Transcription ICANN Los Angeles
GNSO Council meeting with the Board
Sunday 12 October 2014
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(Jonathan): Thank you. So welcome again to our ICANN Board Colleagues. Welcome to the GNSO working sessions. I always get to this point on the weekend and feel like I've done a week's work. I don't know how you feel probably similarly. It's good to have you here Steve and colleagues. So I don't know if you'd like to make any remarks Steve and then we can start.

(Steve): Thank you Jonathan. Yes, it's indeed a pleasure to be here. I've had for several years say a feeling that by the time Monday afternoon comes around my week is half over. And it's smooth sailing after that. So I understand and share your feelings about how much work has already taken place. On behalf of the Board, let me tell you that we are pleased to be here.

We always look forward to these engagements. We try to make these quite real; not just proforma. So we like to dive directly into issues and have frank and earnest discussions, and try to take decent enough notes so that we don't lose track of what was said and we follow up.

Let me just add that I'm conscious that (Marcus Coomer) your next appointee to the Board is not here and on his behalf to share that. He said he had a

prior commitment that was a serious matter of family - positive nature. And he very gingerly asked me you know if it's okay. I have for a very long time in my career I realized that one of the important things is that we all survive the experience and that family and health and other things take precedence even over the very weighty matters that we're involved in.

So I know that he would prefer to be here and I apologizes for not being here, but he's a fast learner. He'll catch up. So with that Jonathan is here.

(Jonathan):   Steve you've made me feel terrible. It's my five year old daughter's birthday party today. And here I am. Madness. Okay so what we've done is we've prepared a set of topics which the majority of which you've seen prior. They're a couple that have been added on so it's no intention on it. I don't think you'll find it any form of ambush but just to - we've really got it in three sections.

The first is just to touch on some key areas of activity with a particular purpose. The second is to look at areas where we're actually actively in collaboration with you on various topics. And the third is just to flag up any other relevant areas for discussion. So if we could have the first slide up.

And the purpose of this is, I mean we could bore you to death. And there's no intention of doing so of all sorts of bits and pieces of detail work in the GNSO. But these three - these set of points were really put up here to highlight and obviously discuss if necessary and have any conversation around areas where there's a more strategic purpose to the work rather than the technical run of the mill policy work.

And in particular where they sort of worked - the way the work goes outside of just the GNSO, and I think it sort of illustrates a broader awareness within the GNSO, the broader context and the need within the ICANN framework to collaborate and effectively cooperate within the SO's and AC's in ICANN.

So I'll probably touch on the first couple and then let a couple of council colleagues pick up on three, four and five. So it's really just a couple of remarks in each. And feel free anyone to comment or provide input or if you're aware of it or have questions about it, or even criticisms over it. Feel please free to highlight any comments on any of these items.

As you may be aware, there was clearly the recommendations from the ATLT-1 and followed up later for requirement for more effective engagement of the GAC and GNSO policy, and we kicked off around a year ago. A group known as the GAC GNSO Consultation Group. It's specifically called a consultation group to be something other than a standard working group or otherwise, and it's a mechanism by which we can actively explore effective both day-to-day cooperation and interaction between the GNSO and the GAC.

And actually I should introduce or re-introduce Mason Cole to you in his new role. Mason is now as of this meeting, the newly appointed GNSO Liason to the GAC with specific purpose of educating and informing the GAC. And providing a face to the face list emails and barrels of communication for which the GAC said hang on we can't quite digest and process all of this.

And so Mason is that particular face of the GNSO and he may well be known to some of you as a former council chair and active participant for the Registrar's Stakeholder Group.

Mason Cole: Let me just comment that if you thought being Chair of the Registrar Stakeholder Group was hard.

(Jonathan):   Steve, he's new in the job.

Mason Cole: Exactly.

(Jonathan): So that's the GAC GNSO Consultation Group. Again we're going to meet with the GAC itself and we'll talk more with them in detail. We've got the cross community working group which is working to - Meris Cross Community Working Group Ethics together with the ccNSO. I should probably highlight of course the INS (unintelligible) transition; CWG which was initiated at least from within the GNSO and the ccNSO, but which is now got other SO's and AC's signed up to both Charter and work on the group.

There's also the territory naming; country and territory naming groups. So there's active cross community working group going on between us and the ccNSO. John why don't over to you to make a couple of rocks on three there.

John Berard: Sure, thank you Jonathan. John Berard, Council for the Business Constituency. It's pretty clear to anybody that paying any attention that the proliferation of Cross Community Working Group is going to continue to proliferate. And rather than just have them spring up without any preparatory work or any guidance really as to how what the decisions that they need to make or should make or can make ought to be, the affectionately named Cross Community Working Group on Cross Community Work Groups was formed.

It has a fairly broad member participation and we are working towards and will have an assigned post on Wednesday afternoon working towards a set; creating some guiderails. Not a specific set of requirements but essentially a menu that will allow Cross Community Working Groups depending upon the issue that's driving them, and the energy - the SOAC trading the energy that's leading to it to effectively and quickly get up and going.

So with any luck - knock on wood, we'll be able to get some of that done pretty quickly.

(Jonathan): A related point is clearly and then this cascade I suppose as well out of the linquency the new gTLD program and the board members will be aware of some of the sort of tension and issues that cascaded out of the balancing

policy implementation. I mean that comes up in various ways and in fact we had an interesting meeting with generic - the Global Domains Division this morning, and talked with them about matching further integrating early insight into policy development and therefore implementation planning.

I won't go into that now, but I think of the co-chairs, great Chuck. I see you here, of the policy implementation working group will give us a very brief update on.

Chuck Gomes.   Thanks Jonathan. And I want to first of all note that the other co-chair is behind me on my left. J. Scott, why don't you stand so that people that don't know you. Most everybody knows you. We also have a couple of vice-chairs that aren't present right here that I'm aware of. But the policy and implementation working group is one that is meeting weekly.

We have a good core of 10-12 people from various groups in our community that are participating very constructively. We're hoping to have a first cut of our recommendations by the AmeriCash meeting for discussion and feedback. We've been working the GDD as well because they have some implantation frameworks and we've been providing inputs and getting their perspectives.

So I think we can all be optimistic that early next year we will start to see the results of the work that's been going on for quite a while. It's deliberate; not fast but I think we're getting good cooperation, and very constructive cooperation from broad sectors of the community.

(Jonathan):   It's a clearly - thanks Chuck. Clear that's an issue that pergulated out of the execution of the new gTLD program, but ultimately it's a resilient issue that needs to be dealt with on an ongoing basis.

Finally on this set of topics, Brett I don't know if you'll say a few words on the discussion group new gTLD.

Brett Fausett: Yes it was GNSO that created the current round of new top level demands that started in 2012. We start that with the policy process that worked through most of the 2000's and we thought it was appropriate at this point to start a discussion group to come up with issues that we might want to bring back to the council for policies alternate processes.

So as you know our policy development process starts with an issue report that is created by the ICANN staff. It comes back to the council. We looked at it and decide whether a policy development process is appropriate. This is a pre-issue report discussion group. So it's sort of a new process we've created.

We thought that the scope of possible issues were so broad that it would be unrealistic to ask staff to create an issue report on new top level domains and future polices. So we are trying to collect issues that members of the community have. Our next step is to think about them and maybe categorize them and determine which ones might require future policy work. And then ultimately bring it back to staff and the council. So that's where we are.

(Jonathan): And then to just supplement that point Brett. We had a good discussion with staff on - staff is currently working on making sure that a series of (unintelligible) program mandated reviews take place. But actually the dangers of that work, we do this and there's also the work going on in the policy implementation working groups.

So one of the themes that's come through is sort of knitting this together and making sure that this is got in a sort of in a coordinated and I think (unintelligible) used the word this morning that we were in lock step. I'm not sure it'll be quite that sort of military or sensitized dock coordination, but certainly we'll work together and try and figure it out.

So let me pause here and say you know, say this specific reason for putting these five on the table because they relate to minor significant programs of activity and the issues that have come out of the new gTLD program, and/or cross community collaborative work of strategic importance outside of the GNSO. So any comments or questions or points relating to this forum. Councilors or board members that anyone would like to make? Yes Bruce, go ahead.

(Bruce): Just a quick question for Brett on the discussion group. Are you finding that you're getting a broad enough membership of that group at this stage? Because I could easily see those that are interested in launching the next round of new gTLD's would essentially dominate that. I was just wondering how you're ensuring that you've got others that you know, come from a different perspective.

Brett Fausett: Well the people who don't want to see anymore new gTLD's ever are also present, so. You have very interested parties and so you have both of those. And you have people who went through the process before. Right now, and we've tried to make it easy for people to collect issues and it's going to make it harder on ourselves do the work later. But we've just asked them to you know, sort of state the issues in bullet point form.

And right now we've gotten close to 80 issues and if you'll look at what's there, you know it looks fulsome to me and we're going to take more input this week, and I think we've got a really nice collection. I don't care who you are, you probably will see your issue up there. And we've not put a bar on putting the issue on the board.

So you know, if your issue is that new gTLD should only launch on Wednesdays, you know, it's on this right. So we're trying to get everything.

(Jonathan): Avri, next

Avri Doria: Thank you. Avri speaking. I want assure you that not everybody on that group is gung ho on the next round. I think a fair number of us do want to see a full and appropriate review of everything that's going on. I think there's also another element to this that hasn't quite come out yet. One of the things people like me had said is that there is a mismatch between the policy we put out in the GNSO. And the implementation that the AGB gave us.

One of the answers that we got was that well you weren't specific enough. And now we thought we had been because we did a lot of exercises with AVIN staff that was going to implement and to try and sort all these things out, but they didn't end up in the writing. And so I think that before any other new gTLD round comes, it's to look at those principles; to look at those recommendations to see where some of us believe that they were totally missed.

Where some of them see that no, it's an interpretation that went wrong and to make sure that any other policy that comes out for another round has the degree of down to nuts and bolts specificity that we need to prevent another, oh but you didn't quite say that type of explanation or set of explanations. So thanks.

(Jonathan):   Thanks Avri. I've got Ray next.

(Ray):   Avri, I am in complete sympathy with you, and I've been pushing for similar type things to occur in the board as far as getting that discussion going, and I would appreciate the time if we could get together offline and chat.

(Jonathan):   Let's go to the next slide then please. So the purpose of this slide is to really highlight three areas where we are currently working with you in one or another way or its really two issues here that come up where were actively working with you in one which we recognize we might have to work with you on, which is item 3.

So I'm struggling to remember if we had people lined up to talk to either of these points. On the PDP on gTLD registration, can someone remind me that I should volunteer that I would simply myself for this? All right so I mean here what you know is Steve has proposed a board GNSO working group to try and deal with the fact that here we have a couple of unique things going on.

We've got a board initiated PDP which is hither to unprecedented. And we have an expert working group which has been commissioned and completed its work and again, something which is unprecedented. So the question is how do we marry and manage these two, and while still retaining the integrity of the GNSO policy development process.

And instead of leaping in with both feet, I think Steve has wisely suggested that a group of experienced people on both sides come together to just sort of tease out what might be practical issues. So I guess what the purpose of this point is really just to highlight that that's going on. I think it's probably premature to discuss a lot or if anything at this stage on this but to make sure that we're all aware.

With that said maybe someone's got a point they'd like to make in relation to this.

Man: Me. What was the term that you used for the issue report - a pre-issue?

(Jonathan):   It's a discussion group.

Man: But there was a term of art that you were introducing for the pre-issue report or pre-PDP. The word pre was in there. I got that.

(Jonathan):   Oh, this is a prelude to the issue report. I don't what I said but it wasn't an official name. It's just something that came out of my mouth.

(Steve):   I liked it. So, but there is a - it struck me that there's a similarity between what you were describing and what I view as the process. I should choose my words carefully because I don't know that if everybody else has used the process the same. At least in my mind. Two year ago - almost two years ago in November of 2012, we kicked off a process to take a completely fresh look at the directory services structure and purposes and so forth. Everybody's familiar with that.

The expert working group was constituted and delivered very substantive and thoughtful report as is the nature of these things. Any group like that puts a lot of energy into it and then feels committed to it; very attached to it and I'm sure that they're wondering why it's taken us to long to implement their great ideas.

Meanwhile, outside of any group like that, people are saying gee that's interesting. Let's begin to think about it. And as they read through it, we'll see things that will seem very strong and other things that may be questionable. The problem that we're wrestling with has been around for such a long time and it's been through so many failed efforts that at least against speaking my own mind on this, that there is no question about the tension between doing it fast and doing it right.

We have to be careful and do it right, and not be driven by we want to get this done by next week or next month or next meeting or whatever. This will eventually wind up I believe in one or more PDP's. But before we say that we're ready for that process, we're going to go through this questioning and shaping and say okay, well now we have a proposal from the expert working group, what issues does that raise that need to be shaped and framed and examined and so forth?

I can make up my own you guys. I'm sure I can make a list. So the purpose of this group that's meeting now is to try to get our arms around what that set of issues are not to do with the design of the system; not to redo the work of the

expert working group at all. But to step up a level and say, anticipate what are the main threads that are going to have to be explored and then come up with a sensible recommendation for what it will take to move this forward without proceeding in an inappropriately narrow sense of you know, it's all done, just implement this on the one extreme.

Or well let's start over and find the right group in the middle. So I'm actually looking forward to that very much. I think we have the meeting of representatives from GNSO and from the board scheduled Wednesday if I'm finding a thought who has been challenging, but I think we found it. So late Wednesday afternoon. And with that, there's a very live topic obviously very important and we want to proceed and deliver it fashioned.

And I think this is a not necessarily this session here but this period of time is the right time to raise all kinds of issue and we'll sort of get them out. There's been a public comment period. So we've had you know the normal round of all of that. A lot of issues have been raised, but the floor I think remains opened on this, and the group hasn't met yet, and hasn't got organized, but I was quite impressed with the set of names that were forwarded.

Frankly, I know most of the people who are out chosen, and each one is remarkably strong in his or her own right and as a group I think it will be fantastic. And we have quite a lot of interest on the board side as well.

(Jonathan):   Go ahead Avri.

Avri Doria: Thank you. I really do appreciate this effort, because I know that personally siting there and looking at a PDP interrupted that was the purpose of who is has now really changed in its nature or perhaps has changed in its nature so that this stepping back and looking at it and figuring out what is the correct PDP or as you say, PDP is to proceed with is very much appreciated.

I tend to be one to think it drops all the way back to defining our issues and going with comments again, but that will be hashed out in the group. But the fact is that we take over the last two years the subject has evolved partially because of the work that the EWG did; partially because the world has moved on in terms of realizing the importance of privacy and other issues that the fact that we step now and sort of figure out okay what is we actually need to develop policies on is very much appreciated.

Man: And of those who don't know, Ari is one of the people on - serving on the GNSO side of this.

(Jonathan):   Thanks I got Phil connect.

(Phil):   Yes, thanks Steve. I'm very much reassured by the cautious approach that it's being taken by - is looking at this report and how to implement, best implement a new structure or directory services structure. I think it's the right word to know. The key facet here is that this has to be done right, and doing it slowly; doing it deliberately is the right way to go about it because there probably will not be a redoing of any work in direct services world for quite some time once this is done.

                    One thing that I would like to stress is that you would also consider that at the end prior to implementation, you will add additional steps that would be that the end results that is proposed by the PDP's that are at the very end of this is analyzed under privacy law aspects of major jurisdictions around the world about the implications of the suggestion and maybe if there is critical points, have a look again. Because this is important.

(Jonathan):   Okay. Are we done with that topic then? Is there any other comment or question related to that?

Man: Comment. As you may be aware, privacy was one of the most important focal points and there was some range of opinions. I think without any question at

all, privacy will be one of the top level. It won't be the only one but it will be one of the top level concerns. If I were going to do a second sketch out, you know three, four five. Top level points of privacy would be absolutely included in that.

(Steve):   Just in the clarification. I think that privacy analysts with India, I think the community is very good, and I think that should be part of the deliberations but at the end, there should be an outside review, legal review about the implications because there simply is not that much expertise within ICANN on the legal systems and legal privacy laws around the world.

And that needs to be done because the implications this might have from a privacy aspect, legal aspect for those who have to implement this and who have to pass on the data; transfer the data; store the data are going to be humongous for everyone. And there will be complaints afterwards probably and better be on the safe side here.

Let me jump in. So this is a good queue. There were actually teasing as part of all that. I don't think the choice is determining the privacy issues entirely within our own view versus getting an external opinion after the fact. I think the, what you're calling external opinion has to be an intimate part of what happens. It has to be part of the process not an after the fact review.

Otherwise both extremes are going to go fall apart. By the time the basic decisions and sense of direction is taken, we better have had and absorbed and taken into account in a constructive and positive way. That's got to constrain those sets of views and so forth that come from the expert opinion that come from government representatives or else we will run into trouble quickly after that.

So I take your point but it's not a you know, make sure you touch that base afterwards. That's got to be deeply embedded into the process.

(Jonathan): Thanks Steve, I've got Mike and then (Erica).

(Mike): Thanks. I was simply going to indicate or less what Steve indicated. Privacy and legal compliance needs to be baked into the process that's going on off to the fact validation. Let's try to insert chocolate chips into the cookies once it's already baked. Give it up throw it out, it's got to be into the process of permeate the process through every step.

It can't be tested afterwards and if you screw up then you've got to start all over again.

(Jonathan): (Erica).

(Erica): Yes, I'm very much in agreement, but I think I like the point you made that we should look for besides expertise. It's such a complicated area. First of all the privacy landscape is changing constantly but in particular in relation to the Internet environment and to the ICANN eco system. I think many areas are not totally well-defined or understood yet. So it would be certainly good to have the workers outside expert.

And maybe we need more modern one maybe. Because each opinion is different in this environment. I would totally agree but I think in Steve's argument as well is good to make it part of the process as early as possible and not to have as Mike said, tested afterwards. I would love to work on this one as well. I'd be happy to support you on.

(Jonathan): Good. David.

(David): I think I made at the - this meeting, the same meeting in London made the point that I think ICANN, but as a community is organized as an organization is lacking in the sort of deep capacity in dealing with privacy issues and it's become very apparent that we are in that zone where we really need to. The RAA, I mean I'm sure people have different feelings about the process, but

the outcome, but it's certainly I think we can all agree that there was an indication that we did not know enough about what we were doing in terms of privacy and how to deal with it.

There are existing systems like it. I think, I mean it became clear to me that we need to interface with the government at a deeper level within the GAC for example. We need to be talking directly with Data Protection Commissioners and that sort of level. There are existing, and many of us, I mean I would certainly describe myself as a privacy enthusiast, but I don't have the deep understanding, and few of us do.

I certainly wouldn't say none of us do, because I know Stephanie is in the room, but few of us have the deep understanding that we really need to and we need to get people at their (unintelligible). They're sending their organizations and privacy professionals that have certification and well under certain processes, and we need to get more of that kind of people involved.

If that means we need to take the direct route of you know, of payment to be involved, then that is certainly a good place to start.

Man: Thank you. I would like reinforce what Erica was saying that what data is the same out. It is an important issue and it's involving us this precise moment. You know many countries in the world their stations are evolving in terms of how to adapt to the new (unintelligible). So I agree that we perhaps have to put expertise inside ICANN to deal with every particular legislation or legal tradition.

So expert analysis, I think is more than we start to deal with this issue and then it's going to be an important part of our dealings individual. Thank you.

(Jonathan):   Any other comments or questions? It seems like the seams emerged, certainly.

Man: There is one addition. Personally I have discussed privacy issues within ICANN quite substantially with chairman (unintelligible) and protection officials and on a federal and state level. And the thing that I always hear when I ask them to get involved is that they simply don't have the capacity to participate in such long-winded policy making process.

And their only option is to look at something once it's done and then comment on that. So that what I meant to have final analysis at the end to review this again, but of course it has to be part of the process as well.

But some of the participants who may have valuable additions and valuable comments and things that might have been forgotten or fallen under the table will not be able to participate all the time, and therefore final review might be necessary.

(Jonathan):   Okay. So I think we'll draw line under that. I suppose that the point of these three just to remind us. I mean in each case, there's been what I would consider effective interaction between the board and the GNSO; GNSO council and so in a way for me that's very gratifying, because we set out as a council and objective to be more effective which is what the previous slide says a participant within the SO and AC landscape and in addition, with other key groups such as yourselves.

So you know let Steve reach out to us in item one and initiate the prospect of a board GNSO group. We've had on item two, Chris and colleagues doing significant leg work to try and bridge the various gaps and I know it causes some concern about, in various quarters about due process and how we're doing things but I think we're navigating a very careful line there between the sort of shuffling between the exchanges of information and trying to still stick within the processes and procedures that we've got available to us.

And then on item three where George come and talk to us at a council meeting which is very helpful to illustrate you know hid inside to all it got on

there, so I won't preempt what Thomas you might like to say about item two, but I just wanted to flag it.

That's the theme of these topics and it's gratifying to see that there is a willingness and ability and we appreciate that and would like to encourage you that kind working together where that's appropriate. Thomas you want to say something about item two?

(Thomas): Yes, very briefly. Particularly for those that are with us that are with us that haven't followed the subject as closely as we did over the last couple of months and as you might recall the GNSO council has unanimously adopted a set of resolutions last year with respect to IGON INGO identifiers and respective protective mechanisms. We have subsequently been asked by the NGPC to revisit some of the recommendations that the GNSO counsel made at the time. And there is a possibility for the council to do that. There is a so called Section 16 of Operating Principles which allows for changes for having amendments to GNSO resolutions.

And we are currently liasoning with the NGPC to find out what exactly there is that the council is asked to look into. Because we have a situation where the GNSO council has produced policy recommendations and two of those recommendations are conflicting with existing GAC at 5.

And the NGPC is working hard to get these frictions reconciled. And subsequently we'll send a letter to the NGPC asking them for information about how they wish to proceed and this is basically where we would like to ask for input. And then there's a second action aligned which also stems from the original resolutions.

Because one of those resolutions said that we need to look at open up or ordering or maybe creating a new curative protection mechanism for IGO and INGO identifiers and that PDP is underway. So that's a work in progress and

everybody who was interested in that is certainly welcomed to join this
working group which is co-chaired by (Peta) and by Phil Corwin.

And so that's underway. So there's nothing that the council needs to do with
that at this stage. But I guess the question that we are hoping for some
insight from the NGPC or the ICANN board is the first one which is what
exactly are your plans to reconcile the friction between GAC at 5 and GNSO
policy recommendations?

(Jonathan):   So we are not necessarily expecting that answer right now, right? I mean just
to be clear.

(Thomas):   But that's to say that's where we are.

(Jonathan):   That's the issue. Phil and then anyone else?

Phil Corwin: Yes. Good afternoon. Phil Corwin, member of the business constituency and
as Thomas noted, I am co-chair of the new working group. I'm looking at
whether the concerns of IGO's and INGO's can be accommodated by the
current right protection mechanisms or whether we need a new curative
rights. (Peta Wrenford) is the other co-chair. I'm happy to report we're making
very good progress in that working group.

We've divided into three subgroups. We've gotten pretty far on the way that
enough participants to do that. We're getting excellent staff support from
Mary Wong and Steve Sheng. We do have one concern which is that while
we have good participation with the community, we have not participation
from IGO's or from the GAC.

And it was the GAC that asked for this working group and we're trying to find
ways to get them to participate. We understand the sensitivity of this issue
and we don't want to turn out a report and recommendations and then have
the GAC or IGO say you didn't consider or point of view, when they didn't

participate in the group. So we're wrestling with that issue but we are making good progress. Thank you.

(Jonathan):   Thanks Phil. Chris.

Chris: Thank you Jonathan. I've been sitting here trying to think about how to say some stuff in the sort of polite way or diplomatic way. So I met with some of the staff and Bill Graham and I met with the IGO and some representatives of the GAC today I think. And we agreed that - first of all we explained to them about the process and we explained that basically what we have here is you know exactly the way that Thomas put it.

                And explained all that. And I told them that effectively you know, you may agree in principle to make the change to policy recommendations, but you need to know what that change is going to be successful. Otherwise there's no point in making the change.

                So we've agreed with them that very quickly they will nominate a very small number as part of the problem here is being there's an ever changing feast to this IGO involvement in this discussion and it varies from moment to moment.

                So they've agreed that they will nominate the (J. Posner) from the U.N. will nominate a very small group and we will work quickly on the top piece, the MCH piece to come up with something that is acceptable to them and then come to you and say, okay now let's talk about this. Are there any red flags here for you? And then we'll go from there.

                So we shuffled backwards and forth on that relatively quickly. And in respect to the second piece thank you I will with pleasure encourage some volunteers from the IGO community and a rep or two from the CAC to get involved. The problem is and this is where I need to be diplomatic, but some of them would suggest that their previous experiences have not been optimal.

Now that's their own personal opinion of being involved in a policy development process and I had no comment to make about that because I wasn't involved. But there are egos involved here and there are all sorts of things so we need to be very careful.

But what we did agree yesterday also was that we would work again as quickly as possible to provide into your policy; your working group or whatever it is some guidelines on what it is that they are looking for. I don't think they have a particular bandwagon about it being a separate piece, you know set for process or other.

I think we all know what their problems are. They can't use it at the moment if we can fix that, that's great. So we're there to help as much as we can. And I'm encouraged by the tone of the meeting that we had yesterday that we may actually be moving forward.

(Jonathan):   Well I'm pleased you're encouraged, Chris that's great to hear and in one sense the frustration and two the point about for example participation and working groups and so one. We heard this before and know it well and in many senses that is what the objective of the GAC GNSO consultation group is all about.

It's to try and figure out well if that's doesn't work for the GAC, what does? How do we work effectively together and manage that. Unfortunately we've got this rather - we've got this test case which is not - this legacy case if you like rather than test case. And it hangs around all of us and it would be better to be looking ahead as to future as yet un-started PDP's or at least in much earlier phases that weren't so laden with historic zig zags.

And so somehow or another we've got to manage our relationship with this existing problem and you know at the same time work in good faith to deal with future issues. (Peta):

(Peta Wrenford): Thanks again. I wanted to add (unintelligible) that I'm a co-chair of the group. Maybe if they think that they cannot officially participate continuously in the working group, so to speak, diplomatic possibility could be at least to you have them participate being in a wait or a week or two question on GAC inputs continuously so that we can have at least an early reply and an indication on their views on these topics. Thanks.

(Jonathan): Chrissy is going to come back in and then David. Thank you (Peta). That's actually a really good idea. What I might do is, I mean I would encourage them to come or to join, but I what I might do is ask them if they could provide us with a small group that you could use as a reference group.

That you could reach out to and ask questions of and get responses too. And that would probably be the advantage of them being able to make sure that the right people are in the group. Thank you.

So before we go to David, this is effect a very helpful warm up because we are going to move after this to go and meet with the GAC and I very much expect that this will be something that they want to talk about, so I hope that anyone here who has participated in this discussion will contribute to that as appropriate you know when we go through to meet with the GAC, Ben.

Ben: Yes I just want to - the idea that we would have a basically a small group from the GAC willing to sort of discuss this in detail is sort of very promising just sort of, I mean we're part of the GAC GNSO coordination group is to encourage that sort of thing near the start of the process instead of somewhere after. And we are certainly trying very hard to find as many ways as we can for GAC. (Unintelligible) is to find offer early input into out processes and this curative rights mechanisms will be a very important test case I think for us and we're all quite hopeful that it will turn out a lot better than the. Yes, the resolution will end up a little bit, a lot cleaner than the previous ITO group.

So I think we're all fairly positive about it at this point. So that one and let's see how we go. We - but certainly the GAC GNSO council coordination group is very focused still active while we've thought about existing - while we've made a number of suggestions in ways to improve the process where it's still very, very opened to new suggestions and new ways in which to work together with GAC and perhaps encouraging the GAC to form this sort of small group - base group maybe something we should look at more for future areas of great GAC concern.

(Jonathan): Okay. So that's maxed. We spent more time on than I anticipated but that's been the useful discussion. Any other comments or questions or anything to that point? Great. Thank you. I'm not sure there's a whole lot to say about point three, except to say that the report came out. Others may want to comment the report came out. It certainly caused some reaction of various sorts.

And the way in which this works in the GNSO is that this report will be taken in and digested by the various stakeholder groups and constituencies. That feedback will go into the public comment period. We will discuss this at council level and say George understanding is attempts to recover from a recent health issue was still very good to come and spend time with us going through this.

So that was appreciated. And what the council decided to do was potentially respond to not necessarily depends on what comes out of the stakeholder groups and constituencies, but in any event to wait until the reply period such that our response follows on from that of the stakeholders groups and constituencies rather than preempt or anticipate that.

So that's really a kind of insight into the way in which we work as well you know and understanding individual responses to this particular report so it's early for us as a council in terms of responding to this although we are relatively well informed for the reasons I described.

So I don't know whether anyone would like to say anything more about this stage. Paul is going to leave it either board members; members of that working group or councilors if anyone would like to say anything more, but it may not be necessary at this stage.

Man: Yes, I just wanted to be sure that you are very clear that it's not about the community. It's a working group who sends this for comments. We don't know. We don't have any discussion; any votes to know if we agree or disagree. And it's really an opened call. I don't imagine that the board has this position and other positions. It's worth that discussion within the board just within this committee of the board.

(Jonathan): Actually I think that's a very helpful comment. Thank you because the impression, if you can imagine, and I'm not speaking for others. But if you can imagine reading, seeing something that is a board working group output for public comment, it would be very easy to think that that was a view of the board. That's a helpful comment to make. Right, Thomas, did you want to say something?

(Thomas): When will we get to the universe acceptance?

(Jonathan): So that's - we're probably done with those three points apart from one more comment.

Marilyn Cade: Yes, thanks Jonathan. My name is Marilyn Cade. I guess I need to ask a clarifying question then. So let me see if I understand this. I'm a member of the community. A subgroup of the board; did a report. It's a sort of out there. It lays out a significant number of changes. It challenges a number of concepts that many of us really don't understand. And the answer we get is well, the full board hasn't looked at it.

And you boys and girls since you nothing else to do with your time, have to thoroughly study this; analyze it; critique it; defend why it's a good idea to make this substantive extensive change or not. And oh by the way, that's now. As opposed to after the formally scheduled review of the nominating committee.

I don't feel that's very respectful of the burden of work that we all deal with, and I really appreciate that a subgroup of the board could come up with ideas. But when you put them out for public comment, you know if you take this approach you might think about having a feasibility discussion before you go to publishing something for public comment and transferring the burden of work onto the community. Just an idea here. I might be a little busy.

(Jonathan):   Avri.

Avri Doria: Thank you. I feel that I'm possibly being too complimentary to the board and everything today. But I very much appreciate you having put this out. I know that I'm part of a stakeholder group that has been demanding various actions from the board for over a year to correct things that we thought were broken. Yes and I'm actually very happy to see something where the board is actually thinking in terms of notions or footing.

And I'm a little amused to see it get bigger rather than smaller but that's beside the point. But so I just wanted to tell you that while I wrote comments on it and all sorts of things, I think the idea of the board working on an issue; coming up with a possible set of thoughts; floating them before it makes next steps is a good idea, and in terms of the timing, yes, lots of stuff is going on.

But we have been pushing on you for a couple of years to solve this problem so hey, thanks for working on it.

(Jonathan):   They have two slightly different opinions on the same subject. They may even be barometric. Any other comments or points on that? Okay so it is being

digested in the stakeholder groups and you've got some insights into how that might be going in some them and more to follow.

We've picked up a couple of other areas for discussion. We've got technically half an hour more of this meeting. These are the two points. They're going to be introduced by two different GNSO councilors. I know you haven't - we haven't done you the courtesy of letting you see these before, but I don't think they're necessarily out of the blue.

So hopefully you'll indulge us and be willing and able to talk to these two points so first one over to you Thomas.

(Thomas):   Thanks Jonathan. I'd like to talk a little bit about the issue of universal acceptance. You will remember that we flagged this earlier when we met at other ICANN meetings. But I'm not sure whether the board has a sense of urgency with this very subject. There was a GIG report which included recommendations on universal acceptance. None of which according to my memory have really been operationalized. We've then seen a road map for universe acceptance that has been published by ICANN this summer.

And this roadmap is very rich in words, but very poor in concrete actions. What does universal acceptance mean? It means that you know, these are cases that have been brought to my attention. Somebody once a Registrar, a domain name with a new gTLD.

They want to Tweet about it, but Twitter wouldn't accept the syntax of the new gTLD so they wouldn't allow your desire domain name to be entered into a Tweet. Now you register your domain name. You're proud that you have it; you're a company. You look up your domain name or at least you try to do so, and what the browser does is it returns search engine results leading the visitor to the competitors Website.

So the browser software does not adequately process the new extensions because they don't recognize them as valid domain names. Some browsers wouldn't resolve them at all. Others require that you put in http. Others would require yet different special treatment so that they would lead to a resolution.

Or you want to send an email with your new domain name and it doesn't work. Or you want to buy something in an online shop or you want to sign up to a social media platform. And in the contact form it is not possible to use a new gTLD because it doesn't work. And this issue does not only exist for internationalized domain names.

It also exist for Ask-Key new gTLD's. Why am I saying this? You might say okay some users might be facing issues and universe acceptance is an issue that is not new.

We have to gLTD's that existing gTLD's that are facing universal acceptance issues for more than a decade now. But I think that ICANN has assumed a certain responsibility with the launch of the new gTLD program. ICANN's mission is to provide for competition and choice. And if the message coming out of the new gTLD program is yes, we made available new extensions to you.

You can register them, but whether they're going to work, we don't know or maybe they're going to work. And I think during the evaluation, when we've been asked the question have we provided for consumer choice. Have we provided for competition with the burden of universal acceptance not being satisfactory result?

I think the answer might be that's enthusiastic than it otherwise would be. Now you might say and I know response from ICANN when people separate from universe acceptance issues have asked ICANN for help. When ICANN responded well that's something that you better take care of yourself.

And I think that's not good enough. Although the resolution of the issue lies with the browser manufacturers and with the software industry. ICANN must reach out to those communities. ICANN must be seen to have a track record on trying to get this changed.

If we just placed this in the hands of others, I think people will claim and rightfully so that ICANN has not been totally inclusive with the new gTLD program. I think I should leave it here. I'm sure that Edmon or Ching have more details to provide on the IDN issues. But I wanted to flex this and maybe ICANN is in a position to put more results to this to ensure that these new extensions can actually be used.

(Jonathan):   Thanks Thomas. I think you put that very clearly. Mike.

(Mike):   Thanks Jonathan and thanks Thomas for raising it. This is something that's occupied a number of us with new organization for a couple of years now. And until recently it hasn't had a home so it's centered within the risk committee as having been identified as a risk and a two-fold risk.

Firstly within the IDN space and within the new gTLD space. There is a program specifically looking at this stuff for undertaking a certain amount of work bur also coming back to us in terms of what ICANN's role is because we certainly acknowledge as ICANN the corporation that while we can't go out an force people to change their backend software, we can't change better basis that don't recognize new gTLD's.

In fact there's some times even don't recognize ccTLD's that have been around for many years. Even some of the more recent gTLD's are not yet recognized by some backend services. So this is not something that we can enforce. This is something that we have to work through and price it.

So at the moment, it's sitting within the risk committee and the risk committee is not the appropriate space because we look at identifying and tracking risks.

We don't look at litigation measures. But seeing that it sits over there, we're looking for the appropriate home.

And I think it's very useful that it's raised over here because I think this is certainly something that we could do with a lot more collaboration and cooperation with the GNSO and the others. It's not simply a market corporate role, but yes we have a very significant role in terms of moving it forward.

(Jonathan): Thanks Mike. I've got a queue which includes David, Ray and Edmon.

(David): I always wanted to make that point but without wanting to take the focus away from universal acceptance and IDN's as a focus here, but there are other issues which also involve outreach to the browser and software developers that also do not have a good sort of forum or mechanism for looking at them on the end.

I mean for some security issues such as acceptance of domain and things would fall into that category. So they're both a very big important policy issue here but also a sort of structural how do we deal with browser and software developers that don't entirely overlap but they are both very important.

(Jonathan): Thanks, Ray.

(Ray): Thanks Jonathan. Moving to the IP address role. Every single regional Internet Registry has for decades said that one thing that we do not guarantee is the routeability of the IP address we give to you. It's an upfront statement. And there are a number of factors that affect the routeability of any new IP address.

And they all have to do with service providers; period agreements. Whether something's been blacklisted because of spam or some other abuse and then gets recycled later. And so this is a similar type of argument. A similar type of circumstance.

And so the solutions have to be put into the proper place. The regional registries over the years have taken on this issue of non-routeablity even though they don't guarantee it. And they have pointed to and have had discussions with regards to what influences could be or encouragements could be made to service providers and to the keepers and publishers of blacklists and so forth with regards to routeablity by IP addresses.

So I would suggest that before we sit and lay the entire solution to this problem in the names role which is just cropped up because now you are allocated more shrinks and really take a look at where the best pressure could be. And should ICANN stand and use its puppets in a place to say something

I don't think that there should be any policy or anything that goes down the path of making ICANN a guarantor of the universal acceptance of any name. They don't do it with IP addresses. They shouldn't do it with names.

(Jonathan):   Thanks Ray. Just one quick remark and just think that Thomas made the point I think it hasn't just popped up. It's been around for a number of years since...

(Ray):   I'm aware of it, but it's been exacerbated.

(Jonathan):   Agreed. Yes. Okay, go ahead I've got Edmon and then Tony, and then (unintelligible).

Edmon Chung: Yes, Edmon Chung here. So actually building off what Ray just said, I think a very important part is that so we jumble yes, it's not an issue that ICANN as a corporation or ICANN as a community alone can solve. We have to go out and you know as Ray said. And in terms of the agreements, I think we do have those disclaimers and domain name as well right up until the registry agreement that ICANN signs with the Registry to the Registry with the

Registrar. Registrar with the Registrant. So that part is actually not a big issue. But I do think this is an issue as Thomas mentioned consumer choice and competition but even more so consumer trust.

It is a key aspect of consumer trust in terms of the DNS system. And that actually ties into a key aspect of what the GIG report actually said. So in terms of what Ray was mentioning, I do agree that this community and perhaps ICANN and the board should look at what we are doing in the IP space.

For example, IPP-6. I'm sure Fahd yourself and Steve yourself, when you speak publically, you often bring up the issue of IPP-6. What we're asking is speak about universal acceptance especially on IDN's as well. And take to that strategic level. That's sort of part of the recommendations from the GIG as well.

And I will - I guess I will end with I've talked about this issue long and you know for a very long time. And glad that's bringing up to a level. But I guess in one particular item as Thomas was following up on, the GIG report is very, I think is a pretty precious report that both the GNSO council and the ccNSO council resolved to adopt and pass it over to the board.

It's been quite some time now that's it's been passed to the board. We haven't seen any discussion, adoption or even rejection or you know, go back and do some more stuff. What is so sad is with the GIG report is, is the board going to look at it and you know, will the board resolve to adopt the recommendations I guess is the question.

(Jonathan): I've got a couple responses directly to that. What is the (DeBasing) and then Mike and then we've got queue okay or so straight to Mike and then we've got a queue which is Tony, (Quay) and Jonathan. We'll probably draw line after this topic.

(Mike):   There is a document that was published for comment in terms of a plan
                   around you know universal acceptance that is being processed. So yes it
                   wasn't something adoption. There is a Web plan. There is work that's
                   underway.

(Jonathan):   Edmon.

Edmon Chung: Just one note. I guess I would just echo what Thomas said in terms of the
                   you know the difference there. There are some concrete recommendations
                   which is not fully reflected in that plan. But I understand that plan. It's actually,
                   I think that plan is a great step forward, but still it would be useful I think for
                   the board to consider whether those recommendations should be accepted.

(Mike):   Was that in the private comment?

(Jonathan):   Okay, so I've got in my queue, I've got Tony, (Quay) and John. Yes, Tony
                   Harris go ahead.

Tony Harris.:   I'm trying to get this up to my face. Well first of all I would like to say that this
                   is an issue of particular interests to our constituency. By our constituency I
                   mean the ISPCP. We have for quite some time been featuring this in our
                   discussions and our newsletters. And we have actually participated intensely
                   into outreach events in the last 15 days.

                   One in Mexico which went I think extremely well and where this was
                   presented to members of the connectivity industry. And the other was in
                   Nannuck where we had representatives in the Marion Ando event who
                   survived all the rocks thrown at them and managed to at least speak about
                   this to a very technical and very opinionated community.

                   I don't think at this stage of the game with new gTLD's already operational
                   and having problems, we should be thinking about who's going to solve it. I
                   think we all have to solve it. I think we have to cooperate. I think we have to

work together. I don't think that the ISP community can do this alone. Because it's not strictly a network problem.

It's a problem that goes out to software developers and I don't think it's just browser developers. What about all these young guys with long hair who develop apps for cell phones? I mean I know that the cell phone company is and the cell phone manufacturer is have clubs of developers with thousands of these young people looking for a hit.

And what are they developing? Are they doing any addressing of perimeters in their developments? I'm not a technician, but I'm sort of inventing the works for this.

But the message is and I will speak for my constituency because this would personal, but from the Latin American community and I mean ISP providers; Internet exchanges and operational in Latin America for the Internet, ICANN can commit to say that we want to help with this. We want to work with people. We're not asking anybody to all this. We want to be part of it.

Just tell us how we can help? And finally I will say that I will be a Registry as of next Thursday for my (unintelligible) string finally. So I have a selfish interest in this also. Thank you.

(Jonathan):   Congratulations. (Quay).

(Quay):   Yes, actually I agree with what Tony is saying. You know I think it gets back to the you know very early days when the number or numbers of organizations you are placing the IPP-6 issues. I think that in almost every in our RR meetings they are all you know trying to define the developer. You know including the Googles; Microsoft; Apple you know whatever all those companies to (unintelligible) about IPP-4; IPP-6.

And what's the situation with that? And also in order to, I don't remember there are so many different kind of panel discussions in the RR community going to asking what is the plan for Google and doing the IPP-6 what is the plan for Apple and other Microsoft doing the you know the IPP-6. I think we agree that universal acceptance of GNO is basically not only single party can do it.

I think that is part of the time you know for all the stakeholder in the ICANN community. I think we need to work together and naturally we should mention about a tutor. We should invite a tutor to come here and to ask them you know, what is your plan for the you know, the new gTLD IDN. And maybe, I know the Google, so there's a plan for that and we can ask the Google what is the plan for you know the new gTLD and IDN.

And I think that might be where we can make it faster to work together as a group. You know as a community together and to you know advice you know I think that in the Google Facebook you know at least it can be the top 10 or top 20 of the middle application provider and ask them what their plan will be.

I think there might be a list of one thing we can do. So hopefully you know this is not only to the ICANN Corporation also you know you're including all the communities. You know the GNSO even the SO everybody and ask the application developers to come here. You know we ask what the plan will be.

(Jonathan):   Thanks (Quay). I'm just going to remind everyone that we've got ten minutes to go and I'm going to be in trouble if we don't deal with that last point as well. So I've got a list which includes John, Mike, Ching and (Ram), and then if I can encourage you to be as brief as possible so we do get to cover this last bullet and not delay the board going to the next meeting. So John Berard.

John Berard: Excuse me John Berard from the business constituency. I do think that with the proliferation of new gTLD's that this question universal acceptance presents itself almost as a bit a bait and switch for ICANN. It's something that

may not be our responsibility. It may not be out burden, but ICANN is in the perfect positon to serve as the organizing influence to bring the right people to a single table and help foster solutions of these problems.

I think that is a very public policy approach that could serve every Registrant. Not just those that are specifically affected by the universal acceptance problem.

(Jonathan): Thanks John. Mike.

(Mike): Thank you and my apologies that I keep coming back to the mic. I think the comments that are being made are very useful, but standing in circle and pointing fingers as to whose responsibility this is going to get us nowhere. (Saris) and his team have started the work. What I'm hearing is its not moving fast enough and it may not be good enough.

I would like to suggest that we bring (Saris) into the conversation because I don't want to commit to anything on his behalf. We'll look at seeing how we can get some sort of ad hoc working group. I think the comment about getting the CTN involved as well as a good one; let's try and get practical achievers rather than blaming who's not doing their job over here. Let's see what practically we can do. Co-eds got some ideas. Other people have got great ideas.

There are a variety of contacts. So I'm going to suggest we bring (Saris) in. We communicate through you Jonathan if you don't mind. And we try and order this week organize an initial meeting of an interested ad hoc working group or we do it shortly after this meeting. But call and we'll see if we can this process going.

(Jonathan): Great idea. Go ahead Cheng.

Ching Chiao: Yes very quickly. Ching Chiao from the Registry on the duty on what actually Edmon was saying that you know the community here on the east and not many but some of us here is feeling that the GIG report you know has been there for some times. Three issues the one time idea and was turned down.

The idea and we we're starting to see the light at end of the tunnel so that's good. But still we are seeing this. I mean this taking place is I mean the communities actually I'm watching the progress. So we're asking - I mean we're glad that you know we are hearing at all levels I mean really looking into the universal I mean the acceptance part. I mean what Mike has just sad. Thank you.

(Jonathan):   Thanks Ching and (Ram) you get the last word on this one.

(Ram):   Thank you. One of the problems I think that has happened here is once the GNSO; CNSO; the councils got together ratified the GIG report and submitted that into the board, I think it lost a chaperone. And I think as a result what happened was inside of the board, the recommendations things like that I don't think it really has had a chaperone.

I think that is part of the problem; part of the things that we have fix. Now what we're trying to do in the board now is start to build a tracking list; start to look at advice that has come in. And start to look at how to respond to the various pieces of advice. So this is something there is learning here. But in my opinion, the GIG report and what's happened to pieces of the advice that has come here is that I think it got lost along the way.

The other comment I wanted to make was about what you've been saying about does the board recognize that this is urgent and important. The answer is yes. I have some concern about trying to show a response by putting together a bunch of people and talking some more about this or trying to put some concrete actions.

I think there is a roadmap has been put out. There are public comments that have come through. My perspective is the right step is take that process and to work on improving that process rather than build another one on the fly. Thank you.

(Jonathan):   All right. Well we will, thanks for that. We will draw a line under it now. It's been a good discussion and some concrete suggestions. We'll leave it there for now. This is string objection of new mechanism. I think this will seek an update. It was raised by Brian with the IPC who I know isn't here. And Jenn I think you're going to pick up on this.

Jennifer Wolfe: Yes, thanks Jonathan. Brian was planning to raise this point but unfortunately he's ill so he asked me to step in and raise it for him. We wanted to raise the issue of the proceed and string confusion objection expert determinations. I believe it was on the NGPC meeting agenda today. There were public comments and replies that were posted in April of this year.

As you know, many constituencies and stakeholder groups in this room have commented on this issue. So we've like to have an update from you specifically on how you receive the public comments and what the current status of this issue is.

(Jonathan):   (Shereen) thank you.

(Shereen):   Thank you Jennifer. The meeting is going to take place this afternoon and it's on the agenda. We have looked at this actually since last October and looked at the public comments; evaluated the various mechanisms; review mechanisms and backwards and forth and I think now we're reaching a point where there's a resolution being put forward to the NPC this afternoon about an action to be taken. So I don't want to preempt this, but the meeting is starting in about five minutes from now.

Jennifer Wolfe: Is that all you can provide. There's no other details until the meeting occurs. Is that what you're saying?

(Shereen): I'd rather not because we're going to have the discussion hopefully vote on the resolution so I'd rather keep it quiet. You will know it very shortly afterwards if that's okay.

(Jonathan): Thanks (Shereen). There's a comment from Steve. A follow-up comment I suspect it was the Registrants and the end users whose confusion and duplicate investments was the whole rationale behind us and they didn't have standing to file a string confusion objection in the process that you're protecting and defending. So I think we were at cross preferences. While I'm grateful for the reply, I do hope you'll think that over and the resolution that you consider today.

(Shereen): Thank you. Point taken. Thank you.

(Jonathan): Okay great so we've satisfactorily worked our way through the agenda on time which is wonderful and will we ever get (Shereen) and colleagues to their next meeting as well as the rest of us. (Saris) just reminded me that there is an open session on universal acceptance on Wednesday so that might be a good place to pick up some of the topics that have pergulated through this discussion.

It's been a great meeting. Thank you very much from my point of view. I mean we've covered the agenda; we've covered it on time and we've talked through various of these issues with some substance. So that's great. Steve.

(Steve): I think you've said it all Jonathan. Thank you very much. As I said at the opening we look for these interactions to be pretty substantive and direct. We're not disappointed.

END