

**ALAC Policy pt 1\_20091028\_EN\_261346**

Rudi Vansnick:

And then the (inaudible) that I think it's important that we can go to this proposal. I have been sending out the document, which reflects the idea of the proposal. And in fact it entitles -- develops relationship between ALSs and ccTLDs. It's part of what we can call the outreach what we need to do to our members of the ALAC or ALSs.

And on the slide you will see the (inaudible) is of the project and I call it the ALS ccTLD Bridge. I hope it's not -- a bridge will be broken up soon, but the bridge will stay for a long while. It's under the umbrella of the participation in building the future of the DNS plus a relationship between existing regional At-Large structures and ccTLDs, specifically small and medium-sized operators, and the bridges (inaudible) and it's really desirable.

The actual relationship between ccTLDs and ALSs is based on the visible approaches. Some of our ALSs have already done this. Although there probably is the closest collaboration between ALAC and the ccNSOs, (inaudible) true the resource. My colleague, (inaudible), and myself. And the global purpose of this project is to coordinate and assist ALSs in approaching and strengthening their relationship with a national local ccTLD organization. That's in a few sentences what this project is about.

So we have been thinking about splitting up ccTLDs. And the reason of the split up will be soon clear. The first group, we call them the big ones. It's those having a large number of domain names books. And probably those ccTLDs are not seeing the relation with ALS as a big added value.

Then we have the middle ones who are not big and not small, having still an important number of domain names booked, but are less representative for the country. And that's where we start to be more important in value.

And now we have the small ones and I'm thinking, especially about the regions like Africa, South America, some parts of Asia and Pacific Islands where you have small ccTLDs, only have a few thousands of domain names booked. And while I was talking to [Def] and to [Address] they enjoyed this approach because they have the feeling that they can help the ccTLDs in bringing some outreach too and do some promotion of the ccTLD of that country.

And just to take a sample that we tried in Belgium in to do a few years ago is that we proposed to DNS Belgium local ccTLD, a promotion campaign, in which we were giving a domain name for free to the members of our ALS ISO Belgium. And this was taken over by DNS itself and extended to all the agents of -- can call them registrars of the DNS in Belgium. And the success was enormous. There was a growth of something like 600,000 domain names in one year's time.

It was very successful. So probably this is a sample that can be deployed and implemented through other ccTLDs and together with ALSs. It will help you to get more members in your ALS too. It's not only having domain names being more popular, it's also being you as an ALS more popular.

So the timeline of the project idea is that we can go through this proposal and have a final decision on each during the Seoul meeting so that the team can start working on the project. The theme I'm proposing here is maximum (inaudible) plus the liaisons Wi-Fi. A member of each regional RALO would be very nice in order to accent growth regionally to all your ALSs. Then we could set up and run the survey.

The survey I'm looking for here is -- and it challenges us also to see how many of our ALSs are really ready and active to participate. It gives us a (inaudible) of the participation, the level of the additional ALSs where we will put something like 10 to 12 questions out to the ALS. How they work, actually how they see their ccTLD, how they can work, how they did something with the ccTLD. And Ron will explain some experience he has been going to with ccTLD.

That would be between day zero and 30 days. I think if we go for a period of one month should be enough to get some reactions back. We can then collect the information and build the report between day 31 and again appear to have 30 days. And then we can report back to you with the results and make a proposition of the summation of the results for the ICANN meeting in Nairobi so that we can bring up results and then discuss about possible actions to string this bridge between ALSs and ccTLDs.

And a last slide I'm just putting up is the structure of this working group, which would be five ALAC members in presenting the five fellows, the ccNSO liaison and the ALAC liaison. That's in short what I want to propose and maybe Ron can give a review from the exercise he has been doing so that you have an idea how ccTLDs could react (inaudible).

Ron Sherwood:

Thank you, Rudy. Good morning, Madam Chair and ALAC representatives. I'm here as the liaison from the ccNSO. And I have reported this possible project to the ccNSO council and there has been a promise that there will be a meeting between the chair of the ALAC, the chair of ccNSO, Rudy, myself, and possibly some representatives of other ccs to discuss this issue here in Seoul.

And the reason the other representatives are here from ccs is because when I brought this to the council, I learned that there are ccs that do outreach programs already. They don't tell the world about it, so I didn't know about it and presumably you didn't know about it either.

But the three that I learned are all council members. And they are dot UK, dot KR, and dot AU. And they seemed a little bit surprised that we would want to do this because they say we do it anyway. My reaction was, well let's know about it so that we know and can take that into account. And I think Rudy's suggestion of a survey of some kind will bring that data to us so we know what ccs are actually providing outreach opportunities and what ALSs are also attempting to reach out to their ccs.

What Rudy has asked me to report on is with a different hat on. I am also the operations manager for dot VI, so I am to an extent a cc. And I undertook to go out into the community of the Virgin Islands and ask questions from an educational perspective. To literally stop people in the street and say to them, "What is ICANN?" And, "What is a ccTLD?" And the answer of course was a blank stare in almost every case.

Two people did actually tell me that they knew what ICANN was and what they knew it was was something quite different to what you and I know of ICANN. It was what they had heard from the United States congressional hearing where the past president -- I've got to be very careful here -- the past president of ICANN was sort of put on the spot and I'm going to use the word set up or attacked by commercial interests that -- and lobbyists before reporting to the US Congress. And the outcome of that was that they knew that ICANN was nothing, did nothing, and had failed in anything that it ever attempted.

So as a result of that, I felt that this is a great opportunity, an outreach opportunity if you will, but a great opportunity for educating people beyond the 1,000 or so that come to these meetings. There's a lot more than 1,000 people in the world and it would be nice to get the real world to them in some fashion.

As a result of this, I approached the University of the Virgin Islands and said to the head of the Department of Computational Sciences, where they have the degree courses in computational sciences, "What is ICANN?"

I'm not going to report the answer, but only to say that there is a very real need for education and that the UVI through the head of the Department of Computational Sciences has embraced the opportunity for this particular cc to provide information and assist in educating at least the members of that university to the extent that they are prepared to include within their degree course a course in Internet governance and what ICANN does, and what CCs do, and of course, what ALAC does. And we hope to bring that university in as an ALS eventually and use the relationship between dot VI and that ALS or potential ALS as a model going forward and help to spread the word.

If you have time and if you have an interest, I can read to you a letter that I got from that university, which you have, Madam Chairman. Because I think it really shows what the effect can be. The letter is addressed to Ron Sherwood at ALAC, believe it or not. I've tried to correct that and there's another copy being addressed to --

Cheryl Langdon-Orr: Ron, we are happy to have you, but it probably should be formally your role from the cc.

Ron Sherwood: A copy is being sent to Ron Sherwood at the cc, yes. It's from Lynn Rosenthal, who's the chair of Department of Computational Science. And it reads, "Subject Internet governance outreach. This is to affirm the interest and commitment of the Department of Computational Science in working with you to disseminate information about Internet governance in general and ICANN in particular to the community in the United States Virgin Islands. We believe, as you do, that the Internet is easily the most significant and pervasive technology change affecting the lives of our citizens. We believe, as you do, that an informed citizenry and leadership, particularly in those in key positions with respect to technology, are critical to assimilating this technology and contributing to its governance."

"We believe," says he, "as you do that the broad spectrum of outreach educational activity is required. The Department of Computational Science at the University of the Virgin Islands and its faculty have identified the following areas where we can assist in outreach. One, educating and informing university students through presentations by guest speakers and inclusion of material concerning Internet governance in our curriculum. Two, encouraging student clubs and organizations to engage in outreach activity, particularly in the school system that disseminates information about Internet governance. Three, using contacts with public and private sector organizations arising from our advisory board, internship, and career preparation initiatives to raise awareness and participation in these organizations and in their leadership."

"These approaches are preliminary rather than exhaustive since we know that as people become involved they will themselves propose new ideas and strategies. The University of the Virgin Islands has as the only tertiary educational institution in the territory, an obligation to inform and serve the community as evidenced by its mission statement, which includes community service as well as instruction and research. The Department of Computational Sciences is particularly conscious of its responsibility to serve the community by facilitating the role of technology and strengthening our economy, and by increasing participation by citizens in using and benefiting from the technology. The Internet is a central concern to both our instructional and service roles as students and graduates are a particularly valuable resource in outreach. We are happy to work with you and with ICANN in this outreach initiative. Sincerely, Lynn Rosenthal, Chair, Department of Computational Sciences."

The reason I've read that to you is because to me it is a break through. It is evidence that there is a need and a way for ALSs and ccs to work together to bring this vital information to the general populace where it's not getting right now. Thank you.

Cheryl Langdon-Orr: Thank you very much, Ron. And having had that read to the record, if we could have a copy to -- as a PDF that we could also attach, that would be greatly appreciated.

Ladies and gentlemen, I'd like to open the floor for discussion on this matter. I think the mutualism is fairly obvious. The mechanism now needs to be endorsed and decided on, but I think there's going to be one or two people who would see the advantages may be clear to some ccs and some regions more than others. And it does probably come to also being put on the agenda for a future regional leaders meeting and secretariats meeting. But from the ALAC perspective, I find this very, very exciting and I'd like to ask the floor for any speakers or questions. Go ahead, Phillip.

Phillip: (Spoken in Spanish)

Cheryl Langdon-Orr: Anyone else? Yes, Azumi and then Olivier.

Azumi: Oh, thank you. I'm one of the ALSs in APRALO and there's several -- actually APRALO's ccTLDs have been helpful for At-Large I believe. However, there are many others who haven't really had the sort of working cooperation locally, so I really appreciate that kind of work.

Besides, I'm heavily working on the creation of a new dot (inaudible) or the IDN ccTLD in Japan, including some open processes for bidding, which doesn't really go automatically to the incumbent. And there are many issues how to do that. But with the government, it's a multi-stakeholder. Several industry associations, consumer bodies, and businesses have been working together to make it happen. So that there are new issues around the IDNs and the introduction of gTLD and the geographic names and stuff like that where the users interests have been -- will be affected more. So with that as well, I really think it's very important for the -- all the At-Large folks to consider the sort of the governance for these within your cc space or ccNG space together. Thank you.

Cheryl Langdon-Orr: First of all Olivier and then Beau.

Olivier Crepin-Leblond: As Ron has said -- sorry. Thank you, Chair Cheryl. As Ron has said the UK is one of the countries where the gTLDs -- or ccTLDs has got such a program. And I wanted to just say that I would be ready to report on two developments that are taking place in the UK since I do know Leslie (inaudible) personally, so I'd be more than glad to discuss any ideas that have come through.

Cheryl Langdon-Orr: Beau.

Beau: Yes, I just wanted to congratulate the folks doing this. I think it's great. There is someone in the At-Large who has done quite a bit of research that's been somewhat controversial for a variety of reasons on ccTLDs and some of the issues that you're talking about. Garth Bruen. So I think (inaudible).

Speaker: (Off mic).

Speaker: Want to get in touch (inaudible).

Speaker: (Off mic)

Speaker: Yes, thank you very much for the (inaudible). I would like to maybe put that into a bigger perspective and to be one of the projects we need to do but maybe could be of some and something like one country, one ALS. Could be a brand name on what we would like to achieve. It's not to say that just one ALS the country, but that we need to have this goal. And I think more and more we need to have this goal and to transfer to -- transcribe this wish. Not a wish we're thinking, but to reality and that's with the help of the (inaudible). And there's a (inaudible) each RALO could be a very good idea. And then this proposal, it's fitting completely well in that more generic suggestion. Thank you.

Cheryl Langdon-Orr: Thank you all. And thank you very much Ron and Rudi. I think the next fit for us is to put this on our formal agenda for our first day meeting where we will be able to have the feedback from the ccNSO and hopefully, I would think desirably, formulate the work group has proposed. So I would be very surprised if the regional representatives that go on this group would be hard to find, but I'd like to suggest that some of those with clear experience, such as Olivier, might be an excellent choice as well as some of those with regions you haven't got many. In other words, not Asia Pacific or EURALO because then you can do a little bit of mentoring, a little bit of sharing of how it works and the results. And that may help in the total process.

Now that brings us in to the slight change in the agenda. For those of you who think we're going back to revisit Patrick's talk about education of TLD operators, we're not. That's just being transcribed across from one agenda to another. Things have changed. We're actually going straight to the RAA issues. And David, you're cued and ready to go? The floor is yours.

David Giza: Thank you, Cheryl. Good morning, everyone. And I want to say again, thanks for the opportunity to speak with you this morning.

I'm going to show you briefly the agenda. And I know I only have 15 minutes or less, but I thought there we're three topics that you would be interested in getting an update on. First, our enforcement activity for the first essentially 10 months of this year. Secondly, a brief update on the status of the 2009 version of the RAA. And then finally, the topic I think many of you are interested in, which is possible future RAA amendments.

And so I'll move briefly through the slides. And I think the one's an interesting slide in the sense that it's a bit of an eye chart in the room, but if you're -- if you can see it on line, you'll notice that in December 1998, ICANN started essentially with one accredited registrar. And over the past 11 years we've grown from one to 938 registrars. That's quite a remarkable number.

Even though the general public I was pointed out earlier may not know who we are, certainly within our community these issues are well known. And when you think about

the growth of the registrars, it's not surprise, and you'll see this on the next slide here in a minute, that the growth --

Speaker: (Off mic)

David Giza: Yes. And I'll go fast, Alan, so that I leave plenty of time for questions.

Cheryl Langdon-Orr: Well, though not too fast because this is interpreted and transcribed. So before the people in the booth we'll have a tougher day than we normally give them unless you pace yourself. Thank you.

David Giza: Understood. Global distribution of registrars. Those 938 registrars, no surprise that they're predominantly headquartered in North America. This slide again, a bit of an eye chart, but what I thought was interesting is the footnote. In the past year, new registrar growth, largely in Europe, almost 50%, new registrar growth in Asia Pacific, 26%, and surprisingly new registrar growth down to 16% in North America. So how does that all impact the contractual compliance operation?

Well, essentially our core mission is to enforce the registrar and registry agreements. And so for the first 10 months of this year, there were 16 registrars who were either non-renewed or terminated as a result of our enforcement work. And you can see from the slide, nine terminations, seven non-renewals.

During that same 10-month period, we issued 184 breach notices to registrars. And those breach notices included such things as failure to pay, fees owed to ICANN, failure to provide port 43 WHOIS service. Failure to essentially comply with other terms and conditions in the contract that otherwise would put a registrar again in breach of the agreement.

The next number is a bit staggering -- 4,290 enforcement actions. And what does that represent? That represents the large number of WHOIS data problem complaints that we receive through our enhanced WDPRS system. And I do have one slide on WHOIS enforcement that I think will be interesting for the group. But in large part, let me tell you that each and every time we receive a complaint in WHOIS we forward that complaint to the registrar and ask the registrar to take action. And then we follow-up with the registrar to determine what action in fact was taken. And that number is a bit staggering when you consider we're a staff of six today managing not only breach notices and enforcement actions, but also managing consumer complaints. And I think that number is pretty telling as well.

From January to September, over 9,000 consumer complaints received. And in most instances those complaints are resolved by registrars, but we don't know exactly what action's been taken because under the current RAA today there's no provision requiring a registrar to tell us what they did. And so you'll see that that is a recommendation that staff is proposing for the next round of potential RAA amendments. And not surprisingly. I think many of you know that in the consumer complain category, our largest category of complaints involves domain name transfers.

What about WHOIS enforcement? Here again, we use the WDPRS system as a tool. As a tool to essentially collect complaints or reports from reporters around the world. And then we distribute those reports to registrars, again with clear instructions to contact the complainant, and to investigate the complaint, and to take action. But unless we were to contact each registrar individually with respect to those 4,290 enforcement actions, we wouldn't know what the registrar is essentially doing or not. And so by changing the method by which the registrar reports to us in the future, we should be able to close that

communication loop and actually have better data with regard to the results that registrars are achieving when they receive WDPRS or WHOIS complaints.

We also do WHOIS data monitoring. We regularly monitor port 43 WHOIS services. We have an auditor on staff and he essentially performs that work at least once a week if not more often. And then as many of you know, this past year we were engaged in two research activities of the WHOIS data accuracy study and a privacy proxy registration services study.

And there will be a WHOIS data accuracy update on Wednesday in a workshop that's scheduled in the afternoon. And so I won't be going into any detail on that topic today. Because I thought you really would want to spend time on the RAA.

And so many of you know that contractual compliance was very pleased that the board on May 21st adopted the proposed RAA amendments that had been previously approved by the gNSO council. And I think you know where you can find those amendments on our website as well as the updated 2009 version of the RAA. And I just wanted to remind folks the reasons for those changes. We all recognize that there were opportunities to improve how the DNS is managed by registrars through the RAA. We also felt that there was a need to enhance protection for domain registrants. And that continues today and will continue into the future through the next round of debates and discussions that occur inside of the gNSO council RAA working group.

And then finally, our mission has been to clarify, streamline, and where possible in plain English try to describe the terms and conditions of the RAA not only to registrars, but to resellers and to registrants as well.

And so as I'm sure you know, every new registrar is required to sign the 2009 version of the RAA. Every existing registrar upon renewal is required to sign the new version of the RAA. And all other registrars who are in good standing may elect at any time prior to their renewal to voluntarily execute the new RAA. And I think it's an interesting footnote here, the fourth bullet point that our registrar liaison team has been incredibly successful in terms of the percentage of all gTLD registrations that are now covered by essentially the new version of the 2009 RAA.

So what were the key changes to the 2009 RAA? And why is that important to contractual compliance? Enhanced enforcement tools such as much more ability to audit registrars than we previously had, which I think is mission critical to our work. New sanctions for non-compliance, both monetary as well as performance driven. New requirements for registrar contact information. Amazingly, it is often that we find that registrar contact information is missing, not only from the registrar's website, but also current information on our own website. And so we have an audit planned later this year to address that issue.

We also are focusing quite a bit this year on data escrow requirements. And we have an RDE -- registrar data escrow program that we're launching this year as well in an effort to determine just how well or how poorly registrars are complying with the terms and conditions required in our escrow program.

There were new requirements for reseller agreements in the 2009 version of the RAA. And our team is analyzing those and determining essentially what enforcement actions we can take with respect to those provisions. But we have not drawn any hard and fast conclusions yet.

And then finally, some administrative and procedural changes in the agreement that essentially help not only the contractual compliance team, but I think also help the registrar liaison team generally improve the quality of the relationship with registrars.

So on balance, I would tell you that our team of six will be very busy this year enforcing the new 2009 version of the RAA. There's much work to do and I will tell you that we also plan to expand our staff. We will be hiring two auditors essentially this year to assist us with a variety of audits that are planned as well as a registry and registrar services manager who will specifically help us address WHOIS compliance issues going forward. I think it's all good news.

Let me move quickly then to the last topic, which is possible RAA amendments. And why should we care? Why are we interested? And why would ALAC want to be involved? And largely in part we believe to enhance the enforcement tools in the contractual compliance toolbox.

The 2009 version of the RAA unfortunately didn't go quite as far as perhaps staff had hoped, but we see a genuine opportunity now with the gNSO working group to collaborate and to find ways to address some of the new suggestions or ideas that I'm going to share with you here in a moment. We certainly think that we -- you can break down the categories of opportunities here into new potential RAA obligations. Obligations I believe that are generally responsive to the concerns of registrants in our community. And I'll share that with you in a moment.

We clearly need to clarify existing RAA obligations. I think we all understand just how difficult it is every day to communicate. And particularly in the written word, and particularly through a contract that is drafted in a very legalistic fashion. And we understand why that's a requirement, but we also understand that even legal terms and conditions when attempted to be clearly drawn in agreement sometimes may not be. And so there are opportunities again for us to clarify some of those provisions.

And then finally, to make sure that the business practices of registrars are aligned with ICANN's code of conduct and efficiently enforced. And I think the code of conduct is an interesting topic that I'll be pushing quite aggressively with the working group because I do think that a code of conduct that is enforced can provide great benefits for ICANN and the community.

Two more slides, Cheryl, and then we'll take some questions here. So I wanted to share with you this slide, which I think many in this room will enjoy and otherwise receive with open arms. And that is that as the working group commences later this week, staff has prepared a position paper, which I have with me today, but which hasn't officially been distributed yet. And in that position paper, these are four particular areas that we're suggesting to the working group that they consider as potential new RAA obligations.

Number one. A clear outright prohibition on registrar cyber squatting. There is no provision in the RAA today that prohibits registrars from cyber squatting. We believe there should be and we think the best way to do that is to include a clear statement prohibiting that type of conduct with respect to registrars.

Malicious conduct. We know that there are a variety of malicious conduct issues that have not been addressed in the current RAA and so we believe the first step, like most things in life, when you crawl, and then you walk, and then you run to step briskly in the right direction we think that registrars should be obligated to investigate complaints of malicious conduct and report their findings to ICANN. There's nothing in the RAA today that requires them to do that. We don't believe it's unreasonable to ask them to do that. And we think that we can set up a reporting system through our existing electronic

software tools that would help reduce the cost to registrars if this in fact becomes an obligation under the next version of the RAA. Duty to investigate complaints of malicious conduct and report to ICANN.

Privacy, proxy, and resellers. Here we think there are at least two things we can do, and I'm sure there are more. But clearly with respect to escrowing privacy and proxy registration data, that obligation has to be firmly in place, not only on registrars, but also on resellers. So and then we need points of contact within both registrar and reseller organizations clearly identified, and maintained, and updated for purposes of making sure that contractual compliance knows who to contact in the event that there's an enforcement action required.

And then finally, forwarding malicious conduct complaints to the privacy and proxy service customers. The underlying entity whose identity has been masked by the registration needs to be not only aware of these complaints, but there also needs to be some communication that occurs between the registrar, the privacy proxy service, and the registered name holder so that there's clarity in terms of how those malicious conduct complaints will be addressed.

And then finally, it seems like we never have enough information on registrars and their affiliates. And so we think this is another opportunity to just make sure that our database is fully populated with all of the relevant information necessary to identify those within the registrar organization that can help us with our contractual compliance efforts.

On the next slide I will tell you that here we're talking about how to clarify some of the existing obligations in the 2009 version of the RAA. WHOIS inaccuracy claims. We do believe that if we can extend the requirements for registrars to investigate and validate or verify the data that is being provided by registrants that that would be an enormous improvement in -- towards improving the accuracy of WHOIS. It would also be a gigantic step forward if a validation or verification requirement could be imposed upon registrars with regard to WHOIS data.

Of course the obligation would be who's going to pay for that. And I think that then it would be incumbent upon the registrars and their business models to determine how to address those costs and if necessary to pass those costs along to their customers. But without validation or verification of WHOIS information we continue to, as we all know, suffer through too many inaccuracies.

Register name holder, registration data. Here this is a simple, but I think effective amendment that simply requires registrars to produce and send records to us in a timely fashion. The way the RAA is structured today we either have to physically go to the registrar's place of business or we have to prevail upon the good graces of the registrar to produce those records. We think just clarifying that would just be better for all.

And then finally here, terminating the RAA. We know that registrars do from time to time abandon their business for a variety of reasons. When that occurs and we have credible evidence of that, ICANN would like to immediately terminate the RAA. We also know that registrars can from time to time repeatedly breach an agreement. And in some cases we see three, four, five, six breaches. They're cured, but the pattern of behavior or conduct tells us that that registrar is having some business difficulties and we think that where there are repeated and willful violations that ICANN should have the authority to immediately terminate the RAA.

Last slide. Promoting compliance. We think there are opportunities here to address some of the policy team consensus policies that were recently adopted and that would require changing some voting specifications inside of the RAA. This is more of a technical

requirement. With regard to insurance, we do understand that registrars may not in all cases be obtaining the proper kind of insurance. And so we want the working group to consider creating a provision that requires registrars to create, or purchase I should say, insurance to protect registrants from losses that are caused by registrars' intentional, willful, or wrongful acts because today that type of insurance is not in place with all registrars.

And then finally with regard to privacy and security of registrar and account records, here we think there's an enormous opportunity working with our security team to define a security breach inside the RAA. And that is when someone has accessed a registrar's IT system or its database for illegal or illicit purposes. And thereby putting the registrar in a position to promptly disclose to ICANN and to others that their system has been compromised. Particularly if that compromise affects registrants.

And I think at that point I'll simply close and see if there are questions. I realize there's a lot of material here. And 20 minutes really doesn't do it justice. I'm already five over, but I'll be around all week and we'll also be conducting a WHOIS data accuracy workshop on Wednesday, and so several folks in this room know me, others do not, but please take the time to get to know me and let's spend some time talking. But I'll take a few questions now, Cheryl.

- Cheryl Langdon-Orr: Thank you very much, Dave. And I think there's more positive than negative in that. At the moment we have a speaking order, which is Alan, we then have the question from Danny, then also James, and Beau.
- Alan: Okay. I have a whole number of them, so stop me whenever I've gone too far. A very quick one first. You said there's 938 registrars. How many registrar families?
- David Giza: That's a great question. And actually there's quite a number of registrar families. At least 15 that I'm aware of but I believe are more. I don't have actual, specific number, Alan, but I can get that for you.
- Alan: Well, what I'm looking for is to consolidate the multiples for those who have families and how many are -- how many entities are there left that you're dealing with.
- David Giza: Yes, and actually that's probably something that our registrar liaison team could do with the data that they have.
- Alan: Oh, I know they have it; I just would like to know the current ones.
- David Giza: Yes, understood.
- Alan: Okay, you don't have it.
- David Giza: I don't have it.
- Alan: One of the things I would like to see ICANN doing in this RAA revision is pushing for clear language in the document. It shouldn't be up to the users, since you have to enforce it, there's a benefit to clear language. And I'll give you one example. It's not a long one. It was presented yesterday in a discussion with registrars on post expiration domain name recovery. The registrar had argued with me that this couldn't be the wording in the document.

It's about a very obscure subject giving notices to people that their registration is about to expire. And the wording, and the only wording is at the conclusion of the registration

period, failure by or on behalf of the registered name holder to consent that the registration be renewed within the time period specified in a second notice shall result in cancellation. So it doesn't say when it's going to be sent. The term second notice sort of implies there's probably a first one, but we don't know what that one contains. And the only thing the second notice is giving is the date, the drop-dead date by which everything just blows up. And it could be sent three microseconds before that time of course.

All the registrars were sure that couldn't be what it said. We checked, it is. It's just things like that for clarity. How can you ever enforce something if you can't even parse the sentence? This is not unique to that one.

David Giza: And that's a very good observation. We routinely call upon our legal staff to assist us with interpreting many of the provisions in the RAA. But there is some good news here. And the good news is, number one, I am a full-fledge member of the gNSO council, RAA working group so I will make sure that that issue is addressed.

Number two, I do believe that the registrar liaison team is going to have one of their members actually take it upon himself to address the simple and clear English language requirements that have been requested from this group and others as a document that he will be working on and producing, we hope, before Nairobi.

Alan: I mean I'll comment. I've written a lot of contracts in my life. I'm not a lawyer. This is not written in legalese. This is written to obfuscate.

Lastly, your comment about reseller auditing resellers is encouraging. If you could give just two sentences on what your methodology is and are you addressing nested resellers? Because many resellers are resellers of resellers of resellers.

David Giza: Right. So, at the moment, we're examining and developing the methodology, but I'll tell you our early thinking is that we would request a sample of registrant data from multiple resellers. And then as we analyze that data set, at the moment it does not include the nesting that you refer to, but we certainly can do that. Because we haven't developed the protocols yet. The plan is literally just being discussed in our shop right now. And so I welcome your feedback. If you want to just send me an email in that respect, I'll make sure it gets into the -- our planning process.

Alan: I will do that, but I'll suggest as a start do a Google search for domain or domain registrar and just pick some at random and see how they comply in terms of any of the terms you would normally do with a registrar. It will be an enlightening event.

David Giza: Thank you.

Cheryl Langdon-Orr: Thank you. Now Danny has put a question to the Acrobat room. We won't (inaudible) asking to read it. I'm going to ask Nick to read it to the record. Thank you.

Nick: Danny has quoted ICANN staffer William [McKelligut]. And so this is the quote. "ICANN compliance recently completed an audit of all registrar rep sites to establish if they were compliant with the expired domain deletion policy as it relates to fees charged to registered name holders for recovering domain names that have entered the redemption grace period. A large number of registrars, close to 500 of them, posted information on their websites in relation to recovering domain names that are in the redemption grace period, which either did not mention fees or mentioned them but did not specify any amount. Question, based on this audit, what action will the compliance department take next?"

- David Giza: Yes, let me think, Danny, through the question. It's a great question. And we have actually begun to take the next steps here in developing an advisory that we will post on ICANN's website as well as on ICANN's contractual compliance page. And we will distribute that advisory through the contractual compliance mailing list.
- Our intent here in the advisory is to clarify the correct and proper behavior that we expect all registrars to adhere to under the terms and conditions of the RAA. And then we'll audit in the following fiscal year for compliance with respect to the advisory to see how successful or not that advisory was in trying to again clarify what registrars are required to do here under this section of the RAA.
- Cheryl Langdon-Orr: Thank you very much. James, then Beau, then Evan.
- James: Thank you very much. Thanks for the presentation. My question is that actually related to, Alan, in the sense of what ICANN position or what has been the consensus (inaudible) the working group regarding how to deal with registrar families? Do we intend to shut them down? Do we intend to keep them going? Or just saying that they are okay by the rules since they play by -- seeing them play by the rules.
- David Giza: No, my initial reaction to that would be that the working group should debate and consider what action, if any in that respect, is appropriate. Contractual compliance at the moment has no suggested recommendation on that point because we realize that under current market conditions families of multiple registrars do exist and they do exist for a legitimate business reason. And so we don't want to be -- ICANN doesn't want to be in the business of telling registrars how to run their business, but we certainly think that if registrars are not running their business according to the terms and conditions of the agreement, then contractual compliance has an opportunity to discuss what changes a registrar needs to take in that respect. But I think the topic itself is better addressed by the gNSO council, a working -- RAA working group.
- James: I have another question. Or rather another comment. It's regarding malicious conduct. I understand that the -- if you look at the revised -- version three of the application guidebook, there's a whole section that was crossed out on malicious conduct regarding fraudulence, and criminals, and as well as the [winners] like the [TPTs]. I would expect that kind of wanting to be part of RAA at the same time and not just on the registry. It's a comment.
- Cheryl Langdon-Orr: Thank you. Do you want to reply?
- David Giza: Just briefly that many of those ideas that you saw in the applicant guidebook are included in the position paper that ICANN staff will be delivering to the RAA working group. And so I think in that regard the working group will have plenty of opportunity to address multiple solutions or to discuss tools that can be deployed through the next version of the RAA to address malicious conduct.
- Cheryl Langdon-Orr: And this other question goes to Evan. Go ahead, Evan.
- Evan: I have a question. You sort of referred briefly to the fact that well you only have six staff that has to run around and enforce all of this. Have you determined how many staff you would need to actually adequately police this? And has a request for this been presented to ICANN Board and turned down?
- I only say this because coming up with a whole bunch of new things in the RAA isn't going to be very helpful if ICANN's incapable of enforcing them. And since this goes to the heart of safety and stability, it sort of strikes me as a little scary that they're so -- that

ICANN has so little resources itself to police these regulations. And I'm really hesitant about crowing over making really good new regulations if we can't enforce the existing ones.

David Giza: Good question. And you'll be pleasantly surprised to know that I've thought quite far ahead. And so we're in phase one of my plan. And phase one would result in three additional staff members being hired this year. Two auditors and a registrar/registry service manager dedicated to WHOIS compliance. Those three additional staff members would essentially raise our total to nine and that would be sufficient to continue our enforcement work with respect to the 2009 version of the RAA.

Now, in the event that there are additional RAA amendments, you're absolutely correct. We would have to at that point consider staffing up or in the alternative, consider using other technology tools to get more efficiencies into how we conduct our business.

But I've also, as part of my phase two work considered what staff would be required to support the launch of the new gTLD program. And so we've already determined that there would be at least three additional staff members required, two of which would actually be embedded in the new gTLD operation team to address contractual compliances usually as they arise in both the pre and post delegation processes.

So we're -- thanks for the question. We really are trying to get ahead of the curve here and be absolutely prepared so that contractual compliance doesn't miss stuff or drop the ball as things accelerate quickly in the future.

Cheryl Langdon-Orr: Thank you very much for that, Dave. And I think we'd like to give a round of applause for (inaudible).

And most of the point not only clear, very heartening. I think we all feel a whole lot better than we thought we would at this point in the conversation. Thanks very much.

David Giza: Good, you're welcome.

Cheryl Langdon-Orr: Enjoyed it. Now ladies and gentlemen, with a quick shuffling of the deck chairs here, we're going to, while we have Carla and Karen in the room, move to the discussion of new gTLD program. A minor shuffle, but I'm sure Adam won't mind that we're now going to move into the discussion on new gTLD program changes in the draft application, guidebook version 3, the DAG 3. And while I'm filling the dead air space here, I'd like to -- not that they'll hear me, because they're busy, welcome both Karla and Karen very much. And thank them for joining us on a very busy day, which constituency there is. We appreciate the time and we're certainly looking to what you have to share with us.

At this point, just to let you know, after your presentation, the moderator will be Evan while I take a much needed break and fill up my bottle of water. Thank you, ladies.

Karla Valente: Thank you and good morning, everyone. Today you get two for the price of one. So it's going to be me and Karen. Karla and Karen speaking. Karen is going to talk to you specifically about the changes of the applicant guidebook, the details of what has changed. And there are about 50 changes that we have to account for. And I'm going to talk to you about other things that are happening in the new gTLD program and also what is next for us. I'm passing on the baton to Karen now. Thank you.

(Off mic conversation)

Karla Valente: You did already (inaudible) together. This as all planned.

Cheryl Langdon-Orr: And as (inaudible) as that was, I'm very impressed. Go ahead.

Karen: Okay, thank you. As Karla said, there were - - there have been over 50 changes from version 2 to version 3 of the guidebook, which we just published. I'm not going to go through all 50 of them here. There is a redline version of version 3 that's been posted as well, so you can go through and see all of the changes in detail. But what I'll talk about here are some of the key changes and new elements in particular.

So just to kind of give an overview of what has been most recently for comment, there is a full new version 3 of the Draft Applicant Guidebook. There is some public -- a summary of the public comment that we got on the last guidebook material that we published, which was in the form of some excerpts that we had updated material on that were posted before Sydney. So there's comment and -- or a summary and analysis of those comments and also some summary and comment, or an analysis of the comment on the IRT report.

Then as has been standard practice, there's a set of explanatory memoranda that go through and give some more detail and rationale on why certain areas of the guidebook have been changed or been developed the way they have. Independent reports refers to at this stage, although there have been reports on the -- in the root scaling area. There's a report -- there's few reports actually on that topic that have been posted recently. And then finally there's a communications plan, which has been posted.

So changes to the guidebook. The -- I've grouped in here into three kind of major headings, one of which is guidance for applicants. So that's things that we have changed in response to comments that this isn't clear enough, this is -- there's not enough information about this, this hasn't been developed enough for me to know really how I would go about applying in this area.

Then new programs and initiatives, that's things that sort of fall under -- that have found their way into the guidebook from -- based on other work that's been occurring within the community. And then finally completing procedures and standards, which just means as staff continues to advance the development of the implementation, we have more information, so we're able to include that in the guidebook for comment.

So these points that I'm going to go through are located in different places throughout the guidebook. If I've done a good enough job of labeling the sections, they should be easy to find. But if you have questions about where something is, let me know.

So talking about what's changed in terms of giving applicants more guidance on how to be successful, or more information about how the process will run, one of the first things that we've added is a lot more information about how long an application that follows a particular path might actually take. So there have been pretty long-standing explanations of the stages that an application will go through. And some scenarios of the different paths that are possible. What we've been able to do this time is to add some timeline estimates in there as well, based on the implementation work that we're doing.

gTLD registry operator obligations, that's a new section and that was in response to comments that there are a lot of people, even within the ICANN community, not to mention outside, that are not that familiar with the gTLD space and things like consensus policies, or what technical requirements exist for a gTLD, and the fee structure, and so on. So there's a new section that's intended to outline all of that for those who are either

new to the space or are looking for a -- in a concise form an outline of what it actually means to operate a gTLD.

Community priority evaluation is something that occurs when there's string contingents. So if we have more than one qualified applicant for the same string, and there are certain cases where the consideration of the community designation of one of them would be a basis for making a determination of who would receive the string. And so the criteria for the -- for doing that evaluation has gone through a few iterations. And what's new about it this time is that we've added quite lengthy explanatory notes on each of the criteria that are intended to give the applicant a better idea of how those criteria would actually be applied in an evaluation situation.

The string similarity algorithm is a tool that is used in the evaluation of all strings. They're all checked to make sure that they are not so similar to an existing TLD or to another TLD that's been applied for that it would be -- it would tend to cause users to be confused if we were to delegate two or more of those because of the high similarity.

So we've had a pre-production version of an algorithm that's been in the works. I think we've made that available earlier on as well. It's now been developed to the point where there -- it features eight scripts. So you can do comparison -- cross-script comparisons of strings in each script.

The registry services review description. All applicants are required to tell us what their proposed registry services will be in their application. What we've done in that section is mainly just give it some structure and give a little more guidance to applicants on how they would actually go about answering that. So it was a -- formally a pretty open-ended question and now has some more information about what types of services are standard and what information would actually need to be in that description.

The last point had to do with panel selections. This is something that we got a lot of comment about that people were not very clear about all the various independent parties that were involved in the evaluation. And so there's a completely new section on that that gives the name and what the responsibilities are of each of the panels that are involved. And we've also included this time the conflicts of interest policy and code of conduct that all the panelists would need to follow. So that's in there for comments as well.

New programs and initiatives. So this -- the first one, malicious conduct mitigations, as I think probably you're all aware, there is a parallel track focusing specifically on how we would mitigate the potential for malicious conduct in new gTLDs. And you can read about the set of changes in that regard. There's an explanatory memorandum that goes through each of those in detail.

One of those is the verification program for high security zones. That is something that we've added in there a little bit of an outline of what that might look like. As it's written now, it would be an optional thing that a gTLD applicant could choose at the time that they are applying for their gTLD that they also want to pursue this verification as a high security zone. So there's a little bit on that in the guidebook and there's also a whole explanatory memoranda -- memorandum on it as well.

(Inaudible) WHOIS is something that's been discussed in the malicious conduct work as well as the rights protection work. So that's now a requirement that's featured in the draft agreement in version 3.

Finally, there are a couple of post-delegation dispute processes that are included in draft form. And the first one is a rights protection dispute process. So that would have to do

with infringing activity that's occurring after the TLD has already been delegated. So there's a dispute process for that. And then there's also a community based one as well and that's envision to the address the case where an applicant at the time that they were applying stated the intention to serve a particular community and structure their registry in a particular way and provide certain services. And then post-delegation, they sort of reinvent themselves or go away from the community-based proposal that bid and initially submitted. So there's a mechanism that's included in draft form that would address those types of issues.

The last section here, completing requirements and procedures. The pre-delegation test is something that we've had in the guidebook for quite a while. The idea is that there would be a technical test before a string actually gets delegated by IANA and becomes a functional string in the root zone to make sure that the applicant is actually able to do and is following through with all the technical plans that they gave at the application stage. So it's a validation of that information.

So in version 3 you'll find a lot of new information on the pre-delegation testing covering which areas are tested, what data the applicant is supposed to provide at that stage, and how it would be measured and assessed by ICANN in that test.

The next two have to do with the objection process. There are four possible grounds for objection as -- that we have in the guidebook. One of them is morality and public order. That's been the subject of a lot of comment.

(Off mic)

Yes, and other rooms. What's new about it in this instance is that there's been a lot of discussion about standing and who can file a morality and public order objection. The current position is that it's not limited, so anybody could make that objection. However, the concern that's always been heard along with that is that kind of opens the door for anybody to use it to deliberately slow an application down or create headaches for the applicant. So what's included this time is what's called the quick look test. And that has the intention of locating early on something that's frivolous or abusive and not allow that to conclude early without going through the entire dispute resolution process. So that's in there now.

In the community objection area, the community is another of the four objection grounds. And what is new there, there's been the possibility for a defense if the applicant is objected to by somebody saying I'm part of the community and we all oppose your application that the applicant, if it can show that it meets the same sort of community standing requirements as the objector that that's a defense to that type of objection. So there's been some clarifications to that. One of them being that the defense can only be claimed by an applicant that designated itself as community based at the very beginning.

Geographic names. This has been discussed quite a bit. This actually was -- and some of the -- as well as some of the other things that I've mentioned were previewed in some form in the excerpts that we published before Sydney. But what's the current state of geographic names is that there's been some changes in how you define a country or territory name. And then on the second level, there's a requirement that all the new gTLDs would reserve, at least initially, the set of country and territory names that are tied to these three reference lists.

The financial instrument is something that we've had in there for a while as well. That's a requirement that an applicant would be able to show that it has funding or can obtain funding so that in the event of some failure or contingency that the basic registry

operations could continue. So everybody who had registered names there, the names would continue to resolve for some period of time.

There's been a lot of work on the financial instrument. Those requirements have been honed to the point that there's two now pretty specific tracks or ways that you can meet that requirement. And there's quite a bit of detail in how you would go about setting that instrument up and then how it would also appear in the registry agreement as an obligation going forward.

Finally we have the IDNA 2008 protocols for IDNs. This is work that's been going on for quite a while in the IDTS to update the IDNA protocol. And as it looks like that is pretty close to completion, we've included some material about the current status of the protocol and how we expect that if that's in place by the time that we're actually accepting applications for new gTLDs, how that would affect the way that we perform the string review.

I think that's the end of my section. So I'll turn it over to Karla. Thanks.

Karla Valente: Thank you, Karen. Do you want to leave the Q&A at the end?

Cheryl Langdon-Orr: Would you prefer to break it? Because I know we have a number of questions queued that (inaudible).

Karla Valente: I think we have content enough to break it maybe for a few minutes. And then resume the presentation and have another Q&A. Otherwise I think it -- people might lose track.

Cheryl Langdon-Orr: Happy to do so. So we'll open up the questions queue. Evan tells me has some specific questions that he wants to put in the queue. And we do have the first question, which I'll read to the record now from Danny Younger. The question is as follows: "The bylaws, article 2, section 3, require equitable treatment. Is it equitable to have practices that apply to new gTLDs such as the post delegation dispute resolution procedure if such are not also applied to current TLDs such as dot travel, for example?"

Thank you for your question, Danny. Who wants to handle that? Thanks, Karen.

Karen: Yes, it's certainly a consideration when you're developing all of these requirements for TLDs that don't exist yet. The sort of general expectation is that you're designing things that will eventually apply to everybody.

Now there's -- when it comes to existing TLDs, there's a process in place for changing for how those agreements can be changed. And I think that when we get to the point where our existing gTLD contracts are up for renewal, there will be a lot of discussion about what is the policy? What would need to go through a PDP? What is equivalent treatment when you look at these existing versus the new gTLDs? But it's certainly the expectation that nobody will be treated unfairly or anything that would violate the bylaws. So I think that you'll see a lot of discussion about how the sort of exiting view to those will be brought into line with what's becoming current practice.

Cheryl Langdon-Orr: Thank you very much. The speaker's list is open. I see -- obviously I know that both Evan, I now see [Vivick], Ellen are you --? Nope. And I see Azumi. Evan, one or two of your early questions and then to Vivick.

Evan: Okay. Sorry, I had the mistake of actually reading the entire redline DAG on my flight here, so in return for that, I guess I'm asking --

(Off mic)

Cheryl Langdon-Orr: Okay, fine. The point of order raised, Vivick's matter was actually a comment back to Karla, so Evan has ceded the microphone and -- go ahead.

Vivick: Sorry. I thought then he can have enough time to speak.

Cheryl Langdon-Orr: Thank you. Go ahead.

Vivick: So on this equitable question that it obviously the existing contracts, it cannot have a prospect treatment what you're really doing to gTLD. So since you cannot do the prospect thing on the contract, (inaudible) will come the new things automatically apply. So we can't in between look at this question of whether it's equitable, because it's all the designing and this is newly proposed. So the question comes that -- and every -- those contracts expire and the new things come, then the question -- this should be applied immediately to all -- to get equitable push.

Cheryl Langdon-Orr: I think it's a comment. Yes. It's an affirmation. Go ahead, Evan.

Evan: Okay. My questions in some cases are fairly specific and I guess I'll do them one at a time. 1.0 and 1.3 in the redline, it shows that public comment when it comes in no longer requires due diligence and I'd like to find out why that was eliminated? Why going from when we get public comment we'll do due diligence on it has gone to when we get public comment we'll consider it.

Karen: I don't think that's -- was anyway the intention of the drafting change. I think --

Evan: That's what's in there.

Karen: I understand that. I think while the wording may have changed, I don't think the substance really changed. I think the -- what happens when we receive public comments, they're given to the evaluators and to those who are evaluating the applications with instructions, here are these comments, take them into account. And in your report, tell us what you did with them.

I think due diligence is -- if it's -- I do recall it being taken out, but I don't think the intention is that they don't have to do any due diligence. What I had in mind -- what we have in mind there is anybody can submit a comment and make an accusation, hey this applicant is a crook and blah, blah, blah. I don't think you want the evaluators saying well we got a comment against this, so we gave them less points. And I think that's always expected to be part of the process.

Evan: Okay. It's -- okay. I'll move on. You've answered it. In the issue, there's been a whole bunch of new information put in about city TLDs, including the kind of information that's required and the kind of permission that's required in order to get a city TLD. What happens when you have multiple cities with the same name? How many permissions does somebody get -- need in order to register dot Springfield, for instance?

Karen: I was trying to think what was new on this. But --

Evan: I can give you the specific line item.

Karen: Okay.

Evan: 2.1.1.4.1.

- Karen: With cities, the requirement is, and this is the case not only for cities but for other types of geographical names, that they need to get the support or documentation of support or non-objection from all of the relevant governments or public authorities. Now it also says that it's the responsibility of the applicant to determine which those are. Right? So if there -- if it's Springfield, for example, and they have done a survey of all the various Springfields, and they have determined that we think these are the ones who really matter --
- Evan: So it's their obligation to go to every city with the same name. So Sydney has to go to Nova Scotia, and to Australia, and everywhere else there might be a city named Sydney?
- Karen: It's their obligation to determine who they need to go to.
- Evan: But it's your guidebook. Why do they have to determine that?
- Karen: The applicant is -- so the only -- the requirement is they need to go get supporter or non-objection from all of the relevant governments or public authorities. There's a geographical names panel in place that that's their job is to determine which the relevant ones are. So you might have gone to eight of 10, but there's another one that is located very close --
- Evan: I'm just saying this is something where maybe a bit of clarification for that particular kind of thing, unlike with countries where generally there's only one name for any given country, with cities and states you don't have that issue. It's probably really good to clarify that particular instance here because you have multiple names around the world for that.
- Karen: Okay.
- Evan: There's still a big concern that the legal rights challenge is still applicable on meaning. And I think that's really a can of worms that's going to be really, really difficult to deal with. I mean obviously this has implications into the whole IP stuff. But I really do think that it's going to be a continuing difficulty, not to mention an implementation nightmare. Why do you insist on keeping the word "meaning" in there?
- Karen: You're talking about the --?
- Evan: -- legal rights challenge.
- Karen: The -- for a legal rights objection, the --
- Evan: Based on meaning.
- Karen: You're talking about the -- in the dissolute resolution standard section there are several factors listed, right?
- Evan: 3.4.2.
- Karen: That, because it is basically a -- it's heavily a trademark test. Right? I mean a legal --
- Evan: With trademarks you don't go on meaning.
- Karen: Yes, they do.

Evan: So under the new proposal if dot com existed, dot biz couldn't because it's too close to meaning?

Karen: Not necessarily. Meaning is one factor that the panel can take into account. And that's -- from -- I'm not an attorney, but my understanding is that's what's common in a trademark infringement test is to take into account sight, sound, and meaning.

Evan: I guess there's various legal minds at this table and they'll swear within At-Large that would take issue with that. But anyway.

And I guess the last one is the just curious consideration of how the USA has reserved the word America even though it counts for two different continents.

Karen: I don't think it's reserved. I think --

Evan: Oh, yes. (Off mic). I can search for it online if (inaudible).

Karen: Are you looking at the annex of separable country names?

Evan: No.

(Off mic)

Cheryl Langdon-Orr: No, he will have more time to read. Karla, think about it. We -- while we're getting that particular reference so that particular question can be asked, I will now read to the record another question from Danny Younger. "What was the basis behind the staff decision to change the URS from mandatory to best practice? Who wishes to take that?"

Karen: The URS was a proposal from the IRT. There -- I don't think there has been a staff decision to change it. There is a paper that discusses one possible implementation of the URS and in that paper it's shown in the -- it's shown appearing in the guidebook as a best practice. So it's recommended that something that applicants should do. And it's something that appears in the scoring as favoring those who do adopt it. But so I don't think there's any decision that it must be that way going forward. That's only the way that it was proposed at this point.

Part of that is it's very closely connected. It's intended to complement the UDRP, which is a policy and there's some concern that this is a policy related question, which is one of the reasons that this particular point was -- has been referred back to the gNSO for their feedback on it as well. So that's something that was taken into consideration.

Karla Valente: Can I just add one thing please? So this is Karla speaking. In relation to this particular rights protection mechanism, there is an additional public comment going on that closes on November 22nd. And there are two rights protection mechanisms that were part of the IRT initial proposal, final proposal. And if you have any issues, or if you have anything to add about this, please comment on this public comment.

In addition to the public comment it is also before the gNSO to look at those two proposals specifically. This one and also the trade by clearing house.

Cheryl Langdon-Orr: Yes, and I think it's simple. And to note for the record here that with the letter to the gNSO, the gNSO has taken certain actions. And Alan, if you'd like to just let the table know what the response to the IP -- the letter on IP to the gNSO is going to be in terms of the work group formation and how we're going to be --

Alan: Do you want me to do that now instead of the --?

Cheryl Langdon-Orr: Yes, come up now, so let's deal with it now.

Alan: The question is what is the gNSO doing in response to the letter? The letter essentially calls for the gNSO to come up with some opinions on the staff proposals and/or come up with alternate proposals. And to evaluate whether the staff proposals meet the original policy description that goes back a year or two.

The gNSO meeting is tomorrow and I cannot predict what is going to happen then. However, there was a meeting of a drafting team on Saturday. There is a proposal of going to council that will -- if it goes through -- if the vote is held, and we are not making the standard required seven days, therefore it requires the agreement of all constituencies to allow the vote to be held at all, normally we will delay to another meeting if anyone objects, which given the timing here would be problematic.

Assuming the vote goes through, assuming it does not change from what is -- what was written on Saturday, there will be a working team -- I'm not quite sure of the word. A different set of initials -- so it's not a working group and not a drafting team -- put together, which will consist of four members or four representatives of the commercial and non-commercial stakeholders group for each. Two each from the registrar and registry stakeholders group. Two from the At-Large, one from NonCom, which will be charged with making a recommendation to the gNSO council for adoption.

Since the target is December 14th, the target for coming up with that recommendation to feed into the gNSO has to be somewhere or pretty close to the end of November. And November, as you will note, will start immediately after this Seoul meeting. So the timeframe is rather tight, but that is where we stand at the moment. From our perspective we are supporting the initiative, I believe. I hope we will by the time we finish the meeting today. And my personal recommendation has been to the extent possible that we and others start working together, not go into that meeting as everyone in opposition to each other because there's no way we'll come to closure in that short amount of time.

Cheryl Langdon-Orr: Indeed. Thank you very much. And just, Alan, one thing for you. The specifics into the record, Danny has copied to the Adobe room the exact wording from the gNSO resolution. So that's there for the record.

Alan: Thank you. And we need to take action to name the two people assuming it ends up being two. But we will name them with that assumption that we have to do sometime today.

Cheryl Langdon-Orr: Yes, I see the lighter agenda item. Evan, any other questions from you?

Evan: I still didn't get an answer to why America is in the list.

Karen: Let me try to clarify the question. So in module 2, there's been included an annex called separable country names. And those are included in the definition that we now have of what is a country and/or territory name. So that would be protected at the top level, meaning that an applicant would have to get documentation of support from the government.

What the separable country names list that's there is based on is going through the ISO list, the ISO 3.1.6.6-1, which features country and territory names. And taking out things that should be protected. Now there's a couple of types of those included. One are what you might call hyphenated or compound names. So if their country name is Antigua and Barbuda, for example, Antigua by itself would also be protected as well as Barbuda.

There's another category of names where the country is commonly known by something that's other than the short name that's listed in the ISO list. So an example of that is something like the plural national Republic of Bolivia I think it's called, which is commonly known as Bolivia. So America is actually in that list, included as a country that's commonly known by America. So that's -- I think that what Evan is asking why is that there. So that's something that it's -- it seemed like it fell into that category. That's -- the list is also by the way something that you can comment on.

Evan: And the last thing is more another request for clarification rather than a question. It goes back to the whole thing of morality and public order. There's really good examples, flow charts, and good tutorials and examples of many, many different things within the guide. And I appreciate that because there's been a lot of care taken in that. I really think some of that needs to be applied to the morality and public order thing because it is such a difficult issue and a quagmire.

And I would like you to consider dealing specifically with the example of a string that might be a taboo in one culture or country, but perfectly acceptable in another. Does that fall in within the international law and treaty provisions that are mentioned in the public order thing? How do you deal with that? Because I can see instances coming up where people will want to put something up. I mean at an -- in one sense dot gay would be objectionable in some countries. How does this particular clause apply or not apply in a situation where you have a string that's totally taboo and objectionable in one culture but not in another?

Karen: I take the comment that you -- that there could be -- that there are a lot of questions around that area. I don't know if you want me to answer now, but --

Evan: No, it's a political thing. I'm asking for clarification of what the intent of what you want to do specifically into context of that kind of objection I can see happening repeatedly.

Karla Valente: I think that that's -- we can take that back to the -- to our legal team, the team that is developing this whole part of it. The first person that raised that specific issue, not only for the word itself, but also sometimes the word has different meanings in different countries. And there's all kinds of different --

(Off mic)

Yes, all kinds of different issues around them. So we will take it back to the legal team. And if I may ask you to please also make the public comment, because this will help us when we bring these kind of issues back, it will reinforce us that this is something that the committee is discussing, something that is -- has to be done.

Cheryl Langdon-Orr: Karla, thank you. And do not turn your microphone off because it's now your part.

Karla Valente: Oh, it's my part. Okay.

Pending issues. So we have Draft Applicant Guidebook version 3. We have, I don't know, over 40, 50 kinds of documents around. We have over 400 days of public comment. What does this mean? Where do we stand? And what needs to happen next for this to move forward? And what is at stake right now?

So we have identified sometime ago overarching issues. There were four overarching issues that were identified. Treatment protection, potential for malicious conduct, the issue of the root scaling and the impact on the root by adding not only new gTLDs but also IDNs, DNS SAC, and IPB6, et cetera. And also the market impact analysis, which is

something that was requested by the Board some time ago. It's requested by the community, by the DOC and so forth. So those are the four issues.

Those are not the only four things that need to happen in order for the program to launch. The discussion today, there's some clarifications that need to take place in the applicant guidebook. They are not shown as overarching issues, but obviously there are additional issues or additional things that need to happen.

So what I'm going to talk to you a little bit is about some of the most controversial issues or issues that have taken a lot of the time and effort by several of our community members and staff to be resolved. The first of all is the trademark protection mechanisms.

So when we first started to do the applicant guidebook, there were some trademark protection mechanisms. The community came back to us and said this is not enough. There's a lot of trademark protection issues still at stake and we would like to address that. And this applies only -- not only to the first level, but also to the second level moving forward.

And a lot of argument used was, okay, this is how the market operates today. This is the trademark or type of issues that we see today. If you don't do X for protection mechanisms, you will see the problems that we face today augmented by an X number of TLDs that might be coming to fruition. And we don't want to see that.

So one of the steps taken, as you know, was the Board created or asked this implementation recommendation team to be created. They came up with a set of recommendations and some of these recommendations have been now incorporated by -- or somehow incorporated by the ICANN staff into the applicant guidebook and what we are doing.

I posted this week a document that drafts the differences between what the IRT has proposed and what the applicant guidebook actually has.

(Off mic)

Yes, well, a lot of people worked on that. But this is an important document. Unfortunately it was not posted when we posted the draft applicant guidebook, but is an important one. The IRT and others requested that. So the team worked very hard on putting that together. Hopefully this will help you to see what IST did and what we have done.

So we have some additional things on the Draft Applicant Guidebook. And we have those two additional protection mechanisms that are now open for public comment and also before the gNSO for consideration. So we are seeking input from the community on the work that we have done to address that issue. And also specifically comments on the - - not only on the Draft Applicant Guidebook public comment forum, but also the trademark protection open forum that ends on November 22nd. So if you have any specific comments to make, take a look at both forums, because they are slightly different.

Now another issue that has been quite commented on, using Karen's expression, commented on is the impact on the marketplace. So we have done a series of studies with economists and the community and others came back saying, you know what? You're still missing some of the points. Or we don't believe that your economists have looked into A, B, C, D, and --

What we are doing now is that we are revisiting some of the outcomes of the study and some of the questions that the committee has identified as unanswered. And we are going to be working with economists to actually address those questions. And I believe Kurt said yesterday that the timeline was end of this year, right around December. So we have to confirm that but you are going to see an additional study that is going to address what are the now the open questions around that specific issue. So we're augmenting this study.

Free character and variant management. This is something that is very dear and close to the idea and community, especially the ones that don't operate in the Roman character set. And this is short supply for the fast track. So right now we have a request for acceptance of applications or strengths that are less than three characters because there are several languages in which one character, two characters is a whole word or a whole concept. Right? So how do we create -- exactly. So how do we create those exceptions? How do we work around that? So there's this working team that is looking into that specific issue. And also the issue of the variance, right? In that several languages, how they have to conform.

Yet another issue is root scaling. So root scaling. When we started doing the program development, we looked at the root scaling only by introducing new gTLD into the marketplace. And some of the preliminary assessment did not see any issue on adding new gTLD, even if in an unlimited number to the root.

Now, the question is, we are not only adding new (inaudible) to the root. We're adding IDNs, we're adding DNS SAC, we are adding IT V6, et cetera. So what happened was that now we are working with the technical community that is looking into much a more complex environment and changes to the root. And they have posted some studies. My understanding is that they have today or tomorrow, they have a session that is going to specifically discuss. So I am not going to expand on that because I'm not a technical person. I know there's still a lot of questions and discussions around that issue, even though we have a report or several things now for public comment.

Cheryl Langdon-Orr: And Karla, we do have a briefing on that specifically.

Karla Valente: Perfect. And here's some of the findings. Again, this is some of the things that I think it would be better when you have the root scaling study to talk about that.

Where do we go from here? I didn't talk about malicious conduct because you had a session yesterday. Right? So for the malicious conduct, we do have some proposals in the applicant guidebook. And those proposals are open for public comments and under consideration. So please comment on -- I know this is one of the issues that is also very controversial or important. So please look at whether or not the malicious conduct mechanics that we have right now in the applicant guidebook is what you are looking for.

The root scaling. So there's this analysis and report by the SSAC and RSAC. The economic analysis as I said. We're looking for additional studies. And then trademark protection; we have the gNSO work, and additional staff models. And once this is done it's going to go for Board approval basically. Board consideration.

And this same applies to registry/registrar vertical separation or integration. Depends on who you speak to. They have a different terminology for that. But we're talking about the same issue. And actually, yesterday there was a very interesting session that was moderated by our Chairman Peter. And we had one representative for the super majority of the registries and somebody speaking more about the registrar proposal model. And so the five good sessions to show the different opinions or the different models that people are discussing.

Now, there were two models presented yesterday. There was also some additional ones like the shades of gray. There was a black and white and also the shades of gray. So what I suggest you do, in addition to taking a look at the recording of yesterday's session, is also take a look at a recording of a webinar that we held last week. And I posted that on the information center under the new gTLD program page. There's an MP3 recording and the presentation of different people talking about the different models. But this is obviously one very important issue that is before the Board for consideration.

The communications plans. So we posted the draft communications plan. This is the first time that we post a communications plan. So it's a work in progress. And it's a living document, so it's going to expand, as we need and as things evolve. Right now this document is structured in phases. So we have pre-launch activities, and this is what we do now, but it's basically. We have launch activities, and by launch we say that is when the applications for new gTLD are open and there's going to be a period of time when applicants can lodge applications. And between the opening of the application period until the beginning of the initial evaluation we call it launch.

And often people ask me, "When are we going to know who's applying for what?" And this is when you're going to know who's applying for what. At the end of the launch period, we are going to post on our website the name of the applicants, the TLD strings, and all kinds of pertinent information to that application. So for instance, it's community-based, it's geographic-based. And information about the applicant that was considered non-confidential. So this is the point that you're going to know.

And then we have post-launch activities, which is a series of reporting -- of status reporting on how the process is moving forward basically.

In addition to having activities around those three phases, right? We have activities that are very specific communication campaigns. One of them we had recently and that was related to the search of the evaluators for the new gTLD program. So what are the -- or who are -- how are we going to go about selecting or letting companies know that we are sticking a specific set of experts or companies to be evaluators in the new gTLD program? And if you look, we had an announcement this week as well about the progress that we made on this evaluator search.

We posted initial expressions of interest, a (inaudible) specials of interest. We had to expand that to get a bigger pool of people -- actually organizations applying. Now we have twelve organizations that are going to go through a selection phase. The name of the organizations and the process that we're going to -- staff that we're going to take to select the evaluators is on this website, so please take a look.

Now another one is coming up and it's called TLD Acceptance. So I'm not sure how much you know about that, but as we add new gTLDs or IDNs into the root or into the marketplace, we are going to have new TLDs. And what we need to make sure is that the systems and applications around the world recognize those. So in the future, if you have an email address that has an IDN or any email address that has an extension that has a larger number of characters than used to, then we will need to make sure that those systems and applications work for that. So the challenge here is that it's not ICANN that can make or change an application or a system over the Internet, right? So what we can do is to educate and work with the technical community so they are aware of what this is and what changes they need to make in order for all of that to work in the future.

And also, educate the consumer. From a consumer standpoint, you have an email address, you have something with this new extension and all of a sudden you're trying to use an application on the web and it doesn't work. It's rejecting your email address, for example, because it doesn't recognize the extension is existing. Well, the consumers also need to

know that this is not the problem with the TLD. This is a problem of the application of the system that -- and I'm looking at Patrick here who knows that much, much more than I do. But anyway, we're going to be working with the technical community and with the consumers also to make sure that there is this awareness and those issues are addressed.

And note that that specific issue does not only apply for new gTLDs. Fast track, if the Board approves the implementations, is launching. So? Oh well. November. If the Board approves launch in mid-November. And if it's launching this issue exists already. Right?

Cheryl Langdon-Orr: Yes, is that the finish? I didn't think you finished the slides.

Karla Valente: No, we have -- I'm almost there. Some of the activities that we look in relation to communications is we try to post multi-lingual materials. All of the relevant materials, even though the program itself is not multi-lingual, meaning you're not going to see an application system in multiple languages or customer support in multiple languages, unfortunately in this round. But we try to post the informational materials in the six United Nations languages. Now we have room for improvement to post all of those simultaneously with the English version. And we do realize that. There's room for improvement there.

We also have been holding life events. So we have consultation type events, we have outreach type events, and we also participate in already calendared events to really increase the awareness about new gTLDs and IDNs around the world, so people know that this is coming. And they know whether or not they are impacted by it, they -- which I think everybody is because regardless of whether or not you are a potential applicant or a government or business that is going to be part of the application process, we are impacted as users of the Internet if we see new TLDs in the future and the way the information is structured or line changes, and so forth. So it really is a matter that is of interest, I believe, to everyone if the Internet changes in the future.

So we have those live events. Some of the events we held in New York and London were very targeted because they were trademark protection and malicious conduct discussions. We call those consultation events. But most of the time what we are doing is outreach events, so we're trying to explain to communities of people that know very little or nothing about new gTLDs, what this is and why should care.

We also wanted to launch and maybe you're pleased to hear that. We increased the number of webinars that we are holding on the subject because this is really of most practical and least expensive way for us to go about. And we plan on doing that in different time zones and different languages as well to accommodate the different needs.

If you look at the draft communications plan, you will see some topics that we are considering as a webinar. If you have additional topics, additional things that you would like to see discussed, please let me know.

Also email notifications to supporting organizations (inaudible). But also non-(inaudible) members on particular milestones. So we are sending notifications to the communities, supporting organizations of ICANN, really making them aware of this is what's happening, this is a major milestone or this is a major deadline that is coming up.

I also work closely with the global press just to make sure that we have information out there that is reliable and is accurate. And we have some plans to expand that in the near future. Obviously all of that will depend on how much the budget can stretch. So this is where we are.

So getting to the finishing line, we have to resolve these remaining issues of course. We have decided that we are going to have a draft occupant guidebook version 4. We don't have a date for that yet, but there's going to be a version 4 and this is different than what was communicated earlier. We also do not have a launch time. Earlier I am aware we have communicated Q1, Q2 of 2010, but nowadays because of the pending issues and until we satisfy those issues, and the community is okay with them, the Board is okay with them, we cannot really launch. So we are working very hard to make sure that we address those issues and we're going to communicate a launch date once we have a better understanding on where we are on resolving those issues.

So that's with the Board consideration. Once we launch the -- once we publish the applicant guidebook version 4, there's going to be a final applicant guidebook, a lapse of time, and then the application of application period. Okay? The draft communications plan is a document that was not posted for public comments. And if you have suggestions on how to improve that in your country, in your region, in your industry, please let me know. Write to newgtld@icann.org and feel free to write directly to me, which is Karla. Valente@icann.org. Thank you very much for your time.

Cheryl Langdon-Orr: Thank you very much. There's a vibrant speaking list open. Vanda gets the floor first, then we have -- yes, I see Vivick, I see James, I see Carleton, and then we'll read to the record Danny's question. Sorry, you had your hand up in there? Sorry, Evan, Adam, Azumi. And might I just mention we have our next speaker who is due to start two minutes ago? So let's not -- and Sebastian. And so let's not make these lengthy comments. Let's make these expedited meaningful questions. And if someone else has asked your question, please let me know.

Vanda: Well, just remember that when you put the in the vertical -- here's your slide, here's your tree. There is -- we need in my opinion to make some important information from ALAC point of view, from (inaudible) point of view to address to the Board before they take any kind of decision. Because one thing that was not considered yesterday in that debate, and in this morning we have (inaudible) with the Board comments about that. Is exactly how is the impact of -- in the (inaudible), in the people in general about the vertical decision or not? What are -- everybody has -- when you have the (inaudible) and the (inaudible) -- yes, the vertical. Yes.

(Off mic)

Cheryl Langdon-Orr: (Inaudible) question to our speakers. Not (inaudible).

Vanda: Yes, so my understanding is that you're looking for permission (inaudible).

Karla Valente: We need (inaudible) here. I'm just alerting the people here that we need to send some kind of recommendation to the Board before they have time to take an action on that. Because we really don't see in this (inaudible) and this analysis nothing related to the impact to the consumer.

Vivick: Vivick?

Speaker: Yes.

Vivick: There are two comments. One I saw a full-page brochure on gTLDs. What is a gTLD because we are published by ICANN just given in the reception kit to the participants. There's a book -- facts. Yes. That I want to point out if recognized, it is to -- will be done in different languages and you mentioned different languages. There you mentioned one that's Hindu. Hindu is a religion. Hindi is the language. Hindu is a religion, Hindi is the

language. I wish that this -- because it is a very important document. This flows around everywhere. That's a comment on that.

The second, I just -- we're asking to throw a little light on the model proposed by the staff on this concept of (inaudible) conduct of the registry operator, which has to be proved by the complainant. Is there any -- what is conceptually (inaudible) to conduct? And then implement (inaudible).

Karen: I think I -- I think I'm not exactly sure which piece you're asking. So the one about -- is it one of the post delegation procedures?

Vivick: Yes.

Karen: Okay. And what was the phrase? What conduct?

Vivick: (Inaudible) conduct. The registry operator to be liable for top-level infringements. A complainant must assert and prove by clear and convincing evidence that the registry operators are (inaudible) conduct.

Karen: Okay, thank you. So this has been a pretty difficult procedure to craft because there are really two types of concerns that it's trying to address. One is if you have an applicant who applied for something that was a trademark, so say I applied for dot apple. And I said I represent all of the apple growers and I'm going to use this for seeds, and tree facts, and things that help the apple industry. And so the holder of the apple trademark said, "Okay, I'm okay with that." I don't feel that that will infringe my trademark.

Then later, after I've launched I decide I would like to actually market to computer users and computer distributors and so forth. So at that point, a layer, a trademark holder feels that their rights are being infringed, so they want to have some mechanism to go after that now registry operator. So that's one type of scenario that that procedure is supposed to address.

The other one is harder. It has to do with if there is a lot of -- if there are many infringing second level domain registrations in that TLD. And it appears that the registry operator is actually encouraging that and is going out to registrants with offers, or promotions, or things that are actually encouraging people to register infringing names. So that's another type of scenario that it's supposed to address. And in both cases, it would be for the person who is filing the complaint to affirmatively approve that the registry operator is knowingly and deliberately facilitating this type of activity.

Vivick: Are there any parameters for that? And who decides that this is clearly and convincingly (inaudible)?

Karen: Right. So that is another area that's to be determined by a panel of experts who look at those types of infringement cases. What you see in the draft now is a sort of preliminary, very short standard of what their -- the test that they're supposed to apply. But I think that there'll probably be more consideration of what you said, parameters, what would actually take place in something like that.

Vivick: Thank you.

Speaker: James.

James: Quick question. I'm sorry. Thanks for the presentation. Just a quick question on when to expect the timeline for the application of the IDN working group on the various

(inaudible)? Well, it was mentioned that it was to be done before, so -- and obviously it's not done.

Karen: For the working group report you mean?

James: Yes.

Karen: I believe it's pretty close to being done. There was actually some talk of posting it, of having that report ready actually before this meeting, which wasn't met. But I don't believe it's that far off. I don't know exactly, but that's my impression.

James: Will we get any time before the public comment on (inaudible)?

Karen: I will try to get one, yes.

James: Thank you.

Speaker: Jonathan?

Jonathan: Thank you, Chair. Thank you very much for the presentation. I'm particularly interested in the issue section when you outlined what the existing -- what the issues are of it, selling issues. Perhaps if you could go down a bit more and say it like they did in the debate. The sides -- the extreme sides of the issues that you are seeing. That would certainly help us.

I want to ask one question about the evaluators. The -- is it the intent for ICANN to develop a criteria? Evaluation criteria internally? Or are you putting that out as part of the terms of reference for the evaluators?

Karla Valente: When you say evaluation criteria, the criteria for evaluating applicants and applications?

Jonathan: Applicants.

Karla Valente: Well, this was developed by us and this is what you see in the applicant guidebook.

Jonathan: No, there's two specific aspects to that. I don't remember who is it that -- Adam -- Evan spoke specifically to be sure about the morality clause and this mechanism. No, follow me here. (Inaudible) He spoke about providing a flow chart to describe what happens in the morality clause. Some of the elements that are in the guidebook, if I read them correctly, would certainly be improved or the way you go through them would certainly be improved if you had such a flow chart as I do.

Now the question I'm asking is this. That's a finer point of evaluation. Are you going to provide that kind of fine point evaluation? Or are you going to let the evaluator develop that?

Karla Valente: So I think it's what we're looking. So if I understand correctly, what we're looking here is to have more specific --

Jonathan: Yes. Some of the (inaudible) high levels.

Karla Valente: Yes, I know and we are developing a more detailed kind of type of process flow, but we need to still finalize some of the criteria, finalize some of the steps before we put a process flow out there.

Jonathan: Okay.

Speaker: Thank you. We are really running out of time and I would like -- I will ask each one to have just one minute to ask a question and then we will go to the next presentation. Then Alan, if you still want to talk, please quick question.

Alan: Has there been any change in fees? What's the fee structure at the moment? We were wondering if things could be reduced for non-commercial and other --?

(Off mic)

Karla Valente: This is one of the comments we received about the 185,000 (inaudible). Yes. We have a cost paper that you can see that it's one of the explanatory memorandas. And right now we don't have a model for fee reduction as far as I'm concerned. But this is one of the issues that we don't highlight is a (inaudible) all but depending on where I am actually, this is one of the issues that people bring a lot of the cost.

Speaker: Okay, thank you. Evan.

Evan: One quick thing. If you could go through the search and replace on your word processor and change IP clearinghouse to trademark clearinghouse. It's a very significant, I believe, change that you made in the terminology and I'd really like you to apply it in all the presentations. And in your slides, it still continues to say IP clearinghouse. I welcome the change and ask you to stick to it.

One of the things I'm asking now is because neither of you mentioned the issue of the independent objector. And it wasn't mentioned, I believe, in the session yesterday. I consider it to be really significant. I'm really -- it's unfortunate that it hasn't been brought up.

In the changes made in DAG 3, you start to give some teeth to it and talk about budgets and the fact that independent objector is going to have to file the same fees and the same claims and go through the same process as any other objector. My concern about this is that if the independent objector's office is given a very specific budget, and still has to pay the same kind of fees, does this not amount perhaps to a quota on how much the independent objector can really do us? And do they have to start thinking, well I'm here to raise things on behalf of the public, but can I really afford to do this one? And I really have a concern about the way that the IO has been implemented this way.

Speaker: Thank you.

Karla Valente: That's a good point. Thank you.

Speaker: Again, we need to close this discussion. I will withdraw my speech. I am too --

Cheryl Langdon-Orr: Thank you.

Speaker: Yes, because I am very upset with all that. I just want to say that I am upset. I will say two words -- two sentences. The first one is that in 2000 we launched seven TLDs in the test bed. In 2004 we launched between eight and 10 new TLD as an additional test bed. And we are now in saying is that the first TLD will come will be a test because what we will be including in the document that we'll sign it will be useful the previous one. Then we still are in a test bed. And all that -- sorry. I see that I was really involved in the evaluation of the first introduction of the TLD and it's denying of the work done by the team at that time. And I think it's a big fault of all ICANN. Thank you very much.

Cheryl Langdon-Orr: Evan, your line is still on, but I'm assuming that's in error. The closing statement and the handing of the chair back to the Chair. I would like to thank Karla and Karen very, very much for your efforts. You've got a difficult task. We appreciate it.

Speaker: Actually staff have been taking an awful lot of crap from all sides on this.

Cheryl Langdon-Orr: They're doing a great job.

Speaker: Including in this room. And it's -- you've -- I mean yes. Don't take it personally. You've got a really awful job that you've been doing and -- well, no. You're not -- no. You're not doing an awful job, you have an awful job.

Karla Valente: Okay.

Cheryl Langdon-Orr: Thank you ladies and gentleman. Just for the transcription record, that was very clear that we were saying they have a difficult job, which is awful for them to have to do, but they are doing their job very well and we are very pleased with the outcome. Thank you very much.

Moving straight on to Dave. And actually it's a very nice segue because as we did say, the root scaling study has an awful lot to do with what's happening in implementation time. Dave, the floor is yours.

Dave: Thank you very much. I want to start by placing a few caveats. I'm reporting to you. I was not a member of the root scaling steering group until the 11th hour when they asked me to help prepare a report to the Board. That report is still in preparation. I'm going to try to give you an accurate timeline and chronology. I have read the report. I have looked at the TNO report and data. I've made substantial comments on it within SSAC, so I feel qualified to report to you on what's transpired. However, there may be things that I would have to carry back to Limon and some of the other people who have actually did some of the study if you ask some really significantly technical questions that I can't call immediately to mind.

All right. Let me sort of go through the who, what, when, where, why very quickly. The - - what is it? The root scaling study is a technical study, clearly. And the purpose was to determine the impact on the root name system when new resource records are added to the root zone. And subsequently distributed through the root zone management process to the root zone operators and then offered up for name resolution.

There are -- this is sort of a perfect storm, this scenario. Because there are many, many new technologies and nuances that are being introduced to the root at the same time. We already have begun the introduction of IP version 6 and these are called quad A records. And these are extremely important because we are at the brink of the exhaustion of the IP for address space. There's a gentleman here from ARN by the name of John Curran, who I believe it going to be speaking later on in the week about exactly how dire the need is to think about migration of V6. So this is a very, very important aspect of continuing to manage the root and continuing to provide connectivity. It's all well and good that we have name service. If we don't have IP addresses, we're really in a lot of -- a bind.

Obviously another ongoing project that is increasing in importance as some of the major gTLDs like com, net, and biz have announced their support through DNS SAC last week and we'll see more activity from ccTLDs. Getting the root signed and getting the ability to have a fully signed chain of keys throughout the root for DNS SAC is extremely important.

DNS SAC however, introduces some very, very interesting changes to the root in the form of significantly larger response messages that come from the root servers. And so this is one very important factor to consider.

Everyone here is familiar with IDN TLDs and everyone here is familiar with new TLDs. So if you have been engaged in technology at any point in your career, one thing you know is that an engineer likes to change things one at a time because you then have the ability to understand what you've changed and back it out if it makes -- if it creates a problem. Introducing four simultaneously is basically like juggling eggs. And so what we need to do is in security parlance, perform a risk assessment and understand exactly how much we are placing the roots on that risk and name service in jeopardy should we proceed in a completely hectic fashion and introduce things without understanding the full stress on the system in many dimensions.

The study is important because there are several criteria that we have to satisfy in order to continue to operate the root in the same manner that we've relied upon over the past decades. There are several different aspects here. We're not only talking about introducing new software and new technology, and upgrading machines, but we're also talking about changing both automated and manual provisioning and publication processes. These processes in the past have been extremely reliable approaching a near zero rate of error. And they are also very robust and resilient to attack, and corruption, and delay. If you actually have ever spent some time looking at some of the statistics that are published by RIPE or by ICANN for the LRoot, you'll see that the volumes of traffic that hit the root, including intentional attacks and including a huge amount of noise that gets tossed to the root because of misconfiguration, the root is a remarkably resilient environment. Making certain that it remains so is a very, very high priority.

Another thing that we have to actually maintain is the ability to be agile. To adapt to changes in technology and policy. And one of the things that happens when you try to introduce four things simultaneously is that you may not necessarily be as able to back out and reset and start -- and correct the path that you've gone on. So we had to be careful to understand where that goes.

Who's involved in this study? The Board of Directors directed ICANN staff, in particular some of the security staff, John Crane, some of the people at LRoot, some of the IONA team, along with the root server, and the security and stability advisory committees to form a steering group. And from the steering group commission a study that would perform the study on the basis of terms of reference that would be developed by the root scaling steering group.

The root scaling study team was actually a team of external paid team of experts that was led by Lyman Chapin from Interisle. A very, very significant number of people on that committee are well known in this community, are very well known in the IETF, members of the IAB. And their job was to do some information gathering, do some modeling, and recommendations.

What they studied included the four major additions that I described before. In particular in the addition of new TLDs, one of the things that we wanted to understand was the impact on the system if we introduced TLDs at a particularly accelerated rate. The -- obviously if you have been paying attention to the discussions of new gTLDs, people have talked about tens of thousands, millions of TLDs. These are the extremes, but obviously if someone does come to someone who's doing a study and says we don't know exactly how many there will be and we don't know exactly how fast they will be submitted and how quickly we'll process them. But we want you to sort of give us an idea of what would happen if we slammed down on the accelerator and raced as fast as we could? So in one respect, that's one of the parameters that we had to consider.

The most important consideration from my perspective as a technologist is the impact to the accumulated growth of the root zone. We're expecting things to grow in a number of dimensions with a number of different input parameters from DNS SAC, IPD6, IDNs. If you think about the growth over the next decade of the number of addresses that will be added when we start to add IP V6, the numbers of new records that would be changed and/or complemented as people either transition to or run networks that use both IP V4 and IP V6. That impact is considerable.

DNS SAC, we're talking about significantly larger packet sizes in the responses, significantly more overhead in the processing of and protection of the zone data for the root by virtue of that being signed, the submission of keys and validation of keys by the root -- the TLD operators. There's a lot of work here.

IDN TLDs and new TLDs. Again, there's a lot of work, not only from the perspective of the provisioning, but simply from the perspective of anticipating the provisioning needs based on the applications that we receive, and the processing of the applications, and what kind of rates that's happens in.

So the real question is is there an additional risk if we do all these things at the same time? The status is that there is a root scaling study report. It's complete, it's been available. There was also a complementary report from TNO that modeled the root operation and allowed us to take a look at exactly how the root operates today. And change input parameters to understand what happens if we exert significant force or significant change in the current behavior in any one of the dimensions that comprise root operations.

So we're talking about the provisioning of the root zone file itself by the IANA function, the cooperation and scaling of the current relationships that exist with the ccTLDs and the gTLDs to perhaps one or two orders of magnitude, how fast that rate accelerates in terms of adds and changes to the zone submitted by not only the current operators but new operators. Creation of new trust relationships. And currently as an example, there is someone in IANA who knows every single operator either by phone or by face, or both. Scaling that to 1,000 new operators is rather interesting.

Changing a manual provisioning system that flows from TLD operators into the IANA in the former requests, validating those requests, then passing those requests along to the NTIA for verification, processing those along with Verisign so that the actual authorized, accurate root is published on the mirror and then distributed across the root operators is a very, very interesting system.

And as most people know, it's -- you can't get a woman pregnant by having nine mates and thus trying to do so in one month. So you can't accelerate manual processing in the same manner. It's not as if we can take 100 new people in IANA and process changes at an enormous rate and not come up with a bottleneck somewhere else in the system. Even if the IANA project could do that, it's not a guarantee that the NTIA could do that and this is explained in the root study.

And so there is a rate at which we will actually simply be limited by the manual processing and provisioning. And that manual processing is extremely critical to maintaining that zero error target for accuracy.

So the modeling has proceeded very well. One of the things that we lack from the model is we did not have a significant amount of time to inject large amounts of data and large amounts of scenarios in the model. And my personal feeling is that the TNO folks really do need to have some more time to (technical difficulty) more clearly.

Currently RSAC and SSAC are both reviewing the reports from the study teams. There are some differences of opinion. There are some root operators that have some concerns that were not expressed in the root study. They are still formulating their recommendations. SSAC has its own set of concerns regarding the manual provisioning process and its scale. And all I can tell you at this point is that the two advisory committees will submit separate recommendations from the -- to the Board.

That's the summary of the status, that's the summary of everything I intended to discuss. If you have any specific questions, I'd be happy to answer them.

Cheryl Langdon-Orr: Thank you very much, Dave. And perhaps one or two of the questions, knowing that you've got a hard stop time. I know of one that perhaps if we just read to the record and you could perhaps take on notice? It might be easier for you to make the next appointment. Is that (inaudible)?

Dave: I have some time to answer a few questions. I don't have to be down there until around 11:15 and I'm very fast.

Cheryl Langdon-Orr: Okay. We do have the structural improvements committee joining us, so I appreciate your ability to spend a couple of moments.

I have Olivier and I have Adam. Is there anyone else wishing to -- and James, and Patrick. Thank you. And Sebastien. That's it.

Olivier: Thank you, Cheryl. Dave, the question I would like to ask is not specifically related to the report there, but it's to do with root stability and the ability of roots to deal with increased traffic. The US government advisory government accountability office has released a report dealing with impacts on Internet traffic due to an increase of people staying at home because of the H1N1 flu epidemic. Is the DNS system and the root system geared to be able to deal with any increase in traffic generated from that?

Dave: Yes, and in fact the root scaling study does actually talk about what is currently called the headroom or what -- and in engineering, this is the amount of capacity you build above and beyond the anticipated load to assure that you are able to take sudden and possibly short-lived dramatic changes in the amount of traffic that would be exerted on a system.

All the root servers have substantial headroom. In fact, one of the things that's rather remarkable when you look at the statistics is that the amount of actual legitimate, useful traffic that goes through the root is negligible by comparison to the overall amount of traffic that gets tossed up to the root by systems that don't know how to resolve, systems that are interactive. And just essentially attack traffic. And there's vast amounts of attack traffic. And vast amounts of malformed packets that keep flying up at the root.

And so in addition as a security person, one of the things that makes me -- my hair stand on edge is that we're not doing very good filtering to keep the root clean of all this really, really bad noise. But all the root operators assure the root study team that there would be ample headroom, that there would be funding and provisioning if there were any concern that they were even troughing into the realm where headroom was a question.

Cheryl Langdon-Orr: Adam?

Adam: Yes, it was about this -- there's a part of the report that says if a choice must be made, DNS SAC must come first. And I think there's been some confusion there that that meant that we would globally implement DNS SAC and then all the new gTLDs would come in,

which as this meeting is largely about delays, this is -- could be pretty mega. I don't think it means that. I wonder if you talk (inaudible)?

Dave: If there were one sentence I could have deleted from the root scaling study, it would be that sentence. And the primary reason is because people read what they want to see. And they don't read the rest of the report

No one ever asked the root scaling study team to say if we were going to only do one, tell us which one to do. My personal opinion, this is not reflected by SSAC and not reflected by RSAC, is that we can't stop doing IP V6. You can't say do the NSAC first and stop doing IP v6 because then we'll all have fine zones and nobody will be able to connect. And that's not a very good scenario.

Right. We shouldn't stop DNS SAC. We have to be very, very circumspect about the down impact of DNS SAC once the roots are signed, once [CMMA] signed, and (inaudible) signed because we're going to be exerting significantly more response traffic and significantly larger response traffic. We'll be going from packet sizes of several hundred bytes to packet sizes of several thousand bytes in the response. And that's going to change the traffic profile. And this is one of the things that the TNO report would really benefit from having more time to model.

Cheryl Langdon-Orr: James.

James: I'd like to make a comment that enormous experience -- technical experience within the community, but they have been from very fine whether from NuStar or (inaudible), and from perhaps some of ccTLD from UK (inaudible). But even from (inaudible) that runs very, very (inaudible). They have very good understanding of some of these technical problems that is being reported on the report. But what I fail to see is that the participation of those technical members from them in this report. It looks like this has been done again from scratch, from simulation where we have really good data and experience on real-life data that we use.

I do know they use the (inaudible). That's one example. But that -- I think that the root scaling team should really look at some of the expertise from the other members in this community. That's one comment that I'd like to make.

The second comment is that the -- some of the (inaudible) problems that you mentioned (inaudible), like NTIA, the problems we used to (inaudible) are not reflected in the report. So I'm not sure. It's a real procedure problem that affects the scaling because you can -- if you can't make changes to the root, then you have a problem.

Dave: Okay, so answering your first question, some of the members in the study team included Patrick (inaudible), who was -- has been probably one of the longest and more experienced technicians with respect to DNS SAC. And he's a remarkable person. He helped and continues to help dot SE, the Swedish registry and they were one of the first registries to actually publicly use the NS SAC.

This is not to discount at all the value that can be gained from the expertise of some of the others. And certainly I think that that's a very, very legitimate comment to make during the public comment period on the report. I think there's more work to do and I think that the community has to either decide that the report is sufficient or it's not sufficient. And if it's not sufficient, how much more effort and time they want to add to the study.

The second question. The report does a really, really good job of explaining the root zone management process. But it is a manual process. And one of the things that we have to understand is changing that in many, many different dimensions is not something that you can measure, particularly accurately, because the faster you expect a manual process to operate, and the more stress you put on that, and the more new hands you add to the situation, the more you introduce a valuable that will affect the error rate.

And so one of the things that I think everyone in the RSAC and SSAC would agree and the root operators in IANA would agree is we need to get it right. And if we -- if that means that we have to deploy changes at a rate that is not necessarily as attractive to the community as many people might anticipate, well that's the cost of scale. It would be much worse if all the technical community said, sure you can launch them 1,000 a month and it all fell apart. And all the eggs broke and we were trying to recover for months and months on end.

We really -- my personal feeling is that one of the nice -- one of the things you could do here is to kind of emulate what goes on in TCP in what's called a slow start. You try -- you wrap up a little bit and you see how successful you are. You back off if it looks like the process is approaching some level of stability. You ramp up again, but you approach this in a very measured and calculated manner. You don't just say everybody can come through the door with their ticket. Once you got your ticket, all the changes you want can be introduced as quickly as we can do it. This is not really like web publication. And we all know that with web publication we have thousands and thousands of errors and thousands and thousands of exploitable paths and we want to avoid that.

Cheryl Langdon-Orr:

Thank you very much. Aware that we've been seating and probably completely have seated the members of the structural improvements committee, I also note that there was a question from Patrick and a question from Sebastien. Sebastien assures me his question is very brief. Patrick, if you'd like to have your question into the record and perhaps, David, you could take those on notice unless they're very, very (inaudible).

Sebastien:

Yes, so it was actually one remark and one question. One remark and it was and it was also formulated yesterday by (inaudible) the SSAC meeting is that the outcome of this root scaling study comes in so late in the process. Although we've been talking about new gTLDs for years now, we've only recently launched this root scaling study. And maybe it should be done earlier. So that's the remark.

And the question I have and it's -- as you mentioned, Dave, a lot of queries that hit the roots servers are junk queries. I've heard figures of some smaller than 90%. But -- and the question of course is we are growing the root zone with new TLDs, GNS SAC, IP V6, et cetera. For this root server operators will need more CPU, with need more bandwidth, et cetera. They need to provision that. Shouldn't we also look on how we can prevent those chain queries to hit the root service at all? I know it's not ICANN's job. It's misconfigured software or hardware somewhere around the world. But maybe there could be information and education exercises directed to what ISPs or sole equipment manufacturers.

Dave:

The first question, why are we doing this so late in the process. I can only tell you that hindsight is 20/20 and there are lots of us that were saying why are we studying this many years ago. That ship's sailed so now we have to deal with what we have.

The second question is -- has to do with ICANN's remit and the extent to which we can actually implement the people who run resolvers, who run DNS environments and stubs, who offer INS service. All we can do is say you are creating this kind of traffic. We really wish you could try to filter this out. We really wish that you would not run open,

you would -- I mean there's a whole bunch of best practices that have been out there for years and not adopted.

We just can keep sending that message and I think we have to perhaps escalate that message, perhaps in SSAC as ways to ensure a smoother transition into the new TLD era. And that might be something that we could write.

Cheryl Langdon-Orr: Sebastien.

Sebastien Bachollet: Yes, just to give one part of the (inaudible) first question is to say that staff decide not to do it after the interruption of the first round of TLD.

The second -- my question, and it's in line with that. It's who was in charge of preparing a fallback plan if there is too much new TLD coming to the root and that we have trouble running the Internet? Who is studying what we will do at that time? Thank you very much.

Dave: That's my job. No. I wouldn't touch that job. You couldn't pay me enough to be the one on who -- that would be like Atlas holding the world. Some of the recommendations that are already being discussed by our second SSAC focus on this as being one of the critical world and responsibilities of the Board. And understanding and impressing on the community that at any given time, should there be a rate of acceptance and a rate of change that looks in the least bit like it could threaten the system, that the Board has to be able to forcefully say we are going to either slowdown or cease the acceptance of an approval of applications until we get this solved.

Now that only solves the new TLD issue and it only solves IDN issue. And clearly, if we've got millions of people adding ITD SAC addresses and DNS SAC addresses, we still have to figure out how to do this. And I will be the first one to say I don't have an answer for that. And we really do have to study that because we have to remember this is not only about IDN and new TLDs, that there are two other influxes of data to the root that are equally important.

Cheryl Langdon-Orr: And thank you very much. Can we thank Dave in the usual way? Thank you, Dave.

Dave: It's always a pleasure coming here, so I'm more than happy to come back whenever you invite me.

Cheryl Langdon-Orr: You know we'll take your word of that.