

Greet CCNSO counselors and members to this joint meeting with the GAC. I hear that there are some GAC members and potentially ccNSO members on the phone. So this time we have 36 country members present in the room and 3 observers and a number of countries follow our meeting remotely to the best extent possible.

The proposed agenda of our meeting is now displayed on the screen. It may be slightly difficult to read. I would suggest we start with the draft GAC principles on IDN CCTLDs, then we may want to take stock on IDN Fast Track implementation and then discuss progress in the working group on ICANN regions. Then activities of delegation and re-delegation working group, I believe that would be of interest to many people here. Geographic names is another potential and then budget issues.

So pretty long and I'm not sure we will get through all of them. But if you would accept we will start with draft GAC principles and for that I will turn the mike over to Chris.

**Keith:**

Just by way of introduction my name is Keith Davidson and I'm the Co-Chair of this GAC/ccNSO group for today but I think Chris DeSpain has the comments on the GAC principles.

**Janis:**

Yes thank you Keith. To kick start the first point on our agenda I would like to recall a little history. We had a conference call about 3 weeks ago where we engaged with some ccNSO counselors on the issue. We received equally a note from the Chair on behalf of the ccNSO regarding the concerns of ccNSO with these principles. And based on our conversation there was an understanding that the GAC during this meeting could endorse these principles as interim and submit them as input to ongoing PDP and assuring that those GAC representatives who are in the working group would follow very carefully the implementation of or how the working group would take those suggestions and input on board.

So this morning we had a conversation here and this preliminary agreement which we reached on the conference call was endorsed and I would like to inform you that the GAC as a result of this meeting will endorse GAC interim principles on IDN CCTLD's.

So upon request of some GAC members and since in the note you sent across, there were a number of issues of your concern. Maybe we can briefly try to discuss them here and see how far we are in understanding those things.

**Chris:**

Thank you Janis and good afternoon everybody. My name is Chris DeSpain and I'm the Chair of the ccNSO Council. Thank you and that's excellent news, we're very comfortable with the

concept of these being interim principles and if I may say I think it's once again an example of the fact that ccNSO and the Governmental Advisory Committee managed to work extremely well together, especially when we communicate.

I have to say we're not immensely prepared for a deep and in depth discussion on any particular issues. What happened was we wrote our letter of concern saying very simply put that we felt that making these firm GAC principles carry some weight and there was a process going on and so forth. Then Janis came back and asked if it was possibly that we could perhaps just give a few examples of why that might be a concern.

We've provided some to you. We briefly touched on them on our joint call. I suppose my preferred way would be those who have perhaps questions or comments on the 4 bullet points relating to principles 1, 3 and 6 would be, if you could ask some questions I'll endeavor to answer them. But just to start us rolling an example.

So I'm picking at random but the last bullet point, GAC Principle 6 refers to a potential limit on the number of IDN strings per territory based upon possibly limitations to the overall size of the root zone file. This issue in the possible development of mechanisms that could be put in place to manage such limitations sits squarely within the scope of the IDN PDP. We approach this in a simple manner, which is we first of all work out a policy, we will first of all work out a policy that deals with how you are entitled to an IDN CCTLD. And if you look at, let's take an example, if you look at the Fast Track process it's based on some very limited entitlements. It's one per language and the language has to be non-Latin, etc.

And it may be and I can't say, I don't know but it may be that actually limitations to the overall size of the root zone file isn't in any way effected by our end policy simply because the policy becomes so tight there is only going to be a relatively small number of IDN CCTLD's. I'm trying to remember if anyone can help me and I think it was Mark who on the phone call, we ended up having a discussion about one particular principle when I...I can't remember, I think it might have been #3.

If you take the 2<sup>nd</sup> bullet point, for example, principle 3 implies that all countries have equal rights to create IDN CCTLD's. However, current practice is rights are linked to a listing in ISO 31661. This wording requires further discussion and clarification. There is also the point of course that we are way, way away from coming to a point where we would be considering and I'm just using this as an example, the concept that a territory could choose to have an IDN CCTLD in any particular language. So we haven't even started to consider, as an example, whether Australia would have a right to decide that because it does a lot of business with China that it should have .Australia or something equivalent thereto in Chinese.

Now I'm not saying that that will or won't be the result of the policy development process, I'm merely using it as an illustration of the fact that some of the statements made in these principles directly affect the discussion in the policy development process.

So I'm happy to discuss at any length you would like to but our key point was not that we're necessarily concerned about the actual principles themselves. And, of course, now that we have them as interim ones be able to feed them into our process and work on them. But much more we were concerned about the status of the document. Because if that document had the same status as the current GAC principles on CCTLD's, for example, it is effectively formal advice to the Board and there are consequences that flow from that.

**Janis:**

Thank you Chris. Is there anybody who would like to react or comment? Egypt.

**Egypt:**

Thank you Janis. I'm not sure are we going through the comments? Are we going through the drafting of the...

**Janis:**

No we're not going through the drafting, simply the idea was as we discussed earlier that maybe it would be useful to briefly see how apart we are on those concerns. It may happen that we are more or less on the same page. That was our intention.

**Egypt:**

Okay if I may start with principle 6 because I think I don't understand the concern. Is the concern that we are putting limitations or relaxing the limitations?

**Chris:**

This is an example of why it's hard to have this conversation. I'm not saying there is a concern with Principle 6. What I'm saying is that Principle 6 as put forward as a formal GAC principle may end up being at odds, in conflict with what the policy development process says. And given you are, you the GAC, are intimately involved in that policy development process with us as members of the working groups and so on that is the place for those discussions to take place.

So the concept of having these interim principles fed into our policy development process is excellent because it means we understand the feeling amongst the GAC about certain high level issues and it's fantastic to have that, we just don't want them to be set at this stage. So I'm not suggesting there is an issue with Principle 6, I'm simply saying it raises some questions that will need to be decided in the policy development process.

**Egypt:**

So calling it interim would solve the problem? Okay.

**Ernest:**

Thank you. Not to go into the discussion here but I think that, of course, GAC I think welcomes an interaction with the ccNSO on this matter further on. Of course as you pointed out here or the ccNSO has pointed out there is some open maybe unanswered questions or some interpretation can be taken in this direction. But I think also Janis introduced this as long as we call them interim and then we will continue to work and give feedback into the process. I think that will work for the GAC as well. Thanks.

**Janis:**

Annabeth?

**Annabeth:**

Thank you. From our side as well the main thing is to have it as a draft or interim paper because we have 2 processes going on at the same time. So I think this links to the GO discussion we have as well. So we must be careful not to preempt things we want to change afterwards when we see where that ends. So I think it would be a really good idea if you could agree in making a draft paper so we can discuss further on later. Thank you.

**Janis:**

So that is agreed.

**Egypt:**

But I think interim is a little bit more than a draft.

**Chris:**

Yes that's right but we agreed on the phone call that if you felt more comfortable with interim then that was fine. Yes you're right, from our point of view draft would be nice because then it has a slightly different meaning. But we're comfortable with interim if that is what you've agreed.

**Janis:**

Yes though I will make sure that the proverb which says nothing is more permanent than interim is not applicable in this case. We will be following debate and at one point these interim principles will turn into principles.

**Chris:**

Of course.

**Janis:**

That was our understanding.

**Chris:**

Yes.

**Annabeth:**

The main thing from our point of view is we don't exclude the possibility to make changes. So what you call it, what is comfortable for you is okay.

**Egypt:**

Yea definitely it's agreed that it's going to be revisited as soon as necessary. But I think meanwhile we need to have it final as of the data we have at hand today, so that we can reference it as far as there is no newer version or final one.

**Janis:**

In other words, what I tried to say at the beginning that these interim principles is GAC input and ongoing policy development and that is we understand that this will be some kind of subject of debate in the working group and these ideas will be carried over further. And whether developed, established or rejected but then with the argument of why they're rejected.

So we do not consider this text will be put aside and say thank you very much we read it, it's very interesting in the direct meaning of this expression, just this is rubbish. In other words, so no it won't be like that. So we will be insisting and we will be we hope this will be taken seriously our input.

**Chris:**

Yes I agree with that. If I can take another example to try and illustrate the point. GAC Principle 3 refers to IDN CCTLD's reflecting a country or economies languages and scripts. The question we've asked here is this wording intentionally broad? Or should there be further clarification whether it refers to territories having the right to create IDN CCTLD's reflecting only their own official languages.

See currently under the Fast Track there is a very strong limitation to only allow an IDN CCTLD in a country's official language. Now we do not know what the result of our policy development process will be. It might be at the end of the policy development process, a process into which you have significant input, the policy recommendation is it still be kept official language and it might not be. But the current Principle 3 as written, at least implies that what you are saying and let's be clear here, this is a GAC principle and it's advice to the Board, it is that the GAC's position is effectively official languages should not be relevant to IDN CCTLD's and that territories should be able to have an IDN CCTLD in any language.

So we're saying we need to work this through the policy development process, which you're involved in, and that this is guidance and input and so on and it's there as your document. And that we will work with you so that eventually and hopefully because we're quite good at this stuff, we'll come to a consensus agreement and we'll be able to put out our policy development process results and you'll be able to put out a formal, if you will, GAC principles and those 2 things will not actually be fighting each other and will, in fact, be effectively saying the same thing.

**Janis:**

Sri Lanka.

**Sri Lanka:**

I also concur to the use of the word interim in the context of adopting these principles. Also just to elaborate maybe some of these concerns are from the fact that there are ongoing activities, for example, in the morning we heard about the root scaling study and their report about potential issues that could arise from linking variants to the original script, etc. I think it is quite appropriate that we be cautious in adopting this as formal advice and using the term interim. So I'm comfortable with that. Thank you.

**Chris:**

Yes and that's why I was comfortable with interim because there is no official thing as a GAC interim principle. The bylaws don't say that the GAC can provide interim advice. So I'm comfortable with it being called interim principles because it doesn't give it the whole bylaw weight that comes with GAC principles which go to the Board as advice.

**Janis:**

I think we're now starting to turn in the cycle. UK Mark and then we'll see whether we can go to the next agenda item.

**Mark:**

Just one thought and I think we may have touched on this in the call. That is the relationship between this interim document and the Fast Track, which I mean does the ccNSO see some value in what we're doing here in the context of the Fast Track? Does that distinguish that this document in that sense from being a draft for the policy development but as a useful setting out of some principles that apply directly to the Fast Track but which anticipate a policy development which may change some of these. Does that make sense?

**Chris:**

It does but the problem is, in fact, the document is at odds with some of the current Fast Track rules. The simplest example I can give you is the one we just talked about. The Fast Track is very clear about its only official languages. It explains how you say they are official languages. So I would argue that the current specific wording is at odds with that. Well it's a matter of interpretation and I acknowledge but nonetheless I would argue that it's at odds with that and therefore my view is the Fast Track has been adopted by the Board on the basis of the Fast Track rules or whatever you want to call them, which you signed off on and we signed off on jointly.

So I see that actually the current interim document...I look at the interim document as being for the future and not for the Fast Track.

**Janis:**

European Commission.

**European Commission:**

I was wondering because I was under the impression and please correct me if it's wrong that the very restrictive rules that are in the Fast Track currently are actually that much restrictive because it was supposed to be experimental process. Therefore, I'm a little confused with necessarily working on the assumption that this would be kind of like copied 1 to 1 into the PDP.

**Chris:**

You are right but there is a little more. The reason why the Fast Track is as restricted as it is is partly because it's an experiment but it's also because we had to ensure as best we could that nothing that was done in the Fast Track set policy for the full policy. So that is why it's rolled right back to the restricted way it is.

So to take a simple example, it's a limit of one because if you have a limit of zero you have no Fast Track. Obviously, therefore one is the minimum you can have. If we said it's 2 that would be preempting the discussion in the policy development process whether it is (a) CCTLD in the territory as a representation of the territory in a particular language or script. So that is a discussion that needs to be had in the policy development process and the Fast Track was very specifically put together so that as far as humanly possible it did not infringe in any way on the policy development process that would follow.

So yes it is experimental but it's also because we had to make sure we didn't actually set policy.

**Janis:**

Thank you Chris. At the same time, that serves as an experiment and we will certainly learn from experience what we have with the Fast Track. And if the experience is positive that maybe used in the policy.

Annabeth, you are the last one on this.

**Annabeth:**

It was quite clear with the Fast Track that it shouldn't preempt the possibilities for the final process and so I think that's a good way to start. Then since the GAC and the ccNSO seem to have concurrent interest in country names and here the opposite would not be an IDN CCTLD will be a GTLD probably, so that we have that in mind when we make the rules for it. But it would be a shame if these principles given and a lot of stakeholders are going to give input to the PDP. Then use the GAC interim principles as something that will strengthen the possibility to get more country GTLD's instead of protecting country names that I thought were our common view.

So just think about it when we go on. Thank you.

**Janis:**

Thank you Annabeth. We just touched the Fast Track; this isn't really for discussion but rather for point of information. The question is do you have some numbers to share with us where we are now with the Fast Track?

**Chris:**

Kind of, my understanding is that I think the public position is 4 IDN CCTLD applications have passed the Fast Track stage and therefore are now in the IANA process, which is obviously nothing to do with the Fast Track. That just happens when you do a delegation. I am aware that there have been some issues arising with some of the IDN applications in the Fast Track process. The issue has not been about the process which as far as I can tell seems to be working quite well but rather with the technical issues with the strings.

Now as you all know, this stuff doesn't get talked about because no one talks about it because we're not supposed to talk about it. So I can't tell you anything else other than to say unless a particular country or territory wants to reveal that they have a problem that's up to them. But right now I understand there are a few, just a couple of challenges with some technical issues which are being worked on very hard to get sorted out. But I can't go any further than that.

**Janis:**

Thank you and according to my information there have been in total to date, 19 requests submitted covering 11 languages. As you said, 4 have been, as far as the string delegation, and others are in the process. So that is the state of the play as far as Fast Track is concerned.

So with this and since again IANA function was mentioned, there is a working group on delegation and re-delegation and it is a good path to that question. And Keith if you would first

of all give us some information where this working group stands, what is the state of the play, and what are expected outcomes.

**Keith:**

The delegation and re-delegation working group was established by the ccNSO Council. It has a very limited scope to look at the policies and guidelines that apply to delegations and re-delegations and compare that to the actual IANA processes and to report back to the ccNSO members on any gaps between the policies and guidelines and practices.

We have been meeting frequently; it's a large working group of around 30 people. We decided to break our work into 3 separate branches. We're looking at initially delegation and secondly at retirements and thirdly at re-delegation on the basis of trying to take the easiest first. It has proved to be a lot slower than we anticipated. Our intention was to have a report on the delegations process to this meeting and that now looks likely towards Brussels.

We have during this meeting run an open workshop on Sunday afternoon here and it was fairly well attended by several GAC people as well as CCTLD's. It was an interesting session that looked at some of the individual aspects of individual delegations and re-delegations. But more as an informational for the working group members rather than anything within our scope and quite clearly it is not within our scope to look at any individual delegation or re-delegation that has occurred and to relitigate.

So very importantly to note there is no ability for this group to develop policy. It can only comment back to the ccNSO members and allow the members the opportunity to decide whether there should be a policy development process. And it's not to re-litigate any previous delegation or re-delegation.

So the work is slow but thorough and we've done a comparison between the founding policies, essentially RFC 5091, ICANN's ICP 1 and the GAC principles on delegation and re-delegation. We've matrixed that set of core policies and tried to do a gap spotting exercise and certainly to the working group at least there has been no apparent real difference between those policies and guidelines. So very consistent and we don't think there is anything there that would lead to stress amongst ccNSO members. However, it is now a question of comparing each of those guidelines against potential delegations and re-delegations.

We have finished or the GAC rep in our group Suzanne has the progress report and she was free to circulate that to the GAC, which I assume has been done.

**Janis:**

Thank you Keith that was done yes. There was a question apparently during the discussions of the working group whether GAC principles on delegation and re-delegation were still valid. It was Suzanne passed this hesitation from some members of the working group to the GAC and it

was on the exchange and on the GAC list and I believe she passed also a message to the working group that the GAC principles on delegation and re-delegation are valid in their 2005 edition. So that is a bylaw provision advice to the Board and as a consequence to ICANN. So I just wanted to reiterate that once again.

I have now...Keith please.

**Keith:**

Just in terms of Suzanne's comments they have been received by the working group and now incorporated into our working group papers. I think yes there was just discussion within the working group to try and understand exactly at what basis the GAC believed their principles to be supported by ICANN and the ICANN Board. So it really part of our due diligence to ensure that we're dealing with proper documents and proper places with proper authorizations.

**Janis:**

Thank you. I have 3 requests Gyanta, Ornoff and Chris.

**Gyanta:**

Thanks Janis but I think you stated what I intended saying because I also sit on the working group as a core observer along with Suzanne. She wanted me to convey this position very clearly in regard to what was stated by Janis. Just to add to what Janis said, she wants mentioned that in addition to it being formal advice and that we had explicitly referred to the GAC principles in the model GAC communiqué and referenced subsequently in the Paris communiqué. That's all I want to add, thank you.

**Janis:**

Thank Gyanta, Norway Ornoff.

**Ornoff:**

Thank you, just a question regarding well I saw the comments provided on the GAC list to the working group and is sort of included into the paper, but also as I understand there is some discussion about the sort of the status of the GAC principles, the CCTLD principles also in the workshop this week as well. that is something, well if you can comment on that because that's something I think GAC needs to sort of just have a brief discussion about and maybe mention this if there is a misunderstanding out there it should be restated, the status of those principles. Thanks.

**Chris:**

It is what I wanted to cover but for clarity my recollection I don't recall there actually being a discussion about the status of the GAC principles in the workshop. I may be wrong but I don't think so. Just go back a step Patricio Pauletti from Chile is on the line and he was listening to what you said Janis and he wanted to say...the question in the working group wasn't whether the GAC principles were valid, the question in the working group was are the GAC principles treated as policy by the Board? What does the GAC think they are? Then the next question therefore is well what does the Board think they are?

On that note in our ccNSO members meeting this morning we met with Rod and Peter and I asked Peter if he could tell us whether in the Board's view RFC 1591 and the GAC principles were policy? We always avoid ICP 1 cause we don't like ICP 1 so we just ignore it and the response I got was well no they are things that and I'm paraphrasing here, so if anyone thinks I got this wrong please speak up. No, what they are is a set of things that the Board uses to develop the practice that is the practice of delegation and re-delegation.

So that kind of feeds back, leaving aside any discussion on views about what his view is that kind of feeds back into our working group because one of the things we have actually been talking about is, is there any policy? In the sense of there is policy on all sorts of things in the ICANN model. And there is generally an understanding of what the word policy means in the ICANN model.

So the question and the GAC principles hold a specific GAC principle advice status but then there is policy as well. So that is the sort of stuff we're trying to deal with in the working group and one of the reasons why it's taking quite some considerable time.

I acknowledge completely that what I'm about to say is an over simplification but in some ways and this is personal to me and the way I see it, is that you have high level statements and I would say the GAC principles are high level statements. I'm not talking about the status now and just what they are, they're high level statements. The next level down is what we would all call policy which you would argue and, in fact, I would agree with you has to be based on at least the GAC principles because that's the status they have in the bylaws, unless the Board decides to ignore them and there is a process for doing that.

So the next step down is policy and that is basically taking those high level principles and putting more detail in them. Then the last level down is implementation and that is where you send people away and say yeah right this is the policy and how do you do that.

And what appears to be missing right now in the delegation and re-delegation area is actual policy. Now we can all sit around this table and simply say well we're just going to treat RFC 1591 as policy. But I would argue that that's quite a hard thing to do because it doesn't actually have enough meat in it, enough detail in it for it to actually count as policy. It is more of a high level statement.

But having said that this is where we are and we need to work our way through this and come up with some sort of a recommendation to the ccNSO at some point.

**Janis:**

Thank you. Egypt.

**Egypt:**

Before I start I fully endorse what Norway said that we have to clear this principles thing. I think this should be done with the Board basically first and then come with output. I have a question that I was not sure when to ask because it comes from the Fast Track and goes to the PDP and passes through the delegation and re-delegation. I wasn't sure where to put it.

From our experience with the Fast Track I think that within the PDP the IANA should be onboard with the process. I mean even to minimize any surprises on both sides from the IANA and from the applicant. When we finish the string evaluation and we were filling the application for the IANA, for example, it simply says domain name. I wasn't sure is this the x—thing or the Arabic script thing?

On the other hand I was expecting to be asked for the language table, which turned to be not asked for. I mean clarity interfacing with other processes and this has nothing to do with the IANA process itself from inside, the interface because within the process there are much more to be said.

**Chris:**

Two things, I understand what you're saying. I lost to get into a discussion about that right now because it's a very long discussion. I did want to apologize and you are right. I just remembered that the GAC principles did come up in the working group and it came up in this context, Peter Dengate was asked in the working group about the GAC principles. He said well they've never been endorsed by the Board or accepted by the Board or some wording like that.

**Egypt:**

Never been formally endorsed...

**Chris:**

Formally endorsed by the Board, thank you. And I said I'm not sure that that's actually necessary. My understanding is that you send the GAC advice to the Board and as long as that advice is followed then that's it. If it isn't then there is a process for dealing with that. But I'm not aware that there is a bylaw process for the acceptance of the advice rather there is a bylaw process for the non-acceptance of the advice.

So you are right and you may wish to clarify that with the Board.

**Janis:**

Thank you, Norway.

**Ornoff:**

Of course, as you said it may not be a procedure saying that they have to follow that advice or not but, of course, the GAC advice at least has to be acknowledged and they might not want to go into detail on this on where that advice has been implemented, etc. But at least the status of a document or GAC advice needs to be acknowledged as GAC advice. Of course, then they can refer to them as GAC advice. Then if there are disputes afterwards then that can be challenged that they haven't followed the advice and there will be dispute on that. But still it needs to be, as I said, acknowledged in a certain way.

**Janis:**

Thank you and Canada, Netherlands and then Egypt.

**Heather:**

I really appreciate having this exchange with the ccNSO today. It has been a while since we've had this kind of discussion, so that's quite useful. In support of comments made by colleagues, it is certainly agreed I think within the GAC that that advice is formal public policy advice. So I don't think that's particularly in dispute.

And it may well be the case that we do need to look at the actual intricacies of the acceptance and non-acceptance of the advice of the Board. I like the suggestion that we actually undertake some discussions on that with the Board. I will just note that the joint working group at the moment on the review of the role of the GAC is actually looking into those sorts of issues and so perhaps that will be informative.

I would also like to note that and do correct me if I'm mistaken but the task of this working group is to establish whether or not a policy development process is indeed needed, appropriate, correct?

**Chris:**

Yeah in effect it is to come back to the council and members and say we think everything is fine or it's not so unfine that you need to do anything about it. Or we think actually there are some issues here which need to be dealt with in some form of policy development process. That doesn't mean that the members and the council will say yes there should be a PDP but the working group's job is to do that.

**Heather:**

Thank you and I would note that I am making no presumption that a PDP is necessary. Thank you.

**Janis:**

Thank you and before I give the floor to the Netherlands, Suzanne sent me a note and she's participating remotely and on the phone. She will be speaking after Egypt.

**Thomas:**

Thank you Janis. I think Heather took my point. But just to stress the fact of the uncertainty about the status of the GAC principles which I believe as Heather said to be really global public policy principles, to be accepted as advice, to be affirmed as advice. We have seen in the past using the GAC principles can be done in opportunistic ways or in let's say sometimes it can be said okay it says here so we'll have to do it like this, on other occasions it can be said okay well it's just practical guidance for us and we're not bounded by it.

So there is quite some downsides to having such a non-defined status. Thank you.

**Janis:**

Thank you Thomas. Egypt.

**Egypt:**

Just very quickly, I add my voice to Canada and Netherlands that the GAC principles, I don't see it as only an advice but an ongoing one. It is a principle that we don't want to keep repeating it as an advice, so we put it as a principle that should continue. I think this is agreed.

On the part of the principles and the workshop, I think what caused the confusion was that when you mentioned that the principle, the advice has to be rejected I think there were misunderstanding maybe of the principles of 2000 because it was mentioned that the bylaws were after the principles, which is the principles of 2000. Maybe we have to be more clear when we come up with principles that we say those old principles...I mean is an addition to old principles.

**Chris:**

Thank you for reminding me of that and that's correct. What Peter said was, when I said only when rejected and then there is a process with dealing with that rejection, he said yes but that bylaw came in after the principles. And actually that's correct it did come in after the 2000 principles but the 2005 principles came along after the bylaw. So as far as I'm concerned those principles are the subject of the current bylaw.

**Janis:**

Thank you for the clarification Chris. Suzanne?

**Suzanne:**

Yes thank you and I wanted to apologize for being cut off at the moment you were inviting me to chime in.

I didn't know if you wanted me to add anything?

**Janis:**

No I understand that you were ready and willing to say something as a member of the working group, following the working group.

**Suzanne:**

I did just want to concur with the more recently updated restatement if you will of the GAC position by Ornoff and Heather and Egypt so that we simply confirm with our ccNSO colleagues and hopefully and ultimately through the communiqué with our Board colleagues that those principles do still stand and we do hope they are formative of whatever policy process there is or practice.

**Janis:**

Thank you Suzanne. Next Annabeth was asking for the floor.

**Annabeth:**

A short comment that the confusion between 2000 and 2005 principles I think they are being referred to quite some times and they use the 2000 principles instead. In my opinion, it would be wise to go out and say they are void, they don't exist any longer. It is the 2005 principles that are the GAC principles.

**Janis:**

Thank you and I recall that we had similar type of conversation already with the Board I think 2 or 3 years ago. There was even a URL pointing to GAC 2000 principles and we specifically requested the Board to change URL and it would point to the 2005 principles. So I believe it is done. But I think we need to clarify that, verify first and then clarify that with the Board. Thank you for bringing this to our attention.

Any other requests for the floor on this subject? Okay I see none and then we can move to the next agenda item, ICANN regions working group.

**Keith:**

Thank you I received just a very brief report from Dave (52:34 – last name) who is chairing the working group and looking at the ICANN regions. I think for the interest of brevity I could send on the one page report to Janis to be posted to the GAC list. But essentially the working group is currently working on a second interim report and it's come into quite a number of complexities relating to the community impact of any changes to ICANN regions. So the work has slowed down but they're looking to produce their second interim report in time for public comment prior to Brussels.

So I think if I send this very brief report to Janis and then if people who are interested in that issue pursue it when that second interim report comes along.

**Janis:**

Thank you Keith. Any questions on the state of play with the working group on geographic regions? Any comments? UK, Mark.

**Mark:**

Sorry maybe I didn't quite catch it, do you know the date of when that next iteration of the report is?

**Keith:**

In time for public comments to close prior to the Brussels meeting. I'm not sure exactly what that constitutes by the calendar we use.

**Janis:**

In other words, at least 2 months prior to the Brussels meeting. So moving on to the next agenda item, (54:28 – inaudible) and new GTLD's. Keith do you want to take the lead or Annabeth?

**Annabeth:**

I think I have that task. What I tried to do is summarize what has happened and where we stand today. Since ICANN has not published a new version of the DAG, I tried to find out to which degree they have listened to the comments from the GAC and ccNSO and some specific governments and Registries as well.

What is peculiar is what distinguished the chapter on geographical names from the rest of the report is that Article 3 analysis and proposal solution or position has been left out. So we have to ask about why and I have asked about that and so he should look into why.

The ccNSO has clearly conveyed to ICANN that country and territory names do not belong in the GTLD space and we have also tried to have the definition of what is included in and used in

the Fast Track and a meaning for representation to also apply for country and territory names. As for the GAC, you have also submitted comments on several occasions on this subject and in your letter of August 18, 2009 to ICANN the GAC expresses their opinion as country and territory names should not be allowed in the GTLD space.

Still it seems like ICANN has chosen to ignore this advice as far as we can see from the papers we hand out. on pages 50 to 51 on the comment document ICANN refers to the GAC principles for the new GTLD principles 2.2 where the GAC states that country and territory names need the consent of the government to be used as a GTLD. It also says that in 83 in the delegation principles.

ICANN says there that the treatment of country and territory names in the guidebook was developed to specifically adhere to these principles and I quote, "While the GAC appears to have moved away from this in favor of the ccNSO position through language in recent communiqués the GAC has not formally amended their principle's document." So it seems like if we are going to move that position it needs a formal advice from the GAC in some way or other.

If we succeed in keeping the country and territory names out of the GTLD space, we still have the post delegation problem to solve. The post delegation problem was stated in the ccNSO letter to ICANN on DAG 3. ICANN's answer in the public comment document is that of course the government can give conditional support. So I can't find anything in the document commenting on what will happen if the conditions on which the support was given are broken?

So if the contract between the government or the public or authority and the Registry is in breach of contract then the government, and the government wants to withdraw their support what will happen with the delegation? In the report it is referred to as the community objection but in my view that is not satisfactory.

One solution could be that ICANN in their contract with the Registry includes a condition that if the Registry breaks their contract with the authority that have given the support and if the breach of contract proven by court order of the respective country this means that ICANN is free to withdraw the delegation. This is one option and there can be other options but I'm sure there could be viable ways to solve this if the good intentions are there.

So what we have to do is consider how to proceed to make the changes we want in the final DAG. Point one, no country or territory names in the GTLD space, leave them for now and wait until the IDN CCTLD PDP is finished and then we can have time to give these names a new thorough consideration. Better rules for post delegation and even if we succeed in getting country and territory names out of the GTLD space for now, this is needed because of the cities. Capital city names will be GTLD's and so will cities. And all geographical names needing support non-objection will also need that for post delegation.

And for city names not used to represent a city there are no requirement of the Board, still there has to be consequences if the Registrar after a while starts to use a TLD towards the city or some other regional things. If so, the Registry should have had that support which it has not. So also here proper post delegation rules are needed.

So that is what I've summarized from the papers we have.

**Janis:**

Thank you and that was a lot of information. It would be very good if you could send me this note that I could distribute it to the GAC list. I would like to invite GAC members to react to these comments. What I can say technically staff is right on the GAC advice. We never considered amendment of GAC new GTLD principles, though we expressed support to ccNSO in one of our communiqués on this very subject.

I think I speak for myself and I think there might be some let's say reticence to go that far as complete ban of geographic names in G space, sorry country territory names. But again I am turning to GAC members for reaction. I saw Norway and that's one country playing in 2 courts. So it's a mixed double. Maybe Germany first and then Norway on this side.

**Hubert:**

On the question concerning GAC principles I don't think, for me it's a bit difficult to answer it. I think also our principle can be interpreted as yes and conformance with our letters that have been sent. But this has to be investigated by the colleagues. The other issue is I think we Germany support because I think this is always raised post delegation questions. We as a country have several top level domains which will probably be applied if there is a possibility and we are government supported.

We now see a new development that maybe I also would like to share with you. It is we will have competition for this names and this makes the situation for the government easier. Something I also want to clearly state that the government's non-objection refers not to the use of only the string but also to the applicant. The governments are choosing the not only the strings being used, we don't have an objection toward using the name Hamburg or whatever, we think we also have the obligation to choose the applicant. That is an important issue for us.

Therefore I just want to emphasize this issue. The next question concerns if we have some contest, we have to decide as a government, I think there is some time to be spent for this selection process. It is not that we just send a non-objection letter, we have to final rules and make our decisions and I hesitate whether this is possible in the Window application ICANN has projected.

One issue I mentioned in GAC and with discussions with the Board and that is the issue; I also don't think the definition, what is a geographical string, is sufficient. One example, we have

quite a lot of examples, which are discussed...Barcelona – bcn, bcn is not a city name. We have NYC; New York City is NYC is not a city name. Therefore, I would really like to share your position and that's exactly what we also expect. Thank you.

**Janis:**

Thank you, Ornoff Norway and then Becky.

**Ornoff:**

I think the ccNSO position also comprises what Norway also has concerns about. We have included in the proposed draft letter that Mark is sort of having a lead on, we have proposed some text to restate those issues.

Regarding the first one is also that the alternative is to make a comment from the GAC that our interpretation of the principles, paragraph 2.2, is that we want to not allow country and territory names into the GTLD space but other geographical strings can be implemented if in agreement with relevant government or public authority.

The other alternative is to make discussion in the GAC if actually we should amend that paragraph in our principles and actually state that. But this is something, of course, we haven't thoroughly discussed in the GAC but it is clear that we did say in our letter in August 2009 that we didn't want to have country and territory name strings into the GTLD space. So that is at least what we also propose for the GAC to input in the letter or communiqué.

Maybe we can have some further discussion on later sessions maybe today or tomorrow. On the other issue, as also stated by Germany, it is quite important to have these post delegation mechanisms of ensuring if you have given a letter of support or non-objection ensuring that that is compliant with afterwards. So that is also one thing we have a possible suggestion is to have a clause in the Registry agreement that ICANN must comply with that legally binding decision in the relevant jurisdiction, so to ensure that ICANN will not become liable because if they terminate a Registry contract and it's not in breach of that contract, ICANN will be liable for breaching that contract and can be sued.

So it would also be in ICANN's interest to have this into the contract. In the case, where a government goes to ICANN saying this top level domain should be redelegated because they had a breach of our contract with that Registry. So I think it suits all parties to have that in actually. It is the best thing for the governments giving their support and non-objection and it's the best thing for ICANN. So I think they really should make an effort to make a practical solution for this. Thanks.

**Janis:**

Thank you. Becky.

**Becky:**

I just wanted to clarify that I don't believe the position of the CC's is a, although it may become, a complete ban for all time. But particularly in light of the delegation and re-delegation process that policy consideration process that is going on, the notion of considering country or regional names in the early phases of the new GLTD realm seems inappropriate or dangerous...I guess that's because those same issues will most certainly come up and to the extent there is consensus down the road for a change on that whatever the results of this work on delegation and re-delegation can help inform that.

**Janis:**

Thank you. Chris.

**Chris:**

I wanted to pick up on the points being made about post delegation issues. Of course all these problems are solved if you don't delegate in the first place. It's not an issue anymore. But if you do delegate then the more I look at this, the more I think about this the more complicated it becomes. So let's imagine and Peter no intention of taking Australia's name in vain here but let's imagine the government of Australia decides it is actually prepared to enter in and have .Australia as a GTLD. And they decide they're going to get a Registry to run .Australia for them. They do that and that Registry is a Registry with a GLTD and it has a contract with ICANN.

So if you build in all the things you've talked about with you think that they are doing something outside their contract and so you need to have the right to go to ICANN and say change this or there are significant commercial issues with that, this company may have built up a huge business, it may well fight the claim that it is operating outside its contract and it would be presumably ICANN who would be fighting because it's ICANN it has the contract with. So then you have, of course, because it's a GTLD contract it will be based in America because all the GTLD contracts are based in America. And so therefore they will end up fighting in an American court because you, the government, have gone along and said we don't actually think they're doing what they said they were going to do.

But there is another scenario which is the government in your country changes. The new government decides it doesn't care whether the company is doing what it said it was going to do or not. This TLD .Australia is going to be run by us, the government. We will not accept this company. Then what happens? Then you will be sitting here in this room as GAC representatives saying but my country wants to take over this GTLD and there is no mechanism for that to occur because there is a live contract between the Registry running .Australia and ICANN.

The reason given, the only reason I've heard given by ICANN for saying that country names should be possible in the GTLD space is because some countries may want them. I would argue

that even if that's true, the cost of doing that is so huge that it is actually worth making the sacrifice of not having them in order to ensure we don't all end up spending the next 10 years in court fighting, for example, whether .Germany or .Australia belongs to the government or belongs to a Registry or whatever.

**Janis:**

Thank you. Nigeria and then Netherlands.

**Nigeria:**

I want to lend my support to what Germany and Australia said and the Chair of ccNSO. I don't know what happens in your country but in my country even a city name, if you want to incorporate a company a city name is not allowed to be incorporated as a company even if it's for non-profit. And for that reason I don't think, I think we have enough generic names apart from the country names for the GTLD. So leaving out the country names I think will benefit everybody. We will not be sitting here, as Chris said, talking about it because the countries that are not well informed anybody could come and ours is very vulnerable because we change our government or our leaders and new issues will be raised and the litigation...and I don't think jurisdictions will be subjected to other jurisdictions on law and regulations or legislations. So I think that for the time being let's see how the IDN plays out. If it plays out well then we'll look at the other ones. I think there are enough dictionary words in the whole world for the GTLD, the new GTLD to play around with. That is my contribution. Thank you.

**Janis:**

Thank you. So Thomas from Netherlands is the last one on this agenda item.

**Thomas:**

Two comments, first of all, speaking in concordance with some Egypt and Orloff, these principles are subject also to thinking and evolution of thinking and let's say maturing of thinking. So it could best be that you can change your principles because you have encountered new situations in which you amend your principles. So I'm very much in favor of amending these principles and it could be done in a quick way.

Second thing is the remarks which Chris made about the scenario in which the government changes, etc. I think basically what you're saying is it's a regime which is now in place for CCTLD. I mean ICANN looks at national law, looks at contracts, etc. So I don't see the difference being...for me it's not a bad situation, even it's the regime we know from CCTLD. And even if the government changes at least we have contracts and if one of the party wants to change the contract or break the contract and the other doesn't approve they go to court, so there is a court order. So I don't see the negative impact of what you're suggesting.

**Chris:**

Can I address that briefly? It isn't the same as a CCTLD situation. CCTLD's, generally speaking, are not subject to contracts with ICANN, generally speaking. They are not subject to American law and so on. Now yes Thomas it's possible you could have a 3 way contract where you have a contract between the Registry, the government and ICANN. Yes that is possible and then that I don't think would necessarily stop difficulties but you could do that.

You could have one where the government runs the thing in the first place and therefore has a contract with ICANN if indeed a sovereign government were prepared to enter to a GTLD contract with ICANN. But I don't think you can say that a GTLD governed by a commercial contract with ICANN would be dealt with in the same way as a CCTLD. It is a totally different animal and it would be very hard to rely on the CCTLD principle that effectively after a while if the government really is determined that this thing is going to change it will change. That isn't going to be the case, I would argue, in a commercial world.

**Thomas:**

I misunderstood you probably but I understand basically it's a plea to have it regarded, to have it seen as a CCTLD.

**Chris:**

No absolutely not. I am not saying that we want to grab more names, no, no I'm not saying that at all. I'm saying that there just shouldn't be basically, at least for now, because of the difficulties that arise. If you were...my personal view is very simple, they are neither CCTLD's nor GTLD's. They are the name of a sovereign territory. The concept you would put the name of a sovereign territory as a GTLD on the internet, I actually find quite difficult to deal with.

**Janis:**

So I wanted to close the debate. Now I see that Switzerland is looking for the floor but before that there is already Norway. These are really the 2 last speakers, so now we have more Pakistan and then the League of Arab States. But please try to keep your remarks brief.

**Norway:**

I just want to be brief, we just think the best way for countries to exercise their sovereign rights also agreed between countries and paragraph 623 is to have country and territory names as a CCTLD because then they are exercised in sort of a already existing mechanism. So we feel that's the best way for the governments to do. Thanks.

**Thomas:**

I think the case Chris has explained is a very important one. The same problem governments or local authorities do not only face this problem with territory names on the national level but the same goes for city names and region names. This is one of the reasons there is some discussion and thinking in the GAC about having categories other than GLTD and CCTLD's for these and other cases. Thank you.

**Janis:**

Thank you Pakistan.

**Pakistan:**

Essentially the territorial names could actually cause a political furor within our country because we are a federation and provinces have autonomy. So unless we develop a consensus within the country first I think we should not...it can become a political and be very contentious for us. Thank you.

Janis:

Thank you for your comments and now League of Arab States.

**League of Arab States:**

Actually I raised this topic during the last IGF and I don't know if Chris remembers that. We were actually asking about the possibility of the League of Arab States applying for a CCTLD and the criteria then was the United Nation standards didn't include the Arab League. I mean is there a possibility now for us to go to that channel?

**Janis:**

Thank you for the question. I believe in order to save time you may want to discuss with Chris outside. I would like to touch slightly on the agenda item on CCTLD contributions to ICANN budget. That is the question which in one way or another needs to be addressed. I don't say this is a matter of urgency but with introduction of Fast Track we saw that this may cause some attempt of discrimination against CCTLD's. IDN's were sort of asked to pay in a compulsory way and we made it clear that the regime should be the same but that doesn't resolve let's say the issue in the long run. So a question of sustainability of ICANN's budget and sustainability of contributions and the system which has been established historically needs to be addressed in one way or another.

So this is maybe a short background. Maybe we could start exchange and see whether there is a convergence of opinion on that and whether that may trigger some further dialogue on the subject between us before it goes somewhere further. I would like...yeah Chris will...

**Chris:**

Thank you Janis. The subject of CCTLD contributions to the ICANN budget is a live one. It comes around with monotonous regularity at almost every meeting. Now the current situation is that a number of CCTLD's recently received a letter from ICANN in the usual way at the right time of the year saying the time has come to make a contribution.

This year the letter was slightly different and a lot longer and goes into a lot of detail about making contributions. It would be fair to say that a little bit of confusion perhaps has been caused because people were unclear as to what this letter was and why they were receiving it. It wasn't the same as the normal letter.

So at the same time, there are a number of Board members who are putting increasing pressure on the staff to push us along to make an increased financial contribution. We acknowledge there is currently a gap between what the CCTLD's pay and what ICANN currently says it costs them to service us. They currently say that it cost \$9 million and I don't, we have detail and it's excellent that we have detail. We are really, really pleased and Kevin has done a fantastic job in providing us with the details. We do still have some questions and discussions, etc. but we do have some detail.

The current CCTLD level of contribution for the last year is approximately \$1.5 or \$1.6 million. So you don't have to be a mathematician to know that there is quite a large gap between what ICANN says we cost and what we pay. We acknowledge that and we acknowledge that work needs to be done in respect to that.

What we agreed in our member's meeting this morning is I'm sorry I need to take a step back. We did a lot of work on this quite some considerable time ago and some of you may not be aware that actually on the ccNSO website is a series of guidelines provided by the ccNSO to CCTLD managers on making payments to ICANN. Those guidelines, in summary, say we think you should pay. As a general principle if you're coming to play in ICANN's tent you should pay. It also says amongst other things, voluntary and all that, and it says we will publish each year a list of the contributions that CCTLD's make.

One way that you as a CCTLD could consider working out how much you think you should be paying is to look at countries or territories that are similar to yours and see what they're paying. So just to take a really simple example, Australia and Canada are roughly similar in number of domains, systems and so on. So we might look at each other and say, one of us is paying \$100,000 and the other one is paying \$5,000, so clearly there is a problem there. So the one that is paying 100 should reduce it to 5.

So that has been there for quite some time and it is at least in part because of that that CCTLD contributions have in the past 5 years gone up by I think about 150%. So it is not correct to say we've done nothing and we're twiddling our thumbs and all enjoying the hospitality without actually paying any money.

So because of the confusion that has been caused by the letter, because it is live and we need to do something about it, our starting point which we agreed this morning with our members was that we will, the Council will probably tomorrow pass a formal resolution reendorsing the current methodology that we have on our website but acknowledging the GAC and saying we need to move forward.

Then the goal would be in Brussels we would start what I am sure you know will be a laborious and hard process to see if we can achieve anything.

**Janis:**

Thank you Chris for this information. Any comments or reactions? We need to take into account that at least on one occasion that comes to my mind that the GAC expressed itself in the communiqué on the balance in ICANN's budget when it comes to contributions. So the Registries and Registrars provide the majority of funding and at that meeting we felt that is not sustainable in the long run.

So the way how to address the issue is the question. Whether that is an issue just for CCTLD's, for CCTLD operators or that is the global issue of ICANN's budget and see what would be the right proportions, the right level of contributions and what would be the mechanism of those who contribute to the budget. Also to control the planning of the budget, control the execution of the budget and so on. So that is a complex question.

Whether the time is right to address that issue I don't know. But in one way or another sooner or later that question should be addressed and some kind of more sustainable formula found. So whether we're ready I don't know. I'm interested to hear your views on that.

Kenya and then UK.

**Alice:**

Mine is not completely and directly to do with funding and I'm sorry this has already been dealt with. I'm curious as to how the ccNSO is going to be dealing with the implementation of DNS SEC and how their facility to deal with CCTLD's in membership for that? And is there consideration for ICANN to fund that process? Thank you.

**Janis:**

Alice your question is whether ccNSO provides some technical assistance to country code operators in introducing DNS SEC? Okay thank you and the answer Mark you were asking for the floor.

**Mark:**

I was going to respond to your question of us here as to whether this is an issue that we should start to look at in some detail. I guess it's a complex issue, CCTLD contributions to the budget. I would suggest to my colleagues here that this is an issue we've been aware of for some time but we have not found time to investigate it and consult Registries and so on and look at possible alternative mechanisms.

I would argue that it is time we started to look at this important turning point in ICANN's future with new GTLD's and so on. So we can discuss this further in the GAC but my view is very sympathetic to this issue being raised by the ccNSO and we should pick it up. Thanks.

**Peter:**

I think Mark basically said what I was going to say. I would support that and I agree it's a pretty complicated issue. I think our view is it's time to possibly look at this. From our point of view it seems there are all kinds of hidden subsidies between CCTLD's and GTLD's and arguably within the CCTLD's given that the range of arrangements there are. We need to look at it but it's quite probable that we would, an outcome will be that there is appropriate they may be some cross subsidies in certain cases. But we think it would be nice to look at some principles behind that and make it transparent. We think the current system is probably not ideal.

**Janis:**

Thank you Peter. Indeed there are cross subsidies and not only between GTLD's and CCTLD's but also between GTLD's and the rest of the community. ALAC is benefiting from financial support, GAC is benefiting, other advisory committees are benefiting in bigger or lesser extents but they are, they do.

So it seems time has come to close the session but there was a question from Kenya that Chris can answer.

**Chris:**

I'm not sure I can. I would like if I can Alice just have a chat with you afterwards. I think you're asking us if the ccNSO is doing anything to help individual territories with DNS SEC and I think the answer to that in very simple terms is well not officially but we're, those of us who have implemented DNS SEC are obviously always willing and able to assist our colleagues.

**Janis:**

Thank you. We had another agenda item, the state of play with IANA but I was told that Ken Davies who was planning to give us some information about that is not well today and he's not around. We'll try to find out information and we will circulate this information on the GAC list and if Chris will circulate it on the CC list. That's up to you Chris.

But thank you very much. I found we covered a lot of ground and had, at least, preliminary engagement and interest in a proper sense of this term debate. Thank you very much. We will follow up on a number of issues of whether we will schedule our meeting in Brussels or in Latin America that remains to be decided. Brussels, no objections for Brussels?

**Chris:**

Can I say that I think we've reached the conclusion that unless there really isn't anything to talk about and that is so rare and almost unheard of that we just now, we now have as far as we're concerned a permanent slot in our agenda, our preference is Tuesday after lunch but that is always flexible. So the change is more how long rather than whether, so one meeting it might be an hour and another meeting it might be two but we really do appreciate the way that these, the GAC and ccNSO are able to work together. I certainly encourage us to continue to do that.

**Janis:**

Thank you and the appreciation is mutual.