

**Transcription ICANN Durban Meeting
Lunch Meeting with ATRT2
Sunday 14 July 2013 at 12:00 local time**

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Jonathan Robinson: If I could encourage everyone to - as soon as you've got your food to return to your seats so that we can begin the session as soon as possible. We have a very limited time available to us so that would be great.

Woman: Yes.

((Crosstalk))

Jonathan Robinson: All right everyone. I'm just going to give you a time check. I think we should commence the session as soon as possible. If you could return to your seats or prepare yourself to participate. This session is open to everyone to participate who is in the room and who has something valuable to add.

So we welcome our ATRT colleagues to this GNSO working session on Sunday here in Durbin. And I think we'll kick - just give us one more minute and I think we'll kick off ASAP.

Great. Let's get things going now. Thanks - can we start the recording please? We're good to go. All right.

Welcome everyone, welcome counselors, welcome GNSO participants, welcome ATRT colleagues. This is an opportunity for interaction between the ATRT and the GNSO. We have a series of questions that have been posed. We have the various members of the ATRT here. So let me hand over to Brian Cute who is able - who will prepare for us - a couple of introductory remarks.

Brian Cute: Thank you very much Jonathan. My name is Brian Cute. I'm the Chair of the Accountability and Transparency Review Team 2 at ICANN. We very much welcome this interaction with you. I recognize that time is short and we want to make the most of it. With that we have a number of the members of the ATRT2 here present. We're here to engage and hopefully have as much of a good dialog we can in the next 50 minutes or so.

That being said and hopefully to be brief some opening statements. We do understand that with respect to these questions and the dialog today that we're not hearing from the counsel formally. We understand that we are hearing from GNSO counselors effectively within their individual views and not necessarily reflecting the views of the stakeholder groups they may represent and that we may hear from other in the room as well and we welcome all of that input.

What's important at this stage of the game for us is that we're still in the data gathering part of our process. From a timeline perspective we will begin drafting in earnest proposed recommendations at the end of August. We will be putting out for comment from - public comment and comment from ACs and SOs proposed final recommendations in mid-October. So we're still in a - and we have to provide our report by December 31st to the board.

We're still in a data gathering phase. We recognize that with respect to the questions we've presented to the counsel that the counsel has not had time to put together a GNSO counsel view. But there should still be sufficient time

for the counsel if it wishes to do so and present that to the ATRT2 and we would welcome that when the counsel can do that if it decides to do so.

The questions we sent to you - there are really two different groups of questions here. Not identified as such but just so you're aware we formulated six questions that up to this point in time based on our review assessment and inputs from the community six questions that are beginning to become top of mind questions for the ATRT2.

The balance of the questions are questions emanating from our review of comments received and we received 30 comments in the public comment process to date. Those are taken from comments, reflect our consideration of specific comments, and represent in some ways follow up questions.

We welcome any input you have to offer today. The other thing I would note is you may be aware that ATRT2 is in the process of engaging an independent expert to provide an assessment and analysis on the GNSO PDP process.

So with that opening if you need me to frame anything else Jonathan, in terms of the interaction please add on to that. But at this point I'll be quiet and we're interested to hear your views.

Jonathan Robinson: Thanks Brian. Just to double check that. So that the first six were - is in order, those particular ones (unintelligible).

Brian Cote: (Unintelligible) sorry. I'm looking to Alice. We had six that we sent in advance of the meeting about a week ago and then an additional eight that we added to that. Are the first six as enumerated Alice, the original six? Yes.

((Crosstalk))

Brian Cote: Yes they are.

Jonathan Robinson: All right. So thank you for your understanding of our processes and structures. I think we should feel free therefore to talk and respond to these. One of the things that we are actively doing as a counsel is concentrating on a program of continuous improvement and that includes our own attention to the PDP process and so on. And I guess in my view in an ideal world and I recognize it won't pan out exactly like this but ideally our own self improvement and work on iterative improvements of processes like the PDP process would dovetail with your recommendations.

Now I recognize as I say that ideally - that may not happen exactly but I do want you to be aware of the fact 'cause we are cognizant of the ongoing need to improve in all areas of our work. So that's something which is active.

Your first question deals with that. I wonder how would you like to lead this? Would you like to frame the question and then we can respond? Because the question at our end - I mean, certainly the PDP one is something that is of interest and we can respond to that. So I see it in some indications. Jeff, would you like to kick off?

Jeff Neuman: Sure. So this is again just kind of - as you said we haven't had (unintelligible) of the counsel. So my name is Jeff Neuman. I'm with the Registry Stakeholder Group. Some of these things we've actually talked about as a stakeholder group in other context.

So one of the things I'd like to just plant like in the first question is - and this is something that we need to work on as a GNSO community is that there a perception that the only way that the GNSO can act is through a formal policy development process or what we all think as the capitol PDP which in the question.

One of the comments I'd like to make is that really I think the question should be whether the GNSO policy processes as a whole is effective for developing

GTLD policy. As you may know there was a reconsideration decision that came out fairly recently that the rationale was changed. But in the first version it basically said the only way the GNSO can act is through a PDP and if they don't act through a PDP we don't really have to consult with them.

We're trying to change things and improve that communication but my first comment would be I think the important question is to ask whether the policy processes in general work.

My second comment is that oftentimes the PDP - it's like the scapegoat. It's the easy thing to blame that you oftentimes here everywhere in the community whether it's in (DAX) sessions, whether it's in some other GNSO sessions or a CCNSO or others. You always hear that the PDP is broken. And actually I'm of the opinion that the mechanics of the PDP are not broken at all.

Just for some background too I was the PDP Chair of that working group that came up with the revised version. I want to be clear on that in case, you know. But the group really worked hard at coming up with the mechanics of that. And I think the mechanics are actually the right mechanics and are there and I understand you had a presentation from Marika yesterday on that and showing you the mechanics.

One of the things that we see and we've talked about in the Registry Stakeholder Group is that it's not the process that's broken but oftentimes we have a process that - or we have people or groups that enter the process without - with different incentives. And in order to come to a consensus there needs to be an incentive or a willingness to actually come to a consensus.

I don't know how you fix that problem but it's oftentimes when we get deadlocked it's not necessarily that the PDP process is broken. In fact in some cases a deadlock may be the appropriate result of a PDP but in other cases it may be that there may not be that incentive for certain groups to

come to a consensus or a willingness or even authority for those groups or the people in those groups to actually sit down at a table and come to a solution that's somewhere in the middle.

So - and the last point I want to talk about is we're actually talking about a lot of these issues too. It's not - it's great. We actually like the fact that the ATRT's looking at these issues with the PDP but we're also looking at those as well and we have sessions with the (GAC), you know, ironically I was on some of this later on the PDP process.

So I think these are the right questions. I'm actually glad you're looking at it but again I think we should look at the policy processes in general. In the bylaws it states that the GNSO is the policy body. I should quote it better. I should've had it in front of me. But it's basically the body that's responsible for developing and recommending policies around GTL - that generic topical domains. And for us that's not just acting through a formal PDP but acting through other mechanisms.

And I think what we need to do better in the next months - in the coming months or years is to define the other processes by which we can act either on a much quicker basis, a more timely basis, ones that don't necessarily have the standing of a formal PDP outcome but ones in which we can get in a timely manner responses to the board or other groups that ask us questions.
Thanks.

Brian Cote: Thank you very much for that Jeff. Appreciate it. Alan Greenberg, Vice-Chair of ATRT2 I think had a follow up questions.

Alan Greenberg: Not so much a question but a reply and I'm speaking now as the Elect Liaison to the GNSO here. The AOC charged the ATRT with assessing the policy development process lowercase as it turns out to facilitate enhanced cross community deliberations and effective and timely policy development which is what we're trying to do in this process.

The term "broken" is used very often. We haven't used it. But the question is can we attract the right people and can we make them interact so we get good policy coming out of it? It's not really so much a process question but how do we make it work properly. And that's the real focus. Can we identify any particular issues that might be fixable? So it's very much in concert with what you were saying, Jeff. And I suspect we might have evaluated other processes if they were indeed defined right now but they're not.

Brian Cute: Thank you and just to underscore that we approached this task with no assumptions. We're forming questions, we're getting input, we're chartering an independent expert, we'll give them a scope of work but there's no conclusions or even preliminary conclusions at this point. And Marika's presentation was very much welcome yesterday.

Just one note: I know the PDP will be a distinct interest and that's great. In terms of the questions we are open to any inputs on any issue. You should have a hard copy of the questions we provided and there's more than just the five that are up on the screen. So again open invitation for any comments.
Chuck?

Chuck Gomes: Thanks Brian and thanks to each of you on the committee that I know are spending a huge amount of time. I'd just like to encourage your group to keep one thing in mind as you're looking at the PDP and that relates to the GNSO.

The reason it takes so long, the reason people get frustrated is because it's multi-stakeholder and it's bottom up. All of us in this community give a lot of lip service to the multi-stakeholder model and how critical it is but the bottom line when it comes down to implementing it and doing it we don't like it because it takes time and such a global diverse environment.

So I would just encourage you and the expert that you hire to look at this to keep that in mind that the problem with the PDP is that it's multi-stakeholder and bottom up.

Jonathan Robinson: Thanks Chuck. I've got Yoav and Mikey and that there are response is directly to Chuck. But I think I've got Yoav, Mikey and I'm going to put myself in the queue after that.

Yoav Keren: Yes. So first of all my name is Yoav Keren. I'm from the Registrar's Stability Group and I'm totally speaking in my own capacity.

So I totally agree with what Jeff said and I do think that the PDP in general is not a bad process. I think the way it's implemented in times is bad. I think one of the main reasons that we've seen over the years -- and I've been involved in PDPs I think in the past ten years or something like that -- is that it takes too long.

Now in the business environment - and I've seen this happening. There are issues that we're talking about in different PDP (unintelligible) in a business environment these issues would have been - they can be much faster. Even getting all the replies from all the stakeholders it can be done faster. I see that's the main problem.

There are ways to resolve that. It's in the process. I'm sorry Chuck, I don't agree that the fact that it's a stakeholder - it's a multi-stakeholder process means it's going to take too long. I think it can be shorter. That's one of the - my - the things that I view.

And the other thing which is much more problematic from my point of view is the fact that I've seen working groups be manipulated by chairs or by ICANN staff members that (unintelligible) like the comments made by different people that were in the working group.

I've seen groups being ignored several times in working groups, reports being manipulated and submitted and showing a consensus where there was no consensus. And public comments just being again ignored totally. Several times repeatedly not only ignored there was not even a reply why they were ignored. And I think that's a big problem.

Now I'm not saying it happens always. I'm not saying it's - I'm not specifying currently latest PDPs but I have seen it. And this is something that's - so one of the things that I've seen is that if a chair wants the report to go in one direction they have the power to do that because they write up the paper at the end. And you can have members of the working groups saying the whole - very different things and they're just, you know, not (unintelligible) situation.

So I think this is resolvable and there should be some type of I don't know way to monitor that. Thanks.

Jonathan Robinson: Thanks Yoav. I think Brian would like to follow up directly to that.

Brian Cate: Yes, thank you very much for the inputs Yoav. With all the inputs that we received it is in our charter that we provide a report and recommendations to the board that is fact-based. That's critical to the quality of our output. So I welcome your inputs and would ask anybody in the room including yourself if you have specific documents or facts that you can point us to to substantiate the points you're making those are not just welcome but necessary to our work.

Jonathan Robinson: Thanks Brian. Mikey. I'll put you in then after me.

Mikey O'Connor: This is Mikey O'Connor from the ISP Constituency and I assume are we doing the questions like one at a time or is this like scatter shot? How are we (unintelligible)...

Jonathan Robinson: Mikey, we don't have time to systematically work through (unintelligible)...

Mikey O'Connor: Yes, okay. So let me just...

((Crosstalk))

Jonathan Robinson: ...it appears that the PDP is a particularly interesting topic to this group. I understand and even Brian did make the point that any areas are up for grabs here...

Mikey O'Connor: Okay.

Jonathan Robinson: So I think we have to do in that way.

Mikey O'Connor: All right. I just wanted to understand the ground rules. On the first and second question I think - I spend a lot of time in the PDP and one of the nice things is that there is so much going on above me that is relevant to what I do that most of the time I don't pay attention to it. You know, new administrations come, they go, new tools come, they go, and fortunately from my point of view much of the process at that layer does not disrupt the PDP.

The current process that's going on is getting ready to be quite disruptive I think. And I'll give just one example and that is that we have a whole initiative that's now drawn together in something called the ICANN Labs that just got announced yesterday I think that is trying to essentially provide a whole new set of tools to the policy making process. And there has been almost no connection between the work that's being done on those tools and the people who are doing the work. So in a kind of classic systems design standpoint the requirements are being defined by the users of the system. They're being defined by others. So that's one topic.

Second topic: the financial budgeting process here is broken. This has been a disaster and I don't know where in this list that fits but I want to get it on the record that we've got a really serious problem in the budget process. And the

example that I'll give the is that the stakeholder group that I'm in, the Commercial Stakeholder Group is basically paralyzed because right now we have no budgets. We don't know whether we have anything to do over the next year because the budget process is so late. So there's a whole big paragraph that could go behind that.

Not to be a total grouch - third topic and then I'll be done. There's this giant outreach initiative that's soaking up tons of budget. It's - budget process aside there's a huge opportunity to solve several problems at once. But if we're not careful we're going to create more problems than we solve. The - and (Sally Costerson) said on an outreach call several weeks ago that her goal is 10,000 new participants within - and I forget the timeframe. Maybe two years but 10,000 is accurate, fact based, timeframe I can't remember.

That's a huge number of people for the organization to absorb and we don't have a carefully crafted series of incremental steps to take those newcomers through an orderly process that makes them effective contributors and participants in the process. There's a giant valley in the middle. We have a whole bunch of new people who are really interested in participating. We have a very small overloaded group of participants who are looking for new blood and we don't have the bridge between those two problems yet. So that's a whole other paragraph and I'll wrap up here.

Brian Cute: Thank you Mikey and to your point about where is the budget issue on this list we're open to hear anything that's top of mind for you. We don't want you to feel constrained by this list of questions either. So thank you for that input.

Jonathan Robinson: Now Jeff is in the queue, I'm not sure who else is up but a brief follow up comment for Mikey. Did you hear in (Faudi's) operational presentation this morning he talked about bridging that gap a little? And I'm not sure you got the full answer but I just wonder if you heard what I heard that he mentioned bridging that gap a little. I don't want to sort of go down a rat's hole on this one but that's just a sort of a yes/no (unintelligible).

Mikey O'Connor: Thanks Jonathan. This is Mikey O'Connor again. (Faudi's) presentation this morning was so filled with contradictions that after a while I got - I couldn't follow the circles he was walking in. We danced around so many issues so fast.

So let me bring up a fourth broad topic in response to your question which is that our senior staff right now seems very disconnected from the core of what we do here. And I'll give another fact-based example. That ICANN Labs thing that was rolled out yesterday they had a Twitter handle, they had a LinkedIn group, so we're all about social media. They didn't register the domain names icannlabs.com, net, org. So you go talk to these folks and say why not?

We are a domain name focused organization. We live and die by domain names around here. At a minimum you should know enough about domain names to know that you ought to register the name of a big program. So I registered them so that somebody else didn't.

But, you know, right now it's actually quite comfortable at the PDP layer because fortunately it's quite removed from the antics at the top of this organization. So although he touched on that he touched on so many other things in such a disorganized and scattershot way that I don't know whether it was real.

Jonathan Robinson: It's a check if I've got anyone else I should have in the queue. I have myself in the queue, I've got Jeff, I've got Steve DelBianco, am I missing anyone?

Man: (Unintelligible).

Jonathan Robinson: Well there's no - no we (unintelligible)?

Man: (Unintelligible).

Jonathan Robinson: (Becky). Did I see - did I - Chris? Chris. Olivier wants to make a brief response to Mikey.

Olivier Crepin-LeBlond: All right thank you. It's Olivier Crepin-LeBlond for the transcript. Mikey, would you be ready to sell icannlabs.com and .org to ICANN?

Jonathan Robinson: Right. I've got Jeff coming out. I just wanted to make brief remark and I - in some ways I think I can make this on behalf of the counsel because in the counsel, we are and have been recently at least aware of the (GAC's) concern about their interaction with the PDP process. And we have an active engagement process with the (GAC) on working to develop mechanisms by which they can become - there are no resolutions yes but there is an active program in conjunction with the board PGRI, the Board (GAC) Recommendation/Implementation working group.

In conjunction with the PGRI we are working very closely in trying to - and we're going to discuss that further with them today. So there is active work going on because the reason I make that point is one, because it is something (unintelligible).

((Crosstalk))

Jeff Neuman: ...or is denied but then they ended up making a change anyway. I still consider that as an denied request. And what it shows essentially is that, I mean, one could say that every single reconsideration request was ridiculous and should've been rejected. But if you read the reconsideration requests themselves they're mostly very well written, there's definitely good arguments.

And to come out of that one could only assume that the - there's something that needs to be reviewed about the reconsideration process. If every single one of them is denied then there's gotta be something that either the

community perception of what the process is may not be right or that there may be something that needs to be done with reconsideration.

The other question that comes out of it is there's really still no accountability measure if ICANN just plainly get something wrong. Right now there is a reconsideration process that looks at did ICANN follow the process? And if they followed the process it doesn't really matter what the outcome was, right? That it's okay because they can deny the reconsideration request and then they move on.

But my question is and has been for a long time: what if they're just wrong? What if we find out as a community you were wrong? You decided the wrong way. Who does the community go to? How do they get that addressed? There's no court, there's not government, there's nothing, there's absolutely nothing. And so from that perspective we need to give some thought of what do we do if they just plainly get it wrong? They follow the process to the T but the outcome was just the wrong outcome?

And so I know that (Becky's) later in the queue but she's talking about the independent review and so I will defer to her when - just to go over those.

Brian Cute: Thanks Jeff. Going to one of my aids, Steve DelBianco.

Steve DelBianco: Thank you. Steve DelBianco with NetChoice, also a member of the BC. And one of the questions here are focused on the how to of accountability and none of the questions as to whom ICANN's accountable because everyone just takes that for granted. But this morning in an interaction with the CEO the to whom question was thrown into one of these circular logic concerns that Mikey identified.

The CEO talked about his evolving thinking about contract parties being treated as licensees with whom the key relationship is the contract and then a

relationship that makes compliance work. And then (Faudi) said that registrars then become the customers to whom you're accountable.

At that point both Wolfgang and I both chimed in to say now wait a minute what about end users whether they're noncommercial or commercial? End users doing emails, doing apps, putting up Web sites, they are users and customers of ICANN's resolutions services. And when we pressed on that (Faudi) didn't, I mean, he appreciated the point but it was a little bit circular too about whether he would embrace that or not.

You're in a perfect position to sort of reestablish in this second review the not just the how to be accountable but to the to whom we are accountable and be able to delineate between contract parties for whom we don't have accountability, we have a contractual relationship and end users and registrants which are really the only two bodies to whom you're accountable. I know governments and all of our stakeholder groups claim that we represent certain sub-segments of those groups but it's all registrants and it's all users.

So this is a perfect time that if your group were able to solidify that and might guide the CEO in his sort or rethinking of this whole relationship status.

Thank you.

Jonathan Robinson: Now we'll move on to (Becky) who's next in the queue.

Becky Burr: Thank you. I have a very, very specific and very concrete example of a problem that flows directly from implementation of ATRT1 recommendations and I urge careful attention to this.

ATRT1 recommended that ICANN - called on ICANN to establish an expert's working group to review the independent review processes. It did nothing on that until the dead of August of 2012 in which it called for experts - issued a request for interest, expressions of interest. ICANN appointed three highly qualified individuals and gave them precisely five weeks to review all of the ICANN processes which included the Toronto meeting if I'm not wrong.

Two of the experts came to Toronto and met with specific individuals. There was a community meeting that was held at 8:00 in the morning and not particularly well attended and the transcript of that meeting shows that the discussion never got beyond the reconsideration request.

The independent - the group issued its report and recommendations. There were two comments, one from the registry constituency. The registry constituency said something about this report a very interesting but you have proposed to entirely gut the standard by which independent review is conducted and moved it down simply to an evaluation of whether the directors of the board were acting in good faith. We believe and stated in the (unintelligible) that that totally gutted the substance of protections of that process.

One other commenter didn't really address that fact but the comment - the statement that's most compelling in the registry constituency statement is this is clearly - looks like an attempt to check a box and not to do the work that you were assigned by ATRT1.

The months went by and no one will have noticed but in Beijing on its consent calendar the ICANN board passed the amendment to the ICANN bylaws that gutted the standard for independent review. Members of the board of directors who I talked to were not aware of what they were talking about. It was discussed on the consent calendar.

I hope that you will look at that very closely because this was as specific directive from ATRT1 and it - evidence is a huge problem. I understand that staff is concerned about frivolous use of the independent review. I think that's a legitimate thing to change. I think the manner in which this was conducted and the fact that the only substantive comment said this change is problematic and take a substantive look at this. Don't just go through the

motions. Do the work that the ATRT assigned you is something that we really need to address and I hope you guys will.

Jonathan Robinson: Thanks (Becky). Any comment or response? All right. So Chris, I think - believe I have you next in the queue.

Chris: Thank you Jonathan. I just want to first endorse everything that Mikey said earlier. There's no point in me wasting your time in repeating it and he said it far better than I can.

So just to the question three about the public comment process and I think it is an area that's not working well. I think it's an area that you have to look at it and the benchmark of that is surely the average number of comments to most of the requests out there. It's so low it's definitely a problem that I think needs looking at. And I haven't got a magic wand but we've both got to I think look at the process and look at the community and look across the board for that.

So the second part of that question about taking the comments into account if you refer back to my written submission to the ATRT2 it refers to a public comment several years ago in which (unintelligible) with his crystal ball I think painted a scenario of what he thought might happen in a certain case and (unintelligible) documentation. That never made its way to the summary. The board ignored or didn't take it into account and then this scenario did in fact play out. And that's - so that's a beautifully classic example of what a lot of people talk about. Thank you.

Jonathan Robinson: Okay. I have Yoav next and then I have (unintelligible).

Yoav Keren: Yes, I just wanted - one clarification on my previous comment. You got my - the experience I was talking about was not from (unintelligible) groups in the past two years. So just to make that there clear. So that doesn't mean anything related to the staff or other trainers.

Jonathan Robinson: Thanks Yoav. In fact you remind - that was exactly my question for two reasons but primarily because I'm aware of a number of (unintelligible) - of improvements including for example the way in which the public comments are synthesized. If you recall we heard a positive comment about that yesterday so that's useful that you make that addition.

Tony, you're next.

Tony Holmes: Thanks. I'd just like to draw attention to two quick issues. We heard Mikey give some input back from the budget process and I'd also like to support that. But it isn't just the budget. It's linking the budget items back to the strat plan that we really struggled with.

If you look at some of the big bucket items that have very large numbers assigned to them in the budget and then try to dive down underneath you quickly lose your way. It's very difficult to actually understand what projects are covered with those top level items or the details that those project and also the manner in which those projects have been formed the community input seems to be lacking. Those things aren't linked and in terms of transparency that's a really big oversight that's causing all types of problems.

Whilst I'm here going over the rules that we can bring up anything else as well follow through from the ATRT1 recommendations I'd like to express some disappointment particularly with the Who Is issues. Whether you actually have a view on that or not it was a way where things were moved forward far more than they ever have been before, the work of that review team did quite a lot and achieved quite a lot. And there seemed to be support to move forward with that.

The follow through was somewhat brushed aside. It's never been fully followed through and there was a long delay before anything happened at all. I would like to think that with the follow on ATRT exercise that isn't going to happen again.

Jonathan Robinson: And Brian is going to respond to that.

Brian Cute: Thank you for that Tony. In terms of the structure of our work we are tasked to review ICANN's implementation of the recommendations of the three prior review teams: ATRT1, Security Stability and Resiliency and Who Is. That's part of our work. We also have identified what we think are some new issues but which we may provide new recommendations to ICANN.

So to your point that is something we're looking at, the implementation of the recommendations on the Who Is review team. Again we welcome any inputs that can help us give a full assessment.

Jonathan Robinson: Thanks Brian. We can - just to do a time check for everyone. I have three people in the queue. I have Wolf-Ulrich, Wolfgang and Alan. We - unfortunately in spite of the richness of the discussion we have the board joining us - or scheduled to join us at least on the hour and so we have to do a changeover. So I apologize for that but let's hear from Wolf-Ulrich, Wolfgang and Alan and then I have to cut it at that point.

Wolf-Ulrich Knoben: Yes, thank you. I - more - the question that's regarding to the independent expert going to hire for the PDP (unintelligible) effectiveness of the PDP can you a little bit lift the curtain off of that body? What is (unintelligible) is that because it's supposed to be an independent expert? What do we have to expect in terms of being engaged or being asked of from this expert or whatever? (Unintelligible).

Brian Cute: Thank you for that. We are having a discussion on what the qualifications on that independent expert would be. Certainly an understanding of ICANN, the multi-stakeholder model, and certainly to some degree the processes here are an important qualifier among others.

When selected the independent expert will be given a scope of work that's been formed by ATRT2 and we can certainly anticipate that will be directing the independent expert to be engaging with the relevant bodies within ICANN as they do their research and analysis before they come back to us with a final report. Does that answer your question?

Wolf-Ulrich Knoben: Okay (unintelligible).

Jonathan Robinson: Thanks Brian. Wolfgang.

Wolfgang Kleinwachter: Thank you very much. Wolfgang Kleinwachter. It's not a question, it's - I just want to share an observation or a concern. You know, my impression is that ICANN's arms get longer and longer and at the end of the process probably the left hand doesn't know anymore what the right hand is doing.

And I just was sitting the last two hours in the joint (GAC) board meeting with the new GPID committee and they discussed at length the ITO protection. And no single board member mentioned in the discussion with the (GAC) that there is PDP in the GNSO that we are discussing this and develop a policy for this.

So my question was is this just ignorance? Is this, you know, just that they have no knowledge about it or, you know, how this can happen? That in such meetings between the (GAC) and the board that discussed the role specific protections for ITOs and the Red Cross and the Olympic committee in the new GPID program that the whole process which has been discussed at length here in this committee is totally sidelined and ignored.

I think this is, you know, I want to say that's a good (unintelligible) nobody mentioned it and I just wanted to share this with you because I think this is a point of concern. Thank you.

Jonathan Robinson: Well I'll just respond very briefly and move to Alan. It's somewhat ironic because the (GAC) did ask us to specifically cover that - something on that in our meeting with them which is scheduled to happen in an hour or so's time. So thanks for raising it anyway. Alan.

Alan Greenberg: Thank you. Just three quick responses to three of the previous people. With regard to Who Is - Tony's comment on the Who Is review team I'm one of the small group that is reviewing ICANN's implementation of it. We have gotten virtually no comments. So we're working purely on our own. Any comments that people have - certainly Tony but anyone else on how well they think the Who Is review team recommendations have been implemented or not implemented, very, very welcome. We would far prefer to be dealing with input from than making up only our own answers.

With regard to the independent expert you'll note the last sentence in Question Number 1 is we're looking to identify people who would like to interact with the independent expert. So they're exclusively taking the list at this point at it were.

And with regard to that last question and I'll just give a personal opinion my understanding is the board and (GAC) are negotiating or whatever an interim position pending the GNSO PDP. Now if the GNSO never ends up with a recommendation that may well be permanent. But if the GNSO approves a PDP and the board ratifies it that replaces anything the board is doing right now. That's again a personal opinion not ATRT.

Jonathan Robinson: Thanks Alan. That's consistent of my understanding as well. So thank you very much for coming to see us today. Brian, would you like to wrap up with any comments?

Brian Cate: Sure thank you. Just a reminder of our schedule. With respect to these questions the extent that the counsel does want views please ask them onto us at your own time recognizing that by the middle or end of September we'll

be getting very near the end of our data collection and analysis process at which point we're turning towards drafting proposed final recommendations. Those do go out for public comment around the mid-October timeframe. One last opportunity to comment on what we're proposing in terms of the final recommendations. But that's our work timeline and we welcome this interaction very much. Thank you for your time.

Jonathan Robinson: Thank you again to all of you and your colleagues and for your opening recognition of the constraints with which we can discuss these things with you. I think it's helped to have an open and good discussion. So thank you and thank you to all contributors. We'll call the session to a close now in preparation for our forthcoming meeting with the board.

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