BUENOS AIRES – Board with the At-Large
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OLIVIER CREPIN-LEBLOND: Good morning, everybody.

Well, good morning. This is the ALAC meeting with the board, and we are pleased to be seeing, I would say, nearly all board members here present.

We have the ALAC executive committee, or now called the leadership team, the ALT, the new denomination for it. Sitting next to me are Rinalia Abdul Rahim, Evan Leibovitch, Carlton Samuels, and Tijani Ben Jemaa.

So the ALAC has provided a few questions to the board, and I guess we'll be able to go through them. I just had a discussion with Steve just now, and I think we might start with customer service.

Any intro statement?

STEVE CROCKER: As always, it's a pleasure to be here. This is our opportunity from the board perspective to interact. Over the years, we've moved from sort of social-oriented cocktails or dinner or whatever to this kind of format with a very particular focus, very particular purpose, that the interactions should be substantive, should be -- should get to the meat of issues, and that we should feel like we actually accomplish something here, at least in terms of dialogue.

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So I doubt that it needs to be said, but if anybody's concerned about form or formality, forget it. Just dive right in.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve.

So the first topic that was suggested is customer service, and the question goes as follows, with a little intro: The ICANN CEO has said publicly that the customer of ICANN is the Internet end user. However, some might argue that customer service is deteriorating rather than improving. Changes to compliance protocols and the development of the PIC DRP system have produced numerous obstacles to the process of public complaints to ICANN.

I might add that these questions are meant to be provocative, so, hence, the tone.

Does the board, on the whole, share the view that the end user is ICANN's ultimate customer? And if so, what concrete steps can be taken to demonstrate that ICANN considers end users are its primary customers?

And I was going to call on Alan Greenberg to expand a bit on the PIC DRP as an example.

ALAN GREENBERG: Does that work? Yeah. The label on here is called "micro." It's not obvious that's the button you hit to speak.

The new revised PIC DRP came out and at some levels I certainly was exceedingly pleased. ICANN basically took the comments and instead of saying -- making some minor exchanges to the process, completely revamped it, took the responsibility in-house, removed fees and did a bunch of other things that were -- one of the first signs of a change in a staff-developed policy that was so radical based on comments. So that's a tick-off on the good side.

On the other hand, from our perspective, you forgot one thing, and that is you forgot that the first two letters of "PIC" and "PIC DRP" are "public interest." There is still a requirement that harm be demonstrated in order to file a PIC DRP, and that rules out governments, consumer organizations, individuals who believe that there are some blatant violations of the DR -- of the PIC going on but cannot demonstrate personal harm, and that needs to be fixed.

We completely understand that removing the -- removing the fees, if you now allow a complaint to be filed without harm being demonstrated, opens up the potential floodgates for frivolous comments or frivolous complaints or ones that are not substantive, and we understand that kind of thing needs to be addressed, but there's got to be a way that if a PIC DRP is being violated against the public interest, the reason that they were set up to begin with, and you can't demonstrate personal harm, we can bring it to ICANN's attention and ICANN will do something about it.

Thank you.

STEVE CROCKER: I'll just speak for myself. This is not an area that I'm up to speed on. I don't -- I don't have a direct understanding of the state of play of all of this.

Are there other board members who have been following this more closely?

Mr. Disspain.

CHRIS DISSPAIN: Sorry. Thank you. Good morning, everybody. I can talk to a couple of the points. First of all, in respect to ruling out governments, et cetera, there is some work being done on allowing for the possibility of an organization, albeit a government or I think, Alan, you referred to a consumer organization, to file -- to file a complaint on the basis that it represents people who have been harmed.

But in respect to removing the harm requirement, I think we basically have to accept we have a fundamental disagreement.

In my personal view and I suspect in the view of the staff and certainly other members of the board who are up to speed on this, it would be completely unworkable to have a process where you could simply file a complaint. You have -- there has to be a reason for it, and the -- you know, one way of doing that is harm.

If you can -- if you or the ALAC can come up with some alternative methodologies for that, then cool, but right now, this is a -- these PICs were put in place to deal with specific issues in relation to domains, to TLDs, and to allow for -- they were put in place to allow for those who

were harmed to have a remedy, so they're actually doing what they're supposed to do.

But I take your point completely about the concept of having representative complainers, if you will, and that's something that is actually being looked at.

STEVE CROCKER: Yeah. You manage the queue.

OLIVIER CREPIN-LEBLOND: Okay. We have a queue in operation, so first Alan has a response. Then we've got Bertrand de la Chapelle, Evan Leibovitch, and Holly Raiche and Paul Plzak.

ALAN GREENBERG: Thank you. Certainly it's encouraging if you're addressing the government and consumer action.

One of the aspects of the current PIC DRP which I didn't -- you know, it was a detail at some level, is the need to essentially negotiate with the registry to see if you can come to an understanding.

Some number of the complaints are not going to be things that in our mind will need negotiation. If you're pointing out an error in fact -- in other words, if the registry says, "We will only allow Web sites from certified professionals in some domain," and there are clear blatant examples where that is not the case -- one shouldn't need to even negotiate or even show harm to demonstrate that they're not honoring

their DRP. Their PIC, rather. And that's the kind of thing that we believe, I believe, needs to be addressed.

And vis-a-vis your last comment, we would be delighted to have an opportunity to talk to the people who are developing this, for them to explain what they think are the reasons why it can't be done, and perhaps we can come up with something that will work instead of just tossing documents over the file -- over the wall. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Alan.

A response quickly from Chris Disspain.

CHRIS DISSPAIN: Let me just say that -- speaking personally, only just to say that the concept of actually talking to the person about whom you are going to complain is a fundamental principle of natural -- of arbitration, mediation, and eventually litigation. It makes perfect sense to me that you would be asked to do that. I can't imagine a circumstance where you're trying to resolve issues where you wouldn't -- there wouldn't be a requirement to do that, but that's just a personal comment from me.

STEVE CROCKER: Yeah. The same thing occurred to me, that from a common-sense point of view, that the word "negotiation" may seem like a big heavy-weight thing but the very first step in that is that you go tell the person that you're unhappy, and if they say, "Bug off, end of negotiation," you move to the next step. But at least you've covered that base.

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OLIVIER CREPIN-LEBLOND: Thank you, Steve.

Over to Bertrand de la Chapelle.

BERTRAND DE LA CHAPELLE: I think it's one of those typical situations where we are addressing two different things.   As far as a dispute resolution mechanism, it presupposes a dispute, per se, and in this regard I think it makes perfect sense not to open the floodgates to an absolute "no direct harm."

But what you're talking about, if I understand correctly, is a relatively different set of issues which is almost how do we align the incentives and facilitate the monitoring of the respect of the PICs.

And so what you're talking about is what are the mechanisms through which the collection of information regarding respect is being made, and this goes in two directions, and I would here make a reference to what Beth Simone Noveck was mentioning yesterday.

Sometimes changing the way the comments are being made or the questions are being asked is changing the orientation.

One way would be to organize something that facilitates the collection by ICANN compliance team of all the criticisms and the comments. This is interesting, but it builds a burden on ICANN's staff, as the central repository for all types of complaints, and second, it's not completely in line with what Fadi had explained before, which is that the complaint -- the compliance is starting from the assumption that people want to be compliant.

And so therefore, I would encourage you to explore the mechanisms through which the information could be collected to be directed at the registry and directed at the registry on the basis of the assumption that they want to be compliant, if we're talking about the kind of thing that Alan was mentioning.

Whether there is a parallel notification as sort of background noise to ICANN compliance department is a second issue, but building a system that would be equivalent of what the major platforms have in terms of flagging, for instance, something that would allow people to report, and those organizations that will naturally evolve to ensure the monitoring, some consumer organizations or even people in the community will set up teams to monitor whether the PICs are respected. They would be constantly using this channel.

But I would make a distinction between dispute resolution mechanism where opening the floodgates is the interest, and the other thing, which is facilitating the monitoring and the information of the registries, who, of course, want to respect their PICs.

OLIVIER CREPIN-LEBLOND: Thank you, Bertrand.

Next is Evan Leibovitch.

EVAN LEIBOVITCH: Thanks. I guess what I wanted to comment was a little bit of Chris and a little bit of Bertrand in terms of what was talked about.

If something that you do is going to result in opening a floodgate, I think that in itself should be a bit of a warning signal. You're talking about how do you demonstrate harm, and if that harm isn't demonstrated financially, if it's simply a large group of people that are being insulted or impacted or disenfranchised in a way that they can't prove financial harm, that still has to be something that has to be considered, if this is indeed supposed to be public interest, as in public -- a public interest commitment.

And that's the whole thing, I think, that Alan was getting to in terms of you're already addressing the issue of how to have a certain kind of harm. That is, a competitive harm or something like that. That, you're taking care of just fine.

But how does the public that is impacted by the negative operation of a registry, how is that handled?

So Chris, to get along with how do you deal with it, what's an alternative way, amongst the kind of things we've been talking about in ALAC is some kind of a watermark.

So let's say you have 500 individual complaints from people that can't demonstrate financial harm but are extremely insulted by the way that a PIC has been interpreted by a registry in a way that didn't seem clear at the time that their application went through.

If there's some kind of a watermark that says, "Okay, one, two, three little complaints," okay, that's just -- you know, that's just, you know, something you can deal with. But if you get hundreds or thousands of complaints about how a registry is operating, that's something that

can't be ignored, and that goes back to the whole customer service issue.

That is, how do you deal with the end user?

Part of this is doing a portal. You know, we keep hearing, "Okay, there's going to be a button on the Web site." That's good. Okay. What happens to that button? If the next step after pressing that button says, "Demonstrate financial harm," okay, you still shut off an awful lot of people.

And so this goes to the heart of what the question was supposed to be, which is a sense of customer service, right?

If you're operating this as a business, how do you deal with technical -- with support for your customers? If the customer is the end user, how do you focus to them? How do you -- how do you make sure that the trust that you're trying to get in the general public, the millions around the world, is going to be served by the mechanisms you put in place to enforce these PICs? And when we came up with this question, in fact, this went beyond PICs into other aspects of ICANN operation, so I didn't want to just concentrate on the PICs, but they make a very, very good example when we're talking about the concept of customer service.

OLIVIER CREPIN-LEBLOND: Thank you, Evan.

Holly, did you wish to add to this or can we --

Okay. So we have a queue. There's Ray Plzak and Kuo-Wei. So first Ray.

RAY PLZAK: Thank you. I really hate the acoustics in this hall. All these halls.

I'm kind of disconnected by this conversation because, on the other hand, we're talking -- we -- I'm speaking in the mic. They can hear me there. Which is better than yesterday.

On the other hand, we have what is the question posed about the end user, the ultimate end user, which is somebody's grandmother. Let's be serious about it. The source of revenue for ICANN, as Sebastien has pointed out from time to time, is that person's grandmother. It's not the registries. It's not the registrars. It's something I hear being lost in this conversation we're having here right now.

And so I think we really need to be concerned about what is the viable bridge to go from that point into a customer complaint system, if that's what we're talking about.

When we start talking about registries, I mean there's a registrar that's in there. We haven't talked about behavior about how to deal with registrars. There's a contract compliance issue that could be brought forward there.

I don't hear a concern being raised about how an individual user can find satisfaction to redress a complaint.

It's all well and good to have a nice conversation about PICs and all the rest of that stuff, but I would really like to hear a conversation that goes to the meat of the problem, which is, how can my grandmother, if she was still alive, be able to find satisfaction for unsatisfactory service.

OLIVIER CREPIN-LEBLOND: Thank you, Ray.

Now, this is going to be a first come, first served queue because your comments have raised quite a few arms around the room and so we've got Kuo-Wei, Holly Raiche, Alan Greenberg, and Chris Disspain. Kuo-Wei.

KUO-WEI WU: Yeah. Actually, I do share your concerns in these issues.

If I remember actually when ICANN KR meetings, you know, I already raised these issues and from my point of view, there actually is a customer service system have to establish. But the problem is we have to recognize to resolve -- to resolve this problem, we have to have a coordination from ICANN to registry, to registrar, and don't forget reseller. Reseller make a lot of problems. Because reseller have no contract with ICANN at all. Reseller goes through their registrar. So it's difficult to control the reseller.

And also, another issue we have to remember, they also included in their ccTLD. You have to understand that.

The registrar under the ccTLD has no contract with ICANN. So this is a whole run of the issues.

So if we really want to solve this one -- you know, because as I say, I mentioned this one in the KR meeting long, long time ago, and I do share the concern because I continue hear the end user really be hacking, you know, financial losses. All you're saying, I fully agree. And so if we need to do that, I think it not only goes to the ICANN board. We

have to talk to the ccNSO, we have to talk to the GNSO, and we also have to talk to government how to prevent such a problem to created.

And does that mean ICANN cannot do anything? Of course not. I think at least we can initiate and do something about -- establish a really whole system of the customer service among the whole domain name industry.

OLIVIER CREPIN-LEBLOND: Thank you, Kuo-Wei.

Ray Plzak, you may jump the queue to respond.

RAY PLZAK: Thank you. Actually, when he mentioned ccTLDs it reminded me it was remiss in also why weren't we concerned about customer satisfaction amongst the regional registries. They literally have, inside their sphere, thousands and tens of thousands of customers. And so I hate to hear conversations continually, in this forum in particular, be focused entirely on the GNSO. You know, there's -- two thirds of the ICANN organization is not the GNSO. What is -- what kinds of things is the ALAC doing to discover and to discern if there's a problem that exists amongst the customers of the regional registries. And if there's not, then why isn't the ALAC coming back and saying these guys have kind of solved this problem. There's something that could be applied the other way. So I think that it is a bigger problem. So if we're going to talk about the end user, let's talk about the end user of all services that exist in the ICANN community.

OLIVIER CREPIN-LEBLOND: Thank you very much, Ray. Actually the ALAC will have a meeting with the ccNSO later on, I believe sometime today, so these might be questions that we might be raising at the time. And we haven't met with them for a while, so maybe at the next meeting with the board we'll be expanding the discussion.

I can hear myself in one ear. Fadi, you wanted to say something, and then we'll go back to our queue with Holly, Alan, Chris, and Evan.

FADI CHEHADE: Yes. Thank you, Olivier. Good morning to all of you. May I propose something so we don't solve the problem here? I propose we form a working group that includes all the stakeholders that matter in this discussion. And that that working group starts working as soon as possible towards presenting some results, frankly I hope as early as Singapore, that include the following: One, a definition of roles and responsibilities in the DNS sector, because that's not clear. Are the registries and registrars a distribution channel for ICANN, are they our licensees? Who's customer of whom? All of that is still very open and loose. I've made some comments. Some of the registries and registrars agree with them. Some don't. I think it's time to get together. I think the ALAC has been asking us to define who is our customer. Is it my grandmother? Is it the registrant? Is it future registrants? I think we need to define all these things. And then agree that -- who will serve whom. Because people need to be satisfied. We need to make sure that this sector is a sector that is known to be a good sector, that is delivering value and services and people are not frustrated. But we also

-- ICANN, for example, could not be viewed as one day answering the questions of every Internet user on the planet. I mean, that's not even feasible. I don't think you're asking us to do that. But we just need to have a mechanism so we don't have frustrated people who are touching the DNS. But that starts with an agreement amongst the actors on who's playing what role. And I suggest we don't do it here, but I'm committing if you're open to that to set up -- to ask our team to set up a working group with your help, with the help of the GNSO, with the help of other players, and that we start to work toward these definitions and roles and responsibilities and present the community with some clarity on that by Singapore.

OLIVIER CREPIN-LEBLOND: Thank you, Fadi. I'm closing the queue on this subject, but Kuo-Wei and anybody who's already in the queue will –

KUO-WEI WU: I just want to response to Fadi. First of all, I agree. We have to set up the group. And this group, I am more than willing to join it. But I have to mention to you, there's nothing related to the DNSSEC. Nothing related to the DNSSEC. The problem what's happened, let me tell you what is -- is it because a lot of people, for example the reseller, they pre-register a domain name and then hack into the guy and say, I have this name. Do you want to buy it at a higher price. That is the problem of the -- the end user problem. So it's nothing related to DNSSEC. So that is -- I have to clarify.

OLIVIER CREPIN-LEBLOND: Thank you, Kuo-Wei. Holly Raiche is next.

HOLLY RAICHE: If I can get back to the original question which was about PICs, and really it's in response to Chris but it's agreeing with Bertrand and it's agreeing with Evan. There are two parts to it. One is the actual harm question, which is really an internal -- it's a dispute resolution issue. But the other is, are the new gTLDs going to serve the public interest or not? Now, there was a debate about the metrics, and one of the metrics that we wanted was some relationship between the new gTLD registry and what the name is and actually what service is offered or what is offered on there. Does it cause consumer confusion, distress, whatever. It's a different metric, but it's a metric we have to a capture. In other words, is the name doing what it says, regardless of whether there's some kind of demonstrable harm in a legal sense. It's a different measure, but it's a way of saying is the public interest being served or are they being confused? And we should find a way of measuring and dealing with the fact that there are new gTLDs that may cause distress, confusion, without that necessary legal sense of harm.

OLIVIER CREPIN-LEBLOND: Thank you, Holly. Next is Alan Greenberg.

ALAN GREENBERG: Thank you. I just wanted to clarify, when I made the comment about no -- not having to negotiate, and that wasn't in relation to the public interest part, that was in general, and the comment -- and it's in our -- in the statement we've submitted to the public comment -- is in areas

where ICANN in its initial triage determines that there is a problem in fact, one should not have to negotiate that. You know, it's verifiable at the first look of the issue. That one -- that's what I was talking about, one shouldn't have to negotiate. It's not a dispute. We're simply pointing out, they said they would do X. Look at the ICANN Web site. It's clear they're not doing X or whatever. And what we're looking for overall in the public interest side is the term Fadi used was "crowd sourced." You know, so if there is a problem that is recognized, and Bertrand identified the real question, who's going to collect that information? Our position is that it's not going to be all that onerous. We're not asking for a three-day investigation over each complaint but be able to recognize when there are patterns. That's it.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. Chris Disspain.

CHRIS DISSPAIN: Two things. Just to address Alan's point first. Alan, speaking as a lawyer, what you just said sends a shiver down my spine. The concept that someone would make a decision that something is a fact just by looking at a Web site is -- is a recipe for disaster.

And secondly, I want to respond to Evan. Evan, I acknowledge what you said. I would caution that there is a very fine line between what you talked about and lobbying. And you actually don't want us to have a -- to have a system that is prone to lobbying, i.e., large numbers of people sending in things to have stuff happen. What you want is a system that protects the public interest. There have to be some checks and

balances in place. If there are not, it will become an exercise that is abused. And I just want to support Fadi's suggestion that we have a group to talk about it some more. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Chris. The last three people in the crew are Evan Leibovitch, Cherine Chalaby, and Sebastien Bachollet. Evan, you're first.

EVAN LEIBOVITCH: First of all, both Chris and Kuo-Wei, I'm in violent agreement with what you're saying. We're not here to talk about the implementation details. As long as you understand -- as long as you agree and buy in to the concept of this, we can talk about anti-gaming, anti-lobbying measures that can be built into this, but just having the basic principle acknowledge this has to be done is important.

And regarding Kuo-Wei's point, yes, this is not just about PIC DRPs. This is about, for instance, going back to your grandmother, your grandmother doesn't know that dot com and dot CO are under totally different regulations even though they're being marketed to the public exactly the same way. This is something -- you know, it's one of the little ugly truths, that to the end user they're unaware and then they come into the system and say oh, this is out of our realm. It's a reseller, it's out of our realm. Somewhere, somehow, there has to be a point of contact that says, as a matter of information, they have to know. There are CCs that are being sold like generics and end users need to know that there is a distinction between how a dot CO is governed and how a dot com is governed. Does ICANN have at least a partial responsibility

into that part of public information, public awareness? When the public comes in, they don't know the difference.

And so we need to have this conversation, but this -- what Kuo-Wei was saying essentially I'm in absolute agreement with. This isn't just about PICs. This is about an approach, this is about an end user facing approach that needs to be thought about. I'm in absolute agreement with having this working group, and look forward to this conversation going on.

OLIVIER CREPIN-LEBLOND: Thank you, Evan. Next is Cherine Chalaby.

CHERINE CHALABY: I just want to lend my support to what has been said, particularly by Alan. I do believe this is -- the end users is our real end user per se, if you see what I mean. This is part of a customer service, in my view. Not a PIC issue. And we need to, as Ray said, really develop a -- almost a total solution for all the end users and not pick on just one individual group. And I welcome the working thing. But this is something we need to respond to. It's not an issue that we can just talk about here and bury. I personally, having heard all the comments, I feel this is something really serious that we ought to take an action about and do something about it.

OLIVIER CREPIN-LEBLOND: Thank you, Cherine. And to close off on this topic is Sebastien Bachollet.

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SEBASTIEN BACHOLLET: Thank you very much. I would like to make a suggestion. Why you don't, as At-Large or ALAC, call for a cross-community working group on that subject? Why you don't -- you wait for the central (phonetic) from the board or from Fadi and staff to do something? You can call on the working group, and if you need help from the board, help from Fadi and staff, you will get it. Go. Do. And if you have trouble, we will help you. I think it's the best way to do the bottom-up process. If you just come to the board for organizing your working group, that's weak. Just go, and we will help you. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Sebastien. And this point is taken, and we'll take it as a follow-up matter.

Now, the second question that we have is actually quite related to this issue of cross-community working groups. It's entitled policy and implementation but it's not about policy and implementation. We just took that as an example of work that we think should be done on cross-community basis. The question goes as follows: This issue on policy implementation is an ICANN-wide issue but is currently only being addressed by the GNSO working group. Despite the fact that the working group is open to everyone -- for everyone to participate in, the GNSO has set the frames of reference to its own interpretation of the issues which is problematic, given its direct and unique interest in the boundaries of the policy. Policy implementation is really an ICANN-wide thing. Why didn't the board proceed forward, I guess, with asking for a cross-community working group, for the issue to be addressed on an

ICANN-wide basis. And I just wonder if -- would you like to follow up?
Okay.

Evan Leibovitch just to lead on this.

EVAN LEIBOVITCH: Part of this came out of the fact that in Durban we had an extremely
good and worthwhile session on policy versus implementation and you
had representation from across the community sitting at that table and
everyone said yes, this is something that needs to be looked at and it
needs to be looked at together. And yet what do we have right now?
We have a GNSO working group and everyone else back in their silos
dealing in something that actually has to be truly done cross-
community. And so the suggestion was made, and the impetus for the
question here is, you know, perhaps this is not something that the
board needs to solve but I think there's a leadership role that the board
can play here in saying okay, community, amongst yourselves sort this
out. Don't leave it to anyone to pick up the ball and say we did it first
and we're going to set the benchmark for this. Have something and
take the work that was done in Durban and move forward with it,
because that produced good results, and I had hoped at that point that
that would have sort of given the spark that would have led somebody
to say, this is something that no one community in ICANN should be
doing alone.

This is something that has to be framed community-wide. And it's the
board that has the ability to do that, to go to all of the ACs and SOs and
say you do that rather than just leave it to the silos to go into their own
corners and handle this each on their own.

Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Evan.

Ray Plzak.

FADI CHEHADE: Sorry, Ray. I just -- guys, I don't know which end to start with. When we do something from the top-down, you come down on us. Here you're asking me to do something top-down. For God sake, go barge into their meeting and tell them let us in. You know? At Bali the civil society was having its own meeting and it was a closed meeting. I said civil society closed meeting? I barged in with George, said listen, we're all one community. If you think this is a big issue for you, we met with the SO/AC leaders, we regularly meet with them. You know, you should tell them. Invite us in. This is an issue for all of us.

OLIVIER CREPIN-LEBLOND: Fadi –

FADI CHEHADE: Please. I mean, we should be cross-community activists. We cannot all come to the board and to me. And when I do act, you say you're acting top-down. So I don't know which end is it?

OLIVIER CREPIN-LEBLOND: Fadi, the GNSO working group is actually open for everyone to participate in, but the problem is the framing of the issue by the GNSO and the fact that optically it looks as though this is a GNSO issue. Well, it isn't.

FADI CHEHADE: Expose them.

OLIVIER CREPIN-LEBLOND: It's an issue that's right across –

FADI CHEHADE: Expose them. Deal with it. Tell them publicly, you're not doing the right thing. You know, don't come to me. We're a community. You know, if everybody went -- in this family up always to the board to solve problems, we're not going to solve them. Expose them. Go to -- come to this meeting -- this is why frankly, I know some of my board members will be upset I say this, I don't like Tuesday because we meet with you and then we stay here, you leave and the next group comes and it's like we're siloed. Stay, please. One of you stay here when the GNSO comes and tell them that. And I will support you.

OLIVIER CREPIN-LEBLOND: Okay, thank you, Fadi. We'll go back to the queue. We'll first start with Ray, and then I think about half the room have put their hands up. I've got Bertrand. I've got George Sadowsky as well.

Ray first, Ray Plzak.

RAY PLZAK: I may be a grumpy old man like George, but I'm not George. So --

I have a real strong problem with the language that's being used here. Entire ICANN community. You're talking about a GNSO issue. I want to know what the policy versus implementation issue is inside the regional registries. I want to know what it is. Where's the problem? You're talking about an issue that's been raised inside the GNSO and you're complaining about the fact that it's being framed as a GNSO question. Where is the issue about policy versus implementation in the ccNSO? Where is it?

So if we're going to talk about the entire community, then we have to talk about the entire community.   If you want to have a cross-community working group to work on a problem across the entire community, the ASO does not have its face-to-face meetings here, it has it in another venues. You're going to have to go out and engage. So please, if we are talking about a GNSO issue, which is what this really is, then let's frame it in that term and not say that it's an entire community problem.   I would like to hear specifically, what is the policy versus implementation issue in any one of the five regional registry regions. I would like to hear that.

OLIVIER CREPIN-LEBLOND: Evan Leibovitch.

EVAN LEIBOVITCH: I think the answer to that could be had by replaying the session in Durban. Because it wasn't just the GNSO at that table. I think you're focusing on the RIRs. Okay, maybe they don't have stake in this, but there's a whole bunch of other communities that do. The ALAC does. The GAC does. Other groups do. The ccNSO has a stake in this.

When we had that session in Durban, you didn't just have GNSO people speaking up. You had all sorts of other communities saying they had skin in this. So you -- so don't focus just on the RIRs because they may not have had a piece of this but a whole bunch of other parts of the community do.

OLIVIER CREPIN-LEBLOND: Back to you, Ray.

RAY PLZAK: I'm not focusing on the RIRs. I'm focusing on the use of a term "entire ICANN community." You have people that have an issue with the GNSO problem. You have got people from different parts of the community that have an issue with the GNSO problem. Yes, it is. I've got skin in the game, ALAC, because I have issue with a policy versus implementation problem within the GNSO. I've got skin in the game because from a ccNSO perspective I probably have got people that are concerned about it. But it's not a community problem, per se. It is a GNSO issue. So we have to address it in that context. And if it brings in people from various parts of the community into that discussion, fine. And if you want to help shape the way the discussion goes forward, you have to get into the GNSO policy process to do that.

I'd like to take this moment to point out one thing about the effect of being -- of going into other policy forums outside of what you're normally used to working in. About two weeks ago Milton Mueller was elected to the Aron advisory council. The Aron advisory council is the policy body inside that regional registry. The last time I looked, Milton Mueller was not a person that allocated numbers. He had nothing really to do with that industry. But he has been a participant in that forum, and if you want multistakeholder reaction from the bottom-up, that's the kind of things that has to happen.

So when Fadi sits here and says put your foot in the door, that's what you really have to do. And so if we're not satisfied with what's going on inside the GNSO, and it's an open process they have, go in and participate and widen the way you have. And so if we're going to do this thing bottom-up, let's do it bottom-up. Let's walk in the door. I'll walk right in with you, Evan, and make sure things are said the right way. But I'm not going to do it as a board member. I'm going to do it as me.

OLIVIER CREPIN-LEBLOND: I think we need to get back to the queue. So Bertrand de la Chapelle and George Sadowsky afterwards.

Bertrand?

BERTRAND DE LA CHAPELLE: There is an ongoing debate for a long time regarding the question of policy development process when it deals with Gs. Is it exclusively a GNSO thing, or are there cases where the policy should be actually a

community-wide policy discussion? I have been among the people who have always believed that if we had designed the new gTLD program as a cross-community process and not as a PDP of the GNSO, it would probably have taken a completely different shape.

We do not have this instrument at this moment, which means that when we deal with the policy versus implementation, the natural way in is to do it at this moment through a PDP in -- or a working group in the GNSO.

I fully agree with taking part in -- but I wouldn't qualify it as putting a foot in the door. The working groups are supposed to be open. I have actually registered to be part of and follow this working group because as you know it is a topic I care about.

That being said, I do agree that there is a bias in the way the question is being framed when it starts within the GNSO per se. And I do believe that it is a broader issue that is related to what is the remit of responsibility of the GNSO itself versus some policies that may be broader.

It's a larger issue. But the responsibility of the GNSO primarily is for issues that are on the day-to-day management and the inter-registrar transfer policy is a very good example. This is a very operational thing that is fully within the GNSO when at the same time there are larger issues that touch on the very internal structure and balance of responsibilities between the staff and the community and the board. I fully agree with the notion that it involves the other actors. They may not have a stake, but they should have a voice in the discussion. And the current format is not an equal footing. The only solution today is to

participate in this working group. But it raises, in my view, the question of whether there should be cross-community working groups on a broader manner because at this moment, there's no way the GAC is going to put its foot in the door. And the distinction between policy and implementation is a matter that they should be concerned with.

OLIVIER CREPIN-LEBLOND: Thank you, Bertrand.

Next is George Sadowsky.

GEORGE SADOWSKY: Thank you. I think I agree -- sorry -- very much with what Bertrand de La Chapelle just said. I would like to put it in a different way.

The ICANN bylaws do assign policy development responsibility to the GNSO. And I'm beginning to think that this is really a historical artifact that's the result of what ICANN was and what the name and number landscape was in 2001. And so I would argue that this is a somewhat larger issue and I would argue that we should consider the rebalancing of responsibility for policy development across the various organizations in ICANN.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, George.

Next is Holly Raiche.

HOLLY RAICHE: As the former chair of the drafting team for policy and implementation, what I can say is the discussion that we had was the problem was when something is policy, there's a possibility of general contribution to the development of policy. Once it becomes implementation, it gets locked away and treated as if it is mechanistic. The danger there is you have locked a lot of people out just by a name.

And what we came to in the drafting team -- unfortunately I'm not sure it's totally reflected in the charter -- the understanding we came to is it is less important to define the terms than it is to say when is it important that everybody has a say and that say is listened to and incorporated and when does something become simply implementation. It was all about when do we have to be inclusive.

Now, I don't know if that's what's going to happen in what's become now a GNSO working committee. But that's where we started. It was an open process, and it was actually saying there has to be an open process. So it was a matter of definitions being used to lock people out or not.

OLIVIER CREPIN-LEBLOND: Thank you very much, Holly. Just to frame the -- what Holly has just told us, Holly is an ALAC member and did take part in the GNSO working group and ended up in the chartering team to actually charter the working group.

But I think the discussion was actually going around the framing of the subject and the bias that you do get once it goes through the GNSO, a good example of which being the Joint Applicant Support working

group, which had it been a pure GNSO working group might have not actually yielded anything at all.

So in the queue, we have Cherine Chalaby.

CHERINE CHALABY: This is my personal view. I think we're focusing on the wrong issue. And the reason I'm saying that is there is a step missing in all of the ICANN system, ICANN processes called "design."

Typically a policy -- the next step after policy is design and after this, implementation. Nobody's talking about design and who owns the design and who signs off on the design.

If you actually did that, the policy implementation issue goes away. The problem is policies are developed at such a high level and then we go into implementation and the people who design the policy said but that's not what we meant in "implementation" because there is a step missing in the middle called design and nobody signs off on the design. So I suggest we are focusing on the wrong issue.

If you focus on the design issue and who owns that and who signs off on that, the problem goes away.

OLIVIER CREPIN-LEBLOND: Thank you, Cherine.

And I wonder whether we could -- Steve, you are the person who told me we need to stick to timing. We have got five minutes left.

STEVE CROCKER: Yeah. You don't want to respond?

FADI CHEHADE: There's no time.

OLIVIER CREPIN-LEBLOND: Okay. So one more issue is one regarding visa issues and the problem for some of our travelers that come from around the world.

Tijani Ben Jemaa, please, we only have five minutes, if you could just quickly summarize.

TIJANI BEN JEMAA: Thank you, Olivier.

As you all know, in Toronto we had this problem of visa. And some of our community from Africa couldn't come to Toronto. And, yet, some of them were members of the Nominating Committee. And you know how important the Nominating Committee meets with all their members.

Unfortunately, we thought that it was because it was a country from the north that it was a problem. And we lobbied very strongly that in the future this kind of problem will not happen.

Unfortunately, here in Buenos Aires or so, we have some of our community who couldn't come because of this question of visa. We need to solve this problem from the origin.

I think that we are designing now a new meeting strategy. And I think that the issue -- the visa issue must be one of the most important criteria to design the new strategy. And for the upcoming meetings, I do ask ICANN to be sure that the country chosen for the meetings do agree -- the governments do agree to make special arrangements for the community of ICANN to come to this country.

This special arrangement is not very complicated. We lifted in the IGF meetings for those who don't have embassies or consulates in their countries, they can get the visa at arrival.

STEVE CROCKER: Let me take this issue. And in the interest of time, I'm also close the meeting. This resonates with me. I'm sure it resonates with Fadi, too.

I don't know what the facts are, but I do find this very, very vexing and uncomfortable at the very least. So we have a number of tracking mechanisms, and I have a limited number of things that I try to pay attention to personally.

So, Karine, would you make a point of putting this on my list?

I want to find out why we have this problem and we seem to have it in a repetitive fashion. I don't know. I can't make any promises about what the outcome is. We are obviously at the mercy of the various governments involved. But to the extent that there are ways that we can improve upon this, your suggestion, earlier notification, agreements in advance or whatever, I think we do want to have that fully examined and do the very best that we can and to be as forthcoming about it. If there are going to be particular problems, at least we should know

about those in advance and not have them come up with people stuck at airports in transit or waiting for visas at the last minute. I think that's not good business for anybody, not even for the governments that are involved.

So my personal promise that we will know more about it at the very least; and to the extent we can do something about it, we will.

And so with that, let me just set that -- I think that's as far as we can take it here and now.

We are at time.

Olga, you wanted to offer something?

OLGA MADRUGA-FORTI: Yes. I'll be brief in the interest of time. This is a very vexing issue. I looked into it. I learned something remarkable which there is a rather simple way through for this going forward and something that we can collaborate on with ALAC.

In looking into this, I learned that there are actually illegal immigration despots out there that troll the Internet looking for conferences. And they will use that vehicle to create difficulties before consulates. Consulates act quickly on this. And that by itself inadvertently creates the inconveniences.

Therefore, there is a vehicle. When a conference is being prepared, there is work to be done with the foreign ministry so that in advance of the conference, the foreign ministry sends a cable out to all of its consulates. They underscore in the cable this is a real conference. We

want to be the best of hosts for this and be alert, courteous and attentive to applicants.

So, therefore, I think there's really some simple ground here to work with ALAC and our meeting planning people to make sure that those cables go out in advance of every one of our meetings.

FADI CHEHADE: This was done actually. The problem we have is bigger than that. But I want to take full responsibility for this issue. I will work with Steve, and we will brief Steve on the situation.

I will tell you that we can do more. This is what I believe we can. We can arrange for very specific invitations that are coordinated with the people who are having difficulty with the host country. It will take a lot of work, but it's worth it. And I have asked the GNSO to send me all the names and telephone numbers of the people who couldn't make it here this week, and I will be calling every one of them personally to apologize. And you can do the same.

STEVE CROCKER: Thank you. Yeah, it's a complicated game. I think we actually know some of that, Olga. But it is even more complicated, as Fadi has said.

Thank you, all. As promised, we dove right in and we didn't mince any words. And I think another memorable session. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Steve. And our team will follow up in writing on the deliverables of today. Thank you.

[Applause]

[END OF TRANSCRIPT]