RySG Meeting
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RY 2: Working Luncheon Meeting

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Keith Drazek: Okay. Welcome back all. We're now moving into Registry Stakeholder Group business. We have an hour and 45 minutes for this session, which will include a working lunch. So at approximately between 12:00 and 12:15 the lunch will be set up. We'll take a ten-minute break where people can get food and then we'll come back.

First item up for discussion is to review the top (expert) discussion with the ICANN Board. For those that were on the Registry Stakeholder Group call of probably a month or a month and a half ago now, we had to submit our proposed topics to the Board so they could prepare.

And I think I should also note that the format for today's engagement with the Board is going to be different than what we're used to. There was some suggestion that we would, you know, assign subject matter experts or leads but I will admit I don't remember precisely exactly how this is supposed to go with the Board in terms of a format and the engagement. If anybody recalls or remembers what they suggested, feel free to speak up. But otherwise we're going to - we'll find out in a few hours.

So the topics that we suggested for the Board are operational issues. So the operational issues that we as contracted parties and specifically registries have experienced; data breach, Trademark Clearinghouse, you know, the number of issues that we've had.

And I think that discussion of concern around the operational issues that we've experienced was then intended to lead into the discussion of budgeting and to ensure that ICANN allocates resources appropriately within the organization

to ensure that GDD and Ashwin's organization have the resources they need to make sure that they are optimizing their service delivery to us.

And of course we need to have that conversation in a delicate manner because we don't want what we say to be interpreted as a need for more money or higher fees on contracted parties.

So the two topics that we identified as being sort of the key topics that we wanted to raise with the Board and I'll summarize here as briefly as I can is to go over the operational issues, to explain our concerns and to then pivot from that discussion about making sure that within ICANN's current budget constraints that resources are being allocated appropriately to make sure that these problems are A, mitigated and B, more importantly prevented from happening again.

I should note for those that were not on the call two weeks ago that we did have I thought a very positive and constructive dialog with Akram from GDD and Ashwin, the CIO, where particularly Ashwin I thought laid out, you know, his plans, the current work and the sort of the vision for evolving ICANN into a better and different service delivery organization.

And I took his comments to be very positive and constructive. Obviously we'll need to see the results and see the delivery and implementation of that. But this is an opportunity for us to share our concerns and our recommendations with the Board.

The third item on the agenda for the Board discussions is anything related to ICANN accountability or IANA transition. That was inserted as a placeholder. We can decide as a stakeholder group whether we would like to have that discussion or have that as a bullet point. I think, as everybody knows, the CWG transition proposal has been delivered to the chartering organizations for approval; being considered this week.

And the CCWG Accountability has completed its first round of public comment on a initial draft and is going through the process of taking on additional comment from ICANN Board, from NTIA, from the GAC likely I'm told this week and will be continuing to work towards a second proposal to be circulated for a second public comment period following this meeting some point in the next several weeks.

So let me stop there and ask for any thoughts, feedback, input on topics for the Board. And if we want to add something that's not on the list, if there's something that's really a pressing concern or something that we need to take advantage of, let's have that conversation now. So comments or questions. Anyone? Okay. Rubens. Thank you.

Rubens Kuhl: Keith Drazek, I don't if it's the Board the right venue to address that but I have an issue and I know Jeff Neuman also has because he has complained on that. On the talking about operational issues, the press instead of talking to us. So we asked them oh, what happen with Trademark Clearinghouse, what happens with data breach and they don't answer.

And then the reporters ask them and then they answer. So I have an issue that I know Jeff also had but I don't know if (you're asking) raising this with the Board is the right thing to do or not.

Keith Drazek: Thank you Rubens. Certainly welcome others' views on this but my sense is that that would be a natural part of the discussion about the operational issues. In other words, I think it would be appropriate to note that when there are operational issues that impact us as customers, consumers of ICANN services that communication is really important.

And that's an area that we've identified on our recent calls including at the ExCom level but also with Akram and Ashwin on that call two weeks ago that communications is a real concern. And the way that things have been communicated needs to improve.

So I think the point that you raise about, you know, making comments or giving quotes to the press, the media or whatever, bloggers without communicating with us the impacted parties more directly and in a more timely fashion I think is a perfectly appropriate thing to mention. Donna, thank you.

Donna Austin: Thanks Keith Drazek. I think I was reading minutes from the Board Risk Committee recently and there's a paragraph on the data breach issue. And I think there's a line in there that says discuss communications with Sally Costerton or something.

So it would be interesting to understand that if - when they develop a communications plan around this sort of thing, who is actually responsible for it? Because if - Sally (to me) is doing GSE, not communications. So there might be a - I dare say a miscommunication or not a good understanding from her of what the, you know, the relationship is with us.

So I just thought that was interesting that, you know, communications Sally Costerton develop a plan. So I think it's a good comment by Rubens and I think we should understand how that process works.

Keith Drazek: Thank you Donna. I agree. I think - Jonathan, you're next. I think my sense Sally has - Sally Costerton has a lot of people reporting go her. She wears a

number of different hats in the organization. So it could be that she was, you know, by the Board tasked with sort of coordinating the overall communication.

But to me it seems that her communication responsibilities are very different than the communication responsibilities from the GDD to us as customers. As the contracted parties it seems like maybe that fits under a bigger umbrella that she owns. But it's unclear. So to your point, further clarity about sort of the process and who owns what would be helpful in that regard. Jonathan.

Jonathan Robinson: Two comments. One on Sally. To the best of my knowledge, she's obviously stakeholder engagement but then we heard on Friday night that Duncan Burns reports to - Duncan Burns - I think Duncan Burns reports to Sally. And Duncan's really the comms person in the more traditional sense.

But nevertheless, those kind of communications in any event or what we're talking about there are much more in and around reputational issues rather than customer communications.

And so I think you guys are hitting the nail on the head. We need to go back to them and say - and it goes to the sort of part of the culture and psychology of the organization. The first port of call almost always seems to be risk - reputational risk and those issues rather than customers.

And to that extent we are - of course we're concerned about their reputation because their reputation impacts on ours. But we are also customers. And their psychology needs to change over time. And I don't think it does any harm to remind them at the Board level that that's - that psychology of that sort of defense risk reputation type thinking is relevant but not their sole responsibility.

Keith Drazek: Thank you Jonathan. Well said. So, you know, and I think its worth - I think it's worth nothing that we have, you know, had good communication recently with Ashwin and Akram joining our call to talk about some of these concerns.

I think it's worth nothing for the next point when we pivot to the budgeting and allocation of resources to try to prevent these issues from happening again. That to the conversation earlier with (Xavier) that, you know, we've had - we've made progress in terms of visibility. And that's great. That's a great sort of first step that we've been calling for for a while.

But that really we need to ensure that these particular groups that impact us directly are well resourced as opposed to maybe some other efforts if it's zero sum game as opposed to other efforts underway in the community.

You know, I think we just need to make sure that there's an appropriate balance. So I'm going to ask for volunteers to - for folks who would like to lead these two bullet points; first the operational issues and communication issues. So it's really operational issues and the related communications concerns. And then the pivot to budgeting; allocation of resources, cost benefit analysis and forecasting.

So anyone like to volunteer to lead the discussion on the operational issues? And I'll be happy to sort of tee things up. But looking for some volunteers. Don't have to put up your hand right now but before we get into the Board session I'm going to ask for volunteers.

And then I think we probably should keep the IANA transition and the ICANN accountability bullet point on the agenda. If we run out of time, that's fine.

But I think we ought to keep it there as a placeholder because in my sense there's particularly around the, sorry, the ICANN accountability component the Board has just - I guess it was Thursday night submitted a list of 88 questions to the CCWG Accountability - clarifying questions specifically around the top of a - sort of a risk or impact analysis based on the recommendation that was posted for public comment - the proposal that was posted for public comment.

And so clearly the Board with legal - ICANN legal backing them up have some questions and concerns about what's been proposed. And of course that's an evolving document. It's still very much subject to further community work.

But I think it's probably worth getting into some of the discussions with the Board to find out where their concerns are. Any thoughts on that? I'm certainly happy to hear other views on that if people disagree. Any other topics that we should discuss with the Board? Okay. I guess not.

So let's move on then to the next item on our agenda of stakeholder group business, which is GNSO Council issues and motions. And with that, I'm going to hand it over to Jonathan and our able Councilors. Thanks. Okay. All right. Jonathan's pulling up the motions right now. So we'll be right back with you.

(Brett):   So - yes. I'll talk you through the first one as we're pulling them up. I forwarded the motions to the group a couple days ago. So you should have them in your registry email.

We've got five motions on calendar. The first one is the motion to extend the term of the GNSO liaison to the GAC. As you may recall, Mason Cole has

served in that role for the last year. And we're going to extend that program and so we're going to re-appoint Mason to that position. I think that's an easy motion for us to support and recommend that we all vote in favor of that one.

Jonathan Robinson: Yes. Just to add --it's Jonathan for the record -- that the finance is in place to deal with it. We spoke with the GAC about this on Wednesday morning and they are receptive to it. I understand that Mason is willing to serve. So it's really in a sense a technical point of just making sure that we ratify that position.

I think he hasn't properly got his feet, and there's no implied criticism whatsoever of Mason, but I think he hasn't probably got his feet under the table yet (since started) but I think it'll only build momentum anyway.

So from my point of view it - we preemptively as a Council applied for the funding. He's in place - the funding's in place. Mason's available to do it. So as (Brett) says, it feels like a no-brainer. Any concerns or issues with that one? Okay. So we will take that as a direction for (Brett), myself and Donna to vote in favor of that motion.

The next one is on the output of the Policy Implementation Working Group. So I wonder if this would be probably better led by someone from the Policy Implementation Working Group. Okay. So Chuck stepped up. I think we'll move onto the next one, then come back to that when he re- joins. And (Brett) is best positioned to lead the discussion on the third motion.

(Brett):   The third motion is a request for preliminary issue report on new gTLD subsequent rounds based on the issue shaping that was done in the discussion group that the GNSO Council created last summer. I know that many of you have participated in the discussion group or if you haven't participated actively as a member, you've at least contributed to the issue list.

We have over 100 issues that have been identified as the subject of possible future policy development work. There's a motion pending to create an issue report, which if you are not up to date on the (arcane) policy procedures of the GNSO, the first step in creating a policy development process is call for an issue report.

An issue report will be created by staff. It'll be put out for public comment. And so we'll be able to shape it again there. And then if we call for an issue report at this week's Council meeting and there's a very low bar to getting that passed. I think it's like a quarter of a Council. So I think it's exceedingly likely that this motion passes.

Then there'll be an issue report created and then that will come back to the Council probably in time for a vote at the Dublin meeting to determine whether we want to create a policy development process to possibly create new policies around subsequent rounds.

So that's the background. I'll open up to any questions that people have. Jeff.

Jeff Neuman: Thanks (Brett). This is Jeff Neuman. Can you just go into maybe some of the amendments that - some of the friendly amendments and some of the other stakeholder groups are making or want to make to this and the points that they're raising? Because I think the registries may be interested in that and, you know, want to hear what some of the other groups are thinking.

(Brett): The BC wanted to ensure that the policy development process if created down the road did not complete before the AOC reviews were finished. So they have made a motion that the AOC review be a dependency for the completion of the PDP.

I think certainly it was always contemplated by me at least that those had to complete. And they ought to inform the policy process. So I think it was - I think it's an easy amendment to accept. Gets - probably gets them onboard with this motion.

But just so you know, I think we're architecting a policy process that won't see a second round opening until 2019. You know, I want everyone to be clear that, you know, if we're on the current path, if you see the AOC reviews are, you know, Karen and everyone has put them up on the board at yesterday's session.

You see we've got two or three reviews, the root study review, the AOC review that are completing in Q2 2017. So nothing's going to happen until then.

If we kick off the policy development process in the fall here at the Dublin meeting, then that will complete hopefully shortly after Q2 2017, which would put the GNSO policy work probably completing in the second half of 2017, which puts a new guidebook probably first quarter 2018. That goes out for public comment for a little bit. And then, you know, you announce the opening.

And so I'm thinking, you know, early 2019. I find it incredible that we're going to go seven years between the 2012 opening of the window and the next opening of the window. But I, you know, just on - based on the reviews that are baked into the previous round and any possible course corrections that we're going to do here, I don't see it happening faster than that.

And if anyone, you know, has an idea about how to accelerate that, I'm certainly open to it. But I just wanted to let you know that this is moving toward that kind of timeline.

Jordyn Buchanan: It's Jordyn Buchanan with Google. So I find that timeline absurd I guess is the way I would express it. Like you said, seven years seems like a absolutely ridiculous amount of time especially given that there really haven't been any problems. I mean maybe that's a - from people's perspective like there hasn't been much controversy.

There's been some discussion about specific TLDs that to the extent they've launched after the discussions got on. No bad things have happened. You know, no one - there hasn't been any of the harms that people predicted from the program; like none of them have arisen it doesn't seem like.

And the defensive nature of the movement forward I find really surprising in that context. And I guess I would take a step back and say why do we need more policy development at all. Seems like the existing set of policies we have are largely sufficient in order to proceed with additional new TLDs we added.

(Brett): That's a very good point. And I privately told Karen Lentz who is architecting the timeline here that she should prepare for subsequent rounds as though the GNSO will never do anything.

So she should not create - she should not make GNSO policy work as a dependency on the second round because the second round's already baked into the previous policy.

So we have the opportunity to course correct if we want. And we should do it on a timeline that sort of coincides with what she's doing and be aware of her timeline. But I wouldn't want - it may - because it may be very possible that we do not reach consensus; that we create a policy development process to possibly do course corrections.

But if we can't agree on anything, the fact that we're not agreeing shouldn't hold up the next round. So I'm very hopeful that ICANN will make its plan for what it wants to do with subsequent rounds on whatever schedule it is required to do based on the AOC reviews. And the GNSO should try to fit its work inside that timely but not add to that timeline.

But doesn't actually go to a lot of your point that, you know, there's a lot of work being done here that may not be relevant. But that irrelevant work is

required by the Affirmation of Commitments and other promises that ICANN's made in the previous policy.

Keith Drazek: Thanks (Brett). Thanks Jordyn. Jeff, over to you and then to Jonathan.

Jeff Neuman: Yes. (Brett), we should pull up the Affirmation of Commitments just to kind of go over those requirements again. But I think adding a dependency in this motion on the Affirmation of Commitments is actually an issue.

I know you say it's going to be a given anyway but the reality is we have no control over the Affirmation of Commitments review. It's already delayed well past where it should have started. I haven't heard any discussion at this meeting about the AOC review starting. In fact it was barely mentioned in the session yesterday that was talked about.

To me it just seems like you're allowing a dependency to come in there and there may never be a consensus based AOC review. We as registries may be lucky enough to get one spot on the AOC review if we get a spot at all. That's not even a guarantee.

So I just - I don't want us to put too much legitimacy in this AOC review. It seems like that Commercial Stakeholder Group is putting a huge emphasis on this AOC review as kind of the outsiders doing this evaluation.

I just worry about us just as a friendly amendment agreeing to that of any dependency in there. Plus this is a motion for an issue report. It's not a motion to start a PDP.

We're going to have that discussion on whether to start a PDP or not and the dependencies on the PDP at that time in Dublin if we're lucky enough to have the issue report done by then.

So I'm kind of, you know, that whole part about dependency should be really in theory taken out because it's not appropriate for an issue report. But all that said, if it's - if that's what it's going to take to get this started, then I think we need to get this issue report started.

To just respond a little bit to Jordyn, there is some policy work that needs to be done because not all of the policies that were passed in 2007 or 2008 approved by the Board are still relevant today and may actually hinder what we do going forward. So I'm not sure I necessarily agree that no policy work needs to be done. So anyway, thanks.

Keith Drazek: Thanks Jeff. Jonathan in queue and then Jordyn, you want to just respond...

Jordyn Buchanan: Can I (do a quick) follow up with Jeff? Which is Jeff, can you speak to maybe like which policies you view as needing to be revisited specifically?

Jeff Neuman: Yes. I got to - I got to go back to that...

((Crosstalk))

Jeff Neuman: ...I mean it's in the discussion paper it talks about - there's a matrix of whether the policies are in the original overview. And then we go through that. In that matrix there's stuff that's indicated in there.

Jonathan Robinson: Jeff, can you just clarify which discussion paper you're refer - oh, it's our discussion. The working group's discussion paper is the one you were referring to, right, when you said it's in the discussion paper.

Jeff Neuman: Yes. The discussion group, which I will note that some other stakeholder groups are using the - we shouldn't call things discussion groups going forward because they're using that - the label of the group as the basis of well, it was a discussion group so we really didn't pay attention to it. So, you know, that doesn't necessarily mean that we have to start a PDP now. And they're trying to downplay it because we called it a discussion group.

Keith Drazek: Okay. Thanks. Thanks Jeff. Thanks Jordyn. Jonathan.

Jonathan Robinson: So two things. Obviously we've got the motion in front of us. And I think given that it's an issue report, I'm with Jeff on this. We don't need conditionality on the origination of an issue report. Let's just get on with that without origination.

The discussion group - well, that may or may not be an issue in future. But the discussion group's just a precursor to the formal work of the issue report as far as the policy development process is concerned. So I don't think people can - that shouldn't be in any sense a delaying tactic or an issue of not having paid attention.

But to Jordyn's point, I do think that's also really important that somehow outside of this - of doing the work on the issue report it would be really useful for all of us to get some insight into the paths that it might take to get further new rounds out.

And what is - what are the preconditions for that? Because clearly (Brett) outlined the worst-case scenario. Every conceivable modification of policy through the formal policy development process takes place. And if and only if all of that's completed further rounds can take place.

But I find it hard to believe that's the only route forward. So I'd love to spend some time figuring out what the shortest possible path is and what the intermediate paths might be because we need to be able to argue from a position of knowledge and strength and based on a similar understanding.

At the moment I suspect we don't have a clear basis to form a view. But right now we're talking about the motion and my thought is that we shouldn't take that amendment.

Keith Drazek: Okay. Thanks. Any other comments or questions on that or any other motions to discuss; Council business that we need to review? All right. Sorry. Thanks.

Jonathan Robinson: We need to go through the motions so to speak. Okay. So we're done on that. I mean my understanding is or my take away from that is that the Councilors will vote for that issue report and that the direction we're giving (Brett) is not to take the friendly amendment to the motion as crafted in relation to the Affirmation of Commitments.

Chuck, there is a previous motion which deal with the translation and - sorry, the policy implementation. Would you like to speak to that motion briefly?

Chuck Gomes: Yes. We approve it, right? Sorry. The report is before the Council. The - I'll try and be brief but give you the gist of the recommendations. There's a lot of detail in the report.

There was full consensus in the working group on this. Let me qualify this by saying that the Policy and Implementation Working Group was not a PDP working group. Okay. Just to be clear on that.

But we are making some recommendations that we would like the Council to approve and we would like the Board to approve. And by having the Board approve them, then the idea is is that the recommendations that we make would be followed even though they're not consensus policy. They don't affect contracted parties but they affect the policy development process and implementation.

For those that aren't up to speed on it with regard to the history of the new gTLD implementation that took five or so years, all of us know that very often the question that came up is this policy or is it implementation.

Well I'll tell you right off. We didn't answer that question specifically. But instead said that really policy development and implementation are one continuous process even though policy development would be completed at some state.

The community that developed that process or the supporting organization in particular needs to continually be involved to make sure that implementation follows the intent of the policy and so the GNSO has an ongoing responsibility through implementation.

As all of us know, at one point in the new gTLD implementation process there was a point where Board had - the staff had gone off and just started doing some things on their own without consulting the community. And we challenged that and the response that came back was well this is implementation. So staff is doing it.

The recommendations in this report don't accept that conclusion and say that the policy development organizations need to be kept involved during the policy development process.

Now the first - I think it's the first recommendation is that the principles and requirements that are in the report be approved by the GNSO Council and by the ICANN Board.

I just gave you in essence a snapshot of one or two of the principles in what I've just said. And I'm not going to go through those right now. But again, there was full consensus in the working group on those principles.

Now in addition to those principles, we also recommend three new processes for the GNSO. So they'd be new tools for the GNSO. And I apologize for those of you that heard this over the weekend but - at the GNSO sessions.

But the first one is the GNSO input process of GIP, new acronym for you. And it's a very simple process that could be used for example to submit comments. It could have been used for example for the GNSO Council to develop comments on the budget. They just submitted comments on the budget.

And basically it's designed to fill the gap where we've used ad hoc processes in the past. It does not impose any obligations on any parties. Okay. So it's lightweight in that sense.

But oftentimes the GNSO and more specifically the Council in working with its stakeholder groups and constituencies want to respond to something or submit a comment; it could be a comment on the strategic plan. It could be lots of things, okay.

So that - and by the way, in the report all the details of how it operates, any changes to the GNSO operating procedures and in some cases changes to the

bylaws are recommended in the report. So we didn't just make the recommendations but we also provided a lot of implementation details.

The second new process is the GNSO guidance process. That process is a little more involved. It still would not result in any obligations on contracted parties.

But it would oblige the Board to consider the guidance that's given and they would have to - to reject it they would have to have a super majority to reject it. Again, these things are all spelled out in there.

But this is not a policy development process; does not replace the PDP. So this would not be for policy development that would be - that registries and registrars would be required to follow.

The third process is an expedited PDP. Has anybody ever heard of one of those? We've been talking about it for years. Now I need to be real clear on this. First of all it is a PDP. So this could - if there are recommendations that have consensus support, this could end up with policy that we as registries would - and registrars too would be required to follow.

There are some very specific conditions as to when this can be used. But first of all let me say it is not a tool for constituencies or stakeholder groups to get what they couldn't get during a PDP. It's not a new opportunity to try to get something you didn't get.

What it is is for situations where an issue is - has previously been defined maybe as part of another PDP or it - an issue report is not needed. Okay. And so you can skip the issue report and the comment period associated with that. If it's fairly narrowly scoped, it might happen in a shorter timeframe than we're used to. But it may not if it's still a broad scope.

The end result is the same as a PDP. It just skips some of the early steps that are not needed because the issue has already been well defined. And you don't need to spend a lot of time on that.

Edmon came up to me during the break and gave a great example of where the EPDP in the near future may be very useful. And that's with regard to the IDN TLDs and some of the work that's going on there.

There's a lot of work already going on with regard to the LGR tables and so forth for new gTLDs. But there's going to be some gaps in there that need to be probably a little bit more policy work but you don't need a full - that they will already be well defined. That's a good example of the use of a EPDP.

Another recommendation - the other two recommendations; there's a total of five. So the next recommendation is that an Implementation Review Team would be required on all policies.

Now that said, we left room in there that if the Council decided that hey, you really don't need one for this issue, they could make that exception but it would be an exception. The default would be there would be an Implementation Review Team and all the requirements for an Implementation Review Team are in the report.

One of the conditions that's very important for us because we're often - if we're going to be - if a policy is going to have to be implemented by us as contracted parties, we want to make sure there's good representation from those who are directly impacted. And that's all spelled out in the report.

And then the last recommendation is that the same principles and requirements that are in the report for policy and implementation would apply to the Implementation Review Teams as well.

So that's a very quick recap of a long report. And the reason - one of the reasons the report is long is because we did provide lots of implementation details like I said before including suggested bylaws changes, suggested GNSO procedures changes, et cetera. And I'll stop there and see if people have questions.

Keith Drazek: Thank you Chuck. Questions or comments or I'll hand it back to Jonathan.

Jonathan Robinson: Okay. So I expect our intention is to vote to support this comprehensive piece of work and to move ahead with it. Any concerns or issues with that? So that'll be supporting the motion to adopt the final report. All right.

The next motion deals with - there's two more just to set your expectations. One is on the final report of the translation and transliteration of contact data. Is there anyone here who worked on that working group or was a liaison to that group that can speak to it? Thank you.

Anyone willing - I mean there's a motion to adopt the final report. I don't consider the recommendations are particularly contentious. But if anyone would like to speak in more detail to the report. Edmon, are you willing to do so?

Edmon Chung: So it's Edmon Chung here. I have to say that I haven't followed very closely but I did read the final report. I'd liked to - I guess I'll highlight a couple things.

The final report basically says that translation and transliteration should not be required by registries or registrars. They should be done - they could be done on an ad hoc basis and by the choice of a registry or registrar or whoever runs the Whois service. And so therefore the question of who bears the cost is moot. That I think is - I guess is a highlight for the final report.

Jonathan Robinson: So given that the recommendations are essentially voluntary to adopt on behalf of the contracted parties, I don't expect that this is likely to be contentious. And I think we can support the final report. Chuck.

Chuck Gomes: Yes. And I just want to add to what Edmon said. The working group provided a good list of pros and cons as to how they came to that decision. And they seem pretty reasonable to me.

But you're right. I think the impact on us is minimal because it is a voluntary thing now. The group - working group recognized it'd be nice if everything was translated or transliterated. The problem of it is there's all different kinds - ways of transliteration. It's not necessarily a standard. Consistency would be a problem. But you can read the report and see the pros and cons. And I personally think they came to a reasonable conclusion.

Jonathan Robinson: Any other questions or issues on that? So this is the fourth of five motions and we'll to support that one as well then.

The final one deals with the substantial issue or at least one of them of the day, which is the work of the CWG on the stewardship proposal. Now we could take as long or as little as you like on this.

At the motion level I think - I've just put out - I'm the maker of the motion and the co-Chair of that CWG Stewardship Working Group. So I'm in a good position to talk about it. But I'm conscious that there have been many sessions, both the weekend sessions, the high interest session, the CWG stewardship engagement session and many of you are probably not only tired of hearing about the subject but my voice on the subject, so.

I think the one thing I would like to highlight to you is the revised motion that's just been put out on the Council list. In fact I forwarded to this list to our Registry Stakeholder Group list prior to Thomas Rickert who's the seconder of the motion confirming that he was happy with the changes. He is happy with the changes as they stand.

There are - I'm just going to highlight for you the key changes that have been made since we - since the original motion so that if anyone has any concerns of issues, it should be in your mailbox by the Registry Stakeholder Group mailing list.

There's an insertion that was suggested during the Council weekend sessions, which is - happens to be Clause 2C of the resolve clauses that requires that the bylaws amendments required to deal with the associated accountability issues are adopted before the transition.

So it puts a precondition on the adoption of those bylaws. And then that's been inserted before D - 2D, which then goes on to say all other required implementation will need to be completed or irrevocably committed to - prior to the transition. So it's a further sort of belts and braces, if you like, addition to make sure that the accountability links are not only there but are dealt with.

And then there's an additional clause that's been put in under the whereas - under the resolve clauses, which is now four. And this essentially deals with the fact that if for some reason the Accountability Group fails to meet the standards of the Stewardship Group in doing its work.

So it says that if the accountability mechanisms fail to meet the conditions of the stewardship final report, the Council must formally reconsider adding material revisions to the stewardship final proposal that may be made as a result of such failure.

So it's basically closing the loop and recognizing that should the accountability conditions not be met and the group decide that they want to modify the report, to the extent that those are material revisions, this report will need to come back before the Council and therefore by implication be voted on by this group through the Council.

It seems sensible to me. I'm slightly concerned that we - I wouldn't mind anyone else looking over this and giving you views on more of the wordsmithing of the motion and making sure we aren't tying ourselves in knots here. But it feels consistent and logical that it's worded in this way.

So apart from those changes and as a point of general principle, I mean the work's comprehensive, it's thorough, it's the result of a consensus process that's taken place over many months. And I suggest we vote to support the transmission of the report to the ICG for their further consideration and reconciliation with the reports from the other two groups. Any comments or questions as to how the Council should deal with this?

Keith Drazek: Go ahead Donna.

Donna Austin: Thanks Keith Drazek. Donna Austin. So Jonathan, with the new addition so all required bylaws amendments will need to be adopted before the transition. What's the consequence of timing on that? Because it just - I'm just a little bit

confused because if the bylaws have to be amended before transition can be done, then doesn't that take it a long way down the road?

Jonathan Robinson: It's a good question. But my interpretation and understanding of that is it's completely consistent with the timetable that Fadi put up at the opening ceremony. It's not - I don't see a conflict with that.

I mean what he was talking about was that in essence that ICANN isn't ready to receive the post-transition IANA prior to having done that. And so that - so I don't think it's inconsistent with anything else that's being done.

Keith Drazek: Yes. Thank you. This is Keith Drazek. I'll add to that. I think the expectation is that both the CWG transition and the proposed fundamental bylaws around the IANA, you know, PTI and the budget are anticipated prior to the transition just as the CCWG on Accountability is expecting to develop the proposed bylaw change language as part of its proposal.

And so the idea is that - and of course this will all be done working with the Board, with ICANN legal, with outside counsel. But the idea is that the proposed bylaw changes must be part of the package.

And that, you know, basically if it's going to be approved, the transition as a package is going to be approved with the accountability component that those bylaw changes will need to be accepted and incorporated. Otherwise, we haven't accomplished anything at least on the accountability track.

And I think if - to Jonathan's point, the slides that Fadi used in the opening ceremony actually had a red arrow or red, you know, timeline that included the development and the adoption and the implementation of the bylaws - of the bylaw changes. So I think it's consistent. I saw another hand please.

Man: (Unintelligible) from (Keynet). Just a question about the PTI (forward composition). The final report seemed to mention that the three Board members it's clear. But there are two like independent director. So have we decided or finalized the procedure or (where are the associates) of these two independent director?

Jonathan Robinson: It's a good question. And it's a reasonable question. What we recommended was that those Board members were appointed through a sort of - an appropriately robust process. So something which - and we went as far as to say that the use of the Nominating Committee would be our view of such an appropriate process.

But we didn't absolutely constrain the fact that they had to be appointed by the Nominating Committee. So for example, you could say that - I mean some

might have a different view on this. But there could be another mechanism like the appointment of an independent recruitment consultancy that specialized in the appointment of Board members maybe.

But some others may not view that as sufficiently robust. But we gave an example, the Nominating Committee, and said they needed to come through an independent appointment mechanism.

So the community as a whole got some comfort that in addition to the three ICANN appointed and the majority of ICANN appointed Board, there was independent oversight at the Board level.

Man: So the independent means that independent from ICANN or the independent procedure taken by NomCom (question)?

Jonathan Robinson: That's an even better question is what is the - what is the definition of independent. I suppose independence in this context means independent of the entity in which they're governing. So they are not - they're not originating from either ICANN or IANA.

I mean as a subtle point something that was kind of interesting and I don't want to go down too much of a rat hole here. But I seem to recall the advice we got was that the existing - some or all of the existing ICANN Board could be considered independent.

Is that right Chuck? Is that - my memory correct on that? Do you remember? I think they could be considered independent for the purpose of their appointment on the IANA Board. In other words, because they come through an independent mechanism onto the ICANN Board, they are technically independent for the purposes of independence on the IANA Board.

Chuck Gomes: This is Chuck. And I think we probably should clarify when you're using the term ICANN, you're talking about ICANN the corporation, not ICANN the community.

So I don't think precludes one of those two independent seats being held by somebody from the community as long as they're not an employee of ICANN or of PTI.

Jonathan Robinson: That's exactly right. So that's my understanding of independent so they wouldn't be an employee of either ICANN or IANA PTI.

Keith Drazek: Okay. Thank you Jonathan. Any other questions or comments on this before we move on? I think Jonathan is seeking - appropriately seeking acknowledgement that we will support this motion.

And I think just - we should note the tremendous amount of work that has been going on for months and months on this; to thank Jonathan for his role in co-Chairing the CWG transition and the incredible amount of work that's gone into this.

And I think I can speak for - I hope I can speak for the rest of us that we trust your judgment on this one because it's been an incredible effort.

Jonathan Robinson: Thanks. But it's also very important to recognize that there's been a - there's a Registry Stakeholder Group that's worked with Chuck, (Sarah); Donna's been a representative on the CWG itself as a representative of Registry Stakeholder Group.

But then behind Donna has been the group working together - I'm not sure of all of the names on that group. I think (Stacy) you were one of them as well, weren't you? There were others. Anyway there was a group working on formulating the registry's position.

And in fact they were instrumental at one point when the group was at an impasse and sort of helping nudge us through. So there's been quite a lot of depth the work that's gone on here.

Chuck Gomes: Keith Drazek, this is Chuck. Could I suggest that because that team played such a critical role that those who participated in that - I know (Jen) did and of course Donna was our official rep and (Stephanie) and (Sarah). I was on it. If they could stand, I think it'd be really good because they - we met every week and lots of emails in trying to represent all of the registries. So I think that'd be a good idea.

Keith Drazek: I agree Chuck. Please stand and let's give them a round of applause. (Sure thing). Noting that some of them are not in the room. But we really do owe you our sincere thanks for the incredible amount of work that was done on that to very productive ends. So thank you. Jonathan, back to you for any other Council business.

Jonathan Robinson: Just for the record that we will vote to support that motion that Donna, myself and (Brett) will vote. So all - we intend to vote I guess subject to final checks with the Registrar Stakeholder Group unless there's something untoward happens there. We're expecting to vote for all five of the motions in the affirmative.

(Brett):   Keith Drazek, before we move onto the next item, could I quickly jump back up to A? I was reminded of I guess the email that Steve Crocker sent to you on April 16 and that you forwarded to the group where he wants to do a

roundtable today. It's going to - we're going to have a different format. Do we know the logistics of how we're going to handle that?

Keith Drazek: We do not. You're absolutely right.

(Brett):   So I'll just remind you if you want to go back and pull it out of your archives. There's an email called more focused engagements. It was sent to the list on April 17. But Steve Crocker said that he wants to do for our meeting with the Board a roundtable of six members from our constituency, six Board members and then everyone else on the outside sort of watching.

                  So I don't know. Definitely you three. I don't know who else we'd want to put up on the thing. Maybe we want to figure out who wants to be inside the special circle.

Keith Drazek: Yes. (Brett), thank you very much. I did note earlier that there was going to be a new format but I admit I couldn't remember what it was going to be. So thank you for pulling that up. And I did note also that for the three topics that we identified that I was going to seek volunteers. So let's do that.

                  So we're not going to do that this second. We've now wrapped up Council business. It' snow time to break for five minutes to get lunch and bring it back. Sorry. Thought I saw Jon shaking his head. Ten minutes. But we do have a lot more on our agenda that we need to get to. So ten minute break, get lunch, come back to the table.

                  Just also to note that the lunch is for Registry Stakeholder Group and NTAG members. And first for those who actually responded to (Sherry)'s request for feedback about who was going to be here. If you didn't respond to (Sherry) and to (Sue) about attending this, then you got to wait till the end. All right. So let's do that. We're back in ten minutes. So at quarter after we'll reconvene.

Woman: Also, we do have the vegetarian dishes and the gluten free dishes for those that requested them. They will point them out to you.

((Crosstalk))

Woman: When I got to the hotel...

((Crosstalk))

Woman: ...he was like love you but I can't talk to you. Like I just need to work.

((Crosstalk))

Woman: Oh, that's okay. That's fine.

((Crosstalk))

Keith Drazek: Hi everyone. This is the one-minute warning. We'll get started in one minute. Thank you.

                    All right. Welcome back everybody. If we could get the recording started. While we're getting the recording started, the next item on the agenda will be the GAC's request for feedback on proposed implementation procedures. And I've got Donna, Susan and Kristina listed next to this one, so. Anybody. Okay.

                    We've confirmed the recording has begun so we are now back in session. So with that, let's move to the next item on the agenda, which is the GAC's request for feedback on the proposed implementation procedures. So would Donna or Susan or Kristina like to tee this one up? Thank you Susan.

Susan Payne: Okay. Susan Payne. This is just - this item on the agenda is just a reference to the communication we got from the GAC about the form that they were proposing for GAC members to complete in relation to country names and territory names at the second level and really just asking for our sort of views on their proposal and on their proposed (price set).

                    We - it came up quite (unintelligible) recently. So we haven't had an opportunity yet as a team of volunteers to really get together and talk about it. But I think after this meeting obviously that's something we'll take up.

                    I did send a little update to the list. But just briefly I went to the session earlier this week where the GAC were talking about this. And there's still a lot of confusion amongst GAC members about what they're supposed to be doing.

                    They have been sent this form that we've been asked to comment on. It was obvious that many of them had completed it but without knowing what they were doing or quite what it was being used for.

                    So the whole session was devoted to kind of re-explaining what they were supposed to be doing, which was essentially just, you know, identifying in the list if the particular country name they were talking about and identifying if they were willing to avoid being notified. So essentially whether they were willing to just give a blanket approval for release either for all registries or for a subset such as a brand.

                    And that is all it is intended to be, as I understand it from that session, which will populate a database. So the session was devoted to spending that time

kind of explaining to GAC again how to fill the form in asking them to respond by mid-July.

And the hope is that there will then be a (date space) at that point and that we would be able to see what ICANN staff could see so that if a country said they don't want to be notified, those names could get released straight away. But that's all I have at the moment.

Keith Drazek: Thank you very much Susan. Thank you for covering that meeting with the GAC earlier to have that insight. That's very helpful. So just to summarize on this one and Kristina and Donna feel free to jump in if you like.

But just to summarize, we received a communication from the GAC seeking our feedback and our thoughts on the plans, the processes that they were proposing and intending to follow.

So we have an opportunity to help inform them if we see things that need to be adjusted. So we have a small team that's preparing to focus on that. I had a conversation with Thomas Schneider, the GAC Chair, acknowledging the receipts and telling him that it's something that we would discuss at this meeting and that at some point would follow up with a response.

I think we do owe them a response and we should take the opportunity to actually respond. But I set expectations to say that it was not going to happen during this week. So we do have a little bit of extra time. Yes. Rubens.

Rubens Kuhl: Rubens Kuhl, (NTAG PR). Are we sure we are on the same page with GAC on this? It looks like they are talking about possible country names and second and next round of TLDs, either gTLDs or ccTLDs. And it look like we are (unintelligible) release of country names as (SLDs) in this round of TLDs. So I'm not sure we are on the same page with them.

Keith Drazek: Thank you Rubens. I'm not sure either. So I would defer on this one to our team - our, you know, the folks that are working on this. Donna, I saw your hand go up.

Donna Austin: Right. (Excuse me while I choke). Donna Austin. So while I can't say for certain that the GAC understands what this is about, I can assure you that the Secretariat knows what's going on and they will provide guidance along the way.

So certainly this process is about country and territory names at the second level for this round. And I don't think there's any intention to go beyond that (remit) at the moment.

Keith Drazek: Okay. Thank you Donna. Any other comments or questions on this topic? Yes.

Woman: Thanks Keith. (Unintelligible). I think that this is a chance - I'm really glad that you bought us a little extra time on this because I think that the experience with the two character issue is a good lesson that we should take our time and try to get something formal in place so we don't have to go back and readjust and readjust like we did the last time around. So I'm glad we have a little bit of time. I'd like to take our time with this one.

Keith Drazek: Very good. All right. Let's move on to the next item on the agenda. Just want to note we have some presentations and some guests joining us for a couple of these sessions coming up. And we want to make sure we fit those in in the allocated time.

Some of the stakeholder group business under this section could be deferred to the afternoon wrap up session. So one second. Okay. So we're going to get to the next item on the agenda. We're going to skip over the pending stakeholder group comments, defer that to the afternoon session, the public comments.

So the next item on the agenda is URS and legacy TLDs. And then we will get to the presentations and the engagement with our guests. So this item URS and legacy TLDs I'm happy to take volunteers to speak to this one.

But we have - there have been some concerns raised in the community at the Council level particularly I think led by Phil Corwin, the BC, raising concerns about process and procedure related to the addition of RPMs and specifically URS in legacy TLD contracts that are currently up for renewal.

And I think the points that have been raised - the concerns that have been raised are that the URS specifically was not something that was subject - sorry, URS in legacy TLDs was not subject to a PDP and therefore it's somehow inappropriate that legacy TLDs are incorporating that obligation into their legacy TLD renewal contracts.

And I now this is a sensitive issue because we have some TLDs that are currently out for public comment - the agreements that are out for public comment now.

And I think, you know, my sense is this comes down to a question of process and procedure, question of whether these specific obligations were imposed on the legacy registries or whether they were voluntarily adopted. I think this is an important distinction because the PDP process is intended to protect us from having terms imposed on us as contracted parties.

But I think there's an important distinction that as contracted parties that we - if we voluntarily want to accept something or to incorporate something or take on a new responsibility that we shouldn't be prevented from doing so.

And so this is - I hope I set it up properly and that this is really the issue on the table. Jeff, I know you've spoken to this and others have as well. So maybe I could turn to you to take the next step and then we'll go from there.

Jeff Neuman: Yes. I think the - sorry, this is Jeff Neuman. The GNSO Council, members of the BC and the registrars pretty significantly attacked ICANN staff and then the Board later on in discussions about allowing the URS to be incorporated in three contracts that are up for renewal now.

And my view that I've expressed several times here is that, you know, unless one of the three registries or all the three registries come forward and complain that our view should be that we preserve the sanctity of the bilateral negotiations.

If they're voluntarily agreed to, any registry can go above and beyond the minimum rights protection mechanisms that's required in their agreement. And it's been done on a number of occasions. I mean, you know, with Rightside and Donuts. They've certainly gone above and beyond. There's a number of other registries that have done abuse monitoring and things that are way above and beyond what the minimum requirements are.

And for us to disturb that sanctity of the contract negotiations I think brings problems for us down the road. You can easily see that if we as a Registry Stakeholder Group took the position that a PDP should be required well you can easily see a circumstance where one of us proposes a new registry service, which may have policy implications, ICANN coming back and saying well, you know, that requires a PDP before you're allowed to do that.

And my view is on contracts is that we should be - that if the contract doesn't prohibit something we should be allowed to do it as opposed to if the contract doesn't say something we should not be allowed to do it.

I think there's a number of ramifications with this discussion but ultimately it comes down to until one of the registries comes to us and says that this was not a voluntary bilateral agreement, then we should preserve the sanctity of the negotiations regardless of what they came out to agree to.

Paul Diaz: Thank you Jeff. And for the record its Paul Diaz stepping in so Keith Drazek can have some lunch. Well said. I have a queue developing; Jordyn and then Chuck. Others want to weight in as well. Okay. Please Jordyn.

Jordyn Buchanan: Thanks. So Jordyn Buchanan from Google. So I want to make a few points. Number 1 is like I like URS. I think it's great. If we had legacy TLDs and I was going to renew my contract, then I would say like hey that's a cool thing. I want to add it to my TLD. That's fine.

I totally agree with Jeff. If registries want to voluntarily add URS, they should be able to. The question is like how voluntary is voluntary? And if in the course of a negotiation with ICANN ICANN says you know what, we ICANN really likes URS and we want you to implement it and we're not going to give you any other changes that you might want to make to the registry group as part of the negotiations unless you insert URS.

Then they're taking something that's voluntary and that's included in the new TLDs and sort of imposing it not directly, not like as a PDP would do but effectively they're doing the - they're doing the same thing.

And I think we should be a little concerned about that process not having the scrutiny of at least the community looking at it and deciding whether it makes sense to apply the URS across the broad spectrum of legacy TLDs as well.

And I get the impression that based on the limited information new have from (nacho) on the list seems to be that's exactly what ICANN did, right. They said oh you want some fee changes. That's fine. We'll give them to you but you have to make the URS as a result and they don't seem linked in any way, right. Like it's not like the fee - it's not like doing the URS because ICANN - makes things cheaper for ICANN.

And so that's what I'm concerned about is ICANN using unrelated items that a registry might want in order to impose conditions that haven't been vetted by the community or thought through by the community.

Paul Diaz: Okay. Thank you Jordyn. As I said, we have a queue growing. Chuck, you're next. (Donna and Blake, Dolsi) and Keith Drazek wants to get back in the queue. But also to remind - Jeff wants a rebuttal. Jon. We have two presentations. We're supposed to squeeze all this in with a break - a bio break before the registrars join in 30 minutes. Please make your point but keep them short. Let's roll through. Go ahead Chuck.

Chuck Gomes: Thanks. Chuck Gomes. Jeff, I didn't hear anybody disagreeing with your point in the - over the weekend. And I certainly agree with your point that there should be the freedom to negotiate.

But I also think we should not put the three registry colleagues that we have on the spot. They have agreements that they've been working on a long time. So you're absolutely right. If they came forward and said something, that's

really the only way we can get a clear picture on this. But let's not put them on the spot. I don't expect them to say anything because I know they want to get their agreements done.

We all know ICANN's history of negotiation. You want an agreement? Here. And even though contrary to what was claimed over the weekend by ICANN staff, I'd love to be able to believe that without question. But I think I agree with Jordyn. I'm glad the issue is being raised. I don't think we can take it very far for reasons that have been stated. And that's okay.

But I think that the point has been made that we're concerned about this and probably we can't go any further. That's okay. But it's been raised and all of us have been through negotiations and we know how it works.

Paul Diaz: Thanks.

((Crosstalk))

Jonathan Frost: Jonathan Frost from .club. I just want to agree wholeheartedly with what Jordyn had to say. (Unintelligible) it's really important that, you know, it's an important distinction that ICANN is actually bringing this term to the table. And it's not something that the registry brought to the table. And I think Jeff is absolutely right.

But I think that the presumption would be it's not voluntary unless the registries in negotiation come to us and say leave us out of it. If they say leave us out of this, then it means that they're the ones asking for it. And then we need to respect it because it's, you know, NuStar could (unintelligible) it and for .us and it was their decision and how could there be any objection to that?

But I don't think we should assume it's what they want. But if they come and say leave us out of it, then leave them out of it. Thank you.

Paul Diaz: Thanks Chuck. Thanks Jonathan. Back to Keith Drazek.

Keith Drazek: In the GNSO Council working session over the weekend in the - particularly on the Sunday in the interaction with the Board this topic came up. And (Cyrus) got up and basically - I mean he said that ICANN staff presented a - sort of a preferred starting point for the discussions and that it happened to include URS. He acknowledged that.

But he vents that of course it was completely voluntary. So the question, and I don't remember who in the room in the Council raised the point but I think it was an appropriate one is that it shouldn't be up to the staff to propose an

initial preferred starting point or a preferred view of what needs to be included in a renewal contract.

And I think that's a legitimate question. And it goes to the point that Jordyn raised earlier about how voluntary is voluntary and at what point was leverage, you know, brought to bear to try to get certain things inserted. Thanks.

Paul Diaz: Thanks Keith Drazek. Jeff and then Jon and then we're going to draw a line under this one.

Jeff Neuman: Yes. So - sorry. This is Jeff Neuman again. Look, I understand what you're saying. And I've been through many of these negotiations. So I mean, you know, through a lot of different rounds.

And the end of the day it's a negotiation. You can't say that registries should be able to go to ICANN and try to do everything like reduce fees and get more policy improvements and get more flexibility and do all these other things and not expect that ICANN's not going to say if you want these benefits, then we'd like to standardize our agreement and we'd like these ten things.

Right. It's a negotiation. I don't care that it was ICANN that presented a form. Any registry and whether it VeriSign and the com and net that's coming up or, you know, NuStar and it's only a few more, right. There's biz and info and org, right. I don't care what they start with.

At the end of the day if both sides get benefits and both sides are happy ultimately with the outcome of the contract, that's what we care about. Right. If travel is willing to live with their agreement and cat's willing to live with their agreement and pro is willing to live with their agreement, that's it. We shouldn't question that any further.

And it doesn't - to me I don't care that ICANN wants to bring additional terms whatever they are. It's a negotiation. And you're always free to say no but just recognize that you may not get all the benefits that you want.

It's not as if from what I understand one side said hey, I just want to renew on the exact same terms and conditions that I - you know, I don't want more pricing flexibility and I don't want more policy flexibility. They came with things that they wanted. And ICANN came with things that it wanted for different reasons. That's it. That's a negotiation.

Paul Diaz: Thanks Jeff. Jon.

Jon Nevett: Thanks Paul. Yes. I absolutely agree with Jeff here. You know, it'd be wholly inappropriate for a registry to come in and pick and choose among terms or the agreement say I want this one, I don't want this one in the new form. Just like it'd be wholly inappropriate for ICANN to do the same thing.

So the starting point is the new gTLD contract that they wanted to enter into. Then that's fine. Take it as a package. You can still negotiate some here and there. But I think as a group though we need to be really careful - really careful about precedent that some folks in the community want and have mentioned during the weekend session that it was - their view was it's inappropriate at all for a registry and ICANN to negotiate these things.

They have to be in our contracts, right. We're required - if we wanted to do a URS or DPML, we need to put them in the contracts, as they're required. So for folks who argued over the weekend that they shouldn't have been in the contract and it was inappropriate for those two parties to negotiate them, that's just totally wrong because it's either put it in the contract or you have to do an RSEP. It's one or the other. RSEP would require a contract amendment.

So this is a way for those registries to get these services that they want to provide into the contract and the easier way than doing an RSEP. So I'm fully supportive. I think we should stay out of individual contract negotiations with these three TLDs and don't want to create a precedent where the community thinks that the - and individual registry or even a group of registries as we're doing now can't negotiate with ICANN certain provisions of our contracts.

Paul Diaz: Thank you Jon. Okay. We're pressed for time Jordyn. Give you the last word but please quick.

Jordyn Buchanan: So Jon I - so I think we're mostly debating on what sorts of terms that's reasonable for ICANN to be able to negotiate during the - on behalf of ICANN during the process of negotiation.

So for example, if ICANN came to us and said hey listen registries, we have a great deal for you. We've been hearing a lot of the IPC that, you know, there's a lot of copyrighted stuff on .movie. And we'll make you a deal. If you - we'll give you a ten-cent registry fee - you guys launch any time any copyright holder complains about some content, you just immediately take it down.

There's a (fairly) new RPM. And you just say like yeah, sure, I'll do that if I get my ten-cent fee. I think - I (here) effectively using its pricing - its ability to like have, you know, effects on your business model to adopt policies or things that look like policies on behalf of constituents of the community that don't go through the review that an actual policy would get.

And I think we need to be - I think we need to be nervous about ICANN using its pricing power in particular to adopt, you know, to bring changes to the table that aren't on behalf - like if ICANN wants to negotiate about operational matters, about things that affect ICANN the corporation, I think that's totally fine.

But once they start introducing things that are - that would generally be the subject of a broader community discussion as - and touching on policy matters, I think it makes me nervous when they use the pricing power to have that - to enter into that.

Paul Diaz: Sure Jon.

Jon Nevett: Real briefly obviously. Yes. I think that's perfectly appropriate. If they - if we have a 25-cent fee for everyone, if they charge one registry more, that would violate ICANN's bylaws. So there's protection - upside protection there.

And if they want to incent me to do something that I think is perfectly fine and I want to do it, I should be able to do that. If I want to have additional copyright protections and I know it's going to cost me X tens of thousands of dollars to do that and they're willing to lower their fees because they think that's a worthwhile exercise and I think it's a worthwhile exercise and we agree to that, I think that's -we should have that flexibility to do that.

Paul Diaz: Okay guys. This is obviously a complex issue and we're not going to get to the end of it right now. We are very pressed for time. Sorry Jon. We have guests in the room so I'm going now back - we have guests in the room so I'm going to jump the agenda and mix it around a little.

Don, if you want to introduce the universal acceptance. And Bobby's in the room as well - back there. You want to come on up as well and we'll get to your presentation after if time permits before the registrars. We can come back to the agenda. Other issues we didn't address now we'll push to the afternoon session. The floor is yours Don.

Don Hollander: Thanks. My name is Don Hollander and I'm hoping that there will be some slides. And if there aren't, just imagine them. So just four slides. I want to just remind you what universal acceptance is. Oh, look at that. Isn't that fantastic. So the next slide please.

So this is just a very brief focus; that it's all the domain names operate equally in terms of - and we're focusing on acceptance and validation, storage, processing and display. And this includes IDN, EAIs and IRIs. So you guys had a lot of acronyms today that I didn't know and so these are some more for you. Long ASCII names and recently added gTLDs. So the next slide please.

We had - a Universal Acceptance Steering Group has been established so there was a flash mob gathering in Washington in January. From that came a universal acceptance public session in Singapore in February.

In March we came up with a charter and April we started appointing positions, people to positions for Chair and Vice Chairs. And we have four project groups. So we have people leading each of those project groups as project coordinators.

And so that's - we have this Universal Acceptance Steering Group in operation and everybody is welcome to join. We had a full day workshop on Sunday here and we had another public session yesterday. So in terms of - next slide please. Thank you.

So in terms of UA and registries, it's an issue for IDN TLDs for sure. And it's also an issue for any TLDs that allow IDNs at the second or third level. It's also an issue for new TLDs and TLDs of more than say four characters. It's an issue for registries themselves.

And what we hope you will be able to do is to make sure that your internal systems are UA ready; that is that you can accept and validate email addresses or URLs or IRIs or any of those other letters and make sure that your own internal systems can accept them and they pass realistic validation, that you store them.

There is no standards on how you store them so we're working on a good practice guide; whether you store them in Unicode or Punycode and why that your systems have a - that they're able to evaluate processing them.

And then how and when you display them whether it's Unicode or Punycode; so whether it's an xn-- or a non-ASCII script. And it is an issue because your registrants cannot effectively use their names. So the DNS works but in real life there's still challenges. Next slide please.

So my goal here is just giving you an update that the UASG exists; Universal Acceptance Steering Group. That we're looking for a few more active participants. We're looking for some greater diversity particularly geographic. Very keen to get a few more geeks, people who can help with outreach; people with passion and a bit of time.

So there's some - you are some (unintelligible) on how to sign up for the various mailing lists. I'm happy to answer any questions.

Paul Diaz: Go ahead Chuck.

Chuck Gomes: Thanks. Thanks Don. Appreciate the work going on on this. And just to set the record straight from a session that occurred yesterday where the comment was made that VeriSign may not support universal acceptance.

I know Keith Drazek clarified this in a chat in that meeting. We absolutely do. In fact we have a person who's in the room here, Dennis Tan, from our team who's participating in the steering group. So just to - in case anybody heard that, we absolutely do support this.

Paul Diaz: Any other comments or questions for Don. Edmon, thank you.

Edmon Chung: Edmon Chung here. So thank you Don for bringing this up and thank you for doing it for me. But I think, you know, I really want to seriously put out a call for everyone in the room to join the group and, you know, at least join the mailing list and join in the effort because I think it has implications in every registry, you know, especially new gTLDs and especially of course IDN, you know, any that has to do with IDN.

But I wanted to highly a couple of things. One is this is an effort and we're very sensitive about, you know, and that's why I want your participation as well. We're very sensitive about what we go to market, you know, into the mass market and what kind of message we are sending. That we don't want to tell people that, you know, new gTLDs doesn't work. Right.

That's not what we want to do but we need you guys to be in those groups to make sure that the message going out isn't going to say that in some ways. But obviously the direction is to make sure that that isn't the case. But your participation is very important in that.

The other thing is we're looking at the top priority issues right now. And we've identified a few top line issues. For example, one of the key issues that was identified is the internationalized email addresses.

The reason why this is, you know, a top line focus is that if a superset of all the issues even though we know this is kind of the hardest to get, this is a superset. Because if we solve the issue of internationalize email address, then, you know, new gTLDs should be solved in the same breath and IDNs will be solved in the same breath in terms of acceptance in different applications.

But if there are priorities that you think is, you know, urgency and everything, this is the time to get involved and, you know, and we have very enthusiastic people, you know, working on this. But I think, you know, I really think we need a lot more help.

And the network that this group can create and, you know, which then ripples out is going to be very important for the success of the program.

Keith Drazek: Thank you Edmon. Totally agree. Any other questions or comments? Jon, sorry, you were next in queue, right. Jon Nevett. Did you want to speak? Okay. Don, thank you very much. Edmon, go ahead, sorry.

Edmon Chung: To add just one thing. I mean if you don't join, I'd like to suggest that we just force everyone on the RSG to add them to the mailing list and then they can opt out maybe. But please join first and next time we come back again I'd like to suggest that maybe if we don't really see more people join.

Jon Nevett: Actually I do have a question.

Paul Diaz: Thank you Edmon. Go ahead Jon.

Jon Nevett: Don, are you getting the requisite or enough support from ICANN budgetary wise that you think you need? Is there anything you need to succeed in your project that you're not getting? Could you let us know and we could work together to make sure you get what you need?

Don Hollander: So Don. What I would really like is participants from the registries to just help craft the messages. If you have some geeks who are working for you to get them involved. And make sure that your own systems are compliant and ready.

                    In terms of resources from ICANN, I'm not actually worried about that at all. The sense I'm having is the Board is - sees this as a very important issue and they're keen to make it move forward.

                    So if not a ICANN resource, I mean if you want to make a comment to ICANN, you can say, wow that's fantastic. They're actually doing stuff. Don't beat them up about not doing enough because ICANN's actually waiting for the community to participate. So no issues with ICANN. It's (unintelligible).

Keith Drazek: Thank you very much Don. And thank you for spending the time with us today to give us the briefing. Jordyn, go ahead.

Jordyn Buchanan: Yes. I was going to - just to build on what Edmon had said and what just Don just alluded to. I actually think it's not that important that the folks sitting around this room join the mailing list.

                    What's really important is that you go back home and you find the people in your organization, either the engineers or the marketing people or whoever it is that's going to help A, get the message out and B, create the content that we

need in order to help people understand - not just understand but there is a problem that - what they need to do to fix it. Like that's critical stuff.

And I do think that there is a role for ICANN to play in funding parts of this work. But there's got to be some core amount of work and commitment behind it from the community if we're going to hope to see it.

I think it's really encouraging actually that in the sessions that we've had this week that - and other times there's been participation not only from registries and registrars, we see like Microsoft coming to meetings and others. So that's great.

But we also have a bunch of, you know, especially as you look around the room and see folks like .brands and, you know, there's ISPs here within ICANN. All the people who do come to ICANN meetings really need to help step up and get the right people from their organizations involved.

Keith Drazek: Yes. Thanks Jordyn. Well said. Okay. Thank you very much Don. Appreciate it. Okay. Let's move on to the next item on the agenda and for the technical team, next up will be Bobby Flaim and Laureen Kapin to talk about the GAC Public Safety Working Group. So if we could get those slides loaded. I know we're reordering the agenda here. I apologize for that. But the GAC Public Safety Working Group slides are next.

And while that's taking place, I would like to welcome Bobby and Laureen and maybe you could introduce yourselves and we can kick off the discussion. Thank you.

Laureen Kapin: Hi. We have the coveted after lunch spot. It's going to be very exciting. I'm Laureen Kapin and I work for the United States Federal Trade Commission, which is the U.S. Leader Consumer Protection Agency.

Bobby Flaim: Hi. And I'm Bobby Flaim from the Federal Bureau of Investigation in the United States. So thank you very much Keith Drazek and Paul and (Sherry) for arranging this. And we won't take up too much of your time. I think we'll only speak about ten minutes.

And the main purpose is just to let you know of the existence of the new Public Safety Working Group that is a subgroup or a working group of the GAC.

So we just wanted to let you know who we were and some of the things that we'll be looking at. So if you can just go to the next slide please. Okay. Great.

So why are we doing this at this point? Consumer protection agencies, also law enforcement agencies have been participating at ICANN for quite some time. But as the GAC has had to increase its bandwidth on many different issues, we kind of felt that it might be a good idea to kind of focus just on strictly public safety issues.

So that is why we actually created this working group at the last ICANN meeting in Singapore and this is the first meeting - ICANN meeting in which we actually have gathered together.

And even though it's Laureen and I at the mic here today, we also have about 15 Latin American organizations here as well that are actually doing training on the 24th floor sponsored by the Organization of American States. And we also have representatives of Canada, the U.K., other U.S. agencies as well. So just to let you know that there's definitely a very international aspect even though you see two Americans talking to you today. So next slide please.

So again, we've worked with many of you in the past and it's been law enforcement and we've had consumer protection. What we are really trying to do is not make it so law enforcement or even consumer protection centric.

We are looking for all the government agencies that intersect with what ICANN does and the protection of the public. So for instance, some of the other agencies that have participated, they're not here but they have participated in the past would be the Food and Drug Administration.

And I know in the U.K. they have one of their - I think it's the Information Commission, which actually deals with privacy. That's also part of the Public Safety Working Group.

So and we've also asked the GAC to reach out to their government agencies to see who might be able to participate as well. We know it's going to be very hard considering the exotic locations of ICANN but we're hoping that if we cannot have in person participation, we can have a lot of remote participation, mailing list participation so that we will have, you know, complete international and diverse participation. Next slide please.

So again, we just - we're trying to primarily focus on things that pertain to ICANN, the policies that come out. I know there's a bunch of different things that are coming out requiring public comment, requiring the GAC to pay attention. So that's what we'll be focused on. Next slide.

And these are some of the things. There's approximately 15 Whois tracks that are going on right now at ICANN. So obviously that's going to be very hard to

focus on especially for the GAC. There's a couple of comments due out next week.

One is for the proxy privacy accreditation process. One is also for the Whois specification. You still have the Expert Working Group out there. You have the Internet Engineering Task Force. They've just completed their new version of the Whois called the RDAP. And there's the accuracy report.

So there's lots of different things and other things that we have worked on as well or have interest - been interested on in the past have been contract compliance, what you guys are working on right now of (information) of new gTLDs and a few other things, so. Next slide please.

So potential - this is just a continuation; potential areas of interest. Working with the operational security community, working with you, working with the other constituencies. Part of our plan today is to actually talk to all the different constituencies. We've already met with the SSAC. We're meeting with you. Going to meet with the registrars. We're meeting with the ccNSO, the ASO, all the different constituencies.

And it's just really outreach to ensure that we are working together in an appropriate manner to actually ensure that we're all working for the betterment. Next slide please.

And that was it. So questions? Again, this was just to let you know that we have created the working group. We're going to be focused on public safety issues and who we comprise of.

We're brand new. We're starting out very small. But we are hoping that we'll be an effective and positive force here at ICANN. So thank you.

Laureen Kapin: I see a question. Yes Kristina.

Kristina Rosette: Hi. Kristina Rosette from Amazon. To the extent that the PSWG has decided, how do you all see the work that you're doing kind of feeding into the broader ICANN process? Do you see that feeding into GAC advice? Do you see the PSWG participating in public comment periods? You know, participating in PDPs? How - what's the current status of that?

Laureen Kapin: Well, we're just starting out so not everything has been solidified. But we are a working group under the Governmental Advisory Committee. So one of the things we definitely anticipate is making recommendations through our respective GAC representatives to be considered as part of the GAC process for potential advice and communique. So that's one thing.

It certainly is within the realm of possibility that we would also seek to provide comments from our working group again under the auspices of the GAC. So those are two examples.

Keith Drazek: Okay. Thank you very much Laureen. We've got a queue building. So we have a question in Adobe chat that Paul's going to read. We'll get to Jonathan and then I think I saw Donna's hand. Anybody else want to get in queue? Okay. So Paul with the Adobe chat question; Jonathan and Donna.

Paul Diaz: Right. Reading from the chat, (Mohammed Dioff) is asking Bobby and Laureen why only government representatives even as a GAC working group because often consumer protection representatives, not just government come from (civil society). What was the thinking behind credentialed only representatives in your working group?

Laureen Kapin: Right now we're starting small and it seemed like a very logical starting point since we are under the umbrella of the Governmental Advisory Committee to focus on folks from government agencies because there's certainly a lot to choose from out there in terms of governmental agencies that are involved in protecting the public whether it's law enforcement, consume protection, Food and Drug Administration.

I know I'm being U.S. centric but it - U.K. Information Commissioner's office and all of our EU and African and Latin American counterparts. But that doesn't mean however that we wouldn't consult with experts whether they are in private industry or whether they are in public advocacy groups for their input and expertise particularly if we lack that expertise ourselves.

Keith Drazek: Thank you Laureen. So just going to pause here for a moment to note that our registrar colleagues are starting to join us. We're running about ten minutes behind. I apologize. But feel free to come in and make yourselves at home. Walk in front or behind us. It's doesn't really matter. Come on in. We'll be right with you.

Okay. So in the queue I've got Jonathan and then Donna. Anybody else? Rubens. Okay. Jonathan.

Jonathan Robinson: Thanks. Jonathan Robinson. So I'm the Registry Stakeholder Group representative to the GNSO Council and GNSO Council Chair. So my focus is really thinking very much about the policy development process. And as you may or may not know through the GNSO we've undertaken significant efforts to more effectively engage the GAC

That's derived from our own initiative in any event but it's also derived from ATRT reviews, which indicated that the whole process would be more

functional rather than relying on getting to the end of the line when it came to GAC advice. That early engagement of the GAC in the policy development process would be a more effective way of working.

So to that extent we really welcome your expertise and capability coming in and essentially helping the GAC to be informed and effective. But I would just draw you attention to getting involved as early as you possibly can. And we have two initiatives to help you with that.

There is the early warning. There's a whole - there's a whole mechanism by which the GNSO is communicating with the GAC, which by the looks of it you're aware of. And we also have a GNSO liaison to the GAC who you should meet; Mason you obviously know of and that's great.

So that - so actually it's kind of along the lines of Kristina's point as well. There's the advice, there's a public comment but there's also the relationship with us as the policymaking body. And we welcome your involvement in, you know, so it is open and early as possible. And I think that's the way we'll best utilize you. So thanks.

Keith Drazek: Thank you very much Jonathan. Well said. Donna, then Rubens, then any other hands.

Donna Austin: Thanks Keith. Donna Austin. So this follows on somewhat to Kristina's question and Jonathan's statement. So we are very sensitive to anything that has Capital A GAC advice. And I think we welcome the initiative but we would be - when you say that, you know, provide advice or advisory or comments to any (pay work), we would be very sensitive as to how that comes out.

So if it comes out in a communique and it's considered advice, then that has different connotations to something that comes through a public comment period. In terms of advisory, I think, you know, a path, guidance to the way that SSAC puts out their reports and whether it's possible to do it in that frame.

My biggest concern is that under the auspices of the GAC anything that comes out under that umbrella may have certain ramifications to the way the Board interprets that or chooses to deal with that.

So I don't know to the extent that you've developed a charter or something like that, but I think it's really important that you are very clear about how any output that comes from your work is actually how that potentially impacts us as contracted parties but also how the Board interprets that. So we are very

sensitive to anything that comes out of the GAC, so. It would be really useful to have that really clear upfront I think. Thanks.

Bobby Flaim: Well we do - we are working on the terms of reference. So that is what we had discussed yesterday. We're hoping to finalize those here in Buenos Aires. And on particular issues we haven't quite determined exactly how we're going to feed into the GAC and whether that would be advice, whether it'd be a recommendation, whether it would be, you know, a public comment like Laureen was alluding to earlier.

And one of the things that we also want to offer is working with you, you know, directly because again, you have that perspective and we have done that in the past with other constituencies.

Laureen Kapin: And I just wanted to add what I really hear coming out from your question is that there are a variety of mechanisms to communicate and assist. And there's the heavy club and there's the light touch. And I'm hearing a desire for a full spectrum of options there and to really consider the early lighter touch before the heavy club. That's what I'm hearing.

Keith Drazek: Yes. Well said. That was a great characterization. Rubens.

Rubens Kuhl: Rubens Kuhl, (NTAG PR). You mentioned the Information Commissioner's office, which is one of the European data protection (authorities). Are there other data protection (authorities) involved with because usually law enforcement goes to one side of the (unintelligible) information? But data protection (private authorities) usually give a balance to that need. So I wonder if that - there are enough data protection representing the group.

Laureen Kapin: So that's a question that's come up several times. And the way we've really wanted to communicate this is that we're looking at privacy issues through the lens of public safety. The - my agency, the Federal Trade Commission handles both consumer protection and does not see privacy as inconsistent with consumer protection. To the contrary, the FTC in the United States is the leading privacy enforcement agency.

We have a Division of Enforcement, we have a Division of Privacy and Identity and Protection. We civilly prosecute companies that break their promises to consumers about keeping their information private. And we also go after companies that lie about how they're going to use consumers information or don't disclose how they're using information.

So you've heard of many of the names of folks that we've prosecuted. They're some of the most prominent U.S. Internet companies. So those are not inconsistent.

That said, this is not the Privacy Working group. It's the Public Safety Working Group. So we welcome participation, as these groups would like to become involved. But our focus is going to be on keeping people safe and that does involve disclosure of information sometimes.

If that's the way that enforcement agencies, whether they're civil, consumer protection or criminal, that's the way they work; they need information to do their job.

Keith Drazek: Okay. Thank you. Any final comments or questions before we wrap up? See none. So Bobby and Laureen, thank you very much for joining us. I think this - I think you heard our reaction is this seems like a very encouraging step for informed engagements in the community. I think that's excellent. But we also have some sensitivities, as Donna and a few others have raised. So we look forward to working with you. Thank you.

Bobby Flaim: Thank you very much.

Laureen Kapin: Thank you.

Bobby Flaim: Thank you.

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