
BUENOS AIRES – Board with Registries Stakeholder Group

Tuesday, November 19, 2013 – 13:00 to 14:00

ICANN – Buenos Aires, Argentina

KEITH DRAZEK:

Hi, everybody. We'll go ahead and get started in a couple minutes, so this is your two-minute warning. If I could ask the registry stakeholder group and NTAG reps to come up. Thank you.

All right. Everybody, we'll get started in one minute, one minute, so let's wrap up our conversations. Thanks.

Okay. Good afternoon, everyone. My name is Keith Drazek, chair of the registry stakeholder group. I just wanted to take one note.

Before we get started, we -- during our stakeholder group meeting this morning, we actually went through our proposed agenda for this session and made some changes, made some adjustments, and we tried to re-craft it a little bit into a couple of -- two or three themes with a few bullet points associated with each one for the discussion, to try to, I think, craft the discussion a little bit more constructively.

So I want to apologize first to the staff who are currently scrambling to get that up because we just sent it to them about 10 minutes ago, so thanks for your efforts there. I expect we'll have that up shortly.

But I just wanted first to thank the board, Steve and the board, for this opportunity. We always appreciate this opportunity to engage with you all. And with that, I think I'll have my colleagues to my left introduce themselves.

And go right ahead, Paul. Thanks.

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PAUL DIAZ: Thank you, Keith. I'm Paul Diaz. I'm the vice chair with the Public Interest Registry.

SARAH FALVEY: Sarah Falvey. I'm the interim chair of the NTAG. I'm with Charleston Road Registry.

JONATHAN ROBINSON: Jonathan Robinson, councilor, stakeholder group representative to the GNSO Council, and GNSO Council chair.

JEFF NEUMAN: I'm Jeff Neuman with NeuStar, council member.

CHING CHIAO: Ching Chiao, dot Asia, council member.

STEVE CROCKER: So I'm Steve Crocker, chair of the ICANN board, and in the previous sessions I've been joined by various board members, so I'm left here all alone, but the good news is I consider everybody up here to be old and valued friends, so I'm still comfortable.

This is the time when the board meets with each of the different constituencies, and some time ago we transformed these interactions from primarily social to much more substantive, and so we're here to listen, we're here to engage in very direct dialogue, and I think that the agenda is yours, so take it away.

KEITH DRAZEK:

Okay. Thanks very much, Steve.

And again, we really would like this to be a dialogue, an opportunity for interaction, rather than just one-way discussion.

But let me just tee this up. I see the agenda is up on the screen now, or at least part of it, but the three themes that we would like to talk with you about today are: Number one, how does the registry stakeholder group and the contracted parties and the community provide meaningful input into the Internet governance debates and the strategy panels.

We can get into more detail around that particular question, but with the recent announcements about the Internet governance focus, the energizing of the Internet governance issue, the developments of the strategy panels, it's unclear to us at this point what the opportunities for engagement will be for the registries, applicants, contracted parties, and others in the community. So we'd like to have a conversation about that.

The second item or theme is process predictability, and again, for -- as businesses, as contracted parties, as those who implement in an operational way, and for those, particularly, applicants who are still very much uncertain about several areas, the predictability of process is critical. So that's the second theme that we'd like to address.

And then the third is really other issues. We want to talk a little bit about the PDP process, a question about the process for determining

the disposition of auction proceeds and reconsideration requests, and the work of the ATRT2.

So those are the three buckets, and with that, I think I would like to tee it up with the first topic, and that is really the Internet governance issue, and the strategy panels in particular.

We're a little bit unclear as to the opportunity for engagement for registries and applicants in the process specifically as it relates to the strategy panels, but we're also talking about the coalition, the steering groups, the various opportunities for input around the Brazil meeting, and then really the larger -- the larger issues.

So questions about whether the -- the strategy panels will be open. Will the proceedings of the strategy panels -- all five -- be open for observation? Can we participate? Is there opportunities for contribution? Will transcripts be made available? All things that relate to openness and transparency of process.

You know, there's an expectation among registries and applicants that there could be very impactful proposals coming out of the strategy panels, so we have questions about, you know, the composition of the panels themselves. There's an extremely limited number of contracted parties represented on all five of those panels, so we have some concerns about that; that there may not be a clear understanding of the implications of the strategy panels, or recommendations coming from the strategy panels, on those of us who are contracted with ICANN.

And at the end of the process, once the strategy panels complete their work and make recommendations or make decisions, you know, what's

the process for incorporating those recommendations and evaluating, and how does that feed into the larger ICANN process?

And maybe most importantly, Strategy Panel Number 5, that is not an ICANN strategy panel. It's staffed, in part -- or, you know, I guess there's staff support being provided. I know Fadi is going to be on that strategy panel, but it's not just an ICANN panel.

How does -- how do we as a community provide further input into the workings and deliberations around that, and how those recommendations may or may not be implemented?

So that's -- I'm just going to tee that up and open it up to my colleagues and certainly anybody in the audience, and in particular board members, that would like to engage on this. Those are sort of the questions that we have at this point.

STEVE CROCKER:

So if I might, let me take just sort of -- sort of the outer layer of that and try to separate two things.

As you -- as you alluded, but I want to emphasize, there really are two separate things embodied here.

One are the four strategy panels and their relationship to the strategic planning of ICANN.

And the other is the much larger Internet governance activity, the fifth panel being attached to that, and that is really outside of just ICANN. That's not the ICANN planning process but it's the broader Internet

governance. I'm going to ask Fadi to comment in more depth on all of this.

But the other thing that I want to say is that particularly with respect to the four strategy -- four panels that are focused on ICANN strategic planning, basically, as a matter of form their output is input to the deliberative process. It is not a decision. It is not a -- it's closer in spirit to a concept that's heavily used within the IETF of a design team that gets together, puts together some ideas, and puts something concrete on the table. And yes, there's a lot of things to say about, you know, whether or not that carries more weight than anything else and so forth, but fundamentally, it is not the end of the process but simply a useful input to the process.

Fadi, do you want to comment any further on these points?

FADI CHEHADE:

Keith asked three questions: The four panels and how they relate to the strategic planning process; the fifth panel, which is unique because it's jettisoned a little bit outside of ICANN; and then he also asked about how do we participate in the Internet governance debate and participate in that.

I think these were the three different questions.

Let me start with the first one you asked, and Theresa Swinehart is on her way to help with the four panels and then I'll quickly touch on the fifth panel.

All of you know that there is an effort to create a dialogue broader than just ICANN that involves everyone in the Internet ecosystem, and that dialogue is being labeled "1net." 1net.org.

This is a place where ICANN and other organizations -- businesses, civil society, everyone -- should come together. It doesn't mean our voices individually will be muffled or we shouldn't continue, but it's a place where we can at least dialogue and express our views, and the fundamental ideas behind this are, one, multistakeholder is the approach we favor, and two, we like a model of highly distributed institutions that are loosely coupled, not highly integrated into some big institution.

I mean, these are the general concepts we've talked about, you've talked about, for at least 15 years, but I'm now learning to talk about as well, and believe in.

So the involvement of the ICANN community in the 1net dialogue should be just like we do with any dialogue. How did we do it with SOPA and PIPA? We got engaged. You know, there was a dialogue, there were lists, there were Web sites, there were people who initiated activities. Same thing. Everyone is invited to do that.

However, some people have been saying -- and we did that earlier here with the commercial group. They asked, "Okay, but we as an ICANN community should also coalesce and put our voices together around these activities."

Absolutely.

Now, I hope you're not asking me to lead from the top on that, so, you know, by all means, you know, let's do that. We are the ICANN community. We know how to get together and voice our opinions into any forum, including 1net.

However, a lot of people said, "We are here. We're all together here in Buenos Aires. Why don't we have a session to chat about, especially, for example, things like the Brazil conference. Since the Brazil conference details are going to come out next week, we understand on the 26th, why don't we coalesce."

So the 1net community e-mail has sent out an e-mail saying "There will be a press conference in the 26th in Sao Paulo. Come. Let's get together and shape what that press conference will be about the Brazil conference."

And I know many of you are on that list and are getting these e-mails and I hope you join the 1net activity in that regard.

But if the ICANN community itself wishes to have a dialogue about that here, while in Buenos Aires, I proposed in the prior session that we're trying to shift calendars tomorrow to have a session from 7:00 to 8:30 for all of us to get together and talk about what we're hearing from Brazil, because Brazil is echoing some of what they want to do, and sharing our thoughts together and making sure that we, as a community, share our thoughts together and have an idea what we want that Brazil conference to be.

So that's to answer on the broader 1net movement or initiative or dialogue. Everyone is welcome. You know where to go. And I think by

Monday next week, the 1net site will have discussion lists and it will have mechanisms for people to dialogue and share ideas, so all of this is forthcoming there.

And I will -- as soon as I get confirmation that we can get a room tomorrow, we'll book a room and everyone is welcome to come. We'll share with you what we heard from the Brazilians already and get your input and ideas to be well prepared, and I welcome that. I think that's a great idea for all of us to talk and be prepared for next week.

Let me shift to your second question. That was the fifth panel.

If you recall, in Durban we announced that we will have five strategy panels that will be very much designed like the EWG, like the expert working group that you are all working with and following in the last few months.

Similarly, like the EWG, these would be panels that would provide us input. That's all they can do. They are not making decisions. They can't make decisions. Just like the EWG, they will simply provide us input and that input will be used by us in our own machinery of policymaking and strategic planning, et cetera, as appropriate.

The fifth panel, per se, was jettisoned outside of ICANN because the fourth panel, Vint's panel, is dealing with ICANN's role in the Internet governance ecosystem.

What we needed is to have a view that is broader than ICANN so we created that fifth panel in partnership with the USC Annenberg School. Of course we picked USC largely because Jon Postel started a lot of things there, and we also wanted an international organization, and you

should be pleased that we picked one that at least has a strong business interest and that's the WEF. Met with Professor Schwab and he's very supportive. So the WEF and Geoff Cowan from the USC Annenberg are partnering with ICANN for that fifth panel which was announced, and as you all saw, who is on it, and from our community, I will be there, Lynn St. Amour will be there, another much, much, frankly, more decorated defender of the multistakeholder model than me. She will join me. Olaf Kolkman will join me, another very highly decorated supporter of the multistakeholder model. I don't think anyone can accuse Vint of being slightly multilateral. And we also have President Toomas Ilves as the chairman. If you haven't read his manifestos, I think you should. I think he pretty much writes very eloquently about the multistakeholder model of Internet governance.

So we have some very prominent people there. We also made sure we invited the last chair of the WCIT, Mohammed Al-Ghanim, to include them. We invited the last chair of the WTPF in Geneva, Ivo, who is the Minister of Communication of Macedonia. So there was quite a bit of thinking on diversity as well as inclusivity on that panel. And that panel will start its work in London next month and finish at the end of January.

How do you give input to that panel? They'll have a Web site and you can contribute all you want to that Web site. It's open. They will have a public meeting and their work will be transparent and publicized.

I'm done with Part 2. I'll hand it to Theresa for Part 3, which is the four panels and how do you give input to them, although, frankly, that's all on the Web site and it was quite publicized yesterday but I'll let Theresa add to that.

THERESA SWINEHART: Hi. Sorry I was late. Thank you.

So yesterday, we had a really good session with Fadi and myself and the chairs of the panels, and that outlined the mechanisms also for engagement and participation, but also gave some thoughts about what the -- what the panels would be looking at, and over the course of the week here, we have sessions of all the panels themselves which will be public forum sessions and dialogues.

Each of them also is going to be looking at doing Webinars and having drafts and ability to provide input, and there's also a public mailing list, of course, in order to provide input into the discussions.

I think it's really, really important to view the panels as an opportunity for engagement, right? And the representation on the panels is in order to have a way to coalesce some of the thinking that's happening, but it's also not anything final. These are not the final people engaging on anything.

So what I'm happy to do is that we could arrange, if you would like, to do a summary, for those who did not have the opportunity to be at the session yesterday or at any of the sessions that are happening over the course of this week, to ensure that we get summaries up of those, and also to be responsive to any questions. And please, of course, during the time frame also direct any questions to me.

I don't know if that answers the specific question or I'm happy to answer others.

KEITH DRAZEK:

Okay. Thank you, Theresa, and thank you very much, Fadi, for your comments. I think that's very helpful in sort of providing a little bit more context and helping to set the stage maybe for a little bit more detailed discussion.

I think Erika wanted to get in the queue and then Jeff Neuman. Erika?

ERIKA MANN:

Thank you so much.

I actually have one practical idea because when this Brazil summit will -- or whatever it's called now will come up, there will be many governments asking questions.

First of all, what is Internet governance about, what is this particular event about, how does it relate to the ITU debates and discussion, how does it relate to ICANN, and so forth, and to the broader Internet ecosystem system.

So I wonder if this is not a great occasion, actually, to explain not just what ICANN is doing but what are you doing as registries.

So where are you located, how did such a business model evolve, how, you know, will it evolve and how do you see how will it evolve in the future. Because I mean they will have -- otherwise if there's no -- nothing concrete on the table, I am afraid we will have a very general discussion about Internet governance, very broad, which is maybe fine and it's good for governments, but it would be nice and a great occasion for them to understand, really in very practical terms, what you do, how

much it contributes to the economy. Give some substantive figures of what should it -- from the history, when it started and how it's evolved now, how many employment you guess. I'm sure you have some numbers which you can give globally and country-wise where you are where you have your headquarters, et cetera.

And then I think we will have a different debate and different discussion.

At the same time, I would recommend to reach out really again to as many countries as early as possible. Ideally, the ones where you are asked where we are strongly located and headquarters, but even beyond, because -- and not just on the top level, but really on the level of the people which are shaping these kind of events, because it would - - I think it's a great occasion. Journalists maybe as well. Just explain it, so that we don't have a virtual debate in Brazil, but a more concrete one.

KEITH DRAZEK:

Okay. Thank you very much, Erika.

I've got Jeff and then Jonathan.

JEFF NEUMAN:

Thanks. This is Jeff Neuman. A couple of points just to raise. The first one is that we had a really good discussion with the council and the board on -- I'm getting my days mixed up. I think it was Sunday. And I had raised some concerns about basically that, you know, there are people that work in the Internet governance area -- I'm not one of

them, I'm not in specialist in any of those areas -- and one of the points that was raised was that we need to make sure that the whole Internet governance debate at an ICANN meeting or with ICANN doesn't become a distraction from what ICANN is here to do, what ICANN's mission is, right? And I got a great answer from Steve and from Fadi. I thought it worked perfect, and they're focused on operational excellence. That's number one. That will always be number one. We understand that Internet governance shouldn't be a distraction. But then I see the headline of an ICANN press release which is, Internet Governance Takes Center Stage at ICANN's Buenos Aires Meeting. Right? I'm not sure what the message that's being delivered there. I would love to see Internet governance be a topic at an ICANN meeting, but -- and maybe it's just this one time, but I don't think it should ever say that -- and especially in a release from ICANN itself to the world -- shouldn't say Internet governance takes center stage at ICANN's Buenos Aires meeting. I mean, there are so many other things, good things within ICANN's, you know, core mission that are going on. And I think those are the things we should highlight to the community.

The second thing is on -- on the panels themselves, one thing that's been very unclear, and we've talked about this in our group for several weeks now, is we're not -- we don't really understand what the problem that the -- these panels are there to solve. We know some of the work that they're going to do and it's described on the Web site and some of the brochures. But we don't fully understand what the problem is that we're trying to solve, what -- how success would be defined, and how we measure that success going forward. Those would be some things that we would ask Fadi and the team and the panels especially, maybe

that's one to have first deliverables, is to define that for the community. I think it would go a long way to help shape -- shape that debate.

And then the last point which I had raised with -- also at the council meeting with the board, and which I subsequently sent an email to Ray this morning on which is that -- again, to plea to -- when there are reviews of the policy processes or any kind of reviews or audits or whatever we call them, whether it's the panels, the SIC, the ATRT, whoever does those reviews really come in, be in our shoes, observe what we're doing, come to the meetings, come to the teleconferences, really try to understand what we do, and then make the judgments and then make the evaluations and the reviews. Thank you.

KEITH DRAZEK: Okay.

Thanks, Jeff. I've got Jonathan Robinson and then Chuck Gomes in the queue. If anybody else would like to jump in, feel free.

JONATHAN ROBINSON:

I'm going to go back to Erika's point. Thank you, Erika. It was a great point. I mean, I think when we exist within the registry stakeholder group the opportunity to showcase our businesses and what we do and how we operate within this ecosystem we feel is an extremely valuable service to the Internet and Internet community and we would love to talk about and showcase that. And in particular, we have a unique relationship in these businesses with ICANN policy. We are interwoven and contractually linked with the outcomes of ICANN policy. So when we hear talk of, you know, strategy panels or global efforts on ICANN policy, we think -- wow, I want to use an expletive, but they think it's

going to impact our business potentially. So I think that's the point with this stakeholder group talking to you, the board, and you, Fadi. That's the emphasis of the point we want to make. We feel nervous, naturally, and probably naturally more nervous perhaps than any other stakeholder because this is our livelihood. This is -- this is the space in which we live and work, and big overarching changes to that policy framework we think, what does this mean. And so I think that's really the point we're coming across. It's not antagonistic. It's just that we are very, very sensitive to the changes in that environment and how they might impact on the unique and special relationship we have with ICANN, and we would like you to know that that's how we feel. Thank you.

KEITH DRAZEK: Okay. Thanks, Jonathan. Chuck.

CHUCK GOMES: Thanks, Keith, and thanks to everyone. First of all, I want to call attention, Keith, to the specific questions that you asked. We got some general answers, but we didn't get answers to the specific questions you asked. The -- one of them was the second one that's listed in the sub-bullets up there. So you may want to repeat the others. And in fairness to Theresa, I know you weren't here when he asked those, so that's why I'm suggesting that.

And I want to call attention to the last question that's on the screen, "What will the process be once the strategy panels finish their work and produce their reports and recommendations?"

KEITH DRAZEK:

Okay. Thanks, Chuck. I mean, just the specific questions, I mean, I think -- I think Theresa answered, you know, that these will be processes that are designed to encourage, you know, contribution and engagement and all that, sounds extremely positive, but I guess there's questions about sort of the mechanisms, right? I mean, will these proceedings be open? Will the discussions and debate -- deliberations of the strategy panels be, you know, actual live Webinars so people can listen in? Will there be transcripts after the fact? I mean, these are all specific questions, but I was encouraged by your sort of high-level answer, the general answer. But I think at some point, if not today, we would certainly like some further detail around, you know, sort of opportunities for engagement and ensuring that as these panels do their work, that we are sort of able to keep up in realtime. Okay.

And then Chuck's question was, reiterating again, what's the process once the output comes from the panels? Do things feed into a PDP depending on the subject or topic, obviously? I mean, sort of trying to figure out exactly once the report is issued, what are the next steps.

THERESA SWINEHART:

I'm just cognizant this is a discussion with the board, so I don't want to dominate it. So the -- first of all, the outputs of the panels are not recommendations. They are just observations. I think it's very important to look at that. And they may be observations that are specific to the question, they may be observations to other topics that are relevant for entirely other forums. You know, something on public interest could be relevant for academia. You know, who knows. So I

think that's one important part. And it is to inform the strategic planning process, but also just inform the community about additional things that maybe we don't think about on a day-to-day basis, from input that comes from people who don't have the privilege and opportunity to live what we do day-to-day. So I think that's an important element to keep in mind. We're not writing a treaty here. It's just informing discussions.

So from that -- the output of the panels itself and those pieces of work would be put out and also made available for public comment and to the public itself. And areas that are seen as relevant by the community to helping inform the strategic plan in the public comment period would be highlighted by the community as being relevant to informing the strategic plan and then captured in that as well for public input and discussion. And so I think we should use this as a -- a good opportunity to hear of new things that maybe we haven't heard -- thought about or, you know, considered or may be relevant for parts of the world that are not directly engaged as a part of this process. But everything is out for public comment, and again, it is to inform and help provide some new thinking. Or catalyze some existing thinking and reconfirm it.

KEITH DRAZEK:

Okay. Thank you very much, Theresa. Very helpful. Fadi.

FADI CHEHADE:

Is it okay to be a bit critical? I could replay what you said, all of you, when we started the EWG and it will sound exactly the same. How are we doing today with EWG? Are we worried the EWG will take over our

policy process? The report is helpful. It's a piece of input. We promise you to follow the same strategy. This is just input. Please. If we continue to sound defensive, we sound like a fortress. We should be like an oasis. We should be open and listen to ideas. These people are all prominent people. You heard them yesterday tell you honestly, we're just giving you input. We're not giving you recommendations. We're putting ideas on the table. Take them or leave them. It's for us to listen so that we can evolve. And maybe there's nothing. Once it comes out we say, "pfffft, we don't like these ideas" and we chuck them and move on. If something out of the EWG report is useful, we'll use it, we'll absorb it. If not, we'll walk out. There's absolutely no -- please, let's not cross that line where we sound so sensitive that we start sounding like we're defensive and building a fortress. I appreciate that we need to protect what we have, but there is a line here, a fine line. We've made it very clear, and now you have my assurance, the panelists' assurance, Theresa, our new VP of strategy running this area, this is just input. And they'll be open just like the EWG was. They will meet. They will listen. We'll do all of that. We assure you of that. You have my commitment and our commitment to that.

KEITH DRAZEK:

Okay. Thank you very much, Fadi. I think this has been very helpful to us and I hope we didn't come across as sounding critical. We simply, I think, were trying to get clarity and try to ask some questions because we simply didn't understand or had -- maybe hadn't had the time to read up on the particular details of interaction. So thank you very much for those comments. I think it's very -- actually constructive and personally speaking makes me feel a lot better.

I've got Chuck in the queue and then Don and then Ken?

CHUCK GOMES:

Thanks, Keith. And I want to follow up on the last question up there. I heard that we're going to have public comment but that's about all I heard. So let me be a little bit more specific. We have had a strategic planning development process in the community in the past is that -- is that what's going to happen or is there just going to be public comment and the strategic plan is going to develop? I'm assuming the latter is not the case, but that's the clarity I'm trying to get.

THERESA SWINEHART:

Okay. So we had two great sessions yesterday, one on strategy panels and one on strategic planning back-to-back which I hoped had clarified this. So we had the strategy panels again that have reports or outputs, right, that inform the discussion around the strategic planning process and we had the strategic planning process itself which is currently underway which has had tremendous input from the community, well before I'd even started. But it's been really remarkable on the input on that. So I guess I'm trying to -- I'm trying to understand which question I'm trying to answer here. What will the -- what will the process be once -- okay. So the process will be the strategy panels will have their outputs. Those outputs will be put out for public comment. Again, threads and areas that are felt by the community that can help inform the strategic planning process and inform the strategic plan will be incorporated into the strategic plan, okay? Which is out for public comment and which will be out for public comment for input. And that will then be up for discussion at the ICANN meeting in Singapore, I

believe it is. And that is then adopted. So again, areas where the community feels that -- you got it? Okay.

KEITH DRAZEK: Okay. Thanks, Theresa. Just -- we're going to move on here. We've got a few other folks in the queue, but we're starting to run short on time with our other topics so let's keep them brief. So Don. Ken, you're done. Then Jonathan, then let's move on.

DON BLUMENTHAL: Don Blumenthal with Public Interest Registry. I've got a lot of issues with these panels, but I just -- I'll focus on the concept that I think comparisons to the Expert Working Group are unfair. The EWG was formed in response to a call from the community, it had a clear mission defined by the community, and while I think the selection process may have been flawed, the membership is comprised of people who volunteered. And I don't think any of those three elements apply to the four strategy panels.

KEITH DRAZEK: Okay. Thanks, Don. Jonathan.

JONATHAN ROBINSON: Thanks, Keith, I'll be very brief. First of all, Theresa, I did come to the strategy panel session yesterday and you're right, it was a great session, all the chairs were there, Fadi was there. Good session. Unfortunately - - and I'm not digging at you or anything, the scheduling issues are a problem. It happened to run parallel with the new gTLD session which

is where most of our -- our kind of people were. So that was very unfortunate because actually that did impact a little the opportunity for dialogue.

Second, Fadi, to your point, I think you're right, we have to be careful not to sound defensive and we will be. But -- and, you know, much of what you said is very, very helpful to sort of reiterate the opportunity to engage the purpose and so on. But nevertheless, imagine how it would sound if after the fact, instead of saying link with us now, we came back after the fact, after the recommendation and said "Oh, we don't like those." We'd sound a lot worse. We'd sound a lot more defensive. So in a case making sure we properly tee it up at the outset is the objective here. So thanks.

KEITH DRAZEK: Thanks, Jonathan. Ken, briefly.

KEN STUBBS: Yes, thank you. I just want to reiterate one more thing, and that was Erika, I think, had an incredibly good idea. You have the opportunity to frame the discussion for Brazil by working on some sort of a scenario that defines the impact of this process and what it can do. Well, I know -- I think it would be excellent if we had a chance to work with you in terms of how we can affect the impact. But that the idea of being able to shape and to frame the impact of the discussion with Brazil may get you a lot further down the road. Food for thought.

FADI CHEHADE: So I just got confirmation that we have this room tomorrow from 7:00 to 8:30 to precisely do that. Everyone is welcome.

KEITH DRAZEK: Great. Thank you, Ken. Thank you, Fadi.

FADI CHEHADE: Pardon me, a.m.

KEITH DRAZEK: So just one quick comment on the Internet governance issue before we move on, and I'll try to make this very brief. But I want to commend David Olive and his policy staff, Rob Hoggarth and the folks who worked on reintroducing the SO/AC hot topic issue during this session. I believe it was Monday. Of course, we're all losing track of days. But the Internet governance issue, with all of the new, you know, information and discussion and revelations and everything I think was a hot topic, obviously. It has been all week so far. But I want to just note I participated on behalf of the registry stakeholder group. It was -- I couldn't really represent the views of the stakeholder group because we hadn't frankly had the opportunity to discuss all this. But I thought it was a very, very constructive session. I thought it was dynamic, it was -- it helped to break down the silos that we've been talking about, the stovepipes, bringing, you know, the representatives from the various SOs and ACs together and to talk about a single topic. I thought that it was extremely well-planned on relatively short notice. There were conflicts in scheduling. It happened at the same time as the new gTLD update so, you know, the participation was maybe not as strong as it

could have been. That's always going to be a struggle. But I just wanted to note that I thought that -- personally I thought that was a really good session. I'd like to see that continue.

FADI CHEHADE:

And I heard you in that session, Keith, and I want to thank you publicly for what you said. Because it was very helpful to all of us, when you said we may not fully agree with how we got here but let's move on. This is our process and this is our future, so let's take it on. So I appreciate that sentiment.

KEITH DRAZEK:

Okay. Thank you. So let's move on to the next item, the next theme on our agenda. So if we could just scroll down the next slide. There we go. Okay. Process predictability. And actually, these are the next two items, the last two items. We've got ten minutes left, I regret. But the one issue, the next issue, is process predictability. And I think this goes in part to what Jeff Neuman was referring to earlier, you know, about making sure that we, in Fadi's words, stick to our knitting and make sure that we are committed to operational excellence and not overly distracted. But I think there are still concerns that we have as the registry stakeholder group and probably the contracted party house, but I'll speak for the registries right now and the applicants, is that there's still concerns about unpredictability. The GAC advice and implementation. You know, a general commitment to meeting dates and just a sort of finally settling on TLD rules and processes, the Registry Agreement, et cetera. So I'm going to defer to others on this, but I know that the GAC advice was a hot topic for consideration, and if

there's any update or discussion that we have on where things stand with GAC advice right now, that would be really helpful.

CHRIS DISSPAIN:

I hope you can hear me. Cool. I don't know how many of you were at the GAC NGPC session, but -- and I can't tell you anything more than that, other than to say that what I've said to the GAC is unless you provide us with consensus advice, you know, we are proceeding. So let me -- let's be a little bit clearer about that. If the GAC provides us with consensus advice that a string that is currently on the less restricted side of the -- the matrix we should move to the stronger side of the matrix then that's advice and, you, know, would consider it, et cetera, in respect to that string. Unless the GAC provides us with consensus advice, we've made our position clear in respect to category 1 and category 2. There are a number of smaller items still outstanding. There is a question on halal and Islam. There is a question on wine and vin. There is a question on a couple of other things. But the big stuff is category 1 and category 2, and as far as we're concerned we put forward a plan of implementation which we will follow unless the GAC provides us with consensus advice. Even then we're not saying we -- we would have to go through a process if they provide us with consensus advice. So the question really is, actually, is the GAC likely to provide us with consensus advice, to which I don't know the answer.

For what it's worth, my gut feeling is no, they probably aren't. And in which case you can proceed to the next questions, which fortunately have nothing to do with me.

KEITH DRAZEK: Okay. Thanks very much, Chris. Any comments, questions on GAC advice from registries or others in the room? Applicants importantly? Jeff?

JEFF NEUMAN: Thanks, Chris, for the update. That's certainly consistent with what you have said this weekend, and I'm glad to hear.

I guess what we as applicants and registries and one thing that's discussed, so I'm not just speaking on my behalf but really from the nature of our discussions, obviously the GAC can provide advice on whatever it wants to provide advice on. I think what the applicants here are unsure of is what the thinking is within the NGPC of what types of advice -- and I know it is a hard one for you to answer -- but what types of advice would actually be actionable?

So there's lots of talk with different people around the community, as you can imagine, of certain GAC members trying to get advice on not only particular strings but particular applications within particular strings.

At some point, there's some -- there needs to be some finality. And you're saying they can move forward, but there's still that uneasiness, especially with what's going on with different members of -- going up to the GAC, asking not only about strings but about particular applications within strings.

So understand the answer you have to give, which is they can provide the advice on anything. But is there some sort of thinking of what type

of advice has to be considered more than others, I guess, is the question.

CHRIS DISSPAIN:

So what you're effectively asking me is a hypothetical question. If they gave advice in a particular way, how would we react? I mean, it is a bit like asking me if they advised us to stop the program now, what would we say? I mean, they can provide whatever advice -- they could say no, exactly. They could provide whatever advice they'd like.

I'm aware that there are discussions in the GAC -- you know, individual GAC members saying, "We should advise ICANN not to proceed with one applicant for dot spot," whatever it might be. I just made dot spot up in case there is an application for dot spot, which there probably is.

So I can't answer the question, but I would suggest to you that -- well, I can tell you I don't personally think that's likely to happen. But I'm not going to preempt what might happen. It's a much bigger question because what you're actually asking is to do with what should the GAC be giving advice on generally. And the answer to that question is public policy matters, and then we get into a discussion about what does that mean. And that is not for now.

KEITH DRAZEK:

Thanks, Chris. I've got Mike, Olga, Jon Nevett in the queue.

MIKE SILBER:

Firstly, Jeff, I must say, I'm a little bit offended given that I think it's obvious that we've done a fair amount of due diligence on GAC advice

that we've received to date. We haven't just said "Anything you tell us is advice and, therefore, will simply be acted on without thinking and reasoning." I think we've done a fair amount of that now. I would have thought it would have been evident.

The second thing, if you weren't in the meeting with the NGPC, I made the comment that good GAC advice is advice which is specific and actually tells us what they want us to do rather than very general stuff which can't be acted upon and which is very difficult to implement. That being said, they are the GAC. I would rather that they're in the house rather than outside the house. And if they give us something that is difficult, we'll try our best to deal with it. And we've done so far, I think, a pretty good job.

KEITH DRAZEK:

Okay, thanks, Mike.

Jeff, you wanted to respond briefly? And then we'll move on.

JEFF NEUMAN:

Mike, there is no offense that's meant by it. But take it from our side here, just step in our shoes for one minute, which is that we understand your guys' delivery. We understand you come out and your decisions are always thoughtful and well-reasoned. But they're not public. We can't hear the discussions that you have. We can't -- none of that is open and transparent. And that's fine. That's the way it is.

But it's not meant to offend. It's really from our viewpoint that we don't understand the criteria that you use to make the decisions that you

make. You give your rationale, but that's not necessarily the criteria by which your discussions take place.

So we're just asking questions because we don't know. It's not meant to offend. It's not that we don't respect the decisions. But from our viewpoint, we don't see any of that. Thanks.

MIKE SILBER: Jeff, you don't want to be in my shoes. I can't afford the sort of shoes that applicants can afford.

KEITH DRAZEK: Thanks, Jeff. Thanks, Mike.

Olga, Jon Nevett, and Cherine.

OLGA MADRUGA-FORTI: Thank you. Jeff, I think Mike fairly much answered your question. But just to give you a little more flavor to it, at the NGPC meeting with the GAC, not only did we explain that the kind of advice that is most useful for them has to have a lot of specificity, we added that specificity needs to also be in the nature of something that is realistically implementable. We have further discussed with them that the type of statement of political will, political sentiment, or policy direction that is more typical of what they're used to doing in the multilateral setting or in other bodies is extremely difficult for the board because we cannot take it, run with it, and write rules, regulations and law that are in keeping with such a statement. It is just not how the multistakeholder model works.

We can only take what a policy process comes up with and delivers to the board.

And I think that was a very positive exchange because we got a lot of positive nods and hallway comments that they understand what we're saying.

Now, that said, sometimes the highest degree of consensus that they may be able to reach could still be something general and we'll have to continue to try to work our best around that.

KEITH DRAZEK:

Thank you very much, Olga.

Jon Nevett, then Cherine.

JON NEVETT:

Thanks, Keith.

Jon Nevett from Donuts. First, I want to compliment the New gTLD Program Committee on moving this forward and hopefully ending it this week. I want to reply to Mike and I think it was Erika up there and Jeff that our guidebook is our contract that we signed with ICANN. And under that contract, ICANN is evaluating our applications and pushing them forward.

The contract or the guidebook says that -- quote, "to be considered by the board, the GAC advice on new TLDs must be submitted by the close of the objection filing period." That period ended in March.

Now, we saw obviously the Beijing advice come in just after that. And, understandably, we are working on that and you are working on that in good faith and that makes sense.

But any new advice that comes out today should not be dealt with in the new gTLD process but just like any other advice that the GAC could do at any time in the future, it would be advice to the board. If the board wants to take action, it should send it to the GNSO or any of the policy development processes.

So we should not be dealing with new advice from the GAC at this point. We need to close this down. We need certainty. We need to move forward just like the board has proposed, and it should be finalized this week. While I'm offering compliments, I also want to compliment ICANN staff on the processing at this point of contracts and delegations. Things are going extraordinarily smoothly from my perspective. You know, initial bumps in the road. But now they're really in a groove. And I want to compliment them and the board on setting them up so we could move forward with this program. Thank you.

KEITH DRAZEK:

Thanks, Jon. Cherine.

CHERINE CHALABY:

Thank you. I really understand the concern of the business community wanting to move forward. And regarding the advice we received on Category 1 and Category 2, I think I could safely say from the NGPC point of view that we are done with our work barring one or two exceptions that Chris has mentioned. And just to confirm to you that

whereas the agenda of the NGPC used to be 90% dealing with GAC advice and 10% with other matters, now it's just totally the reverse. It is 90% dealing with reconsideration requests, if you want to know, and not dealing with GAC advice anymore.

Now, what can happen in here in Buenos Aires I don't know. But as far as we are concerned, we're done. I think there is an intention from the GAC as we heard from the meeting, they also want to be done on this so that everybody has certainty and moving forward.

So we hope that we are really -- it was the end of the road here. It was GAC advice particularly on Category 1, Category 2.

KEITH DRAZEK:

Thank you. Jonathan.

JONATHAN ROBINSON:

Extremely brief, Keith. Thanks. I'll echo Jon and others. Congratulations and thanks for getting those first names out, and I think that is a tremendous achievement. It wasn't guaranteed. There were many, many points of uncertainty.

But in reflecting on that one to ten who are out there starting blocks early, there's always going to be a hundredth or the 500th example. There might be a sole applicant who is sitting there with a tremendous uncertainty commercially, personally, whatever the case may be. So we've just got to remember that aspect as well in balance with recognizing the achievement to date.

So thanks for the achievement. Let's keep an eye on those that are further down the track through a sort of a random process through no fault of their own.

KEITH DRAZEK:

Thank you, Jonathan.

I know that we've basically come to the end of our session here. Just a couple of very brief points to wrap up before I hand it over to Steve for any final comments.

We had another -- a theme that we wanted to talk about, other issues. I think, just quickly, just a note that the PDP process in the GNSO is working. The IGO/INGO PDP working group and the work that's gone on there for significant amounts of time, an incredible amount of work that has gone into that, both from volunteers and staff, I think is a terrific example of the PDP process working, working well.

We have a question, switching gears briefly, the Registry Stakeholder Group is curious as to when and wants to encourage the initiation of the community process for determining the disposition of auction proceeds. Going back to before the guidebook was finalized, the guidebook -- there was always an expectation and a recommendation that the community would engage together to make recommendations and to determine the disposition of those proceeds. So we would like to urge that process forward and have it kicked off as quickly as possible.

And then, finally, we wanted just to note that there is a topic in the work of the ATRT2 around reconsideration requests. We will follow up with you separately, perhaps in writing, on that issue.

Before I hand it to Steve, one last comment, as chair of the Registry Stakeholder Group, I just wanted to note that I'm pleased and proud to let you all know that we have since Durban nine new members of the Registry Stakeholder Group. We had three in Durban, one shortly after Durban, and five since then. So the registries group is growing. We are seeing members transition from NTAG over to be full voting members of the Registry Group. And we look forward to seeing that number grow exponentially by Singapore.

And, importantly, thanks to the staff and to the board, the NGPC for all the work that you all have done to make that possible. So thanks.

Steve?

STEVE CROCKER:

Thank you, Keith. It's certainly heartwarming to see that the expected actions of the gTLD program are paying off all the way to causing the registry to expand. And I mean that seriously. This is all happening as planned which is great.

Among the many topics, we have delved right in as we planned to. I want to just take a second to respond on the auction thing. I have said many times -- and I hope I've been consistent every time -- that we do, indeed, need to have a separate and distinct process for deciding what to do with those auction funds.

And it does look like now is the time to turn attention to that because the auctions do look like they actually will happen. It was never clear -- there was wide variation in expectations as to whether there was going to be gobs and gobs of money or there was going to be zero because

there was going to be no auctions or wherever it was going to in between.

I agree with you that it is time to reopen that topic and make progress and we'll commit to that.

So with that, let me thank everybody. And we'll close the meeting here. And we obviously have some topics that we need to continue on, which we will. Thank you, all.

[Applause]

[END OF TRANSCRIPT]