
COPENHAGEN - Joint Meeting: ICANN Board & Commercial Stakeholders Group

Tuesday, March 14, 2017 - 11:00 to 12:00 CET

ICANN58 | Copenhagen, Denmark

MARKUS KUMMER: Okay. It's one minute past 11:00. This is Markus Kummer speaking. I have been asked to facilitate this session with Greg Shatan from the commercial stakeholder group.

As we don't all have name plates, I suggest we get started with a roll call.

Steve, can you get started?

STEVE DelBIANCO: Thank you, Markus. Steve DelBianco with the business constituency.

JIMSON OLUFUYE: Jimson Olufuye, vice chair, financial operation, BC.

CHRIS WILSON: Chris Wilson, chair of the business constituency.

CHERINE CHALABY: Cherine Chalaby, ICANN board.

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WOLF-ULRICH KNOBEN: Wolf-Ulrich Knoblen with the ISPCP constituency.

TONY HARRIS: Tony Harris with the ISPCP constituency.

ASHA HEMRAJANI: Hello, everyone. This is Asha Hemrajani, ICANN board.

CHRIS DISSPAIN: Good morning. Chris Disspain, ICANN board.

BECKY BURR: Becky Burr, ICANN board.

GREG SHATAN: Greg Shatan, president of the intellectual property constituency.

MARKUS KUMMER: Markus Kummer, ICANN board.

TONY HOLMES: Tony Holmes, chair of the ISP for another 3 hours, 5 minutes.

[Laughter]

JONNE SOININEN: Jonne Soininen, ICANN Board.

STEVE CROCKER: Steve Crocker, chair of the ICANN board, and welcome, everybody.

RINALIA ABDUL RAHIM: Rinalia Abdul Rahim, ICANN board.

JONATHAN ZUCK: Jonathan Zuck, IPC.

MARKUS KUMMER: Thank you. Now, we have the -- we exchanged questions in advance of the session and we hope to make the session as interactive as possible.

Who would like to introduce the first question that came from the BC? Greg?

GREG SHATAN: Thank you. It's Greg Shatan. We're actually going to begin with the ISPCP because there is a meeting cross-scheduled with this that they need to attend, so we're going to start with the ISPs, followed by the BC, followed by the IPC.

Also, this meeting, which has in the past been 90 minutes, somehow became 60 and was not noticed by the commercial stakeholder group until too late, so we will hopefully be as efficient as possible, and in that vein, I will turn it over to the ISPs.

TONY HOLMES:

Okay. Thank you very much. If you will bear with me, I -- because we have a 20-minute slot, really, per constituency, I'm going to roll all of the three questions in one go, because I think if we get into answering them individually, we're going to time out pretty quickly, so -- and they do actually link through.

So, the first issue we wanted to raise was over DOA, digital architecture.

The ISPs sent a letter to the board suggesting that we work together to try and get some informative information out there to the community. We were very aware and a number of us have worked on some of the DOA issues in other forums other than ICANN, but there seemed to be a lot of rumor, a lot of misinformation that was taking place in corridors, mainly, at ICANN meetings, that caused us some concern, and there were people suggesting that it has relationship to ICANN's core mission. There were also people suggesting that it was a

replacement DNS and it certainly isn't that. But that level of misinformation isn't helpful. So, we wrote to the board asking them to consider this and to try and get some clarification on the technical aspects what DOA is, what it isn't, and how it relates to the Internet. I think that would be very helpful.

So, the first issue we raised is, we haven't had a response back and we wonder what's happening.

Now, that also leads into the second issue, and there is, coincident with this meeting, a technical stream meeting taking place in ICANN where there is a presentation on DOA. Unfortunately, it's exactly the same time as this meeting, so I will beg your understanding that after we finish here, we will leave very promptly to attend that session.

And that leads into the second issue that we wanted to raise, which is some concerns we still have over scheduling of meetings. And we are well aware that the community has striven quite hard, I think, as a planning organization for this meeting and we've tried to do things in a different way, but we've ended up, even though we actually have worked hard to make the block schedule work, where we have many conflicts across this meeting, and I think lots of the community are

suffering from that, and we don't seem to have resolved all of those issues.

Having given it some thought within the ISPCP, we are aware that when we come into an ICANN meeting there are always certain sessions that need to take place. There are others which I would suggest have an historical background where we have the same meetings for the same amount of time and it's really easy to fill those slots with an agenda but it isn't always the priorities that we should have, and it seems we're -- the only way we can get out of this is to look at all of those sessions, look at whether they're justified at each meeting, and maybe we can have some of these meetings outside of the ICANN schedule.

Perhaps we can adopt a different approach where even diverse parts of the community could meet remotely.

The high-interest topic sessions, we have reduced them down this time, and we recognize that. I think that's been helpful. But there again, those high-interest topics have to be driven by a real need from the community, because they -- they do take up a lot of our time. And having spent a few days at ICANN dipping into various sessions across the previous few days, some of them have been very, very well attended. Others, if you've looked around, have been sparsely attended.

So, I think it's time to look at the value of each session, the need for that session, and it doesn't mean we have to have the same approach at every ICANN meeting, even though we -- we now have an A, B, and a C approach.

So, some thoughts and some discussion around that would be particularly helpful and then maybe we wouldn't have to dip out of this meeting so quickly to go to another topic that really is certainly of high interest to the ISPs that just occurs at the same time.

The third topic we wanted to raise is a similar issue where we're aware that the community is under a lot of pressure, there's an awful lot of work to do, and a limited amount of resource to do that, and we feel that ICANN is at a stage where maybe stepping back and taking a real holistic view of ICANN would actually help solve some of the scheduling issues by looking at the structure and the way that we do things.

And our view is that it's a good time to do that now, with the empowered community taking an increasing role in ICANN.

We're aware that there are 11 reviews scheduled, and one of the heartening things that happened today was that in a meeting with the commercial stakeholder group, we heard Goran expressing his opinion that that would be a difficult thing to

handle. We share that view and we question the value of having a schedule of one review after the other after the other and we acknowledge why we have to do that. The way the need for those reviews came through the organization had organizational support. But there are two issues for us. One is that we consider that it's so resource-intensive that the value of those reviews is questionable, particularly if you get to the stage where the community is stretched to comment on all of them.

What you're actually going to get back is very focused response from those parts of the community that are impacted and not a broad view of how the rest of the community fits in and feels about those reviews.

We also feel that the -- the schedule of having 11 meetings, 11 reviews, means that each one is looked at separately, where there are overlaps between those reviews, how one could impact the other, but there's no bandwidth to actually take that holistic review of the whole piece.

And it's interesting that there has been a little bit of discussion on this in other meetings that have taken place here in Copenhagen, and it's very interesting to hear the view that once we get over that schedule of the 11, maybe we can take a fresh look.

Well, from an ISP perspective, we question the value of waiting that time with a whole string of reviews if there's a need to consider whether it may be better combining some of that resource to take a more holistic review of parts of the organization.

And particularly, you will not be surprised, Board, to hear that we have very strong views around the structure of the current GNSO, certainly from the position of the commercial stakeholder group, so we would like and welcome more dialogue on all of those three points. Thank you.

MARKUS KUMMER:

Thank you, Tony.

I had a first discussion of this with two GNSO appointed board members on Sunday. Since then, I looked actually into the letter and I think it was sent off in early February and I am also of the opinion that letters should be answered in a timely manner, but Jonne followed up and he will answer your questions.

JONNE SOININEN:

Yeah. I think that if I, Tony, understand correctly your question, there may be two parts to that. First of all, are we aware of this discussion and how are we following up.

And we are actually, as a board -- so both individuals in the board, so there are some of us who have been -- who have known about DOAs for a very long time. I personally have heard first time for the -- in 2004 when I think it was still kind of called the Handle System, and I'm sure that Steve has heard already before about that. But as a board we have actually taken quite a bit of a look at that. We had a paper written by the staff about DOA, and so we think that we understand what the system is and what the discussion points are.

So, we are aware of the discussions and we're aware of what the DOA system is.

On the other hand, the letter, I share the point that Markus said that we should do these things and we should answer this in a timely manner.

And what I understand is that we're just about to answer you. It hasn't come out of the pipeline. Sorry it has taken such a long time. But I think that -- or a little bit more than anticipated. But I understand from David that we actually have the letter, and it should be coming out any day now. And we have been taking a look at what you have sent us.

Is there anything else that you would like to know from the DOA from the board perspective?

TONY HOLMES: Thank you. I very much welcome that response. Just to reiterate I think it was the closing point in the letter, that within the ISP we have engaged in some of those discussions, certainly outside of ICANN. We welcome the fact that ICANN, I think, are aware of that.

Just to reiterate the point that from the ISP perspective, that if we are able to engage and help in any way in getting information out there that would be helpful with the community, we're certainly standing by ready to do that.

JONNE SOININEN: Thank you very much for that.

Did Steve still have a question about the DOA?

STEVE CROCKER: Let me push a bit further to add on to what Jonne has provided. When I listened to your question, Tony, what went through my mind was the following. The ISPs live in the real world. They provide real service, and they know their technology. My immediate instinct is that they know perfectly well what DOA is and that its chance of being a replacement for DNS is wishful. Could use other words but that's sufficient.

So, I was wondering if the point of your request for help is to help the ISPs understand versus help them deal with politically motivated pressures that they're getting from government people who know less about the technology and we know there's quite a bit of campaign going on.

The basics of that architecture has a lot of value in other areas for permanent storage of identifiers. And it's kind of unfortunate in my view that it's gotten so muddled and become a political issue.

But -- so that's my question to you, is: Is this on behalf of the ISPs who want to know more? Which would surprise me. Or on behalf of the ISPs who want to know how to -- who want some help reacting to the political pressures?

TONY HOLMES:

That's a really good clarifying question, Steve. And I welcome that. It certainly isn't the ISPs want to know more, neither is it that the ISPs are looking for ICANN to engage in that discussion. We don't think that's particularly appropriate.

It needs to be discussed in other forums. And as ISPs, we need to engage in those forums and tackle it there.

The concern we had was that we felt we had a fair understanding of what the issues were. What really worried us was that other parts of the ICANN community whose expertise lies in other areas were openly talking about DOA in a manner that concerned us. And we became very aware that there was little real understanding out there, little clarity. And we felt it would be really helpful for ICANN to be able to provide perhaps a reference point to that community to actually explain what it is, what it isn't so that the rumor mill stops and there is a broader understanding.

And the relationship of that to ICANN's mission needs to be understood. It isn't a replacement DNS. That alone would be a plus. But anything that's helpful out there so that there is an understanding from the broad Internet community of something that's being talked about as impacting the Internet. That was the sole basis of our submission.

JONNE SOININEN:

So, basically if I paraphrase what you said is that you would like to have some material actually -- or some clarification about this within the ICANN community, that the ICANN community itself is not -- wouldn't be confused about that.

Well, even though the session that is today has a little bit unfortunate scheduling, I hope that already helps a little bit towards that. And then we can see that I'm -- like, for instance, the paper that was provided to the board, if that would be something that we could provide to the wider ICANN community explaining the history and kind of like particulars of the DOA, that might be something that we could look at.

And maybe David can actually address that.

DAVID CONRAD:

Hi, David Conrad, ICANN CTO. So, the letter actually is due out today. Apologies for the delays. The paper that Jonne is referencing, we're actually in the process of developing some additional -- Would you like to step in?

GORAN MARBY:

It's not David's fault. It's mine.

We've had a very bad process for answering letters. I know -- it doesn't come as a surprise to any of you that we've not done a good job of answering any letters. And we actually put in a new process internally how to answer a letter from the board and the CEO. I'm admittedly say that we have been appallingly bad in it. This is just one of those examples.

And I'm really ashamed. It's not David's fault. It's entirely my fault. I just want to say that so you don't complain to him. And I will leave the microphone so you can't complain to me either.

[Laughter]

DAVID CONRAD:

Thank you.

So, with regards to the paper that Jonne is mentioning, we're actually -- in my group, we're actually working on expanding that paper and providing significant more detail. And the intent is to make that available to the community as a white paper from the office of the CTO.

We're also planning on having a session related to DOA at Johannesburg, sort of a larger session that's occurring right now.

The session that's occurring right now is actually looking at a series of new technologies that may be relevant to the community. I know right now, in fact, they're talking about a technology called Namecoin which is blockchain based. So, you are not missing the DOA session yet.

MARKUS KUMMER: Thank you, David. I'm very mindful of the time. We are already into 20 minutes, and we have two more constituencies to go through.

But, Tony, would you like to wrap up?

TONY HOLMES: Yes, just a quick response. I really welcome that, David. Thank you.

I would suggest that it would be helpful for ICANN, certainly the CTO, I would suggest to monitor also the developments that surround DOA so that any information we put out there, if anything changes, we can keep up to date. I think that would be helpful. Thank you.

MARKUS KUMMER: Thank you. There are two other questions you asked. I would like to ask colleagues to address them.

Chris, can you briefly say something on the meetings issue.

CHRIS DISSPAIN: Thank you, Markus. I note your use of the word "briefly."

Tony, thank you for saving me a huge amount of effort of going through all the stuff that's actually happened because you have sort of set it all up nicely and level set.

I think the simplest thing I can say to you is the current sort of thing that Sally and the team are doing with the community working group, I think, is the best way of trying to find a way through this. It obviously needs more work. Everyone needs to swim in the same direction on this. Otherwise, you just end up with each SO and AC demanding more time, et cetera. And having a community group working together with the ICANN -- relevant ICANN org people is clearly the best way of doing it.

The board does have some issues as well with timing and so on. Everyone's pretty much in the same boat. So, I quite understand. I don't think there are any easy answers. But I think steps are being taken, especially, you know -- reduction of the number of hot topics, the -- everyone coming together to try and fit the jigsaw together. Let's all agree it is a work in progress and that we all need to work harder to make it satisfactory. Thanks.

MARKUS KUMMER: Thank you, Chris.

There was also the review part. And the logical person to turn to would be Rinalia in her capacity as chair of the Organizational Effectiveness Committee. Please, Rinalia.

RINALIA ABDUL RAHIM: Thank you, Markus.

Tony, I hear you. You will not get any argument from board or org that reviews are a lot of work and we have limited resources and no doubt a holistic perspective would be best. The challenge is that the reviews are bylaw mandated, and we have to deal with the bylaws.

I will separate the reviews in terms of the two clusters. One is the organizational review, and the other part is the specific review.

On the organizational review, the board has a little bit of discretion in terms of timing. If the organizations themselves that are being reviewed say they would like to have more flexibility, we could look into that and we could help spread out the reviews more.

On the specific reviews, our hands are bound. And it has -- the request has to come from community. So, I think community needs to get together and say that, you know, this is a challenge.

We need to do it better. How do we get agreement on moving forward? And whatever you need in terms of facilitation from board or org to move that forward, simply ask for it. But I think it has to come from community.

MARKUS KUMMER: Thank you.

Can we, with that, close your section, Tony?

TONY HOLMES: Yes, thank you very much for your time. We really appreciate that. And the dialogue we have had, we will follow up with you accordingly. And if will you excuse me, we will now go over to the DOA presentation. Thank you very much.

MARKUS KUMMER: Thank you, Tony.

And with that, to the business constituency. Who will introduce the question?

CHRIS WILSON: Thank you, Markus. Chris Wilson with the business constituency. I think real quick, I'll go ahead and answer quickly the two

questions the board posed to us in preparation for this engagement, and then I'll turn to my colleagues, Steve and Jimson, to present our questions and topics for discussion for the board.

So, really quickly one of the first questions you all asked was to what extent is the business constituency engaged in Work Stream 2 accountability issues and matters.

I'll simply say that we probably have at least a dozen members of our constituency who are actively engaged in various Work Stream 2 subgroups. Steve DelBianco is co-rapporteur for the SO/AC accountability subgroup. I happen to be co-rapporteur for the transparency subgroup. So, to be, sure the BC is quite engaged in that work, just as the BC was engaged in the Work Stream 1 matters. So, we're always seeking additional input within the BC on Work Stream 2 issues as we continue through this year and perhaps probably into somewhat into next year on Work Stream 2. But rest assured that we're actively engaged in that.

The second question posed by the board was, you know, what are our top policy issues and areas of focus for this year. To some extent, our questions posed to you all answer that question. It will give you a sense of what we're looking at.

But in addition to what Steve and Jimson will talk about, I'll simply say that monitoring and continued engagement for effective contract compliance will remain a top priority for the BC. Obviously, we're engaged in all the PDP working groups. The business users are affected by all of the different policy making going on here at ICANN. So, we'll continue to remain engaged in all of that. And really anything and everything is of interest and priority for us to be honest.

So, I know that's a bit general. Happy to offline talk more about that. I think it may be best now and a good use of our time to go ahead and turn to Steve who can present some of our questions and points for you. And then Jimson can follow up as well.

So, Steve, turn to you.

STEVE DelBIANCO:

Thank you. Steve DelBianco. The first topic we wanted to probe about is the new gTLD base Registry Agreement. Last July the business constituency in the IPC filed pretty substantive comments on the proposed amendments to that base agreement. And then in December, the staff published a summary and a reaction to the public comments. I said "staff." But, Rinalia, I guess I should say "org," right? We are calling

"board" and "org" instead of "board" and "staff," right? So, org responded.

I think Goran has been successful in changing the vocabulary, which is what he has been trying to do.

On -- a couple of topics on that, that org didn't agree to any of the changes we sought to parts of the base agreement where there were no changes that the registries wanted. So, that was -- that was an interesting perspective, that if you have a long agreement and that agreement is up for some proposed amendments, if part of the community was seeking amendments to certain aspects of it, those were off the table. Just ruled out of bounds because it wasn't something the registries wanted to change. So, I want you to think and react to that in a moment.

And then on one other topic I'll just bring up, on the fee reductions -- and fee reductions are requested by registries and then granted by org -- staff didn't accept any of our comments there at all. Staff said that, "Standards will eventually be adopted for ICANN to determine when to do a fee waiver. And they will do that to meet the needs of the ICANN community." We'll hold you to that promise.

And it might even surface whatever rationale ICANN has for waiving fees for an indefinite period of time. Because it really becomes a permanent subsidy to a new registry that's failing in the marketplace. And we're private-sector oriented, a market-based organization, and I don't think that fits with our mantra. So, we understand the contract negotiations are between two parties, ICANN on one and the registries on the other. We're not in the room, but ICANN is in the room. And you were there to represent the community's perspective in that room. So, for this round of changes, we're looking for the board to assure us that it seems like we've put the cart before the horse. But when the registries finish voting on that, they're going to send it over to you for approval. Will you please consider the comments and perspective of the community in that bilateral negotiation because you are our representative.

And maybe in the future, maybe the board and staff can consult with the community. And then we send you into those negotiations with a better understanding of what our priorities and concerns are so that you can negotiate on behalf of the community. So, it's a philosophical perspective that you represent the community in those negotiations. What do you think of that perspective? Is that the way you see it?

MARKUS KUMMER: Thank you for the question. Thank you, Chris, also for your answers.

I think Becky would like to answer that question.

BECKY BURR: So, I don't know if it's a philosophical question, but it is a sort of fundamental question. So, first of all, let me just say I am sure that org did consider the comments and input. I have every confidence of that.

I also -- we have taken on board the comments about increased transparency with respect to the process; and Goran and the staff are looking at ways to enhance that, should this provision ever be invoked.

But let me just go back to the fundamental question. The agreements with contracted parties, the Registry Agreements and Registrar Accreditation Agreements are fundamentally commercial agreements between the contracted parties and ICANN and not policy development documents.

The base Registry Agreement was subject to iterative development through a community process parallel with the applicant guidebook. And it was put out for comment and whatever.

Section 7.7, which has this trigger, also establishes quite clear limits and parameters on what can be brought up in these. So, some of the comments were actually outside the parameters that were permitted by the Registry Agreement, which was developed through this.

Now, if there is -- if there is a consensus policy that you feel is not perfectly implemented in this -- you know, there's just a reference -- and if there's a policy issue, obviously, the policy development process is the way to go.

But I think that the issues -- or the parameters there are quite clear. I think the conclusion was on some of them that the issues that we were receiving input on -- and just to be clear, I was not part of this and I don't think any of the board was part of these discussions.

Some of those issues were outside of the parameter and others there was just -- there was disagreement on.

So, yes, we'll work on the -- on addressing the transparency issue but also understand that the fundamental purpose of these contractual documents.

STEVE DelBIANCO: Thank you, Becky. If I could just follow up in just one small way. If the actual base Registry Agreement was, as you said, a product of community input, then amendments to it ought to be a product of community input. I realize Section 7.7 might have been the lens through which this current negotiation went.

But as Akram mentioned this morning in a meeting we had with him and Goran, perhaps we should consider the rest of the base Registry Agreement, not just the 7.7 but the rest of the base Registry Agreement, soliciting public comment on what the community is interested in seeing in terms of amendments.

And once that's done, you as the board, when you negotiate -- as the board and org when you negotiate with the registries, you would be representing the community's interests.

BECKY BURR: The board doesn't negotiate. I mean, it would be --

STEVE DelBIANCO: The board or org.

BECKY BURR: The board is not involved in the negotiation. And as I said, your input was in there. Section 7.7 provides a very specific limited

amendment right that was negotiated as a result of last-minute changes imposed in the final moments of the negotiation -- in the negotiations in the run-up to the new gTLD round. And it had a very sort of specific purpose. The -- and there is an opportunity for the community to comment on changes that -- that result from this. But the -- the -- I'm going to go back to this thing, if there is a new base contract, then yes. Although that probably would not have been my preference and I would have made an argument in a different way, those things, yes, they're - they're the subject of comment and input. The community had an opportunity to provide input. It did. That was considered. But in the specific provision here, there were limits on what could be changed.

MARKUS KUMMER: Becky, Steve, may I interrupt your dialogue and turn to Goran who's patiently standing behind a room microphone. You're on.

GORAN MARBY: First of all, to get into -- between this discussion of these two people who know so much more about the subject than I do feels a little bit overwhelming. But I will actually ask you a question, Steve, if I may. If we -- you know, the construct of this is set how we do things, it's the ICANN org, thank you very much,

who consist of staff, thank you very much, who negotiates with the contracted parties. But if you take away that -- you know, that process itself, because it's -- the community has to agree upon how to do certain things and how we should do certain things. Do you have any ideas how to improve the transparency part of that?

STEVE DeBIANCO:

Thanks for the question, Goran. We've been quite clear that the key is that going into the negotiations the org needs to first canvas the community for what its concerns and priorities are. That is the most important part of all. As far as having a lens into the room while you're negotiating, that isn't a practical business solution. There are opportunities to surface the results of negotiations, the interim steps of negotiations, the trade-offs and dilemmas that you're encountering. Transparency into that would be very helpful. But what -- what feels more important than just transparency is that the org is representing the community in that bilateral negotiation since the community is not in the room with them.

GORAN MARBY:

We're going to do a duet now.

AKRAM ATALLAH:

Thank you, Steve. And as I said, I think there are maybe better ways to understand what the community is concerned about. And we will try to maybe create a session where we hear the community out before we go into negotiations. But as Becky said, the 7.7 is very limited and if you -- if you want to give us input whenever we are going to renegotiate this on the limited stuff that we're going to be negotiating with the contracted parties, we are more than happy to consider them. But you have to remember that our role is to make sure that when we negotiate these things that everything we put in the contract is viable. That the industry will continue to thrive, that there are a lot more issues that we consider than just, you know, the -- the one thing that any single party wants. And then it's also important to remember that all of these contracts are actually -- there is a presumed right to renew and then continue these contracts on the other side. So, they -- the other side does not have to agree to everything that we negotiate. So, the negotiation process is not a mandate, right? It's not like we mandate what we want. So, it's a balancing act. But we're more than happy to listen to what the concerns of the community are, and we'll do our best to accommodate them. Thank you.

STEVE DelBIANCO:

Thank you. Markus, in the interest of time, I'll just quickly summarize the second point and turn it over to Jimson, my colleague. The CSG collectively asked for better access to data in a letter we sent in January because these commercial constituencies, these non-contract parties and the GAC, we see that access is a top priority. We asked for a catalog of datasets in several specific areas, like zone file access and an automated pricing data.

Well, over the weekend Goran and org gave us a very substantive reply. Thank you for that, Goran, as you're leaving the room. And the letter puts some questions back to us, and we'll answer those questions. But a question to the board about it is that Goran points to the open data initiative pilot project that David Conrad is running as a long-term effort that's going to really solve most of what we're asking for. So, his letter adds that the order in which these datasets are done and the level of resource expenditure for the open data initiative are going to be influenced by the community. That was the phrase. And, of course, it will be. So, our question to you is, how do we appropriately, but persistently, exert influence to the board on spending requests that will come from org for the open data initiative as well as the order in which the data is gathered and published for us in the open data initiative? Thank you.

MARKUS KUMMER: Thank you for the question. Asha, can you take that one?

ASHA HEMRAJANI: Thank you, Markus. And thank you, Steve, for that question. So, as you quite rightly pointed out, we have this ODI, and it does -- collecting data costs money, takes time, takes up a lot of resources. So, that's why there has to be prioritization, as you mentioned. Prioritization on two angles, on two levels. One is prioritization in terms of all of the activities that ICANN undertakes on behalf of the community and secondly, for the ODI specifically prioritization in the types of data that needs to be collected.

So, it would be good to get that input about which types of data you think are more critical and which types of data should be collected first. And David's team is not only looking at the catalog of data types. He's also looking -- his team is also looking at the platforms by which that data can be accessed. So, that's the two things I wanted to point out.

I also wanted to say, on Thursday morning there's a community-driven session called moving towards a data-driven ICANN. It's community-driven, but David's team will be presenting on that catalog. So, maybe that would be a good starting point. See what's being presented, and then look at that and say, all right,

this is what we think is necessary. This is good, this is not good, maybe you want to add this or take this away. But prioritization is so important. I can't emphasize that enough. I hope that addresses your question. Thank you.

STEVE DeBIANCO: We're out of time so I wanted to turn it over to Jimson for his quick point. And Goran, we'll follow up directly with you on that, if it's okay.

JIMSON OLUFUYE: Yeah, thank you, Steve. This is Jimson Olufuye. This was the thank you section of our intervention. Over the past three years and with ICANN fully support for outreach matched with the B.C. funding, we have grown B.C. geographic diversity in Africa and Asia from 2% to 18%. So, it's important to know that the crop initiative which the agenda has now been applied to -- across SO and AC is bearing fruit, along with the leadership development program from developing nations and general support for Internet governance engagement of the United Nations. So, indeed B.C. wishes to thank the board for their responsiveness and support for outreach and the need to diversify the organization.

And also, to mention quickly, this is not the time to cut down on outreach support funds but an effort be made to enhance it. As a feedback from the last SAPH (phonetic) intersessional we think funds can be saved with more efficient traveler tickets funding mechanism. In many cases, much expensive travel tickets are issued when travelers themselves could get a much better deal that could save the org money which can release the funds to more outreach initiatives. So, again, we thank the board for a positive commitment to outreach and diversity. Thank you.

MARKUS KUMMER:

Well thank you, Jimson. It's very nice to note that there's a note of satisfaction coming from the community to the board. That's very much appreciated. I don't know, does any -- Goran or one of his colleagues would like to react as well. We just take note of our appreciation of your appreciation.

GORAN MARBY:

I am -- first of all, thank you very much. And thank you very much for the cooperation we're having to be able to engage in a better way. On a -- on a marketing note, I would like to point out that we published the budget proposal for public comment, and I look forward for you to come in and do that. It is so important to -- for you to engage in the budget process because that is

really where you and the community set the priority for the board and the organization. Because that's where you can see how we're going to use our money. I don't like the word to use "spend" because we're actually using that money for something. And in the budget process you decide what you think is the most important. And there is a -- there is a limited amount of money, and we have to prioritize between the different things we do. And in the budget process you make that priorities. Thank you.

ASHA HEMRAJANI: Markus, may I add a few words to that, please?

MARKUS KUMMER: Yes, Asha, please.

ASHA HEMRAJANI: So, I want to thank you, Jimson, for those words. I mean, all credit goes really from -- on the engagement side all credit goes to people like you. You are one of our rocks. You've been coming to all of our budget sessions, and I really, really appreciate that, Jimson. I also want to say credit goes to Xavier, our CFO, and his team of super women. Women. Mostly super women, who have been working really hard to put that -- put the budget together. So, to add to what Goran just said, I want to

remind of three points. One is that in this time in Copenhagen we're going to have not one but two community sessions on the budget. As Goran pointed out, we posted the budget for public comment. This is where we really need everyone's inputs on the budget. And on two days ago on Sunday we had an open board session on the budget. So, you're welcome to go and look -- listen to the recording. So, I can't emphasize how important it is that we get community input because this is the first year that we have enhanced community powers, including the right to veto the budget. So, the -- the earlier we get inputs, the more inputs we get from the community, the smoother this process will be. Thank you.

MARKUS KUMMER:

Thank you. And with that we come to the end of the second 20-minute segment. So, I think it's over to you, Greg, for the third constituency.

GREG SHATAN:

Thank you. This is Greg Shatan for the intellectual property constituency, and first I would like to answer the questions that the board put to the constituencies. The first question was with regard to our constituency's participation in Work Stream 2 of the accountability working group. We have been fairly

extensively involved in the -- in Work Stream 2. We have quite a number of participants in Work Stream 2 from our constituency, and I would note that our -- two of our members are rapporteurs of two of the nine subgroups, Lori Schulman who also serves as a treasurer of the IPC is the rapporteur of the group reviewing the good faith objections to board policy or to board -- to board members as part of the empowered community, and I am serving as the rapporteur of the jurisdiction subgroup of the -- of Work Stream 2. So, that's nearly 23% of the rapporteurs come from the IPC. So, statistically I think that is over at least our allotted number of seats on the GNSO Council. We also have a number of members -- I see Anne Aikman-Scalese among others, right, sitting there -- who have been engaged in small group and more intensive drafting teams, along with myself again in the human rights subgroup. So, even our non-rapporteur participants are in many cases highly engaged in the accountability work. So, that, I think, covers the first of the two questions.

The second question was with regard to the IPC's own priorities for 2017. We have a number of priorities, both in terms of policy and in terms of our own operations. On the policy basis, it will be no surprise to anyone that one of our key priorities are issues relating to WHOIS and registration directory services and we

have a number of members of our constituency participating in the working group currently underway on that, a long-standing concern of IPC members. Also, the review of rights protection mechanisms working groups and other issues relating to rights protections that seem to crop up with amazing regularity and yet at the most irregular times in the ICANN community and atmosphere. And that is also a group in which we have a large number of participants. And we also do have a large number of participants in the -- or a goodly number of participants, I should say, since we're not necessarily the most numerous group, but in the new gTLD subsequent procedures working group as well where a number of concerns are raised. And that's a good segue to a concern and priority that we have which is or will come up in the subsequent procedures working group but has also come up in a number of other contexts, including in this ICANN 58 meeting which are concerns relating to geographical indications and also to other types of geographic terms which in many cases are conflated with geographical indications which are a very specific type of geographical term and treatment. So, that is another one of the issues as -- and one of our members, Heather Forrest, also vice chair of the GNSO Council has also served as the co-chair of a working group on use of geographical terms

that has -- had been working on a number of issues in that regard.

Briefly, other issues and priorities are contractual compliance and especially compliance with provisions relating to abuse and protection of intellectual property rights and as well the reviews and the surfeit of reviews referred to by the ISPs and on the operational side, we are beginning a review of our bylaws, which the B.C. is at the latter end of their charter review. We are now at the beginning of ours. We are looking to continue to expand our geographic diversity in our group as well. And also, looking at continuing to help to educate the community and engage in dialogues regarding intellectual property rights and concerns so that they can be more accurately discussed and reflected within the community by all parties.

So, that covers our priorities, and I'll pause after those two answers to let the board speak.

MARKUS KUMMER:

Thank you, Greg, as we have taken note.

I don't know what anyone from the board members would like to react or comment on the IPC's priorities? It doesn't seem --

ASHA HEMRAJANI: Markus, just a quick point. I just wanted to acknowledge very quickly Greg's point about increasing the geographical diversity of the IPC. I think that's excellent and something you and I, Greg, we've discussed several times. So, I really appreciate and support that. Thank you.

MARKUS KUMMER: Thank you for that.

Do you have more specific questions or...

GREG SHATAN: And also on the first point, of course, with regard to our participation in the accountability group, any -- any remarks on that other than -- you know, kudos, of course, are always expected, but anything more substantive, be happy to hear those.

MARKUS KUMMER: Becky?

BECKY BURR: So, kudos.

[Laughter]

This -- you know, we are aware that there's a lot going on in the community, that the volunteer resources are stretched very thin, and I think that, you know, part of what we were looking for is -- and there are also a lot of issues sort of in the backlog that need to be worked on.

So, to the extent we can be helpful in facilitating getting that work done so we can move on to the -- to new projects that people have expressed interest in, I think that's an important part of it.

So, the active participation of groups like the BC, like the IPC, are quite valuable.

MARKUS KUMMER:

You obviously have many skilled lawyers in your group. That explains, I think, the over-proportional representation among the rapporteurs of Work Stream 2.

You did send out specific questions, I think.

No, you did not.

GREG SHATAN:

We've actually discussed several times specific questions that we might ask the board, and while we obviously have many

concerns that overlap with the board's responsibilities, at the same time we found ourselves wondering why we did not have a particularly burning question to bring to the table.

We did, over the course of this morning, come up with a -- at least a smoldering question which Jonathan Zuck, who is holding down the far end of the table, is ready to spring upon you, but I will remark in kind of the -- and maybe ask for some quick reactions, especially since community engagement is one of the board's priorities for 2017, how we might better engage with the board in our own relationship, particularly with regard, of course, to intellectual property concerns and those related to that, but also more generally where the IPC and the board can find, in essence, more ways to talk about issues that affect the ICANN community that fall within our purview.

MARKUS KUMMER:

Thank you for that. And I recall you asked the same question in Hyderabad, and we actually signaled, I do remember, openness but we have not followed up on that, and I think this, again, is maybe a symptom of the general work overload that we may have good ideas but we don't always follow up.

But Jonathan, do you want to come in with your smoldering question?

JONATHAN ZUCK: My smoldering question. I wish I'd known that was going to be the intro. I --

This sort of evolved out of a conversation we had with Goran in the CSG meeting, and he has begun a kind of discovery process about what the GNSO policy process looks like, so in his conference room upstairs, this 2-by-6-meter diagram that I think at some level he expected would shock everyone that saw it, and so those of us that have been living it for 10 years aren't shocked by it but I suspect that it is true that everyone new to the process would, in fact, be shocked by it, and I think Goran might have been a little bit shocked by it, once it was laid out.

And so, the thing that I raised --

Do you want me to finish or do you have something you want to say now?

GORAN MARBY: I'm just saying they're not 6 meters.

The other thing -- they're only 4.

JONATHAN ZUCK: Okay.

[Laughter]

GORAN MARBY: The other thing is that it's not about the GNSO process. It's about a process from the start to the end. So, we're trying to cover everything.

GNSO has done an excellent job of looking into their own processes, and now -- I'm Swedish -- I never get shocked.

JONATHAN ZUCK: Okay. That's good to hear.

So, the recommendation I made at the time was the next step for this might be -- now that there's an understanding of the overall policy development process, is looking at what the multiple points of entry are into that process, and that it might be a good role for staff, given that we keep talking about volunteer burnout, et cetera, that have gone through this effort of documenting the process to look at what the multiple points of entry into it might be, so that members of the broader Internet community might have a narrower window to participate rather than the sort of all-or-nothing perspective that I think we all face as we're trying to recruit new people into

the IPC or into the ICANN, you know, community as we know it today.

And just the straight public comment process is very late and is, in and of itself, overwhelming, and I think that if there was a concerted effort and if the board directed the staff to look at this to find what the entry points into this might be and what might be necessary in terms of documentation, boiling things down into smaller questions, et cetera, we might begin to chip away at the volunteer burnout issue a little bit by getting people to engage on a periodic basis rather than this constant, you know, struggle to get people to engage fully, which I think will never happen in any volume.

MARKUS KUMMER:

Thank you. That sounds like a very interesting suggestion and I think it would also help to avoid total crash at the end of the process if there are multiple points of entry, but Rinalia would like to comment, and Goran is standing there. Rinalia?

RINALIA ABDUL RAHIM:

So, I thought that Jonathan made good sense, and I would agree with that, and I think that what needs to happen is for the community to have visibility of the flow so that they can also

provide input, and this will be of interest to a lot of people to enhance and deepen the policy process itself. Thanks.

GORAN MARBY:

We had this discussion this morning and I really appreciate it. I think it's -- it is an unintended thing that we're already now starting to think about solutions while we're still in discovery, but I think it's -- that point is something that belongs very firmly within the GNSO.

I think that it should not be the board or the staff who are actually starting talking about how the community should engage in the process. I will facilitate that discussion, I will have that discussion, but I -- I think it would be, at least for me, stepping over my mark when it comes to interaction of that.

We can -- now we're in the discovery phase, at least for me. I don't know them as well I -- you do, and I don't think I ever will. And that was a compliment, by the way.

So, -- but I think that it's built into the system in the multistakeholder model that the community within the GNSO handles that question. But I think it's an excellent question to ask. Thank you.

GREG SHATAN: This is Greg Shatan.

Just to weigh in briefly, there's an initiative that's being piloted by the subsequent procedures working group, I believe, of a -- I think it's a biweekly newsletter or, you know, information sheet about the work of the group, and I think that's actually a very good way to provide increased visibility, but I think the way that that impacts org and the board is I think that clearly requires a level of staff support that needs to be increased slightly because I don't think it will be possible to ask the community, on top of the work in these groups, to prepare and distill the work of the group into these newsletters. Perhaps review what's written by staff in that regard or to find a collaborative way, but I think that is something that will require some additional support and I think that actually is -- has already been praised within the community that's seen these newsletters and could be reiterated across all of them, but, again, will require support in order to accomplish. Thank you.

PAUL McGRADY: Greg, can I jump in? This is -- just quickly -- Paul McGrady, IPC councilor to the GNSO.

The other component of this is the human component, which is: How do you keep people energized and engaged. And one of the

real morale drainers is when we go through a big process and then at the end of it somebody's unhappy and there's rebiting and rebiting the same apple.

And in our meeting this morning with Goran, he said it's his -- in some respects it's his job to make sure that nobody -- or that everybody's equally unhappy, and I would say that's a great insight but it's also, I think we need as a community to make sure everybody's unhappy at the right time and that we can't have people -- or groups, whether it's contracted parties, non-contracted parties, whomever, that come back in and rebite at the apple well after the time frame. Because then the people who were fully engaged for the entire time are demoralized and the next time a PDP is launched by the council, they're not going to show up. And so, I think we have to be very aware of that as well. Thank you.

MARKUS KUMMER:

Thank you. All very valid comments. I would say they go almost under the overarching heading of what I heard throughout various meetings with GNSO of reaffirming the primacy of the PDP as a central process in the ICANN universe. How we do that, I think these are all helpful suggestions towards that objective.

I think we've reached the top of the hour. Greg, would you have some closing remarks? I thought it was an interesting discussion.

GREG SHATAN:

I think we had a very good discussion and I just briefly want to thank the members of the board who joined us here, thank Goran and David and Akram for their interventions as well, thank the three constituencies and their representatives for coming together, and also thank us all for getting 90 minutes of conversation into 60 minutes. Hopefully we'll have 90 minutes the next time, but I think this actually was quite focused and directed, which I'm sure everyone appreciated, and I thank you all. Bye.

STEVE CROCKER:

Thank you, Greg, and thank you, everyone.

MARKUS KUMMER:

Thank you.

[Applause]

[END OF TRANSCRIPT]