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BEIJING – BOARD with Commercial Stakeholder Group

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ELISA COOPER:

All right. So why don't we go ahead and get started. Thank you all for joining us. My name is Elisa Cooper. I am the chair of the business constituency, and we are here as the CSG to speak with the board, and without further ado, I'd like to jump in.

You should have received an agenda which shows the topics which have been presently sent to the board for discussion, and we will have various members from the CSG acting as leads on each of these topic areas.

And with that, I'd like to lead off on the first topic area, which is: What are the views of the board relative to the RAA and the RA?

And from our side, J. Scott and Steve Metalitz will be leading that discussion.

STEVE CROCKER:

Thank you very much, Elisa. We have up here, in addition to myself, Bill Graham and Bruce Tonkin from the board. Let me welcome everybody. Our focus in these interactions is –

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J. SCOTT EVANS: Steve, can I just interject? It's very hard to hear you. I don't know what's going on, so if the folks technically, it's...

STEVE CROCKER: Can't hear? Can't hear? Is this better? Apparently you have to almost eat the microphone. No?

>> (Speaker is off microphone.)

STEVE CROCKER: Have to...

>> (Speaker is off microphone.)

STEVE CROCKER: You have to actually eat it. There we go.

J. SCOTT EVANS: Now you're on.

STEVE CROCKER: Okay. Very weird. I'm recovering what I was trying to say.

We want -- we want to focus on what you are interested in and we want to get right to it, and I see from the way these questions are phrased that there's no hesitation about jumping right to the heart of things.

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So with respect to the question posed, what are our views on the RAA and RA amendments, I think from our perspective the appropriate question is: What do you think about it?

We want to hear -- the board is in the position of listening. We're getting a lot of information from management. We're not driving things. That's not actually what we do.

So -- but we do want to hear, so let me -- let me turn that question around and ask -- and I suspect from the frame of the question that there actually are some strong thoughts so we might as well get to it.

STEVE METALITZ:

Thank you. This is Steve Metalitz from the intellectual property constituency and I will start off this discussion.

There are a -- there's a common problem with both the RAA and RA amendments, which has to do with the ability of our constituencies and the ICANN community in general to have timely input and the ability to discuss and deliberate on these amendments.

On the other hand, there are some important factual differences here.

The RAA process has been underway for about four years, and throughout that process -- this goes back to the Mexico City meeting, if you recall that. Throughout that process, one of the problems has been: What is the role of the non-contracted parties who are very significantly impacted by the RAA provisions but are not at the table in the negotiations? What ability do they have to, first, bring in topics; and

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second, to comment on how those topics are being handled and to have some input there?

At the end of -- after 3 years and about 11 months, we have had a 21-day comment period on many dozens of pages of material, and our constituency commented. I believe some of the other constituencies have as well.

And then we learned, about 18 hours ago, that there have been six additional changes that were described to us but no text was shown. Some of them actually raised seemingly brand-new issues that hadn't been in the RAA before. Others dealt with issues on which we had commented.

And at this point we're unclear as to what opportunity we will even have to review those changes and communicate to the board, which has the ultimate decision here, what our views are on those.

I want to emphasize that what we do know about the RAA revision, there are some very positive aspects to it and we compliment the staff and the registrar team for their hard work in developing this.

But we're quite concerned, since this is our -- perhaps our only bite at this particular apple in this decade, the way things usually go in ICANN. We want to make sure that we actually have a chance to see what is being proposed and to give our input on it, because on issues such as WHOIS, on issues such as privacy and proxy registrations and many others, we have a great deal at stake in this.

So that's how this issue comes out in the RAA.

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I'd like to now turn it over to J. Scott, who can talk about this on the registry agreement -- the new gTLD registry agreement side.

J. SCOTT EVANS:

A couple of points.

First, we never have and we need to get on board and discuss the RA as it's going to apply to new business models like dot brands. That discussion has not happened. We're here at the cliff, at the 11th hour, and it's never happened. That needs to happen, it needs to happen soon, it needs to be serious, it needs to be focused, and these issues need to be resolved, one.

Two, guys, this process of dropping changes to the RA on us while we're on a plane coming to a meeting halfway around the world from our business people, it's got to stop, period. We need more notice when things like this are going to happen. We probably need you to tell us, "We're thinking of doing a change. Here's when we're going to give it to you." But just popping it on us like this? Absolutely unacceptable. You know, we're trying to get buy-in from people who have not participated in this process, and that's not how they do business.

Imagine if we did that to you in your business, your real-world business, outside of this bubble. It's unacceptable and it has to change. Has to change.

I echo the comments about the optics that were made by Chuck Gomes, who's been in this process forever. He thought it was extremely antithetical to the good faith that we're asked to bring to the table. And so we need to do that.

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We've got a whole -- the world is watching us right now very closely, and the optics are extremely important, and this is very poor optically, and it needs to stop. It needs to change.

I've told Fadi this. I think Fadi is in agreement that this is an area that needs to be improved.

We need to improve this, and we need your help and guidance with staff to make sure this kind of thing doesn't happen.

STEVE CROCKER: The -- both the content and the emphasis are coming through loud and clear.

ELISA COOPER: Any other questions, comments, thoughts, before we move on?

Steve DelBianco.

STEVE DelBIANCO: With the business constituency.

And in October we were in Toronto, the same group meeting, and we presented a list of eight items about which the commercial stakeholders group had concerns, and I'm just thanking you because two of the eight -- Number 5 and 6 -- were with respect to the registrar accreditation agreement. One was the need to validate WHOIS and the other was to require registrars selling names in the new gTLD space to use the new, the latest RAA. And so I think it's -- it showed that there was listening and real action in making those items happen. Thank you.

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STEVE CROCKER: Thanks.

ELISA COOPER: All right. Why don't we move on to the next point, which will be led by John Berard.

JOHN BERARD: Thank you. This is John Berard from the business constituency. I hope that this conversation will -- or this question will sound less like a "yes"/"no" question and more like a "so what do you think" question.

I will admit that the question regarding ICANN's structure, as we have posed it, is a little bit of a misdirection.

Think of the question about structure as really a metaphor for what we see as a growing -- an increasing -- increasingly difficult decision-making environment.

In and among the CSG ourselves, we often have differences of opinion that need to be adjusted, moderated, and within the structure of ICANN, there are even more different points of view.

And I guess the question is: As we look at the reviews that will be taking place, the expansion of interested parties inside and outside ICANN, what do you think will happen with the structure of ICANN to accommodate both the -- solving the particular problem we have now and accommodating the new players that will be arriving?

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STEVE CROCKER:

I think this is another phrasing of dialogue that I've listened to multiple times about the influx of the new registries and registrars due to the gTLD program bringing -- that expansion will cause, necessarily, some structural change throughout the GNSO, and the question is what should that be and how should that be.

I don't know that I've seen any specific contributions that suggest specific changes on that. I see Sebastien's hand and then Bertrand and Chris. Did I miss anybody?

Why don't we just start.

Sebastien?

SEBASTIEN BACHOLLET:

Thank you. I guess we have interpretation in this room. Then if I can ask you to use your headphones because I will switch to French.

The revision of ATRT. Something should be implemented. Okay.

Following the revision, the review of ATRT Number 1, the request was made that a period of comment would be organized, and a period of response to the comment, so we had to find a solution to accommodate this request in a time that was not too -- too much time.

This is how we arrive to this proposition of 21 days, at least, for the comment period and for 21 days for the response period.

At the beginning, there was a request for more time. Organizations like yours were not happy. When it comes to the PPC, we decided to wait a little bit more to see how things would function, and as you know, we

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have a review -- a regular review of all the actions linked to the reviews, ATRT 1, as we said, and we are right now starting to work on this question.

One part of the answer is that we didn't have the technical tools to be able to do better. So I hope that in the months to come, we will have the tools, the technical tools, to allow us to make proposition to you and to work on these questions so we can have more time for comments and answers.

This was for question number one.

Which was asked just now. For the -- on the second question, on the amount of comments, multi (indiscernible) most comments, it is a true question that the whole organization should ask, how do we reduce the number of comments. Thank you.

STEVE CROCKER: Thank you.

BERTRAND DE LA CHAPELLE: There was a slight misunderstanding on which issue --  
Regarding the second question --

CHRIS DISSPAIN: You weren't speaking French, Bertrand, but the translators will for you.  
[ Laughter ]

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BERTRAND DE LA CHAPELLE: Is that okay if I speak English or is it the French Ministry of Foreign Affairs overseeing me? Still now.

[ Laughter ]

Okay. So coming back, this issue of the impact of the new gTLD introduction on the structure, the processes and also the (indiscernible) intentions within the organization as have been on the agenda in the past and introduced, and as you know in Toronto in particular there was a breakfast informally that was organized with people from the different stakeholder groups, just a brainstorming element. Beyond the impact of the new gTLD itself, there is a broader environmental evolution, as Fadi has correctly presented during his introductory speech on Monday, and so the thinking is the evolution of the organization and one of the outcomes of the breakfast was clearly the question of scalability, the question of adaptability and the timing issue because we have a challenge of thinking about things at the moment when the new actors are not all there or not all involved. But it was very interesting, for instance, to see the presentation that the brand registry group made to the GAC yesterday, if I'm not mistaken, where at the end of the presentation of Philip Sheppard there was this notion that it is now organized or will be organized as a trade association but that the natural consequence is that it will apply to become a constituency.

Given the fact that ICANN is a constituency-based organization it triggers a whole chain of consequences regarding representation, and so on. So without getting into the substance it is clear that there is a lot of issues and challenges. Initially the idea -- and I'll finish with that -- the idea was to address this in a main session in Beijing and the goal --

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the reason why I had initiated this breakfast in Toronto was precisely to prepare a process that would lead to a meeting in Beijing. In discussions with Fadi and other members of the board, it appeared very clear that given the agenda in Beijing and how it was loaded with the actual implementation issues of the new gTLD program, it would have been either a diversion or difficult to put in the agenda. And so the decision that is being made is that this will be one of the big topics for Durban. So be assured that it is not dropped out of the -- of the radar. I understand that there have been contributions that have been produced, including from your constituency, and it's very appreciated. And we'll -- we'll discuss that in further detail in the preparation of Durban. And any input on how you would like to see these topics being addressed in Durban, the type of format, for instance, is highly welcomed.

STEVE CROCKER:

Thank you. I have -- if I've been keeping track -- Chris, Marilyn, and Erika.

CHRIS DISSPAIN:

Thanks, Steve. What was going to be a simple response has actually become slightly complicated by what Bertrand said. My simple response is, the question is, what's the board's thoughts on -- and I think it was sort of refined to be GNSO organizational structure, at least in the main, and the answer is, that's up to you. From -- my answer. We just had a session with the ccNSO. They've had -- because of the introduction of IDN and ccTLDs -- they have had to restructure because they have, for example, now got more than one registry country.

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They've just reported to -- I'm sorry. They have just reported to us that they have made -- finished the Policy Development Process and the restructuring is about to happen. That's entirely their responsibility. Now, whilst we and Bertrand's talking about facilitating a discussion to talk about what the possible tensions are and so on from the influx of all of the new people, it is fundamentally a GNSO issue to work out the way that it needs to be structured. And if I've misunderstood the question, then I apologize. But if that's what the question was, that's what I think.

BRUCE TONKIN: And I think that's the right answer, Chris, at least from my perspective, too.

STEVE CROCKER: I have Marilyn next and, in fact, the queue is getting longer.

MARILYN CADE: I think I'm going to pass because my brief response was on one small part.

STEVE CROCKER: Thank you. I have Erika, J. Scott, Bill Smith, and I'll put Bertrand back in the queue. Did I miss anybody? Oh, and Tony. I'll put you in before Bertrand. Erika.

ERIKA MANN: I had a similar like Chris, but let me add something else. I'm just checking on the Web site. Your comments actually to this point and it's

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very hard actually to find your own thinking. I'm sure you have talks laid out but it would be certainly helpful, and follow-up on Bertrand said in his last point, actually to receive all your comments with regard to this point as well. Because it's one thing to ask us what we think about, but I think I would appreciate to have your thinking about this as well. There's some thinking one can find, but I'm sure you have certainly more detailed arguments you want to make.

STEVE CROCKER:

Thank you. J. Scott.

J. SCOTT EVANS:

This is J. Scott Evans from Yahoo! I'm also a founding member of the brand registry group in formation.

First, I'm very encouraged to hear what Chris and Erika just said because I do agree that it is for us to define who we are and how we will fit in the structure that's one.

Two, you can't abdicate your responsibility because the only time this process has been used since 2008 was when NPOC was created, and that was a bit kludge and had the support I would have expected from the board was more silent than I want to see as we go forward. I expect you to stand with us and to stand with us and to stand strong. You developed the process. We are willing self-identify. We're willing do the work. We're willing to be here but we want you to stand side by side as a partner with us and help us effectuate proper, fluid change to the model that will be in the benefit of the stakeholders and the Internet as a whole. Thank you.

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STEVE CROCKER: Thank you, Bill Smith.

BILL SMITH: Thank you, Bill Smith, PayPal. I'm intentionally using PayPal and not saying anything else. I want to talk about the organizational structure at ICANN generally and draw out a few words: Constituencies, stakeholders, registrants, registrars, registries, CSG, contracted parties, non-contracted parties, NCSG, ICSP, ISP, BC, GAC, SSAC, NRO, and it goes on and on and on. And we are now hearing that we are going to have potentially more groups, stakeholder groups, constituencies, who knows what.

I would suggest that we simplify going forward. And I will remind people that all of this was done by Jon Postel at one point.

If one person could do this, admittedly on a much smaller scale, can't we do this in an organizational structure that's far simpler and is truly bottoms up, multistakeholder where I as Paypal could participate as a stakeholder, not aligning myself either with an intellectual property group or business group or something else because our issues cut across all these. But allow us to form around issues, get work done in an agile manner and be able to move things forward more quickly. And I think simplification is going to be the only way to do it. I am concerned hearing -- we are going to add more acronyms to the acronym soup that we have. Thank you.

STEVE CROCKER: Thank you. Tony?

TONY HOLMES:

Tony Holmes for the ISPs. It is interesting that Bertrand raised the issue of the brand group coming along because we just see that as the tip of the iceberg with some of the changes that need to be made. And you also mentioned that there needs to be some form of evolution, totally agree with that. But to facilitate an evolution, you need to have a framework within which that can occur. We currently don't have that. We haven't had any discussion around that. And that must be the emphasis for the near term.

One of the things that does worry me is any reference to the fact that each entity as the organization works now can look at it and come up with their own fixes.

Just a little bit of history. And I'm going to come back to this on the final point. But the GNSO as we know it today came about when there was the last GNSO review. We were given a month to come up with an arrangement that we could subscribe to. We came up with the best we could at that time. It isn't the ultimate arrangement.

Since then, the environment we work in has changed, does a lot of different pressures. And we need to look at the whole thing holistically and see how it works.

And if we go down the path of just tinkering with the current structure, we are going to put stick and plaster on something that doesn't work that well anyway. This is a real chance to improve it. And we need to start that discussion about how we can work. And the reference that's been made so far to agile working should underpin that thinking as well.

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So this is our one chance to see the organization evolve in a way that produces a much better product; and that should be the own, not just fitting in the odd group that comes along because of the new gTLD program or whatever. Let's look at it and get the right answer.

STEVE CROCKER:

I'm going to take the privilege of inserting myself before Bertrand here and try to engage a little bit on these last points. There is a framework in my view. The framework may not be the right framework, but we have -- and I take no -- I had nothing to do with the organization's framework. But it is quite evident we've divided things into Gs versus CCs. And in the Gs, we've divided things between contracted parties and non-contracted parties. And then subdivided further into the registrars and registries on one side and the commercial versus noncommercial on the other side and then left room underneath those for addition of new constituencies.

Fine. To me -- to the question of do we have a framework, that's what I see. Is it an useful and appropriate and meaningful framework? I think that is a very important question, the suggestion that maybe we should be organized around issues as opposed to constituencies has been voiced before and hasn't gotten a whole lot of traction.

When I compare how we work to our older friends over at the IETF, there are no constituencies per se. In fact, they work very hard to avoid all of that. It is organized around issues around substantive topics. And even there the division sometimes pose issues, but they're able to deal with that.

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They're not a perfect organization. I wouldn't suggest that we should just copy from there. We deal with a different set of issues.

I do think that's a quite relevant question to put on the table.

Let me ask the board members who come from the GNSO, Bill and Bruce, whether you've got any thoughts or comments. I mean, you've lived inside of the organization and also seen this from the board side. So it might have crossed your minds in the past.

BRUCE TONKIN:

The comment I would made is similar to the one I made in the GNSO Council meeting with the board earlier in the week, and that we have a process where we are doing a review of each part of the ICANN organization.

And what I would encourage and Chris Disspain made a similar comment that rather than just sort of relying to some consultant to come up with some great new ideas what I would really like to see is the GNSO do its own self-review. And as part of that self-review, you might fundamentally look at what's the efficiency of producing effective policy. And to the extent you might want to look at different structures or different constituencies, if that helps that process, then so be it.

And I think Bill Smith is right. It seems to have gotten more complicated than it needs to be. And looking at simplifying it would probably be something for the GNSO to consider. But I don't think that's for the board to top-down make that change nor do I think it would be particularly useful to get yet another consultant to create yet another complex structure. So I would say that you should really focus on

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producing a self-review and looking at what's the fundamental objective of the GNSO and is it achieving that objective.

And then absolutely, J. Scott, we'll stand side by side by you, to help you achieve that based on the changes you want to make.

STEVE CROCKER: Bill, did you want to offer anything?

BILL GRAHAM: Just to say I completely agree with Bruce.

STEVE CROCKER: Good, thank you.

Bertrand, you were in the queue. And then maybe we should move on to another topic.

BERTRAND DE LA CHAPELLE: No, it was just to pick on two dimensions that I think are not contradictory. There are two sides of the issue. What J. Scott has said and has been endorsed by others, including Chris and Bruce and so on, is the primary responsibility of the GNSO and its substructures to see how to implement the current evolution process to accommodate the newcomers.

However, what Tony says is that there is also -- and I think Bill Smith as well, is that there is a holistic approach that connects the GNSO and the other structures including the ACs and other parts of the community in

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the decision-making that have also an impact. And those two dimensions have to be articulated.

What I was alluding to in my earlier comments, as you noted, had nothing to do with an indication of what the board thinks about the substance because that's not the point. It was just giving an indication of the topic being on the agenda and the fact that as Fadi has indicated, it is likely to be in the course of the discussion on the strategic plan an element that will be discussed in Durban. And it is just indicating a timing.

STEVE CROCKER:

Marilyn.

MARILYN CADE:

Thank you. My name is Marilyn Cade, and I would just like to make a comment in relation to -- other people in the room as well as myself were on the GNSO policy council at the time we did the self-review of how to improve policy development. We did not at that time review the GNSO. We were -- and I think, Bruce, this is a critical point because reviewing a Supporting Organization took place subsequently and is incredibly resource intensive.

And I must just say having lived through it that be a little cautious about your expectations of the workload to us to undertake a lot of additional work as well as trying to fulfill our obligations. That's point number one.

And point number two, if we really are going to review -- to take a strategic review to look at our mission and to look at our core values

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and to look at the interrelationship across the present structural subparts, I would urge us to do at least some part of that before we send people out who are not working well together now to devise new structures. That is a personal point of view.

STEVE CROCKER: Thank you. All right.

ELISA COOPER: I would like to turn it over to Kristina to take us through our third point.

REMOTE PARTICIPANT: I'm so sorry. There is a question or comment from a remote participant. Can I read it out briefly?

ELISA COOPER: Yes, please go ahead.

REMOTE PARTICIPANT: It is John Curran, with respect to discussion of ICANN structure and its evolution, it is worth remembering that ICANN's structure was originally delineated based along lines of the Supporting Organizations for three resource types: Protocol numbers, addresses, and DNS names. The "constituency" approach is the result of a compromise to avoid deadlock setting up the original DNSO, and it remains to be proven successful. Thank you.

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ELISA COOPER:

Kristina.

KRISTINA ROSETTE:

Thank you. I think the question we pose with regard to the difficulties that we're facing in participating effectively in public comment periods is fairly self-explanatory. But I really do want to emphasize how important this is for the constituencies within the CSG and particularly with the IPC.

I can tell you that there are very important issues in the past two months that the IPC has not been able to submit public comments on because of the sheer volume of work and the short time period and the fact that for the vast majority of our members at least their organizations, whether they are international organizations like the International Trademark Association with 7,000 members or corporations.

And when you have an organizational entity that wants to participate in the public comment process, it is extremely rare for one individual to be able to develop the comments and unilaterally approve them and post them.

I think the concern that we have is that we are seeing the problem worsen. We are having to avail ourselves of the reply comment period, even when we haven't submitted an original comment, simply so that we can get something in. And, you know, to the extent that the public comment period is intended to be viewed as a forum in which all viewpoints have been provided and heard, at least from the IPC

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perspective, I need to emphasize to you that that is no longer an accurate premise. So I would welcome a queue on this.

I know others in our stakeholder group feel very much the same. And to the extent that the board has any solutions or suggestions, we very much welcome them.

STEVE CROCKER:

Let me just ask a question to make sure we understand what we're talking about.

Is it -- is it specifically that the number of days allocated is too short and that the solution from your perspective would be to lengthen that, or is there something more complicated involved?

KRISTINA ROSETTE:

It's, frankly, the perfect storm of multiple factors. The fact that you have so many comment periods going simultaneously, that the -- the fact that there is implicitly an internal approval process required before organizations can submit comments, and the short length of time.

If it was lengthened, I think that would certainly help, but the fact of the matter is, is that -- and perhaps this becomes a broader question that should be discussed elsewhere, but there's just too much work and too many -- too few people who are able to do it.

STEVE CROCKER:

So I hate to drill down to this level, but it still seems to me a quantitative question that -- with two parameters: The number of questions

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outstanding, number of public comment periods that are open, and the length of time for each one.

And so, you know, sort of betraying my technical background, if you put a number on both of those and said the maximum should be so many things that are outstanding, open, and the minimum on the number of days, does that -- would that fully address the point that you're making here?

KRISTINA ROSETTE:

I think it would be impossible to say now that it would fully address it, but I think it would be an excellent start and I'd like to try it and see what happens.

ELLEN SHANKMAN:

I'm sorry, Steve. This is Ellen Shankman. I think it has an additional parameter of timing. It's not just how many. So if you reduce the numbers of the ones that you did and extended the time in which you were allowed to do it, I think it's also the timing. Often these come while people are traveling from very far away to your meetings all over the world.

So if you want to encourage foreign participation, the recognition that it's not just -- some of these come while we're in the airplane here, but they also come the week that we're trying to clear our desks in order to be able to come and participate.

So if you would like additional fuller participation here, it needs to build in a back factor of the timing of the fact that those same people are the

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ones that need to raise it in their organizations. So I would add that as another factor in the perfect storm.

STEVE CROCKER: Thank you. Elisa, you're running the queue.

ELISA COOPER: I would just ask if anybody has any new information to add, as we're drawing short on time and I do want to get to the last topic.

Jonathan Zuck and Bill Smith and Bruce.

Go ahead, Bruce.

BRUCE TONKIN: Yeah. Just one thing, just to pick up on what Ellen was saying, too.

What would perhaps be useful for at least the staff would be to give an indication -- because some -- not all groups comment on every item for comment. You know, the board and the staff, as others have pointed out, are putting out an enormous amount of material but not all that material is interesting to all people.

But to the extent, let's say, it was an issue that the intellectual property constituency thought was vitally important, what might be useful would be to telegraph early and say, "This is a topic we really want to comment on. You know, can we have an extra 14 days or something before we submit our comment?"

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That at least allows the staff to manage their time as well, because they can go, "Okay" -- because they're busy writing reports as well, and they can go, "Okay, this might come in a bit late but at least I know it's coming in 14 days late," and they can plan their time around that.

So perhaps more of a dialogue would be useful in that, you know, if you are going to submit a comment and you're struggling to get your group together, at least stick something in the public -- public comment forum saying, "Hi, I'm the chair of the" -- whatever group it is -- "we're not going to meet your date but we will in two weeks' time or three weeks' time" or whatever. You know, that would be useful.

KRISTINA ROSETTE: We're doing that already, Bruce.

ELISA COOPER: I really would like to move on to the final topic, unless anybody feels that they urgently need to speak on this.

Okay. So -- oh. Bill Smith. Go ahead.

BILL SMITH: Sorry. Bill Smith, PayPal. I believe this is just another example of why we need to simplify and be issues-based. Bruce pointed that out. If it's something you care about, you will participate in it if it's an issues-based organization, and you will feel less -- a lesser need to comment or review everything from your particular perspective as a constituent or stakeholder.

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And as a computer scientist, I know -- and engineers know this -- that the earlier I catch problems in the process, the easier they are to fix, and a comment period at the end of a process catches them at the absolute worst time. Thank you.

ELISA COOPER:

Okay. Thank you, Bill.

Can we move to the last topic, which Tony will take us through?

TONY HOLMES:

Thank you. There is a linkage between this topic, to some degree, and the previous topic of structure that we spoke about, but I'm aware that there are some board members who have been around for a long time and others who are newer, so just to pick up on that as a starting point, within the GNSO there's a lot of diverse views and it's broken down into two houses. On the one side, there are the contracted parties and the registries and registrars, and certainly the way the -- the industry is moving, I would suggest that on a number of issues, they are becoming closer together.

That isn't reflected in the other side of the GNSO, in the other house.

The commercial stakeholder group is just half of that other house.

Within that commercial stakeholders group, we have the intellectual property constituency, the business constituency, and the ISPs, and we are a diverse group as well.

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There's a lot of trust within that group, and I would certainly argue strongly that we work well together, but we don't share the same views on every issue.

Now, throughout the life period of the CSG, we have worked quite hard to get a common view wherever we can, and I think in -- to some degree that may be working against us now, because it appears that we are viewed as one layer of the organization. We clearly are not one layer.

The commercial stakeholder group is just a label given to three constituencies, and we're at the stage now where increasingly we are being asked to supply a single representative onto working groups, onto panels, and other functions that we need to engage with, and it's a very difficult, challenging thing for us to do.

It's diverting a lot of attention where we should be addressing issues to deciding who should fill that role.

How can they do it? How can they represent a myriad of views?

It doesn't exist in other parts of the GNSO, and it's something that we are really struggling with.

And if we can find a way to overcome this so that we can have that diversity, bring that to the table, help the discussion, and it isn't resource-intensive, it would be a great load off of this group of people.

STEVE CROCKER:

I'm going to play -- betray the fact that I don't know something here.

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Where did the rule come from about how many people and where they're chosen from, about the structure of working groups?

TONY HOLMES: I don't know the answer to that, Steve. It would be interesting --

STEVE CROCKER: I don't recall the board passing a resolution dictating the structure of working groups.

KRISTINA ROSETTE: Steve, I can tell you that the recently convened meetings working group, we were restricted to one participant.

STEVE CROCKER: And can you transform that sentence to put in the active party?

Where did that restriction come from?

KRISTINA ROSETTE: I have absolutely no idea.

It was in the announcement of the call for volunteers. Where it originated from there, I don't know.

STEVE CROCKER: Where I come from, we should do more things like that.

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KRISTINA ROSETTE: We're going to start.

[ Laughter ]

ELISA COOPER: Steve Metalitz.

STEVE METALITZ: This is Steve Metalitz from the intellectual property constituency. Yeah. Ignoring it's sometimes a good strategy, maybe we should use it more often.

But just to emphasize a point that Tony made, as a fellow veteran of the process, quote-unquote, by which the current GNSO structure was developed, it was never our contemplation that the CSG would be a vehicle for articulating common policy positions. If we could, great, and once in a while we can. But it was designed to be an extremely lightweight label, as we've heard, to be applied to the independent constituencies.

And I know sometimes from the lofty perch of the board and you're looking at an organizational structure, it may appear that each of the boxes in the chart is actually equivalent, but we've heard that in other cases here to say that the challenge faced by the GNSO where the number of registries is going to increase by 70-fold is commensurate with the challenge faced by the ccNSO because their numbers increased by 5 or 10%, I think we sometimes have to go a little bit beyond the organogram and realize that even boxes that are in the same place on the chart do not actually refer to the same thing. Thank you.

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ELISA COOPER: Thank you. So we have just a few minutes left, so Mikey, then Marilyn, and is there anyone else that wants to be in the queue on this? Okay. And then Steve. That will be our last.

MIKEY O'CONNOR: And Sebastien. He's been very patient.

ELISA COOPER: Sorry.

MIKEY O'CONNOR: This is Mikey O'Connor. I'm a member of the ISP constituency, and I'm an earnest plugger at the working group level and I see working groups as the solution to every problem and I'm something of a maniac about that.

I have a very short URL for all of you, [bar.com/w](http://bar.com/w), for working groups. I have a rant about working groups.

And I just wanted to clarify that in the GNSO working group structure, there is no limit on any person participating. You don't have to be from the GNSO. You don't have to be from ICANN. Anybody can participate in a working group.

And so that's my little clarification and a rant about why I think working groups are so cool, is at [bar.com/w](http://bar.com/w).

ELISA COOPER: Sebastien?

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SEBASTIEN BACHOLLET: Sebastien Bachollet, chair of the meetings strategy working group, and I think I answer this question. And when you say you don't know, it comes from the ATRT. We tried to mimic how it was done for the ATRT.

If it's not a good way to do, I think we need to review the ATRT 2.

But one of the reasons was, I remember very well Mikey struggling with a very huge number in a working group, and it was very difficult and we have trouble to get to an end.

To be a member of a working group is not to say you are the only one and you are just coming with your voice. You can be a representative. You can discuss with others, even if it's not just the (indiscernible) and I am ready to talk with anybody during this work.

I will spend this afternoon in two groups already to discuss with them. I am ready to come to you too.

I don't think that it's because you have your brother in the working group that your voice will be more or less heard. It's people to work. It's not just the one who will give inputs. We will try to have as much as -- inputs from the overall community. Thank you very much.

ELISA COOPER: Let's see. Marilyn?

MARILYN CADE: Thank you. Marilyn Cade. I'm going to try to take a slightly different approach of pointing out that words matter and we're using the same words when we actually mean different kinds of meetings or different

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kinds of groups, and I think that's really important, but I want to give examples.

So groups like ATRT 1, ATRT 2, WHOIS review team, those work- -- those review teams, ATRT 1 we had one representative from each of the SGs, meaning four from the GNSO.

For ATRT 2, we were limited to one per house.

We have -- you've -- what you're hearing from us is we're so diverse, even within the CSG, that we can't do just one, and I -- I also -- I'm going to make a comment about the word about "work."

Being a representative when you have so much, our people are trying to do the work. We're burdening one person not only with gathering enough information from their own constituency, but then trying to work in other constituencies. So that's my comment.

I would also say there are some groups where -- in the WHOIS group, for instance, where we might agree to have a designated representative, but I think we need to spend a little more time with the staff's help, perhaps, understanding that we need to give some guidance on what can work best for us to be the most effective, both in working and in representing and advising.

ELISA COOPER:

Steve, we have one minute left and I think Tony wanted to say one final thing, so...

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TONY HOLMES: Well, I think Marilyn has really made the point I wanted to make, that you've heard from us that we struggle with the workload. You've also heard that we're getting diverted where we have to supply one person to a review group. And there is a difference between working groups and some of these other teams. And I also believe the ideal answer is to let us decide. Where we can have some economy of scale and have one person representing us, we're happy to do that. But in many cases, that isn't the situation, and we need to have that representation to enable the diverse views to be submitted, and we can't spend time frequently discussing how we're going to do it and trying to find an ideal person to what is, without any doubt, not an ideal proposition.

STEVE CROCKER: Yeah. So since I was one of the co-selectors for ATRT 2, I'll just -- I don't want to get into the -- an extended discussion about the dynamics, but my comments about working group and -- are qualitatively different from how review teams are set up, and as I say, this is not conducive to a detailed discussion of all that, but I would not -- the dynamics for the review teams are qualitatively different, in my mind, anyway, from the kind of working groups that we're talking about here.

ELISA COOPER: So I think we're actually out of time. Steve, did you have something very, very brief to say?

STEVE DeBIANCO: Yes, 15 seconds.

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Steve, on Sunday's meeting with the GNSO and the board, you described CSG as a layer. A layer between the council and the constituencies. And as an engineer, the word "layer" means something. But it isn't a layer, it's just a label. And we use "CSG" as a label for three constituencies not so much because we need to be labeled but it distinguishes us from the other half of the non-contracted party house, which has no commercial sensibilities at all.

[ Laughter ]

STEVE CROCKER: Thank you.

BRUCE TONKIN: Just a comment. This sounds like the difference between policy and implementation.

[ Laughter ]

I'm just looking at the board resolution that related to the meeting planning group, and there's nothing there that specified the membership other than that it should have members from the SOs and ACs, so the policy said we should have appropriate membership from SOs/ACs, but the implementation of that policy was to make a specific selection.

But I think the real issue, Steve, to pick the ATRT 2 just as one example, is that you didn't actually have a dialogue with the group that was appointing people, and that, I think, is where you failed.

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You know, I think it's a case of saying you made a decision based on data that was sent to you, that this group had sent to you saying "We want" -- I think it was four people. You chose to select two. But a dialogue might have been useful. And maybe two might have been the right answer but the dialogue would have been helpful. And perhaps the same in Sebastien's case as well.

So, you know, a lot of this I think is about saying the groups that are from the bottom up trying to appoint people to work on a particular item, they've chosen people for a particular reason. If you choose a different case, you know, it's certainly within the authority of the -- of the selector, so to speak, but at least a dialogue might be useful and maybe, you know, something mutually agreeable is decided.

So just a comment. I don't really want to single people out, but it is an implementation issue we're talking about, not a policy issue.

SEBASTIEN BACHOLLET:

Just one point. We have to take care of gender balance, regional balance, and the balance of the organization, and I would look to the selection we made. We had seven women, nine men. We were unable to do eight/eight. I regret that. And we have a regional balance.

Then when you take all that into account, it's starting to be very difficult. You are -- some of you are mathematicians. If you add too much things into the equation, it's complicated to find a solution.

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STEVE CROCKER: We've run over time, so with apology, I think we have to draw this meeting to a close.

As I said when we opened, we -- the board looks forward to a full and frank discussion and jumping right to the issues. I don't think we wasted any time doing that, and the -- the board has a bit of a challenge and a whole series of very dense meetings to -- there's a tendency for things to become kind of uniform and our attention to slide. It certainly did not happen here. This has been very stimulating. Thank you.

ELISA COOPER: Our sincere appreciation.

[ Applause ]

ELISA COOPER: Thank you.

STEVE CROCKER: Thank you.

[ End of Session ]