seven months before) is I would have reached out to Julf immediately to clarify the process, which I thought was well understood and clearly was not well understood. That was a learning for me.

But the rest of it? We supplied the questions, the candidates, we were as open as we could be. We went out to NCSG and said, "Do you have candidates? Do you support Matthew? Where are you?" And the response was, "We support Matthew." And I said, "Okay, we will make sure that we interview Matthew. We'll make sure Matthew is considered, no question."

So that's where we are. This is where we are today. And so what I'm really hoping that we focus on tomorrow is where we are today and not

get too wound up in the past, because I do believe there are honest misunderstandings on both sides, and it's just now time to clean it up. That's all.

Steve?

STEVE DELBIANCO: Thank you. And I'm curious as to where there's confusion or misunderstandings with regard to that simple one-page procedure by which both have to vote yes. It's in writing, it's locked in. We all knew about that.

LORI SCHULMAN: Yeah. So where the misunderstanding came from (and as I said, this was my failure, quite frankly) is that I had been told by several members of the CSG that there was an agreement, because Matthew (and I do remember this, because there was some discussion about in the IPC) ... For Matthew's second term (and I'm only speaking from the IPC view, not the CSG view.) the IPC members were told, "Matthew is up again. Do you endorse Matthew?" or initially, the IPC did not first, for the reasons we said and why we expressed our reluctance about communication, blah, blah. But we were asked (and I thought it was a fair ask) to give Matthew a second term, that he needed three more years to develop that one term wasn't going to do it. And if you keep switching Board members like this, you're never going to get seasoned Board members from outside of the house. And I thought that was compelling. Absolutely compelling. And so that was an argument that turned a lot of no's into yeses on the IPC side. And I do remember at the end, the IPC

supporting Matthew for a second term. That's the only memory I have. Nothing confusing about that.

Fast forward to 2018, which I was not involved in, now to 2023 as the chair or the new chair of CSG, being told by several CSG members that, "Oh, we control the nomination." There was an understanding that, were Matthew to serve that second term, the CSG, even though we understood there was a lot of objection to Matthew [but] went ahead anyway, was controlling the nomination process. I agree that this is an urban myth, but it informed the process. It informed decisions that we made as an ExComm based on this understanding. So because it's not documented, there is no writing. I have looked, I have asked, I have interviewed, I have done the diligence to see, where is this coming from?

STEVE DELBIANCO:

Yeah. And I have no recollection whatsoever of that. And I also want to thank you for the hard work you've done and sympathy for how much frustration it's been. So I guess it's a good thing you get to toss this hairball to the next CSG chair.

LORI SCHULMAN:

No, not really. Actually, not really. And we can discuss this too, and I'll skip down to item four. So at the end of this month, in two weeks, Mason Cole will become the chair. As you know, we rotate the chair every six months, and Mason's in the hot seat.

That being said, there was a decision made among the ExComm (but if the membership feels differently, I'm happy to step aside on this one)

that, for consistency's sake, we would keep me as a lead negotiator on this issue. If that's something that the membership feels might be more helpful to rotate the lead negotiator as well, I have no pride on this. I've done the best I can. If we think we can get a better result with another leader, I'm happy to step aside.

MASON COLE: I don't want to comment on that. I'll leave that decision to CSG. But since you skipped item five—

LORI SCHULMAN: No, I [did] 5.

MASON COLE: Yeah. But since the hairball comes to me next, I just want to take a minute and say thank you for all your hard work as CSG Chair, all your hard work on this issue, and your leadership of the CSG for the past six months.

Can we have a hand for Lori, please?

LORI SCHULMAN: Thank you. I do appreciate that. It really has been a tough six months, with all that being said.

So, as I said, the ExComm made this decision. If there are general members in any of the constituencies that would prefer a different negotiator, please talk to your chairs. Filter it through your chairs, and if there's a need to change, we'll change. As I said, I want this to resolve,

and if we think resolving it would be better with a different negotiator, then sure, no problem. I'm not going to stand in the way of that at all.

So we'll move now, Philippe, for your three minutes on closed generics. I'm going to end the topic there.

PHILIPPE FOUQUART:

Yeah, it could be (thank you, Lori) even shorter than this. As you would have noticed, for those of you who attended the sessions both on Monday and Tuesday, the framework is in draft form. It's being shared with all the constituencies. It's open for comments (small C) until July 15, I think. I'm not going to go into the substance. The result is what it is.

I just wanted to ask the CSG whether people had considered a joint response to that comment period or not. You don't have to answer now, but I just wanted to raise the question. And I appreciate that people might not have time to actually read the framework, but you can take it away and get back to the CSG leadership. I think the ISPCP will definitely respond in our own capacity anyway, so I'm just raising the question. Thank you.

LORI SCHULMAN:

Okay, sure, Steve?

STEVE DELBIANCO:

I'll just share my view on that. We worked very hard on closed generics in the BC twelve years ago and helped with the full CSG to object to the competitive and consumer confusion concerns of, say, dot-hotels being

run by a hotel company or a travel company. And we framed all along with that narrow set of concerns, which don't necessarily mean that ICANN has to prevent it. It just means that competition and consumer protection authorities should keep an eye on it.

What we saw in that framework, though, is fantastically complicated and highly subjective with respect to the notion of public interest, of an affirmative public interest. So just me speaking, I believe it's really overkill, and it's almost two years' worth of work that they anticipate ahead—96 weeks. So it's phenomenally complicated, subjective, and doesn't resolve the controversy in any serious way. So I certainly have my doubts.

LORI SCHULMAN:

Okay. Am I not answering the question? Did I miss something in the thread here?

No, we just need to look at the framework from a physician and articulate—

STEVE DELBIANCO:

We rarely do CSG positions.

LORI SCHULMAN:

Right. But we might want to in this case. No? Why not?

STEVE DELBIANCO:

[inaudible]

LORI SCHULMAN: Yeah, okay.

PHILIPPE FOUQUART: That was the question. For what relates to the policy work, that's going to be coming (not to the framework, but to the policy work), I would probably agree with that, but going into that level of detail for the framework would have gotten us in the weeds. But that notion (and I can be transparent), that difficulty, of handling competition issues by ICANN was raised during the discussions. It is overly complex given the variety of regimes and the various authorities on the matter, but it was deemed out of scope for this effort. That's the way we would approach this from the ISPCP's perspective. We would consider it out of scope for the framework, if you see what I mean. Comment on the next steps? Possibly. That's the chartering of the PDP. But as far as the framework is concerned (well, we should probably consult the constituency for this), we would probably not consider it appropriate for the framework to cover competition issues in more.

LORI SCHULMAN: What I would recommend for this, perhaps, is if we have consensus on the framework from the three constituencies, I see no problem having a rare CSG opinion. I think it makes sense. In terms of to your point about the policy work, yeah, we might want to run back into our silos for a variety of business reasons and concerns, particularly ISPs versus the ISPCP. I could see there might be some divergence there. BC? I'm not sure.

So if we can, let's aim for a CSG opinion or whatever you want to call it and give it so we can put that on Mason's to-do list. Yay. But yes, I agree. I agree with that approach. Let's approach at the high level the framework and then go back to the constituency level on the policy work. But hey, if we're also in agreement on the policy work, again, I personally would find it refreshing if the CSG came out aligned on such an important issue.

Okay, so is that it? Does anybody else have any questions on closed generics? Anybody in the back? Can you take a look? Damon, anybody in the back?

DAMON ASHCRAFT: No, I don't see anybody.

LORI SCHULMAN: Okay. And I don't see hands raised online. I see Marc. Marc. I see a hand. Trachtenberg. Old hand?

Yeah, Marc?

MARC TRACHTENBERG: Can the position of a CSG be that this is a phenomenal waste of time and that we should not be dedicating all these resources and 196 days or minutes to this topic that nobody seems to really care about? I think we're either going to have closed generics or not. This framework seems completely pointless and unworkable and there's so many other things that have to be resolved for the next round and generally in the community that this one seems pointless.

LORI SCHULMAN: Marie? I'm going to go to Marie if it's in response to Marc. What I'm going to ask people to do is respond to Marc's comment in the chat. I'd like to see a little chat action here on this because that's an interesting point and not one that I've heard considered. So we've got Marie in the queue, then Philippe, then John McElwaine.

MARIE PATTULLO: Thanks. It's not a direct response to Marc, but when you're talking about 96 weeks, please bear in mind that the NCSG have been very vocal about the need for a human rights impact assessment on this specific ... what am I calling it? Proposal. It's not a proposal framework. Potential policy might be a PDP [,] not [so] in others[.] But they have been (Susan and Mark will verify), the last couple of days very, very adamant that there must be a full human rights impact assessment on this. So the 96 weeks might turn out to what Mark just said to be 196.

LORI SCHULMAN: Okay. And I have a follow up question to that for, I guess, Philippe or Marie, who might know more about this NCSG position. Was there any discussion that human rights impact assessments have been discredited academically at all?

Of course not. Okay, I'm going to move on, then.

And so Philippe, then. John McElwaine.

PHILIPPE FOUQUART: Thank you. And just to be blunt, if Marc's suggestion is for the CSG's position to dismiss the framework altogether (unsurprisingly, given the conversation we've had within the constituency), the ISPCP wouldn't support this.

LORI SCHULMAN: Thank you for sharing that point.

All right, we have John McElwaine, then we have Mark Datysgeld.

JOHN MCELWAINE: Thanks. So having spent six months of my life on it, I hear Marc's point, but I would maybe suggest that it be put in the vein of that we don't want a second round held up due to closed generics, rather than just completely throw it out. It's a small problem that needs a solution, and so let's continue to work on it.

On human rights, I don't think, other than freedom of expression, the closed generics have [anything] to do with anything else that I can think of of a human right except for intellectual property and freedom of expression. So I don't think it's going to be a huge lift from that perspective.

LORI SCHULMAN: Thank you, John.

And then after, John was Mark and then Thomas.

MARK DATYSGELD: So I would like to add some color to that based on the feedback we got from Marike from staff yesterday at the closed GNSO Council meeting. So the human rights impact assessment is not an obligatory motion of every project we carry out. It is obligatory for us to look into the necessity of a human rights impact assessment. So that's very different. In one, we have to carry that out no matter what we're doing. And what it actually is, is we need to, as a community, decide if it warrants that impact assessment and what are the criteria that will be carried out, and so on. So in terms of how that goes, sort of echoing what John was saying, it is malleable what can be done with that, and we should look towards, seek support from staff and try to understand the other side's position to see what exactly does that entail, right? What is the scope of this? Thank you.

LORI SCHULMAN: Thank you, mark.

I believe Tomas is next.

THOMAS RICKERT: It looks like this is not the only issue that we have to resolve before the new round can be launched. And it looks like everything is sort of gearing towards an 18-months period, so that this particular issue would not hold up the train. And I think it's incumbent on us to make sure that it doesn't, with exercising our oversight as councilors of the GNSO Council. But if this were the only topic, I would be looking into ways to truncate or kill this even harder. But I think that this needs to be dealt with once, and I think that once we have this framework, there

will be peace on that subject for future rounds to come. I mean, this is a huge issue for the GAC as well, so I think we should try to make it happen in order to also make that interface easier to handle.

I do agree that the practical relevance might be close to zero, but it's just homework that we need to do and I think we should accept it as a fact and just make sure we get through that as quickly as possible.

LORI SCHULMAN:

Okay, Thomas, I want to thank you for raising that point about the GAC because I think that's relevant and it is of deep interest to them. So I think that's well noted and appreciated.

Marc, is that a new hand?

MARC TRACHTENBERG:

I just wanted to respond to John's comments and some others. Is this really a problem that needs to be resolved? I mean, it was never resolved in the first round and kind of the status quo is that there's no closed generics, so just leave it be. Why are we wasting all this time on a framework that will be completely unworkable and nobody cares? I mean, nobody advocated more for there to be unrestricted closed generics probably than me, but I lost and that's okay. Let's just move on, right? I don't know if the GAC is necessarily pushing to have closed generics, but if there are going to be closed generics, then I think they want this framework. So it seems to me the solution is just no closed generics and then no framework is needed. Because even if this does not delay the next round, it wastes a huge amount of resources now and

will result in a huge amount of resources being wasted later when people try to apply this completely unworkable framework.

LORI SCHULMAN:

Again. I'm going to take Marc's comments as food for thought. What I'd like people to do is to think about it that way. In fairness to this process, the ISP position is well stated and well noted. I don't know that the IPC has a civic position on this or the BC at this point in terms of the framework up or down. So I'd like our leaders to take this discussion back to the constituencies and for the CSG ExComm to put this on the next agenda, Mason, for us to think about, because, again, there's the logic here, and I think it's worth discussing at a minimum.

And to my point about getting at it at the higher level, if the other constituencies come to different conclusions, then we might not be able to have that high-level opinion that we'd like to have. Then that's how the world operates, right?

I think it's worth sort of tabling this right now, going back to our members, getting a stronger sense of what the consensus is in each of our constituencies, coming back at the ExComm, and then moving forward. Does that make sense here as I move forward?

Okay, then I'm going to close the discussion here and we'll move on to the RAA/RA redlines. Tomorrow is our joint meeting with CSG CPH. There are two agenda items, the RAA/RA lines. Many of you were in yesterday's prep session, so hopefully we're well briefed. There are talking points that INTA and the IPC put together. It was distributed to the distributed to ... [Did I] distributed to the BC or not? I'm happy to

distribute the talking points that INTA and IPC came up with to both constituencies, so you can see where we're coming from. We asked Brian King to take that lead in the discussion tomorrow for the CSG, so Brian will give us a little bit of a preview on that.

And then in terms of making the registration data request system successful, Mason will be leading that for us tomorrow as well. And I see that as a little more open-ended, more brainstorming, and Mason will share with you as well. But we need to prep for these meetings, so the rest of this time we have exactly 20 minutes.

So I'm going to give ten to Brian and ten to Mason. Thank you.

BRIAN KING:

Thanks, Lori. It occurs to me that we should begin that part of the conversation with being appreciative and congratulatory to the contracted parties and ICANN on working together so efficiently so quickly to get those contract amendments together. As tempting as it might be to take the Frank Costanza “I got a lot of problems with you people” approach to what happened and how it worked out, I think we should be appreciative and congratulatory, so we'll start there.

For my ten minutes today, I'd love to gather thoughts and feedback on opportunities to engage with the contracted parties. These sessions between CSG and CPH that occur toward the end of the afternoon on the last day of ICANN meetings can actually be pretty kumbaya moments when everybody's too tired of yelling at each other all week. So I think it is really an opportunity for us to be a bit collaborative and maybe open-minded, as tired as everybody might be at that point.

I have a couple points here that I think we should address or opportunities to collaborate based on some notes and some developments throughout the week that I want to discuss with everyone here. Please tell me if you disagree with any of these points, if I've missed anything you think is important and just kind of get us all on the same page so we can be effective in that meeting.

So the first thing that I've flagged here are web forms. I think Phil Marano rightly pointed out that those have been a challenge in the past, in particular with notifying registrants [of the] WHOIS request system. Some of the registrars have limited their web forms to like 100 characters. And when I was in the EPDP, I remember counting the characters and thinking that it wasn't enough space to say, "I have this registered trademark. You're infringing my rights. Please stop." Wouldn't fit in the message in the allocated space. So I was encouraged, though, to hear from Jamie (I think it was Jamie) that ICANN would require web forms to be sufficiently robust to facilitate attachments and to have a large enough minimum character limit so that we could actually submit a proper abuse complaint. So I think that's good.

But I think an opportunity to collaborate would be just to get the contractor parties on record as agreeing that they would be willing if they went the web form route, which is a new opportunity for them where previously they were required to have an email address for this. So if we can get kind of an agreement (it would be non-binding at this point, I guess) that they would be open to a robust web form experience should they go that route, because it has to replace what we have in email if they go that way.

So that was one I can pause and see if there are any hands on that before I move on to another point.

[LORI SCHULMAN]:

Yeah. If you don't mind, I'd like to read the statement, the IPC statement, just so people hear sort of how he opened the open. I just sent the text to the CSG ExComm[.] And Steve, as policy person for CSG, you do have it now in your inbox, hopefully. But this is how we started and then went into the point.

“INTA and the IPC congratulate the parties for reaching a minimum threshold of responsibility that will hopefully lead to greater community work in this area. We appreciate that the amendments were negotiated quickly and recognize that DNS abuse is a communitywide problem in which the entire community needs to pitch in in order to further mitigate and combat abuse. Through contractual changes and voluntary efforts, we can begin to make real progress. Given that there is an open comment period, we take the opportunity to share preliminary thoughts on the red lines presented to the community. Of course, we will take the full comment period to thoroughly assess and contribute to the finalization of the proposed amendments. Our initial thoughts are below and will be vetted within our stakeholder group for final statements in conformance with ICANN's public comment process.”

BRIAN KING: Thank you. So if we have any thoughts or questions on the first part about web forms, raise your hand either in Zoom or in this physical room, or else I'll move to the next point that.

STEVE DELBIANCO: I think, Brian, you remember we discussed this extensively yesterday. They agreed concerns and also the notion of attachments, remember?

BRIAN KING: Exactly. One opportunity that may be worth exploring is whether the contracted parties will be agreeable. This came up in the GAC session earlier today. It was pointed out that the advisory that accompanied the contract amendments didn't say what ICANN would do in response to any kind of breach of the RAA or RA redlines. And so seemed like a good opportunity to get the contracted parties on the record of clarifying. What I think we all know is that ICANN is able to enforce the contract and these contractual provisions through to breach and termination if the contracted parties are not in compliance with these red lines.

Actually, as soon as that came up, I was surprised that that wasn't in the advisory. And I don't know why ICANN wouldn't do that, given that that's been our primary complaint about the existing language for the last decade.

So any thoughts or questions on that?

SUSAN PAYNE: Just a quick comment, which is that Russ Weinstein said earlier today with the GAC that they absolutely intended to enforce right through to breach notice and termination where appropriate. Obviously.

BRIAN KING: Thanks, Susan. I remember that, too. I was hoping to get the contracted parties on the record as agreeing with that. That is where I was going. Thanks.

Marc Trachtenberg, please.

MARC TRACHTENBERG: I just wanted to add that in addition to not having small character limits on the web forms, right now, the requirement is only that they have to provide confirmation that they've received the report. The problem is then there's no real record of what was in your report other than maybe if you take a manual screenshot, which is not great. So I think that they should be required to not only retain and keep a copy of that web form content, but they should also be required to send back the content you submitted in your confirmation because then you have a record of it as well. And that's going to be necessary if you are going to initiate some sort of complaint to ICANN Compliance.

BRIAN KING: Thanks, Marc. I hear you. I do think the likelihood that the contracted parties agree to send a copy of the complaint back to the complainer ... It's probably low probability of getting them to agree to that. That's just my gut. I don't know what anybody else says.

MARC TRACHTENBERG: Why would that be low, though? I mean, they already have to send the email message. It doesn't really take much to send you a copy of the content of what you submitted, and a number of registries and registrars already do that.

BRIAN KING: I hear you, Marc. We can certainly add it as a talking point tomorrow and get their temperature on it.

Okay, the next thought I had (and not seeing any hands here in the room, and with two minutes) ... Two thoughts. I'll just go quickly then. One is that we could begin a discussion shortly after congratulating them on this work to talk about more work and start talking about what form they think DNS abuse PDP or PDPs could or should take from here. It seems like, while this conversation is going, we've heard a lot of reassurances this week and that this is just the first step and they're open to more work and more work will be done. Let's keep that going and say, what format do you think that should or could take? That's another thought that I had.

I think I have, like, one-and-a-half minutes left. So I know there's a lot of ambiguity in this language around what constitutes actionable evidence. That language is really squishy and makes me uncomfortable.

But as we get into that conversation, or if we get into that conversation, I wanted to point out that somebody from the contracted parties (it might have been Ashley) put in the chat a reference to the advisory that

the contracted parties put out on submitting abuse complaints and what they like to see what's required in abuse reporting. And I just want to caution this group that that is not a helpful document to us. I think a lot of the things that they ask for in that document might be helpful to them, but (Steven, one sec) ... That document asks for a ton, I can tell you, that is not strictly necessary (might be helpful, but not strictly necessary) for them to evaluate an abuse complaint.

Also, that document is really problematic from where we sit because it explicitly carves out IP from DNS abuse. There's, like, how to submit stuff to us. And then one subheading is DNS abuse, and the next one is intellectual property. So it's a clear carve out of our stuff. And so that's not a good document from where we are. So I would just caution not to put too much credence into that document when we get into that part of the conversation.

And finally, I just wanted to flag before we go, Steve, real quick, that the language in the RAA amendments require them to stop or otherwise disrupt the DNS abuse. And it's clear from the sentence that follows, that “Actions may vary depending on the circumstances, taking into account cause and severity” ... And it goes on. But to be clear, that language, in my view anyway, is still intended to give them a caveat or an out if they determine that this is best handled at the web host level or some other level, not to stop the DNS abuse. So I just wanted to throw that out there if folks want to press on that “otherwise disrupt” language and why they wouldn't be required to stop the abuse.

But Steve, if you still want, thank you.

STEVE DELBIANCO:

I would strongly suggest that we not build up the demand for starting the new PDPs tomorrow. Maybe the next meeting, but I don't see that as being a productive way to go. They are focusing heavily on the idea of getting approval from registrars. They need positive approval of 90% of the registrars. And for the RDAP amendments, they had a really tough time getting anywhere close to that. I don't even know if they're there yet—but they are. Sarah says yes. And I think the registrars are focusing hard on the idea that this is significantly new obligations, which is one of the reasons it may not be all that you wanted, but it's significantly greater than what they have today. And I know the registrars are worried about getting that vote done.

And I believe that when you mentioned the advisory, you mentioned the registrar's advisory on what they want. But that isn't on the table right now. What is on the table, though, is ICANN Org's 15 page draft advisory. It's on the public comment page and I just sent it to all of you in the Zoom room. That I verified yesterday. That is fair game for us to comment on, and it's an ICANN.org document instructing us as to how Compliance will interpret the new amendments and apply the new amendments, including the definitions of things like “actionable” and “evidence.”

So let's read that document before tomorrow, direct lots of questions about where we think that document could be improved. It would be wonderful if the contract parties agreed with our improvements, but if they don't, we can still submit them to ICANN Org because ICANN Org gets to make the decision on how they're going to enforce it. They will try to try to find a consensus, but it doesn't require an affirmative vote of the contract parties for the guidance. So that guidance is far more

important than the guidance you brought up. I agree it's troublesome, but that's not on the table right now. This is on the table, and we should segue from being appreciative inquisitive suggesting and then dive into this document. But I certainly would not segue to a robust discussion of the next PDP.

BRIAN KING:

Thanks, Steve.

And Mark Datysgeld, and then I'll be finished. Thanks.

MARK DATYSGELD:

Thank you. I will speak now on behalf of this [inaudible] DNS abuse. Let me put that hat on. So let me step back for a second and remind you why this is very important for the CSG. A lot of IP infringement is fishing and pharming. So it's not like we are not getting anything out of this. On the contrary, we're getting a bunch out of this. We just need to understand how to work this to the favor of our clients.

So the idea from the start was, what are the minimal things that we can get accomplished under this gathering, the entire community input? And we arrived at, okay, this section of the contract is, frankly, nothing. The DNS abuse enforcement part is literally not there. Where we got now is we fast tracked, and we didn't waste five years or six years of our lives discussing what DNS abuse is. We instead went with a fast approach, talked to them, said, "Hey, this is bogus." And they said, "Yeah, we kind of agree." And now we're back on the table with something that's actually very actionable and will help us protect our clients.

So for now, while I do agree there's a bunch of work to be done, I think this is good, and we should communicate to our stakeholders and our clients that this is good. This will help us actually fight bad actors. So I would recommend the CSG to go into that meeting with that frame of mind and instead how we can optimize this in our favor moving forward. Thank you.

LORI SCHULMAN:

Mark, thank you. That's going to be the last comment. I'm going to give myself the last word and then go right to Mason. I think tomorrow is really going to be about helping get this past period. And I think that's what the CPH definitely heard yesterday. So to the extent that this conversation can also focus on that, "How do we rally our troops to help their troops to get this done?" I think, is definitely the attitude we want to take.

On these red lines that I just said to the ExCom, hopefully some of these will form the extent of comments that will come from the IPC and INTA and perhaps your other constituencies as well. There's a pitch for INTA's new definition of domain abuse, which we don't expect to be accepted, but certainly we want to throw it out there to start socializing.

Okay. With that, I'm going to go right to Mason and give him the last few minutes to talk about the RDRS system.

MASON COLE:

Thanks, Lori. We only have five minutes left, so there's not a lot of time for interactive discussion. So I'd like to give some context first and then make a couple of suggestions about how we can enter the discussion

with contracted parties tomorrow on the issue of whatever you want to call it—Redress or RDRS, or whatever it is.

So we're sort of in a rock and hard place situation, right? So this is not the system that we were looking for. It's not nearly robust enough. There's no guarantee of a return of useful information. So ICANN has positioned this as a measurement of demand of usage of the system and of the underlying WHOIS data. The downside of that is no usage of the system, for whatever reason, whether you're frustrated with it and you don't anticipate any result, or it's too hard to use, or there's not enough utility, or anything along those lines, can be spun as though there's no demand for WHOIS data, and we want to avoid that. I think I could safely say the CSG wants to avoid that kind of outcome.

So we don't want people to give up and not try. What we need to do is get correctly focused requests into the system so that true demand can be measured.

So the good news is we have some support from contracted parties. I don't know if you saw it, but Ashley Heineman posted a blog recently inviting registrars to participate in the RDRS system, which is a good development, but it's not comprehensive on the part of contracted parties. As we know, registries are exempted. They don't have to participate. So what we need is as many registrars to participate as possible.

The question then becomes how do you get out of the inside baseball world of this ICANN bubble that we live in and generate some real demand in the outside world for the system? ICANN doesn't really have a great track record in terms of awareness-raising.

So I'd like to enter the conversation tomorrow with contracted parties first understanding their level of participation on providing information through the RDRS, what their ideas are about true awareness raising in the communities that are most likely to use RDRS are, and how contracted parties can help from there.

So if you can bring your ideas ... And everybody here in the room should come to that meeting, even though really it's kind of the last one of the ICANN session. But if everybody here can make themselves available and bring their ideas to that discussion, I think that would be a very productive use of our time.

I yield the floor. Thank you.

LORI SCHULMAN:

Thank you. I agree. I think we have to be really practical in our approach tomorrow and not aspirational, but quite practical.

With that, I am going to thank everybody for toughing it out till five and for really bearing with us on the Board seat 14 issue. It will get resolved. I have faith. So let's keep pushing. And I want to say thank you to everybody. And see you at the cocktails.

[END OF TRANSCRIPTION]