

Transcription ICANN Buenos Aires IPC meeting Tuesday 23 June 2015

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Greg Shatan: Welcome to the IPC's open meeting at the Buenos Aires ICANN 53, Tuesday June 23. I think it's at 1400. So I welcome you all.

We'll take roll call of the members based on a visual. We're going to need a scribe for this meeting, so I'm looking for volunteers to scribe. Any volunteers around the table? Griffin, thank you very much. I love the beard.

Griffin, you need any help with the roll call? Are you going to be able to just kind of look around?

Griffin Barnett: Mr. Chairman, I suggest that we ask people to identify themselves.

Greg Shatan: I think that's good since it's an open meeting actually.

Griffin Barnett: Right, yes. And I think we have some - a lot of visitors here.

Greg Shatan: Yes. I think that's true - good suggestion. Sure. Why don't we - well I'll start with me. I'm Greg Shatan. I'm the President of the Intellectual Property Constituency. And why don't we go this way?

Clark Lackert: Hello. I'm Clark Lackert, Reed Smith, New York.

Steven Metalitz: Steve Metalitz with Mitchell, Silberberg and Knupp. I represent the Coalition for Online Accountability, and I'm Vice President of the IPC.

Mike Rodenbaugh: I'm Mike Rodenbaugh, Rodenbaugh Law, California.

Man: (Unintelligible), member of IPC.

(Crystal Valval): (Crystal Valval) - I'm a Fellow from Haiti.

Lori Schulman: I'm Lori Schulman. I am INTA representative to the IPC.

Dana Brown Northcott: Dana Brown Northcott, Amazon.com.

Don Moody: Don Moody, new gTLD disputes out in Los Angeles - IPC member.

(Britin Barnett): (Britin Barnett), (unintelligible) and IPC member.

Brian Winterfeldt: Brian Winterfeldt, (unintelligible), IPC counselor.

Heather Forrest: Heather Forrest, Deputy Dean of the School of Law at Australian Catholic University, currently on research leave and IPC counselor to the GNSO Council.

Jonathan Zuck: Jonathan Zuck - I'm from ACK, the App Association, currently perceived by my staff to be on leave, and a category 3 member of the IPC.

Anne Aikman-Scalese: Anne Aikman-Scalese with Lewis Roca Rothgerber in our Tucson, Arizona, currently perceived to be on leave by my clients. But that's okay. We've got people back in our office so - IPC member. Thank you.

Man: (Unintelligible), representing International Federation of Intellectual Property Attorneys as members of IPC.

Michael Adams: Michael Adams, Mayor Brown, Chicago - IPC Treasurer.

Marc Trachtenberg: Marc Trachtenberg, Greenberg Traurig in Chicago. And I'm not totally sold on Griffin Barnett's beard yet.

Woman: (Unintelligible).

(Cindy Train): Hi. I'm (Cindy Train) from the US Embassy here in Buenos Aires.

John Rodriguez: Hi. Good afternoon. My name is John Rodriguez. I'm from the US Patent Trademark Office.

Vicky Sheckler: Vicky Sheckler - I'm with Recording Industry and I'm with the IPC.

Thomas Rickert: I'm Thomas Rickert. I'm GNSO Councilor and CCWG co-chair.

Man: (Unintelligible).

(Ali Fomoi): (Ali Fomoi), Cayman Islands.

(Neil Fernandez): (Neil Fernandez), (unintelligible) Argentina. I'm a member of the INTA.

(Tim Prafida): I am (Tim Prafida) from (unintelligible) - IPC member.

(Josh Zetland): (Josh Zetland) from Freund & Brackey, Los Angeles.

(Albert Chang): (Albert Chang) from Zurich, Canada.

(Eva Disclania): (Eva Disclania) (unintelligible), Latvia.

Man: (Unintelligible), Brazil. I'm a lawyer.

(David Thornton): (David Thornton), United Kingdom Name Account, Inc. Thank you.

(Ola Marita): (Ola Marita) from (unintelligible).

Woman: (Unintelligible) Mexico. And I'm here as part of the crop program.

(Linda Vulture): (Linda Vulture), Lakeshore Entertainment.

(Mark Adlasic): (Mark Adlasic), Checkmark Network - IPC member.

(Martin Kushentel): (Martin Kushentel), (unintelligible) and IPC member.

Rob Hall: Rob Hall with Momentous.

(Lamberto Morino): (Lamberto Morino) from Argentina. I'm a director for ICP American Intellectual Property Association.

(Nico Lesaker): (Nico Lesaker) from Italy. (Unintelligible) law firm from Buenos Aires.

(Maria Zoll): (Maria Zoll) from (unintelligible).

(Natalie Michelle): (Natalie Michelle) from (unintelligible), Argentina.

Kiran Malancharuvil: Kiran Malancharuvil from MarkMonitor.

(John McIlwayne): (John McIlwayne) from Nelson Mullins.

Greg Shatan: I think that's it. Thank you very much Mary. Mary Wong is supporting us ably as ever.

Mary Wong: Definitely not on mute.

Greg Shatan: Now...

Man: Greg, can you...

Greg Shatan: ...we don't have much time before our first guest. Oh, we have people on the remote. Let's hear who's on the remote.

Claudio Di Gangi: This is Claudio Di Gangi.

Greg Shatan: Anybody else on remote?

Well we have a full agenda. We have many visitors - give us information and engage in Q&A. So let's begin with some IPC business. I'd like to turn first to our GNSO Councilors, Brian and Heather to discuss upcoming motions and anything remaining we need to discuss regarding our positions on those motions. Thank you.

Heather Forrest: Thanks Greg, Heather Forrest. We have asked to be put on the agenda because unlike previous meetings, it's a bit like when it rains it pours. We haven't had motions for several meetings, and suddenly we have five. And we wanted to provide one final opportunity. These have been on the list for some time for the rest of this two weeks. And Brian sent out another notice last night I believe.

Brian Winterfeldt: This morning.

Heather Forrest: This morning - but just to provide an opportunity for folks to air any concerns if they haven't already done so on the list.

The first motion is the motion to extend the term of the GNSO liaison to the GAC. That person is currently Mason Cole. Leave let's say the individual out of this. This is about the role. There haven't been any comments expressed against this motion on the list. But if anyone has concerns, it would be helpful if you articulated those now.

It seems to be based on the weekend sessions that generally agreed by both the GAC and members of the GNSO Council that that role is fairly effective. And it's part of a broader effort if you like coming out of strategic goals that were articulated in LA to engage more effectively with the GAC. My personal view - and I suspect it's Brian's as well - is that we should give this a bit more time to bare out and support the motion - hearing no objection.

The second motion before the Council is the motion on the adoption of the GNSO Policy and Implementation Working Group final report and recommendations. And this is a - this is a motion that was the subject of quite significant discussion on Saturday and on Sunday in the GNSO Council working sessions.

This group - the presentations I guess were largely made by Chuck Gomes. This group has developed three additional procedures that would enable the GNSO Council to provide advice to the board in matters outside of or in different - slightly different circumstances than the traditional PDP.

If anyone has any questions about the technicalities of this one, it would be helpful if you want to ask those now. I don't know if you have any specific points you want to make on this motion either. No? No, all right. Wonderful - silence is golden.

As for the final, let's close that off as a point of good order. I don't see - I personally don't see a reason not to support the motion. We haven't had any comments against the motion on the list. So unless we hear otherwise from you, we assume we support the motion.

The third motion is...

((Crosstalk))

Greg Shatan: I think Anne - Anne Aikman-Scalese.

Heather Forrest: Please.

Anne Aikman-Scalese: Yes. I just wanted to say that I think there are plenty of reasons to be very supportive of this motion with respect to the work of the Policy and Implementation Working Group. And Greg and I both participated as well as (Michael Graham) was I think a co-vice chair.

The aim of the recommendations in the final report is to provide additional tools in the GNSO Council's toolbox to try to help them resolve issues that arise during the implementation phase, hopefully in a more standardized fashion, and in some cases more quickly. And so it should we hope be - if in fact it's used by the Council to be more transparent, more open and an effective process for developing responses for issues that arise during the implementation phase.

And I think one thing that's very important about that work is the group - working group decided it was a false dichotomy as to whether an issue was policy or implementation. But the point is that during the implementation phase issues arise. And the organization - ICANN in order to function effectively needs to be able to resolve those issues.

I also personally think that it will be a good tool for GNSO Council in the future going forward if approved by Council and if approved by the ICANN board to make responses to GAC advice where when the GAC lays out an issue that the GNSO Council needs to categorize that as an issue that requires for example a full PDP or an expedited PDP or a GNSO input process or a GNSO guidance process - and all of those are defined in the final report of the working group - that again will be a helpful tool to the community to resolve differences of opinion during the implementation phase.

So I would say we want to make very positive statements about this work and move forward with it even though I'm biased. Thank you.

Greg Shatan: Thank you Anne. Heather?

Heather Forrest: Thank you Anne very much - Heather Forrest, apologies. Given your role in the SCI, it's very helpful to have that detailed feedback.

The next motion is a motion to request preliminary issue reports on new gTLDs subsequent rounds. And this is a motion that actually requires some discussion here in the IPC. There is a proposed friendly amendment to this motion. It's been proposed by the BC. And the motion I suppose - more than the motion, and apologies. We should have the text up there.

The amendment is really the driving force of our concern. Of course you understand the general gist of the motion to request a preliminary issue report on subsequent rounds. And you understand that the process - that kicks off a particular process within the operating procedures of the GNSO in terms of a PDP.

The friendly motion that's been proposed and accepted is the following language - with the understanding that this future PDP would not conclude until after the affirmation of commitments review of the 2012 new gTLD round has been completed and the results of that review have been fully considered in this PDP - so essentially delaying the PDP until after we've had the reviews.

It seems...

Man: Who's (unintelligible).

Heather Forrest: Correct. It seems a sensible motion. We have - we've expressed some general concerns on the list as to the commencement of the next round and the timing - the specific timing of that. I'll note up sensitivity I suppose.

I wasn't terribly impressed with one of the BC councilors' approach to the weekend sessions. And I'm not suggesting we vote on the basis of that. But I wasn't - yes, I wasn't super impressed with where they were taking things. And it suggests to me that perhaps we have some trust issues with the BC.

That said on the face of it, this motion seems - this amendment seems sensible. Brian, you might like to comment as well.

Brian Winterfeldt: Well I think we had some discussion about this motion yesterday as well. And Jeff Neuman discussed why he felt our concerns about the affirmation of commitments review being completed prior to the end of the PDP process were essentially unfounded and that the discussion group's recommendations already state that they want to incorporate the work of the AOC and the work of any other review processes that are going to be conducted prior to the next round so that the sort of concerns that were being expressed by folks in the IPC around whether or not we would be taking into account this important review work that's being done prior to the completion of a PDP was unfounded, and that in fact in this case were only requesting the issues report which will apparently take quite some time to complete and does not necessarily mean that even a PDP will be initiated.

And the thought was that other parts of the community are sort of proceeding on looking at the next round issues and that the GNSO - we discussed this over the working weekend. If they don't proceed now with an issues report and start thinking about the policy process, that they may not have all the information and be in the best situation with regard to thinking about round two.

So that's sort of a summary of some of the discussion reports, some of the concerns that have been expressed, some of the points that Jeff made about why we shouldn't have those concerns. I think it would be helpful to hear a little bit from the IPC about whether our concerns are allayed or whether we continue to have them and what we can do to address them.

And then of course as Heather pointed out, how we're going to respond to our BP colleagues with regard to their amendment which really I guess explicitly puts into the motion the commitments I think that are suggested in the report from the group in the first place.

Greg Shatan: Mike Rodenbaugh, then Steve.

Mike Rodenbaugh: Okay. I definitely don't like their amendment. I've been a member of the discussion group all along. I don't understand why the Council would constrain itself at this point as to the timing of a PDP at the outset to just initiating the issues report. It just seems unnecessary.

Why can't that discussion wait until we have the issues report and understand what the scope of the PDP - probably multiple PDPs are going to be? I don't really understand the concern that they're trying to address with that amendment in any way either.

Greg Shatan: Steve?

Steven Metalitz: Yes. You know we've just come from a meeting with the board where they expressed incredulity over the sense that some people are trying to rush to the next round. But of course I think our councilors are encountering that all the time in the Council.

I think I'm okay with this amendment and, you know, with keeping at least as much harmony as we can with our BC colleagues. As long as it's clear that

when it says it won't conclude before the end of the - before the AOC review is done and has been digested, that doesn't mean that it will conclude then.

I mean it's not a target. That is a no earlier than. It doesn't commit us in any way to completing a PDP by any specific date. And you may - I guess I'd encourage our councilors to just kind of put that on the record if in fact we end up supporting this amendment.

And I think, you know, we should just take many - any opportunity we can to again reinforce what the board said which is don't be rushed on this. And, you know, Bret gave a presentation yesterday in which he said he thought the issue report would be done in August. And, you know, we'd have a final issue report by September. And then, you know, we're going to start the PDP - excuse me, we'll start the PDP in October.

So I don't think any of those things should be accepted at this point. I think we just need to see where the facts take us. Thank you.

Greg Shatan: I'll take Karen, and then I've got to close the queue. Actually our first presenter started her presentation four minutes ago on paper, but not in the room. So we need to catch up.

Kiran Malancharuvil: Kiran Malancharuvil from MarkMonitor. I actually am looking for some clarification about kind of what was said on the list and in the room on Saturday in the GNSO, and actually which I sort of, you know, foolishly without - without I guess seeking of clarity beforehand mentioned to the board which is the idea that ICANN has said to us that if we don't move forward with this issue report that the new round will be developed without our input.

So it's actually more like a question. Is Jeff Neuman not in the room? Is he not? Okay. So Jeff's statement to this - to the IPC is that was - I'm looking at his email - was that the existing policy approved by the GNSO Council in 2007 states there will be future rounds. If the GNSO doesn't move forward

with requesting an issue report or PDP or does not suggest improvements or changes, then the default is that there will be another round using the same rules as this current round. And if we do not have the review and suggest changes, then things will remain the same without our input.

And then we got this statement this morning from the board that that was ridiculous. So I'm kind of concerned then what is the IPC's understanding of what's being said in the discussion group. I'm technically a member, but I haven't been that actively involved. And so I'm seeking clarity.

Like what's the background of that? And then what's the IPC position really on that? So Susan, maybe you can add clarity to that.

Susan Kawaguchi: So that's not something that's been discussed in the discussion group. It's not a sort of discussion group position. It's a statement that was made at least once very clearly by staff members when they were asked what happens if this discussion group doesn't come up with any recommendations or what happens if this discussion group's work is taking longer than you perhaps are anticipating?

Does that mean no work will happen on a future round until we finish our deliberations? And they said no. They said we are already empowered to do new gTLD rounds in the plural. And we will proceed. And so if there isn't policy development work to change anything, we have an existing policy.

((Crosstalk))

Kiran Malancharuvil: But the question - isn't the question though becomes what's - like where is the urgency with timing of this issue report then? Because it sounds like they're not saying you have to start the policy development process right now or else we're going to proceed. It sounds like what they're actually saying is you have to do a policy development process at some point in order to have input in the next round.

Greg Shatan: Right - to support the initiation of the issue report. So it seems to me - I think we close this and call it a question. The question at this point is not about clarity about this whole timing issue. It's kind of a bigger point. But rather whether we support the motion as amended, which I assume that's the way it's being put up.

And I guess I turn back to the councilors, you know, for your sense of the room on that, and whether we need to have a vote.

Heather Forrest: Greg, can I suggest in light of the fact that our speaker is here and I don't want to rush this. I think this is an important question. So can we...

Greg Shatan: Okay, so let's - we'll table this discussion. And I saw Susan was poised to say something, so I'll put you first in the queue.

Why don't we now welcome to the ICANN - to our stage, (Sharon Hoffericker) to discuss the Leadership Training Program at ICANN.

(Sandra Hoferlishter): Thank you very much for giving me the opportunity to introduce the program to you. My name is (Sandra Hoferlishter). I am from the ALAC, and I'm also the chair of the ICANN Academy Working Group.

The Leadership Training Program was designed under this ICANN Academy Working Group, and it's an effort from the community for the community. May we have the next slide please?

The first pilot program started here in Buenos Aires two years ago with the pilot program, and it was rather successful. Jennifer - not Jennifer - Heather Forrest was participating in that one already. And after this rather successful start, it was decided that the next program took place last year in Los Angeles. And now with the third in a row we can actually call it already a tradition. Next slide please.

In fact it is a three days and night program because we also spend the evenings together. And it's an effort to get incoming and current leaders to get to know each other, to exchange about ICANN issues, to exchange about policy development processes because sometimes they are differently understood and different stakeholder groups and constituencies.

To learn from each other, also to teach each other because people who are having an expertise in a certain matter will be asked to facilitate a session on a certain topic. It's about exchange and discussion and networking. And this all should serve the aim to have a better collaboration in the future among all SOs and IACs within ICANN.

This is the distribution of seats. This has been agreed in the ICANN Academy Working Group which has participation from almost all stakeholder groups which in ICANN. So for the GNSO there are nine seats assigned, which means one seat is for your stakeholder group for the IPC. And I just see that (Mark Tosselback) is also here. He was participating in the program last year.

And because it won't be me to convince you to participate in this program, so I would actually ask either Heather or Mark to share some of their experiences and to encourage your colleagues why it might be useful to participate in the program. We have prepared some postcards which I would like to share with you. You will find on this postcard a link. Oh, you've got them already - wonderful.

You will find on these postcards a link with an online application form where those who are interested in can apply. I would suggest that your community decides among yourself whom to send so because it's not us making a decision or a selection. I think you should decide in your community.

And again it's for incoming and current leaders. For instance if you had SOs and AC chairs which are actually ICANN veterans already because then the

concept of sharing knowledge and peering makes really sense. It makes no sense when we have only newcomers which have - which are going to listen.

But at this stage I would like to call on (Mark) and Heather maybe to say a few words and to just tell us why you found it might be worth participating in that one and spending three extra days before an ICANN meeting, which we all know is challenging for many of us. Thank you.

Heather, would you like?

Heather Forrest: Thank you (Sandra). This is Heather Forrest. I think I was sent off to the first one as an experiment. And the first Leadership Training Program was a bit rough and ready. And I can speak with a great deal of personal involvement here.

Significant changes have been made to the curriculum, speaking particularly about this year - much more emphasis on getting to know ICANN and other members of the ICANN community. I think the feedback that's consistently come through is the aspect of this program that participants find most valuable and I have found most valuable is the opportunity to interact with other members of the community with whom you might not otherwise interact - for us to reach out and get to know the technical community, members of the board.

It's really quite an invaluable opportunity, and to do so in that sort of intensive, head down environment. I have raised some feedback or raised some comments about the sort of very American corporate training camp kind of environment. And we're making good strides to handle that let's say.

(Sandra Hoferlishter): Thank you Heather. And for your information, Heather was not only participant in the pilot program. She participated in the second program as a breakout session facilitator, and is now very helpful in drafting this curriculum or this program.

This is the structure how it was structured last year. There's no content behind because we are currently overworking the content for this program in order to make it much more customized for our community, and really not wasting any of your minutes with exercises nobody wants to participate in.

I'm happy to take your questions. Or maybe (Mark), if you would also like to share some of your experiences.

(Mark Tosselback): I would second everything that Heather said. I did not find the corporate training aspects, you know, as valuable. But what was incredibly valuable was the opportunity to network and, you know, really beyond networking - spending quality time over several days with people from various parts of the community including board members, members of the GAC.

And as a result of participating in the program, you know, I know have connections with those people that go beyond just a handshake. And I still communicate with them. And the ability to have those connections for the people in the community, especially on the board and the GAC, for us I think is incredibly valuable.

And so I would encourage people to participate in this program even if they feel they're very experienced and they're not going to learn much about how ICANN works. But just the opportunity to create, you know, really a close connection with people in the community that can be helpful for many of our initiatives. I think there's great value there.

(Sandra Hooperlishter): Thank you very much (Mark). Are there any questions I could answer? Because otherwise the process would as follows - we would come back to the share of your stakeholder group and send an invitation again asking when the selection or election within your stakeholder group will be made because we now have to follow also somehow a timeline. But let's take questions first.

Woman: Just very quickly, I may have missed the part about funding. Is this funded by ICANN?

(Sandra Hoferlishter): Very good question - the hotel costs will be covered by ICANN as well as the food which will be served. Travel costs will not be funded. So participants which are somehow - have travel that cost for - their travel cost anyway can actually apply.

Steven Metalitz: I may have missed this in your presentation. But why are the slots being allocated to each stakeholder group rather than to each constituency?

(Sandra Hoferlishter): You mean within the special structure of the GNSO?

Steven Metalitz: Yes. I mean you made some reference now about applications from the stakeholder group. So - rather than from the constituency.

(Sandra Hoferlishter): Yes.

Steven Metalitz: I mean the stakeholder group, you know, that it's there for a - to achieve a voting objective. And it's not really a basis for organizing anything else.

Heather Forrest: Steve, apologies - this is Heather. I think it's a misstatement. The IPC has a seat. The seat is allocated by constituency.

Steven Metalitz: Thank you. I misunderstood. Thank you.

Greg Shatan: Anybody else have any questions? If not, I want to thank (Sharon) for - (Sandra) for visiting us here. I got the first letter right. That was about it. I would like to thank (Sandra Hoferlishter) for coming to visit with us - explaining the Leadership Training Program which sounds like it's getting better and better every time.

I encourage new and even experienced leaders. I guess Steve, you were asking because you're going to apply. And again I think it's great that there's more training, more engagement, bringing more people into the leadership. Maybe I'll even apply for the leadership training. So thanks again.

(Sandra Hoferlishter): Thank you very much.

Greg Shatan: Thank you. Sure.

Now I'd like to welcome to the front the co-chairs of the Accountability Working Group. I know that you've heard quite a bit from them. But this is our chance to interact as our constituency with the co-chairs. So I'll move over a bit over here.

Of course to my left we have Thomas Rickert with whom you're all familiar, and of course our own member Leon Sanchez, although he is vacationing with the ALAC in his spare time when he's not a co-chair of the CCWG. And I'll turn it over to our esteemed visitors.

Thomas Rickert: Thanks very much Greg. And before we talk about CCWG matters, I can't resist adding to what (Sandra) has said. I think these training courses are an excellent opportunity to dive deeper into what ICANN is about, you know, not sitting in silos.

And at the pleasure I was asked to speak at I guess the first exercise of this which certainly wasn't perfect. But a lot of participants mentioned to me that, you know, they had never been able to interact with board members or with ALAC members at that level and understand better how the other groups function.

Okay. Now our mission today is to discuss the CCWG work. And as you well know, we have published a report and we have conducted a public comment

period since. The ICP has commented to the report which is why I think there is no need to bring this group up to speed where we are.

If you are good with that Greg, I would pretty much like to have this as an open discussion. So please do raise your questions, concerns so that we can hopefully shed some light on the areas that remain blurred for some.

Greg Shatan: Thank you Thomas. I think that's a good plan. In our CSG meeting we did discuss this. And that involved, you know, some fairly involved members such as Steve DelBianco, Jonathan Zuck, Malcolm Huty and myself.

But now we have the pleasure of our co-chairs here. And I think we should perhaps revisit some of those questions with our co-chairs as well as any new and improved questions that you may have. So I will look for hands - Lori Schulman.

Lori Schulman: Hi, Lori for the record. First I want to say thank you for the voluminous amount of work that you all have been doing. I mean it's very evident to the community how hard you're working and how you're trying to meet a deadline.

But with that said, I'm speaking more along the lines of the comments that INTA submitted but that were also echoed in the IPC comments as well. And that is about timing. We did hear Fadi say in the opening ceremony that the issues about timing will have to come from the community - what is sensible, reasonable timing? Not to prolong this indefinitely, but certainly to give us good and quiet - not quiet, but good time for thoughtful analysis.

And my concern particularly with the set of comments that just came out is that we understand there was a lag time between the first set of stewardship comments and the second set of accountability comments. We as INTA had asked the ICANN staff who attended our annual meeting whether or not these two documents could be looked at together, and that have the

comment period close at the same time - simultaneously. But at least we could compare the documents one on one.

And we were quite surprised that this request was denied. And I'm curious about how the two works - two groups are working together on timing. Why there was this sort of need for speed to get the comments out so quickly. I think in one set of comments it was only three weeks that we had.

And we are keenly aware that we're under a deadline. But it's very clear that that deadline has been moved. So why wouldn't we take the time? And what is the thinking behind getting these comments out when the community has asked for a more reasonable time just to early analyze and within the context of each other?

Thomas Rickert: These are excellent questions. And since they've been some, I hope that I don't forget any of the topics. Let me talk about synchronizing the CWG and CCWG efforts in the first place.

We have charters which are distinct but which are interdependent. And therefore we have worked very closely with the CWG co-chairs. So we had weekly calls with them. We met with them face to face to insure that we're up to speed with respect to what the respective other group is doing.

The time - as you know the CWG has started its work earlier. We started a little bit later. And I think that it was for good reason that the CWG put out its final report for public comment as they were ready. Because other than the three technical proposals that have been developed, our proposal goes direct to the board and not to the ICG.

So basically if we had waited for us to be ready - bearing in mind that we started later - that would have delayed the whole process because the other proposals would need to go to ICG and be assembled there into a unique proposal, which as I said is not true for our proposal.

I understand though that it's a challenge for the community to follow all the discussions, to digest everything, to look at the dependencies, to look at potential unintended consequences that arise out of different proposals that are made. But we are trying our best to look at those, to find weaknesses of the proposals as we further refine them to avoid exactly these risks.

I think we've identified five or six points that have been brought to our attention by the CWG that we need to take care of. These as you know have been clearly spelled out in the proposal as conditional or as conditions for their proposals. So it's now the burden of our group to insure that we deliver on that.

We wanted to go out for public comment as soon as we could, not being in a haste, but walking as quickly as we could in order to get early feedback from the community. You will remember that when the CWG put out its first proposal early December last year, they basically needed to question each and every item that they had been working on and that they thought that they had made good progress on. And we learned from that experience, and we wanted to insure that we don't wait until the very last minute to make the community chime in.

And you will have noted that the report that we put out was not a consensus proposal. But we laid out various options where we had options to the community to guide us which options we should prefer. And just for the record it wasn't a three week public comment period, but 30 days. But we thought we could do that because we would have another 40 day - full 40 day public comment period later. And that's going to be open sometime in July.

So we think that we have been -that we got confirmation from our - for our approach looking at the public comment which showed two things - one of which is very reassuring. We got broad support for the community powers

that we've established. We got broad support for the review and redress mechanisms that we set out.

That's certainly not to neglect that more work needs to be done on details, right? But the community was - an overwhelming part of the comments said you're on the right track. The suggestions that you make do mean a substantial enhancement of ICANN's accountability. So that was reassuring for us not to spoil the whole timing.

And there were other areas where the community said well, we don't really buy that. It's too complicated. It has unintended side effects or areas that you haven't worked on as thoroughly as you could or as we thought we had done enough work. But obviously the outside world didn't. And that - and I'd like to highlight three areas, one of which is diversity.

So many commenters have clearly stated that we should be looking at diversity more, not only as an expiration but also maybe as a requirement, so that's something that we are now working on in this phase - how to insure that the SOs and ACS themselves are accountable, that they're inclusive enough.

That leads me to the next point which is openness. So we need to make sure that whatever system we come up with can be adopted to future ICANN needs. So let's just assume for a moment that there might be a constituency for upgraders of Internet of things, you know, that we don't yet have. So our system should be capable of dealing with that - openness, flexibility would be an area.

And the third point and I guess that we will discuss that with this group today for the remainder of the session is what vehicle we're using for the community to exercise the powers that we've spared on. You will remember that we had that reference model in our report where we would register unincorporated associations on top of each SO and AC which would then act

as an alter ego or avatar - legal entity through which the SOs and the ACs could exercise powers.

And people have said no, no. That's - we don't understand that. Who's going to be director for these organizations? What are going to be the articles of association? How do we insure that they are not captured? How do we insure that the board of these or directors of those are not going rogue?

So we learned that lesson and we removed that level of complexity. And the current thinking is that we would have what we call the empowered SO AC model whereby we leave the existing nature of the ACs and SOs untouched. There are some who think already that they have legal status or that they are a legal personality.

We don't that much care. It's possible. Others say they don't want to have a legal status. Whether or not they have one, I think the lawyers in this room will have their own view on that, including myself. So I think that more than our apparent have already status of a legal entity. But that's not for us to decide. We're not going to touch that. That's the first point.

The second point is that we would set up or we could set up a system in the bylaws whereby these groups would vote whatever legal nature they have. And only in the case that will hopefully never occur where the board chooses to ignore the wish of the community, where the board chooses to ignore decisions made by the independent review panel.

Then the groups could formalize their legal status to be able to evidence that in court if need be, and pass a resolution that says we've come together to exercise certain community powers. And that would give them the legal personality required to ultimately be able to go to court and enforce those powers. Not all the groups need to take that step.

But still everybody will keep the voting rights as we are now designing them. So that's the beauty of that system. But since California courts seem to be ringing bells with a lot of people in the community, we want to make sure that this is actually a matter of last resort. So we will have mandatory - IRP mandatory reconsideration before we could get to that state.

And hopefully it's never required. But at the outset of our work we were asked to design an accountability architecture with teeth. And therefore the question of authority was one - that was one of our requirements. People want to let a little bit looser. But as a matter of last resort that is still on the table.

So I hope that, you know, this wordy answer could help address some of your concerns at least. We want to make sure that we deliver by the Dublin meeting, to then have sufficient time for implementation after Dublin. The timeline that Fadi mentioned is taken from timelines we published. But that's certainly not carved in stone.

As you know, NTIA - Larry Strickland has sent us a letter, has asked us how much time we need for the extensions of the contract. And we will get back to Larry after further consulting with the community, including yourself and in our group.

Greg Shatan: Thank you Thomas for an excellent, very comprehensive answer. I call next on Nick Wood.

Nick Wood: Thank you Thomas. I started a conversation with you the other night, and had to run out of the room before you finished. How do you anticipate the GAC will respond to this, particularly in relation to the timing? Are you expecting them to say any kind of yes or no or no comment?

Thomas Rickert: Certainly I can't speak on behalf of the GAC. But I've listened to the GAC quite a bit. When we started our work we wanted to give all SOs and ACs

equal footing, which is why you'll find in our proposal the possibility to have voting power for all SOs and ACs.

Since we published our report we got feedback from the various communities. This morning we sat together with FSAC. And FSAC has made clear that all they're interested in is having an effect within their limited remit according to their charter.

So they would rather like to preserve their advisory role and not exercise power - voting powers. But yet they would like to sit at the table. And if there is something impacting on security and stability, they would like to chime in.

We heard comparable reservations from GAC members. Certainly though they spoke in personal capacity. They could not speak on behalf of their own governments in many cases, let alone on behalf of the GAC as such. But I think we can sense a trend whereby the GAC sees okay, we have two big issues, one of which is how can we change if at all the way the GAC operates? And that would be a fundamental change to how the GAC operates until today.

How can we get that done, and how can we potentially change our legal nature to participate in the voting scheme? And that needs a lot of deliberation by the GAC. The GAC members need to take that back to capital discuss there.

So that's a lengthy process that needs a lot of consideration. And that leads me to the second point. Looking at the window of opportunity we have, this - their response might likely not be possible within the timeframe given. So I think that we might get an answer from them where they say well this is all very interesting. But our mandate is public policy matters.

We have a role on public policy matters already. And as long as our role is not diminished under the new scheme, we would like to keep that. And since

we have mandatory reviews in our proposal as well, I think that the door will not be shut forever. So there is the possibility to revisit that at some future point in time.

So I'm not sure whether that's the way the GAC is going to go about it. But I think that the least we can expect is for the GAC to say later this week or in its communique we're in - no problems. You know sounds like - but that's not - I should make clear that this is an assessment that I don't make on behalf of the CCWG, but that's a personal observation.

Greg Shatan: Thank you again Thomas. Mike Rodenbaugh.

Mike Rodenbaugh: Thanks. So we discussed this a bit this morning with the CSG (unintelligible), except I wasn't sure. Were you in the room this morning or not? Okay, so we all agree that these mechanisms have to have teeth. They have to be enforceable.

The real issue though is how is that going to happen? I also believe - and with all respect I hear you say and I've heard others say we hope we're never going to have to use it. But we will. We may never have to go to court, but we will certainly have to use the IRP process.

ICANN - there's just too many stakeholders. ICANN is always going to have one off situations. I have five of those - five examples, very concrete I could bore you with of my clients whose applications were perfectly fine under the applicant guidebook, were approved, blah, blah, blah - no GAC consensus. But then they're just stalled, essentially rejected by ICANN.

So we're going through the IRP process with ICANN. And I can tell you it is a very arduous, very expensive, very time consuming project. And when you're talking about now this amorphous body that you're creating that has representatives from all the different SOs and ACs, they're supposed to

what? Decide on what they are, what their complaint is, who their lawyers are going to be that are going to fight this IRP against ICANN?

These sort of, you know, details are huge in practice. And in order for your final recommendations - at least in my mind, and I think in anybody else who's been fighting ICANN over the years - you need to address at that level of detail in order for a proposal to even be seriously considered.

Thomas Rickert: Well I guess there are two answers to your observations, one of which is when I said I hoped these powers would never have to be exercised, I'm talking about the five community powers that would establish removing a board member, recalling the entire board.

So to stick with these examples, you know, if the community says well we don't want that board anymore - they've gone rogue. They're ignoring what's in the bylaws. I think it won't be necessary to go to court to get them removed. What's going to be happened and practiced is that the ICANN secretariat will stop booking flights for them. They will not get their costs reimbursed and stuff like that. They will be exposed publicly that they're not wanted.

And that's why I said I hope that these powers will never have to be enforced in court. For the question of budget - that the community can chime in on the budget strategic plan, operating plan, we will insure that before the board takes a decision on those, there will be a consultation process like we have today. But we will potentially hard code it into the bylaws as a mandatory consultation process to insure that there is less - that there is as little risk as possible for the community to actually need to challenge a board decision after the fact.

When it comes to IRP I fully agree. The IRP is something that will be used. And I think it should be used in case something goes wrong. But according to our current thinking, agreed parties will have standing to use the IRP. So it's

not necessarily this community committee or whatever you might call it - general assembly or what have you - that needs to do that together.

But it's very well possible that the specific group inside the ICANN community is aggrieved. And then it would have the possibility to use that process by itself without consulting with the others.

Greg Shatan: Thank you Thomas. We're now up on the hour - 2:59. Are there any very short last questions? If not, I think I just want to thank - oh, do we - Steve?

Steven Metalitz: I just had a process question which is we made a number of comments in our submission. When do you expect us to have the next draft available for review? And how long will we have to review it from your current standpoint?

Leon Sanchez: Thanks Steve, Leon Sanchez. We will be of course having a document that will address each of the comments (unintelligible). And we will be working in Paris next month to incorporate the different - to continue incorporating the different comments that were received.

And we are willing to have a second proposal - a second draft proposal by the end of July. So we will be opening second public comment period maybe by the end of July or the first days of August. And this public comment period will be extended to 40 days of let's say. We won't be shortening to 30 days as we did with the first comment period.

And the community will have 40 days to comment on this second draft proposal. So we can then pull in those comments into the final proposal, hopefully final proposal so we can send it to the charter organizations hopefully to vote it and approve it by Dublin.

Greg Shatan: Thank you Leon. And thank you Thomas. If any of you wondered what you're reading over your vacations in August, now you know. So I thank you both for coming and answering questions. Thank you, and also to (Matthew Vile) the

third co-chair for an incredible amount of hard work and difficult work, and working with the ultimate cat herding problem with the personalities that we have. But we've done great work and couldn't have done it without tremendous, thoughtful effort by all three of you. Thank you.

Leon Sanchez: Thanks for having us and thanks to Greg and the others for your continued interest in this important matter. Thanks.

Greg Shatan: That brings us on our agenda directly to our visitors from Westlake Governance to talk about the GNSO review. Most if not all of you were in this morning's CSG meeting. So I'm hopeful that we can use much of this time for Q&A rather than go through the slides again. So we'll assume again a little bit of foreknowledge.

Richard Westlake: Thank you. My name is Richard Westlake for those we haven't met, and I'm with my colleague, Colin Jackson from Westlake Governance. As most of you I hope know by now, our draft report is up now for public comment. The public comment period closes on the 20th of July.

We'd like to acknowledge and thank those who have provided feedback, whether at this stage of the process or earlier stages of the process. We are certainly considering all the feedback we have received, and shall continue to do so.

We shall continue to consider all the feedback we've received. We have to produce our final report by the end of August, which will then be submitted. It will go to the SIC. And they in turn will then determine whether to recommend to the board that our report should be accepted.

After that they will of course then move into the implementation phase. And that's where the work will start because that should be very extensive. So I would encourage you if you have comments you want to feed into the report,

please do so in the next week or two or three or four because this will be the final opportunity to do so at the report stage. Please get involved there.

And then when the work starts in implementation, whichever direction you take that, again I would encourage people to be involved and not leave it to the typically very small number of people who do the bulk of the work. Thank you. That's - for introductory comments I hope that's sufficient. The review is there. I hope you've had a chance to read it.

Greg Shatan: Thank you (Richard). And we do have a team that's working on drafting comments of course. So this is a good opportunity to ask some questions. We can even revisit some of the questions that were asked in our morning meetings since we have, you know, a number of attendees who were not at the morning meeting.

So I will look for questions. Did we exhaust all our questions this morning?

Mike Rodenbaugh: I'll jump on the sword I suppose. So it's Mike Rodenbaugh. And I'm leading our effort to draft comments on this report - begging for help. I must do that again. So please anybody. I know I've got a few that I'm going to force to help me. Thank you Susan and Phil.

But I think we also had a session this morning of the working party with Richard and Colin and myself and Chuck Gomes and Avri. I think that was about it from the working party - and a bunch of staff. And the main issue in my mind - I mean I think they've done a really good job of encapsulating a lot of common sense recommendations, many of which have been made in the past. You know obviously we all agree diversity is a good goal. Transparency - good goal. And they've granulated that down to some very specific recommendations that I don't think our constituency is going to have any negative issues about.

As I mentioned this morning, what our perhaps larger concerns is around structure. And while we may agree with you that it can certainly be disruptive to discuss structure and perhaps now is not the right time, my view on behalf of the constituency without having asked anybody yet, so please jump in and tell me if you disagree, is that we need to do a better job of encapsulating the comments that have come in during this exercise.

You mention that there's been 120 comments specifically about structure, which you say were unsolicited because we didn't actually ask any direct questions in the survey about structure. And I just feel that we should take the opportunity to digest all that information as a community, if not for this time then to consider what we might want to do with structure the next time.

So asking to be more thorough in that regard and as I asked this morning to also provide the raw survey responses of those folks who did not request that their responses be anonymous. That means that they're happy to have them published. And I think that would help the community to see that - to be more comfortable with your work and your advice, and also to take our own pass at it for future work of the GNSO with respect to structure.

Richard Westlake: Thank you Mike. Thank you very much for your comments. For those who have found a challenge of sleep more of a greater temptation than reading right through our, I would admit very extensive report, if you were to look at Pages 116 and thereon, we have under Section 9.7 referred to exactly the point that Mike is referring to.

We did receive more than 120 comments overall. The following paragraph that I wrote does encapsulate the scope and the range of the comments we got. Further down we have in fact selected five. And we worked really hard to make sure they were representative of the broad range of comments we received which ranged from the GNSO is a dysfunctional structure created by the last review which creates procedural numeric and behavioral barriers to cooperation.

And another one that it is unwieldy, unbalanced and doesn't work. Then moving through the spectrum, while it may be slower moving than top down decisions, it takes into account the entire community and allows them to discuss matters of import to the Internet.

Further along the spectrum, it is a carefully crafted construct which permits a sensible balance of power between those with a contractual interest in the outcomes and those who seek to influence outcomes for other reasons.

And finally, and this is word-for-word, make absolutely capitals no changes to the structure of the GNSO right now. GNSO is completely overloaded with other issues that are far greater importance.

So with that, I accept that there were several others Mike, and we don't have a problem with that. We have addressed it over the following several pages. Given the strength and, let me say, the articulate nature in which you and one or two others have expressed the view over the last few days and previously, we will have another look at that and we will look at finding ways of just absolutely being specific about what our recommendations or absence of recommendations are and why. And we will review and come back in the final version, so we certainly appreciate the feedback.

Greg Shatan: Thanks. I have a follow-up question which is I've been working about the CWG, ccWG, so I've been reading an awful lot of public comments and also reading very lengthy documents that attempted to boil down the public comments into maybe a mere 84/85 pages or so.

Where can I go to read the comments?

Richard Westlake: If you go to the Wiki, you will be able to - sorry the comments made to us?

Greg Shatan: Yes, 120 comments.

Richard Westlake: You can't at the moment.

Greg Shatan: So this is not an open and transparent process?

Richard Westlake: It is an open and transparent process but...

Greg Shatan: Then how come I can't read the comments.

Richard Westlake: Because many of those 120 were given to us in interviews where we had assured people of confidentiality. We have incorporated and absorbed, and we have in fact been very careful in our selection around it.

Greg Shatan: How about written comments?

Richard Westlake: Some of the written comments we would consider incorporating and in fact we have incorporated which is just what I read to you.

But as somebody pointed out this morning, we did not ask questions about structure. And therefore in many cases, and one would assume in cases where people have no problems with the structure or are comfortable with the structure or accepted that this was not a review of the structure, they did not comment.

Had they been asked, as they said, we would have commented. The fact that some people have commented is absolutely what has alerted us and made us address it.

But we're still quite adamant this is not a review of the structure, and that was absolutely the instructions we received. And we think it would be considerably imbalanced to publish all the comments because by their nature they're likely to have come from people who have a very strong view that there is

something wrong. People who are content with what you have typically will not comment especially if they're not asked to comment.

Greg Shatan: Thank you. Do we have any other questions?

Just out of curiosity and you may not know how the decision was made not to ask questions about structure and to put that outside your remit and thus put you in this rather awkward position.

Richard Westlake: I think that's the least awkward question I've had. It was before we were engaged.

Greg Shatan: Thank you very much. And if we don't have any further questions, I guess if there are any questions now for the team that's preparing them and the people who are going to volunteer to help Mike and Susan, if they haven't already done so.

We've invented a word in the ccWG for telling people to volunteer which is that they are volun-told, so if we don't get any actual volunteers, we will volun-tell certain people that they are volunteered because this is very important; putting aside the issue of structure. There are a lot of important comments in here; there are a lot of issues to deal with. We can't sit on our hands nor can we let Mike and Susan and, you know, just one or two other people wade through what it is a very extensive and thoughtfully prepared document.

So again, this is - even if we don't get the chance to turn the structure upside down and work on it, it will happen next. And this is a chance at least to make things move forward in that regard. And like certain other things, it will forward with or without us.

Richard.

Richard Westlake: May I just support that comment by saying that we absolutely acknowledge the fact that the people you learn from are the people who disagree with you.

We are looking for people who can articulately, clearly and rationally explain why they disagree with us because that tests our report -- it tests our thinking. And we are, as we've demonstrated in the earlier drafts, quite willing to take onboard areas where people haven't agreed either with our approach or our conclusions. We're very happy to address that and if necessary in our view and if necessary, then to amend or edit.

But again, our report in the end will only be a set of recommendations. What then occurs is for the community overall to decide. So I would encourage you precisely before you're volunteered to volunteer, to submit those comments, get involved and make your views heard.

Greg Shatan: Thank you team at Westlake Governance for engaging with us here. If we have no further questions, we'll give you five minutes of your life back.

Richard Westlake: Thank you.

Man: Thank you for that.

Greg Shatan: I don't know if we have Chris Gift here; we're running a little ahead of schedule shockingly. And Chris is here? So I will invite Chris up to the front.

Chris Gift: Good afternoon everyone. I'm Chris Gift. Thank you very much for giving me a little bit of your time today.

My topic will be a lot less engaging as many of the others that were (unintelligible). But hopefully you'll find at least a little interesting or helpful.

I'm here to speak a very briefly about some membership management and Web site for the IPC. There was a request some time ago initiated from one

of the other stakeholder groups for membership management application to help alleviate the administrative burden and tasks of managing members and also help the membership grow within each of the stakeholder groups and constituencies.

And so I thought well, this is probably something that everybody would like. And so we had several conversations with different groups, with many of you here. Actually some of you here are on this table and Omar and some others participated in a phone call and we gathered a series of requirements.

We went not exactly shopping, but we did go around and look at what alternatives are out there. And based on some recommendations from members of your group and others as well as just looking at what the market had, we have temporarily settled on one called MemberClicks which is association management software for small associations or small staff associations or strictly volunteer-based associations. So it's not very complicated, but it does do a great deal.

And we're getting ready to run some beta tests and to experiment with it. So I think we are going to work with the NCSG. I think the ISPCP wants to beta test, and I think you guys do as well or at least (unintelligible).

Greg Shatan: Absolutely we do.

Chris Gift: There we go; that's a firm yes.

So I just wanted to let you know that that's where we are. We'd like to start those immediately after Buenos Aires, so when you guys have the bandwidth. So I think what I'd like to do is to then start seeing, you know, who is the point person and start looking at how we can migrate data which is part of the program. And actually if we just go to the next slide. For those of you - there we go.

For those of you who aren't aware, these are some of the things that the application does support. So it does do dues management and it does have a payment processing if that's at anytime something you'd like as well.

It doesn't mean ICANN's going to handle the banking because, you know, you still have to have your own banking. But it does do that. It does a wide variety of other services as well.

So actually, unless there are any questions, I just had one other update. But if there are any questions on this topic before I move on?

Greg Shatan: Any questions? Mark, I know you are our - you've been dealing with this burden for the last several years so I don't know if you have any questions or comments.

(Mark): Definitely I've actually used member (unintelligible). Unfortunately I manage a Web site of another organization as well, so I've actually rolled out the solution and implemented it and may have been the one to suggest that to Chris; I'm not sure.

But, you know, it's not perfect solution; no solution is. But it's much better than the one that we currently have. It automates a lot of things that take a lot of manual effort right now and would free up those volunteers to do things that are much more productive to the interests of the constituency as opposed to manually tracking data and spreadsheets and especially for dues. I mean all that's automated, sends out automated reminders, tracks all that for you. There's a million other things that it does that would just save everyone a lot of time.

And again, it's not perfect but it gets us, you know, 90% of the way there and it light years ahead of where we are now.

And as part of the implementation, the MemberClicks organization itself as its own consulting staff. And generally included in the license fee is some additional fee that you have to pay where they'll do some data migration and set up the pages and set up the templates for you. So part of that work will be done and, you know, we could probably negotiate at a reduced rate some additional work to customize the site for each of the constituencies.

Greg Shatan: Thank you Mark. And for Michael Adams will also find this to be helpful. You see, he's almost smiling.

Steve.

Steve Metalitz: If I could just follow-up on something Mark said.

So if we need additional services to get the most out of this that costs something, will ICANN pay for them or do we have to pay for them?

Chris Gift: It's a great question. So right now the negotiation I have is that we're going to purchase basically all that they offer. So they will do a full migration of the data, they will do a custom Web site. They do use templates but they do customize those templates, so we've negotiated for that as well.

I think if you go above and beyond, then yes, you'll probably have to pay for that. But I think it should be sufficient; whatever is negotiated is sufficient.

But then again, if it's not, then I think these are discussions we have to have to say, "No, you need more." Then I'm more than happy to go back to them and say, "No, we need more services."

(Mark): I'll send around a link of the other Web site that I manage so everyone can see and get a feel for, you know, at least one way that it's been implemented and how it could work.

Greg Shatan: Jonathan Zuck.

Jonathan Zuck: Hi, Jonathan Zuck for the record.

One of the topics that keeps coming up and then kind of dying again has to do with the newsletter. And since this has built-in content management, is there any integration for a newsletter type function in this system that we might use to kind of do double duty if people write things for the Web and then it also finds its way into printed material of some sort or email newsletter?

Chris Gift: It does have mass emailing capability built in and you can create a template, so out of that do a newsletter. I don't think it has a scheduling capability around that newsletter; I'd have to double-check and look. But I can find out and follow-up with that.

Jonathan Zuck: Yes, I meant more like layout. Scheduling isn't the issue, I think it's managing contributions to the content and stuff like that I guess.

(Mark): The answer is yes.

Jonathan Zuck: Okay.

Greg Shatan: I have one follow-up question as well is whether there is any social media integration say Twitter/Facebook, whatever that may be. Face-Twitter?

Chris Gift: It does have social media integration, it has widgets; a multiple of widgets that you can deploy within the Web site very easily put in.

And it also comes with some social aspects. I'm not sure you're going to want to turn them on. You know, I know it does have form capabilities and a few other things which you may choose to use or not use.

Greg Shatan: Thanks Chris. If there are no more questions on this, there's a second piece of the update.

Chris Gift: Yes, a very brief update. I just want to acknowledge that on ICANN Dot Org, we have not done a good enough job of describing how the community is structured and how it works.

I mean there's content on the community but it really doesn't do a good job at describing the various SO, AC, stakeholder groups, constituencies. Nor does it do a good job of moving people from ICANN to the various stakeholder groups and constituencies. We did integrate some search as a first step -- and that was a baby step.

I just wanted to let everybody know that we are working on it, we are testing some ideas. And again, right after Buenos Aires I'd like to circulate some of those ideas.

But we want to greatly improve and expand on the content so that people can come to ICANN Dot Org and see content on the IPC, and then go to the IPC Web site and push people to that among, you know, as one example.

So I want to circulate to you so that you can say, you know, "Does this work, is it the right content," and so on. I just want to let you know that we are working on that.

Greg Shatan: Thanks Chris. Any questions on this aspect? I see none.

Chris, anything else you'd like to tell us about life in the digital realm?

Chris Gift: No, nothing specific. There's a lot going on but no, nothing specific.

Greg Shatan: Thanks Chris. And this is another - this is a significant aspect of how ICANN is trying to improve its support services for stakeholders and stakeholder

groups and, you know, as we have, you know, all complained about volunteer burnout and sometimes not being used for our highest and best uses, that this is a good example.

Chris Gift: Sorry, one more thing. And that is it's just to echo what Greg said.

My role has shifted in the winter timeframe. So myself and my team is entirely focused on community facing activities.

So please, I'm trying to, you know, come to you with new solutions; I know you're requesting all of them. But if you have requests, if you have needs, please come to me directly and I'll try to solve them as best as I can.

Greg Shatan: Thank you Chris. I think if there are no further questions, we'll give Chris the gift of the next ten minutes of his life back. Thank you and thank you for helping us. I look forward to participating in the beta test as well.

All right, we can move on to our next visitor, the Public Safety Working Group from the GAC.

Jonathan Zuck: Greg, I just want to make one comment...

Greg Shatan: Yes Jonathan.

Jonathan Zuck: ...just a point of order here.

Greg Shatan: Please do.

Jonathan Zuck: You seem to be implying that it's not a pleasant experience to visit with the IPC. And I just want to make sure that that kind of rumor isn't spread. It might affect people's willingness to join us for these meetings.

Greg Shatan: We're punishing Chris by sending him out of the room early.

Jonathan Zuck: Exactly.

Greg Shatan: Thank you. Oh yes, input those.

As we're getting set up here, I'll mention that we have brochures here that describe the IPC, how to join the IPC, issues of the IPC, so I encourage you to take them. These were recently prepared so they're very update and they're very lovely of course.

So Laureen, are you alone or are you?

Laureen Kapin: I am here but the spirit of my other colleague is with me. So yes, I am alone but we are a group. Unfortunately, we're a thinly spread group today because we're meeting with a lot of different constituencies so we've divided and conquered.

Greg Shatan: Laureen will tell us about this newly formed or fairly newly formed Public Safety working group, and I'm sure all of us are wondering how public safety - what public safety means in our context; it's not traffic cones and yellow jackets. It's actually stuff that's much more important and much more pertinent to our group and many of the concerns that we've been voicing since there wasn't Intellectual Property Constituency.

Laureen Kapin: Well first of all, thanks for letting us join you on what I know is a busy day. And we definitely have really benefited from our discussion with folks within this group because many times we share the same concerns. So I'm happy to be here today and talk with you about the newly formed Public Safety Working Group.

You'll see I haven't worn my yellow jacket, I don't have orange cones with me because actually, when we talk about public safety, we're talking about something different. We're talking about the public being safe on the Internet

when they're engaged in commerce and when they're communicating, and specifically how that public safety can intersect with the things that ICANN is doing in terms of what policies its developing, what requirements are put into contracts; basically the rules of the road.

Who's doing the slides? There we go; right here. Next slide, thank you. And you can just keep scrolling because the messages will zoom in.

So why? Why do we need a Public Safety Working Group. The group that I've been involved in has been as (Bobby Slaim), my - I was going to say partner-in-crime but perhaps that's unfortunate phrasing - my colleague and partner...

Greg Shatan: Partner in crime-fighting perhaps?

Laureen Kapin: There we go. Thank you; nice to have allies and prompts -- my partner-in-crime fighting.

We have been involved along with a lot of other colleagues from all over the world on making sure that one of the things that the GAC is paying attention to in its vast portfolio are the ways in which ICANN's work can intersect with keeping the public safe, or perhaps there cannot be enough attention paid to how certain policies and actions might impact the public.

But the GAC is not just concerned with public safety; they're concerned with a lot of things. Right now they're very concerned with the IANA Transition. There's also been a lot of discussion and debate on a variety of issues; geographic designation, country codes, human rights, a whole lot of things.

And sometimes within the whirlwind of activities that the GAC is involved with, public safety concerns perhaps don't get the focus and attention that they deserve.

And so we thought it would be a constructive path to really explore a dedicated channel to communicate these issues directly to the GAC. And that's one of the reasons this group was formed.

Next - yes, you can just keep going and then there's one more I think. That way you can all see it at once; unmask it.

So we're a working group dedicated to public safety issues. Also by having a working group, we provide a forum for ourselves for folks who are involved in these issues whether it's from a consumer protection perspective, whether it's from a civil law enforcement perspective or criminal law enforcement, that we have our own forum to exchange information and discuss our views. And then we can communicate that to the GAC.

But it's not a one-way street but it's a two-way street. We're also a resource that the GAC can turn to for advice and information when they're dealing with thorny issues that involve public safety. Next slide.

So who are we? And we've gotten a lot of questions about this. Our group is basically composed of government representatives from around the world. So we have Consumer Protection represented, I'm from the United States Federal Trade Commission, the United States leading consumer protection, civil law enforcement agency in the US, and the Federal Trade Commission also deals with privacy issues in the United States among other entities in the US that deal with it.

We also have folks from civil and criminal law enforcement. We have a whole bunch of colleagues upstairs from the Organization of American States; a lot of law enforcement folks there who are currently getting some training on ICANN; the intricacies of ICANN.

We have colleagues from the UK, not just criminal law enforcement but also the Information Commissioners Office. We have folks from the EU. When we

travel to different ICANN meetings, we often get regional representatives from civil and criminal law enforcement within those jurisdictions. So we're cutting a wide plot.

But we're not just listening to ourselves, we are also certainly open to consulting with experts as needed. In fact, sometimes we've reached out to folks in this very room on issues that we need a little more information and education on. We consult with ICANN folks. So even though this group is only composed of government representatives, we still consult with experts in various areas as needed. Next slide.

So the What. We're going to focus on policies and procedures that implicate the safety of the public in connection of their use of the Internet. Next slide.

How are we going to do this? And you can just keep scrolling for this. We will participate in working groups in a surgical way. And when I say that I mean many of us don't have the bandwidth as government folks to be sustained members of working groups, but we do know that working groups on various streams raise important issues that we should be involved in. So we contemplate becoming involved in issues on an as-needed basis.

And these are some examples on the slide of our potential areas of interest now. This is not a solid list; it's going to be a list that's influx. But it would include WHOIS work. Within ICANN right now, there's approximately 15 separate different streams of work dealing with WHOIS including the accuracy project, privacy and proxy services there was a recent report, Expert Working Group report. These raise important issues regarding public safety.

ICANN has Contract Compliance; that's something we're always concerned in making sure that the provisions that are in the contract to protect the public are actually enforced.

This group has been active with providing information to the GAC to be considered for GAC Communiqué Advice in connection with the implementation of new gTLDs.

One of the things we've been heavily involved with are the consumer protection safeguards that were set forth in the Beijing Communiqué and then have been the topic of various Communiqués since. Next; keep scrolling.

We want to make sure ICANN has affective mechanisms to enforce their contracts with gTLD registries and registrars. So one of the things that we've weighed in on is the Public Interest Commitment Dispute Resolution Process or the PICDRP as it's affectionately called by us. But basically, that is a mechanism when there are disputes about how contracts should be enforced, then in our view that mechanism is rather intricate, lengthy and doesn't necessarily result in an answer at the end, which means we have concerns about it and the GAC has weighed in on that.

And then we also work with various representatives on DNS cyber security. And this last one is a catch all; basically it's something that catches our attention or is brought to our attention that is going to be important, we want to take a look at that more closely. Next slide.

So that's kind of a very short overview of what is an admittedly broad mandate. But the basic purpose of me meeting with you today is to let you ask questions, is to hear your concerns, and to issue you an invitation to chat with us, communicate with us, and reach out to us. We're interested in hearing what you think should be on the radar screen and we're also interested in knowing that there are folks out here we can consult with when we need a little more expertise.

Greg Shatan: Thank you Laureen and that's a great presentation and that's a great comfort to know that you have coalesced in this way. Obviously all of you have been

around or your predecessors have been around here, but to put in place in a working group that's focused on issues like this is exciting.

I see Jonathan Zuck, Susan Payne, Anne, Steve and Karen.

Jonathan Zuck: Hi, Jonathan Zuck for the record.

I could be - I confess it's possible I just missed it or that it's sort of implied. But previous from its absence is PIC specs in the new contracts. I mean is that something that's going to get considerable look at by the working group?

Laureen Kapin: Sure. The Public Interest Commitments we view under the umbrella of the launch of the new gTLDs. So it's definitely not absent; it's subsumed within. So that has been - the Consumer Protection safeguards were really implemented through the Public Interest Commitment, so it's still an ongoing discussion and there's still ongoing debates particularly concerning the GAC Advice on the verification and validation of domain names in highly regulated or sensitive industries.

Greg Shatan: Susan Payne.

Susan Payne: Thank you. I just had a couple of quick questions. One was do you have a sort of formalized membership and if so how many members?

But more specifically, you said you were going to sort of probably participate in a surgical way. And so how is it that you will be able to do that? Are you anticipating that members of the community will (unintelligible) you and inform you when your input is required, or are you kind of tracking everything or have someone tracking everything and kind of flagging it up? Because obviously as you've said, there's an awful lot going on.

Laureen Kapin: So let me answer your second - well, let me answer your first question first.

No; we don't have a list of members. There's no formal list. We're at the embryonic stages, I'll say, of our development.

Second, how we participate in a surgical way, we're trying to figure that out. Unfortunately, we don't have - I would love to have the master trackers who are at my beck-and-call to make sure I pay attention to all the things I need to pay attention too, and I know my colleagues would too. But no, we don't have that.

At the same time, we do rely on folks we're in communication with and folks like you who we invite to drop us an email and say, "You know, you should be paying attention to this." And we have that back-and-forth with the relationships now and the relationships will develop in the future.

So we hope that through the tracking that we do do, we're on the GAC list, we subscribe to publications, we speak to people, so we do have a sense of what's going on. And we hope that with the force of our colleagues in different countries and our relationships with folks who are involved in these issues on the frontlines that we're able to figure out what we need to pay attention to most. Our work will, as a matter of practicality, have to be prioritized.

Greg Shatan: Thank you and thanks Susan. Anne and then Steve.

Anne Aikman-Scalese: Yes, thank you; very happy about your work. With respect to the Public Interest Commitment, the Dispute Resolution Process, do you expect recommendations to come out of your work that would then end up requiring more policy work? Or what's been the Board response in relation to enforceability of PIC -- the Public Interest Commitment?

Laureen Kapin: There are really two separate - I want to unravel that a little bit.

The Public Interest Commitment Dispute Resolution Process has been the subject of some GAC Advice. And at this point, that advice has not been implemented. That's our understanding.

Anne Aikman-Scalese: And I think also ALAC wrote a letter -- a strongly worded letter. (Unintelligible).

Laureen Kapin: A strongly worded letter, and I think that there were others that chimed into that strongly worded letter.

So we continue to see it as an area of concern because of course if you have contract provisions that you have a process that doesn't really end up enforcing those contract provisions, it's a problem. So we see that as a continuing area of concern.

Did I answer your question?

Anne Aikman-Scalese: Well I gather the Board will respond after they see additional information coming from the GAC or has the Board responded in any way?

Laureen Kapin: The Board has responded but they haven't taken the advice. So what will happen next I'm not sure.

Greg Shatan: Thanks Laureen. Steve?

Steve Metalitz: Yes, Steve Metalitz. Really just to thank Laureen and her colleagues for taking this step forward. We've had a very productive relationship with many of your colleagues and with you over the years, but it's great to see this kind of formalized.

I think just two quick points. First, as far as the Public Interest Commitments are concerned, I understand it's organized in your slide there under new gTLDs.

But one promising development is that there are now three legacy gTLDs that have negotiated with ICANN to take on the basic Public Interest Commitments. And so if those contracts go through, we hope they will be the harbinger of others agreeing to do that. So it may go beyond the new gTLDs.

And second I'll just say, you know, based on the meeting we had with the Board this morning on your point about contract enforcement, we have our work cut out for us because there are many people on the Board who are hedging quite a bit on what ICANN's responsibility is to make sure that - especially with regard to illegal activity that's taking place through the use of domain names sponsored by accredited registrars, we have our work cut out for us. So we look forward to working with you and your colleagues on that to try to get to a better situation than we are right now. Thank you.

Greg Shatan: Thank you Steve. I'll turn next to Kiran Malancharuvil.

Kiran Malancharuvil: Hi, thanks. My question is actually very similar to Susan's, but I think I have a different element to it which is - so a couple of things there.

I know you guys are losing our champion on the Privacy/Proxy Working Group; Richard from (Urpole). And we've worked very closely with (Bobby) but he's quite overwhelmed with the amount of, you know, comments in working groups to keep up with as are you.

And so I noted the slide which had, you know, a number of areas of concern for the Public Safety Working Group. And I wonder what the plan is to kind of fill in the gap of expertise and bandwidth that is sort of the obvious limitation of the manhood of this group at this point.

And so then the way that kind of syncs up with what Susan asked is do you plan on sort of synching up with the community and the constituencies and

stakeholder groups and advisory committees at ICANN to fill in those gaps to work with you and to inform you on a consistent basis on what's going on.

And how do you, I guess, see the interaction with us and, you know, our input on some of the issues? Like for us, for example, you would come to us on consumer protection issues maybe as well as IP concerns. You know, you might go to the NCUC or NCSG for data privacy stuff.

So I'm wondering if that's how you see it or maybe it's an open question to you on how you see filling in the gap things.

Laureen Kapin: I'd say you've raised an issue that's on our minds as well. Bandwidth is a huge issue for us. As I think I indicated, we all have our jobs and this comprises part of it and then we have all the other things we're doing. And then this part of it, as you all know, can be quite consuming.

So we have to rely on our recruiting efforts. We are reaching out to Consumer Protection and civil and criminal law enforcement colleagues, and colleagues involved in other agencies that protect the public around the world to start paying attention to these issues and to know that these issues actually will impact the public's ability to have confidence in doing business on the Internet. And we're hoping that we have other folks join us.

And then this week with our launch, this is the first meeting where the Public Safety Working Group is a working group under the GAC. We're coming to folks like you and talking with you and issuing invitations to reach out to us and let us know if there are things we should be paying attention to whether it's in the context of a working group like the Privacy/Proxy Working Group, or whether it's in the context of some other policy development activity that's on your radar screen.

We really are relying, not just on ourselves and our own expertise and the expertise of our colleagues, but folks like you in this room to help us out and

communicate with us. We are not so arrogant to believe that we have it all tied up in a bow and we don't need anyone's help.

Greg Shatan: Thanks Lauren, and I'll call on John McElwaine.

John McElwaine: John McElwaine; I'm the IPC Participation Coordinator. And this is actually a familiar theme.

I was just going to suggest that if it fits within the rules and some ideas that you all have right now that we might be able to have some sort of informal or formal liaison from the IPC that can really, you know, be baked in to your meetings to that there is that line of communication.

We're all busy and if there is that sort of institutional connection, it will help those lines of communication. I think this - not to speak for that obviously, but I think I would be interested in helping out in that regard.

Greg Shatan: Thanks John, that sounds like a good idea. Lauren?

Laureen Kapin: And that's something that I think that we should discuss. I'm not in a position to give you a red light/green light today, but what I can certainly give you a green light on is that we would be happy to hear from you as to how formal or informal that should be. I can't tell you definitively today.

Greg Shatan: Clearly you can't respond to a suggestion made instantaneously before you. We would appreciate you taking that under advisement, and certainly look forward to helping your working group to flourish and also to help be more eyes for you.

Let's see. Are there any other questions around the room? Lori Schulman?

Lori Schulman: Hi, thank you. I think this is timely and certainly much needed.

I'm a little confused though I guess where you are in the process. Have you already had some meetings or no meetings? That's question one.

Question two is if you have met or you're in the thinking process in forming the group, have you thought about sort of the end game in terms of - we hear a lot particularly from the ICANN Board and Senior Staff about we outsource the legal issues. You know, a great example is sending a letter to your agency on the Dot Sucks issue rather than trying to maybe handling it internally.

And so my thought is it might be a good idea, if not done already, to think about sort of how would we form some sort of response matrix where we kind of deal with the concerns of the Board and Senior Staff who are always concerned about outsourcing, and those of us at the policy level who would prefer a lot more in-sourcing, at least looking to inside the community first to solve problems and compliance issues before going outside.

Laureen Kapin: Well I think one of the motivating factors for forming this group within the GAC is that there should be a place that the GAC can turn to when it has questions or concerns, you know, about issues that are within the expertise of the folks, you know, who are in the room or who are coordinating with the GAC representatives.

And not just in an as-it-exists-today fashion but with an eye towards encouraging the GAC representative to look to their colleagues within their country who are involved in protecting the public whether it's consumer protection or, you know, other ambits of public safety. That all these representatives have experts and they need to consult with them and hear what they have to say on certain issues. And I think that would be the kind of in-sourcing you're referring to.

You know, as to where we are procedurally, although this is the first time we are calling ourselves the Public Safety Working Group, and this is the first

time it's a formal group within the GAC, in fact many of the individuals who are in this group and, you know, Dick is in the room and other colleagues are in the room, a contingent of civil and criminal and consumer protection folks have been meeting and participating within ICANN work for over ten years.

So although we are metaphorily changing - that's a better word. That's a penny word instead of the dollar word. Although we're changing into something a little broader and hopefully something that's going to be able to work even more effectively within the GAC, this work has continued to go on for some time now.

As far as formal structure meetings, I think we probably work like a lot of the working groups; we have phone calls, we have email exchanges, and also we participate in our respective GAC's intergovernmental meeting groups. For example, at least in the United States, we have monthly meetings where we talk about issues that are coming up on the ICANN radar screen.

Greg Shatan: Thanks Lauren. I see a question from Susan Payne.

Susan Payne: Thank you. It's a really quick practical one. How do we contact you? Is it by the GAC secretariat or is there going to be a dedicated email address for you?

Laureen Kapin: We are actually going to have a dedicated space on the GAC Web site. In fact, it already exists because I looked at it this morning. So there will be a place for us.

But in the meanwhile, we are happy to give out business cards and you can reach out to us directly as well. We're still - our infrastructure is still evolving in addition.

Greg Shatan: Thank you Lauren. We really appreciate you visiting us and all that you're doing; excellent effort.

I see that we have our next visitor will be coming in seven minutes, and I think that a bio break would be well called for. So we'll keep it short since our next visitors are here.

One, that was not a hard sell at all; believe me.

((Crosstalk))

Man: (Unintelligible) friendly territory.

Greg Shatan: Yes, exactly. We need more, more and better; absolutely. Do you work with (Randy Tritel) at all? Well I've known (Randy) since 1987.

Man: Great, yes.

Greg Shatan: So yes, (Randy) and I - (Randy) joined (Wild) when I was like a second year associate there. He came up from DC to New York and surprised us. Nobody came to the office wearing sear-sucker suits in the summer in New York City. Now we have business casual of course.

But I'm still in touch with (Randy). We're in the same registry baseball league now for 28 years. So yes.

((Crosstalk))

Greg Shatan: Yes, so he's a great.

Everyone please take your seats. We'll be starting very shortly. Please take your seats. Thank you.

We're now back in session. I would like to ask that the recording be restarted although I never asked that it be stopped so they probably recorded our adjournment. So please take your seats.

I would like to welcome to the IPC a frequent visitor, someone that you all know. I bring you Karen Lentz.

Karen Lentz: Thank you Greg, thank you IPC. This is - can you hear me? I can't tell if it's on. Okay.

So thank you. I thought I would touch on a couple of things related to rights protection in the gTLD program here. One, just sort of what's upcoming to look for, and secondly, there were a couple of questions I wanted to raise on the Independent Review of the Trademark Clearinghouse. And then any other topics or questions that you'd like me to address.

So in terms of the work that's happening now, we are updating the draft RPM Review Paper based on the comment that we received. I wanted to thank the IPC for your comment on that paper. I thought they were very skillful at sort of distilling what the questions would be in each section for each topic as to what would be important to look at.

And I also thought there was a concept in the beginning about looking at the rights protection framework in terms of, you know, mechanisms that are preventative versus securitive, and what sort of framework and approach that you have that includes those elements when you're talking about the DNS.

I wanted to also note I think at least part of what I got from the comment was that there's - you know, we don't want the outcome too granular in terms of the level of discussion. So it is important to be looking at the big picture as to how effective these, you know, rights protection mechanisms exist are in the context of the market that we have.

So I do want to sort of emphasize from the Staff standpoint, I think we're in agreement on that. I think there was a lot of kind of detailed specific points in the paper because we did with respect to get some low hanging fruit or, you know, things that could be addressed, you know, without a long, you know, detailed discussion.

You know, I think agree that we don't want the outcome of the review to be, you know, we changed the words on a form, but we want it to be, you know, to set up the sort of discussion about how the overall framework is working.

And I think it's useful that when you look forward to the Issue Report that the GNSO has asked for on rights protection mechanisms, it was on all rights protection mechanisms, not a specific one. So I hope that that set up that discussion to be a more broad discussion.

What else is upcoming? The Trademark Clearinghouse Independent Review which I'll speak about in a second.

Also in terms of the Competition Choice and Trust Review which does include an element related to the effectiveness of RPMs, we're expecting to post a call for volunteers for that team in September, so hope that you'll take note of that opportunity.

And then finally as I mentioned, there's a GNSO Issue Report on RPMs that's due around the October timeframe, and so I think we're expecting to support the policy team on developing that. So that's what's upcoming.

Looking at the Trademark Clearinghouse Independent Review, I wanted to take us back a little bit to where that came from now that we're looking at implementing it.

This was originated in some GAC Advice that was given during the development of the new gTLD program. And they recommended that this

independent review occur after something like a year after the 75th new gTLD in the round. And so it's beyond that by now; it's something that is behind where we wanted it to be unfortunately.

But there were a few elements that the GAC listed that they thought, at a minimum, should be included in that review. One was the sort of questions around matching and matching rules.

So, you know, there's a specific definition of exact match and how you treat an ampersand and things that are in use now. But looking at the possibility of having, you know, the mark plus something -- mark included in something, a mark with another term -- so those questions around matching rules was something they thought should be addressed in that process.

Also they mentioned the notifications of the claims service that they wanted the Review to look at the impact of extending that, you know, beyond 90 days. So just having that notification process be in place all the time.

And then it also asked for an assessment of what the impact of the Trademark Clearinghouse has been, if any, on existing monitoring services that were in the market at that time or that are in the market.

So those are the three things. And the question that I wanted to raise here - and you don't have to answer this now. This is something you can certainly think about and submit to me. But, you know, that's a minimum, and so we've looked at what are some of the other suggestions especially we've got in the comment period about what would be useful to have this Review look at.

One example is I think it was the Registries Stakeholder Group who suggested that there should be some investigation as to the costs of the Clearinghouse and the cost distribution.

So if there's anything, you know, in particular that this group believes we should take into account in that Trademark Clearinghouse Review, I think that would be very welcome as we're looking now to develop the terms of reference that will be used.

Greg Shatan: Thanks Karen, that's very helpful. Appreciate your focusing on the issues that are, you know, particular interest to our constituency and our community here. I'd like to open the floor for questions from the floor.

I see Ellen Shankman. Do you want to sit at a mic or we have a roving mic that can rove to you if need be. I see you're taking it.

Ellen Shankman: Thanks, I'll rove in.

Karen, thank you very much. I know how much you hate this doing this, so thank you so much.

Greg Shatan: Wait. Remember Jonathan said it's a gift to be with us.

Ellen Shankman: I mean in particular having just to do this whole public -- especially the questions -- so thank you so much.

And what Jonathan said is actually a very good segue. In the meeting this morning with the Board, Jonathan made the point that we should actually study stuff before we went ahead. And there was also the question asked about what's our fear; Lori Schulman tried to address that a little bit. And our fear is fundamentally that this is actually going to run ahead before anybody actually looks at the studies and does all this.

And both Fadi and Steve tried to reassure us that that was a ridiculous concern. I've been in the ICANN world for a long time, and what was originally the plan of, "Well, we're going to do something, roll it out, study it and then not move forward until we do," has in the past then become, "Well

let's roll it out and study it in parallel." And then it's moved even to "Well let's roll it out and we'll study it in retrospect."

So with all of the studies that you're talking about, you're still on the new gTLD program, and I would welcome hearing any of your comments about what the real timing is because for whatever all these studies are, if one road is going to be running ahead anyway regardless of what these studies are, we can drill down with additional recommendations for which should be the perimeters in those studies to look at. But if they're only going to be looked at way after the fact, how much of that might be an exercise in form or substance.

Karen Lentz: Thank you Ellen. So I was in the discussion with the SCG and the Board this morning so I'll try to address some of that.

In terms of timing, you know, overall generally speaking, our focus is very much on the review's activities that we're doing now.

In terms of how we see, you know, from the Staff side, how we see a future round, I think we believe that there will be one but we don't know when. That's, you know, included in the GNSO policy advice is that they are to be introduced in rounds, there's also a Board resolution sort of reaffirming that we should be working towards having a future round in the program.

But there's not - I don't think the Staff has an expectation on timing other than that. I can tell you that, you know, running out of resources, we're focusing now on supporting the review processes are even - you know, what we're doing seems not enough for all the review work that is already underway or is coming.

And so I think, you know, it's certainly - you know, when you see all this work going on it may seem that, you know, we're rushing through it in order to, you know, start a future round as soon as possible. I would, you know, echo Fadi

and Steve that that's not our goal. It is a goal to have a future round, but I don't think we have any - we don't currently have a goal other than to support a good review process to lead to that.

Greg Shatan: Thank you Karen. Jonathan Zuck.

Jonathan Zuck: Yes, let me ask the question in a straightforward way. Can you imagine a scenario in which a new round would start prior to January of 2017?

Karen Lentz: Well I think it's possible to imagine many things.

Jonathan Zuck: No, I'm basing it on the timeline that you laid out the other day and things like that.

Karen Lentz: Yes, uh-uh.

Jonathan Zuck: I mean we could put all this to rest if the Board just passed a resolution that there won't be a new round prior to January of 2017.

Karen Lentz: Sorry, can you repeat the last part?

Jonathan Zuck: I suspect we could put everyone's fears about process to rest with a Board Resolution that there won't be a new round prior to January 2017.

Well I was just looking at some of the AOC Review timelines and, you know, the one in which I have the most interest doesn't start until March of 2016 is anticipated taking a year and then you talk about implementation associated with that. So I mean it seems to me that there couldn't be a new round, if it really took fully into account the reviews, until 2017.

Is that what I'm seeing?

Greg Shatan: Yes, 2017.

Jonathan Zuck: Yes 18, sorry. That's what I meant. That's what I meant; 2018.

((Crosstalk))

Jonathan Zuck: I'm in the IPC; I'm not in the math PC.

Greg Shatan: You're metrics man -- metrics man.

Jonathan Zuck: Twenty does - January of 2018. That's what I said. You misheard me.

Karen Lentz: So there are, you know, there are certain commitments that we've made already, for example, doing the root scaling study. Actually the Trademark Clearinghouse Review was posted (sic) as a prerequisite to future rounds.

So I think, you know, you can always imagine a scenario where everything lines up and then goes as quickly as possible and everybody is in agreement and, you know, there's a clear direction. I think that's very unlikely.

I think, you know, the reviews are, you know, being carefully planned and it's the expectation that, you know, because, you know, these issues have been complex throughout, they will continue to be complex and they'll continue to generate a lot of discussion. And that's the process that we expect to occur is that there will be discussion and debate on each of the recommendations and results of those reviews.

And so, you know, for us to be able to check the boxes, the minimum boxes, and say we've done at least these things, I think is fairly unlikely to occur before 2017.

Greg Shatan: Thank you Karen; thank you for visiting with us and answering our questions. I'm sure you'll hear many more.

And I'm glad for the invitation to provide comments regarding the TMCH Independent Review; clearly something that many of us interact significantly. So again, thank you.

Our next visitor is from the Niels ten Oever from the Cross-Community Working Party on Human Rights. Again, someone visits the CSG this morning, but we had a chance to discuss in a little more depth some of the things that we had, so. I actually I think we didn't get the slides on the CSG, so we - yes we have the slides now and we didn't have the slides at the morning, so I don't know if you want to do the slides or just...

(Niels): Yes I'll quickly run through them.

Greg Shatan: Yes.

(Niels): So first of all I would like to thank the IPC for this great opportunity for us to see how we can work together under the framework of the cross-community working party on ICANN's corporate and social responsibility to respect human rights. I'll try to keep the presentation short so that we've got ample time for discussion.

Next slide, please.

This process doesn't come out of the air. It's - the discussions about human rights in ICANN has been ongoing for a number of years but there was a convergence at ICANN 50 in London when there was a report launched by - which was written by Thomas Schneider, who is now the chair of the GAC and (Monica Zanurucci), which was facilitated by the Council or Europe.

In - at ICANN 51 in Los Angeles there was a session on ICANN's corporate responsibility to respect human rights. Then at ICANN 52 in Singapore there was the establishment of the cross-community working party but also the establishment of the GAC working group on human rights and international

law in the communiqué of the GAC, and there was also a report published by Article 19 on that.

Right now we're at ICANN 53 in Buenos Aires, and here we find ourselves having a session of the GAC working group yesterday, having a session - two sessions by the cross-community working party. Both are public and open. I'll tell you later what times and where they are, and meeting with different constituencies for which we are very welcome, and a report released by Article 19 to the cross-community working party, which we'll try to approve as a cross-community working party over the coming time.

Next slide, please.

Why are we doing this? Well in article four of ICANN's articles of incorporation it says that ICANN is bound to operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions.

So ICANN's policies and operations have the potential to impact human rights, but to see how ICANN can live up to its obligation to carry out these activities in conformity with these principles, we need to understand how this can be done.

Next slide, please.

And to do this we start off from the UN guiding principles on business and human rights, as well as the global impact, which lines out a corporate social responsibility standards that many of you from the industry must have been - must be familiar with, as well as the UN guiding principles on business and human rights for the ICP sector, which give a bit more guidance on how to implement. But since ICANN is of course a very special environment, we'll need to look closer how it's done specifically.

We would like to really make clear that we're not trying to expand ICANN's mission. We're not trying to get into the gTLD auction money to do advocacy for human rights or anything, we're only focusing on ICANN's policies and operations.

Next slide, please.

So we also managed to agree on a charter in terms of reference for the cross-community working party, which is raising awareness, mapping the policies and procedures and operations that impact human rights, providing information, suggestions, and recommendations to the chartering organizations in the ICANN community, propose procedures and mechanisms for human rights impact assessments, and develop and explore corporate social responsibility guidelines that are in place or should be created and produce position papers and statements where appropriate.

You're of course very much welcome to join and/or follow the work which can be done at the mailing list. You can join. All the archives are available as well. All the reports and documentation is available at the website, and there's the public session tomorrow from 9:30 up to 11 in (roturo) B, and the working session from 5 to 6 here.

Greg Shatan: Thank you, (Niels). Thank you for getting a chance to give the slides to at least part of the commercial stakeholder group. I'll now open the floor to questions. Steve Metalitz? And then Anne Aikman-Scalese.

Steve Metalitz: Thank you and welcome, (Niels). Thank you for sharing with me the Article 19 report, and we talked about it in Singapore and I've since had a chance to read it. And I had a couple of questions about it.

One is there - two questions. One, it might be helpful if you could tell the group a little bit about what Article 19 is. And second, one of the areas that

you talked about was the possible human rights impact of government objections to certain gTLDs. This is in the new gTLD process. And I wondered if you could expand a little bit on that, what you see as the potential human rights issues in the way that the GAC or individual governments have approached objections to certain new gTLDs.

(Niels): Thank you very much, Steve, for that question. Now you're asking me kind of to switch hats, because I am sitting here as representing as the facilitator for the cross-community working party of human rights, a cross-community working party on ICANN to respect the corporate social responsibility to respect human rights. And the report's from Article 19, which is a freedom of expression organization with - which is represented in eight countries, these reports were not done under the - they were submitted to the CCWP.

So just try to make - just really making clear, this is not the position of the cross-community working party. So where we are on the report and the implications of the GAC is that what we've seen is that -- and this was also in discussions in other places that we've seen -- is that the GAC is coming up with advices that are not necessarily in line with what's happening in the policy development process. And there might be a risk there also to the ICANN model on how this is being developed.

Steve Metalitz: But in terms of the human - I mean I take your point and I don't mean - I didn't mean to confuse the issue. I know you had submitted the report and now there's another report which, you know, may become a document of the working party. But I'm really just trying to - I know I and probably many others in this room are kind of on a learning curve about what the human rights implications are of some of things ICANN does or doesn't do.

And so I was really just trying to see and maybe we just need to wait and see what the working party comes out with, but I'm just trying to get a better grasp of what, you know, what you see as the human rights implications. I get the implications from the impact on the multi-stakeholder model; there have been

many controversial things that the GAC has done or recommended, but I'm just trying to understand how this fits into the human rights dimension.

(Niels): Yes so as you know there is various - on the gTLDs there is a expression aspect and there is a trademark aspect, and we are very much aware of that. Right now with the - in the cross-community working party we're trying to understand a way on how to balance that but also to find the proper mechanisms to weigh these two against each other and to try to understand how to do that in the best possible and transparent way.

Because a lot of this work is now done (unintelligible), after the work is done which is creating un-clarity also for business, for registries, for registrars. And what we would like to do with the human rights framework and a human rights impact assessment is try to tackle these things before a policy comes into place.

So I do not have a definitive answer but I would really like also your input in this process on how we could ensure that these things are tackled before they become policy and before they become implemented.

Greg Shatan: Thanks. Anne?

Anne Aikman-Scalese: Hi. Anne Aikman-Scalese for the record. And I had two questions. So thank you for coming. The first question related to your statement that you were not looking in connection with this effort to access auction proceeds, do I have that correct?

(Niels): So we were not looking to attract - to look to expand ICANN's scope to try to go into proceeds and do advocacy work, for instance. We haven't even gone into the option of doing that. So we really wanted to make clear the scope is really narrowly looking at ICANN's policies and operations.

Anne Aikman-Scalese: I see. Okay thank you. And then the second question is more related to just the substance of the definition of human rights. I find it a really interesting area in particular because I made a living as a -- I've had nine lives, okay -- I made a living as a writer for five years, and when you get into concepts like -- and I represent writers -- get into concepts, international concepts, you mentioned with reference to ICANN's mission and bylaws. I think you mentioned a relevant international standards and conventions.

So I'm curious as to whether your group is open to having, you know, more input on for example copyright protection in the area of freedom of expression in particular, because a lot of freedom of expression takes the form of works in tangible form that are in fact protectable from a copyright standpoint.

And that's an area where we might be able to assist because of the special expertise within this room in relation to copyright, freedom of expression, (dwama how), you know, we don't really have (dwama how) per se in the U.S. but we have, you know, an understanding of it from global work and we have rights of reversion in the U.S. And these are, from our standpoint, human rights that have international conventions associated with them as well.

(Niels): So first of all, we welcome all input in the cross-community working party, and I'm especially here to also benefit from your expertise. So once again, I would really like to hear all your - benefit from all your input and expertise.

Secondly, I think that when it comes to defining human rights, it is relatively - there is consensus on what bodies and treaties consist of human rights law, universal declaration of human rights, the international convention, et cetera. But that doesn't mean that other treaties, bodies and rights are not relevant. And we indeed need to find and strike the right balance according to accepted international principles to develop a framework in which we can come up with guidelines for ICANN.

Anne Aikman-Scalese: Okay. I should by the way - I should have prefaced my comments with that my view is not necessarily shared by all of the IPC and I don't speak on behalf of the IPC. And especially with respect to I guess what we'd call first of all sort of a jurisdictional question, which is is this type of effort again within the remit of ICANN because we've heard a lot of comments and those made directly to us that, you know, we at ICANN are not the police.

And I don't know if you know what the response to that would be. And we also not the police of human rights. I don't know what the response is going to be. And so I think there's that first that jurisdictional hurdle with respect this type of effort.

(Niels): Well I think once again we could completely agree here. I don't think ICANN should go outside of its organization and see where other people are infringing on human rights, but I think that ICANN's operations itself should definitely be in line with human rights and that's what we're trying to look at in the cross-community working party.

Greg Shatan: Thanks, (Niels). We have our next guest here but I do have one question from Paul McGrady and a quick one from myself.

Paul McGrady: One brief question. It's purely procedural. So I apologize for not knowing this, but where do working parties come from? I understand working groups and that concept, but how are working parties formed? Is it from the GNSO, they ask for something? Who does the working party report to? How is the working party balanced in terms of who's on it, diversity, geographically and otherwise? And again, I apologize for not knowing this, but anything you can provide on that would be great.

(Niels): Yes the cross-community working party is an informal instrument that has been now trying two times before, and this seemed for the moment to be the right versatile and flexible body to - an instrument to see - to take this work further.

Because there is such a high burden with the cross-community working groups and the IANA transition and accountability work and a lot of other things that are going on right now, we thought we'd go ahead with an informal structure and see if we can agree on a charter, see if we can attract sufficient attention from different constituencies and try to get the work going and see how far we can get and see if it then becomes opportunistic to morph into a cross-community working group or pursue another method of operations. So this is a way of exploring the topic, seeing how far we get, see what we can get consensus on and see how many people we can get behind this effort.

Greg Shatan: Thanks. I guess kind of a follow-on question to that is how you believe this group would relate to the actual preparation of policy, recommendations or policymaking in ICANN, which is done through working groups.

(Niels): Well there are some -- thank you very much for that question -- there are some very interesting opportunities already right now for instance in the policy development process where there is the opportunity in an issue report to look for a rights impact. That instrument hasn't been used a lot.

So this is some activity that under the cross-community working party we could try to see and there feed in to the policy development process, where there is already the instrument for doing that. But there also other points we would like to discover. So before we exactly know which road or road we want to take, we're using this relatively informal structure.

Greg Shatan: Thank you, (Niels). I know we have other questions in the room but we're five minutes behind and, so. And our next guests are here so I'm going to have to have a little executive privilege, cut things off here. Clearly (Niels) is available. He's here all week I guess, as we all are. Just look for that laptop with the sticker, and please I invite you on his behalf to approach him and also to go to the sessions. And I think I expected a number of our members

will look to become more involved with the working party, or at least to keep a closer eye on what's going on there. So thank you for coming and visiting us.

(Niels): Thank you very much, Greg. Thank you all.

Greg Shatan: Last but not least by any means among our visitors we have Allen Grogan and Maguy Serad to discuss compliance, an area near and dear to our hearts.

Maguy Serad: Good afternoon, everyone. This is Maguy Serad with Contractual Compliance. With me, my boss on my right and an amazing team that's accompany me today.

I have provided Greg with a PowerPoint presentation. There are 11 pages of updates since ICANN 52, but then in the appendix additional information that I would like to leave with you if you want to follow up with us with questions.

So before we proceed with our normal approach of presentation, I thought I'd leave it up to you guys to let us know do you want to hear what's happened since ICANN 52 or do you want to have an open Q&A?

Greg Shatan: Any thoughts, folks? We have had a number of discussions and be there is a compliance update that we'll - is part of the public session so we could use this for Q&A or maybe a very abbreviated update and then go to Q&A. I know you have 41 slides with charts and graphs.

Maguy Serad: The - okay, for this audience it's only ten slides and then for Jonathan Zuck the remainder of the slides. Metrics, metrics, I sing it in my sleep. Allen, do you want...

Jennifer Scott: Hi this is Jennifer Scott, Director of Contractual Compliance. We have here some lessons learned from the registrar accreditation agreement. And I think probably this audience has been mostly focused on the abuse reporting

requirements. So we have been continuing to process abuse complaints that we've received from third parties against registrars.

And if Maguy just wants to go to the resolve codes. So we just wanted to give you a brief update on some of the issues we've been seeing and their corresponding resolve codes that we use to resolve ICANN complaints.

So as I was saying, here's a list of resolve codes that we've been using when we process abuse reports that we receive from third parties against registrars. And they're kind of divided into two groups. The first group is more of the administrative requirements of the RAA, which is corresponding to the requirement to publish abuse contact info and handling procedures to also make sure that contact info is in the Whois output and to make the registrar is monitoring those abuse contacts mail, e-mail, phone.

And the second group of issues we see is more of a substantive level of whether the registrar has been responding to devious reports it's been receiving. And within that it's divided two ways. First is kind of a non what we'll call law enforcement type of report, which can come from anyone, and the other one is reports that come from law enforcement or other similarly situated entities that have been designated in the jurisdiction of the registrar. And so these are the resolve codes that we use, and the issues match up to the obligations in RAA for handling abuse reports.

Greg Shatan: Steve, if you have a question, we'll do a little hot mic here.

Jennifer Scott: So this was a slide that had a nice little colorful graph on it with the top five closure reasons for abuse complaints that ICANN received. And, you know, I'm not sure why it's not showing up. But the majority of the top five closure codes actually relate to invalid complaints that we receive from third parties that never even get to the registrar.

The other ones are a smaller minority of the reasons that complaints that do get forwarded to the registrar are closed, and those would be responding to the report that were non law enforcement reports, and the other one would be that the domains were suspended by the registrar.

Maguy Serad: So if I may just add, we wanted to share with you how and reasons we close the abuse codes, because I know from the last ICANN meeting there was an interest of you're closing it, what are you doing about it, how do you determine that closure. And I'm going to turn my laptop around to show you yes we do have a chart that shows the percentages. Sorry I'm not sure why it's not showing on there.

But with this, before we turn it into the questions, there are like I said other activities that we have conducted in additional to audits that we continue to conduct and publish information on. So please do take a look at the PowerPoint presentation and let us know if you have any questions. We'll be happy to follow back with you.

Greg Shatan: Thanks. We'll take our first question now from Steve Metalitz.

Steve Metalitz: Thank you. And thank you, Maguy and Allen and your team. I really appreciate your being here again. I think this is a standard feature of our IPC meetings and often the most valuable feature.

If you could go back to that previous slide, number 8, which has the -- okay thank you -- with the resolve codes. So this is informative so I appreciate you bringing this to us. But I've seen responses from ICANN to abuse reports that simply say your report is dismissed because the registrar investigated and responded appropriately. That's almost verbatim.

Now presumably that means that it comes under the sixth bullet here, the registrar responded to abuse report and it has some things that the registrar might have done. But that's not, at least in my experience, that is not

communicated to the complainant. So what value is there - you have these resolve codes, which I'm sure are helpful internally, but what could be done to enlighten the complainants as to what has been done and what is the reason for the rejection of their complaint? Thanks.

Maguy Serad: Thank you. This is Maguy for the record. Steve, I think if I may restate what I think I heard you say is when we are closing a complaint and following up with a reporter, you would like to have more information as to the reason it was closed. Okay thank you.

We will note that and take it back and evaluate what is the level effort to apply those into our templates and get back to you on when can we apply it and how long it would take.

Allen Grogan: And I think there is a related issue here possibly. You and I have had this discussion from time to time, Steve. I think in terms of the specifics of how a particular complaint is resolved, typically if it's resolved in the informal compliance procedure without ever going to a breach notice, we don't disclose the precise nature of the communications and documentation that goes back and forth.

And the reason for that is to try to encourage informal resolution. But I think we may be able to provide some general information about how and why we closed complaints, but I'm not sure we're prepared to go to the level of providing a complaining party with the exact documentation that was provided by the registrar in a particular case.

Our thinking on that is we're trying to work collaboratively with contracted parties to solve problems and we don't want them to lawyer up, to use the vernacular. The first time we reach out to them, we don't want them to think that in the informal resolution phase all communications that they send to us are going to end up on the front page of the New York Times, speaking metaphorically, or domain insight, maybe speaking non-metaphorically.

So there's a tension there. But I - we're willing to give some thought to what kind of aggregated data we could provide that would be more informative.

Greg Shatan: I think that would be very helpful.

Steve Metalitz: I would just say we will continue this discussion but there probably is some middle ground between saying nothing, which is what you said now, to the complainant, and saying oh - and turning over copies of everything in the correspondence.

So even having these bullet points would be, you know, would be helpful I think for guiding the complainant, and especially since you have a problem evidently of people bringing in invalid complaints. That's the main reason for dismissal. We want to only bring valid complaints, obviously. So anything you can - any feedback you can provide would be helpful.

Greg Shatan: Thanks. I've got Kiran and then Petter.

Kiran Malancharuvil: Hi. Kiran Malancharuvil, for MarkMonitor. So in today's meeting with the board I raised question and asked for some clarification about your statements to the BC on the issue of who is a party to the contract, the contracts that we were discussing and then what then is the place of community members that you may not consider a party to the contract in the interpretation and negotiation and discussion about for example what would constitute an appropriately and timely response under 3.18 of the registrar accreditation agreement.

And while I certainly appreciate Fadi jumping to your defense, quite robustly, in the meeting, I did go back and look the describe of the meeting and you did quite clearly state that the two parties to the contract are ICANN and the registrars and that you're attempting to expand the process to help us have a voice in this process.

And so my question for you is what - I'd like you to expand on that and to help me understand and help us understand as the IPC what you foresee our role in that is, how you are actually working to expand that, because I think we're at the very, very end of the time of that meeting and I'd like to hear a little bit more from you here. Thanks.

Allen Grogan: Sure. Allen Grogan for the record. So I've been - posted a blog a couple of weeks ago now I think, I posted a couple of them. But so I have been reaching out formally and informally to some members of the community, including some people here in the room. Steve Metalitz has been a part of several groups that I've met with, him and members of the NPAA and RAA and others. I met with (INTA) earlier during the ICANN meeting here in Buenos Aires to try to talk through some of these issues.

One of the goals of those discussions is to try to seek greater clarity about contract interpretation and appropriate enforcement. And we focused in the informal discussions we've been having, which so far with the IPC and other intellectual property owners we've had three or four conference calls and one face-to-face meeting I think.

And I've probably had an equal number, maybe a little more with registry - sorry, Registrar Stakeholder Group, Executive Committee, and then I have also had meetings with a lot of people from law enforcement and I have meetings with other people scheduled here in Buenos Aires, and open to talking to anybody who's interested in having that conversation, focused on kind of two areas.

One is from the registrar's perspective. They would like ICANN to provide some guidance about what an appropriate abuse complaint should look like in order for them to be reasonably obligated to respond to it. And the kinds of complaints that they have or they get some abuse complaints, probably not from people in this room is my guess, but they get some abuse complaints

that will say to the homepage of a website that has 100,000 URLs on it and say something on this site is infringing, please deal with it.

And as I say, you know, without a specific URL, without a specific identification of the content, without an identification of whether it's alleged or infringed copyright or trademarks or what they're selling counterfeit goods or whatever, it's very hard for them to investigate and respond appropriately to something like that.

So one thing I think we could do would be to try to clarify some basic thing. You know, if you're going to submit an abuse complaint and expect the registrar to investigate and respond appropriately, there should be some level of specificity as to where the alleged abusive content is, whether that's infringing or something else, what exactly is the allegation in terms of the abuse. Is it you're alleging that the laws is violating, you're alleging that there is copyright being infringed, if you're alleging a violation of the law, what law specifically in what country, you know, so that a registrar can respond to that.

And then on the flipside, I've been trying to have some discussions to see if we can find some common grounds on what, at a minimum, should be appropriate steps to investigate and respond appropriately to an abuse report. And I doubt that we're going to get all of the parties on the same page as to that, but I actually think we can make some progress in saying that there are some steps that should be taken in response to an abuse complaint that's submitted.

But, you know, for example I mean some of the things that we've talked about -- and the discussions are still ongoing -- but some of the things that we've talked about is okay as a general rule, the registrar should probably forward that abuse complaint to the registered name holder and seek a response from the registered name holder.

There might be exceptions to that in some limited circumstances but I think in the vast majority of cases that's probably true. And the kinds of discussions we've been having - so if you have a closed domain where all of the domain names are registered to one company and its affiliates and you're actually dealing with the backend provider who's representing that company, maybe you don't really need to provide the complaint to the - to each registered name holder of those things, maybe there's a single contact that you could provide that to. I mean those are details that we would get into and try to discuss and clarify those things.

I know that in the discussions with members of this group and other intellectual property owners, you would like to see more specificity coming back from the registrant, so we've had some discussions about what could reasonably be expected in terms of demanding a response from the registrants and what should a registrar if the domain name holder does not respond.

So those discussions are ongoing. What I'm hoping is that sometime in the relatively new future, compliance could offer some interpret guidance on how we interpret those provisions of the contract, probably not a definitive interpretation, because a lot of it is case-by-case basis, and like I say part of that is there's never going to be consensus among everybody's who's involved in these discussion but I think we could probably agree on some minimum standards, which is a starting point I think for making progress.

Greg Shatan: Thanks, Allen. I'll take Petter, (Vickie), and close the queue.

Petter Rindforth: Thanks. Petter Rindforth. I'm sorry if I'm not fully updated on the topic but when you receive a complaint, apart from I suppose that you sent out a confirmation that it is received, but is it - can you also provide some kind of time schedule for when the case can be solved in some way or is it possible to at least see the step by step after the cases move forward?

Maguy Serad: This is Maguy for the record. The compliance process is published on our website. But to briefly state it here, when we receive a complaint, the team reviews it. If it's missing information, we follow up with the reporter within five business days. We try to do about three business days. That's our internal goal. But we try, you know. Our SLA is five if it's missing data.

If it's not, we forward it onto the registrar and then the registrar is given a specific date. It's another five business days for abuse complaints. If it's a Whois inaccuracy, by contract it's 15. So it depends. If it's a URS, it's 24. So it depends on the complaint type we're dealing with and the contractual obligations.

In the absence of a contractual obligation, we follow the five, five, five business rule. So the registrar has five business days to respond to us based on specific questions we've asked of them and information. In the absence of no response provided, we follow it up with a second notice. So this is the three strikes approach, the one, two, three process.

In the second step if we still don't hear within a day or two, we give them a call and we try to exhaust the means of communication. Let's say they don't respond by the second, another five business day, we follow it up with a phone call and a fax. And by the third if we don't have a response, then it's a breach notice.

Now let's say they responded, so when they respond we also have an internal SLA, three to five business days, to review the response and follow up internally or directly with the registrar on the response provided. And based on the data provided, sometimes a complaint is answered and we have the facts and we are able to close it. If not then we'll have to kind of follow and ask for additional data. So it's on a case by case, Petter.

But in any time, if I may ask, any time you have a question, please respond to the complaint ticket and our staff globally within Istanbul, Singapore and L.A.

is working to be able to respond to any inquiry. Just do not change the title, do not change anything in the header, because our system is not smart enough. It makes it an orphan ticket and it goes to lala land. So any time we have a ticket for you, respond directly to the ticket. You can be creative in the content, right, but do not touch the title, do not touch the (unintelligible) yes. Okay?

Greg Shatan: Thanks. The last question from Vicky Sheckler.

Vicky Sheckler: Thank you. And thank you, Allen, for the dialogue that we've had to date. I hope we can continue that dialogue. One thing you said that struck me is providing guidance on the minimum response. As you know there are a wealth of different types of abuse complaints and there's a wealth of evidence that's provided to support the various abuse complaints. So we would like to continue the dialogue with you not only on what is the minimum response required but what are appropriate ranges of responses.

Allen Grogan: Yes so this Allen again for the record. So I agree, absolutely. To be clear, my thinking in terms of just trying to make some progress was not to try to wrap up every loose end but to see if we could make some - take some initial steps towards a common understanding. And by all means I think the dialogue should continue on more refined nuances of what's the appropriate response to different kinds of complaints.

Greg Shatan: Thanks, Allen. One quick question. I read your We're Not the Contract Police blog, and when I read it, it seemed to focus primarily on not going after, you know, content that was made illegal by, say, oppressive governments, prohibited content, and things like that and not becoming an arm of oppressive governments.

However, it seemed to have been interpreted in a lot of other places as - I saw some piracy and torrent types celebrating that ICANN would, you know, definitively said it's not going to have anything to do with shutting torrent sites

and other sorts of mass infringement cites. So was I wrong, were they wrong, is there a third interpretation?

Allen Grogan: Fair question. So yes in that blog post I deliberately focused on examples that I thought would help make clear why whatever the 2013 RAA means it can't put ICANN in the position of policing all illegal content and it can't put us in a position of requiring takedowns of content even if it's clear under the law of some country in the world that the content is illegal. And I think the examples that I gave, I don't know if they would be unanimity among the ICANN community but unanimity among the ICANN community that ICANN should not be in the business of policing those kinds of content.

That was picked up by at least one publication, one of the torrent publications, and quoted me from a statement that was provided to them from our Coms department. I didn't actually talk to the reporter. If you look at that article, it's interesting, the - none of the quotes from me mentioned copyright. There's text from the person who wrote the article, then there's a quote from me that doesn't mention copyright, and then there's text from the person who wrote the article mentioning copyright, then there's a quote from me that doesn't mention copyright. So I think some people have heard what they wanted to hear in terms of what I said.

At the end of that article or at the end of that blog, I did raise the question -- and I've had these discussions both with the registrars and with some of the groups that I've been talking to, including members of the IPC -- about whether there is a coherent, intelligible way to distinguish some accountability in activities from others or there's some kind of illegal activity that ICANN should take a different position on than the kind of the illegal activity that I addressed in the blog.

And some of the examples that I gave were illegal activity that poses an imminent threat to human life or safety or something. And one of the others I gave, which was partly an outgrowth of these discussions with the Intellectual

Property Constituency, is there a principal distinction to be made when you have illegal activity that is recognized to be illegal in the vast majority of countries around the world and is the subject of multinational treaties, and I think that's a discussion we ought to continue to have. And so that first blog post deliberately abstained from taking a position on it.

Greg Shatan: Thanks for clarifying that. I guess my personal view is that one distinction that can be made is we're often looking at issues of stolen stuff and, you know, I look at a torrent as basically being a torrent of stolen property. The fact that it is a stolen movie as opposed to a stolen car, to my mind is, you know, six of one and half a dozen of the other. But that's a discussion for another time.

We're out of time and I want to thank both Allen, Maguy and Jennifer for joining us here today in our continuing discussions regarding compliance. I know that we are out of time but there are a couple of quickish things that we need to take care of.

So thanks (unintelligible).

First, Mary, if you could put (Mark)'s statement up on the screen. Or many of you have probably seen it in the e-mail. Basically it's the statement that (Mark) read out at our roundtable with the board. I would like to - (Mark) would like to have this endorsed by the IPC. I've seen nothing but positive statements in the e-mail.

Man: So moved.

Greg Shatan: Second. All in favor say aye.

Group: Aye.

Greg Shatan: All opposed say nay. The ayes have it. Next let's move onto the motion. Oh, (Mark), yes please?

(Mark): One quick question. In the endorsement statement, the BC is considering it. They told me they'd get back to me by noon tomorrow. Do you think it's worth waiting for the BC to endorse it or just go ahead and send it out?

Woman: Send it.

Greg Shatan: My view would be to send it. They can - yes let them catch up to it, that's what I'd say.

I'll turn it back to our councilors as we need to go back to discussing motions. Heather and Brian? Brian and Heather?

Heather Forrest: Sorry apologies. Thanks, Greg. I'm going to turn to Brian to lean on him in relation to a suggested amendment and the process of how that might be considered. And I just want to say at this point, we have a sort of softly, softly, I think there's alcohol involved, session amongst councilors and chairs of working groups at six to sort of flesh out these kinds of things. So the things we're talking about now are going to be very helpful to us. But with that, I'll turn to Brian on procedure.

Brian Winterfeldt: So I think that actually is the process, so we are going at 6 o'clock to (roturo) B to meet with the other councilors. And that's our opportunity to discuss the motions that are pending. It's sort of the last chance or last call to...

Heather Forrest: (Unintelligible)

Brian Winterfeldt: Exactly, last call for alcohol and last call to discuss motions and any amendments. So we can certainly bring forward Anne's suggested amendment to the drafter of the motion and determine whether or not they'd be willing to accept them as friendly or not at this point, and also talk to other members of the community to see if we can garner support, such as the BC.

It seems like Anne indicated that her statement actually came out of or were supported already by Steve DelBianco, so maybe there's broader BC support as well. So Anne's suggestions and any of the discussion we have now will be helpful to kind of arm Heather and I and get us ready for our discussions in about an hour from now.

Greg Shatan: We're actually in the middle of a discussion of a motion when we had to interrupt, so. Okay.

Anne Aikman-Scalese: Just very quickly, we totally truth you guys and all the work you're doing for - as our councilors and so appreciate you're, you know, carrying that water. I should very quickly -- carrying that wine. I should quickly -- and could you turn the red to white, please -- but - so quickly I - the reason that I use the word understand in the suggested change to the motion had to do with the use of the word understand earlier in the resolution and also the fact that while you guys were having the closed IPC meeting yesterday, I was in the general session where there was a lot of acknowledgment from the dais that the CWG stewardship was going to have to remain, you know, on duty during this period.

And so that was the reason for the change. And it sounds like the community is acknowledging that they will have to stay with their current duties during this phase.

Greg Shatan: Thanks. I guess I'm not sure whether we in terms of the protocol of the GNSO Council whether that can kind of make into the stream at this point, but I think there may also be a protocol point in that that recommendation kind of has to come from the chartering organization. So that's why it's phrased as a recommendation, because it still has to be in essence authorized to continue.

Anne Aikman-Scalese: Well in that case just change understand back to recommend, and we're probably okay.

Greg Shatan: Thanks. I'll turn it back to Heather and Brian.

Heather Forrest: Thanks, Greg. Heather Forrest. I think over, you know, at 6 o'clock we can definitely suggest, if I understand right, we can suggest amendments as long as they're, you know, at this stage I think a hostile amendment's probably not super helpful, but if they're perceived as friendly we can give it a try. But we want to make sure we have the force of the room behind that before we go.

Greg Shatan: I don't know if people had a chance to look at the amendment that - I circulated a red line of it after Anne did in the list serve, so I'm sorry I didn't send it Mary. But any discussion to my mind is innocuous. It's a little bit more maybe precise as to what's going on. On the other hand, personally I didn't think that it, you know, that without the change that somehow we were missing a - an opportunity and that either way things would essentially happen the same way.

So for that point, trying to introduce this at a relatively late stage it may not be worth kind of our powder to put it into the stream of things. That's kind of my view. You know, there's nothing wrong with it but it's just we have to save our amendments for times when they're worthwhile.

Anne Aikman-Scalese: Yes I'd just say that after the CSG meeting this morning, I do believe it's expected that we are going to raise something. Would you not agree?

Greg Shatan: I didn't come away with that, but that's just me, so. Any other comments on the amendment?

Brian Winterfeldt: Is there other support for the amendment? Do people agree with it? Do people feel strongly about it? Do people feel like it's - the motion's okay the way it is. I see Steve shaking his head. Steve, do you want to...

Steve Metalitz: Nodding and shaking so far. No I'm quite comfortable with you doing what I think you said you would do, which is bring this to the group, see it'll be accepted as a friendly amendment. I - no I don't think anyone thinks that we should, you know, pull the plug on this if it's not accepted. So - but I think, you know, I'm happy having you guys put it forward. If it's accepted, great. And you have my proxy certainly in terms of wording changes.

Anne Aikman-Scalese: Yes absolutely. I mean the issues that have come up, you know, are not only the contract but also I guess whether or not there should be technical people on the -- what's it called? -- the RI - not...

Greg Shatan: I think that's getting implementation. So at this point I think it's just a matter of - at this point we have to approve...

Anne Aikman-Scalese: There are issues that have come up and so it's not, you know, we don't want to limit it to the contract. It's just there are other things that have come up.

Greg Shatan: Thanks. Was there another motion where we needed some further guidance for our councilors I believe?

Brian Winterfeldt: So the next motion that we wanted to just very quickly discuss -- I don't think there's a lot to say -- it's the motion on the adoption of the GNSO Translation and Transliteration of Contact Information PDP Working Group final report and recommendation. This is the one where Petter had put forward a comment that was featured in the GNSO working weekend discussion actually by the drafter.

And I think the instructions that we had received previously regarding this motion was to vote yes but to also just note in the record our objection that was put forward by Petter. So we were going to kind of repeat his concerns that he had brought forward during the drafting process. I'm just making sure

that that's still our instructions and that nothing has shifted. Petter, did you want to speak?

Greg Shatan: Yes I think we should have...

Petter Rindforth: As we said before, I think that's the best way to do it as the other recommendations are dealing more with things that are important independently of a suggestion whether transformation is mandatory or not. So it would maybe be worse for us to vote no to the full motion, but at least to make some comments and notes on the issue number one.

Greg Shatan: Yes and I think an anguished cry from Petter would be good. And then we vote in favor of.

Brian Winterfeldt: Fantastic. So we have our marching orders on that. The final motion that we have, and I believe this is one where we've also been instructed to vote yes and I don't think that there's any final statements that we feel like we need to make around this, but we just to want to confirm, is the motion to adopt the final transition proposal of the Cross-Community Working Group on Naming Related Functions, regarding the CWG stewardship. Are we still yes? Any concerns?

Greg Shatan: I see no concerns. Anyone with concerns, raise their hand. I see no hands.

Man: This time of day they're (unintelligible).

Brian Winterfeldt: Great. Well thank you everyone I think...

Woman: (Unintelligible)

Brian Winterfeldt: I think Heather and I have the instructions we need then. We will go - oh, Susan?

Susan Payne: I may have misunderstood but I don't think we finished the discussion on the discussion group motion. What have we decided? I didn't think we had.

Greg Shatan: This is the motion on whether to vote to prove the issue report for the new TLDs?

Susan Payne: The proposal for the work to work creative - do the work on an issue report.

Brian Winterfeldt: So my understanding of where we were at -- Susan, you can tell me if I'm wrong and if we need to have more discussion I'm happy to do so -- I think that the concerns revolved around making sure that the policy development process didn't get ahead of the AOC or any other reviews that were supposed to take place. I know that we - this is requesting an issues report from staff, which frankly I understand they're already drafting. Interesting. And that it...

Greg Shatan: But there's no rush.

Brian Winterfeldt: There's no rush but it should be prepared already by July is my understanding. And I guess you're right, there is a bit of - I mean I guess we have a little bit of clarity frankly after our meeting that we just had a little bit earlier in our session that apparently staff is not going to run off and announce round two if we don't have a policy development process, which is something that I think (Jeff) was saying.

But I thought at kind of a larger level, you know, the real concern is actually already encapsulated in the groups, right, so that we've really already covered the fact that the results of the AOC are to be taken into account in any PDP that would subsequently go forward. But we're not even initiating a PDP right now, we're just requesting the issues report.

In order to keep up with all the other work that's going on in the community, I think - I thought that we agreed that we would want to support the issues

report. By the way, I think the rest of the council's going to support it anyway. I don't know that we have anyone else that would be voting no. I'm fairly certain the entire contracted party house is voting yes.

Woman: Surprise.

Brian Winterfeldt: Surprise. I know. That is half the council table though, so.

Susan Payne: I think my question was more about the amendment than - I mean it seems to me that that amendment is not necessary because this is only the issues report and as you say it's captured in the discussion group's work already takes that into account. So I don't think - I think it's unnecessary and kind of sort of getting ahead of itself to actually put something in...

Brian Winterfeldt: I actually think I agree with you, Susan. I think it's better that we just request that we support the motion, the issues report moves forward. The discussion group has already called out the need for the AOC results to be minded and to be incorporated into the PDP process. But I guess we want to make sure the rest of the room feels comfortable. Steve, do you still have concerns?

Greg Shatan: Steve and then Kiran.

Steve Metalitz: Yes I thought that it would be anything we can do to enhance our don't rush message would be useful. And as I understand it, this amendment says there won't be a conclusion of a PDP until after a review team stuff has been completed and acted upon and the (Zuck) proviso that nothing starts before January of a year to be named later -- 2018, thank you. No I think it's helpful to say that again.

Of course again I encourage our councilors to make that point. We're not committing to any steps, you know, the timing of any steps between now and then, and we don't view this as a target, we view it as a baseline. There won't be a PDP before this date. So I think that's helpful.

Brian Winterfeldt: Yes, Steve, I think I agree with you but I just want clarity that you're saying that we don't need the amendment but you would like Heather and I to go on record to make our point, which I think is something we had planned on doing.

Man: We want the amendment.

Brian Winterfeldt: Oh we do want the amendment?

Steve Metalitz: I thought the amendment is what says there won't be a PDP completed until...

Woman: It makes it clear.

Kiran Malancharuvil: In the text of the charter -- sorry this is Kiran -- it's in the text of the charter that they're not going to complete anything until the review are complete. So the amendment is just sort of like a duplicated effort essentially but there's no harm to it, but it's unnecessary. That was my point (unintelligible).

Greg Shatan: But the charter isn't part of the motion.

Kiran Malancharuvil: I mean who cares. Can I ask - I raised my hand on a different issue, which is the I would like our councilors to go on record about -- I'm losing my voice; I sound so terrible -- I want the councilors to go on record about the - this sort of fluid nature of the issues that are continuing to rise in the new gTLD program.

Like consider if this was six months ago and we had no idea about the issues that were raises from .sucks launching, for example. Then all the work that was done by staff in framing the issues of the new gTLD program and the issues surrounding the rights protect mechanisms would be essentially be moot and have to be continually redrafted as things come up.

So I don't think that this is grounds for not voting for this motion, especially considering the fact that it's going to go through because of the contracted parties interest in being, you know, full steam ahead. But I would like the councilors to go on record that not only is there a concern about - to make sure that nothing is set in stone, but there's also a concern about how this is going to be burdensome to the community insofar as we're going to have volunteer burnout issues and more and more and more work as a result of the fluid nature of the issues that they're trying to frame.

Brian Winterfeldt: Okay so just a quick update so we have clarity. We did receive an update actually from our colleagues that the amendment has already been accepted as a friendly amendment so it is something that is already going to be part of it. So we can make our statements though to underscore and outline the concerns of the IPC, sending the messages that have been put forward by Jonathan and Steve and Kiran. So Heather and I will make sure that we get that on the record before we vote yet.

Greg Shatan: Thanks. And just, as I understand the procedure of the GNSO Council, now that it's been accepted as a friendly amendment, you're voting on the motion as amended so there's no...

Brian Winterfeldt: Right. There's no need for us to talk about the amendment but we can empathize that we like the amendment and more importantly the content that's it putting forward.

Greg Shatan: I would just - I don't think you would do this but I'm going to say it just out of an excess of caution is that we shouldn't say in any way that we were opposed to the amendment. I think we just - we vote for it, we make the statement there that, you know, that that's been discussed, you know, consistent with that and consistent with your right to free speech at the table. So I think we're - Heather looks puzzled.

Heather Forrest: No, no, no. No, no, not puzzled at all, just a point of clarification.

Greg Shatan: Sleep deprived (unintelligible) deprived.

Heather Forrest: Just Brian and I are having a chat here and confirming. I mean as we understand it, Kiran's comments really go to the context of the amendment. We're not speaking against the amendment, it's the context. It's part of the underlying circumstance.

Kiran Malancharuvil: I'm not saying anything against it. In fact it's a totally complimentary concept. Like don't set things in stone.

Heather Forrest: Absolutely.

Kiran Malancharuvil: But just like keep in mind that it's a little too liquid actually, right? Like let's come up with something like a consistency of flan, somewhere between a liquid and a concrete, right?

Heather Forrest: We get it.

Greg Shatan: But I think that's...

Kiran Malancharuvil: I'm hungry.

Greg Shatan: Where that can be issue having been in - if the charter is too narrowly drawn, the working group suddenly has to go back and amend the charter. That can be a problem. So the group has to be chartered to be flexible.

So is there any further business? Mary Wong will have the last word. Very appropriate.

Mary Wong: I don't know about that, but I know everybody's dying to go so I just wanted to pick up something, Paul's question about the working party. And I think

(Niels) did give you a really good answer it. I just want to complete it. That first of all a working party is not a formerly chartered working group, so you will need a charter. If it's going to be a cross-community working group, that charter will have to be approved by whichever of the SOs and ACs want to sign up onto it.

The second point about that is that the way CWGs or CCWGs, whatever they call it these days, work is that if a particular issue is something that's clearly within the remit of one of the SOs, in our case the GNSO, then the view - it would be that that is probably a not good topic for a cross-community working group. So while the working parties are informal and because they run in parallel, in order for it to get a level of a cross-community working group, there are some requirements that are informal at the moment but have been followed in the last few instances.

Greg Shatan: So basically it sounds like it's no different from a bunch of people talking in the hall except they're calling themselves a cross-community working party.

Mary Wong: They get staff support.

Greg Shatan: They get staff support? Well that's - I'll call myself a cross-community working party then.

Mary Wong: I didn't say that on the record.

Greg Shatan: With that point, we're adjourned and please stop the recording about two minutes ago. Thank you. Thank you, everybody.

END