

ICANN
Transcription ICANN Hyderabad
Commercial Stakeholders Group Open Meeting
Sunday, 06 November 2016 at 11:00 IST

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Man: Good morning. This is the GNSO Commercial Stakeholders Group meeting.

(Tony): Okay. We're ready to go I believe. So if I could ask you to take your seats. This is the CSG open meeting.

((Crosstalk))

(Tony): Thank you. We've got quite a tough agenda now for the time that's left allocated for this with the overrun. So we'll work through as quickly as we can.

The first item that's on the agenda is the GNSO Bylaws Drafting Group report, which we've had a lot of discussion on previously. So I'm not sure whether there is that much more to say on this. I'll just check to see if anyone wants to raise any particular issues in this meeting being aware that there is a motion on the table that Council are going to consider later in the meeting. And there's also been a lot of discussion around an amendment to that.

But is there anyone that wants to raise any particular issue or point on that agenda item? Because if not, I'm going to move on very swiftly to the next item. Wolf-Ulrich.

Wolf-Ulrich Knoben: Oh, just Wolf-Ulrich speaking. Just briefly though. I think we are still in a process discussing how to (deal with element). So that is just going on. So we have to fix that. And at least we have them - if we go with that first amendment, we have to clean it up. That's the only thing which is open. Thanks.

(Tony): Okay. Thank you for that. Everyone's aware of that. And we've got a little bit of time to work on that in the interim. So let's swiftly move on to the next item, which is the concern over abuse in new gTLDs.

I'm not sure whether Chris or Greg is going to lead on that. Chris, I think it came originally from the Business Constituency. So I'll turn to you.

Chris Wilson: Sure. Thank you. Chris Wilson, Chair of the BC. Frankly I mean I think - if anyone that was - that sat during the course of the mitigation of DNS abuse, high interest topic discussion yesterday that the GAC Public Safety Working Group organized, you could see that there was a lot of there, there with regard to abuse issues.

Now that was abuse issues generally, not just new gTLDs. But certainly concern expressed by a variety of folks both on the panel and in the audience about abuse issues in the new gTLD space.

So I think for us it's a case of continuing to see if there's, you know, common ground among the Commercial Stakeholder Group about pushing forward on ICANN and contract compliance to sort of continue this sort of due diligent and good on this.

There's obviously a lot of lack - a lot lacking in that regard. But I think we want to raise it as a - it's a priority concern for the Business Constituency. I hope it can be a priority concern for the other constituencies as well.

But, you know, we wanted to flag it for all of us to consider and talk about. And happy to, you know, turn to Denise. I know Denise presented at the high interest topic discussion yesterday speaking about the concerns Facebook has dealt with about abuse and others.

But I think I wanted to sort of - we wanted to put it out there for people to talk about. So I open the floor. I don't want to dominate. So I will open the floor for people to discuss this issue if they also have concerns about it.

(Tony): Thanks Chris. Anybody want to pick up? Greg.

Greg Shatan: Greg Shatan for the record, IPC. Clearly this is a major concern for IPC as well. A number of us, you know, spend a considerable amount of time dealing with various types of abuse that take place on and through the Internet.

And so I think, you know, for us that's a concern. And how ICANN deals or doesn't deal with it or facilitates or doesn't facilitate dealing with abuses is a big concern. And I - as a bookend to the session that Chris referred to and that Denise participated in, I call your attention to a session at 5 o'clock today with the rather non-neutral name of DNS and content regulation.

And that's taking a rather different view of ICANN's role and the role of anybody as a matter of fact in stopping abuse on the DNS. And it points out the - kind of the level of the ongoing discussion we all need to be in to help have, you know, responsible approaches to abuse and to watch out for being accused of things such as censorship, which I

find, you know, quite inflammatory. And if you want to be inflamed, come to DNS and content regulation at 5 o'clock.

(Tony): Thanks for the invitation. Steve.

Steve DelBianco: Yes. For us to be effective on this, we learn as we go as to what is considered compelling and what is not, right. We know we've been in front of the Board many times or panels where they push back on everything we talk about with abuse by saying where's your specifics, where's your examples. Remember this?

So yesterday Denise Michel does a superb job documenting a very specific example down to screen shots of the Whois information after which - after presenting all that, Allen Grogan basically says, "Well I wasn't prepared to deal with specifics."

And thankfully we'll - that ship will sail into the night and we'll move on. But the Michele and everybody loves Michele Neylon, wonderful guy. But he now has a refrain. He hits a button called the play button and it says, "We get reports all the time that" - why haven't we got - I can't even try to do an Irish accent.

We get reports all the time where they simply say something's wrong at one of your Web sites." He loves to just go down that rabbit hole that yes, he probably has had one or two reports that were completely un-actionable and that he can't be allowed to use up all the panel time on that example. We can't prevent that.

So let's always show up as Denise did with specific examples that are appropriate for each of the panelists. And by the way, given them the example ahead of time so that they have an opportunity to respond in specifics instead of saying I've never seen this before. I wasn't prepared today.

And as we go, we'll learn to be more and more effective at being specific and then holding other complainers to the same standard of specificity.

(Tony): Okay. Thanks. If I can just remind you to announce who you are before you speak. Thank you.

Susan Kawaguchi: Susan Kawaguchi for the record. And just to sort of pile on that, in discussion with some of the CCT review members, they - (we did a lack) of transparency in my opinion. They are not getting a lot of details from ICANN except that oh, we haven't had very many complaints and nobody's used this process and nobody's used that process.

Well no because you can see the challenges Denise and I have with filing a compliance action with ICANN that A, they don't really read it, you know, and B, they don't act upon it.

So, you know, 99% of our enforcement actions against new gTLDs are never sent to ICANN. But as a community, the BC, the CSG could provide those statistics. We have quite a wealth of statistics of how many infringing domains and all of the bad things they are doing; some of them are just, you know, people register without understanding. We educate them.

But I think it's really important if we could pull together some statistics to combat the ICANN statistics of on now, everything's fine.

Steve DelBianco: Yes.

((Crosstalk))

Steve DelBianco: We don't get any complaints.

Susan Kawaguchi: Yes.

(Tony): Denise.

Denise Michel: Thank you. Denis Michel. I'd like to unpack a few things here in this umbrella of abuse. First of all, to underscore what Susan said, ICANN is lacking in substantive metrics and data gathering and publication really across the board but particularly in the area of abuse in gTLDs.

We've seen this with the CCT Review Team who simply cannot do their job because they are not getting basic data about - that they need to fill their mandate.

We don't have visibility into ICANN compliance activities. We don't have visibility into how new gTLDs are scaling and coming online. You know, we have I'm sure a majority of new gTLDs are well run, responsive to any abuse complaints. But a lack of transparency into the compliance process and a lack of data collection and publication on the part of ICANN limits our ability to address what is likely a few bad actors in this space.

So I think one common objective I think our constituencies would share is to substantially increase data collection, analysis and publication on the part of ICANN particularly with a focus on general security, stability and resiliency of the Internet.

I think a second thing is I think we should also give some thought to when the Board raises gating factors for the next round of gTLDs, we tend to focus on the AOC reviews and ongoing PDPs.

But I think it would behoove this collection of constituencies to also think on an operational level. What's working well now and what isn't? What needs to be significantly improved before the next round, which like it or not will be an important lever with the Board?

So if the Board and staff want to move forward with the second round, I think one of the things for example that we need to take a careful look at is compliance doing their job. Have they appropriately scaled to date to address their obligations with the range of top-level domains that are out there and are they prepared to scale for the next round?

And then one final point that I think it's important that we not lose sight of is a number of constituencies and ALAC posted some very substantive comments on proposed - registry proposed changes to the base new gTLD agreement.

I raise this now because several of the changes and several of the comments that IP and Business Constituency and ALAC raised actually go directly to helping to mitigate abuse in gTLDs.

It's not at all clear what process will be used to actually address those substantive comments. Now staff had been negotiating behind closed doors with a group of registries for a couple of years to come up with these proposed changes that were posted for public comment.

It's been a while since the public comments were posted. So it's - we don't really have visibility into what the process - what process will be used to come to closure on proposed changes to the new gTLD so it'll be sent to the Board for approval. I think it's worth making sure that we raise that and get some additional information about what will happen in that area.

And then finally since I've got the mic I'll - this will be the last point. I think it's important to distinguish between the fundamental contractual obligations, historic obligations that registrars and registries have - have had and continue to have to address - to, you know, to address basic things like accurate Whois records.

And there's a number of DNS infrastructure level activities that the registrars and registries are obligated to undertake. And I think we all have agreement on that. And I think where there's divergence is when you start discussing content on Web sites.

We don't have agreement on that. And using registrars or registries and the ICANN process to enforce on content on Web sites that is where our interests diverge. And I just note this because you raised the session that's going to be I guess this evening on content regulation.

I think it's really important to maintain our agreement and focus on basic registrar and registry obligations on DNS records separate from whether we agree or disagree on content regulation and what that means and how you interpret that copyright aspect of, you know, Spec 11 and the registry agreement. Thanks.

Greg Shatan: Just very briefly on that last point. There are those who would interpret content to include domain names and will try to press that into the content box. So even looking at the divide, we have to look at the fact that those who would like to press the not a content regulator definition, you know, into everything that looks like language and definitely those who think that domain names are free speech but domains are content.

I'm not saying that that's universal among those but that it actually does bleed across because of those who would like to, you know, get ICANN out of every business of dealing with abuse in many ways.

(Tony): Should be a lively session this evening. Steve.

Steve Metalitz: This is Steve Metalitz from the IPC. I was first going to say how much I agreed with everything that Denise said until she got to her last couple of paragraphs.

And in light of what Steve DelBianco advised us very wisely, I would be very interested -- not here; let's do this offline -- to hear a single example of regulation of content that flows from ICANN enforcement of their contracts. I don't think there are any. And I think the fact that you're using that language is unhelpful and really divisive within this stakeholder group.

The point I was really going to raise here was everything Denise says about the new gTLDs I'm supportive of her concerns. But let's remember the broader context.

I think it's probably true for Facebook because the example you gave yesterday was a .com example. And I know it's true for our industries that the vast majority of the problem remains in .com and .net.

And all the safeguards that have been built into the contracts and yes they do need be enforced and we do need better information about how ICANN is interpreting and applying them and so forth. They're absent from the .com and .net agreements for the most part. A few things have come in over the years but most of it hasn't.

ICANN has just signed an extension of the .com agreement two years prior to its expiration -- it's now going to go till 2024 -- without any change whatsoever in their contract.

They did leave open a window stating that over the next two years those parties will negotiate in good faith -- and I would add behind closed doors and if you think their negotiations with the new gTLD registries are behind closed doors, this is in Fort Knox -- to have improvements that will increase the security, stability and resiliency of the TLD and of the Internet.

This is a window that will close and I really hope we can come up with a good strategy for making sure that there are some real improvements, that the dominant monopolist incumbent has to compete on a level playing field with the other registries and that the safeguards that are in there for the public interest in the new gTLD agreements are brought forward into the .com agreements. So we have our work cut out for us on that over the next couple of years. Thank you.

(Tony): Thanks Steve. Phil.

Phil Corwin: Phil Corwin for the record. Just to regard that I wanted to note that the RPM Review Working Group of which I'm one of the co-Chairs and J. Scott Evans from the BC is another but (immediate past) into the present.

At the - toward the end of our Phase 1, which is the review of all of the new TLD RPMs and any adjustments we recommend, we'll be looking at the issue of whether - in the RPM area whether any of them should become consensus policy.

Some of them wouldn't make sense like some are as registrations don't make sense for .com. But we will be addressing that issue. And we expect to be completing that phase by the end of next year. So that is out there. Thank you.

(Tony): Thanks. Susan and then Greg.

Susan Payne: Thank you. Susan Payne. I was going to make a point that Steve made so admirably about the need for examples and data. So I won't really say that. But I will say just building on that and looking in particular at the RPM review, it would be great to have (data) to the RPM review and I know Susan said she has data.

But actually if we don't have time to compile it into stats and data, what we really, really need in that review is huge numbers of examples of problems. Like the more the better.

Don't submit one problem. Please if you've got 1000, please submit 1000 because the refrain in that group is where's the problem we're trying to fix. And I think actually we'd all agree that that's what we should be focusing on. If there's a problem, let's work out whether the RPM rules work for it or they need to be amended in some way to address the problem.

And we don't have that data. We all have the, you know, we have anecdotal examples but even that is good enough. And (anatomized) example is good enough. But we really need the examples. Otherwise we - there won't be any improvements. And actually we'll be lucky to maintain the RPMs that we've got.

Greg Shatan: Thanks. Greg Shatan. Picking up on something that Denise said earlier about the lack of ICANN produced data and the conversation between - especially between Steve and you all. And I think it concerns me that it could all fit together, not that I'm a conspiracy theorist.

But if ICANN is promoting the domain name industry, building and keep statistics about the shortcomings of the domain name industry would seem to be counterproductive. Of course I don't believe in spite of the body language, hopefully Goran does not believe that they're in the job of promoting the domain name industry.

But for instance, ICANN recently posted five case studies about how wonderful five of the new gTLDs are. And I posted a response on Twitter, which is where are five case studies of new gTLDs that are doing bad things or that are failing or that are, you know, havens for abuse.

You know, they may not be a regulator but they need to be a watchdog. They need to be a skeptic about, you know, elements of the community and that includes keeping metrics on shortcomings.

So I'm concerned that it's not just a failure of organization but a failure of the interests of the organization. And that's something we really need to keep an eye on and I think we need to hammer on in the nicest possible way because we've been told we need to be nicer - in the nicest possible way on ICANN keeping an eye on those and not giving the impression that it's the fox guarding the hen house. Thanks.

(Tony): Thanks Greg. That seems to very much fit with I think the opening remark from Denise that the issue is about a broad set of data right across the face that currently needs to be addressed, not just focused on one issue. Steve.

Steve DelBianco: Tomorrow morning I'm doing a session representing the BC on a gTLD marketplace health index. And that health index as presented by staff for public comment was really all about healthy fun things, about promoting the DNS industry.

And that's no mistake because it came from the former CEO. He went to (Daboss). Nobody knew who he was. Nobody knew who ICANN was. And he came back and met with a lot of us. We were intersessional in Los Angeles at the time and said we need to do a better job promoting the industry.

Well, that is an opportunity to remind the new CEO that he's not the old CEO. And there's a change to make a change there. Because the gTLD Marketplace Health Index while they have taken public comments, it is not a community driven initiative. It wasn't something we asked for. And we don't have any control over it.

It's not a PDP where it's on consensus. It's the adding all these abuse metrics, adding all of these complaints metrics to it. That's not going to get there unless staff agrees to it right now. And staff is still operating under well, the old CEO's promotion of the DNS industry model.

So let's all make our comments on this gTLD Marketplace Health Index. There's been two rounds. There'll be more rounds. It's called a beta, right. So when a beta moves to release if it moves to release, we need to be sure that there's a lot of indicators of where the problems lie.

And then finally Steve mentioned doors being closed when they negotiate with registries. And that may be true. But the door that's always open is the door called consensus policies. And it runs through a door that opens into a picket fence. So it is on us to implement policies and all the registries including VeriSign and (net com) have to immediately implement anything we can put through to the picket fence.

We were never going to get much out of the .com renewal because all the registries have a presumptive renewal that they've performed. They didn't have to accept anything new. So the key for us is to drive through policies, not try to jam things through a renegotiation.

(Tony): Thanks Steve. Mark, suggest you do use the mic this time rather than chat.

Mark McFadden: Well thanks Goran isn't here. Mark McFadden for the record. I want to talk about something that Denise brought up and it's back to the subject of data. In fact I have two things. The other one is the topic of conspiracies.

The ISPs are also very interested in data but not for release for a particular study or particular activity that we have in mind. Instead the ISPs are very, very interested in the routine and repeatable publication of data so that we can establish metrics for either improvement or identifying areas' need.

It's not good enough to publish the data once. What ICANN has to commit to is actually routine regular publication for public availability and public scrutiny. And so that might be - that might lead to the development of policies, which our constituencies would be extremely interested in.

So while I think the ISP community completely agrees with Denise, one of the things that's very important to the ISPs is that it be routine, repeatable and reliable.

The second thing is Greg's note about conspiracies. I would not add to his level of concern. But one of the things I would note is that about three months ago the - ICANN released an RFP for a DNS abuse study.

And I can tell you that the work on that abuse study has not only not started but they have completely delayed actually implementing it. There's no vendor picked. They're not actually doing any work in that space.

So they actually tried to kick off in support of the Affirmation of Commitments - tried to kick off a DNS abuse study. And that's been completely stalled.

One of the things that's in that RFP that would make Denise and myself particularly angry is a very, very small comment in the guts of the RFP that says the person who actually or the organization that

succeeds in bidding on this particular piece of work will be assisted by ICANN providing the data.

It's not that ICANN doesn't have the data. It's that they're not publishing it and they're not committing to a routine regular reporting activity. And that's something I think our constituencies should hold their feet to the fire for.

(Tony): Denise.

Denise Michel: Can I quickly respond? Denise Michel. I would agree with you. And I think that's an excellent elaboration on my call for data. I think the publication of raw ongoing data for a range of Internet identifiers is actually critical and touches almost every aspect of ICANN's work.

And I think it actually would be useful for the three of our constituencies to get together and write a short statement underscoring the importance of this and asking the new CEO to make data gathering and posting in - and giving them some guidance and making that a priority. Thanks.

Mark McFadden: And if I can just take a moment. Mark McFadden again. I actually think that - I think that's a great idea and I would be willing to contribute to that. But second of all, I think the next time we're together whether it's an intersessional in Reykjavik or together as a - for a regular meeting, I think bringing the CTO and holding the CTO's feet to fire on this is something that's important because that's the source of the data.

That's the place where as I understand it the - in terms of the data organization availability the remarkable kinds of research that are coming out of the CTO's office right now are relying on exactly the kind of data that all of us are interested in.

Denise Michel: Okay. My last back and forth. The point I disagree with you on is this is a CEO responsibility. This is not a - the CTO has some important responsibilities in this area but actually getting the data into the public sphere, I will bet you anything the stopping point is not the CTO. And it's the CEO that needs to make it a priority and needs to commit just as he committed to posting every complaint that goes to the complaint officer. He needs to commit to posting this data.

Mark McFadden: I promise all future conversation with Denise I'll hold out in the hall. But my last thing here is that if we're going - if we're going to get this done, we're going to have to go through the CTO to get it done. That's my point.

(Tony): One of the things that came out of this discussion was that there are certain facets of data where there clearly is part of the process that enables you to feed in. I think Susan pointed out some of those.

But I thought that Denise's opening remark was very broad that it's data across the (place) and that's the thing that I think we struggle with, how we get that result.

So certainly I think initially collaboration between these three constituencies would help. But it's a much broader issue here to get the buy in from ICANN as to how that can happen. And that's the bit that we really struggle with. And probably that's where a lot of the focus should go in the future.

Marc Trachtenberg: Marc Trachtenberg for the record. I would just add that to the extent that we're asking for data, we should be very specific with exactly what data we want because, you know, if you sat in the Whois session the other day you realize that regular publication of data regardless of how much it is may not be useful data.

So, you know, ICANN's in the business of providing things that are often not useful. And so I think, you know, just to say data is not sufficient. And, you know, even to give categories of data is not sufficient. We have to be very, very specific with exactly what data elements we're looking for and what type of delivery we want.

Denise Michel: Yes.

(Tony): Yes. Good point.

Steve DelBianco: Are there other members of this group who are on that panel tomorrow on the gTLD Marketplace Health Index? Hands please. Anyone else from CSG? That's frightening.

But so I would ask IPC and ISPs tonight send me the comments you submitted on the specific data you want in that Marketplace Health Index. And I will make your points tomorrow on that panel. And I'm assuming you all comment on that because that's the specific place. That's where you put the data that you want on complaints and abuse.

(Tony): Okay.

Denise Michel: There's also in ITHI, which stands for the Internet - Identifier Technology Health Indicators. This is a CTO SSR initiative to collect and post data. So there's actually two points for intervention here. And that session is tomorrow evening.

(Tony): Okay. Thanks for the pointer. Mark.

Mark McFadden: And just one last response to that. I think that when we - I promised this wouldn't happen. But when we say the words, we need to be very specific about what data we ask for.

I think it's that CTO effort that makes it evident that it's surprising sometimes what data is being collected and that sometimes we actually don't know. So it's hard to be very specific until we know what collections of data are actually occurring. And so my reaction is that in responding to Steve a little bit there are multiple places to input here.

(Tony): I'm not sure whether that was ping or pong but I think we finished in the end. Okay. Let's move on to the next item on the agenda. And it isn't that far away from this issue as well, which is the need for greater transparency and insight into RSEP. That's a program that's been running for a long time with little I think visibility to the community in terms of how that's gone. So I'll open up for comments, questions on that particular issue. Chris.

Chris Wilson: This is Chris. Not to put Denise on the spot but this is her baby shall we say I think. It's important I think for everybody. And we raised this - the BC raised this with the Board in Marrakech as well. And as Denise and others on the BC can attest, it's been a very slow drip if at all process of getting the data that we need and the insight that we need.

And, you know, this is - continues to be an ongoing iterative process. But I know Denise has some further information she - maybe you want to share with the good of the cause.

(Tony): Welcome back Denise.

Denise Michel: Yes. Thank you. So the BC asked for in Marrakech - so that was beginning of March some - that they conduct an assessment of the RSEP program. That's the program that's used by all registries if they want to make a change to their contract.

It's intended to be an expedited process to allow for ongoing changes to registry contracts. The program started in 2006. The Business Constituency I think is one of the few constituencies that tries to

comment on every single RSEP comment that we see. And it was becoming difficult for the BC to keep pace. We had seen such a significant uptick in these.

So we asked the Board to take a look at this program. It'd been going on for over ten years. No one had ever actually assessed whether it was working well, what some of the issues were; just - or even what the - simply what the volume was.

And so we didn't actually really get all that we asked for but we got some pretty basic data on the program. And I have some slides and I'm not sure who has them but we'll share them with the other constituencies.

And so since the program started in 2006, there's been a 2225% increase in RSEP requests and a volume that's really - increases driven by obviously new gTLDs. And the slides I have I'll send around or Steve, does someone have those? I think I sent them to you. No. Yes.

But anyway, the types of abuse fall into about seven or eight different categories. The process that we've learned is that when an RSEP request is put in, the staff - GDD staff will take comments on the particular RSEP request that changed to a registry contract. But they do it at - oh, look at that. Okay.

(Tony): Here we go.

Man: Thank you (Chantelle).

Denise Michel: Thank you (Chantelle). Who's - could we go to the third slide? So that's the types - the general categories of RSEP requests. And then the next slide. So the page on RSEP shows that there's only a couple comments each calendar year on RSEP. So remember there's been

an over 2000% increase in the number of RSEPs. So that seems kind of odd.

And the reason it seems kind of odd is because people expect to see requests for public comment on the public comment page. Next slide. And the data for RSEP that they have on the Web site shows that there are very few comments on RSEPs. And in fact zero comments in 2016, which is quite odd since the BC has posted many, many comments on RSEPs this year. Next slide.

So the - so if you actually want to comment on an RSEP request, you have to send an email to a very specific email address that is very challenging to find. And that's what they actually consider comments on an RSEP proposal or a proposal to change a registry agreement.

After the staff decides that the RSEP change is fine and if that RSEP change requires a contractual change, a change to the contract, only then, and they aren't obligated, they may choose to post that in the public comment forum.

So by now you should be getting a sense that this process is a big confusing, convoluted and it's just the initial data that we have. So you can go to the next slide and the next one or actually the last slide.

So again, our request and our intent was simply to surface some basic data on how this program is working and given the significant increase in requests whether the community can even keep pace with this particular process in addition to asking some basic questions about how it's running.

And so we're sharing this - the initial data we got not to jump to any particular conclusions but, you know, I think just to surface the data and ask whether this is the best way to balance the registries' of

course need to have an expedited process to make contract changes and sort of the public interest.

So communities need to have an opportunity assess and provide comments on some changes that may be significant. I think this data's probably good to submit to the Subsequent Procedures Working Group as part of the input for things they're looking at for the new gTLD improvements. And I'll leave it at that in case people have other ideas or suggestions.

(Tony): So currently the only way we could see the BC comments that are posted is to look on your Web site. I assume they're posted there. But we can't track them otherwise. Is that true?

Denise Michel: Yes. So as a result of the BC's request, they've put some data on a Web site on icann.org. I'd suggest you use Google to find it. And I think the point - probably the point is that we think we're commenting on an RSEP request when we post something in the public - main public comment forum but we're not. By then the RSEP request has already been approved by staff and they're posting a contract change for public comment, so.

(Tony): Thanks. Susan.

Susan Payne: Hi. Thanks Denise. Sorry. Susan Payne for the record. Obviously I haven't seen the data you've had. And so this is more in the way of a question. But based on the slides, it seems to me that this might be one of those cases where we could do with a bit more data or at least more specificity on the data before it actually is submitted into subsequent procedures because I think what the RSEP is for is really crucial.

And I mean if it is someone asking for, you know, permission to release IDN script in their registry, so an additional - an additional IDN

script that they didn't ask for, you know, originally, frankly that is not important.

And it would be, you know, your data isn't very helpful until they provide you with - I mean if they haven't already details of, you know, how many of those 2000 percentage increase were actually IDN scripts or requests for release of two characters or you know what I mean.

You know, there are a number of - like everything has to go through an RSEP. And so most of them you don't need to comment in if they do not matter in the grand scheme of things apart from obviously to the registry.

Denise Michel: Yes. Thank you. Very good point. So this is not my data. It's actually data that the GDD staff that's responsible for the RSEP program provided us. And then we also asked them to post it on their Web site, some of which they have posted. I'll share all of this with you.

And if a new - it is an important point because it's important that registries have an expedited process especially for the, you know, more minimal contract changes to be able to do it, you know, quickly and efficiently.

At the same time there are - there have been some proposed RSEP changes such as - and I think Phil is active on this for the Business Constituency when there was initial RSEP proposal that dealt with and potentially affected Chinese users...

Man: (Quite a few).

Denise Michel: ...xyz.com. Yes. So on occasion there are some - there are some proposed RSEP changes that have broader and important community input. And so again, we're just surfacing this issue. It's something to

take a look at. I'll send you all a link of the data that they provided thus far and it may be something that we want to discuss further.

(Tony): Okay. Thanks. Two more quick comments and then we'll move on.
Marc.

Marc Trachtenberg: Marc Trachtenberg. I think it's clear that the huge uptick in the number of RSEPs is a result of the new gTLD program. But, you know, what I think is interesting to note, and this is from empirical data only, is that the RSEP process is not only registry driven.

What ICANN does is it uses a catchall. And so when they don't want to deal with something, they basically say, you know, it's fine what you did but just submit an RSEP.

And so, you know, really the RSEP is kind of ex post facto. They've already decided that whatever is done is okay and they just want to check that box or, you know, have some sort of documentation for whatever legal or other administrative action may somehow occur in the future so they have some record of it.

But I mean really, you know, ICANN's already decided that they're pushing people to the RSEP and I have no idea what those numbers are because again it's empirical. But I am aware of that happening on a number of occasions.

(Tony): Just to wrap this up quickly, Phil.

Phil Corwin: Yes. The co-Chairs RPM Review Group have conferred among themselves and we're going to be issuing a statement soon. But since we're charged with looking at the effect on the RPMs, we also decided we need to at least take some notice and analysis of what some of the big portfolio registry operators are offering as aftermarket add-ons to those to get a complete picture of what's out there.

And one of the questions we think we're going to have to address there is that when they are for something like DPML is that already considered a registry service and if not, have they submitted RSEP?

And more important than that, if they've submitted an RSEP, what standard is used to evaluate that request? Because we found out when we questioned the XYZ proposal that people thought could lead to some censorship issues in China that the existing standard seemed to be very technical in nature and wouldn't encompass the type of policy issues that would arise in evaluating something like a DPML.

So we're going to try to get a better understanding of that picture at some point in our process.

(Tony): Okay. Thanks. We've given that a pretty good airing. And it leaves us with one agenda item that is not a short item. So I'm going to open up the floor straight away for the last agenda item. And this is views that we'd welcome on the commercial stakeholders post transition.

If there's no input on that, then we've gained a lot of time. I'm really surprised on that. Anybody want to offer view? Wow. Everything's fine then. No problems. Is that right? Okay. Then I didn't think I'd quite get away with it. Steve and then Greg.

Steve DelBianco: This came up a lot in Washington as we did the hearings on the transition. And there was a general sense that from time to time the commercial stakeholders could run to NTIA in Washington, D.C. whether you're American or not and plead your case. And it's always been that way.

The Commerce Department's about well commerce and they would always entertain a meeting. What's less clear is whether it ever had any affect at all. And when the U.S. Government had the chance to

score one for commerce, I'm thinking oh Amazon and Patagonia, .amazon and .patagonia and they didn't.

And we may look back wistfully in a post-transition world but the Commerce Department certainly gave us an ear. But let's not pretend that that ear ever turned into a helping hand. It rarely did.

Now that the transition's done, we're not going to be supplicants to the Commerce Department although the U.S. Government as one of the members of the GAC is now freely empowered to use its veto of GAC advice to deprive any GAC - and of the GAC advice that gets in the way of commercial interest.

If we convince any government to veto it, we deprive the GAC of calling it consensus advice. This is the whole Stress Test 18 outcome. And therefore it loses any of its special deferential treatment when it arrives on the desk of the Board.

And I do think that the new bylaws make it very clear that things need to be bottom up. So that means that begging the GAC to jam something through on the Board at the last minute is not going to work so well anymore because it'll be challengeable as an IRP because it didn't come through the bottom up process.

That means we need to re-double our efforts of working through working groups and policy development process of picket fence material because then it can be imposed on contract parties.

We aren't going to have much luck I think trying to beg the CEO of the Board or the GAC to impose something top down in the post transition world. And as I said before, the Commerce Department really never was that helpful but they can't be as helpful anymore. Thank you.

(Tony): Thank you Steve. That's incredibly important point. Greg and then Jimson.

Greg Shatan: Thanks. Greg Shatan again for the record. First, there are sign in sheets coming around. Should have done this at the beginning of the meeting but the theme of Hyderabad seems to be doing things much later than you should have.

So please do look for the sign in sheets and do sign in. Like to try to capture everyone, member, guest, you know, potential member on the sign in sheet. So please do that.

And substantive point is I think that in a post-transition world commercial stakeholders really need to work on a couple things. Really it's capacity building. More engagement. More people. More - and more communication outward especially beyond the industries that are typically highly motivated to be involved.

So, you know, the Internet is, you know, one of the things we're often accused of is, you know, only representing big brands and BC probably gets accused of only representing, you know, certain sectors or emphasizing sectors. But really now that we're, you know, in a, you know, free agent world post commerce - Department of Commerce, it really behooves us.

And of course the situation where, you know, we are relatively less empowered than we would like to be in the empowered community, you know, doesn't make us more attractive. But the more bulk and activity we can all promote together, you know, the better off we will be as difficult as that is. And I think we need to - the other half of that is communication, more outward communication to the business world. Thanks.

(Tony): We're going to slightly run over into the closed meeting time. But I'm going to allow that to happen. Jimson.

Jimson Olufuye: Yes. This is Jimson Olufuye, BC. I just want to mention that the transition was indeed as you all know been a great success against this position of many. In my part of the world that the business in particular will block it. So this success is (half fought). And as Greg mention, we need to continue to reach out, do more of outreach, more engagement and be present.

Even the CEO also mentioned we need to be present where (threats) will come to the (unintelligible) transition. Thank you.

(Tony): Okay. Thanks.

Andrew Harris: Andrew Harris with Amazon and the BC. Responding to Steve DelBianco's comments, well Steve, I'll start by thanking you for the work that you did on getting new bylaw changes on the notion about GAC's consensus and that their advice has to come by consensus.

But, you know, this week the GAC is considering how to respond to those new bylaws. And some of that conversation is about how - whether they need to define what absence of any formal objection means and how to consider the possibility of what you just mentioned of one government stopping advice.

And so while it was a big win that you helped us all get and those bylaws on consensus, it's definitely not necessarily over. And so I think that one thing that's useful for us to do is for those governments that we do have good relationships with in sharing our point of view that consensus means consensus. And that the GAC should continue operating as it does now and that it not change their operating principles to make it loosen the definition.

(Tony): Okay. So I saw whilst you were making those remarks a lot of support Steve. I think we all owe you a vote of thanks for all the great work you've done there. That's the good news. The bad news is you're not done, so. (Paul).

(Paul): Thank you. My comments were just only in reaction so I'll react first to the issue of the GAC, which yes, that's not over. That's not going to be over. We have to be vigilant.

If the drafting instructions that were part of the Marrakech package had been actually implemented instead of ignored, it would have been clear that the Board didn't - doesn't have an obligation to take a vote. And that didn't make it in. And so now we're in the weird position where if we - if the GNSO sends in a policy and the GAC opposes it, the Board is always put in this pickle.

And so we have to be very vigilant about how the GAC implements its consensus. But we also have to be very aware that whatever we may make our way through the bottom up consensus policy through the GNSO, anything we would like to see we have to be careful that we don't end up positioning it against the GAC because forcing a Board vote won't likely go our way very often. So vigilance all the way around.

And then just to respond to what Greg said, just to drive it more specifically, we do have this bylaws challenge that unless something magical happens the business community is going to get pushed to the margins by how the empowered community will function.

And Greg called for more participation but specifically in the week or weeks ahead we're going to need a lot of letterhead in from a lot of companies saying we were promised we wouldn't get hosed over and that's exactly what's happening.

And those need to be in the form of public comments but maybe even some letters to the Board members and others so that ICANN gets the message that the business community doesn't desire to go quietly into the night and to be the only un-empowered portion of the empowered community. Thanks.

(Tony): Okay. Thanks. I'm going to wrap it up there. We're five minutes over. We are open for any other business. I'm not aware of any if any. Wolf-Ulrich. I'm sorry. I'm still - you know, have to be very short and precise there because we are running over.

Wolf-Ulrich Knoben: Very short. But I want just to point out not to forget, you know, what it was about, you know, the IANA transition. The IANA was transitioned. IANA. So and the IANA stewardship was transitioned. So and that means the other work which has been done within the CWG stewardship was, you know, to get it set, you know, in organizational form.

And for our ISPs and the people who are dealing with the numbering and (unintelligible) with the former IANA (and all PTI), it was essential that the structure and the organization of the IANA remains as much as possible in order to keep the level - the high level of performance - the technical performance and that happened. And that's what we are very happy about that that it happened.

So what is now going to be done is to keep it under control through our means, which for example the Customer Standing Committee and that is what we have to look at in future. And that is what this - especially as ISPs are going to do that. Thanks.

(Tony): Thanks. Thank you. So with that, I'd like to thank everybody for joining us for this open meeting. If you haven't signed the sheet, please do so before you leave. The next session is a closed meeting. So it's purely

for members of the three CSG constituencies. And we'll take a few minutes to get the right link up and then we'll resume. Thank you.

END