

Heather Dryden: As we mentioned earlier, Avri is now here to present regarding applicant support and the new gTLD program. Avri, if you would like to go ahead, please.

Avri Doria: Thank you, and I'm going to go through these slides very quickly, because I have limited time here. First thing we've got is we call this group the Joint AC/SO Working Group, so that's why we call it JAS, and I'll be referring to it as JAS all the way through, but it's support for new gTLD applicants. The most important thing about this timeline is A) we've been working on this, but the very first item on the timeline is GAC letter to ICANN back in March 10, that basically said "and what about making this think affordable for people from developing countries and developing economies?"

And that inspired the Board, I assume that inspired the Board to put its proposal, and from there we got chartered by both the GNSO and ALAC to come up with some proposals. I looked inside the letter you most recently sent to the Board on things that were still of concern, and didn't see the applicant fee issue, so I hope that isn't an issue that you're no longer interested in, because we're sort of counting on GAC interest in the topic of support for those from developing countries, and that's part of the reason I'm here.

So the Working Group has basically produced a milestone report and the first charter we had basically gave us the general shape of what we would be talking about. That has been published, and I was just informed today that it is available not only in English, but

in the five UN languages as well. We wanted to make sure that it had as wide a distribution as possible. What's most important on this side is that the need criteria, that basically what we have to establish is that the applicant has need, and the other categories; once need is established, then we're looking more toward the non-profit than the profit.

Applicants located in emerging economies, one of the things, when we did a draft of this report, AFRALO came to us and said, "You know, in developing countries it's often a local entrepreneur who is really the one who needs the support. We don't have the same non-commercial, non-profit structure, so basically we've amended since then to include that local entrepreneurs in markets where market constraints make normal business operations more difficult. But still always the need criteria would need to be met.

Applications in languages whose presence on the web is limited and community based applications such as cultural, linguistic, and ethnic. Now, on all of these, we have more work to do. We got feedback from the Board that said "How do you define need criteria?" So we've gone back to the GNSO and the ALAC saying "Please charter us to answer that question" because that wasn't a – we needed at first just to establish the large scope of the idea, now we're being asked "how do you define non-governmental here? How do you understand this community based?" so that's going on there.

We had several – one of the problems that we had was try to constrain the list of those, who in this first round, would be qualified for support. So after lots of discussion, anyone that was applying for a geographic name would not be in the category of those qualified to receive support. Pure governmental or parastatal applicants.

Now, that was basically if it is a government organization. We did take into account later that just because an applicant got some support from a government didn't exclude them. It was basically that if they were completely supported by a government they wouldn't be qualified; there's sort of an assumption there that if you're completely supported by a government, you do have some way to obtain funds.

On the geographic names, it was basically if you are already in the application process here and coming to these meetings, and somebody that is already considering this, then you're not in the category we're talking about, because we're talking about people who cannot enter this process, who couldn't conceive of applying for a new gTLD, unless there was some aid.

But basically also asking that they have a business model that demonstrates some sustainability, the business model needs, of course, to be appropriate to the culture and economic environment that they're in, and of course that's always been one of the problems with the fees that are required. They sort of reflect one kind of economy, barring people from other economies. One that

we have had, we didn't reach consensus on, what was basically excluded was the .brand TLDs, in that that was a category that there was an assumption that ownership of a brand gave you a certain amount of financial power and one would assume that if you were doing a .brand, you had a certain amount of financial resource. We did have a minority viewpoint that said someone from a developing economy could have barely scratched together a .brand and want to do something, so maybe therefore need more thought on that, so we didn't have full consensus on that point.

So the kinds of support to be offered, quite quickly, there were several cost reduction support measures that we recommended, and those were, for example, the primary is waiving of program development costs. Somehow the idea of asking people from developing economies to, as part of their application fee to apply for a gTLD to pay for the developing cost of the program really didn't make sense to anybody in that group.

There was a notion of staggered fees; the way the program goes at the moment, you pay your money up front, and then if you don't make it in the program, you get 70%, you get 30%, you get some percentage back. So basically reversing that for an applicant where need is defined, where for whatever the fee was, you pay the 30%. If you made it through that, then you pay another 20%, so basically reversing that so that an applicant who had need, as defined by the program, would have an easier entry into the application process.

There were several other cost reductions, please do read the report when it comes out. There's sponsorship and funding support. Basically going outside of ICANN, and looking at other people that can be brought in to help fund this. There were modifications on the financial continued operation instrument, that basically says you need several years of proof of financial, for these financially – applicants defined as financially – lower it to somewhere between six and 12 months. The notion of a multi-year continuity didn't make sense from a financial aspect.

Logistical support, whether that was translation of application materials, one way or the other, technical support for applicants. What I want to make clear is we weren't suggesting in any way that they cut back on any of the technical requirements, but there was an assumption, one I always like to bring up is this requirement for IPv6 capabilities. Well, you know, in many places that may not exist, so some technical way, somebody that does have IPv6 to help put a tunnel to their environment so they would have that. And then of course, until the VI got settled, a notion of exception to the rules requiring separation of registry and registrar and that's sort of a moot point with the VI allowing cross ownership at the moment.

Basically, the guiding principles we had was a self-financing responsibility; that there was a notion that they need to be able to pay – the applicant, even with financial need, needs to come up with 50% of whatever the reduced set of fees did. That it couldn't be 100% support that this group would be helping people. That

there was a sunset period, that some of the kinds of benefit and aid that we talked about in the sustaining had to do with the paying of the yearly fees and such; that any of the aid would sunset after five years. That there would be transparency in the applications, who was applying for, for what sort of name, where was the funding coming from, and things like that.

Obviously once we get into the work on how do you prove financial need, much of that information will probably not be as transparent as the rest. Limited government support, as we said, that you couldn't be a government institution, but you could have government support, and then a presumption of commitment that if you get aid, and you start to actually make money with the thing, that you're able to actually put some of that money back into a fund for future rounds, for future needy applicants – that there is that sort of obligation. If you happen to do a really successful, that's great.

So our next steps, and I'm almost out of time, is that we're trying to get re-chartered and basically to take the next step on most of the work. To define what it means to aid, to define how the mechanisms work, to work with staff and others to understand these processes and make recommendations to the community and our chartering organizations on how to actually get it done.

I think I've given this presentation so you've got it, and I'm certainly available. These are the charter expansions. One issue of delay came up, said "aren't you going to cause delay with all this?"

and the answer is no. First of all, they're going to put in the motion and the charter absolutely no way can we delay things. The way we've been looking at it is the sense that this work is being done in parallel. If we get chartered to do the next step, then we will continue working in parallel. If we fail, then that means there's no aid. It does not mean that people do not start the gTLD program. At least, that's the way we've been looking at it. We're racing to make sure that we've got something in time.

Last thing, there will be a full meeting on this on Thursday. These are other places that it's being talked – there will be a general meeting talking about this further Thursday at 10, and I apologize, I went a minute and 14 over my 10.

Heather Dryden:

Thank you very much, Avri. I think it's okay to go over a minute and 14 seconds. Does anyone have any questions for Avri on this issue? I'd also be interested to hear if this is something that the GAC would still want to comment on as an outstanding issue, for the new gTLDs program. Kenya, please.

Alice Munyua:

I would like to thank Avri for that presentation, and also commend the work done by JAS, and to remind us all that I think it's not a forgotten issue regarding cost reduction. I think the GAC is very still quite concerned about reduction of costs, so it's not just specifically on the technical requirements and others, but also to mention that we would like to see more outreach efforts and awareness efforts being conducted in some of our countries,

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especially when you look at how important the gTLD process is going to be, also from an entrepreneurial perspective. Thank you.

Heather Dryden: Thank you for that, Alice. Any other comments? Ah please, Brazil.

Jose Vitor Carvalho Hansem: Thank you, (inaudible 0:12:46) from Brazil. First a question I would like to pose is regarding if there is the technical requirements, those that are present in the guidelines, to some extent in our internal consultations, some people recognize that technical requirements were far beyond the structures that exist in developing countries. It is not only a matter of capacity building or assistance, but the technical requirements looks to be a real barrier to the development of this kind of business in developing countries.

But I would like also to present more general comment that I have to do, because it was also a result from our internal consultations. I haven't heard yet from any private company in Brazil, when we are trying to go deep in that consultations, any real interest or intention, they don't see the creation of new gTLDs as a priority from developing countries. Especially, not even from developing countries, let me make myself clear, if you consider the internet users, I think it's not very clear the demand for new gTLDs, at some extent, when I'm looking at all the presentations, I think there's a lot of efforts to create a big market that will bring a lot of profit for registries, registrars, related services, legal and technical

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approach; but if we consider the internet users, I'm not sure if this is the point.

I just want to make this concern, share with you, because this is one concern that we are dealing with, and we also think on this point when we make all the reflections of the work. But I do appreciate the work that has been done by the Working Group and we expect to join efforts and also provide new inputs for the Working Group. Thank you.

Heather Dryden:

Would you like to respond, Avri?

Avri Doria:

Sure, I'll respond to both. The outreach, I think that's part of the – certainly we talked about doing the outreach as one of the requirements of the plan, and then I think second, in the second phase of this is more outreach in terms of designing how it's done, but that was a specific reason why we asked for these plans to be translated into the five UN languages in addition to English, so that more people could read them and it would go further than just this particular audience.

So I think we've had the outreach in mind, and we're getting there. In terms of Brazil's question, we don't really know how many applicants would qualify, we're certainly not assuming that there is a booming market out there for the applicants from small communities with IDNs and languages and scripts that aren't yet represented that are not in a large – we really don't know. We made certain projections, there could be five, there could be ten

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such applicants, if there was aid. What we have known is certain people have come and spoken to us and said “You know, there’s this kind of interest, but we just don’t even have an entry point to it, the way it’s designed at the moment.”

So we’re looking at that. In terms of the comment about technical, that’s basically something that, at the beginning, our group stayed away from. Our group was not about defining what the technical requirements should or shouldn’t be. What we looked at was how existing registrars and registries might be able to provide assistance to help other overcome those barriers. The discussion on whether that was too high a threshold to be set and whether the threshold set by staff matches what the GNSO meant when they said there isn’t a one size fits all, it has to be appropriate, was not an issue that this group looked at at all. It was how do we help people meet the requirements that ICANN has set, and we didn’t touch it.

Heather Dryden:

Thank you, Avri. If there are no more requests to speak, then let me thank you on behalf of the GAC for taking the time to come and present to us on this issue, and we will certainly consider the matter further.

Avri Doria:

Thank you very much for giving me the time to talk to you about it, and I’m glad you’re going to consider it further.

Heather Dryden:

Great, okay. So now, I was going to connect my laptop to the screen, so it’ll take a moment. My eyesight isn’t very good, but

perhaps yours is a bit better. Are we more or less able to see the screen with this size of font? What I'm proposing to do is just review the part of the GAC bylaws that talks about the treatment of GAC advice, so that we can refresh our memories, on what's actually written there, and then actually draft or come up with a list of points that we might want to make, regarding timing and process in relation to this advice, and what we know are the dates and the current progress with the final draft applicant guidebook for new gTLDs.

So why don't I just read through this? It won't take very long, and we can reflect a little bit, and then we can try to come up with that list. Is that a good way to proceed? Okay. So point J, from the ICANN bylaws; the advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with GAC advice, it shall so inform the committee and state the reasons why it decided not to follow that advice.

The Governmental Advisory Committee and the ICANN Board will then try in good faith, and in timely and efficient manner, to find a mutually acceptable solution. And point K, if no such solution can be found, the ICANN Board will state in its final decision, the reasons why the Governmental Advisory Committee advice was not followed, and such statement will be without prejudice to the rights or obligations of the GAC members with

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regards to public policy issues falling within their responsibilities.  
So what shall be our first point on the list? Frank?

Frank March: Okay, I think I'm missing something here. This seems to be a straightforward, very clear statement of process, why is it necessary to discuss that at this meeting?

Heather Dryden: What I'm proposing is that we need to communicate something to the Board, and if the process outlined in the bylaws is sufficient and we'd just like to point at that, then that's an option. If we want to be more specific about the finer details, then that's an option as well, but I'm in your hands as to what is the best path. United States?

Suzanne Sene: I think it is useful to refresh our understanding, limited as it might be, because I don't know that we've ever actually experienced this process. So it is a process point. My takeaway from the presentation that we had from Kurt is that at least at a staff level, he seems to feel fairly positive that GAC advice has been pretty much taken into account.

I am guessing that we would not entirely concur with that positive assessment. Okay? That we believe there remain some outstanding issues, and some of them are not so insignificant; geographic names, this IP protection, consumer protection, the objections procedures, I'm sure we could have a nice scorecard. I think what Heather is probably nudging us in the direction of, and we're missing our colleague Mark Carvell from the UK, stuck in London,

but he has been holding a pen and I think he had made a commitment to us that he would start to do that, and maybe we just need to help him by starting ourselves to develop the scorecard.

I think it behooves us to see what the ICANN scorecard is. And again, all due respect to Kurt, not a verbal rundown from a staff member, but something in writing. Something that actually tells us how they have and have not. I would also like to just comment, for the record, I don't know that I or anybody else who has provided comments in this process would agree with his assessment that the staff analysis of comments received provides the rationale.

In fact, I would reject that statement flat out, and I think the GAC may need to say so because if he is our primary interface on the gTLDs between us and the Board when we're not sitting in the same room, I would certainly not want him to characterize that as a GAC understanding, because I don't believe that we would share that. So I think what Heather is perhaps trying to prepare us for, I don't want to put words in your mouth, but it seems really practical to me, we think there do remain some outstanding issues, but we're faced with the prospect that this Board may well take a vote this Friday to adopt this version of the guidebook and to start implementation.

So that, to our minds, I think, triggers this particular provision in the bylaws, so we need to understand what the process actually will involve, and when will it kick in? Does that help? That's my understanding.

Heather Dryden: Please, New Zealand.

Frank March: Thank you for that, and I don't in any way disagree that that process is appropriate, although it needs to be applied. But it does seem to be very clear, and if we do need to point out to the Board that that's the steps that need to be followed, then that is a letter. But what I'm saying is that process seems to me to be fine, in outline, as it stands. It does not need amendment, it may well need enforcement in some sense.

Heather Dryden: Norway, please.

Ornulf Storm: Thank you, Chair. We also really feel it's important to make a statement here from the GAC to remind the ICANN Board about this process, so there is unmistakable clear here that we feel that issues have not been resolved, and therefore it is not possible to proceed to a final decision. I think we might go into some kind of detail on this issues, or perhaps just point out the over arching issues. Of course, if we go into more detail it will just be an argument of this has been taken into account and this not, and so on; so we might have a sort of overarching feel where we say this has not been fully taken into account, and therefore this procedure will be applied if they are possibly going to make a decision. But other views are appreciated from the GAC. Thank you.

Heather Dryden: Thank you for that. Anyone else wanting to react? Maria, Sweden please.

Maria Häll:

Thank you very much, Heather. Kurt was pointing at the chapter in the document that actually was a summary of all the public comments, and he wanted to point us to read it, and I have to be very honest and say I haven't, so I just wonder if any of you GAC colleagues have read it, and if you consider it all the input we need, or do we need additional input?

I'm not sure, because what I think is very interesting is not only to have reaction on if our advice led them to make this decision or not and what kind of support they got from us, it's also interesting to know if they get contradiction advice from some other group, and how much those two inputs are going to lead to the decision. I have to say, from a governmental point of view, it's impossible for us to cover all aspects of this. There's a lot of business related aspects that it's impossible for me, for us to cover, and those perspectives would be very interesting also to see, and how much they've been taken into account in the decision and how much is related to the GAC advice.

So it's a broader perspective; not only the GAC advice, but also the other perspective. But maybe this chapter, the for me unread chapter might be the answer, I don't know. So please help me out here.

Heather Dryden:

Norway, please.

Ornulf Storm:

Yes, just a quick point on what I previously said. We might have to be complete and specific to point out so that there is no doubt

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that our concerns have not been met, like for example in the letter from the Assistant Secretary of Department of Commerce, pointed out a couple of specifics, so I think we might have to point out those specific issues that have not been taken, so to have no ambiguity.

Heather Dryden: Thank you. Italy?

Stefano Trumpy: Yes, so I think that we should be – I see two alternatives. One is that specifically we are able to say that, for example, the study on trademark protection, we think that the assurances and we are not convinced that this is satisfactory enough, because we studied this specific document, and is only one on the list that Suzanne made before, but of course, we could also go in some details of the other aspects.

The other way is to declare that we had no time to analyze the improvements in the draft final dag, and then we ask more time, and practically we implicitly say the Board should not approve this Friday the so called draft final. So we have to have some ideas and discussion and then decide which position, because of course the position is that we do not say firmly that we do not want the final approved, and if we have a soft position the Board could say that in the end they could approve still the final draft. We have to be realistic on that.

Heather Dryden: Thank you for that, Italy. Presumably the Board would have the option of finalizing parts of the applicant guidebook, not

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necessarily the entire thing. That's a possibility. Next I have Germany, then United States, Denmark, and then the EU Commission.

Hubert Schoettner:

Yes, I have similar interpretation, as I call it, from Italy in this regard. Yes, if we read especially our remarks in regard to dag 4, and the response we received, and I trust mentioned in the discussion we had prior, two issues regarding trademark protection were mentioned in the letter, with I think very clear words, in a sense that everybody reads our position would see this is a very important and crucial issue for us, and they were not answered, not referred to in the answer. That is something, we cannot even say that we see the answer, we cannot accept it, no, there is no answer.

In this respect I think it's very difficult to give any impression that we can support final dag because I think it is really clear from our side, at least in the position we are now, it's not possible. Also many other colleagues mentioned, it is not an issue that can be solved in a quick way, because it is a very comprehensive work we have received, and it needs some kind of interaction with various entities in our governments, and I'm only in a position to have a preliminary evaluation of this, but I'm not in the position to say it is our last position of our government in this respect. Thank you.

Heather Dryden:

Thank you, Germany. United States?

Suzanne Sene:

Thank you, Heather. I think getting to the issue of – you raise a very interesting point, and I think it may be worth pursuing,

whether bits and pieces of the guidebook could be adopted. I'm certain that there are whole chunks of this document that probably have been fully reviewed and vetted by – I think as Maria point out, from Sweden – the players on the ground who are going to be much more directly affected, and maybe fairly cut and dried and maybe straightforward.

But I think what has made it challenging for the GAC to travel to Cartagena with final positions, or final views, is the fact that our exchanges between the GAC and the Board have been sort of crossing, time wise. So I think that's – in fact, just to share with our colleagues in the room who are not government people, I understand the motivation behind the GAC's most recent letter was to actually try to go on the record saying we note that there are some outstanding communications that we've sent to you, we don't have answers to all of them, we'd like to get answers to all of them, because we've been going on the record, yet we don't have answers.

So no sooner do we send that letter, the next day we got a letter from ICANN responding to the comments we had sent in September on dag v4. And in the interim, of course, we had the final applicant guidebook; so there's been a lot of churn and a lot of documentation flying around, and as Hubert points out, all of us have to consult more broadly with other agencies in national capitals, and it's not very easy to do that in this short time frame. So I think what the GAC had been trying to convey was that we really still feel strongly that the process needs to be fully informed,

so at a minimum, I think what we said in the last GAC letter, the NTA letter sent two days ago tried to reinforce is a commitment that ICANN itself made in the affirmation of commitments, that it would provide a rationale and explanations for all of the decisions it has taken.

And my comment, Maria, might go to your question. This could be a view shared only by the US, so I welcome the views of my colleagues. I have looked at staff analyses of comments received on different versions, and I've also been informed by constituencies across the Board in the United States who have submitted comments in the successive rounds, that they do not agree with the staff analyses, or summaries; that they think they are inaccurate, that they didn't capture everybody's view, and they don't technically provide an explanation, in total, of why certain views were accepted and others were rejected.

So it would be my perspective that those staff analyses or summaries would not constitute a rationale for us, at all, that we would expect to see a properly framed explanation. Why was this decision taken? Why was that position rejected? So that we have a clear record. So I think, I don't know whether, Stefano, you presented us with some alternatives here, and I don't know that we've discussed this enough to get to that, but I do agree with Hubert and Ornulf.

I think the GAC has to be very clear, again, and learn from the Board what their intentions are. Could they agree to parts of it,

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and commit to resolving the differences that we have identified in other parts? Could we agree on a process to go forward on that? Because quite candidly, we've simply had several exchanges of letters, and brief exchanges face to face earlier this year. So we haven't really explored how will we meet the provisions of the bylaws, to try to resolve the differences, and that seems to be where we are, on at least a couple of key points.

So I think there's a lot of merit in at least putting that on record, that we would like to have that clarified by the end of this meeting. Thanks.

Heather Dryden:

You would like to respond on that, Italy? Okay, please.

Stefano Trumpy:

So I try to be more clear about the alternatives I proposed. first of all, the alternative to be too soft does not work, it is not something we can agree, but I mention as a possibility that the Board could interpret that we are almost satisfied, we have some issues, but they can approve. No. It is not like that. Then, we know only from the staff that they think our requirements have been satisfied, and we interact with the Board and not with the staff, so we have also meetings with the Board that we might make our explanation, and then they have to realize that we are unsatisfied with a number of things, but I think that it should be in the communiqué, because in the end this will come out in the communiqué.

We show to have a position that should not be interpreted only as a veto to approve on the next meeting, but some idea that gives the

way how we can gain confidence on the real final version and if this is not enough for the Board, the Board will have to interact strictly with us in between in order to avoid at the next meeting in March, we are repeating the same exercise. So it should be joint work that starts from this position that we are taking now.

Heather Dryden: Thank you for that, Italy. I have Denmark, EU Commission, and then Brazil.

Julia Kahan-Czarny: Thank you, these are interesting proposals, and it also comes back to my comment earlier about process, because I really can't see that the Board can make a decision on parts of the document or the whole, on the 10<sup>th</sup>, the same day where the deadline is. That's – you can't take into account things that come in the same day, and analyze them properly, and be duly taken into account, into the decision. I think we should state that to the Board. Thank you.

Heather Dryden: Thank you for that. EU Commission.

William Dee: Thank you, I think I'm hearing a lot of consensus in the room, actually, that we need to avoid any misunderstanding in our communication with the Board on the issue. I have the impression that there's quite a significant disconnect, actually, between the degree to which the staff feel they have answered GAC concerns, and the degree to which we think they have answered our concerns, and I think we should communicate that. I hadn't thought of the idea of invoking the bylaws, actually, which was

mentioned by the US, but the more I think about it – I think it's not an option, as it's a legal requirement.

I don't think it's something we should discuss, it's the bylaws, the bylaws say this will happen. Now it may happen if the GAC asks for it, it says it will happen. So I think we should respect the bylaws actually, and then point out as they are currently drafted, that's a requirement, it's not an option and we should proceed with that.

In terms of providing a rationale for articulating the decision that they made and how they've taken our views into account and those of other stake-holders, we may have a surprising ally on the Board, actually, because the recommendations of the review team, and I understand the Chairman of the Board's on the review team, includes a recommendation number 20 which says the Board should, in publishing decisions, adopt the practice of articulating the basis of its decision and identify the public comment that was persuasive in reaching its decision.

At the same time, the Board should identify the relevant basis in public comment that was not accepted in making its decision. The Board should articulate the rationale for rejecting relevant public comment in reaching its decision. I understand that proposal's been endorsed by the review team, including the Chairman of the Board, so I don't anticipate any difficulty in making that recommendation. Thank you.

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Heather Dryden: Thank you. Now Brazil, please.

Jose Vitor Carvalho Hansem: Yes, UK just raised a point that I would like to raise. This situation that we are facing here is directly related to the discussion we had on the review team of accountability and transparency. We spent a lot of energy in analyzing this document, and this is also part of building trust and confidence in the whole processes of ICANN. I think we should also use this argument, this linkage, between this situation and the suggestions that are in the report of the review team. Thank you.

Heather Dryden: Thank you, I see no further requests to speak at this time. So I guess the question is are we content to communicate these points in the joint Board/GAC meeting on Tuesday? Or is there something additional or different we need to do? I think one of the points that's been made is because there are – because we're approaching the finalization of the draft applicant guidebook, whether this week or soon thereafter, that we can't necessarily afford the same kind of back and forth that we've had at each meeting.

So we may need to act differently and consider how we best need to make our point, and in coming up with ways to meet with the Board, because they do want to consult with us at least on geographics, this week, and some other issues that are part of the new gTLDs program. So I would really welcome suggestions on that. If we are content, at this point, to consider raising this as part of that joint Board/GAC meeting, then that's fine.

We can move on to the next agenda item. But I'd be interested in hearing from you whether in this meeting or in the corridors, as to respond to the request that we are going to get from the Board on how to meet and consult on geographics, and as I say, other new gTLDs issues. Ah, Kenya, please.

Alice Munyua:

Thank you, I would like to suggest that we perhaps consider seriously addressing these issues with the Board before the Tuesday meeting, because the back and forth, we can't keep going round and round regarding GAC advice and bylaws are very clear. We can link it to the ATRT but also the facts that on Friday they are possibly going to be making a decision on dag 5, I think, so it's crucial and critical that we seriously address concerns regarding process and how advice is taken before the Tuesday. So I don't have a suggestion in terms of time we can do that, but I think I'll suggest we develop that scorecard and also strongly express our concerns.

Heather Dryden:

Thank you, Kenya. Any other thoughts? Germany, are you wanting the floor?

Hubert Schoettner:

Thank you, I think it is quite – or could be quite useful to have this exchange on geographic names because there are problems and I think we iterated during this process. It is late in the process to start such form of exchange, in the final guidebook was published, I think this is an approach we could have had one year ago.

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The second one is that yes, the people participating in this kind of group may speak on their behalf, they may speak on behalf of their country, but it may be difficult to speak on behalf of the entire GAC.

We are talking on delicate legal aspects, and ICANN shouldn't have the impression that everything is solved, but I think it's an adequate way to further the discussion and to improve the relation and the results of the work that we have a common understanding, everybody knows what was the rationale behind a decision, but I'm not sure whether anybody who will participate outside of the GAC in this kind of work will be able to say I speak on behalf of the GAC, and if we agree today, this is an agreement where the entire GAC is bound by. Thank you.

Heather Dryden:

Thank you, Hubert. I think in all likelihood, when consulting with the Board, in the formal bylaws sense, that the entire GAC would need to be able to participate in that, if they would choose not to, or choose to observe, but I think that's likely the principle we need to follow. Are there any additional comments here? Yes, Sweden?

Maria Häll:

Thank you very much, Heather. I just would say that I very much agree, listening to you all here, I very much agree with Norway and other countries, and the Commission was saying try to be really precise. This has come to a point that we really have to be very clear exactly what we want and the arguments and the points we want to make, so maybe we can be – I mean, I'm a technical person, so I would like to make like bullet points, and say this is all

the answers we need to have. This is the issues we have, and so on, try to be really clear on that. And then we need some time to do that, and trying to find that in the same – me and Suzanne were looking at a few possible – so let’s see what we can do, but I think we need to put it down before meet the Board. Thank you.

Heather Dryden:

Thank you, Maria. I think I heard a volunteer there, to draft some points, which is very welcome. So Malta, you wanted to speak?

Joseph Tabone:

I’m not the volunteer to draft the points, I’m merely to comment on the approach. I understand the dilemma that we’re into, that we’re dealing with a deadline that is coming up on Friday, we know that in we have an event on Tuesday where we’re going to have a further discussion about this, but it appears to me that we need to have some communication at this point in time, with the Board, to alert them to the specifics of the concerns that we have. Up until now, it’s been a very interesting couple of hours that we have spent this afternoon.

I think it was very good of Kurt to come here and dedicate the time he has with us; having said that, speaking for myself, I have not really been at all reassured on the major issues that we have had for a long time about these issues. I think the point has been made that we have been not speaking to each other, but speaking at each other about this, and I think that’s the point that we need to make now, perhaps come up with a list on the issues that we are really not comfortable with respective of the decision of the Board has threatened to make on Friday.

I feel very uncomfortable with the process, it seems as though we have been working, (inaudible 0:54:58) action, in that a process has been launched and not a good deal of thought and consultation have taken place before that process was launched. I also have a question about the possibility of approving a partial process, rather than the whole thing. I'm not too sure how factual that is. Thank you.

Heather Dryden:

Thank you. Okay, so I think we have two volunteers, is that right? Did Sweden volunteer the United States?

Suzanne Sene:

Sweden most certainly did volunteer the United States, so I'm going to volunteer more colleagues around the table, as I see hands. And apologies, Chair, but we did see in looking at the ICANN schedule for Monday, which I know is sort of the open day, if the morning session on new gTLDs from I think it's 11:00 to 12:00 is a presentation, and if there are ICANN staff in the room, maybe they can help us know this.

Is a presentation similar to the one that Kurt Pritz delivered to us today? Then we could probably profitably exit the room, and spend a little time in this room brainstorming on this collection of bullets, so that that might help advance the GAC's preparation for the Tuesday afternoon. So all GAC members are welcome to escape the large meeting and come and do some drafting. Does that sound good?

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Heather Dryden: I think that's a great suggestion. Shall we aim to do that? Okay, some nodding, good. Please, European Commission.

William Dee: Yes, just that I'd like to volunteer, as it seems to be an open group, but it seems to me that we might kill two birds with one stone. When we draft this text, maybe we could draft in the form that we could also use it for the communiqué, and then we don't have to do the whole thing again on Wednesday. I imagine this will be a substantive part of our communiqué, so we can finish early and go to the bar. Thank you.

Heather Dryden: Another excellent suggestion, thank you. Italy?

Stefano Trumpy: --morning we have a program on the Working Group, is there an agenda already prepared? Tomorrow morning, there is the meeting Joint Working Group. There is an agenda for that in the file? Because we have to talk of something of what we're discussing this afternoon, I suppose.

Heather Dryden: The issues are linked, yes. There's a rollout between the issues of GAC advice and what we're about to talk about, the Accountability and Transparency Review Team recommendations. Okay, alright, so let's conclude on that item, and move to talk about the Accountability and Transparency Review Team recommendations.

So we know that the recommendations were posted for public comment and that public comment period ended just before these

meetings now in Cartagena, but I know that some colleagues did make submissions to that, so the way I would like to proceed, because we don't have a single member of the GAC identified as a lead coordinator on that, is to refer to those who have made submissions to raise what they think are the key points that they would like to bring to the attention of us here, and then we can have some discussion this afternoon before we meet with the accountability and transparency Review Team, which is now scheduled for tomorrow in this room, and I understand we will have the whole Review Team, so I think that's quite positive.

We are scheduled to meet from 1:30 until 2:30 tomorrow afternoon. So if I may, I look to Denmark, who I think made their submission first, so that means they get to introduce their submission first. So please.

Julia Kahan-Czarny:

Thank you, Chair. We submitted our comments on the 23<sup>rd</sup> of November, and actually we believe that the focus of the recommendations have been on improving the processes and I think that our discussions today prove that this is very much the case and should be. I'm not going to refer directly to our comments, but more to focus on the implementation of the recommendations and how – what the process will be after this, and how the Board will react to the recommendations so that we know that, because this is a Review Team that was set up by the AOC, and as such, I think we need some kind of a process forward for how the Board will react and also – I will stop here for now. Thanks.

Heather Dryden:

Thank you for that, Julia. I think you're right, we don't actually know what the process would be for taking into account the recommendations as an output of the Review Team, and it's also the first Review Team, so the process that is followed for this first one suggests strongly what will happen with Review Teams two, three, and four. So thank you. Norway, did you have some issues you could highlight for us as well?

Ornulf Storm:

Thank you, Heather. Yes, we also submitted some comments to the Review Team recommendations, and also as Denmark said I don't want to read or detail too much, but some issues are of high importance, and I think the whole of the GAC agrees with enough of these recommendations.

Regarding what the GAC advice and how the GAC advice has been treated is a very important issue as we see it, and how that should be factored into the processes, and I think you reminded us, Heather, how that should be done, with your reference to the bylaws. As I actually saw there, it's stated that it should be factored into the processes, it says that in the bylaws, and I think the obligation there to make that process and how that should work would be the responsibility of ICANN, how that should be done. Of course, we as the GAC would input and make suggestions there as well, but that it's actually going to be factored in to the processes and the Board is actually in the bylaws now, and has not been implemented. So that's really one important issue.

Also about the communication between the GAC and the Board, so that's really important. Also one other thing, as the European Commission mentioned about the rationale for decisions and the recommendation number 20 is actually also a quite important to have that so we sort of see clearly how the inputs from the public – how the public input has been factored into and how the input from the different parts of the ICANN organization has been inputted into the processes and explain the rationale for making this decision. Of course, that makes it transparent, so we can see that. I think that's at least a couple of issues that we've highlighted.

Heather Dryden:

Thank you for that, Norway. I believe that France has also made a submission, so if you would like to please –

Christian Tison:

Thank you, I'm Christian Tison, the French representative. France is quite happy with the proposed draft recommendations made by the Review Team, we especially appreciate three of them, the proposition for regular review cycle to ensure accountability and transparency, in a permanent way. We appreciate also of course, the necessity to always explain the Board decisions, this is very important as my colleagues have said.

We think that beyond the assessment of the information between the GAC and ICANN, France believes that the current exercise of the Review Team is an appropriate frame to think about the role of government in the ICANN governance, and we would like that the Review Team explores way to enhance the role of governments in the ICANN governance, for instance, would it be possible for

government to be more represented at the Board, should we be given the voting right to the GAC liaison, for example? Of course, these questions raise the issue of the legal status of ICANN and its legal accountability. That's it. Thank you.

Heather Dryden:

Okay, thank you. Interesting that no one seems to be challenging the ATRT recommendations. Okay, good. Please, EU Commission.

William Dee:

It's very constructive, challenging, it's not criticism. I preface that by saying one of the things we should not forget and would be very useful when we meet with the Review Team is to express our thanks for their efforts this year. Those of us who follow them know that they made a very significant personal commitment to do this. Maybe all of the Review Team members, I'm sure, are very senior people in their own right, so I think this is quite remarkable in that way. There have been very many review processes in the past for ICANN, but I think this one has set a new benchmark, actually, for professionalism, in my opinion.

The one issue I did want to challenge – it's an issue I shared recently with GAC colleagues, so Manal, from Egypt who is on the Review Team, I also shared it with Fabio Colasanti, he's on the Review Team. It's the issue of recommendation 12 actually, and it's part of recommendation 12. I'll just read it, it's very brief. "At the same time, the GAC should agree that only a consensus view of its members constitutes an opinion that triggers the Board's

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obligation to follow the advice or work with the GAC to find a mutually acceptable solution.

The GAC can continue to provide informal views, but these would not trigger any obligation on the Board to follow such input.” Now, the reason I raised an issue with that is firstly, the GAC has only ever given consensus advice. So I find it an odd issue for them to focus on, we give advice by drafting communiqués or letters for the Chair to send, actually requires us to have consensus, so I think we’ve never given anything other than consensus advice. We have, on at least one famous occasion, explained that some GAC members were worried about X, and other GAC members were worried about Y, but that was consensus advice.

That was explaining the variety of views in the GAC, they weren’t contradictory, in that case, they were not mutually exclusive pieces of advice that we gave. But anyway, my main point is I don’t understand why they felt it was necessary to say that, but having said it, it made me think actually, and I think we need to avoid a situation where if we got very formalistic about consensus, one GAC member could effectively veto the consent of more than 100 other GAC members on a major issue of public policy. So if the implication is that there should be some mathematical, 100% requirement for GAC members, then I think we should object to that. It’s never happened, but now the issue is being raised, I think that would be my reaction.

I think also a reality check is necessary. I think it's quite remarkable now, I look back on it, that we've agreed to so much consensus over the years, on such a huge variety of issues. But in the real world, they are different applicable legislations in different jurisdictions; there are different government policies, in the real world private companies are often faced with the fact that governments have different views, and I think that advice, if we ever come to that advice for the Board, should still be useful to the Board. It would certainly be more useful than no advice at all, or advice which is so watered down to reach a common approach that it would be valueless to the Board and potentially misleading.

My final objection to this text, or concern, I should say, is it introduces the concept of the GAC providing informal views, and again I would be uncomfortable about that, because our role is defined in the bylaws and it says the GAC should give advice. So A) there is no provision for us legally, formally, to give informal advice. If that doesn't sound stupid. So we would need to revisit the bylaws I think, but more importantly, we need to come up with a mechanism to differentiate between formal and informal advice, and I don't think that's very useful. We have enough work on our plate coming up with formal advice and giving it to ICANN, and I think we should leave it at that.

Of course, we have interactions with the Board formally here, we have interactions with various individuals, we talk to ICANN staff, we participate in Working Group meetings and joint Working Groups, and we can always provide informal advice; but now it's

in the recommendations, I felt obliged to really ask a few questions about what the intentions were there and put a few markers down about some of the concerns that I had.

But as I said, we didn't submit those formally in a letter in the way other GAC members have, but I know that two of the Review Team are aware – I have to say that I think at least one of them is quite sympathetic to it. So – and I think they would welcome us, actually, challenging a few of the recommendations, I think they would be quite disappointed if we don't, so I think having an exchange on this and other issues, we should be fine to do that. It doesn't mean we don't appreciate the work they've done, and that we don't generally – I think, I have the impression – endorse the recommendations that they're proposing. Thank you.

Heather Dryden:

Thank you for that, Bill. Italy?

Stefano Trumpy:

Following Bill's comment, I agree that maybe the Work Team is not perfect, but in any case there is an alternative to clear, first of all, what is GAC advice. This is something that we've discussed already, but it is important, the text that will be in the final report of the Review Team, because on the definition of GAC advice, is just the interpretation of the role of the GAC, and is very important.

Then about this consensus, it is true that the GAC always works for a consensus and on only one occasion we had a dissenting opinion that was included in a GAC communiqué, once in 11

years. This means that in cases like XXX, I don't want to start a discussion now, but it is quite clear that hardly we could find a consensus, so in certain cases, the GAC is not able to promote a consensus opinion, then in the end GAC cannot say something that is considered an advice.

So following this definition, then it is important to note – to mention the need to establish other mechanism for preparing and reaching agreement on consensus opinion in a more timely manner. So this implies working intersessionally and implies having time for answering that is good enough for the decision making of ICANN, and sometimes we need time to express opinions, so is something important that is mentioned here. Another thing I wanted to say is that this text is not perfect, but certainly is proposing an improvement, let's say. I had a chance to read all the chapters that I got in the GAC in the (Beckman Center) independent contribution to the review partner, and I have to say that reading this, the opinion from the external (inaudible 1:16:20) is quite negative about the GAC, and is not considering the evolution.

They have to recognize that with Chairmanship of (inaudible 1:16:33) at least more clarity on what is the role of the GAC, and it is something that started with Paul Toumy in the initial times than with (inaudible 1:16:44) and I think that actually the GAC, little by little, succeeded in having more predictable output, if not completely satisfactory, of course. But the external opinions and look about our group are not always very positive, and the

Beckman Center interviewed a number of persons and got a number of opinions, not exactly true in my opinion, but what is important is that in the review panel proposals, the role of the GAC is much more positive, let's say. They simply indicate how to improve, even more in the future.

Heather Dryden: Thank you, Italy. Alright, Malta please.

Joseph Tabone: Thank you very much, Chair. (inaudible 1:18:03) I think that the review is very thorough, and I concur with all the recommendations. I think that the Review Team has to be commended on its effort. There's one question, and I think it's more a question of clarification and that is on the recommendation number 16, where on one hand the Review Team is making a point that the participation of the GAC should be at a senior level as is possible, and I think that is something that member governments have to make a decision about, what the appropriate level should be in that, and then the last sentence, the part where I'm not very clear about is "the Board working with the JAC to consider establishing a process by which ICANN engages (inaudible 1:18:59) government officials on public policy issues on a regular basis."

I wasn't clear on this, and then the informal discussions that we've had with the Review Team where they talk about the concept of a two tier GAC, so I don't know whether this is in some fashion hinting at that. But I would like to understand that a bit better. I think the concept of a two tier GAC, not too sure that it would

work in the best interest of public policy, to be quite honest. It would be a very complex issue, when you see how long it has taken to try to come to terms with this, to bring another level into it I'm not too sure there would be a huge amount of value, and it may serve to obfuscate or confuse. Thank you.

Heather Dryden: Thank you. Switzerland, please.

Thomas Schnieder: Thank you. We would also congratulate the Review Team for this work which is very helpful. We share the concerns expressed by the Commission of the European Union with regard to recommendation 12 and also the general distinction between formal and informal. I don't know what the concrete way forward is, how the GAC is supposed to react to these recommendations, but just thinking of the Joint Working Group and the role of the GAC, I don't know whether that mandate is finished or whether there is a continuation, but maybe we could think of using that group to develop some concrete ideas of how we would improve the work of the GAC, because I think in recommendation 12 and other ways the proposal of an online database will create more transparency and also if you take the XXX case where we're looking for past communiqués and other pieces of advice for us and also for the Board could be more accessible in terms of history and we do not have to restate the same things that we stated years ago, so some improvements might be useful, especially what is the way forward in terms of answering the recommendations. Thank you.

Heather Dryden:

Thank you for that, I'll try and answer your questions as best I can, and then I'll give the floor to Portugal. In terms of where the ATRT is at, and I'll do my best to give you a sense of where they're in the process, Manal unfortunately won't be able to attend these meetings; she would have been the natural person, I think, to turn to to brief us.

However, the affirmation of commitments provides a deadline of December 31 for the Review Team to conclude its work, so that is why they concluded the public comment period just before the Cartagena meeting, was really to ensure that they had time to process those comments and produce the final report. As it is, I think this only leaves them a couple of weeks in practical terms, so we did request the meeting tomorrow to meet with the Review Team, so it's really for us to decide how to use that time, and that is an opportunity to I think at least refine the thinking of Review Team members on some of these issues and hopefully it would still be sufficient to have an influence on that final report, but they agreed to meet with us with all those caveats, that it's really getting late for additional comments.

I do hope that the concerns that we've expressed here, that we will again, tomorrow, raise those with the Review Team and I leave it to you to speak in your GAC member capacities when we meet with them. In terms of the joint Working Group report, we did discuss this on the agenda setting call a few weeks ago, and the best way forward I think, is to delay the finalization of the joint Working Group report until San Francisco, and also to really put

off the review of the operating principles that we've also begun within the GAC, and that way we can wait until the report is released on December 31<sup>st</sup> and then we can take into account there, and also we may have more clarity on how the Board intends to deal with those recommendations, and we can take that all into account when finalizing the joint Working Group report, and the work on the operating principles. So that's a useful way of progressing. So I was meant to give the floor to Portugal. Please.

Luís Magalhães:

Thank you very much, Luís Magalhães from Portugal. Well, the first observation regarding this is that (inaudible 1:24:47) as it is stated in paragraph 12 certainly is not what has the most clarity on these issues. As a matter of fact, I don't find any advantage of having several levels of GAC advice, formal, informal, and whatsoever. Also I don't think it is a good idea to think that GAC input into the decision process at ICANN should be forced to be consensual.

I think it's up to the GAC to decide when it should provide input, and there is no need to have that orbital restriction hanging on all sorts of input that the GAC can provide. As a matter of fact, the GAC has an advisory role to the Board and it is up to the Board to make decisions. We know a lot about that, and advice is advice, so just the contribution of the review committee to introduce an organized process, an organized procedure to register what are the – what is advice provided by GAC and also it's follow up and the obligation of the Board to explain where not following the GAC advice, what is the rationale for not doing that, is quite welcome

procedure, and I think will solve a lot of misinterpretations, and also will provide GAC a way of calling attention to some advice that is not being registered in this process.

So I think this part is quite welcome, but I don't like the idea that can be formal, informal, and that any advice would have to be consensual, even if the GAC itself, in a meeting, in a regular meeting and according to its bylaws decides that it should be provided and say "well, most of the GAC members have this opinion, but there is that one that has a different opinion", and to state it. This should be possible, and helpful advice, I think.

Heather Dryden:

Thank you very much. Germany, please.

Hubert Schoettner:

Yes, I think I will only (inaudible 1:27:17) positions Portugal has raised, Bill has raised from the European Commission, and others, because this question, for me I frankly didn't understand what is the motive behind this for us to have consensus, and I think it's on us to decide whether we consider advice only on consensus principles or after voting or whatever. I think we should decide.

And by the way, I think governments know how to work under consensus principles, and I just want to recall some very difficult discussions we had no so long ago in Mexico, when we had the ITU meeting, and all this highly controversial tele-communications issues, internet issues, participations of so many countries of the world, and all of these decisions were made under consensus. In the end, there was a consensus. I recall the discussions we

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probably will have in the next week's general assembly on the IGF, there's a consensus in the end.

We have a consensus position probably, I hope so and this shows that governments normally, who knows governments work they know how to integrate each other and in the end find compromises. Maybe in some cases it's the other way round, because if you have to compromise you may not see the real problems because some of the language may be not so severe, but the other side. But on the other hand, you really have to read the text. If you read a text saying several GAC members raised a concern, that doesn't mean the GAC raised the concern, and if it's a question of understanding, okay, but it's really a language problem and not a problem of consensus. Thank you.

Heather Dryden:

Thank you for that. Okay, no additional requests for the floor, and we're almost – I'm sorry, Denmark please.

Julia Kahan-Czarny:

I would just like to say that I agree with the comments on the consensus issue and I also think that when the GAC states in a communiqué or whatever else, that several countries think this, and X thinks that and Y thinks this, this is actually very valuable for the Board to know, and they should also give an explanation as to why they haven't chosen this or chosen the other one or not even any of them. This is consensus advice, as stated in the communiqué. It's there. Thank you.

Heather Dryden:

Thank you, that's very helpful. EU Commission.

William Dee:

Thank you, just a small one while we're in the mood of constructive criticism. I was prompted by a comment about the idea of plentopentiary, there are a lot of discussions about internet governance issues, but I wasn't there, but I imagine nobody questioned whether the delegates were sufficiently authoritative level, I think, to be taking part in the discussions.

I find that phrase, actually in here, unfortunate. It's not the first time this idea has come up, actually, that we're not really senior enough to give advice to the Board. I've tried pointing out that I think that's pretty offensive, actually. I don't think we would ever say that to our colleagues in the GNSO or ccNSO or the Board, actually; I'm not sure they're sufficiently authoritative, actually, to interact with us. I doubt very much I'll be making this point tomorrow, but I just thought I would mention that because it irritates me every time I see it. It comes up regularly, actually, this strange idea.

I'm happy to admit that I'm not that senior, but I have the authority to speak for my organization in this group, and I know some of my colleagues in this group are senior, and I just really wonder who advised the Review Team about the seniority of the people in this group? Did they make an assessment? I wasn't asked to have a survey. It strikes me as an odd one, very irritating, but there you are. I'll stop ranting. Thank you.

Heather Dryden: It irritates me as well, if we could perhaps make a positive proposal to them of a better way to phrase. There's clearly a concern there, on their part, so if we could suggest alternative wording to them, maybe that's a way to be constructive, and less irritated. I actually saw a request for the floor before you, Italy, Germany, if you would like to speak, and then I'm going to close the meeting.

Hubert Schoettner: Yes, thank you. Just on Bill's remark yes, the decision making process in ITU and here in the GAC is different and you also have to anticipate if in the end there's a treaty to be signed in the IT negotiations, this treaty binds your country, and yes, you have to be accredited, and it's legally not a position and maybe that helps also the form of representation. As a senior or not, you are accredited to sign a treaty that binds the legislation, and it's different to the situation we have here in the GAC. Thank you.

Heather Dryden: Thank you for that, Germany. Yes, I think it is different in that sense, that this is not a treaty binding arrangement. We do have a process for accreditation of a kind, to the GAC and that's the GAC Chair. So when members are changing representation, that's formally communicated to the Chair and that's how we manage that. If people want to attend as observers and not members, again, that's the invitation of the GAC chair, so we do have some sort of process that's formal in that regard. Italy and then I see Switzerland, and then I am closing the meeting.

Stefano Trumpy:

Okay, on the same subject, the first sentence in point 16 is very clear saying tomorrow we should ask the Board should endeavor to increase the level of support and commitments of governments through the GAC process, so this is good as an intention, but is much more also from us let's say, from the members to have an initiative to convince the government that the GAC is relevant and then there is an improvement of the level.

We have been discussing in the GAC, in Europe, the idea of a super GAC or a senior GAC in previous occasions, but in the end what happens is that the GAC members that have experience in the internet governance is so strong that more and more involved in discussions so not only concerning ICANN, but concerning IGS, concerning internet governance in general. So if the governments will be more sensitive in these aspects then perhaps those that are here don't feel having a guiding level should be promoted, and hopefully also the presence of medium high level representatives that are new could be encouraged. This is very important also that is stated in this report.

Heather Dryden:

Alright, Switzerland is next and then Kenya, and then I'm really closing the meeting.

Thomas Schneider:

Thank you, I'll be very brief. Just a proposal maybe in terms of redrafting this. I understand the concerns of the Review Team and they may be talking about improving seniority or something like that of the GAC, we should talk about improving political

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awareness and outreach of internet governance issues within governments. It goes along the lines what has been said by Italy.

Heather Dryden: Thank you, I hope we can look at the high level meeting proposal for governance, in San Francisco, in that kind of context. Kenya.

Alice Munyua: I'll save time, I think that's the point I wanted to make. Perhaps we can review this within the context of the high level meeting. But also a question that's going through my head is, could this be a reflection of the fact that they consider us not senior enough, could it be a reflection of the fact that they don't really take our advice seriously in the processes.

Heather Dryden: An excellent question. Okay, so okay, the final word, United States. Okay.

Suzanne Sene: Thank you, and it's actually not even on this subject. It is apologies to you and to colleagues for before we left new gTLDs to not give you just a quick overview of the NTIA letter that was just sent out Wednesday night. Regrettably I was traveling all day yesterday so that's why you didn't get it, on the GAC list, but we'll leave it at that. I have circulated it, if anybody has any questions, please feel free to raise them with me. We're not going to do it now, I think the Chair would skin me alive. Thank you. I did want to apologize to everybody for not mentioning it earlier. It is out there, you now have it, and I'm very happy to talk about it with anybody. Thank you.

Heather Dryden:

Thank you for that, Suzanne. I think it likely that a few people will take you up on that. Okay, so we meet tomorrow morning at 9 a.m. for the Joint Working Group meeting on the review of the role of the GAC, and I'll ensure that we have copies of the latest version of that report available tomorrow morning so that you can have those in front of you. We haven't discussed a great deal within the joint Working Group the policy development process, and how the GAC fits into that, so if I can just get you thinking tonight about how we might want to flesh out that section of the report, and being still a significant piece that we haven't yet really addressed in any great detail. And with that, I'll close today's meeting, and have a good evening.