

Transcription ICANN Durban Meeting

Registries Meeting

Tuesday 16 July 2013 at 11:30 local time

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Barbara Knight: Yes I can. This is (Barbara). Can you hear me all right?

Barbara Knight: Yes. Fine. This is Barbara Knight from VeriSign. (Unintelligible).

(Barbara): Thank you (Karen) and (Keith). So I will be very brief. I know that you have a full agenda today. So just wanted to give you a quick update on the IRTP Part D, which is currently underway. Discussions around the issues are continuing. I did want to let everyone know that there will be an in person meeting of the Part D Working Group tomorrow morning at 7:30 am in Hall 2C.

And the agenda for that is basically to provide an overview of the group's work to the community and have general discussion around that. In addition to that we're going to be discussing the recommendations to the charter Questions E and F.

And just as a reminder, Question E relates to whether or not existing penalties for policy violations are sufficient or if additional policies or

provisions, excuse me, penalties for specific violations should be added to the policy.

So just to give you an idea of where we are with that, the preliminary recommendation of the working is that the penalty structure, which has come into play under the 2009 RAA as well as the additional sanctions that will come into effect with the 2013 RAA, which was just adopted, are sufficient to deal with the various levels of central IRTP violations. So at this point we're not recommending that any additional penalty provisions be added to the policy.

With regard to Question F, that one relates specifically to the universal adoption and implementation of EPP op codes and whether or not that has eliminated the need for the FOA or the form of observation, which is required to be obtained and retained by the registrar prior to initiating any PP command to transfer a domain name from one registrar to another.

And at this point the working group basically does not recommend the elimination of FOAs and it's primarily because those FOAs are really key in helping to review and resolve cases where there could be a high (decking) involved and there's a dispute relating to the legitimacy or validity of a domain name transfer.

So that's basically where we are and those are the key topics of conversation that will be occurring tomorrow morning. Also wanted to give you a - I guess first I should if there are any questions relating to any of that.

Keith Drazek: Thank you (Barbara). Any questions on the update that (Barbara)'s just provided? All right. Very good. (Barbara), before you move on, let me just ask do you need any action items from the stakeholder group?

(Barbara): Yes. That was actually going to be the second part of the update that I wanted to provide today because I'm also participating in the review team for

IRTP Part C. And you may recall that - I think (Cherie) had forwarded this around from (Wendy). I think it was (Wendy) that sent it out. A request for feedback from the registries relative to the timeframe that would be required in order to implement the inclusion of IANA IDs in the Variant TLDs Whois records.

So I will be looking for some feedback on that. I know that typically, you know, if there's development involved you'll need to engage your engineering team and essentially get that development a level of effort I guess determined as well as, you know, when you could get that on a roadmap for development. So if you can provide with some feedback on that, that would be very helpful.

Keith Drazek: Okay. Thanks (Barbara). Is there a timeframe for that feedback?

(Barbara): I would say as soon as possible. We did start recently meeting. We had our first meeting on July the 3rd. So after the Durban meetings we will have additional meetings relative to that. So the sooner you can get that to me the better.

Keith Drazek: Well thanks very much. Any questions or comments for (Barbara)? I don't see any. So (Barbara), thank you very much for all your work on this.

(Barbara): Thank you all.

Keith Drazek: Thanks for joining us at this hour. Chuck, I see your hand. Go ahead.

Chuck Gomes: Yeah. I just want to encourage the - all of us to be responsive there. Barbara in particular has carried - has been on all of these PDPs on registrar transfer and has spent a lot of time and sometimes it's frankly like pulling teeth to get people to respond. And it makes her job so much easier in representing us if we will really try to be responsive.

And that's true of all working groups if we will respect the people that are doing it and try and be as responsive as possible. And we know we're all busy but do the best we can to do that.

Keith Drazek: Great. Thank you very much Chuck and thanks (Barbara).

(Barbara): Thank you and thank you Chuck as well.

Keith Drazek: Okay. Let's move on. Let's see. We had - we missed a few things and one of the things that we wanted to go back and talk about is GAC advice particularly in advance of our conversation at 1 o'clock with the Board.

So let's circle back to a previous agenda item on GAC advice. I think we have probably some general discussion that I know that (Jeff) that he's - I think he circulated to the list for consideration. And (Jeff), why don't I just hand it to you and then if anybody else has thoughts, concerns, questions on GAC advice that we ought to talk about before meeting with the Board, let's make sure we get that in. (Jeff).

(Jeff Neuman): Yeah. Thanks. I just sent around a proposed statement. There's been so much going on outside of our control between the GAC and the Board and so many things that if you take a look at what the original guidebook said and where it is now whether it's geographic names or categories of strings and sensitivities and you name it.

There's just so much that's happened outside the multi stakeholder process; even more going on now. I'm being sent notes from things that are going on where for example the representative of India has now suggested that two additional strings that weren't on the original list not be blocked. That's (Rom) and there's another one. I can't - Indians - .indians because it's so close to the ccTLD of India.

So there's more and more that, you know, every day and they apologize because they weren't able to make the last GAC meeting and they know it's late in the process but they think that this is consistent. So more and more things keep coming up from the GAC and this is not going to stop. It's going to continue not just with new TLDs but every issue going forward there's almost a sense - a new sense of entitlement of the GAC to just step in.

And the Board has been so reluctant to oppose anything. Basically everything that comes from the GAC lately it's how can we find a way to implement this. They use funny words and they try to circumvent it but it all gets put on us as registries, registrars, applicants.

And so the statement I put forward is actually a statement that's being considered by other groups, other constituencies and stakeholder groups and basically asking the Board to put its foot down. Enough is enough.

And so I can read it kind of quickly or it could be put up there. But it's basically that the registry stakeholder group appreciates the role governments play in the community multi stakeholder model particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.

Having said that, we have grave concerns that the recent drive by the GAC to put forth advice that appears to override the very nature of a multi stakeholder model. From 2007 to 2011 the GAC, ICANN Board and the community debated numerous aspects, rules and policies around the applicant guidebook. None of us got everything we wanted and all of us at times felt we were not being heard.

In the end however we came to an agreement on rules for this round of new gTLDs. Now the GAC has put forth retroactive changes to the applicant guidebook around the issue of sovereign rights, geographic sensitivities,

industry sensitive strings, regulated strings, et cetera, changes that in essence not only override the rules set forth by this community but also exceed what those same governments could do under their own national laws.

GAC advice needs to be consistent with existing law and not create new rights or take away existing rights through ICANN. If they can do this on these issues, they can do it on any other issue in the future to any other applicants or members of this community and in the long run to users of the Internet as a whole.

We ask that this Board act to protect the stakeholders before you today and the people and companies who they represent and to reject the GAC advice in Category 1 strings and the geographic names that were not specifically precluded or regulated by the guidelines set forth by all of us in the multi stakeholder process that created the guidebook and upon which applicants relied. That's the statement. I think it's important to get behind.

Keith Drazek: Okay. Thanks (Jeff). I see (Tim), Chuck, Adrian, (Paul).

Tim Switzer: Tim Switzer, .GREEN. Thanks (Jeff) and I'm certainly with you on this issue. I think the other thing that was particularly frustrating from those of you who were in the new Board - new gTLD program committee meeting with the GAC the other day is - the Board seemed to at least put up that, you know, a lot of what the GAC has come to them with is - as an extent, un-implementable and so on and so forth.

And basically for an hour and a half they debated well, all right, you tell us what you want. No, you tell us. I mean it went back and forth. And an hour and a half later they were kind of like oh this was a good discussion but it went nowhere.

And I think yesterday from the update that (Kristine) provided when she put a timeline factor around GAC advice, she had it going through the end of November but it was clear it was just well that's the Buenos Aires meeting and basically really doesn't know. So the challenge here is that not only is this issue out there but there just doesn't seem to be a path to get it resolved. Thank you.

Keith Drazek: Thanks Tim. I've got let's see Chuck then Adrian then (Paul).

Chuck Gomes: Thanks (Jeff) for drafting that. I think it's good. I would suggest consideration of adding one thing and that's the point I made earlier today. I think there's one point of GAC advice that was given a long time ago that's being violated. And that is it said no significant changes to the guidebook should happen after applicants apply.

Now that may be advice that till we discover a way to involve the GAC earlier, I don't know if that's achievable or not. But I think it would be helpful to point that out that their - I mean we're not talking about minor changes. We're talking about major changes that impact all applicants; some applicants may withdraw because of this after investing huge amounts of money.

And then all of us are being impacted in a financial manner with some of the things that are being done.

(Jeff): Thanks Chuck. And if you could find a place to put it or a draft like a - I would love to put that in. And you say some applicants may withdraw, I would say that Patagonia did withdraw.

Keith Drazek: Okay. Thanks. I've got now Adrian and then (Paul), so.

Adrian Kinderis: I just wanted to lend my support for the statement. (Jeff), good job on putting it together and I think it will be made better even with what Chuck's done suggesting. So I do support getting that in there.

We need to close the door on this. And the unfortunate part is the Board have opened it. And, you know, I think as we continue to move forward knowing that there's uncertainty to our contracts and uncertainty to - if there's no transparent process anymore and that we can have one body come in and basically, you know, the tail can wag the dog, it's of real concern. And enough's enough. It's advice for a reason. It's no direction, so.

Keith Drazek: Thanks Adrian. (Paul).

(Paul): Thanks (Keith). (Paul) from PIR. We support the statement as well and it's suggested on the list to you (Jeff) an extra sentence or friendly amendment that actually could be linked with Chuck's point. Something making explicit that also the guidebook had always envisioned that the GAC - had explicitly said that the GAC would be providing advice on specific strings, not entire categories.

It forms - it suggests at putting at the end of your first paragraph. Creates a bridge between what was understood and then what is happening now and how that's in conflict. And it should include Chuck's statement there as well about GAC's own advice or comments early on that no major changes should be made after the guidebook was approved. It could be a little bit stronger with both comments added in.

Keith Drazek: Okay. Thanks (Paul). I now have (Jordan) and then John.

(Jordan): And this may be clear and to the point that (unintelligible). It's not clear to me from the statement - like what was - what do you think GAC advice was supported to be? I mean we're saying these things it does is not allowed. But it's not clear at all what the GAC would have been allowed to do in GAC advice at least the way the statement's written right now.

So is it possible maybe to - maybe just start with explaining what you think that distinction is as to what the GAC should have done versus what actually happened?

(Jeff): The GAC according to the guidebook was supposed to give advice about particular strings because they raised issues of - and I know the language got modified and unfortunately that was, you know, is something that we all kind of let slip in although we opposed that language.

But they were supposed to raise issues that violate national law or raise national sensitivities, particular strings themselves. And it was not supposed to come up with new categories or go beyond what was already agreed to.

So when they came, for example, let's just use geographic. That was debated for years and ultimately came to the conclusion that we had these specific defined lists on -- that were internationally accepted and everyone signed off on it -- is that if you applied for one of these strings you had to get the relevant approval from the relevant government authority.

Everyone says great. And now because Patagonia (unintelligible) or Amazon, they're like whoa, whoa, whoa. That list is no longer complete. We don't like it, which is the same thing they argued before everyone agreed on the list.

So I think there were certain things contemplated by the guidebook and certain things that they were not able to get into the guidebook that they're now using this opportunity to get at what they couldn't get at in the first place.

(Jordan): I mean I don't disagree with that (Jeff). I'm just - as stated it seems like we're saying everything the GAC did isn't allowed by the guidebook. And I think they would (sort of) well what's the point of having GAC advice if it's not allowed to change anything.

So it seems like we have to figure out what we think is in bounds in order to say what's out of bounds. And if you're saying like it's impossible that anything the GAC would do would ever be in bounds then I wonder why would we have GAC advice in the first place because they do give a list of strings right?

Like it's - right now at least the Board's action has been on Category 1 to say these strings, the ones that are in the GAC advice are no longer affected by this. Not like random other things that the Board...

(Jeff): No. They actually said these are just illustrations of strings.

(Jordan): I understand that. What the Board did was act on the list of strings, not on anything extra to that.

(Jeff): I'm not 100% sure of that. I think there were certain strings in the first 50 that didn't get CIR request because there were questions as to whether - they were not specifically named by the GAC but there were questions as to whether they would be implicated by the GAC. So...

(Jordan): Krista, do you know that - do you know if there are any strings that are not getting contracting information that - are there any strings that are not getting CIRs from the Category 1 advice that aren't on the GAC - like is staff making any determination beyond just what's on the GAC list as to whether you're not getting CIR due to the Category 1 advice?

Krista Papac: I think I - if I understand your question correctly - this is Krista. We - when we look at strings for eligibility, we're using exactly what's on the list. So is that the question?

(Jordan): Yeah. That's the question.

Krista Papac: Yeah. So like IDN is a good example. So if a string is on the list - and the GAC if you look at the list closely, where they want an IDN they have it in parenthesis. So they have, you know, string and then they have Chinese IDN or they have in some cases IDNs. But yeah, we took the list literally.

(Jordan): So there's one on there that - I'll follow up on Krista and I'll send it to you. There's one - at least one on there that is not specifically named that didn't get one. That could have just been an oversight. But we'll - I'll follow up with you.

Krista Papac: Okay. But do you know it's not just GAC advice, right. There's other things. Okay. Cool. Thanks.

Keith Drazek: Okay. So (Jordan), if you have any follow up, that's fine but we've got a couple others in the queue. John then Amadeo.

(Jordan): Yeah. Let me just make this last comment, which is...

Keith Drazek: Yeah.

(Jordan): I just think if you're going to make this statement, you need to figure out what you think would have been allowed because right now it just sounds like you're saying the GAC couldn't give advice again and nothing they did is allowable. And if that's our opinion then maybe that's our opinion but it does seem to follow the question whether there was any role at on the GAC advice.

(Jeff): No. I think the GAC should be allowed to give advice on things that are consistent with national law. So if there were things that - let's take geographic.

If Amazon was a string that was blocked let's say in the Brazilian trademark office, then they could certainly say hey, that's not something that we allow

even in our own country and therefore we're providing advice against it. But the reality is something like Amazon they actually allow trademark registration for it in their own country.

So there are definitely things that are allowed. There are definitely words and strings that are protected in specific languages. If someone had applied for Olympic and we didn't have this whole, you know, special Olympic process - so assume that didn't exist. Then I would find it perfectly appropriate for the GAC to say well Olympic's protected in our country. So no.

But that's not what they did. They just basically - GAC members were just free to say oh, I don't like this one or, you know, this string which isn't even in the language - I'll give you another example.

Amazon in Japanese is - was objected to by the GAC. Makes no sense at all. They don't speak Japanese in the Amazon region. There's other IDNs in other languages that have raised sensitivities as well like it makes absolutely no sense.

Keith Drazek: Okay. So let's get to the - back to the queue. John then Amadeo.

John Nevitt: Thanks (Keith). John Nevitt. We drew a distinction between guidebook advice and advice that was specifically called for in the guidebook and then just general GAC advice. As everyone knows, the GAC can provide advice at any time it wants.

If it was pursuant to the guidebook though it had a heightened level of acceptance. And so maybe that's the way to draw that distinction that (Jordan)'s looking for.

Category advice for example I don't believe was called for in the guidebook and so I just consider that generic GAC advice and should not have that heightened sense of requirements or acceptance.

And I don't think there should be a long consultation after because that's all already been - they already provided that advice before the guidebook was written and finalized and we all paid our money and entered into our application agreements.

Otherwise we can have a constant loop of advice that may need a six-month consultation advice - the same advice, six-month consultation. So I think we really have to push the Board to just say no. To put their foot down and say we looked at this already. You already provided this advice in 2011. We already rejected it. We don't need the long consultation. That's our rationale.

And put it down and not have applicants wait in, you know, perpetual limbo because again they could just keep on doing this again and again. So I support the statement. I support adding a distinction.

You know, some applicants may think this could create a competitive advantage for them. It could create a competitive advantage for us on the closed generics for example. But we have to look past that.

We have to look at the big picture and we're going to running these businesses and we're running these registries for a long time. And we have to put the GAC advice process in an appropriate point. So I think we really need to push the Board to just say no.

Keith Drazek: Okay. Thanks John. Amadeo.

Amadeo Abril: Okay. Just a word of caution also on the same line that (Jordan) said about - we should be a little cautious to say that, you know, GAC is (unintelligible) should. One thing is whether we like or not the GAC communicating will not (unintelligible). There are lots of things (that we don't like).

But the other question is that I think we are missing a small point when we are saying this is that there are two kinds of advice. One is the advice it was a mandatory requirement for proceeding in the (unintelligible) procedure. The other one, (unintelligible) in the new gTLD program.

The other one is that GAC may give advice on anything they want at any time. And probably the issue here is they have mixed different things in a single communicate and they're being treated the same.

But we - I don't think we cannot say that GAC has no right to give opinion on something. They have the right to give the opinion. (Unintelligible) to see consequences of that opinion. But we should not try to pretend they cannot. And then we'll go into discussion of the individual cases but if we believe that the GAC (unintelligible) may not have an opinion on the uses of Patagonia still regardless of where it says (unintelligible) the law, we are not realistic.

(Jeff), for you information, Sao Paulo (unintelligible) is one of the biggest Japanese (concerts) in the world and even now the capital of (unintelligible) Japanese community for (unintelligible) reasons. But is that besides the point? Right?

Keith Drazek: Thank you Amadeo. And okay over to the mic.

(Jacob): Hi. It's (Jake) at (unintelligible), big room applicant for .eco. I just - I felt like it might be helpful to actually quote the actual point in the guidebook, 3.12, which says the GAC can provide advice on any application. And then it goes down to Point 2, which says GAC advice as ICANN and that there are concerns about a particular application quote .example quote period. And that's kind of all there is.

There's none of this stuff that you're talking about (Jeff) about national other stuff or other things. It just says that. So they can kind of say - I mean they

can give advice on I think whatever they want basically. That's within the guidebook.

And the question is, you know, how do we - how do we work that out? But I think it's important to recommend if we're talking about not making changes to the guidebook that's what's in the guidebook.

And then I'd also just fill on John's point. I think expedient resolution of this concern and this process would be really great. We would love to see frequent updates from the GAC. And if there's something you could potentially put in there about saying, you know, the more you can kind of keep us in the loop on what you're doing, that would be really helpful.

And as you resolve issues and sort of whittle things down in a way that doesn't create a log jam, that would also be really helpful. So areas where people can move forward more quickly would be great to see as well so that we're all not just sitting on our hands for the next, you know, six months for lack of (unintelligible).

Keith Drazek: Thanks (Jacob). And is it (TH)?

(TH Aramath): Hi. (TH Aramath), applicant for (.cure). I have two points to make. One is a specific point and one is a broader point. The specific point is a follow up to (Jacob)'s point. I just want to quote three sections in the applicant guidebook where it suggests that the GAC can provide broader advice.

So in Module 1.1.2.7 Pages 1-11 it states that the GAC may provide public policy advice directly to the ICANN Board on any application. But to me I read this as this doesn't preclude giving advice on the entire set of applications, on an individual and up to the entire set of applications.

And these are all sections that we've quoted - I'm quoting from the NTAG letter that I just read a little differently than the NTAG letter. Section 3.1 Page

3-2. The process for GAC advice on new gTLDs is intended to address applications that are identified by governments to be problematic. Again, nothing that precludes the advise to a single string and not up to the entire set of strings.

And the third section is Module 3.1 Page 3-3. GAC advice may take one of the following forms. I think that's the section that (Jacob) quoted, which to me is permissive, right, lawyers coordinate, very key there. So that's my specific point.

The larger point is drawing on my experience (unintelligible). Governments are not going to go away. You know, the Internet is becoming more and more important every day. And bad things are always going to happen.

If you wait for the bad thing to happen and somebody like Senator Rockefeller then draws upon it to say look, I was right to promote his career politically, there might be a response to that that is way beyond what we want.

And so, you know, recognizing the reality that governments aren't going to go away, they want to be right, people are going to use bad circumstances to get ahead politically.

Just want to recognize the practicality and suggest that perhaps it's in our better interest to just, you know, hey let's deal with this GAC advice. Let's, you know, make it work for us. Let's have a say in it instead of waiting for those opportune moments where the government then overreacts. Thank you.

Keith Drazek: Okay. Thanks very much (TJ). I've got (Becky) and then (Liz).

(Becky): So, you know, with respect to what people are saying about the Category 1 advice, you know, I think it depends a lot on what the - where ICANN comes

out on this. But I don't think that there's any harm in providing them with a little backbone in terms of making sure that whatever they accept is reasonable.

But I have to say notwithstanding the fact that the GAC can object and can provide advice about anything, the fact is in some (wish facts) the GAC is calling on ICANN to take action that is inconsistent with international law. And I think that was in (Jeff)'s statement.

And I think no matter what the guidebook says, we can't let that (unintelligible). We have to make a statement to the effect that ICANN is not a substitute for the WTO. ICANN is not a substitute for treaty-based organizations that are designed to deal with issues related to trade and sovereignty.

And it would be a terrible precedent to allow ICANN because it's not a treaty based governmental organization to be the way you work around those issues. And, you know, today it's the geos. Tomorrow it's something else we all care about as well.

Keith Drazek: Okay. Thanks (Becky). And I've got - I apologize to Reg. I accidentally skipped over you. So you're up next then (Liz) then Chuck and then we're going to need to probably bring this discussion a decision point about how we approach this with the Board. So let's go ahead and Reg.

Reg Levy: Thanks (Keith). This is Reg Levy from Minds and Machines. And I just wanted to say that (unintelligible) brings up (Paul)'s point, which was made on the email list that we should emphasize that the guidebook addresses - allows the GAC to address .example as opposed to all TLDs that are in the category example.

And even to - and I apologize I didn't catch here name's point. (TH) I think. To (TH)'s point the points that you read just sort of emphasize that fact to me

that everything that's written in the guidebook foresaw that the GAC could say we don't like that example for the following reasons.

And I also agree that governments aren't going away and that is exactly why we need to control their influence on the Internet, which is larger than they are.

(Liz Lindberg): (Liz Lindberg), PIR. I'm sort of dovetailing on your comment Reg. I think it's - the comment that GAC certainly can offer advice on whatever they want to. But again, if we go back to the applicant guidebook, I think the overall - I was at the joint meeting with GAC and GMPC.

And I think that's what's most problematic is the lack of clarity on the advice that GAC is giving. We've been given a non-exhaustive list and little else in terms of how to interpret that list. And I think the word that GAC was using repeatedly in that session was well, the list is meant to be indicative.

What does it indicate? How is it - the level of uncertainty that the GAC advice on the categories has issued I think is really problematic. Thanks.

Keith Drazek: Okay. Any other discussion points on this before I try to wrap it up. Oh Chuck, I'm sorry. Go ahead.

Chuck Gomes: Just in follow up to that. The GAC has repeatedly told the Board that it's not up to us to give specifics. We're going to give you the guidelines and you implement it. We know that's a reality.

Secondly, an easier thing to say, I did submit a paragraph to the list - to the registry stakeholder group list that if somebody can send it to the NTAG list as well for those that are on, I'd appreciate that. It could be added to this.

And then last of all, some good points have been made on different sides of this issue. I personally think that it's important for us to say something on this.

And what I would suggest is if some people could suggest some tweaks that may make it more palatable while still making the points - the key points, that we do that right now if that's possible.

Obviously we don't have very much time but I think it is important for us to make a statement. And I appreciate the fact that we have to be sensitive with regard to governments. They aren't going away. We need to work with them. So if we can craft this in a way that is tactful and yet making the point, I think we should make it.

Keith Drazek: Okay. Thanks Chuck. So that sort of takes us to the next question of, you know, how do we deliver this, how do we discuss this in our meeting with the Board at 1 o'clock?

We probably - and let me just take a minute to say we have a lunch that has been brought in. It's boxed lunches. There's enough lunches for the folks from registry stakeholder group and NTAG who responded saying that they were going to be here. That was the tally that we did. So there's enough lunches for that. So if we can make sure that everybody that was on that list gets lunches.

And then I think we need to have a working lunch. We need to continue in here through to be able to, you know, finalize this issue and also to discuss the other points that we wanted to raise with the Board, some of which I think we might be able to take off the agenda.

So let me just ask for recommendations about how folks think we should present this concept, this position, this statement to the board. Is it a question of reading whatever we come up with because it's going to be fairly long with all the additions? I'm fine with that. Is it a summarizing of the statement and then sending something in writing? That may be less effective.

So what - I'm asking for feedback on how we address this with the Board. Go ahead (Jeff).

(Jeff): I think today we can discuss some of the points. We don't read it - we discuss it with the Board. And I think during the public comment forum if the group agrees, I think the Chair should read the statement and make sure it's under two minutes or whatever - we'll get stuck with the timeline. But I think it should come from the Chair of the stakeholder group and yeah.

Keith Drazek: Okay. Thanks (Jeff). That certainly works for me. (Jonathan).

(Jonathan): Yeah. It's (Jonathan). I support that. I think there's obviously a third, which is to submit it subsequently in writing, which seems, you know, to follow up to the public comment since it won't necessarily be reported.

But I think in terms of the discussion with the Board it's about the principles and the examples and then we can follow it up as we discussed.

Keith Drazek: Thanks very much (Jonathan). Tim, go ahead.

Tim Switzer: Tim Switzer, .GREEN. And I think in addition to that whether it's to the degree we do get consensus from the NTAG that they're in support of this statement whether it's (Keith) you on behalf of the registry stakeholder and the NTAG in your reading the public comment or separately the NTAG getting up and supporting. I think it would be good to have both parties involved with that.

Keith Drazek: Thanks Tim. I'd be happy to do that if appropriate. I think for the purposes of the conversation today with the Board, I think it's important to note that there was, you know, sort of strong support I think is what I'm sensing at least here in the room for the discussion points but to note that the stakeholder group is still obviously discussing this. Haven't taken a vote. But again, I welcome others views on that. Certainly open to any further input. (Jeff), go ahead. And then (Jordan).

(Jeff): If this is something we need to take a vote on, I'd almost like to take a - even though the statement's not finalized, with the points added that Chuck has brought up and (Paul), maybe a vote of the stakeholder group in advance of that with those clear...

((Crosstalk))

Keith Drazek: ...advance of the public comment forum.

(Jeff): In advance basically now in advance of finishing the statement. I'm just worried that we're going to rely on a vote and not be able to get everyone to vote by the time public comment forum. So basically authorizing maybe a group of a few people to finish the statement with those points.

Keith Drazek: Anyone want to second that? All right. We have a second and a third. (Jordan), go ahead.

(Jordan): This may be overcome by events. I think - I don't think there's certainly not unanimity on this point. Mostly from people who aren't voting members of the stakeholder group. And I do think the at least the nuance should be conveyed to the Board, you know, not everyone agrees with this, you know, or at least let's see where the statement ends up.

But if you have a vote of the stakeholder group, that's fine. Right. Just explain - state that that's how the vote is. And just like people that don't agree aren't voting members so I mean that's fine. But then you really - it's conveyance. I think that's more easy to characterize than to say strong support or weak support or this. But just - I think it's fine to vote on it.

Keith Drazek: Yeah. That's a fair point. Thanks (Jordan). And certainly, you know, if there is anyone who, you know, does not agree, then we would certainly make that clear. Yeah. Chuck.

Chuck Gomes: Well I raise my challenge again. Are there - is it fixable to where you could support it? Jordan and others that have some concerns about it. If it is, tell us how it's fixable. And I think that might be possible but you have to answer that, not me.

(Jeff): And also, the problem with voting something down is that I don't think you have a problem - I didn't hear (Jordan) there's a problem with the entire statement. It's just a problem that we're basically saying the GAC can't give advice. So if there's a reason - how to try to fix the statement but something everybody could agree to then to just say to the Board well, some people don't agree with it. Because I believe it's only portions you (unintelligible).

(Jordan): I mean I don't think we're fully representative of NTAG members here. So I think out view is a lot more nuance than some people. I think there are some NTAG members who really like the GAC advice. And I don't agree with that. I don't love all the GAC advice. But I just want to represent the like hey everyone thinks this when in fact we know there to be members (unintelligible) that aren't supportive of that position.

Keith Drazek: Okay. Thanks (Jordan). Tim, go ahead.

Tim Switzer: Tim Switzer. Yes. As I said earlier, I think for purposes of today's discussion, this should be a registry stakeholder discussion with the Board. The NTAG obviously lot more members, lot more input and we, you know, we've got a few folks weighing in but I wouldn't want to portray, you know, that the NTAG is in support of this at this point.

Keith Drazek: Right. Okay. Thank you very much Tim for the clarification. All right. Chuck and then we need to wrap up.

Chuck Gomes: Yeah. And real quick. I don't think this is about whether you like GAC advice or not. It's a process issue.

Keith Drazek: Okay. So I think next steps are we need to have basically some, you know, (Jeff) and anyone else who's participating sort of pull together the final statement with all the input. Send it around to the list so we can all look at it over lunch. And then we'll, you know, basically decide on next steps.

So with that, let's sort of take a 15-minute break. Everybody can...

Cherie Stubbs: (Keith), I'm sorry. This is (Cherie).

Keith Drazek: Yes (Cherie).

Cherie Stubbs: Excuse me for interrupting. There is a question in Adobe.

Keith Drazek: Yeah. I'm sorry. Should we request ICANN to allow changes to our pricing from applications to cope with these material losses caused by significant changes to the registry agreement? And that was from (Maxim). I think that's - I mean that's an internal question, right. Here.

Woman: If we get too much in the weeds, we're not going to get there.

(John): Can I just ask - I'll ask Chuck and (Paul) and (Becky) to help me with this statement like in the back corner of the (unintelligible).

Chuck Gomes: This is Chuck. Jeff, did you see Reg's edits?

(Jeff): And Reg. No I haven't. (Unintelligible).

Chuck Gomes: Okay. She provided edits and tried to incorporate some of Liz's so there's a good start.

(Jeff): And (Jordan) too, sorry (Jordan).

- (Becky): I'm happy to be part of this but I - to (Jordan)'s point, I'm not a voting member, so.
- (Jeff): You know what. I'm just trying to get this statement. I'd be happy to include your points and then get it discussed. So it's - to me I don't - it doesn't matter.
- Keith Drazek: All right. So I'm going to change the plans here briefly. We're going to give Adrian five minutes here to give a brief update on the Domain Name Association. Then we'll break for lunch and then get back into our substantive discussions. So Adrian over to you. And if we could have the presentation up on the screen. Thank you.
- Adrian Kinderis: Thanks guys. Realize we've got some time constraints. I'll try and keep this as brief as possible. I'll start off by saying giving an advertisement. What time is it on Wednesday?
- Woman: Five.
- Adrian Kinderis: On Wednesday from 5:00 till 6:30 there's going to be a session of CEO roundtable discussions with Fadi and some of the CEOs presenting some work. Part of that will also be the Domain Name Association. We'll be giving you status update. Doing the same presentation we're doing today but to the broad community.
- So I wanted to take a few seconds to - you might have heard around that there is a Domain Name Association, a Google thing that started out blah, blah, blah. Certainly not that. But I wanted to try to give you a bit of a status as to where we're at. Clearly this is a target audience for us. And so I'll just quickly go through the slide deck. So if I get the next slide please. And go to the next slide. Thanks.

I should have introduced myself as well. My name is Adrian Kinderis. In this capacity I have been voted as the Board of the Interim Chair of the Domain Name Association. We're a little bit - what did I say?

((Crosstalk))

Adrian Kinderis: What did I say. Give me a spell will you? Okay. Whatever it is. You got it. Thank you. And I have - I don't know. I'll get to it later. So in order (to work out) these can participate in the Domain Name Association, we wanted to do a quick definition of the industry. You'll see this slide again. I know it's really hard to see here.

And there are some handouts during the session on Wednesday with all the - this is some of the work we did with the CEO roundtable stuff. Anyway, (outside layer) is the Internet coordination layer. Then we got the ICT sector. The subset of the ICT sector we're now calling it the domain name industry. We've tried to step away from DNS industry to make it very specific as to what we do.

Within that you see registry operators, registrars, registry service providers and resellers, those that are in the value chain and they are the folks that we are reaching out to to become members of the Domain Name Association. Next slide please. Next slide please. Oh, okay, sorry. Sorry. We're on delay. If I could - maybe I'll pull it up here so I can start. Yeah, I know it's killing me.

Man: (Unintelligible).

Adrian Kinderis: Okay. So the mission of the Domain Name Association is quite simple. Domain Name Association new not for profit business association that represents the (interested) domain name industry.

Importantly we have no formal affiliation with ICANN. We have circulated this with Fadi and staff. However, we are completely separate. And that may well,

you know, it's absolutely necessary considering there may be times where we are not aligned with ICANN's movements.

It's also a point to understand that the construct of the Domain Name Association is not the same as ICANN. We're a, you know, multi stakeholder bottom up, blah, blah, blah. This is a - this will have a membership structure and rules around it. So it might be, you know, everybody gets a seat at the table sort of carry on. It's very specific to our industry.

So it's members are groups, businesses, individuals involved in a provision support in style of domain names. And as I said earlier, registries, registrars, resellers and service providers. Next slide please.

Okay. Our mission. To promote the interest of the domain name industry by advocating the use, adoption and expansion of domain names as a primary tool for use to navigate the Internet.

So really guys, who's - the reason we came up with this association and got the ball rolling was who's actually looking after the interest of domain names themselves to ensure that they remain the default mechanism by which we navigate the Internet.

And so helicoptering out we're sort of really supporting the nature of new gTLDs right now and blah, blah, blah. But what if just domain names suddenly go away. We've all got an invested interest here to ensure that we're protecting our industry. Next slide please. I'm trying to truncate this as best as possible (Keith).

What can I grab out of this slide for you? Not too much. Next slide. Thanks. So you see the second point there. The intent of the DNA is to build trust, exchange ideas, educate and raise awareness of domain name related issues.

Clearly one of those early ones will be about promoting new gTLDs. However, the group is trying to be as inclusive as possible. We are welcoming ccTLDs just as equally to Gs. This is about domain names themselves. So not about the different factions that exist (really).

And whilst we will want to provide gTLDs, that'll be more as an education process of a way to make sure that we're minimizing confusion out in the market and supporting our industry. And you can talk about trusted online environment there.

Some of the - the reason we're sort of back to backing the session tomorrow on the CEO roundtables is because some of the work may well be picked up by the Domain Name Association such as there was a notion of this seal of trust. And so maybe that's something we can incorporate into the DNA as we continue to move forward. Next slide thanks.

On the last - one point there I probably shouldn't have skipped over is, you know, the important part here is we think the Domain Name Association could also be utilized in order to lobby various groups - let's say governments although they may well be one. But that's not, you know, the only role.

Clearly we think it'll also be good if there's media that want to get an opinion on the Domain Name Association could represent the collective opinion of the industry rather than having different voices diluting messages so on and so forth. So really the bringing together of the industry. Yeah, next slide please.

For the current status. So those that sort of got involved early and rolled up their sleeves to get this ball rolling really just formed the Board. For my inability to articulate a sentence I have been voted the Chair of the Interim Board.

Alongside me I have Jeff Eckhaus. I'm sure he's familiar to you all. Rob Hall, Statton Hammock who is here to my right. Keep going. Next slide please. Job

Lawrence from Google. John Nevitt who is also here. Thanks John. Elizabeth Swezey's over to my left. And that will - wraps up our Interim Board.

We're having regular meetings and are - have set up (unintelligible) sort of circle. We welcome any contributions. If anyone wanted to particularly join the Interim Board, we'd also be open to that at this point but we are getting to a situation where we want to develop our membership structure and elect our formal Board in the usual process. About two more minutes and I'm done. Next slide please.

So the current status. And once again, we'll go into more detail tomorrow but we really wanted to make sure that we're getting out in front of you guys. And this is - we've now incorporated in Delaware as a non-profit with a charter and initial bylaws have been adopted.

As I said earlier, our membership structure is currently forming. We've - I've got the assistance of a group called Virtual who do this for a living, set up associations and manage them. They've been extremely helpful in getting us moving.

As a - to dovetail into that membership structure is of course the budget conversation, how much money do we need and you would expect that that'll help with respect to the structure and (sees) setup. And of course we're doing a membership drive, which is why I'm talking to you today in Durban. Next slide please.

We have developed an education awareness Web site. We'll get to that in a second. The Domain Name Association also has a Web site to the bottom of this slide there call thedna.org. And as all good companies do when you first start out we went and spent a lot of money on a logo. Actual logo was designed by the community and so you can see it there in the top right hand corner. Next slide please.

So a number of benefits really I won't go into just for time here folks. But I meant to say this is about joining to have once single voice and to just ensure business and of course to have a wider voice within the industry. Next slide please. Next slide please. Next slide thanks.

This is our educational Web site. It's at (whitedomain.org). I should say the team at Google's been fantastic in pulling this together. This Web site will soon be available in seven languages and introduces you to the concept of domain names, which is certainly meant for a far wider audience than just our normal industry jargon.

It's a pretty cool site. I think it goes up tomorrow. You won't be able to access it just yet. What you do see in (whitedomain.org) is our old site. Please don't pick on me about that. Just a holding page for the sort of Plan B.

But you'll learn here about ccTLDs, about Gs and of course about the new gTLDs that are coming through. As opposed to the Domain Name Association that information is at thedna.org. Next slide please.

Okay. Just to finish off now. So we're finalizing a budget and membership structures. We do want to transition to a formal Board through a normal voting process that (might have me) taken off. Education and awareness campaign not only about the DNA but then to push the Domain Name Association. It's (about the) new gTLD education point as well. And we're going to do an official launch and our education Web site as we've said.

(Keith), that's as quickly as I could possibly have done it. Sorry mate.

Keith Drazek: (Adrian), thank you very much. And first let me apologize for the compressed schedule you had to do that in.

Adrian Kinderis: Thank you for fitting us in. Appreciate it.

Keith Drazek: No, no. Not at all. And I just have to say, you know, I've been following this on behalf of VeriSign and I can say that there is a tremendous amount of energy and focus that has gone into this. And we certainly look forward to participating and signing up when we can.

Adrian Kinderis: Thank you. You'll come in as a platinum no doubt.

Keith Drazek: All right. Thanks everybody. All right. So with that, let's go ahead and take a break. You know, 10 to 15 minutes. Let's be back here at the - 30 minutes after the hour. So at the bottom of the hour. And go ahead and grab your lunch, take a bio break and let's be prepared to get back and continue working on our agenda. Thanks everyone.

((Crosstalk))

Woman: There is fresh coffee too.

((Crosstalk))

Keith Drazek: Hi everybody. This is (Keith). We'll get started in about five minutes. And a public service announcement. The - in the salad, the olives have pits in them. Be careful.

((Crosstalk))

Keith Drazek: All right everybody. Let's try to go ahead and get started her. We have to go to the Board's meeting room, which is Board Hall 6. It's the larger room at the opposite end from the entrance. We need to be there by 1 o'clock or just before 1 o'clock. So we only have 25 minutes until then.

I think what we need to do is first (Becky) is finishing up the draft statement that we can all take a look at and talk about a little bit more and then specifics about how we're going to present to the Board.

But we had identified five issues for our conversation with the Board. And the agenda's coming back up on the screen here momentarily. But I think we may be able to defer some of those topics or remove some of those topics for discussion today and maybe focus and spend a little bit more time around the GAC advice issue. But I want everybody's input on that.

I mean I think around things like PIC DRP and Trademark Clearinghouse issues and pre-delegation testing I think, and I want others feedback. I think we've actually heard some somewhat encouraging, you know, comments or I guess there's been decent conversation with staff on some of these issues.

So I wonder what the actual message is around those three topics with the board. Certainly GAC advice and I think the discussion around the budget and strategic planning process ought to remain. But let me just open it up and see if others have thoughts. (Jeff), go ahead.

(Jeff): We'll I ask a question of the PIC DRP. There's no one here from the group is there? I see Statton's not here. Anyone - or (Becky)'s here. But I still think the Board just doesn't - even though the staff indicated that they were inclined to go with what we're asking for, my fear is this is the only opportunity to discuss our concerns as to why this was a problem that there were mandatory (PICs). And so...

Woman: Yeah.

(Jeff): ...if we don't bring it up now we'll never bring it up.

(Becky): Plus we're hearing weird things about what Fadi has said to the ALAC. It may be that they just relate to the voluntary PICs but he made a statement about crowdsourcing enforcement. So I think we really do need to raise this issue.

Keith Drazek: Okay. Thanks (Jeff) and (Becky). Chuck, I see you nodding in agreement so we will keep the PIC DRP discussion. Who would like to take the lead on that as we discuss it with the Board? I'm happy to introduce it but I'm looking for someone who will volunteer. (Becky), you want to take the one on the PIC DRP?

(Becky): PIC DRP.

Keith Drazek: All right. Very good. Thank you. And certainly - actually I talked to Statton earlier and suggested that he could also either take the lead or be available. So I will hand it to - I'll hand it off to (Becky) and then Statton can be available to jump in as necessary.

So on the other two issues that I suggested removing, Trademark Clearinghouse and pre-delegation testing, anybody feel like we need to keep those on the agenda for the conversation with the Board? Okay. I'm seeing shaking of head no. Okay. Very good.

So the three issues that we want to talk about then with the Board are GAC advice, which we're working on right not, PIC DRP and then the budget and strategic planning process. Who would like to take a lead on the conversation around budget and strategic planning? Mr. Diaz?

Man: Yeah.

Keith Drazek: All right. Let's - (Paul), if you wouldn't mind taking the lead on that one and the Chuck certainly if you want to jump in, that'd be excellent. Okay. And I will be more than happy as Chair to introduce and discuss the concerns around GAC advice. I'm looking for sort of the bulleted guidance in terms of what exactly we want to say assuming we're not going to simply read the statement, which I think is appropriate.

So any other topics of conversation? Anything else for our meeting with the Board? You know, and again, I think we want to try to keep that as, you know, respectful and constructive as possible specifically keeping in mind that this is the Board. It's not the staff that we're meeting with. So to the extent that we can keep this focused sort of at Board level consideration, I think that would be helpful. So anyone? Feel free to jump in.

So not hearing any further conversation around the Board meeting, we have some other items on the agenda that we need to get to. One of them is IDN updates. (Edmond), I don't know if you want to do that now or if you want to push that to the afternoon. Are you - okay. That'd be great. Why don't we knock that out.

(Edmond): Although I'm chewing through the...

Keith Drazek: Take your time.

(Edmond): (Unintelligible).

Keith Drazek: Take your time. And then...

(Edmond): Finish that first bit and then it should be pretty short.

Keith Drazek: And once - probably right after the meeting with the Board, we're going to have to get back and quickly get back into talking about the GNSO and ICANN issues updates particularly if there's any guidance needed for our Councilors going into the session tomorrow. Okay. (Edmond), back over to you.

(Edmond): Thank you. So the two items that is - a number of things that are working - is ongoing in terms of IDN especially for the IDN Variant TLD program. I think a couple of the reports came out and then the implementation is ongoing.

In general I guess the report back is that the progress seems good. Right now there is a - and part of the resolution from the Board they were asking the SOs and ACs to provide some response to that. I understand that NTAG and us we were working on a response as well. I think that hasn't been finalized yet I presume.

But there is also another letter that was drafted by the JIG, which is a joint IDN Working Group, which is now being presented to the Council, which is in response to the Board resolution.

There are a couple of - I think I just want to highlight to everyone the recommendations there one of which is that this IDN Variant issue we've talked about it for a long time. Some people think it's a very technical issue. Some people think it's a very linguistic issue.

One of the clear indicators of the report is that somewhere in there there needs to be a policy decision to balance certain interests or certain views. And that's how the aspect needs - should be within the purview of the GNSO. And therefore the - and the ccNSO for that matter. And that needs to be - there needs to be mechanisms for the SOs to weigh in. So that's one of the key recommendations.

The other one is that current is - actually - oh, yes. Following from that is that - will be the JIG also identified that from GNSO side of things. We did have an IDN Working Group and report into the new gTLD recommendations. And our view is that it already covers the policy recommendations required.

So no PDP is required further implement IDN Variant TLDs with one particular caveat, which is the reports also talked about certain recommendations for registries to implement sort of IDN Variant policies.

That part was deemed to be option from the office of that report. And we want to make sure that that is not - that is not implemented mandatory by staff and so we made that clarification.

And if they want to implement, that would require a policy development discussion further because that was not included in the IDN Working Group report.

So those two I think are the key assets from the JIG. A draft letter is not presents to Council. It came in a little bit late for resolution in Durban. I had a little chat with (Jonathan). We're still going to see at least where we brought up at the Council meeting.

END