

**ICANN MEETING  
BUENOS AIRES, ARGENTINA  
REGISTRIES STAKEHOLDER GROUP  
19 NOVEMBER 2013  
MORNING SESSION (PART II)**

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Keith Drazek: Okay, thanks very much [CherieJerry](#). So welcome back everybody.

We are little bit behind schedule even though we picked up from some time from ATRT2. We have to talk again about sort of the motions before the GNSO Council.

But before we do that I think we'll go to the NTAG updates and then come back around to Jonathan and our counselors for the GNSO updates. So Sarah if I could hand it over to you.

And just before I do, sorry, we're having some issues with the microphones. I mean everything seems to be fixed.

But the person speaking has to turn off their microphone before the next person can speak. So, you know, as I hand it over to you or if I acknowledge you for speaking just please take a moment until I can actually -- it'll I think lessen your frustration. Thanks. Okay, Sarah?

Sarah Falvey: Thanks. This is Sarah, interim chair of the NTAG and I think we can run through this really quickly so you'll get some time here.

We have a really big meeting tomorrow from 8:30 to 10:00 and that's where we're obviously going to be doing the majority of our work. We have a lot of stuff on the agenda.

So in terms of an update we don't have a lot to talk about right now. But I can talk about sort of a few issues that are really important to the NTAG right now and they're basically issues that are blocking delegation.

So the first one we've talked about, auctions. We've been spending a lot of time thinking through auctions -- not so much where the money is going to go but how applicants are going to proceed through this process, and particularly the fact that the dead line has been shifted almost three months and pointing out other issues that people have mentioned.

We don't have an agreement or sort of we don't know what that's going to look like. And there are also concerns around, you know, what kind of accounts are the money - is the money going to go into in the holding account, how is ICANN going to refund the money, things like that.

We sent over a list of pretty detailed questions and we're waiting to get some of those answered. And we're sort of probably going to talk tomorrow about whether or not we want to engage more fully with ICANN to have a one-on-one conversation about some of these concerns.

But as Jordyn mentioned earlier Brian's really the one that's been doing a lot of work on this. So that's something that we're really focused on.

Another thing that we're probably going to talk about tomorrow is name collision. I think those that are paying attention have seen that ICANN recently released sort of a plan for applicants to move through the name collision issue.

And it doesn't sound like there's much that's - it's not, you know, deviating hugely from I think what people are anticipating. The alternate path was basically using blockless and then they're talking to JAS which it sounds like they're going to speak to us later in this meeting to talk about a study that they're going to do to figure out how to refine those lists and kind of finding a way forward.

I think the big issue is that there are now 25 applications that are not eligible for this alternative path. So those applications are now stuck as it relates to this issue.

So I think we're going to have to sort of talk about how to sort of deal with those issues and working with JAS to move applications along. And then the final issue that we've been doing a lot of work on on a listserv is GAC advice.

I think there's still concerns about how category one and category two advice is being - there's a slight disagreement within the group in terms of how we should move forward with GAC advice. I think we're going to try to figure out tomorrow sort of what the implications are for applications and how we might be able to figure out a way to sort of engage on that issue and get it closed out.

So those are sort of the three big issues. The other thing that we have is we just did our elections and we have a new XCOM which will be starting in January.

And we did it because our entire group is the to be rolling off. And so we're going to have a period where we can have - but we can all work together to figure out - make sure there's a smooth transition. So that's it.

Keith Drazek: Okay. Thanks very much, Sarah. And so thank you for all of your all's service and congratulations to the new group that have been elected.

So any questions, comments, thoughts for Sarah and the NTAG team? Krista go ahead, thanks. Of course.

Krista Papac: Just a quick question. I - you said something about a list of detailed questions. Are those for ICANN or is it something else?

Sarah Falvey: Yeah so we sent them in conjunction with the webinar. But I think we sent very - I think we were the only people that sent questions because all of ours were read.

I think some members feel that they weren't really answered with enough detail. So we've basically collected the questions, we've answered them based on the information that ICANN gave in the webinar.

And I think the plan is that we would turn it back over to ICANN and say these are our questions, this is sort of the information that you gave us. We don't feel like it went far enough, you know, can we get more information on these questions? Does that answer your question?

Krista Papac: Thank you.

Man: Okay. Thanks Krista, thanks Sarah. Any other questions, comments for our NTAG colleagues?

Okay I don't see any. So Sarah thank you very much for that very efficient report and very informative, so thank you for that. Helps us pick up some time.

So with that let us move to our topic on the GNSO and GNSO issues. And the first topic is a discussion of issues and motions.

So I'm going hand that over to Jonathan, Jeff and Shane. Jonathan?

Jonathan Robinson: Thanks, Keith. It's Jonathan speaking.

There are - just let me check again to the agenda, right. I'm on the - can we see the agenda item for this?

I know that the first item is to talk about the motions. So there are two motions before the Council.

The first one is one we've seen before and in fact it - deal with initially before and that is to approve a charter for a new PDP working group for the translation and transliteration of contact information.

This relates to internationalization of Whois data. Actually the registrars had a problem with the motion previously in the sense that they felt that the scope of the working group as contained within the charter was problematic.

So at the last council meeting I as maker of the motion in that case agreed to withdraw the motion, send it back to the working group, get the charter revised and turn it over around rapidly so that we'd be able to vote on this at this meeting. That's all been done efficiently and well.

The registrars are now happy with it and it includes a key question on who - on responsibilities for costs and recognizing that there may be cost impacts of producing this translatable transliterated contact information.

So I think we're in pretty good shape. The weekend sessions of the Council, it was suggested that this go through on a voice vote.

And the sense is that it's going to pass through easily and unanimously. So that's my sense of that.

And I suspect there's not a lot to discuss, but let me pause and we discuss that particular motion in case there are questions, issues or statements on that. So seeing none I will take that as our condition that we will note for the motion which will, providing others do likewise set the working group will approve the charter and in effect set the course of that PDP in motion.

The next one is to approve the recommendation of the IGO INGO protections. This is an enormous piece of work represented by a complex and multifaceted motion with even some bifurcation in the motion.

We talked about this at some length in the Council meeting on the weekend and I'm sure there may well be some comments and input perhaps from Chuck who's been very active both in the working group and interacting with us with the working group. The motion has - is in the process of being reorganized - not re - it's not necessarily an amendment, but reorganized in a way that makes it more manageable.

I have seen the draft of that. It hasn't been circulated to the list unfortunately yet.

The intention was to get that out so the groups like us could discuss it. But suffice it to say the substance remains the same. It's really about reorganizing it into a way in which the Council can deal with it better.

So I wonder if I should pause and allow - Chuck would you like to say anything about the motion or should I just...

Keith Drazek: So thanks Jonathan. This is Keith. I see (Reg) has her hand up in the queue. So I'd like to ask - you know, let her go ahead and jump in here.

And then I would actually suggest that we give Chuck the opportunity to give some more background on this if he's prepared to do so.

Chuck Gomes: (unintelligible)

Keith Drazek: Yeah, Chuck go ahead.

Jeff Neuman: Yeah so I made this motion and as Jonathan said it is the result of a lot of work on behalf of the working group. Chuck will give some background and then maybe I'll circle back on the motion and what's being talked about as far as the motion being rewritten.

But there's essentially a few different components. One is there were consensus-based recommendations that were made by the working group.

There - on a lot of the substance. There was a recommendation made to send one of the - one issue to the structural improvements committee meeting the - did I say that right? Is it - or SCI sorry. Sorry wrong abbreviation.

Jonathan Robinson: The standing commission.

Jeff Neuman: The standing commission. The standing committee of something, sorry.

And then there's one recommendation in there that was forwarded to the group that had what the working group chair, Thomas had classified rightly so as strong support significant opposition. And the council's being asked to kind of look at each of these.

So for more detail I'm going to turn it over to Chuck. And then also just ask the question is this on the agenda to talk with the registrars as well?

I believe this is one of the items. Yeah. So because the registrars have a certain viewpoint on this as well. So let me turn it over.

Keith Drazek: Okay thanks Jeff. Before we go to Chuck, (Reg) go ahead.

Reg Levy: This is (Reg). I would like to thank everybody who worked on this. Working with the completely unreasonable request of blocking all of these names, I realize that you've come to the best possible solution.

Sorry, the best possible of all of the horrible, horrible, horrible solutions. My complete annoyance with this entire process is well known so I will try to get beyond that and just ask that once we get this list that ICANN give us a CSV list of it.

They've got a couple things posted on their website right now with the IOC and the RC. And they're in a format that makes it a little difficult to copy and paste and actually put into our technical system.

So once we get the list finalized that's what I would like. Thank you.

Keith Drazek: Okay. Thanks (Reg). Chuck over to you.

Chuck Gomes: Timed it perfect. It went on just when I pressed the button.

And by the way just to follow up on (Reg's) comment, Barry and Krista and Wendy if you can kind of remember to carry that forward and alert the people that in advance, obviously until the board approves this which is a way - anything that the Council recommends as policy, you know, then that'll take a little bit after a comment period and so forth. But in case any of your technical people have to have a heads up on that, (Reg's) point I think is very well taken because there are quite a few names involved in the recommendations.

And registries are going to need to have an accurate and usable -- and that was - list. Obviously there are links to the list right now.

But that isn't going to work for registries. So okay. So you've got that. Very good.

Well the first thing I want to do too is point out that David Maher is the official rep from the registries on this okay. Unfortunately for David he's had some conflicts in the last few weeks.

But David put a lot of time into this over the length of this process. I also want to point out that the chair of the working group is with us.

Thomas why don't you raise your hand over there? Thomas Rickert.

And in the back row over there behind Thomas against the wall, Berry Cobb. And Berry's been part of the staff support team.

More recently Mary Wong also joined and they've both been great help. But, you know, I think the Berry actually didn't get sleep for a few days there as we're heading up to this thing because there's been tremendous effort and the staff support has been really good.

Okay enough on that. This is the longest motion in GNSO history by far.

And there are reasons for that. We can't just blame it on Thomas and Berry or Mary. But we really - the motion itself and I provided you a link to it in the message that I sent out yesterday to the group.

So if you want going to pull up my message on this. There is a link to the motion if you want to see it in detail.

It's multiple pages long. The whereas clauses provide a very thorough history of where this thing has been and what led up to where we're at right now.

The resolve clauses have I think it's 29. Is that right?

29 different recommendations okay. So and there are reasons for that.

We tried as a working group to see if we could find principles that would apply across the board and that we could agree on across-the-board for the different categories. And the categories I think as everyone knows are the Red Cross, Red Crescent names, the International Olympic Committee names, the IGO names and then other international nongovernmental organizations, INGOs.

Red Cross and IOC are INGO's as well. But other ones, those are the categories of the names that we examine for protection.

And then there's some general recommendations as well that kind of one across-the-board or covered some other areas. Now like Jeff said what was Item 5 in the motion or Resolve Clause 5 in the motion was separated from the other recommendations because using working group guidelines the three recommendations there only had a level of support in the working group of strong support but with significant opposition.

And I won't go into all the detailed definition of that. But, you know, a majority of people in the working group supported it but there was pretty strong opposition as well.

The rest of the recommendations made there have what is called in the working group guidelines definition consensus level support. We did not have full consensus on any recommendation, okay.

But consensus support in the working group was achieved for all the rest. That's why we separated those.

It so happens the working group guidelines don't specify whether you have to achieve consensus to make a recommendation or whether strong support is needed. So that's why we did that.

And then wanted the Council and all GNSO members to be fully aware that the - these particular ones did not achieve the same level of support in the working group as the rest of the recommendations.

And the person to blame for that category is Thomas, the chair of the working group. I'm glad you're smiling.

The chair has to make an assessment according to the working group processes in terms of what level was achieved. It's not as if we did a voting thing, okay?

We did poll and you guys - many of you participated in the poll we took with regard to the consensus call. And that was all fed in and there's a great summary of that that I also provided you a link to.

Now with regard to - I'm going to go on unless people have questions about the consensus working group recommendations. Because those we supported as a registry stakeholder group.

There was obviously very strong support in the working group for those -- not unanimous. And we - so I think those are okay unless somebody has any questions.

Where I'm going to focus is on the one recommendation that is going to be separated I believe. Is that right Jonathan and Berry and Thomas?

Did it - did the one on the structural - I'm going to say the same - make the same mistake Jeff made.

The board committee like that too. The standing committee improvements, SCI.

That one's going to be separated, is that - and put into a consent agenda, on the consent agenda. It's very simple.

We - and this is not something that was in the consensus call for us. We had long discussions.

And Ricardo who's here from - and was on the working group knows that, you know, there are people that expressed concern. Because the working group guidelines, the categories are full consensus, consensus, strong support with significant opposition and then anything else falls into divergence.

Now we use that term because that's part of the process, divergence. But some people noted that that doesn't really give a very good description of that.

So all we're recommending there is the GNSO probably should look at the procedures and see whether they want to break that out a bit little more so it provides a little more information. Really show just, hey you might want to consider revising the procedures.

And of course that'll happen through a process. So I don't think that should be an issue for anybody.

Where the issue comes in and where Jeff and I have done a lot of debating personally in the last few days is with these three recommendations that are - received the strong support with significant opposition. And what I sent you yesterday where I provided some of these links provides for some positions that the registry stakeholder group has taken on this so that you can see where we stood.

It turns out that two of them we actually supported, one of them we did not. Okay.

Now I personally don't think that that comes into play here. It's a matter of whether the strong support objections should be included and put forward or not.

And so I don't know and maybe I should stop here before I talk specifically about those for Jonathan and Jeff to talk about how the council's going to handle that tomorrow. Because the working group sent all of these recommendations forward noting though that there is the special group that had a little less support.

So do you want to talk about that Jonathan? Jeff?

Jeff Neuman: There we go. Thanks this is Jeff Neumann. Yeah I think the one complicating factor unfortunately is that the registrars didn't actively participate in the working group as much as we would've liked them to.

And it turns out that the one recommendation that we did not support which correct me if I'm wrong Chuck was the recommendation that we include acronyms of INGOs - or IGOs, sorry of IGOs in the trademark clearinghouse.

And then the next part of that would be if it was included in the clearinghouse would it be used for sunrise. We said at a registry stakeholder group that we did not support including those acronyms of the IGOs in the clearinghouse.

We were the only group I believe that opposed that pretty strongly. It turns out - or maybe the NTSG I can't remember if they did or didn't.

But we were the only group that didn't support that within the working group. And then it turns out however that the registrars also opposed that as well.

They didn't voice that in the working group because they weren't active participants. So what we have there is even though Thomas rightfully classified that recommendation as having strong support, substantial opposition if the registrars had actually voted on it it would have been possibly majority supported, something lower than that.

And so my view is -- and this is where Chuck and I differ -- is that yes normally the Council should not substitute own view for the view of the working group. And normally we should accept that - the fact that if there's a - if there's support, strong support that it's something that should go forward.

I just think the situation here where all the contracted parties do not support that one recommendation, that's from my viewpoint forwarding that the board as something we support would be a mistake. But let me turn it over in a Jonathan. Or...

Man: Jordyn would you like to come in?

Chuck Gomes: No that's fine. I'll only - there's no use getting in - this is Chuck.

There's no use getting into our disagreement unless people really want to hear that. We can probably tell you that offline. I don't know that it really helps too much in terms of our discussion here.

I think the more important question probably in your court Jonathan is how this is going to be handled by the GNSO Council. And then after you talk about that I'll briefly go over the - whatever detail you want in terms of the those three or not too. It just depends whether people want it. Okay.

Jonathan Robinson: Thanks Chuck. I'll come to - let's just hear from Jordyn.

Jordyn Buchanan: Yeah I just have a question for Jeff I guess which is you know, we talked earlier about sort of incentives for participation in the process and the ETRT discussion. And if the Council - I mean if the Council does sort of decide to like revisit the levels of support as a result of the registrars finally paying attention even though it's an issue we agree with them on I feel like it sets a really bad precedent for future - like then everyone's going to just not bother to participate in the working group process and wait to see recommendations of the Council level and throw it into a mess every time it gets - I mean there's just no incentive whatsoever to participate in the working group process if we do that.

Jeff Neuman: Just respond to Jordyn - this is Jeff. I - that's why I'm torn.

I agree with you but this is something, you know, as a registry and knowing all of the acronyms that are in there and knowing all of the names that we're going to have to give to the IGOs which are otherwise potentially valuable names especially in light of name collision and everything else that's taking pools of names out of the - well, or taking a lot of names out of the available pool, it's something I want to hear from this group on right.

So I - that's - I'm torn. I agree but should we just on principle say yes because the registrars didn't vote? Even though we as a group disagree with it.

Jordyn Buchanan: So I'd just briefly say so from my perspective I'd much rather have a functional policy development process than whatever a few hundred more acronyms in my registry. But I mean so there may be disagreement right.

Like but so from my perspective I think making the GNSO process is incredibly important. I mean I think, you know, we argued a lot of times in the

application process about the need to keep the process consistent and effective even though sometimes that works against particular commercial interests.

And I think that's the case here. And I think not all the - I think it's incredibly unlikely that all the IGOs and so on will go and actually bother to exercise their sunrise rights in all the registries as well.

I don't think it's going to be like these names are instantaneously going to disappear.

Chuck Gomes: Sorry to jump in Jonathan. But I want to tell you I did not pay Jordyn anything.

Because this is the essence of the difference between Jeff and I and it's a philosophical difference. It's a fun conversation actually.

But that was my concern that we - if we're going to respect the process and support it we need to let it work regardless if it favors us. But I don't - I'd just as soon we not get bogged down in that here.

I think the one question - this will come back - this is why we need Jonathan to jump in is we may want to voice an opinion whether we think whether consensus - we should at least achieve a level of consensus before recommendations are put forward or policy or not. Again the working group guidelines don't specify that. Jonathan back to you.

Jonathan Robinson: Thanks Chuck. So I guess I have a couple of thoughts on this.

First of all yes it's a shame that there wasn't the appropriate participation in the working group. Second I'm not sure that although this is a manifestation of it

I'm not sure this is the place to get into this question about the consensus levels in the working group.

I think that what it does is flags that point loud and clear as something we need to pick up on. And it's an issue that should be dealt with for feature piece of work.

I think the working group guidelines may need some work on them to indicate what - how it should be done. Given where they are at the moment my sense is that we have two - we have recommendations that sure are based on different levels of support in the working group.

But being somewhat simplistic about it the Council has a set of recommendations from the working group regardless and now has to deal with them. And then it comes to this question of well how does - how do we vote on those?

And it's relatively straightforward on all but the one where there is this different level of consensus. I suppose my feeling is that I understand this issue about things should be referred back to the working group.

But in the sense the Council also has - is representative of a final position. So I'm less bothered I suppose - I would like to talk about this in more detail.

But my sense is that the Council can ultimately - it's not just rubberstamping the work of the working groups. It has to be ultimately we've given representation to the different groups. But this is a bigger topic clearly that we need to discuss.

But for tomorrow I mean the Council simply votes on the recommendations of the working group. And we need to decide as a group how we vote.

Now in one sense it seems to me relatively straightforward because our vote - if we voted against the recommendation that had strong support but significant opposition that's consistent with our position in the working group, I think. So for me that doesn't feel difficult.

It's self-consistent.

Chuck Gomes: I don't know if that's totally true or that that's - matters too much either. This is Chuck.

In the sense that two out of the three of the recommendations had strong support, we supported. One we opposed. So it is not a matter of - that is all I wanted to clear up. I don't think we need to belabor that. I think you are on the right track.

We need to know how the voting is going to occur with regard to the new motion and the way it is structured in the council meeting so that we as a group today can give our councilors direction on how to vote.

Keith Drazek: Okay, thanks (Jonathan) (Jeff), (Chuck) everybody else. This is something that ought to be a discussion, right, a dialogue. If there is anybody that has views on this and if there is more information that we could get regarding the nature of the motion I have (Ken) and then (Mike), did you have your hand up as well, (Mike Lucht), maybe not. Okay (Ken) go ahead.

(Ken): Thanks Keith. I would just like to ask that we take this discussion with regard to incentivizing participation in the working group 'cause I think it is

extremely important. The council was complimented very strongly yesterday (unintelligible) speech about the fact that we are trying to - really working hard to maintain an effective role and if we can't have the process that is truly inclusive from the bottom up in the working groups if everybody knows they can wait 'til the end. So maybe we can, at some point in time, talk about ways of incentivizing that participation but this probably isn't the right time.

Keith Drazek: Okay, thanks (Ken) - any other thoughts? Okay, Thomas, welcome.

(Thomas Rickert): Thanks so much Keith. I don't want to dive into a great level of detail but just two observations that I would like to share with you. The first of which is that I sort of get the impression that some of you think that there was poor participation from the community. In fact the opposite is the case. We had more than 40 members of the working group, more than 50% of which participated regularly in two hour weekly calls so I think this - on the opposite this has been a good example of the functioning bottom up policy making exercise.

With respect to the question of why we included the strong support - the significant position recommendations. In the motion - I would just like to echo what (Chuck) said. The rules do not specify or give any guidance that working groups should only pass on consensus positions to the council. We had even more recommendations of proposals that we deliberated on and we specifically only called them proposals in the final report.

So basically I guess we can sort of take a step back and take a more birds-eye perspective on this and say, okay, we have this package of consensus recommendations where counselors will oversee whether the policymaking process has been in good order and if this were the case they would vote in favor of those.

And then the second question for what has been recommendation number five is whether the council chooses to support recommendations that did not reach consensus level. And I think if you look at it from that perspective it is not that much the question - that conflict or where you just see a conflict - i.e. that the council is now in a position to make policy but it is more a question of does the council wish to support recommendations below the level of consensus

Keith Drazek: Okay, thanks Thomas - (Jeff) go ahead and...

Jeff Neuman: I only partially agree with that. I don't want to turn it into the meta issue of does the council - will the council forward to the board anything that falls below a level of consensus?

This is a very specific issue that the registry stakeholder group in our comments and everything that we have put forward we disagreed with - at least at that one part of that recommendation and I want to hear from the registries here - I don't want to separate out and just say "Well it is a meta issue and we should vote on it on the loss of philosophical reason," because what is going to happen - when you think about what is going to happen after this, right. After this it gets forwarded to the board. The board puts it out for public comment. The registries are going to say that we completely disagree with this - I am assuming we are going to have the same opinion.

The registrars are going to say they completely disagree with this and then everyone is going to look back and say, well wait a minute - if the registries and the registrars disagree with this recommendation then why the heck did it get forwarded by the GNSO council to the board making the recommendation that it has adopted and it is only going to encourage the same type of thing

that we have been trying not to encourage which is everyone going straight to the board to get a decision made.

So sorry, I am a little bit passionate about this. I totally understand your arguments (Chuck) and I totally understand your arguments Thomas but let's look at the big picture and what we always wanted to avoid was people going directly to the board to have a decision made by them when we know at the council level right now, despite the fact the registrars did not participate and they feel bad about it now but despite that fact we know that recommendation doesn't have support so I am conflicted because I don't want to send something to the board knowing what is going to happen in the future.  
Thanks.

Keith Drazek: Okay, thanks (Jeff) - (Jonathan) I think you wanted to respond and then (Ricardo) is in the queue.

Jonathan Robinson: Yes, thanks Keith - two comments. One, I didn't think that Thomas was advocating therefore that we voted up. He simply feels that given the level of consensus that was reached that his decision as chair was to bring those two recommendations and I think he feels comfortable. I don't know if all of us do with us voting - that against it notwithstanding that level of consensus.

Personally - speaking personally as a counselor I guess, I feel comfortable voting it down as well, especially given all that I have heard and to me I don't feel uncomfortable although I realize there is potentially more discussion to be had on this voting it down either. I don't feel that it breaks the process. I feel quite comfortable with the process that says the recommendation can come to the council with varying levels of consensus and under those - I think I would feel much less comfortable, much, much, less comfortable if we were talking about voting against a recommendation that had consensus but give all of the

background that we have heard I feel entirely comfortable voting against a portion of the motion that doesn't have that level of consensus.

So that is where I stand personally and in some ways that is where I stand in my capacity as chair I guess. I feel okay with the council working in that way. It doesn't feel broken to me but I understand that probably needs - I might be more education on that.

Keith Drazek: Okay, thanks (Jonathan) - (Ricardo).

Ricardo Guilherme: Thank you and good morning everyone. Ricardo Guilherme from the Universal Postal Union. Obviously I heard some previous comments stating that this process was, let's say horrible and absurd in terms of the request that were put forward by IGO's and I would pretty much share the same feelings concerning the recommendations that are going forward from an IGO perspective, particularly given that the decisions and recommendations that have been adopted so far they simply fly away in the face of principles concerning specifically the separation between phonemes and acronyms.

But I am not going to go into that right now. I had a brief discussion with Chuck before the session and the concern that we would have is that the GNSO is the policy. If you have to follow the process set up by ICANN and accepted by working group members we had a charter that was defined in the very beginning of the process and adopted by the GNSO so for the working group to conduct its business.

And the simple thing that has to be - has to take place now is that as (Thomas) I think pretty much described, we will forward the recommendations and whatever result of the discussions from the group to the GNSO and the GNSO is the body entitled to make a final recommendation or decision on them.

Unfortunately most of the recommendations from our perspective are absolutely I would say unacceptable, unsatisfactory for the reasons that I have exhaustively mentioned in various exchanges. But I would just caution against trying to give a certain direction or trying to further qualify recommendations that are being - that are simply using the terms to have and define for the working group as full consensus, strong support with significant opposition and divergence.

There should be no more direction than that - what is in the defined categories of consensus levels. And then if the GNSO and the board ultimately want to take a decision on this and want to endorse something or not then it is up to them to apply such actions. But as this - as a member of the ROLSG as the (unintelligible) we would caution against sort of like further qualifying something that has already been defined as the rules of the game for the working group. Thanks very much.

Keith Drazek: Thanks very much (Ricardo), very constructive - other comments, questions, thoughts feedback? (Jonathan).

Jonathan Robinson: I just want to make sure I understand (Ricardo) completely - I mean so we have - we announced the motion as if it is likely to be put to the council - has yet to be formally accepted by (Jeff) as a friendly amendment but I am hoping that will be the case.

If we go down that route we are going to have a set of recommendations from the working group that have consensus support. That is relatively easy. I think we are okay with that. We have one further recommendation that has come to the council as a recommendation of the working group but we know its underpinnings were strong support but significant opposition. (Ricardo) are

you advocating that the registry stakeholder group reps vote for that recommendation regardless of the level of support?

Ricardo Guilherme: I think my only point is that from - strictly from a process perspective we do not provide further qualification than has already been provided by the group. So for example, when we talk about a certain recommendation which has received strong support but significant opposition of course you have a signal there that there is a strong support and there is also a sizeable portion of the group which was against such a recommendation.

I am just saying that from the - from a process perspective - from the group's perspective - from the group's standpoint there should be no more consideration than what is already given in the report and then the GNSO is going to weigh all of the factors and is going to say okay, we have effectively seen 60% support, maybe 40% opposition - what shall they do?

It is not up to this group to say no what the result should be or what the decision should be and I understand there is a difficulty here because there are (RYSG) reps in the GNSO and they are supposed to vote in a certain direction so of course if you are taking the strong support element you are going to - and you interpret this as being more than the majority perhaps that is the way it should go but I would just again be a little bit careful about not going beyond the terms of reference that have been defined in the charter and again I am just speaking from a process perspective because I am totally unhappy, I would say, with the substance of the recommendations so - but I - we won't - we don't have to get into that.

This is how this organization seems to work so at least from a process perspective I think we should be consistent with the rules of the game as defined in the very beginning. Thanks.

Keith Drazek: Okay, thanks (Ricardo). I have Chuck then (Jordyn).

Chuck Gomes: Thank you for shutting yours off. Let me help out a little bit with what (Ricardo) is referring to and I will be relatively brief but with regard to the - there were a lot of proposals - okay, as Thomas said that were classified divergence in terms of support in the working group.

There was a huge amount of discussion - I think we spent at least two meetings at least in part on this - maybe even more. But some people were very uncomfortable with using the term, "divergence" because it - they didn't feel it fully reflected the position of the group. At least in one case there was pretty strong opposition, very little support and divergence doesn't portray this.

So what happened - we still used the term "divergence" in the report but we added some qualification and I think that is what (Ricardo) was concerned with that we added that. So I want you to understand what he is saying. It doesn't relate to the recommendations that had consensus or strong support, just to try and help out there.

Now the question I have then, (Jonathan) for you is are the consens - 'cause I haven't seen the motion yet - I keep looking for it but I haven't seen the new - the revision of it. Is the council going to consider the consensus recommendations as one motion, the strong consensus as a separate motion and then of course we already know that the little recommendation for the standing committee on improvements is going to be just in a (unintelligible). I don't think we need to focus on that but I need to know is - are those going to be separated - the consensus and the strong support recommendations into two

motions? Thanks - I am seeing his head nodded. Do you want to comment? I will shut off.

Jonathan Robinson: Not two motions but two components - two votes on - within the same motion so there will be two - in effect they will appear as two motions but it is the one motion split into those so that the council is aware that it is dealing and absent any further working group guidance or other processes to me it seems that is the logical way to deal with it. These come as recommendations to the council based on different levels of support within the working group therefore they are material considerations for the council.

Chuck Gomes: So Keith and you know you are ahead of me on this, everybody is I think. What we decide is what direction we want to give our three councilors on those two parts of the one motion, okay.

Keith Drazek: Yes, thanks (Chuck) and (Jonathan) - (Jordyn) over to you.

Jordyn Buchanan: Yes, I am sorry. I think I am not quite following along well enough to be confident in what I am going to say is - that makes sense but I guess there is - it seems like there is a meta question here which is like what is the role of GNSO councilors when you are voting on a motion that is to approve essentially the recommendations made by a working group?

If you look at the way the voting works and so on it is clear to me that the councilors are not just voting to say "yes, that is what the working group said," the councilors should still be reflecting the viewpoints of the constituency or the stakeholder group that they represent and so, you know, to (Jonathan's) point earlier if there are points upon which we substantively disagree to the recommendations of the working group it seems totally

reasonable to continue to - in those instances where we disagree, to continue to vote our opposition to those particular points.

If that the motion needs to be structured in such a way that that is where we are focusing our no votes as opposed to saying that we don't support other elements of the work or descriptions of the work. Rather it needs to be clear that we are voting against the substance not the classification of the work.

Jonathan Robinson: (Jordyn) if I may respond. I mean I think you have got it pretty much spot on there. The philosophical issue is clearly is to the extent that these are recommendations to the council - the ideal is that the work is done in the working groups and these are accepted by the council subject to the work having been done properly in the working group and therein lies the philosophical point should the council override the recommendation of the working group.

To my mind this is relatively easy because there are different levels of support coming from the working group to the extent that they all have the same level of support it would be - it would really drive home that philosophical position much more directly. For example, say we had three recommendations, all with the same level of support and yet our group wants to vote down one - that would be substantially to my mind more problematic.

As it stands different levels of support in the working group and the lack of comprehensive guidelines as to whether or not they should become recommendations makes it slightly easier in this case.

Keith Drazek: Okay, thanks (Jordyn), thanks (Jonathan). Any other thoughts or views, recommendations - would anybody like to provide further input? Our councilors need guidance on exactly how they should vote on this particular

topic. I think, you know, it is also - one of the distinctions I think that is important as I understand this is that it is not one vote for everything, that there is actually separate potential votes on the various recommendations and the point that (Jordyn) and others have highlighted is that there is actually differing levels of support for those recommendations.

So I don't know (Jeff) do you want to take this?

Jeff Neuman: What I would recommend and I think it is consistent is as we - if it is divided into three parts which it should be we - the consensus - on putting the one issue to this (unintelligible) structural - to the standing committee of improvement that is a no brainer. We all support that.

Every recommendation that had consensus which is almost all of them, those will be - we should vote in favor of just as we support in the report. And the last one on the one that we opposed I think to be consistent and also we will discuss this with the registrars, is that we do not vote at this time in favor of that. We can send that part back to the working group to see if they can get a consensus on it or we could just vote it down - I mean either way.

Jonathan Robinson: I personally prefer - actually I am with (Jeff) on the first two points. The third point about potentially sending it back to the working group in general I think that is probably a desirable way to go forward, specifically here, I don't like it because I think it sends a message that we - well one, I am not sure would get significant difference. I suppose if the registrars participated we might but I just think optically it doesn't look good - it looks like we can't bring this to a conclusion when everyone in the community is expecting us to bring this to a conclusion and I think we - my feeling is we should have the courage of our convictions to vote for it in one direction or another and be done with it.

Man: Just very quickly - so (Jonathan) because the previous motion - the translation in this division, we have gone through this very similar path if we are going to send the motion back to the working group that will actually say it will make us look bad.

Chuck Gomes: (Chuck Gomes) and by the way I am okay if we make the decision not to support the strong support with significant opposition - recommendation. I just want to be clear though - there are three recommendations underneath that category and two of them we supported before. Only one third of it did we oppose. Now that said I just want that to be on the record that that is the case and I sent you the details of that yesterday but at the same time if it is the feeling of the group that we should just vote against those - in my opinion what we are saying is, at least in this case, it is best to have consensus support instead of strong support and that is okay. I am okay with that but keep in mind it is not a matter that those three recommendations we were against all of them. We were not - we were supportive of two of them.

So I am going to go with the group on this. If there is - I am okay with opposing that particular category of three recommendations if that is the thinking of the group.

Keith Drazek: Okay, thanks (Chuck) - (Jordyn).

Jordyn Buchanan: I don't want to second guess the job of our councilors too much but I suspect that probably there is a discussion that ought to be had amongst the proponents of the positions that we support, whether they want - would they be willing to split those out for a separate vote, right. And if so, then we could support those two components and if not, if they want to have it as a package then we have to vote no because we don't support - there is an element of it

that we have never supported, right, so I think it is up to the people that support the other two measures whether they want to support - I mean the other two components of that strong support - whether they want to split them out to get our support for them.

Keith Drazek: Thanks (Jordyn) - (Jeff), (Jonathan), (Ching), any thoughts on that?

Jonathan Robinson: It is - I mean (Jordyn) makes a very good point. That in my mind is most internally self-consistent then, you know, it give us - but it is yet to further sort of splitting up into fine detail of the motion. I mean we could work through it in that way.

Man: I am going to come back to a process concern here. If we do that and split them out because we want to support the ones we supported we are coming back to just not respecting the process I think and so I guess I would be more in favor of probably not even supporting the whole block of three rather than that because again it violates the principal of okay, oh we like these two so the bottom line is whether we - it is going to - and (Thomas) and (Barry) can correct me on this but I think whatever the registrars do I think all three of those still end up in the strong support category, right so for us to make a deci - well let's - (Thomas) do you want on (unintelligible)?

(Thomas Rickert): Well I would just like to add that the only point where it might become relevant and I should make a disclaimer that me participating in this discussion is not to influence whatsoever the instructions given to your counselors but this is just to provide some background information on how our deliberations went and I would like to welcome all (unintelligible) understood how (unintelligible) should chime in should not adequately reflect what we have been discussing.

But basically if we push this back to the working group the working group's outcome for the sunrise part of the recommendation I guess will not be any different only if the registrars support IGO (unintelligible) inclusion into the (unintelligible) clearing house, that would be a consensus position.

But if they don't then basically the outcome of us pushing this back to the working will not be any different and therefore I think in terms of process and timing and this is one of the reasons why we brought this to be - attention of the council as it is would be a moot exercise with respect to the working group if then we end up with the same level of support i.e. strong support that you (unintelligible) need to (unintelligible) and I would like to, you know, put that into the equation when you give instructions to your councilors.

(Peter): Okay, thanks very much (Thomas). (Chuck) did you want to jump in - go ahead.

Chuck Gomes: I want to point out something that (Jeff) is correct on one thing here that is important to recognize and I saw your disagreement with me that they would still stay at strong support and you are right in this sense. On the one recommendation that we opposed if the registrar - if we now included the registrar's vote that one would I don't think and correct me if I am wrong (Thomas), that one probably wouldn't have strong support anymore.

So that said, and your point is well taken (Jeff), that, you know, looking down the road that would mean that, you know, we had - we are putting something forward to the board that would - and it is probably - might be fairly reasonable to think that they won't support that. then we are putting something forward that all of the contracted parties would oppose so I think that is an argument for not supporting those strong support ones in that regard so I wanted to acknowledge that.

Keith Drazek: Okay thanks, (Chuck). So I think we need to bring this discussion sort of to a decision point. So it sounds as if we are not inclined to break out or try to break out the one component that we don't support from the two that we do and if we make that assumption and (Jordyn) you are welcome to jump back in here, but let's - if we make the assumption that we are not considering sort of trying to break out the three, one from the three, then the question is are we - does anybody think we should vote yes for this recommendation that we didn't support in the first place - that the registrars don't support and so that is a question. Does anybody think that we should be voting yes for this motion?

But before we get to that (Jordyn) go ahead and jump in.

Jordyn Buchanan: Yes, I have a question for (Chuck) I guess which is why - so I understand why sort of procedurally we - talking about incentives before, we don't want to sort of break the process of the council level just because people haven't participated but in terms of breaking out components of the working group recommendations - in terms of indicating support at the council level which I think the council level support is important, right, like having GNSO councilors vote to say, you know, the contracting parties don't support this particular recommendation and we have ways of voting at the council level that, you know, maybe changes the dynamic in terms of how we express support and certainly it effects the dynamic in terms of how it is perceived by the board when it is voted there. Why does that break the process to have the votes at the council level reflect the levels of support that the individual stakeholder groups actually reflect?

Chuck Gomes: (Chuck) again. I won't talk too long on this but the why - the way I see that is that unless we go back and get the registrar's support in there then we have - if

we are going to oppose one recommendation that had strong support and support two others because they went our way that is where I think it breaks.

Now let me make one more comment before you respond and that is I want to be fair to the registrars. We don't want to say that they didn't participate in this process because there was a period of time when they did, okay. Unfortunately in the last few months when we are doing the critical final decisions they were totally absent. So please don't think that they never participated at all. In fairness to them, please understand that.

Jordyn Buchanan: Yes, I will just - I really don't want to interrupt you so I guess my point is I think it gets back to what I said earlier. I think if their proponents - if the proponents of those other two points are willing to break them out and separate them as a package, not just us, right, if it is not just the registry saying we are going to do that but if the proponents of those two points say, "Yes, I will take those two in order to get the registry votes knowing that I might lose the last one as a result," then that seems like a fair, you know, it is a political compromise - it is a political process.

If it is just our action saying, oh yeah, we are going to, you know, we didn't win we are going to throw our toys then I think that's a separate concern and I think I totally agree with you. So I think it's maybe (Jeff) or someone wants to do some outreach to other folks who are supportive of those and see whether they want to make a friendly amendment in order to separate them out.

Keith Drazek: Okay, thanks Jordyn. Yeah, again, very constructive I think. So (Thomas) wanted to jump in and then I think I'll try to wrap this up unless there's any other thoughts - oh, sorry. Okay, (Thomas) first and then Liz.

(Thomas Rickert): Thanks Keith. This is not on (steps) but just to go on the record saying that I have not only offered my availability to discuss with the registries but also I'm also going to see the registrants and the non-contracted parties later today.

Elizabeth Finberg: Hi, Liz Finberg for PIR. Just a question, if the three-points are broken out and we are permitted to vote separately on each is our choices yes/no or might we abstain?

Jonathan Robinson: Yes, that's a good question. The problem with an abstain, it sends the right message but the affect is a no and so that's - we, yeah, so that's the difficulty.

Man: Also, when you abstain you're supposed to give a reason why you abstain and we've criticized and a lot of people have criticized people in the community for abstaining but then basically giving a no answer when they could just go on the record and just say no. So I would prefer if we don't agree with something then to state that we don't agree with it and vote not to support.

Keith Drazek: Okay, thanks everybody. So I think what I'm hearing is that our recommendation to our counselors is to vote no but to communicate the opportunity for somebody else to propose breaking out the one from the two, the one from the three and sort of give our counselors some discretion around that. So any other views, any other thoughts before we wrap this up? I mean, this is your chance and I think while you're considering that I want to take this opportunity to thank (David) and Chuck for the incredible amount of time that they spent on this on our behalf; very complex and a long process. So thanks to you both for that!

And as Chuck noted earlier to (Thomas) and the ICANN staff, Berry and (Mary) who really did support this in an incredible fashion so thanks to them as well.

Okay, I think I saw (TH)'s hand in the back, (TH), go ahead. Do you have a microphone?

Come on down!

T.H. Nguyen: T.H. Artemis Internet applicant for .secure observer to the registry stakeholder group. I just want to point out that if you don't have the breakout potentially the issue that doesn't have adequate support, it could introduce the opportunity to (game) the process as sort of a writer so I just wanted to put that out there. I'm not sure, you know, whether that is going to be true or not but thinking about the future here. Thanks!

Keith Drazek: Okay, thanks (TH) any...

((Crosstalk))

Keith Drazek: Yeah, yeah. Go ahead (Jeff).

Jeff Neuman: (TH) can you just clarify, I'm missing something so can you just explain that again?

T.H. Nguyen: So just to flush out my logic here. In the US at least there's this part of the process, the policymaking process, is that there are these issues that are either compromise issues or nobody really pays attention to them that are tagged on to the main issues; sort of at the end of the process they're called writers.

And that's just something that we accept as part of the US (policymaking) process and that potentially had unfortunate consequences. There are issues that are introduced at the end that don't really make sense, they're not part of

the main issues. They don't have enough support but because everybody just wants to get the main issues passed, these secondary issues also get passed along with it and that has some consequences to the policymaking process in that you can - you know, people try to use that loophole to get their issues passed without having enough support. So just putting that out there that this may not be something that we want as part of the bottom-up policymaking process.

Keith Drazek: Okay, thanks (TH). (Jeff)?

Jeff Neuman: Thanks (TH). Yeah, I understand that. The good news here is that it doesn't really work that way with policy development processes here so there's nothing that can just be tacked on to anything else. Any kind of recommendation has to come along with the other relevant items for the working group so I think in this case because we're not a legislative body it works out well but I totally understand your point with legislative bodies.

Thanks!

Keith Drazek: Okay, thanks (TH), thanks (Jeff). So to wrap this up, last call here for any other thoughts and I think otherwise our counselors have guidance to vote against that particular amendment unless, sorry, that recommendation, there is a breakout that you all will explore verbally.

Okay, with that it's time to break for lunch. What I'm going to suggest is that we actually have more work to do so this is going to be a working lunch so let's take a 15 minute break. Get your lunch, take a bio-break and then let's sort of reconvene here at 25 after the hour. Thanks!

(Sheri) is there any announcement you want to make about lunches?

Cherie Stubbs: Just box lunches are in the corner and you can help yourself and hopefully there is plenty.

Keith Drazek: As we sort of get ready to sort of reengage in our working lunch just like to let everybody know I sense an updated version of the draft talking points or agenda items with the board, to the lists.

So check your email. I sent it to both the Registry Stakeholder Group and (Entag) lists so (Jonathan), (Paul) and I just sort of took a crack at trying to update what we discussed earlier that we should send to the board so we'll talk through that in the next 25 minutes.

Okay everybody let's go ahead and get started talking about just preparing for the interaction with the board. Thank you, thanks for coming back!

Cherie Stubbs: Welcome everyone. We're going to start the next session and if we can please start the recording. Thank you! And do we have any participants (unintelligible)?

No? All right, thank you.

Keith Drazek: Thanks (Sheri). Okay, as I noted just a few minutes ago (Jonathan), (Paul) and I took a crack at updating the proposed agenda items for our interaction with the board which begins at 1:00 so we'll break here in about 20 minutes so we have an opportunity to get down there and we're going to the board meeting room which is the sort of the main room I believe.

So I have sent out to the lists the stakeholder group and the (Entag) list the updated agenda points so if everybody could pull that up that would be helpful.

We've re-categorized based on some themes and the themes, there are three. The first is how does the registry stakeholder group and NTAG provide meaningful input into the Internet Governance Debates and the strategy panels? There are some sub-bullets there. One is that it appears that participation is by invitation only. It's unclear whether the sessions and the discussions and debate will be open, whether there will be transcripts or Webinars or Webcasts or anything like that and there's an expectation that while impactful proposals could be made and may very well be made, the folks involved may not understand all of the unique angles that relate to the registry stakeholder group and contracted parties in general.

I think that we see that there are, you know, in the five strategy panels I think there's a total of two representatives from contracted parties and that's if you recognize that (Bensur) is a member of a contracted party. The other being GoDaddy.

So the second item is process predictability that we need process predictability for our businesses. A component of that is (GACK) advice and implementation. Final proposals need to be - well, proposals need to be finalized.

Commitments on dates must be honored; slippage equals cost and then I guess the next item says finally settle on new (TLD) rules and processes. The third item, or category, is other issues. We could talk about the (PDP) processes working, the (INGO) being a good example and then raise the question about when the community process will begin for determining auction proceeds.

So those are the categories and sort of the sub-bullets and what I'd like to do now is sort of open it up and I'm looking for volunteers who are willing to engage on these issues; leads who are willing to speak to each of them.

You know, we can certainly help guide this from the head table but I really want to make sure that this is a dialogue and that we get input from more than just a couple of people.

And, again, as I said earlier, really want to encourage applicants and members of (Entag) to participate in this. This is your opportunity to engage with the board as well.

So I'll stop there. (Paul) do you want to maybe take it from there? Thanks!

Paul Diaz: Thanks Keith, this is (Paul). For everybody, just want to remind you all, right, we know how the board interaction goes. It can be not much of an engaged discussion if we let it. So the idea here is by trying to capture these key things for us and then have specifics that we can speak to we want to get engaged today and not just have one or two board members or perhaps senior staff weigh in, chew up the time and we come away with nothing; no sense, no commitments, etc.

One thing that I had dropped out, we're also going to tell them at the end that we're going to write up our positions and send them a letter so we're on record and they've got to respond because, I mean, all of this Internet governance to-date and the strategy panels, I think (Mike)'s left the room, but he's gone and looked. A number of the folks who's names that I can't (count) to be involved do have kind of tangential connections, (Lynn Sanamore) would be the one who really does understand where we're coming from but

most of the others have, okay, some connection but what we're trying to do is make it clear to them, this is really impactful guys and nobody's asking us, we want to be part of the dialogue but nobody is asking for our input.

So, you know, on the first one there may not be as much but when we get to the other things about process predictability, importance of timeline, yes staff and (Anthony) in the room if you've seen on (Circle ID) recently you know, he's giving them kudos because things are moving forward for a chance and in a reasonable timeframe but we've all suffered so much time slippage, missed deadlines, unmet commitments etc., etc., etc., and has real cost.

And so to say that to the board members to make sure that it is clear to them that we can't - operating like that is just ridiculous and so the specifics and that's where I think, Keith's asking, anybody can jump in when we have specifics like, when are we finally going to deal - say we've finally finished dealing with (KAK) advice. Can we honestly say that we are done with all of the nitpicking and tweaking of requirements around the base registry agreement.

I mean, sure, things could come up but it just seems that as time goes on more and more special interest start lobbying, they want changes and ICANN gives it to hem and here we go again, we don't have any predictability. Anybody who's prepared because they've suffered through that to jump in, not a big presentation but just to say, look, this is what we went through and this shouldn't be. It's not how this (vaunted) multi-stakeholder bottom-up kind of organization that we all like to talk about should be working.

But we do have some good news; some constructive criticism as well. So the (PDP) process thought he made a point of mentioning that specifically in his opening address that we should stop kicking the (PDP) process around. It does

work. We spent a lot of time (IGO), (INGO); very complex issues can get dealt with, simpler ones like the transfer policy can also get dealt with. They are real examples, that's working. I think the board could stand to hear that coming from us and then if (John) hopefully comes back or somebody else sensitive to his concern not to focus too much attention on auctions and how that will play itself out. I certainly don't think we want the board coming up with some great idea about how it should be done.

The key there though is there has been repeated commitments to talk to the community about how those proceeds will be spent and that's really important, again, because hey look it's our money and the time is right to start that dialogue. I think that's our ask of the board. You've told us that you're going to do it, the time's right to start. It's not going to be decisions made in just a couple of days or something but it is really important because it could be dealing with tens if not even hundreds of millions of dollars; tens of millions.

So that's just trying to help frame it a bit and everybody and anybody is welcome to jump in. Don't think, oh, board members, you can't talk to them. It couldn't be further from the truth.

Liz?

Elizabeth Finberg: (Paul) do we know for sure that participation is by invitation only and have we thought about asking at least if we could have a designated liaison to the strategy panel?

Paul Diaz: My understanding, the strategy panel membership has been set. ICANN really didn't communicate but when they first announced them they said, if you're interested click here. I don't think most people realized that and those who

did, I'm aware of a couple of people who are real industry insiders who have been around constructive people and none of them were tapped.

So I think it's fair to kind of tweak ICANN, tweak (unintelligible) a bit and say invitation only because that was a top-down process and for the broader Internet governance stuff I don't even know how that's going to work. They talk about having a representative of business. How, who? Or civil society. It's the same kinds of things. Who's doing this and if it's not going to be one of us how do we at least stay meaningfully informed about the process? I haven't heard any of that yet.

Elizabeth Finberg: Yeah, just to follow-up. Would it be worth asking for some sort of observer or liaison status for our stakeholder group?

Ken Stubbs: Thanks Keith. I have one concern and it's happened in the past and that is when we have the session with the board people have who have not been in the meeting all day long will step in and suddenly just turns into an ideological discussion about what the proceeds of the auctions will be used for or somebody starts bitching about a specific case. I think we need to focus and we need to empower Keith and (Paul) to keep this thing on point because I don't want a defense by staff of one specific instance to turn into something that is worth talking about, you know, we have the opportunity with the correspondents to follow-up and make things (in-depth) but if it just turns into a general, why the hell can't you keep your schedules type thing, we're going to end up with (rank) or we don't need it.

Keith Drazek: Okay, thanks (Ken)...

Yeah, (Jeff) go ahead and then (Reg).

Jeff Neuman: So here's a question I want to ask and you can tell me if it's too much or over-the-top. One of the questions on this specifically on the panel that deals with policy, I really want to understand what is the problem we're trying to solve and how do we measure it's success because I have still, and maybe someone in this room has a better understanding, I still don't know what we're trying to solve and if we don't know what we're trying to solve then we'll never know whether what is being developed or thought of is actually solving that problem that none of us know, right?

To me that's - it's just at the last meeting (Bobby) said, I'm going to create these innovation, these panels, and these are going to be wonderful because we're going to work in these horizontal, is that horizontal? Horizontal ways, right? And that's great but what's the problem? What was the problem, why was it set up? What's the problem that we're trying to solve, how do we measure its success and what is the definition of success? I still don't understand that and I'd like someone to clearly explain that.

Keith Drazek: Thanks (Jeff). I think that's a perfectly legitimate question and it ought to be asked. I think that's perfectly appropriate. I think we have a lot of questions about the strategy panels and I personally have problems with the way that they were established and announced and staffed and chairs chosen and all of that and the question that I have at this stage, and that it's mostly a (unintelligible) is what's our opportunity for participation and input into these panels? Are we allowed to observe? Can we be in the room? Will there be Webcasts, will we have transcripts of their discussions? All of those things I think are very legitimate questions in addition to what you've raised about needing very clear and specific, I guess, targets in terms of what's the problem, how do we measure success, what are our goals? What are we trying to achieve? So I think all of that is very appropriate for this conversation.

Okay, anyone else? Oh (Reg), yeah sorry.

Reg Levy: To the earlier point made, do we have recommendations for how we want the (Action Thursday)'s to be used because if we go to them and say we want to make sure that this is, that we use them correctly, that's not a very helpful statement and if the request is that we want committee input then I really feel like we need to say that you should have it open for a comment period with the following request so that people can actually submit, these are our requests, this is how we do it because we need to have a completely un-open-ended recommendation. We recommend that X, Y, Z be done, not I like flowers and puppies... So, I mean...

Keith Drazek: So (Reg) just so I'm clear you were referring to the auction proceeds that issue? So my recollection, and I'm happy to be corrected, is that there was a commitment to actually have a (TDP) or a community input, community working group, community process, where there was an opportunity for the community to provide input and to make a determination that it wasn't going to be up to ICANN staff or the ICANN board to determine the disposition of these auction proceeds, that it would actually be a community run process.

So I think that what we're saying here is it's time for that process to be kicked off and that we need to have appropriate and well-rounded representation around the community but it was never going to be just applicants or just registries providing that input. It was going to be a community process. So, (Reg), go ahead.

Reg Levy: So the reason I bring this up is because it still shows up as auction proceeds should be discussed on the agenda so I want to - I apologize if I've misunderstood what that represented.

Ken Stubbs: This is a shifting target and has been for over five years. At one point in time the boards commitment was the auction proceeds were going to be put into a trust for the community to determine (to do good things). And as the potential number got larger and larger and as more people started tugging at this thing and people are reaching out from all over the community, you know, the applicants loved to have a significant amount, put it aside to create awareness of the new (TLV). Between you and I, I don't think that's going to happen. This is not what that esoteric endeavor was supposed to be.

My concern was if we get started talking about stuff like this in this session we will go off into a tangent that, believe me, will be a real...

Keith Drazek: Okay, thanks (Ken). Chuck?

Chuck Gomes: First of all in response to (Reg)'s comments, I don't think we're at a stage where we're ready to make recommendations and it's more than just us so it really does need to be a community-wide process and not just a comment period. This idea of having comment periods and then we'll decide what we want to do is not bottom-up.

So just information on that.

Now, on number one, I would suggest adding the following question maybe as D and that is that what will the process be after the strategy panels finish their work and produce their reports?

This is another area, just a comment, this doesn't need to go in the agenda but I'm real concerned that what will happen is the strategy panels produce their reports, they will post them for public comment, they'll provide some

summary of public comments and minor analysis and then they'll go off and do what they want to do.

That is not the way the strategic plan should be developed.

Keith Drazek: Thanks Chuck and I've just captured that and added it too, as Letter D to that section so that's great and I think, you know, there's a lot of strategy planning, processes, around ICANN right now so there's probably - if strategy panels are going to produce recommendations it probably ought to feed into that larger process but I think it's an absolutely legitimate question.

So, any questions before we - I think one of the items that we didn't capture, and this is something I think (Jonathon) mentioned to me but I forgot to include it, we wanted to talk about the reconsideration process. Is that something that we want to talk about with the board? We're talking about (ATRT) too not the (expert) working group.

(Jonathan)?

Jonathan Robinson: I suppose it's something, Keith, the way that we've got to thoroughly structure it is I think we've got two key topics and then some other - I don't think it would do any harm to maintain that and we could say, look, we're aware that there's been some good work done within the (ATRT) but we just want to, you know, remind you that this is the new scenario of particular interest to us and I'd be happy to speak to that point.

Ken Stubbs: Yeah, I'd almost rather put a stake in the ground and follow-up with the specific correspondence around the reconsideration process because it's become so incredibly predictable that it's, in many ways, not very practical, you know, and I think it would not hurt for somebody to service that topic and

follow-up with a specific letter to the board and the community about enhancing the effect in this thing because right now it's no, no, no, no. Has it ever been yes? I don't believe it ever has been. So it's not really a process when you see something like that.

Keith Drazek: Okay, thanks (Ken). Thanks (Jonathan). Okay, so I think we - let's see what time we've got. Yeah, we're going to have to break here and head down to the board meeting room so any final comments, questions, thoughts before we move into our session with the board?

Man: (Unintelligible).

Keith Drazek: I would recommend taking your stuff with you. Okay? And then after the board meeting we'll reconvene here at 2:15 we begin with (ESAK) and then after the 30-minute session with (ESAK) we'll have 15 minutes with (Jeff Schmidt) from Jazz Advisors on the (name) collision occurrence management framework, okay? So all right, see everybody down at the board meeting.

Thank you.

Elizabeth Finberg: Thank you!

END