
ABU DHABI – Joint Meeting: ICANN Board & GNSO - Commercial Stakeholder Group (CSG)
Tuesday, October 31, 2017 – 13:30 to 15:00 GST
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MARKUS KUMMER: Okay. Let's get started. Markus Kummer speaking. Here we have the meeting with the commercial stakeholder group and we have been given the questions in advance. And each of the stakeholder groups has a question related to the GDPR, so we thought it would be wiser, in consultation with the stakeholder groups, to group all of this together. And we asked each of their representatives to present the question, and then we ask our CEO, who's our great specialist in that and he has very great experience in giving his answer to the question to give his reply and then you can comment again. Do we need to go around the table to introduce ourselves? Maybe Tony, can you get started?

TONY HOLMES: Thank you very much, Markus. Tony Holmes, vice chair of the ISPCP.

WOLF-ULRICH KNOBEN: Wolf-Ulrich Knobén, chair of the ISPCP constituency.

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CHRISTIAN DAWSON: Christian Dawson, also with the ISPCP constituency.

MATTHEW SHEARS: Matthew Shears, incoming board member.

CHRIS DISSPAIN: Chris Disspain.

SUSAN KAWAGUCHI: Susan Kawaguchi, BC GNSO councillor

CHERINE CHALABY: Cherine Chalaby, ICANN board.

STEVE CROCKER: Steve Crocker, almost gone.

ANDREW MACK: Andrew Mack, chair of the BC.

MARKUS KUMMER: Markus Kummer, also almost gone.

PATRICK CHARNLEY: Patrick Charnley, IPC

ALEX DEACON: Alex Deacon, IPC.

BECKY BURR: Becky Burr, ICANN board from the contracted parties house.

SARAH DEUTSCHE: Sarah Deutsche, incoming board member.

KAVEH RANJBAR: Kaveh Ranjbar, ICANN board.

JONNE SOININEN: Jonne Soininen, ICANN board.

AVRI DORIA: Avri Doria, incoming board.

GORAN MARBY: Goran Marby, ICANN org.

AKINORI MAEMURA: Akinori Maemura, board member.

MARKUS KUMMER: Thank you. So who wants to go first? Patrick.

PATRICK CHARNLEY: Thank you. Patrick Charnley. We'd like to thank the board for the opportunity to discuss the important issue and -- of GDPR and WHOIS, and we look forward to participating in assessing impact of GDPR and working toward any solutions that arise and need to arise. So the question from the IPC, the Hamilton memo clarifies anew the vital importance of WHOIS for all members of the community, most of whom are striving to find the appropriate balance between individual rights to privacy and ensuring transparency and accountability, which serves to keep Internet secure and reliable and helps guide consumers and users against various types of illegal abuse. The GDPR conversation is, of course, vitally important to ICANN as a data controller. Given these interests, this is important that the ICANN organization work closely with the community between now and May 2018 to ensure that ICANN registrars, registries, et cetera are GDPR compliant in a way that respects the concerns of the community. Has the CEO or other senior executives issued any instructions to ICANN compliance regarding enforcement of the WHOIS provisions of the registrar and registry agreements or is there a plan to do so? How will ICANN organization consult with the community concerning any such instruction it may wish to issue. Thank you.

MARKUS KUMMER: Thank you. Who was next? Is it Susan?

CHRISTIAN DAWSON: Thank you for your time. Our question centers around what ICANN has identified their role as being as both data controller and as data processor. It's evident to the ISP that because -- the ISPCP that because ICANN mandates the collection of a significant amount of personal data that's not technically required to set up a domain name that ICANN is a data controller, though not the only data controller in the names ecosystem. Because ICANN controls the escrow contract with Iron Mountain, they could also be considered a data processor and at the very least ICANN's responsible for getting us the information we need to understand the role of the escrow service provider in the GDPR process. The ICANN community needs to understand the liability that exists in the ecosystem beyond the liability to registries and registrars. We need to know what ICANN is on the hook for. We'd like to ask if the board can tell us in writing what ICANN believes their role and the role of the escrow service provider to be in the context of identifying the roles as a data controller and data processor. Only then can we understand what ICANN and the community is on the hook for. We'd also like to request that ICANN draft a

white paper describing how they process data internally that's inclusive of the escrow contract which is controlled by ICANN. That will be essential for us to understand our own data mapping exercises as we seek our own compliance.

MARKUS KUMMER: Thank you. And last but not least, I think we hear from the business constituency.

SUSAN KAWAGUCHI: Hi. Susan Kawaguchi, for the record. We have some detailed questions, and I did forward them on to Chris and -- at the Board Ops team email address. We would like to delve into the compliance plan for the interim period and ask for a standard approach. We're concerned that, you know, we may have a patchwork where each registrar and registry take a unique approach to transfer and display of WHOIS info, which could be chaotic. So is there any specific mechanism that ICANN is considering to relax the contractual compliance stature in the face of GDPR? Are you going to suspend the full policy or just pieces of it? Is this just going to be an internal directive or is the board going to adopt a temporary emergency policy as outlined in the RA and RAA. If they adopt a temporary policy, it needs to be extended every 90 days for a maximum of one year. What are -- what are you thinking if the community cannot deliver a

bottom-up policy within that one-year period? And when can the community expect to see the ICANN proposed data models and implementation models to support those data models? And the clock is ticking and provided these are going to be a subject - - going to be subject to a public comment process. Even if these tools were published for comment tomorrow, the comment period would not close until the middle of December, so we're very concerned about timing. And just in the parallel process of the RDS PDP, as vice chair of the working group we intend to deliver a new RDS that allows contracted parties to be compliant with privacy law, but you understand all the challenges with that. And we would like to hear if there's some solutions you might propose.

MARKUS KUMMER:

Thank you for the question. And I think now I can pass on the microphone to our CEO Goran Marby.

GORAN MARBY:

Thank you. Very good questions. There are some -- some of them that I have to speak to my legal counsel about before I can answer them, which you probably expect. So let's take a little bit step back and try again to say what we're trying to achieve. And so we're talking about a law. We're talking about compliance with the law, both in relations to our contract, but

also in relationship how -- who -- sorry, I have to step back. I have to do it at another angle. Sorry about that.

So right now we have a couple of different legal analyses. One from Hamilton and one that came from GNSO, and there's also been something that comes from a Dutch DPA. They indicate that ICANN, the organization, is also a data controller together, or some sort of data controller together with the -- some of the contracted parties. I say -- I carefully craft that because we are still a little bit away from knowing. Knowing is actually quite far down the road. So what we've been trying to do, to step back, and I'm going to talk about assumptions. I'm not saying that we're going to do a specific avenue. Everything is based on assumptions. And the reason I'm doing this so carefully is because I don't want to jeopardize anyone, neither myself or any contracted party or anyone involved. And that's important to me.

So a couple of months ago, I think it was in May or June, I went out and started talking about I think the GDPR could have -- we could have a potential problem with WHOIS. And a lot of people of course said, you knew that. But from a legal perspective, that was the first question we asked. And the first question we went out and asked you for was the what we call the user cases. One of the things with this law is that you need to sort of -- if you store any data and you use it in any way, you have to present

that reasoning behind something. And it was very important for us to get the user cases in. One reason for that, so we can ask the right legal questions to the Hamilton law firm.

Thank you very much for the help of that. I also took the -- I also -- what I did is I took those as well and sent them out to the DPAs. The reason why we sent them out to the DPAs was also to inform the DPAs about the differences of usages of WHOIS. After that a couple week ago we then published the analysis from Hamilton, and I have to say, it's their analysis, it's not ours yet. But we asked you to provide the opportunity to come in with questions to that. And many of you have already started. And thank you very much for that. Because we're going to take those, we're going to be transparent with this question. We're going to ask Hamilton to help us answer those questions as well. We are going -- we haven't set a time for that because it's very much up to you. We're receiving a lot of different input in that conversation right now.

The fourth process after that is to -- if we then are a data controller, ICANN has to be compliant as well. So what we will say is that we will come back, because we think it's important, again to have the community input. That would be the third time in a row we then asked for community input. But one, maybe two, or even three models. I don't know yet. Because they have to be based on the legal analysis.

I had a conversation this morning when I tried to tell the difference between having a technical discussion and a legal discussion. We need to understand the legal implications before we can come up with a solution. And that's where we are right now.

After that, ICANN will make a decision which -- how we can be compliant. And if we are -- if we think that we are compliant in this way, this would, of course, be the way we will enforce our contracts. Because we can't say that were compliant in one way and then the enforcement to our contracts would be differently.

But unfortunately we also know -- we also know that in -- because of the EU system where all the DPAs are independent, there could be countries for a period of time where it could have an even harsher regime when it comes to WHOIS. And therefore, according to our policies, if the contracted parties has a good legal case to prove that in their existing country it could be a problem, we have call to take that into account as well. So if I see WHOIS, the current WHOIS under those assumptions, the current WHOIS are 100%. We said that we think that the current WHOIS under those assumptions would probably not be 100% going forward. We also said it can't be zero because in the policy set by the community there are demands for updating a WHOIS system. And I have to obey -- I have to obey the policies set by the community.

So it's going to be somewhere in between. I don't know today where we're going to be or our (indiscernible) will be. We need your help with that legal input, and we will share all of that with you. So in the end we will ask the community input three times. First when we ask for the user cases, second time to ask further questions to the Hamilton law firm, and the third time when we come out with the models.

A little bit -- I'm not asking some of the questions specifically. What I'm trying to do, what we're trying to do is to stay within the current policy, because I'm a firm believer that the policy discussion belongs in the community.

If all the assumptions above are fulfilled, that's going to mean that we cannot fulfill the policy as it is set today. And I think that the community have to engage in discussion -- this is personal. I'm not talking in a personal capacity but a personal belief that we then, the community have to figure out a way how to have that discussion within the community. Because policies are set within the community.

So the fourth process right now is to stay within the policies and use the tools that are set by the community. And one of those is that local law can never supersede our agreements. Yes.

MARKUS KUMMER: Thank you for this. And I presume --

GORAN MARBY: It was the other way around, wasn't it?

AVRI DORIA: Yes.

GORAN MARBY: I have to admit, I've said this so many times for the last week, so I take that back. Local law always supersedes our contracts. Thank you very much. Thank you, Avri, for pointing that out. You showed your value.

MARKUS KUMMER: Thank you to both. Good teamwork.

GORAN MARBY: Can I also point out, as to the question, has the board made any decision relative -- yes. The board took a decision this week on a board -- took a board resolution to postpone the implementation of thick WHOIS, and one of the reasons for that was the uncertainty about GDPR. On the question have we today instructed anyone in compliance, no. Because we are -- we are in the -- we are in the process of finding out where we are

in this, together with the community. And as many know, there has been a compliance case which we are now discussing in .FRL. I never get that right. And if you have any more questions, I'm okay with that.

And as many know, there has been a compliance case which we are now discussing, and that .FRL. I never get that right.

If you have any more questions, I'm okay with that.

MARKUS KUMMER: Are there any more questions? Who would like to go first?

PATRICK CHARNLEY: Thank you very much for that.

So just one point to pick out from there. You were talking about the possibility of different member states in the European Union taking different approaches, possibly in the earlier stages of the legislation coming into force. In light of that, we'd be interested to know whether you've considered in your discussions with Hamilton to date, although it's not in the memo, Articles 36 and 40 of the regulation which provides for some procedures; for example, in Article 40 where you can take a code of conduct to the new European data board which will come into effect in May,

and they can approve certain processing, because that would be a way of dealing with that particular issue.

GORAN MARBY:

That's -- This is -- that's a very good question, because with the new legislation, new opportunities comes. And -- but it also creates a little bit of a catch 22, because the law as -- the laws gets -- a lot of data protection legislation already exists. So we already have data -- we already have that kind of legislation in Europe, and there are some mechanisms that are implemented in May.

We've been asked -- We asked if there's any way for us -- for the DPAs to give us some more clarity before May, because it could become a little bit like we will be -- on the 20th of May, we will be doing something that is illegal and then asking them is it okay to be illegal, because the law sort of happens at the same time that that opportunity for guidelines happens. That's the way it is. The Article 29 group doesn't have the legal authority to issue that set of guidelines.

We are not the only one who has that sort of problem right now. And that's one of the reasons why we have sent up materials to the DPAs and, through the European Commission, tried to get a relationship with the DPAs and also had meetings with the DPAs.

Then you should know -- then you ask me what have they said. A DPA, as any authority in Europe, has major legal problems to actually tell you what they think before they make a decision. That's why we are very grateful for the Dutch DPA who has now said something. And we're still analyzing what they actually said, because that is very unusual that any -- I was a regulator for six and a half years in Europe. I never did a paper like that.

CHRISTIAN DAWSON:

Though we are full of trepidation around WHOIS, we certainly understand that it is a work in progress. We'd also be interested in what work has been put into examining ICANN's community tools for the state of interest in ICANN to ensure they are in compliance with the GDPR. Many use personal data related to identified or identifiable purposes. What efforts have been put into ensuring that the ground for collecting and consent are clear and the processes for things like erasure are in place.

When can we get a report on what tools are going to be changing and when?

GORAN MARBY:

You're asking us about internal systems.

CHRISTIAN DAWSON: Yeah, I'm shifting to internal systems and the things that we use in the community on a daily basis.

GORAN MARBY: I appointed a data protection officer -- what was it, four months ago and we're right now going through all the systems we have pause we have to. And we actually see this from two things. One of the things that the GDPR law says which I think is a good thing, they asked you to think about something. It's -- in a way, it's a law that asks you to think about things. So we're going through all the systems we're having because we have to be compliant with the law, but we're also looking it through so we don't collect, for instance, unnecessary data.

We have systems where includes personal data; for instance, the travel program. We need to figure out a way to make sure that -- but it's not only by -- to set the bar that we are only compliant with the law, that could sometimes be a low bar because we also need to figure out is it right to do this.

So we're looking for systems both from a legal perspective but also from a more philosophical discussion.

And when it comes -- There's one other thing we'll be -- I will -- it's always hard for me to say what we're thinking about but there are questions we would like to address with the

community about some of the systems we're also planning to have. For instance, there's been discussions about increasing how do we measure participation and sort of follow people through the ICANN story, which is -- many wants. How do we do that in a way that doesn't breach an integrity of people? It's a very good question.

But again, we started this very late but we're working very hard. We have to be compliant with the law, but we also have to think about it from a privacy issue.

CHRISTIAN DAWSON: Thank you.

MARKUS KUMMER: Susan, yes, please.

SUSAN KAWAGUCHI: Thank you.

So you referenced .FRL, and I mess that one up all the time, too. So they've already made a decision on what they're doing and sort of put that out there to the community. So that's the start of this patchwork that we're concerned about. And -- but you also made the comment that, you know, if you look at the current WHOIS and it's at hundred percent, you know it can't be

zero, but you're not sure where we are in that. And you want to stick to the -- maintain the current policy as much as possible. But to do that and not run into, in May, having a complete hundred percent variation on how each registry or registrar has decided to adhere to GDPR, we really need to do that now. So we need more details on compliance.

So do you see that -- you know, you want to uphold the current policy. you're saying not zero, but are you at 25% or 10%?

GORAN MARBY:

You know that I don't know the answer for that because we are trying -- The fastest way you can help me to speed up the process is to provide me with questions for the next round for Hamilton. We are in the discovery phase of this one, and please help me with that.

There are different models, and I often get questions which model do I prefer, which model would I like. And I say I want to be compliant with the law, also respectful of the policies set by the community. That balance, it will be end. It's -- We need, really need to understand how this works.

When it comes to the policy-making process, that's you. And I will provide you with the information you need, but I will not interfere on that one.

As I now said with a bit more bass voice many times, "This is the law."

MARKUS KUMMER:

Thank you, with that we can close this agenda item. We agreed on having a joint agenda item for the first bit of our meeting together. Clearly it cannot do closure of the issue. It's the beginning of the hard work and the dialogue, and there's much work ahead of us, but I think it was a very good discussion to have. And, as Goran said, we all have to help him to move on.

Can we move back, then, to our traditional mode that we give each constituency, then, a third of the remaining time, that is 20 minutes? And we can start, then, with the IPC.

Okay. A slight change at the table.

Okay, will take the floor and ask the question.

We have a slight change at the table. Okay. Who will take the floor and ask the questions?

KIRAN MALANCHARUVIL:

Thank you. My name is Kiran Malancharuvil. I'm the IPC secretary and the associate and policy councillor for the Winterfeldt IP Group. I'm joined by incoming IPC president Brian

Winterfeldt, founder of the Winterfeldt IP Group, shockingly. We have a question on geographic terms, if you will.

The IPC is following closely the treatment of geographic terms in the new gTLD program, which is being debated by the community and at the Board level within the ICANN ecosystem. How the ICANN community as a whole, including the Board, treats this issue will impact how ICANN policies take into account established international law and treaty.

The geographic name issue most clearly and directly but does not solely affect companies that wish to embrace new gTLDs and those that have trademarks which coincide with or call to mind location, landmark, geographical feature or a sensitive term. The most notable current example of this is .AMAZON.

The recent IRP decision on the .AMAZON application is currently before the Board and sets out important principles about the Board's accountability to the community as a whole.

Has the Board reflected upon the broad impact that the IRP has on its decision-making? Light of the board members' duties to the organization? And if so, how specifically will this impact future reliance on GAC advice?

MARKUS KUMMER: Thank you for the question. I trust that Chris might be our best man to respond to this question.

CHRIS DISSPAIN: Gee, thanks, Markus.

Yes. We have and are reflecting on it. It's not just a question of reflecting on one IRP. Obviously every IRP is worthy of reflection. And we're also very well aware of the feedback that under the new bylaws, the status of those IRP decisions changes. They become recommendations. They become binding.

The -- The straight answer to the question in respect to GAC advice is that the way the Board deals with GAC advice is mandated in the bylaws. There can be arguments about whether we've done our job properly in respect to meeting that bylaw, did we do our due diligence. The IRP suggests, this particular one suggests that we should ask for more information, rationale, et cetera. And we passed a resolution the other day to ask the GAC if they have anything further that they'd like to say. But the fundamental point is that if we accept -- if we do not accept GAC advice, there is a process, and if we don't accept GNSO policy development position, there is a recommendation -- I'm sorry, there is a process. And there are occasions and there have been occasions where those two

things clash. In an ideal world, that clash would be sorted out either before the advice arrived or the policy development recommendation arrived. But there are occasions where we are in a position of having that happen. And for what its worth, my personal view, and I'm not sure that anyone would disagree with me on the Board, my preferred response to that happening would be to go back and say, "Can you please sort this out," rather than us try and have the wisdom of Solomon and say, well, we won't do this and we will do that.

Now, I acknowledge, again, that there's a -- there's a price you pay for that, and the price you pay for that is that while you're doing that, the status quo is maintained, and it may be that the status quo has disadvantages to some people.

So it's quite an interesting conundrum and, frankly, we would be very happy to get, you know, thoughts and input on -- on overarching operating systems that we might consider from the community.

MARKUS KUMMER:

Thank you for that. Would you like to react or have follow-up questions?

KIRAN MALANCHARUVIL: No follow-up question. Just an acknowledgment that we appreciate that; that we're welcome as community members to give our own thoughts about this particular issue; that we aren't excluded from the conversation between the GAC and the Board on this issue. As the community, I think that's important to hear from the Board. And we will do our best to continue communicating with every -- everyone on this issue.

CHRIS DISSPAIN: Markus, may I just respond to that?

MARKUS KUMMER: Please do.

CHRIS DISSPAIN: Thank you. I just want to make sure I've heard you correctly. So what you're saying is -- you're saying you've now asked the GAC some questions, and you're going to get, hopefully, a response to those questions, don't exclude us from commenting, talking about responding to what the GAC says.

I -- Understood, and, yeah, I think we can say that we would expect to ask people for their thoughts about what the GAC has said.

Thank you.

MARKUS KUMMER: Thank you.

KIRAN MALANCHARUVIL: Exactly correct. And I think in particular the IPC, and I hope this was communicated in the question, were -- this has much broader implications about how the law is treated within the ICANN community and how it's taken into consideration. And so that is -- it's extremely important for the IPC to be able to have that opportunity, and we appreciate the clarification.

Thank you.

MARKUS KUMMER: Thank you.

As a time-management issue we said each constituency has 20 minutes so we have some more time if you have additional questions. Right at the beginning we received a question on RPM ongoing efforts. Is that a question you would still like to discuss?

KIRAN MALANCHARUVIL: No. We -- we -- obviously the IPC has a lot of concerns about the ongoing RPM efforts but unfortunately this slide represents an old iteration of what the IPC had approved as far as our

questions where we had approved a GDPR question and a geo terms question so it would be inappropriate for us at the table to ask a question as the IPC further. So we will yield our remaining time to the other constituencies, and maybe if we have something more to add on the topics that the other constituencies bring up, we might want to jump in.

It does look like maybe Patrick Charnley from the IPC sitting next to you there has something additional to say with our remaining time.

Thanks.

PATRICK CHARNLEY:

Thank you very much. Just a follow-up on GDPR. Just in terms of process with the questions for the next stage of the Hamilton memo.

You said that you don't currently have a deadline, but I was just wondering at which point you will close -- close the book on that and pass those questions to Hamilton.

GORAN MARBY:

I will -- I've spoken to several about this, and that's why I'm -- this is the fifth time I said the same thing in the last two days. And people has been -- first people said, yeah, we're going to do

it. It was just I noted it takes -- and I'm not a lawyer, but I understand that sometimes you have to think before you ask. And I'd rather give the community some time to think. That's not going to be like the whole year or something because we have to come back, and maybe we'll do even more iterations. But from the initial reaction, it's been yeah, yeah, we're going to push you questions. They really want to think about the questions.

So it's really like when I feel -- have a feeling, because it's also -- so it's going to be in a couple of weeks when we're going to close it down. And important, we were also actively going around to -- because ICANN is a large tent. We have many different opinions. We're also -- we've been seeking from some members of the community that hasn't come forward with questions. We don't take sides and sort of if it's which side you're on on this one, but we want to have as many different varieties coming in.

So I don't want to commit to time, because it's very much something that you want me to do. Or as J.J. told me we're actually supplying the company with free legal advice, which I'm happy to do, of course.

PATRICK CHARNLEY: Thank you. And apologies for making you say it for the fifth time.

MARKUS KUMMER: Thank you. Can we then move to the other two constituencies? Who is next? Yes, Wolf.

WOLF-ULRICH KNOBEN: My name is Wolf-Ulrich Knoblen. I am the chair of ISPCP.

We actually have two items to discuss. We are making a statement around that. The one, well, which is more than overarching, is the SSR2 also related, and maybe we can then shift to the PCP because I know also that they have fundamentals to say about that.

The first thing we would like to talk about is the KSK rollover and delay. And in this respect, well, also I would like to hand over to Tony Holmes, please.

TONY HOLMES: Thank you, Wolf. I'd like to think I have the pleasure of bringing something really positive here to the conversation from the ISPs. I've sat here a number of times when we have met the board and made the point that whenever there are problems with the Internet as ISPs, we always feel that we are at the sharp end of that, the point of contact whenever anything happens whether it's a ISP issue or not.

But we would like to state we really offer full support for the board for the decision they took to defer the KSK rollover. It's so important that any changes which are so fundamental and impact on the Internet so much are taken in full light of the situation and the fact there was information gleaned that suggested it would be prudent to adopt a cautious approach. We very much support that and offer our full support behind the board.

We would also like to make the point that we would like to work closely with the Office of the CTO and with other ICANN staff through our networks and through our membership to make sure that the full awareness that's essential for such a project is achieved. And we sit here ready to help in any way that ICANN feels we can be of assistance to them. So we just wanted to make that point, that we're here ready. And, hopefully, we can help achieve the result that we all want. Thank you.

MARKUS KUMMER:

Thank you, Tony. It's always nice to hear positive notes. Very much appreciated.

Jonne, would you like to comment?

JONNE SOININEN:

Yes, I think, very quickly. So, yes, the KSK rollover was postponed because of the data that we saw and I would like to kind of like remind you this is actually -- though that it was postponed, like you said, it was a good thing, it was a positive thing it was postponed as new information came along.

And this is one of the reasons that these things are also done, that we do see when we are getting into trouble, that we can postpone making sure that no unnecessary breakage happens in these kind of situations. And we have taken a very careful and conservative approach to this to make sure that there are no unintended consequences.

On the -- being a channel of communication about the KSK rollover, I thank you very much for your kind offer. And I will pass this to David Conrad and the Office of the CTO. You are absolutely right, you do have very good contacts in the industry and using that channel is quite advantageous for ICANN and getting this message about the KSK through. Thank you for that.

MARKUS KUMMER:

Thank you. And maybe we should also comment and make the point that it was not the board decision as such. The board delegated it to ICANN org; and we left it in the competent hands of Goran, David, and his staff.

Yes, Steve.

STEVE CROCKER: Agree with everything that's been said. I'd just note that one of the background concerns that we address every once in a while is could we have a stronger relationship with the ISP community. So maybe one of the side benefits of this is that we'll have strengthened and broadened the interactions and the communication channels and look forward to increased participation from the ISP community over a period of time and for mutual benefit.

TONY HOLMES: Thank you very much, Steve. We would really welcome that. Thank you.

MARKUS KUMMER: Thank you.

Do you have other questions, Wolf?

WOLF-ULRICH KNOBEN: Before moving over to the next question is, well, just to add, we will have a session in the afternoon together with ICANN staff, you know, on the question of the KSK rollover delay and how to improve what could be done. I do hope -- and we will follow the

advice -- we are to strengthen the connections between the industry and related staff here in order to help or to assist, to improve in the future.

So having that said, I would like to move over to the SSR2 item. And if I may, before I -- Steve precedes -- overarching issue coming in, I have to say also we have heard something from the board yesterday during the public meeting. And we understood how it was done more and more. Even so, when it came up to our internal discussions, it raised more and more questions, how this could happen and what -- and how we can deal with it in order to improve the processes in future to overcome that situation we have now achieved.

So, nevertheless, so -- I cannot do anything more than coming back to some basic questions for that at first. So with that question, is we acknowledge that the board has an overriding obligation to see that all reviews as with all other activities, community structures, and processes are performed in a manner consistent with the bylaws.

Beyond that is a question: Does the board also believe it has a right or a duty to approve the matters referred to in its October 28th letter? So with regards to structure, scope, skills, and processes and working plan and so on, which is laid out in the letter, so as to ensure that the review is as effective as the board

believes it can be? Or is achieving best performance the responsibility of the community? So really the question is here: What is -- where is the board aligned between the responsibilities of the board and the community? Thanks.

MARKUS KUMMER:

Thank you for the question. It's certainly a very good question. And I can assure you the board has struggled with it as well. Where do we go here? But Steve would like to answer that -- or Kaveh. Yes, please.

KAVEH RANJBAR:

Hello. Kaveh Ranjbar, board delegate to the SSR2 team.

I will focus on two points. And if needed, we can continue the discussion.

One is the board basically just proposed and effectuated a pause to give the community time to make adjustments, if needed. That's all. So we didn't take action. We didn't interfere. And we don't have any plan to do so.

So it was just we saw some warnings, including the letter from SSAC and some other -- some other indicators again including our previous communication. We thought the best course of

action is to propose a pause to see if adjustments are needed or not. And that's -- that has to be determined by the community.

In addition to that, the timing of that I think is actually very favorable because we did it at the start of the week. Basically, the meeting with SO/AC leaders was at the beginning -- Friday. And in the letter, we proposed that basically the team to continue their engagements throughout the week. And whenever SO/AC leaders feel -- actually, maybe, maybe there is nothing here to worry, we are ready to resume action. So it's basically now up to SOs and ACs to decide and see if they want to move forward or not. But with this timing, we thought this was a minimal effect and this is the best approach forward.

MARKUS KUMMER: Steve would like to say something.

STEVE CROCKER: Thank you for raising this. Thank you, Kaveh.

I think it's -- I think it's important to separate some issues, not to be dismissive of any of them but to recognize that we have multiple interacting issues here and to treat each one of them. So let me tick off the brief structure that I have in my mind. I'll start with yours about -- which really has, I think, two parts to it.

One is: What is the proper role for the board? What is the authority and responsibility of the board? And a separate but important part is, what is the proper way to pursue those, including communication and sequencing of actions? Those are very important questions and totally reasonable to raise.

Let me put two other things on the table, and then we can have a sort of composite discussion.

There is a complementary aspect of what is the role of the supporting organizations and advisory committees under the Empowered Community structure that we have. We've transformed these reviews from being performed under the old Affirmation of Commitments operation into rules that are controlled by the bylaws.

And the critical distinction is that in the prior system, the composition and chartering of the -- of each of these reviews took place under joint management of GAC chair and the CEO for all of the reviews except for the ATRT, and that was the GAC chair and the board chair. Now, the composition is controlled in a distributed fashion by the supporting organizations and advisory committees.

And probably the more subtle but very critical aspect is nobody has worked out what the oversight process is going forward. So we have what I would say is a management class problem with

respect to how to engage. And there's two sides of it. There's how does the board engage and how do the SOs and ACs engage.

All of that very important stuff is process that is on top of a specific issue or a collection of issues that came up with respect to this particular review that was in process.

There were -- this isn't the time, and I don't have enough facts to put the whole thing. But the basic structure is that there were trouble signals arising over quite some period of time, frankly. And they came to a head in an uneven way. The SSAC letter to us was one particular and most visible but not the sole input.

And we struggled with how to engage. From my point of view, I saw things that in another setting, in an ordinary business setting, we would have taken care of in a matter of hours or days but took months. And so then that leads to the collection of these process issues that we have been talking about.

But underneath it all, there's a substantive issue about the direction and progress and et cetera about the -- about this review. And I think everybody, the review team, the board, organization, and obviously the chartering organizations all have a common objective that this be an effective and well-done review. Nobody wants to interfere with the independence. Nobody wants to undermine the results. But, as I said, there

were a number of signals that suggested that it needed attention.

I can well understand that people who had not been seeing these danger signals felt that they weren't getting the communication, felt that the board's action seemed abrupt. And there is, as I said at the beginning, a learning process that we will go through.

Whatever apologies need to be made, we'll make them but all in good faith and all for the same common purpose of getting this to work right.

So I don't have any objection about the attention on how it was done and so forth. But don't let that be a distraction from the fact that there was a problem that needed to be dealt with. And we were in an undefined state about how to proceed. And if the answer to that is, Well, you can't do anything unless you get the process entirely right, consult with everybody and then only when everybody is all set to go can you do anything, that is an enormous waste of opportunity and resources and is not a uniformly or unassailably positive way to do things. That has its own negatives.

So we made some decisions, and we are proceeding as carefully as we can. We took legal advice. And we are still proceeding quite carefully. The action that we took was an alert

fundamentally and the intention is to follow this with -- after the discussions that are taking place this week with a communication from the board. But the action will then fall back to the supporting organizations and to the advisory committees to engage. And we hope that this all moves forward as rapidly as possible.

MARKUS KUMMER:

Thank you, Steve.

And we clearly moved into uncharted territory; and we felt also after the first communication and we had the meeting, as you will recall with the GNSO on Sunday, there was a need for further explanation. And we addressed a note to all the SOs and ACs. And Chris was very much driving this process and just a few words to add. Please, Chris.

CHRIS DISSPAIN:

Okay. So I'm just going to briefly -- this note went to a mailing list which I believed you guys -- most of you would get. It's called soacsgcleaders@icann.org. So if it hasn't been passed on to you guys, I apologize. I will send a note out shortly. Most of it is background. The purpose of the note was to provide background. I'm not going to go into that now. It's not necessary.

But I just want to deal with the last two paragraphs, which I think very important. Of course, the advantage of speaking rather than writing is you can make emphasis on words with voice.

The last two paragraphs say: "The board has not usurped the community's authority with respect to this review. Rather, we are asking the SOs and ACs to consider the concerns we have heard and determine whether or not adjustments are needed. We believe that a temporary pause in the SSR2 work, while this consideration is underway, is a sensible approach designed to ensure stakeholders can reach a common understanding on the appropriate scope and work plan which would ensure the efficient use of ICANN's resources as the review continues to fulfill its mission.

"We stand ready to assist the SOs and ACs in any way so that stakeholders can resume the important work of the SSR review as soon as they are ready.

So it is not a button that the board will press. Okay?

MARKUS KUMMER: Would you like to react?

WOLF-ULRICH KNOBEN: Thanks, Chris. Thanks, Steve and Kaveh, for the explanations. I think it may help also to others to understand what was going on and how you think we should deal with that.

However, I would say as it is at ICANN, it's about definitions, you know? Many say, well, you cut something or you pour something, there's a difference. I fully understand. But in effect right now for the work for this review team, it's the same effect, you know? They have questioned how to continue.

So the question is really when you take this example for the pushing a button or not, the question is how to overcome, how to relieve the button again, and continue with that.

A specific question: Does it mean that you expect to provide us permission after the community, whatever that means behind that, is -- comes back with that and says, Well, we would like to continue? Either way that you are asking us, well, okay. But at first, show us what you mean and wait for permission from us, or is the community the owner of its own decision? Thanks.

MARKUS KUMMER: Steve would like to answer.

STEVE CROCKER:

Yep. I'm going to -- one of the things that I have made a habit of at the beginning of sessions like this is to say that we want to use this time for frank and candid interaction and dive right into the issues. So this feels like a moment in which I can try and get at something.

The question that you asked is, again, a who's in charge and what is the gating condition for going forward. Let me suggest that a fundamental and very important question is: Are you prepared to engage in a discussion about how that process is working? That I think is where the action is going to be. If there is a sorting out of what the problems are, the decision about going forward I think will not be a sticking point because, as I said, I think we all share a common interest in having things move forward as quickly as possible.

But the bottom line is exactly what you said, that you phrased as a question: Who owns the process? The community owns the process. But in owning that process, you have to dig into the substance of it. And I think that's where there needs to be some focus of attention.

WOLF-ULRICH KNOBEN:

Okay. Thanks very much, Steve. And with regards to the question, whether we are prepared to do that, I would like to hand over to Steve DelBianco.

MARKUS KUMMER: And, Rinalia, would you like -- Rinalia is the chair of the OEC which owns the process of the reviews from the board side. She would like to make a few comments.

RINALIA ABDUL RAHIM: Thank you, Markus.

I just wanted to clarify one thing. I echo everything that Steve has said, and it is absolutely necessary for the community, the SOs and ACs, to come together to address the concerns that have been addressed -- that have been raised. And there's multiple components to it.

But there is one thing that's in the board resolution regarding SSR2, which is within our obligation to request for. And I think it's important that everyone is clear on this one. And it says: "Resolved, on 2017 February the 3rd, the board hereby appoints our liaison Kaveh Ranjbar to serve as a member of the second SSR review team and requests that this team develop and deliver to the board their approved terms of reference and work plan by the 30th of March to ensure that the team's scope and time line is consistent with the requirements of the ICANN bylaws."

So the only two things that we need to do in terms of our obligations is to ensure that the team's scope and time line is consistent with the requirements of the ICANN bylaws.

So we need these two things. I just wanted to put that on the table for clarity's sake. Thank you.

MARKUS KUMMER: Thank you, Rinalia. So we have closed this section of our discussion. And we move on to the BC. And I take it Andrew or Steve.

ANDREW MACK: Sure. I'm going to pass this -- because this is directly related to the last line of questioning -- to Steve DelBianco, our vice chair for policy.

STEVE DELBIANCO: Thank you. We have the luxury of continuing the deep dive that we're on on precisely this track. I get the blame probably for writing stress test 14. Remember that? It was what would happen if U.S. or ICANN canceled the bilateral agreement called the Affirmation of Commitments? If that happened, the obligation to conduct the full reviews would disappear.

The way to solve stress test 14 was to suck the Affirmation of Commitments reviews like a vacuum cleaner right into the bylaws. And then I led the team that drafted that. Avri was a big contributor to that as well. As we pulled them over, as you reported correctly, we did make one important change. We said it wouldn't be the chair of the GAC or the CEO and chair of the board that would pick the team. It would be SO and AC chairs. And that reflects in the bylaws. We preserved the Board's obligation to cause a review to happen in accordance with the bylaws. That's what the hook is to what Rinalia just mentioned. Cause it to meet the bylaws. And we realize the Board will still consider the recommendations, determine whether the recommendations should be followed, and to implement the recommendations. So all that will come later. And we didn't change any of that.

But, as you've indicated, Steve, I think you used the term "machinery." We need machinery to make sure this process of handoff between and among the Board and the community works smoothly with the review team. And we need your help as well. I realize that you suggest that it's up to the AC and SO leaders on composition and structure, and process.

But we need your help in two important areas.

Today the CSG met with the SSR2 team. And in our attempt to do a check -- right? If you signaled the pause button, we took that cue and we did a little assessment of where SSR2 is. So we found ourselves in a dilemma. Because the words "composition, structure, and process" which were in your pause letter, lacked the specificity for us to know, Rinalia, for instance, in what respects was the scope of the team not in keeping with the bylaws.

So you know me, right? This morning I pursued that with diligence reading what the "shall" do -- they shall look at the implementation of previous SSR team implementation. And I was able to verify that's a big chunk of the work process they've undertaken. And then we looked at the other things they're doing and asked whether they fit within the bylaws of what they may look at. Because we imported that verbatim from the Affirmation of Commitments. The handful of things they shall do and the few things they also may look at.

So we found ourselves at a loss about what in specific terms was a mismatch between what the review team is doing and what the bylaws say they shall and may do.

It may be too much detail to get into today. But we're here to say we need more specificity in the ways in which the composition, structure, and process didn't match.

Because it's one thing to say did the Board have the power to send the memo and hit the pause button?

I conceded at the microphone in the public forum yesterday that I saw -- for Rinalia's comment, I saw where that comes from. And I get that. I appreciated that you said it's up to us to hit the play button. But we struggled this morning -- in our interaction with SSR2, we struggled with understanding the specificity of the problem. And maybe we need to talk with the SSAC more. And that's true, too. But it was unrealistic to expect that in that interaction this morning, that at least these three elements of GNSO would have been able to do the deep dive that we needed. So I think that, if we were to do this again, the specificity with which you believe the bylaws mandate was in danger, that you would let us know in all specificity so that we could take action. Because we found ourselves at a loss on that.

And the second area is Steve Crocker's machinery point. We don't really have the machinery of notifying the AC and SO chairs and having them convene a conversation with the understanding that they had to respond to something you put out there.

They don't even have the machinery in place in a few days' period of time to come back to the underlying constituencies to figure out what it is they should do.

So it was unrealistic for all of us to believe that in this week all of the constituencies of all seven ACs and SOs could have examined where SSR2 is versus the bylaws and come up with an understanding as to whether we believe we are on track or we believe we need to add some more team members -- because we've had some departures. I certainly think we should add more team members from the volunteers that have come forward. But, adjusting the scope, adjusting the terms of service, adjusting the structure -- that was the other word -- we certainly needed more help.

And, apparently, it isn't sufficient for the board to send an email to the email list you have of AC, SO, and constituency chairs. We need to exercise that muscle a little bit more. Because without clarity, that here's a question we're putting in your hands, and we want to support with staff, support the ability for an Adobe Connect session, support the ability for a conversation and not just a casual meeting that occurred Friday with the AC and SO chairs, many of whom were traveling and weren't available to have that discussion with Goran that occurred. So the machinery needs to be developed. And I don't think we're going to be able to exercise that this week.

That creates a dilemma in that we can learn lessons for the future. But how do we move this week to get this SSR2 team to

resume? How do I hit that play button this week without more information and specificity?

So, Steve, it is time for a deep dive. I would invite with some of the time that's remaining, tell us with any specificity you can how we can react to the concerns you justifiably, perhaps, raised.

STEVE CROCKER:

Let me touch on some quick points here.

We believe we acted in good faith. We tried to communicate. We view our posture as we work for you, and we were executing as best we could on the task that -- where we fit into this. And if it needs to be fixed, then we fix it and so forth. And that's all fine.

With respect to hitting the play button this week, I think that sets the wrong expectation. Because the issues that have to be dealt with need to be dealt with. And it's not just a question of how fast can we turn the play button on. It's how fast and how thoroughly can we get into those issues? What are those issues?

Kaveh. We have sent messages before. Kaveh is going to take us a bit back through that more.

KAVEH RANJBAR:

Thank you very much. To be a bit more specific -- and we can continue to the level of detail that satisfies you. One of the main things that Steve previously mentioned in his previous round of comments is we're really aligned and we want success. I think SSR2 team wants success as much as we want and as much as SSAC wants. One of the main scoping issues was a scoping issue which we communicated in those letters before the letter of 3rd or 4th of October, which we -- sorry, before the letter -- there is a letter which we proposed to (indiscernible.)

So the previous two letters we clearly laid out the scope issues. Just to give you two pointers, the part that Rinalia read out, it said we need a term of reference and work plan by 30th of March.

We got a term of reference -- copy of term reference end of May, and so far we haven't yet received the work plan. That was one of the warning lights. This is March, and now we're 31st of October. And we don't have a work plan from the team. During the process we decided to continue with the scope to make sure that the team -- give the team the right resources to discover the scope. And we tried to support them from the Board side, and we instructed the work to provide support, when needed, to discover this scope. One of the reasons we saw the alarm bells -- and SSAC letter actually supported that was, because the work plan was not submitted and the scope which was in the term of

reference was vague, we were not sure that the level of the advice we will get would be something that at the end -- and this is very early in the process, but still -- at the end the Board will be willing to confirm and say, "Yes, org, go implement that" without having to look further.

So we wanted to actually have a report which we say, okay, this is good -- resource wise and everything, this is good advice. Let's do it. We thought we will get advice, and we were kind of sure, based on the documentation detailed in the letters before, that the advice would be very further than the scope of -- expected scope of SSR2 as mentioned in the bylaws.

So this is the main reason we were worried about the scope. And we thought the definition of success is we get advice from SSR2 and basically look into that and tell org to go implement. What we saw, that was not going to happen. This is still very early in the process. Things can go any direction. That's why we proposed a pause to see -- to ask the community to look into that, look into the warning signs. And it might be fine. We are ready to continue.

STEVE DELBIANCO:

Kaveh, thank you for that. The understanding we had this morning was that the work plan was on the wiki right now and has been. You don't see it that way?

KAVEH RANJBAR: It's not a matter of personal opinion. The work plan has not been sent to the Board. The communications are all in the correspondence, and the Board has not received the work plan.

STEVE DELBIANCO: So, Kaveh, for clarity, if the work plan were on the wiki, do you regard that as not having been sent to you?

KAVEH RANJBAR: No. So what is on the wiki and actually what our second letter to the SSR2 was commenting -- there are pieces of work plan which the team calls audit plan and we were quick enough to observe those and comment on those. We never received a full work plan. And, as far as I know, the team, neither on the wiki or anywhere else has a full work plan. The team has five subteams to look into stuff. Subteam 2 has an audit plan online which is not submitted to the Board. But doesn't matter. We are not bound that much by the process. We love -- formalities are there for a reason. What we saw and why we acted on our second letter, we just saw that online. It wasn't transmitted to us. But, based on what was online, we already sent a reply. But the SSR2 team has not submitted or posted a work plan.

STEVE DELBIANCO:

There might be a difference of opinion on that. Thankfully, we're human beings. We're in the same city. So we would even say cede the last 10 or 15 minutes of our 90 minutes together for you to have a conversation with Eric and Denise and the members of the team. It's essential that we simply resolve maybe phraseology differences as to whether the work plan is or isn't in sufficient detail on the wiki.

But, even if it were there, you might still have legitimate concerns about whether the work plan has the right people on the team to execute, whether the budget would support that, whether it can be done in time, and whether the level of specificity was there. Those are all legitimate. And our partnership with you does imply that it's your job to see that the bylaws are executed. And, if you have concerns that we won't meet the bylaws obligation, we're good with the idea of giving us a heads up. But it needs to be specific.

In the last 30 seconds for the first time I saw the letter that you sent yesterday. So the machinery doesn't work very well yet. The email that Chris thinks went to us apparently didn't go to the chair of the BC. He still hasn't seen it. That might be our fault. I don't know. But we can work that out. We're technical people. Once we figure that out, that just opens the door to the next question. Like I need more specificity on how the work plan would be insufficient to deliver on the bylaws.

So we have a machinery question. The need for us to design a way to interact efficiently -- and it may well be that email isn't the perfect alternative. We may need something a little bit different.

We have a specificity level where whenever possible you tell us the where in which we don't think it's going to meet the bylaws.

And the words like "composition" and "structure" were really confusing to us. We have no idea what that means. And I would invite you to elaborate on that now, if you could.

KAVEH RANJBAR:

Without getting into too much detail, because I think there is a lot we can discuss on specifics. But, for example, when we say composition, the amount of resources, there were multiple meetings -- and, actually, this morning there was one session with SSAC -- that only one person or two persons showed up. That means maybe there are not enough resources. Multiple members of the team on the mailing list have mentioned that, oh, we cannot make it or we don't have enough time and there's a lot of work, which is a fair assessment. But that should have been brought up to the attention of the community. So how to do that and the machinery, I will leave that to the -- basically, the common wisdom of SOs and ACs and the Board to decide.

But, generally, when we talk about composition, that was the main reason we brought that up.

And we wanted the SO and AC leaders to basically have -- SOs and ACs to have a chance to revisit that or maybe add members or maybe look at skills based on what has been submitted.

I just wanted to point out the minimum -- yes, I would love -- and I keep talking to, for example, Eric, you mentioned and other team members. I have close contact with them. But these are professional organizations talking, correct? So the letters -- the minimum granularity level is the team. So we are not going to get more smaller than that. And, after all of those talks and what we perceive, this is what Board address.

MARKUS KUMMER:

I just wonder whether we should really go into that level of granularity and should not raise up the level. I think we have agreement that the machinery needs improvement. Yes, of course.

ANDREW MACK:

Can I just suggest three Cs, as we go forward? I take you at your word that you want us to be involved in the process and we want to work on it together. First one is context. I was one of

the people who was on the plane. I didn't get the memo. If you don't give us context, we can't be helpful. Okay?

Second of all is communication. The communication that Steve mentioned -- we just got to be better. This is not that difficult, if you're really interested in our working on it together.

And the third one for me is continuity. What's the go forward? I think we haven't adequately explored that. There are concerns about precedent that we set. Those are legitimate concerns on both sides. We want to do this right. and part of doing this right is having a mind on what's next.

And so the -- those three Cs, I think, are very important as we build this process going forward and --

MARKUS KUMMER: Thank you for that. I think you've put us on the right track. Cherine?

CHERINE CHALABY: Thinking of what most of you are saying now, I'm thinking of the next steps. And it is right that you would ask for more details. Right? And the letter we sent you is fine, is short. Our intention was to submit a more detailed letter after this ICANN public meeting.

So that's the intention -- the intention is still there with a lot of details to support what we said.

The question you're saying -- maybe misheard it, but you're saying what can we do while we're here. If that's what the community wants, we can have a meeting again with -- I don't know who? The SO and AC leaders -- while we're here.

And we can go through a lot of the details and then follow this up with a letter.

So it would be nice to -- for you to make a suggestion of what would that mean?

STEVE DELBIANCO:

Thank you, Cherine. The notion that the details will be forthcoming gives me great pause. Let me suggest why.

Because it would be totally inappropriate to save all your details for the AC and SO leaders. Those details I'm just assuming were shared with the team itself. The Board has a liaison on the team. So the details are already well-known to you.

Kaveh, you must know the details of composition, structure, and process; because, undoubtedly, you've discussed them with the chairs and the members of your team since it's totally inappropriate to save that and hold it back and tell the AC and

SO leaders a week after a meeting and expect us to act on it while we're here at the meeting.

So, Cherine, with all respect, the sequence that you suggested is all backwards. If the details were known, they should have been shared with the team weeks ago, since your first stop with your concerns is to go to the team, not to run to the AC and SO leadership.

Would you react to that?

CHERINE CHALABY: I believe we went to the team, and we wrote two letters to the team.

STEVE DELBIANCO: With sufficient detail?

CHERINE CHALABY: May I answer the question.

KAVEH RANJBAR: May I make a quick comment? So all of our communication is through email to the SSR2 list, which is open, public, and accessible to everyone.

There is nothing that we have -- there is no other information channel between the Board or the team members, as far as I'm aware.

There is the SSR2 mailing list, which is public. All the board communication into the team also has gone through that list. It's online. It's on the Web site. Everybody can look into it.

STEVE DELBIANCO: We'll take it on board that we're going to read the details on an existing set of emails.

So, Cherine, we don't have to wait for you to send us anything. Because the details of your concern are already published on an open email list. I hope, Kaveh, that you're right about that when I dive into the list. Because, without the specificity, we don't know how to react.

ANDREW MACK: I might just add to what Steve said. If we're going to take a serious action like this one, it might worthwhile to notify leaders well in advance. I think this is a precedence setting thing, and it's a pretty serious thing.

MARKUS KUMMER: Cherine, your flag is up. Would you like --

CHERINE CHALABY: I was just talking to Steve and also -- do you want to have a meeting with OEC and Kaveh while we're here or not? But, if you do, we're ready. Okay.

STEVE DELBIANCO: We have 10 minutes. We could do it now.

CHERINE CHALABY: No, we can't have it in 10 minutes.

CHRIS DISSPAIN: It can't just be with you guys, right?

(Speaker off microphone.)

MARKUS KUMMER: We would need to set up a separate meeting to find a slot in a very busy calendar. Can we take that offline and see if it's possible to do that.

I take it I think there's a broad recognition that we could have done better. And I think Steve said the machinery can -- needs to be improved.

I think it came all of it unexpected to the community. There was definitely a communication issue. We could have done better. There's clear understanding on the board that this needs to be addressed. But it was in many ways uncharted territory. We had an alarm bell ringing and the board felt something needed to be done. But Steve, you would like to react.

STEVE DelBIANCO: Yeah, I need to come up with another stress test. Right? Number 39 is what happens if the machinery is not there.

MARKUS KUMMER: Then you have to fix it. Sorry. Yes, please.

BRIAN WINTERFELDT: Brian Winterfeldt, incoming IPC president. I just wanted to support Steve and the BC's comments, and the IPC, I think, would also welcome a meeting with the SOs and ACs. I'm really struggling here to understand the board's actions in this context. It seems on one hand you're saying that the SOs and ACs led you to make the decision you were making. On the other hand, we don't even understand the details. We don't understand exactly what all the warning signs were. We're talking about having a meeting so you can share that with us, but you're saying it's coming from us or are we about to discover

it. It's very confusing. I know we have the letter that came in from the SSAC, which is one part of the community. So I think we really would welcome more of a dialogue, I think both in terms of understanding the details of this but also how we kind of ended up where we are right now.

MARKUS KUMMER:

Thank you. I think we will not be able to come to a conclusion in five minutes that's remaining for this session, but I do think we have, I would say, an emerging consensus that we do need to improve the dialogue. And maybe we can do something while we're still here, and I think we ought to do something while we're still here and to find a common ground on how to move forward. I think it's looking forward -- okay, mistakes have been made in the past by various sides in this action, but going forward we have to fix -- fix this. And I think there's a -- a commitment from everybody to do that. Is there any other comment on this or on any other issue?

STEVE DeIBIANCO:

Marilyn Cade has something she would like to present.

MARILYN CADE:

Thank you. My name is Marilyn Cade. And this is Steve Crocker. I would like to see a show of hands of all of you who could

answer the following question: How many hats has Steve Crocker held in the years that he has been on the board of ICANN.

UNKNOWN SPEAKER: Too many.

[Laughter]

UNKNOWN SPEAKER: Many, many.

MARILYN CADE: He's held three seats in the time he's been on the board of ICANN. I reminded Steve when I saw him a few days ago about a particular crisis that occurred in the life of ICANN when a significant change was introduced in the DNS by one of the -- by VeriSign and due to that change there was really a possibility that the Internet would break. And who did we call? Steve Crocker. So one of the things, for those of you who are new, you may not know about Steve's long-standing contribution to the technical community, to actually creating the recognition of the need for the security and stability advisory first working group, then advisory committee for chairing it and sherpa-ing it for so long, for representing it as liaison on the board, for being on a

board as a member, and then also being elected as chairman of the board and serving us and the community so long and so well. And on behalf of all of us, we would like to present a small gift of recognition to Steve, and, of course, we put his name on it in case he lost it and Beth had to find it.

[Applause]

STEVE CROCKER:

Thank you. Just very briefly. I was recruited in to chair the newly-formed Security and Stability Advisory Committee in 2002, and it was a nascent, evolving relatively small organization and we were having weekly phone calls and trying to find our way through. And about a year later, in September 2003, when the Site Finder Service was unveiled rather abruptly, things changed, not overnight but almost instantaneously. And we found ourselves in SSAC with a serious challenge to provide technical insight into the -- into the process in the midst of what was a -- then a very, very contentious political and business and ultimately litigious situation. Marilyn was one of the key people who provided a lot of communication, a lot of support, and a lot of organization from the community while us techies got ourselves organized and held some open meetings in October, two open meetings in October of 2003. And it's been a wild ride ever since. I'll tell some of the rest of the story maybe in a

couple of hours when there's fewer people in the room, I hope. But anyway, thank you very much. It's been a real pleasure working with you, and as we've just seen, these interactions have been content full, substantive, and sometimes very intense. That's what life is for. Thank you.

[Applause]

MARKUS KUMMER:

Allow me also to bid farewell as this was my last meeting with you. It was a pleasure and honor to serve on the board and it certainly was an interesting experience. Thank you.

[Applause]

STEVE CROCKER:

Let's also recognize Asha and Rinalia as completing their service at this time. Did I miss anybody? I think that's it. Thomas, I think, will be -- Thomas Schneider will be stepping down also as chair of the GAC and liaison to the board. Anyway, thank you all.

[Applause]

[END OF TRANSCRIPTION]