

**Transcription ICANN Singapore
GTLD and GDD Updates
Sunday 23 March 2014**

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <http://gnso.icann.org/en/calendar/#mar>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

Jonathan Robinson: Okay everyone, let's get ready to get the proceedings underway on the Sunday morning in Singapore. So if we could start the recording please?
Hello and good morning to everyone here in Singapore. Welcome to you all - welcome all of you to our second of the days of the weekend sessions, the GNSO weekend sessions where we go through much of the work and issues and key relationships between GNSO and various groups within the ICANN organization.

We've had a substantial set of working group updates yesterday and had a good conversation with ICANN CEO Fadi Chehadé. And you'll be familiar with the agenda today which kicks off with an update on the new gTLDs and an opportunity for GNSO colleagues on the Council and those of you in the room, so feel free to participate, anyone in the room, to interact with the discussion and get involved.

We welcome more than - this is much more than just a Council meeting; it's an opportunity to thoroughly discuss and prepare for and go over the issues at hand.

So we have with us here this morning a full team from the Generic Domains Division. Over to my far right is Russ Weinstein who, as many of you will

know, I'm sure. Got the Trang Nguyen - I hope I pronounced that correctly. And of course Cyrus who you should know.

The way in which we're going to do this - we've structured it so there was going to be an update - a new gTLD update, an opportunity for us to hear from Trang and from Russ. It was originally scheduled that Christine would be here; she has been unable to make the meeting for personal reasons.

So we're very pleased to have Trang and Russ here and of course Cyrus. And then Cyrus is going to talk to us I think in a little more detail as well about the way in which things are working in the GDD.

So, guys, with your permission I'll hand it over to you, Trang, first of all and we'll take it from there.

Dai-Trang Nguyen: Thank you, Jonathan. Good morning, everyone. Thank you to you, Jonathan, and the rest of the GNSO Council for the opportunity to provide an update on the new gTLD program. It's been about four months since Buenos Aires and the Program team has made a lot of great strides so I'm happy to be here today to share with you some of those accomplishments.

Next I'm going to spend a few minutes discussing the - the open items that we're still currently working on. I will try to keep it brief so that we'll have plenty of time at the end for questions.

So in terms of accomplishments of the program since Buenos Aires, on the GAC Category 1 front originally there were 386 applications that were subjected to GAC Category 1 advice. Those applicants have since been invited to contracting. This was as the result of the NGPC passing a resolution to accept GAC Category 1 advice. And as part of this resolution 10 safeguards were adopted. The safeguards, as you know, are being added to the public interest commitment Specification 11 of the Registry Agreement. And they are enforceable by the PICDRP.

On the GAC Category 2 front there were 186 applications that were subjected to GAC Cat 2; 139 of those were able to move forward to contracting or contention resolution. This is because they indicated that they did not intend to operate the TLD as - in an exclusive manner and the applications are aligned with this intent.

Thirty-five of the, you know, 186 indicated they do not intend to operate their TLDs in an exclusive manner but the applications did not say such so for those applicants we have notified them about four weeks ago to either submit the change request to align their applications with their intent or submit a statement of public interest. So their responses were due by last Friday. And we will be analyzing the responses that we received and move forward appropriately.

The remaining applications on the GAC Cat 2 list are individuals that basically said they intend to operate their TLD in an exclusive manner. We've reached out and actively submitted a statement of how they intend to do so and still serve the public interest. So those have been posted and the NGPC will consider them.

On the objections front we've also made a lot of progress since Buenos Aires. There are - there were I believe 263 objections. As up today 249 of those objections have been completed with only 14 remaining. As a point of reference in Buenos Aires we had only 171 objections completed so a lot of progress on that front.

On Community Priority Evaluation, or CPE, just as week we published the first Board CPE results. I know a lot of you have been waiting for that so we published the first set last week.

Right now the CPE results are available on the CPE page of the new gTLD microsite. We will also make them available on the application status page soon.

And in an auction, since Buenos Aires we've made up a lot of progress on the auction front. The final auction rules were posted in March. Thank you for all of the - all of you who have provided input to that public comment. The auction schedule has also been published and notifications were sent to 306 applicants in the (100) contention sets that are active or eligible to proceed right now.

On the number of delegations front also a lot of progress since Buenos Aires. In Buenos Aires we had delegated 24 TLDs and right now we have - how many is that this morning?

Russ Weinstein: One hundred and eighty one.

Dai-Trang Nguyen: A hundred and eighty one delegated. So lots of progress since Buenos Aires. But this doesn't mean that our work is done. As you know there are still a number of items that we're working on completing one of which is application evaluation. There's still a small number of applications that are in IE and EE so we're working toward finishing those up.

We're looking forward to holding the first auction in June of this year. And we're also working with the DRCs towards finalizing all of the objections and cases. And also working with the GAC and the community on the remaining GAC Cat 2 items.

Also out for public comment are proposals on a number of things, the name collision framework as well as the proposal to address perceived inconsistencies in string contention objection determinations and also on the qualified launch program so we would appreciate your participating and providing input to all of those public comments forms.

So, Jonathan, that's it for me as far as an update goes and the team and I will go ahead and take questions.

Jonathan Robinson: Thanks, Trang. That's a whistle-stop tour. And let's go straight to questions then from - and as I said earlier just let's make it clear that the questions can come from around the table or anywhere in the room so please feel free to get any questions on the table. I've got Mikey followed by Steve. Mikey, go ahead.

Mikey O'Connor: Thanks, Jonathan. Mikey O'Connor from the ISP Constituency councilor. A quick question about the name collisions report. That report came out with essentially the front half of the report published and the back half of the report all the data to be published soon because of some kind of problem, security related problem, not related to new top level names but a problem.

Any sense of when the rest of the report is going to be published? It's going to be awful hard to make a public comment on half a report.

Cyrus Namazi: Thank you, Mikey. In fact I was actually going to have a 5-10 minute update on the types of projects that me and my team are responsible for and name collision falls in that category. But I can quickly address your question. Yes, the data that actually led to the report that we posted last month for public comment we could not publicize it. And I don't know how to say this without being cryptic about it because there's a security concern that actually entails third parties.

And if we publicize any more of the information than we already have I think it would actually end up compromising systems that are out there. My expectation of when the rest of the data is going to be available - and this is just an estimate right now - is probably May June time. And this has to do with some particular fixes that need to be put in place before the data is disclosed.

Now we have a dedicated session to name collision, as you probably know, tomorrow. And we have the Jeff Schmidt from JAS and Francisco and all the technical gurus there. And I hope that most of you will come because obviously this is a very key topic for us and we'll be able to provide more details.

Yes, please.

Mikey O'Connor: I'd just like to - this is Mikey O'Connor again, just like to follow up on that in this context, in the GNSO Council context, because what we've basically got is a timing problem where people are being asked to comment on a report but the data isn't going to be available for another two months.

And, you know, I'm not a gTLD hater, I'm not a schedule disrupter but this is a serious issue. And it's difficult to understand how that works. So I'll certainly be there in spades tomorrow on that. But I wanted to put it in the record here because this is, you know, this is the Council context.

Cyrus Namazi: No, your point is well taken. Understood.

Volker Greimann: Okay, next I have Steve.

Steve DelBianco: Thanks. Steve DelBianco with the Business Constituency. You brought up the question of the inconsistent decisions on string confusion and the BC will be submitting a comment on that today. And the BC looked at the decision as very narrowly focused on just where the applicant went against two or three other applicants and got inconsistent decisions from different arbitrators. The BC position is let's look more broadly; there's still outlier cases like Hotel and Hotels that were not addressed.

And then yesterday Akram, in his discussion with the GAC, I think for the first time suggested that there's more happening there. He said, you know, there's another set where we identified as an outlier and that's also being reviewed.

So the question would be, is that review occurring as part of our public comment on your current proposal? Or will there be some other public comment where people would weigh in on the singular plural strings that weren't covered by the NGPC?

Dai-Trang Nguyen: Thank you, Steve. The current public comment for the proposal on perceived inconsistencies under string contention objection determinations are actually limited to just those two sets that are mentioned, Com and Cam and Car and Cars. That's sort of the boundary for that public comment.

What Akram mentioned yesterday with regards to the dotShop contention set and the outliers is actually something that is being considered, you know, we made a recommendation and it's being considered by the NGPC. There's no public comment, you know, posted for that yet it's still, you know, within the - review and consideration stage.

But the Com and Car forum that's currently opened is specifically just for the Car Cars and Com...

Cyrus Namazi: Cam.

Dai-Trang Nguyen: ...Com Cam. Cam Com, yes.

Steve DelBianco: All right so if our comment goes beyond that to suggest that we like the mechanism and it ought to be applied more broadly please take that into consideration. And is the recommendation you made to NGPC something that's published?

Dai-Trang Nguyen: No, that is not yet published because, you know, (unintelligible) may be better versed on this but I'm not exactly sure that has made it onto an NGPC agenda yet.

Steve DelBianco: Thank you. Jonathan, I had one follow up question? Unless you want me to get back in the queue?

Volker Greimann: Sure.

Steve DelBianco: Thank you. The standard Registry Agreement, you spoke of all the folks signing the standard rather than be exclusive, right, rather than be closed or open. But while being open they're permitted 100 second level domains for any purpose to promote and operate the TLD.

The question would be, are the nature of those names any way disclosed? If I visited a brand new TLD this past sunrise would there be any way for me to know which are the up to 100 second level domains that the registry is keeping for itself?

Cyrus Namazi: I'm going to defer this to Karen Lentz who is our expert on this sitting there. Karen, if you don't mind taking that.

Karen Lentz: Hi this is - sorry, hi, this is Karen Lentz. The Spec 5 provision that permits registries to allocate up to 100 names for themselves, to answer your question, Steve, I think there's no way if you were a user typing in a name that you'd be able to identify it was one of those or not. The agreement does provide that ICANN can request from the registry their list what those 100 names are so that's a possible mechanism.

Steve DelBianco: Has ICANN requested such lists from any registries yet? And would you publish them?

Karen Lentz: I don't know if we have. I think there have been instances where we received complaints or inquiries. So I am not positive whether we have or not.

Steve DelBianco: Not a complaint, just simply a request.

Volker Greimann: Okay, reiterating the queue we next have Bret then Klaus then Lars with a remote question from Steve Metalitz and then we have Yoav. So Bret, go ahead.

Bret Fausett: Thank you. This is a little bit in the form of a comment, maybe a heads up for what's coming and also a question as to current staffing. I know that everyone on the panel and here in the room on ICANN staff is very deeply involved in making sure that Round 1 is a success. One of the things that I want to start talking about, and I'm hearing other people starting to talk about, are subsequent application rounds.

I know that the Guidebook, Section 1.1.6 said it was ICANN's goal to launch a subsequent application round one year after the first round closed, which would have been June 2013 so that's already well overdue - it was a goal, it wasn't a deadline.

But to the extent that we want to have it happen I think we're going to have to start talking about what we're going to have to put in place to review Round 1, figure out what went right, what we would change. And I wondered whether there were current staff members whose responsibility that was? Who are they? Who could we work with?

And if there aren't people now dedicated to that maybe ICANN could give some thought to who is going to work with us in analyzing Round 1; probably it'll be all the people who are deeply enmeshed in it right now. But give some thought to staffing and allocating some resources for that. Thank you.

Cyrus Namazi: May I respond?

Russ Weinstein: Sure, Cyrus, go ahead.

Cyrus Namazi: Thank you, Bret. In fact this was also a part of what I was going to give a quick update on. But we actually have embarked on a project that the ultimate goal of which is to essentially get us to Round 2 of new gTLD program.

And the first step of it is actually identifying some of the metrics that we have to be either measuring or tracking to essentially provide us a baseline in terms of the impact of the program from a social and economical perspective. I mean, this is sort of the first step of it.

I envision this undertaking will take us about 18-24 months but I'm happy to report that this is now a funded project which is actually owned by my team. In fact Karen Lentz, who is sitting to my right, is going to be owning that. And I think, if I'm not out of line here, Karen, by London we should have - by the London meeting we should have a good outline of what the plan of action is going to be.

There are many, many steps that we'll need to be taking. And I believe actually the Council will obviously be playing a key role in developing or modifying - developing new policies or modifying existing policies to lead us to the second round.

Bret Fausett: Yeah, just follow on that. Thank you very much.

Volker Greimann: Sure, Bret.

Bret Fausett: I do think that the people who have been involved both from the new registries and the registrars and business and intellectual property are all going to want to have input into that process. So I think as early as you can bring us into that process the better.

Cyrus Namazi: Thank you. Absolutely. This is not a process that we're going to define in vacuum and just put it on the table and say here you go. We're really just putting the right pieces in place so that there is the opportunity for the community, for the Council, to come in and essentially guide us to where we need to go for sure.

Volker Greimann: Okay next I have Klaus.

Klaus Stoll: Thank you very much for the presentation. I have a very, very general question in form of a concern. This is not my first ICANN meeting and I spend most of my ICANN meetings talking about gTLDs and new gTLDs. And then suddenly we have ICANN meetings where we only talk about NETmundial and then we have ICANN meetings where we are only talking about IANA and things related to that.

My concern is, are you getting the attention you deserve? And does the community get the space and especially the business community the space, to voice and have the conversation with you you need in the background of everything else happening?

And the second question connected to that is, where do you see, for example, the cross sections between the IANA contracts and the new gTLDs? And where do you see the cross section between the gTLDs and the NETmundial?

Because from time to time in all the discussion groups you have the new gTLDs topic turns up but there seem to be no direct response or direct relationship. And I think there will be some relationships; there will be some cross cutting issues and I think they need to be addressed in one form or another. So basically cross cutting issues and do you get the attention you deserve?

Cyrus Namazi: Thank you, Klaus. I'm not quite sure actually if I followed all of your questions there. In terms of getting enough attention I think we sometimes actually get too much of it, to be honest. I'm really delighted - I'm actually a newcomer to the ICANN community. I've been with ICANN for a little over a year; I come from outside industry.

And if were to take a step back today and look at where we were say a year ago and where we are today the glass for me is definitely half full. And what I ask the community constantly to do is to come help us, you know, fill it even more as opposed to focusing on sort of the half empty part of it. We're not perfect but I think we've come a long way. We're executing in many fronts. There's a lot of unknowns that we're dealing with.

In terms of the IANA part I'm not clear what your question was but we obviously work very closely with IANA in terms of getting the entire program off the ground from application processing to essentially the delegation phase. And that is going to continue seamlessly. Did I answer your question?

Klaus Stoll: Not directly but there are more people who want to talk. We can do that face to face...

Cyrus Namazi: Absolutely. I'll be more than happy...

((Crosstalk))

Klaus Stoll: Yeah, no problem.

Volker Greimann: Okay, I still have the question from remote from Lars and then I have Yoav and Edmon and I would like to cut the queue at that time because there is no other request for speak and we have the next scheduled item coming up with Cyrus's GDD update. Lars, go ahead.

Lars Hoffman: Thank you. This is Lars with a question from Steve Metalitz in the AC room. He's wondering whether there's a list available of applications in the three groups of responses on Category 2 safeguards?

Dai-Trang Nguyen: I'm sorry, was the question whether or not the responses to GAC Category 2 safeguards are posted?

Lars Hoffman: There's a - is there a list available of the applications in the three groups of the Category 2 safeguards.

Dai-Trang Nguyen: Yes. That information is available on the new gTLD microsite on the GAC page, on the GAC Category 2 page.

Lars Hoffman: Is there any chance you could send a quick email and put it in the Chat?

Dai-Trang Nguyen: Sure. I can maybe email Marika after this and she can distribute.

Volker Greimann: Okay next I would have Yoav but since Edmon has been standing there for so long I would like to give you the first opportunity to ask your question so you don't have to stand around so long.

Edmon Chung: Yeah, okay thank you. Edmon Chung here. I just wanted to pick up on what Bret was asking in terms of the review that's coming up. One particular part that we spent a little bit of time yesterday talking about is the difference between the changes from the GNSO policies and policy recommendations into the final Applicant Guidebook and the final-final implementation that eventually came out.

So I don't know whether there is planned - I'm sure there is plan to look into this issue but if the staff team can identify like the list of, you know, the items that got changed that would be very useful for the community to then pick up on it and give further feedback.

What I mean is that there's the policies and then there's the AGB and then there's final what is being implemented eventually. The changes or differences between those three, you know, those three phases, if you will.

Cyrus Namazi: You'll have to give me a little more than that, Edmon, I'm not sure what you're asking.

Edmon Chung: So the GNSO had a set of policy recommendations and after much discussion in the community and so long and so forth the AGB, the Applicant Guidebook was created and updated and changed and eventually in the final form. And then there was the application and then the agreements, the changes of the PIC.

You know, all through that process I think there are probably three main phases in my mind, one is the policy development, one was the implementation of the Guidebook and then one was the, you know, eventually what happened.

So if you could identify what changes were sort of implemented from the policies into the Guidebook and then into the eventual - that would really help, you know, really help the community then look into the whole thing and provide further input. So if that kind of a list is available for London I hear that by London we will see a sort of a roadmap or some kind of a direction board. This is, I think, going to be an important component of that.

Cyrus Namazi: Thank you, Edmon. I understand now. And we'll definitely take that into consideration and provide that actually. From what I understand you're saying let's look at where implementation may have deviated from the definition of the policy is sort of...

((Crosstalk))

Cyrus Namazi: ...that delta?

Edmon Chung: Yes.

Cyrus Namazi: Okay I understand. Thank you.

Volker Greimann: Okay and last in the queue is Yoav, please go ahead.

Yoav Keren: Yeah, see, the problem, you know, that the first discussions of new gTLDs were in 2005 and we've been dealing with this for many years, almost 10 years. One of the things that have been done to help this - board between registries and registrars is AROS.

It looks like it's a surprise that new gTLDs are happening because - we've only been talking about it 10 years and there's no AROS - it's for onboarding TLDs, it's not working yet. Naturally it's something that is important for the registries and the registrars. I think it's in the interest of everyone to have it as soon as possible and then we'll be very happy to hear if you have any update on that.

Cyrus Namazi: Yes thank you. The AROS implementation is actually in full force. And you're absolutely right, in terms of the availability of the system sort of before the program takes off it would have been the ideal thing to do. But it's imminent actually for ours to be launched.

In fact, we had actually hoped for a full-fledged demo here. And, Jon, did you have something you wanted to - oh. We had planned for a full-fledged demo of it here but we ran into some technical glitches. But your point is very valid. It's imminent I guess is sort of the bottom line.

Volker Greimann: Okay originally I had planned to - Yoav to Cyrus for his update but I think that there's one more question I would like to...

((Crosstalk))

Cyrus Namazi: I yield to Jon.

Jon Nevett: Thank you, Volker. Jon Nevett from Donuts. I was a little surprised when we talked about Round 2 that it would be a, you know, I think Karen is the perfect person to run that program - but that it's staff-run program. You know, I heard a lot of people in this room yesterday talk about the respect that the GNSO should get or should not get. Let's keep in mind that the current new TLD round was driven by the GNSO.

You know, we had a committee of the whole in 2005 and went through every, you know, recommendations, every report. So I'm surprised that the councilors here are not seizing that opportunity to say, hey, if we want another round we should be driving that and let the staff implement behind us because that's the goal of the model. And so I would encourage everyone in this room, who are on the Council, to - if you want to play a role, if you want respect, earn it and work on the product itself. Thank you.

Volker Greimann: Sure. Cyrus.

Cyrus Namazi: Thank you, Jon. Let me clarify perhaps what I said and I appreciate you bringing this up because it - apparently I didn't articulate it the right way. We're not trying to design a whole new program so that the Council and the ICANN community follows us.

The task that we've taken on is to actually come up with the metrics and the ways to measure the impact of the current program and identify areas for improvement so we can report it to you as the baseline - as the information that you need to then come up with, you know, how new gTLD 2.0 needs to be done.

But we're not, by any stretch of the imagination, planning to, you know, replace the model that has worked and continues to work for us.

Russ Weinstein: And if I may just add one little point here. The GNSO Council, as far as I know, intends to own this. But we also need the statistics and metrics that come out of the first round and these first need to be provided to us and the Council is not the GNSO so while we manage the process we purely intend for the entire community to own this process.

Volker Greimann: This ends this section of the new gTLD update. I would like to go over to the General Domain Division update now. But I think we can come back to questions for the new gTLD updates and the - and your update. So if there's still interest in asking questions on the new gTLDs please ask them after Cyrus's update but also questions for Cyrus's update after that. We are on schedule so I just yield to Cyrus here.

Cyrus Namazi: Thank you, Volker. And I thank the Chair and the Council for the opportunity to be here to provide you with the update. What I thought I would do today was to essentially give an update on the organization of the Global Domains Division, or GDD within ICANN and sort of give a high level overview of how we're set up to essentially serve and service the community better.

So ICANN, under Fadi's leadership, last summer reorganized and we basically, at a high level separated the policy and stakeholder functions from what are the issues and work that's related to stakeholders in particular the Contracted Parties hence the Global Domain Division was born.

And this division is actually headed by my boss, Akram Atallah. And there are two primary teams within this group in addition to standard functions of finance and the role of Compliance team and all of that.

So my team is essentially responsible for what we call Services. And Services consist of defining existing services and making sure they become operationalized and then taking the existing services that have been around

for a while and also need to be operationalized in the interest of efficiency and scalability.

So my team consists of a number of smaller teams that are really subject matter experts in various places and various areas within the ICANN community. I have a team of registered services experts that's headed by Krista Papac, who's actually sitting there, most of you know.

Counterpart to Krista is Mike Zupke who actually heads our Registrar Services Team. We recognize the fact that within ICANN the focus that we had devoted to dealing with things technical when it comes to DNS in particular, you know, the new gTLD program was not enough so we elevated that function into its own standing team under Francisco Arias who I don't know if he's here but most of you probably know Francisco. He's also there, yes.

And then there are two other teams within my realm of responsibility. One of them is our Policy Research team which is headed by Karen Lentz. Karen has been around for a very long time with the program; has been one of the key authors of the Applicant Guidebook. She's our expert in practically anything gTLD.

And then the other - the final function is actually the IDN variant project which is also a standalone to give it the right level of attention.

Parallel to my team is Christine Willet's team so Christine is my counterpart. And she's primarily responsible for all things customer support and operations and for instance, Trang and Russ here are a part of Christine's team.

I wanted to actually spend a few minutes to just walk you through some of the projects that we're working on. Some of them somehow happened to come

up during the earlier parts of the discussion so I won't go through them. I want to make sure that we have enough time for question and answers.

And then at the end my team member, Caitlin Tubergen, she's going to give you an update on the implementation status of some of the policies that we've been working on, the IRTP and UDRP locking and a few to her things. And I don't know if Caitlin, are you here? Okay, you're here, okay.

So in terms of the particular projects that we're involved with I'll walk you through these quickly; name collision - Mikey already mentioned. We do have a dedicated session on this tomorrow afternoon I believe. The latest proposal was posted last month. It will close for public comment on the 21st of next month.

A big component of this program of course is the outreach campaign that, you know, we've embarked on. We give a - gave an update on this I believe it was last week. We'll do more of it tomorrow again in more detail. And this has been a project that really has consumed a lot of time and energy both on the parts of staff of course as well as the community.

Another project that we've taken on in earnest and we're about to kick off is the universal acceptance of TLDs. This is something that, quite frankly, I don't know why it hasn't been done before but it's also a very key component of the successful existence and utility of the new gTLD program.

So we have actually a panel on this I believe also on Monday. I'll be a part of it. We have representatives from both the Application Development community, from I believe Google and Microsoft and Netscape and a few other experts in the field.

The purpose of this particular panel is to actually figure out what the statement of the problem is; figure out what the role of ICANN needs to be and also figure out, you know, how the community can come together and

drive it forward. To me this is an extremely important project for us that, you know, we're not a day too soon getting started on it.

Another project that's been consuming quite a bit of time for me and my team has been something that Volker himself has been quite active in it has been - is the waiver process for data retention as a part of the 2013 RAA which continue to have proactive dialogue with quite a few of you actually in this room as well as others.

Specification 13, which is, you know, a number of accommodations that we've set aside for TLDs that would qualify as a brand. This I hope will have it wrapped up in front of NGCP during this week before the week is up. We were supposed to actually have it voted on yesterday but the Board didn't get to it so we've set aside time for it for later this week.

I think that's about it for the key projects that we're involved with. If there are no questions - and in fact I would ask you to withhold your question and perhaps Caitlin can go through her update real quick and then we should have, I believe, at least 15-20 minutes for any other general questions if I may say so?

Volker Greimann: Sure. Caitlin?

Cyrus Namazi: Go right ahead.

Caitlin Tubergen: Good morning, everyone. So I'm going to go over the status of some policy implementations. First, we have the Inter Registrar Transfer Policy Working Group B Recommendation 8. And the IRTP-C Recommendation 3 and this deal with registrars exclusively using EPP statuses in their Whois output and registries using registrar's IANA's ID.

These two recommendations have been incorporated into the additional Whois Information Policy which has gone through public comment and

implementation will be announced by March 1. And the Registrar Services Team is implementing this policy work.

Second we have the Inter Registrar Transfer Policy Working Group B Recommendation 9 which deals with the locking and unlocking of domain names. This has gone through public comment and will be implemented with the IRTP-B Recommendation 8 and IRTP-C Recommendation 3 by May 1.

Third we have IRTP-C Working Group C Recommendations 1 and 2 which deal with a change of registrant function and the time limiting of FOAs. The Implementation Review Team has met a few times and we're working together on an implementation plan and have started working on the text of the second recommendation, which is the time limiting of FOAs.

Fourth, we have the UDRP locking implementation and the implementation review team for this group has been formed. We've gone over a draft implementation timeline and the first draft of the updated UDRP rules have been circulating and should go through public comment in May or June of this year.

And lastly we have thick Whois and the policy staff has recruited volunteers for this implementation review team but there have been no meetings yet. And a number of the Registry Services Team will be implementing this policy work.

Thank you.

Volker Greimann: Thank you, Caitlin. Okay I see there's a queue forming. First I have Jonathan.

((Crosstalk))

Volker Greimann: Okay, I'll put you back in. And next there's James and then there's me, there's Thomas.

James Bladel: Thanks. Yes, you ready? And Mikey.

Volker Greimann: And there's Mikey so James go ahead.

James Bladel: Thanks, Volker. Thanks, Cyrus and Caitlin. I have two questions so I'll ask the first one and then maybe get back into the queue for the second one just to be cognizant of our time.

With regard to the RAA data retention waiver process I think that, you know, obviously there are a few registrars who are much closer to this issue and making some more noise on this than we are but I think that there is a very real chance that this could spill over to registrars everywhere in the community that are serving the European registrants, not just those based in Europe.

And I think there's a concern generally about the - I don't want to say how this is being handled because I think you're doing a very thorough job but I think there's a concern about the timeliness and the sense of urgency that by inaction there is a market effect that is having an impact on an uneven competitive landscape by different registrars that are being sidelined in the new gTLD launch process because they're not able to execute the new RAA.

And I notice that recently the - and I know you've heard all this before but I think the new question from my perspective is recently there was something posted for public comment which was I believe a waiver request. And so my question is, is it your expectation that all waiver requests will be posted for public comment? And I guess I'm confused as to where that - I'm not clear on where that decision came from and what happens when the comments say no?

You know, does a registrar not get a waiver? I'm really kind of not clear where we're going with this by posting the - by posting the waiver request for public comment.

Cyrus Namazi: Thank you, James. So there was a lot of questions in that one question. To your first point in terms of the amount of time that it's taking for us to resolve waiver requests that have come in - and I think we've had a total of 15 coming in - and all of them actually from the European Union - I don't think the data request is a European specific kind of a thing, it could be anywhere. Argentina actually has very tough data retention rules.

Part of the reason that it's taken a long time is it's twofold - one has been that a good chunk of the requests that came in initially actually said categorically we're not going to retain any data. And we found that unacceptable. So we had to go back and forth and essentially get us on the same wavelength to have the right dialogue to figure out, you know, what is the right approach to it.

The law in various jurisdictions in Europe - in each jurisdiction has different - is different when it comes to data retention. So we really are going country by country to figure out what needs to be done. We're engaging with the right, you know, law firms. It's really a legal question. And the law itself is not very clear. The lines of demarcation in terms of, you know, where the stuff needs to be is not clear.

The one thing that, you know, I suppose is worth mentioning here is sometimes I get the impression that when we deal with our contracted parties, you guys, partners here, this is not an ICANN imposed contract that we're dealing with. I mean, you yourself, you know, have been involved in negotiating the new RAA.

And I see the role of ICANN as the steward of this contract and is something that was culminated based on input from the entire community. So don't look

at ICANN imposing its wish, I suppose, it's really a plea to all of you. We really represent all interests within the community, outreach of course, the contracted parties are an important part.

In terms of your question about public comment, the 30-day public comment, I believe, is a part of the RAA so every waive request will need to be posted for 30 days is spelled out. And Alan can correct me if I'm wrong but I think it is a part of the waiver...

James Bladel: It does say that there would be notification; it didn't say that it would be for comment so that was where I kind of got a little lost.

Cyrus Namazi: I see.

James Bladel: Because what happens if the comment says no? Does ICANN say, well, this was just more for your information as opposed to asking the community to help us make this decision.

I did have one other...

Cyrus Namazi: Yeah, that's a good distinction. I was not aware of it.

James Bladel: There's another bit in the same section as well that talks about ICANN Legal in its discretion might suspend enforcement of this particular specification until these issues are sorted out. And so my question is at what point does this mess kind of boil over to the point where we say, look, we're not going to enforce this particular specification until some of these legal issues are untangled because, as I mentioned, there's market players that are on the sidelines until this is resolved.

Cyrus Namazi: Yeah, thank you for that. I guess it would be good to put things in perspective somewhat here. We've received 15 requests for waiver all of which came from European Union territory. We've already granted one waiver for a

registrar in France. I believe two days ago we posted as a notification or for public comment another one for Belgium.

And these become essentially templates for all the operators within that jurisdiction to follow. We're having very detailed intimate discussions with - in other jurisdictions. Thomas here has been involved with us. Volker has been involved for Germany.

Just to help put things in perspective we've had a large number of registrars from the European Union who've already signed on to the RAA for what it's worth. To date roughly 83% of all domains globally are under the 2013 RAA so we've made great progress in getting everyone moving over to the new RAA.

In Europe we actually have today 160 accredited registrars. And of those 75 have already signed on to the RAA. And I'm not trying to say one thing or the other, it's just to help put things in perspective in terms of the scope of the issue. And we continue to work very diligently to move things forward but we don't think that, you know, the business and the process of getting people onto the new RAA so that the new G program can actually be handled by these registrars has been halted because of this. Thanks.

Volker Greimann: Okay next in the queue is myself. And my question is following up on that.

Just reading from the RAA following the receipt of such notice ICANN registrars shall discuss the matter in good faith in an effort to reach a mutually acceptable resolution of the matter.

First registrars sent their waiver requests last year October. Most of them sent November. The process defined in the RAA seems to be broken in a way as we are still at a point where now only just now last week or so have you sent out your lawyers to discuss the matter with the different registrars that have sent in the waiver requests.

And I know you said that a lot of registrars have signed onto the RAA even from Europe without signing the waiver request. I know for a fact that a lot of them are relying on the (severability) clause of the RAA which specifies that anything that's in the RAA that is violating local law - (helds) to be violating local law would not be applicable so they are saying we don't need a waiver because this is illegal in Europe or in my country; I'm not doing this.

What is the problem with implementing the process the way it's designed in the RAA, the way that we originally when we sat down to negotiated the RAA agreed upon? Where's the problem at the ICANN side to stick to the process to negotiate in good faith to get this done in a timely fashion? Because I know for a fact as well that there is registrars that are considering not renewing their RAA when their current 2009 version runs out, i.e. they're faced with a very real risk of de-accreditation.

Cyrus Namazi: Thank you, Volker. To be sure - or I personally am very sympathetic to the timeliness of what this process to the time sensitivity of it. As I mentioned earlier this is a whole new thing that we're dealing with. The RAA itself really has a standard template for data retention which we all negotiated in good faith, we posted it for public comment, it was adopted, it was, you know, approved by the Board.

To deviate from that given the sensitivity of the topic, given the lack of clarity from the various jurisdictions requires a good bit of discussion. And initially, as I mentioned, practically - well most of the requests that came in for a waiver essentially just had a paragraph in them that said we can't retain any data.

And with that there is really not much to negotiate. And, you know, by the time we manage to get into the right level of engagement some time elapsed. But it's not just because of ICANN not moving proactively and diligently forward.

I sympathize with the fact that this is a very difficult topic to deal with. We actually are investing quite a bit of time and money to have attorneys in various jurisdictions in Europe to essentially have the dialogue with the requesting parties in hopes of coming up with a resolution.

Just yesterday or day before we actually posted, for public viewing and comment, the rationale behind why ICANN takes the position that it takes. So, you know, we're sort of trying to figure out and chart the course here as we go forward. And I'm very sorry that it's taken, you know, longer than perhaps necessary but it's not because of lack of action from our part. Thank you.

Volker Greimann: Okay I'll let this stand for now. The next question was from Mikey.

Mikey O'Connor: Thanks, Volker. It's Mikey O'Connor from the ISP Constituency again. I'm going to circle back around to Jon Nevett's comment. I think Jon's got the right of it there - and ask you a question that says - is it the same question that I asked Fadi yesterday when he came and talked about the upcoming excitement over the NTIA planning basically.

And this is the - this is my first time as a Council member so I'm going to be a little cautious and hesitant. I might get more strident as I go further down the meeting cycle but this first time around I'd like to try and be nice Mikey not strident Mikey.

How can we work together better? How can we, the Council, the GNSO, the community, and the very staff-driven work that's going on right now, get better aligned so that the community regains control of process that we essentially lost control of right about the time that the new gTLD policy got implemented?

We've got a whole working group running on policy and implementation, appropriate rules and so on. But there's like an entrancing list of really

interesting topics; just about every one you rattled off, name collision, we've talked a lot about waivers, Spec 13 I just heard a whole bunch about that in the CSG.

And then, Caitlin, it's great to meet you face to face. Caitlin and I are phone buddies but this is the first time I've actually met Caitlin.

But the implementation of the - one of the things that nasty Mikey might say is, well, maybe the GNSO ought to just take a vacation for like three years because IRTP-D is old news. I mean, you know, this implementation process is unbelievably slow in certain cases and then wildly almost out of control in others. And it's like how can we get back in balance?

And it's a rhetorical question. I don't expect an instant answer. But it seems to me that from a Council perspective, and I'm aiming this at the councilors, you know, Bret's asking about Round 2, I mean, we've got a bunch of stuff that we either engage in or not. And I would like to engage together rather than engage separately. Ta-da.

Volker Greimann: Cyrus?

Cyrus Namazi: Thank you, Mikey. It's nice to have the nicer Mikey than the strident Mikey. Let me address the issue of the amount of time that it's taken us to implement some of these policies. There's really no excuse that I can give you aside from the fact that we really dropped the ball.

And part of the reason that it's ended up taking longer than necessary really had to do with our own staffing issues. So from my perspective on my staff I got hit with two things, Tim Cole, as you probably know, it was around this time last year that he went on medical leave and his leave was supposed to take only three months. I'm sorry to say that he came back late last year for a very short period of time and he's back on permanent medical leave now. So this impacted us quite a bit.

For one thing we were not about to go fill his position because we wanted to keep it open for him to come back. On top of that we also lost (Steve Goban) who was actually responsible for implementation of IRTP-B, I believe it was. That was something that actually staff, on our part, initiated for different reasons. So this is what happened.

But you have my commitment that now we're going to be focused on ensuring that the timelines that we committed to we're going to hold to it. The second thing that we've done to actually improve the process is that now I have Caitlin here who's a big chunk of her responsibility is to have that pipeline into the GNSO. We didn't have that before.

So that communication, that level of accountability, that tracking mechanism is now being put in place. And I hope these two - and of course the third thing is that we are actively recruiting to replace the staff that we've lost. So we've added Amy Bivens is here or not - in our Washington DC office. I'm actually hoping that within the next 30 days or so we'll add another headcount here in Singapore of someone very capable that we've managed to find.

And we have actually additional openings that we'll be hopefully filling with - between now and the month of June. So all of these things and my own commitments to you and our level of focus on these issues it's my hope, it's my commitment to you is going to improve our deliveries to you, deliverables to you as well as our accountability to you.

And I think I already addressed your other point about the role of the Council and how can it be improved. And, you know, I'm hoping having a dedicated staff member who is now our liaison into the Council is going to help facilitate better dialogue.

But we're always open to suggestions. If there are things we're not doing, let us know. If there are things we should be doing better let us know.

Volker Greimann: I think Mikey has a follow up question.

Mikey O'Connor: Yeah, thanks Volker. Just a really quick follow-up. I think this is really aimed more at the Council and back to Jon's point - Jon Nevett's point, which is I think we have to step up our game a little bit and get a little bit more engaged on our own.

And essentially not let things get quite so far away from the community the next time around. And what I want to do is sort of give you all in the administration a heads up that at least this is going to be something I'm going to be pushing for and that this isn't intended to be a negative conversation; this is intended to be a positive upping of the game of that community, trying to facilitate the relationship with the administration in a positive way. You know, how can we work together?

And so it's great to have Caitlin here and plans coming together and hats off on that. And in terms of some of these other issues that you are hearing about I think that the community needs to lean in just a little bit. And I think several of us are going to be working on that. And I just, you know, thanks to Jon for sort of teeing that up.

Volker Greimann: Thank you, Mikey. Before I yield to Thomas I would just like to follow up on one thing that you said, Cyrus, putting on my registrar hat here for a second. We all miss Tim very much. Please when you next to talk to him send him our warmest regards. He's the best and we wish he gets well very soon again. And not just for our own...

Cyrus Namazi: He may even actually be listening.

Volker Greimann: So, Tim, if you're listening, get well soon. Next, Thomas.

Thomas Rickert: Thanks so much Volker. And Cyrus, I think you will not be surprised hearing what I'm going to say now. But I will address the data retention waiver requests question as well. And I want to disclose for transparency purposes that's a couple of registrars from Germany are using illegal statement that has been produced by my law firm.

When the RAA was negotiated it was with great concern that I saw the data retention requirement being under discussion. When then the data retention waiver request procedure was publicized I noticed that with relief. And ICANN's dealings with the data retention requests - waiver requests that were filed are simply frustrating me.

The idea is that those registrars that can't be compliant with the RAA 2013 data retention specification requirements can either file a legal expert opinion stating that you can't do certain things in terms of data retention or you provide a statement from a competent authority in your jurisdiction.

Now registrars have chosen to invest money in having legal statements produced and one would expect ICANN to grant the waiver in case the legal statements comes to the opinion that you can't do data retention as that's what ICANN has been offering.

But actually that did not happen. ICANN, you know, despite these data retention waiver request having been filed in October and November of last year, it took a couple of months to get back with follow-up questions and still, you know, we haven't seen too much progress with this.

I can't speak for all European jurisdictions but for Germany the case is quite clear; we can't do data retention. There is a European Commission data retention directive that has been transformed into national law and that law has been declared unconstitutional by our Constitutional Court.

But even if it were constitutional the data retention directive is not applicable for data retention for these purposes. So if there is no legal foundation for this. And a couple of legal expert opinions have spelled that out yet ICANN doesn't believe them.

So this is - Cyrus, you said that we need to negotiate this. There's hardly any room for negotiation because data retention is a legally defined term and we're not coming to this conclusion in isolation. The Article 29 group as well as our former federal data protection commissioner have gone publicly on record stating that data retention is nothing that can be done by to private parties having a contract that should sovereign governments or states wish data retention to take place there should be a law on that.

Now having spoken to ICANN's legal representatives and having spoken to you and reading the blog posts that you published on this we now seem to be slowly but constantly making progress in understanding where the difficulties might be.

And what you're asking for is things like you can't possibly delete customer related data on the first day after the contract expires. So what you are doing data retention, right?

And we've explained already that this is covered by existing laws already so there are post-contractual obligations for registrars so that they can fulfill their requirements to do the deletion grace, you know, to recover domain names after they have expired and also certainly invoices and other papers need to be kept to fulfill reservation duties stemming from our commercial laws for example.

So that is all being taken care of but there seems to be a misunderstanding on the side of ICANN or maybe ICANN has been strongly advised that we should be doing data retention. And now you take this further by publishing a paper for public comment to further define the purpose or potentially

legitimate purposes of retaining data which again misses the point and perpetuates this misconception that we could do data retention only is our imagination went far enough to think of more purposes that we could store it for.

And so let me reiterate, this is nothing that's negotiable. We can certainly state for German registrars what they can now do legally to fulfill existing statutory requirements but they can't go beyond that.

And there are a couple of experts stating that you have the DPA stating that only ICANN refuses to accept this. And I think that's unacceptable for a community that has expected ICANN to follow its own process.

Volker Greimann: Cyrus, would you like to comment or...

Cyrus Namazi: Thank you, Thomas. There's really not much more I can comment. And I really hear what you say. But what I want to leave you with is the fact that the interested parties, the affected parties in this discussion are not just I can and the Contracted Parties. There are many other stakeholders that have a say in this. And this is the purpose of this latest paper that we posted for public comment so that other stakeholders can come in and comment on it.

You've got to remember this requirement became a part of the RAA because of the GAC's insistence on it to become a part of the - it was your own governments, it was our governments. And now we have to find a happy ground in the middle.

And ultimately you may actually be right; I'm not arguing against what you're saying, I'm not an attorney. And it's something that's being discussed - and I don't want to use the word negotiation because you said don't use it but it's been discussed at that level. So it's not - it's outside of my area of expertise.

I see myself as a representative of ICANN as sort of the caretaker of this contract which is really a culmination of everything that the community altogether has put together for us. Thank you.

Volker Greimann: Okay, next is Jonathan and then we have Maria.

Jonathan Robinson: I hope this wasn't dealt with elsewhere, Volker. And forgive me if it was. But, I mean, when I think Cyrus, you are describing the team and the structure; you mentioned Karen who I obviously know well and you mentioned the policy research team and it just struck me, you know, obviously my ears picked up on policy research and I think we should either perhaps know about - perhaps it's a question for you or Karen is - how do we ensure that the interaction - effective interaction or understand the work of that policy research team and make sure that that's plugged into, in both directions, the work of the Council?

Cyrus Namazi: Thank you, Jonathan. And in fact thank you for bringing that up because that - that use of the word "policy" actually has nothing to do with the consensus policy that is obviously the prevailing mode of operation here.

It really has to do with the existing policies and Karen's, you know, depth of knowledge of what's in the Applicant Guidebook and things like that. It's a very general reference to the word policy; it's not really synonymous with how we use consensus policy here.

And I guess one other comment I wanted to make - and I thank you for reminding me of this really this whole division of roles and responsibilities within ICANN separating the policy side and the stakeholder engagement side from GDD that I mentioned earlier has really been to improve and increase our focus on the contracted parties and the operational bit of what we're engaged with.

Now Akram, all he does - is the responsibility together with his team of Cyrus and Christine is to really serve as the Contracted Parties and all the applications and post application services that we need to be involved in.
Thank you.

Volker Greimann: Thank you, Cyrus. Does that answer your question Jonathan?

Jonathan Robinson: Yes thanks.

Volker Greimann: Okay, Maria, you're up.

Maria Farrell: Thank you. This is Maria Farrell here. I would hate to leave you with the impression that the only people who are concerned about the data protection and data retention issue are the registrars. This is an issue that goes far broadly than a mere contractual negotiation involving a closed set of parties and a brief and limited public comment period.

The Non-Commercial Users Constituency is deeply deeply concerned about the issue. We believe that ICANN is suffering from a strange almost delusional set up understanding of what its standing is here.

ICANN does not get to renegotiate European data protection law. ICANN does not get to say that we have come up with a contract that's been through a certain set of processes, limited though they are, and that that somehow trumps European data protection law.

It does not. European data protection law and the various national implementations thereof trump any contractual clauses that any private parties enter into. That is a statement of fact.

Now I find it very frustrating that we are left to have one small - small to medium enterprise in County (Carlo), i.e. Blacknight and other companies, as

the main people who are actually concerned about an issue of sovereignty and an issue of law. It is not their job. It's not their job to be doing that.

Let me put it to you this way, if the digital (unintelligible) Copyright Act was in question here do you think that the ICANN General Counsel would be shopping around Europe for - what for friendly legal advice to allow it to shirk its responsibilities in meeting that law? I don't think so.

So I find it deeply--I find it offensive to be honest that there is a lack of urgency in terms of dealing with the individual registrars who are on the hook here, who are breaking the law. And I find that there's a lack of respect for the fact that this is not a contractual provision that can be negotiated by private parties; this is our law.

Now this isn't the first time that companies have dealt with the tricky issue of how to deal with transferring personal data overseas from a non-data protection compliance regime or to a non-data protection compliance regime. In fact the International Chamber of Commerce over the last decade or so has developed model contract clauses for data transference and has developed banking corporate rules. There are many legal instruments that allow this to happen. So this is not a question of ICANN waking up one day and saying we need to renegotiate European law.

Now you made the point that the GAC was involved in this and the GAC has made various representations to the Board on this subject. Of course the Board is advised by the GAC. The Board has a fiduciary obligation to obey the correct laws.

I'm going to remind people of a shocking statement that I heard in - by the European GAC member within the last 12 months and that member stood up in a public forum and said, "European data protection policy may be our law but it's not our policy."

Now we don't get to choose what our laws are. The European data protection law was negotiated in 1995. It's there. The Irish implementation of the European data protection law 9546 is in fact one of the most liberal in the union.

So I really really do take issue with the idea that this is being reduced to a private contractual issue. This is a public policy issue. It is of long-standing and I really urge you to treat this with the utmost of urgency and to really look hard at your position and try to imagine if this was the law of the United States would we be taking this issue? Would we be sitting around for six months and shopping around for friendly legal advice? I really don't think so.

Volker Greimann: Thank you Maria. Do you want to answer this or should I just go to the next question? You just said you had only five more minutes and I would like to have as many statements for you to take with you...

((Crosstalk))

Cyrus Namazi: Sure, no maybe it was a statement; it was not a question for me to respond to. I appreciate the input. Thank you.

Volker Greimann: Next I have - I think next in line was Elliot and then it was James and Daniel. Theresa is going to be along in five minutes so best keep it brief so we can get as many people in as possible.

Elliot Noss: Thank you, Elliot Noss, Tucows. Cyrus, I want to go back to something you said a little bit earlier, you know, which was essentially it's not me, it's the community. And I want to stay on that issue for a moment because, you know, it's not me, it's not ICANN, it's the community. We're just fulfilling the community's wishes in negotiating this.

We are dealing now in an evolving ICANN - in an evolving world of Internet governance with the challenges around what is multi-stakeholder and how to represent it.

So I want to really hone down on what you said. We have here the GNSO who is supposed to, in the main, represents the community. I think they have essentially spoken in one voice for various facets of the issue with great concern about the RAA implementation.

So if what you're - if we can hold you - or we should hold you or take you at your word around what you are saying that it's not ICANN, it's the community and it's not this portion of the community then I think it need be explicit as to where that's coming from.

We know there was some, you know, GAC positions on this but they are conflicted at best because we have conflicts between what GAC members are saying and what national laws are saying. I think we all understand well that law enforcement is the primary driver. And even when it is GAC it's GAC putting forward the views of their respective law enforcement communities that are driving this data retention issue.

So I think it's important, Cyrus, if you want to come to this forum and really push on this issue then you need to bring some muscle with you. You need to bring some law enforcement voices with you to address this group of people because you've said, as people have pointed out, inconsistency after inconsistency, after inconsistency with both the negotiation of the specific section and the implementation of that negotiation.

You know, you really need the people who are asking for this to be the ones to explain themselves. Because if all you can say is it's not me then community, multi-stakeholder needs to know who it is and why and have them deal with those inconsistencies. Thank you.

Volker Greimann: Sure. Cyrus go ahead.

Cyrus Namazi: Thank you Elliot. I've been missing your energy actually the past couple of meetings you haven't been...

Elliot Noss: It was only one, you know...

((Crosstalk))

Cyrus Namazi: But anyway your point is well taken. In fact as I mentioned earlier yesterday or day before we actually posted for public viewing and comment a set of documents - actually it's one document consisting of different sections that essentially outline our interpretation of why data retention needs to be there, for what purpose and how do we define the different bits and pieces of it.

And to the exact purpose of that particular document is to accomplish what you said...

((Crosstalk))

Cyrus Namazi: I'm not going to bring law enforcement into this forum to speak on behalf of law enforcement; you are welcome to invite them, this is your meeting, your Council, right. But that particular action that we've taken I believe is going to accomplish that, it's going to have input from the Contracted Parties, which are primarily, you know, decide that is taking an issue with it.

And then it gives an opportunity to other presumably stakeholders to come in and comment or not.

Elliot Noss: No, you're missing my point, Cyrus. The difference between six months and two years is execution, not strategy. I think everybody understands why there need be a data retention strategy. It's the execution that's the challenge. The point I want to make - and it's an important one, I think I'm going to be

speaking on it all week is that we are moving into a world where multi-stakeholder - what multi-stakeholder means. The efficacy of multi-stakeholder has been raised in its stakes.

The world is watching at this point now, not the data retention point but multi-stakeholder. Can it be effective? What we're seeing here is not effective. It's a failure in execution. I understand what you said about, hey, it's not us. But we need - all of us - all of us together to be much more effective in our execution and our implementation of the strategies.

Cyrus Namazi: Thank you, Elliott. I just want to clarify something. When I say it's not us I'm not trying to deflect responsibility and ownership. I just want to make sure that everyone is on a level playing field here in terms of what the contract means and where it came from. Perhaps I'm stating the obvious but I just want to make sure that everyone understands and appreciates the fact that the contract is a combination of input from all facets of the stakeholder community.

Elliot Noss: Then I think again I'm with you on that. I'm saying I like the idea as you've put it out of ICANN as a shepherd of multi-stakeholder. I'm pointing out that where it's ineffective and where it's breaking in a situation like this it is imperative on the shepherd to be more effective at an execution level where there are conflicts in the actual strategy or the actual term.

It's imperative on the shepherd to try and resolve those conflicts. And if you are saying - and I think you have - and I'm with you on it, it isn't us, then you need to have those conflicts brought into - whether it's this room or another room - a place where they can be dealt with because again, the stakes around multi-stakeholder have been raised significantly. Thanks.

Cyrus Namazi: Thank you Elliot.

Volker Greimann: Thank you. Cyrus, you told me you had to go but we still have two questions.
Can we extend your time for a little bit?

Cyrus Namazi: Sure.

Volker Greimann: James, go ahead.

James Bladel: Think Cyrus. Just a couple of points. I just want to amplify what Elliott is saying. You've got the community, we're basically speaking with one voice. You have one slice of one part of the community that's giving mixed signals I think is maybe the generously to put it.

I think that to Jon Nevet's point earlier maybe this Council needs to step up and say we're going to take a look at what our actions could be to ask ICANN Legal to - as per the RAA temporarily suspend enforcement of the data retention provision until this issue is resolved.

I think that is something that we can step up and take some leadership on. And, you know, I sympathize with you that you're kind of out on front on this issue. You know, I'm wondering if anything has happened in the last 18 months that makes law enforcement nervous about being out in front on some of these data collection issues.

But I think that we have a situation that we have and we need to work our way through it because people are being harmed. But anyway I'm going to do you a favor, I'm going to get on a different topic altogether which is...

Cyrus Namazi: Let me quickly address what you just raised. I don't want to get into this debate going back and forth. To be sure I didn't say only law enforcement. In fact I never said law enforcement I don't think. I'm just saying that there's other stakeholders involved that may have, you know, a vested interest in the topic. This is why we posted it for public comment.

James Bladel: No, that's fair.

Cyrus Namazi: ...clarify that.

James Bladel: I said law enforcement, you didn't, that's fair. So my question is with regard to the teams that you have, the registrar liaison or services team, the Registry liaison services team, do you believe that the function of these teams or the mission has changed recently or will be changing or is in the process of changing versus their - I want to say their traditional roles over the last four or five years?

Because I feel that they are shifting in a number of ways. I mean, for starters I'm not really clear as to whether or not they continue to be the advocacy organizations that they were for Contracted Parties within the ICANN structure so that we can, you know, raise certain issues internally or if they are starting to feel - and who was it - Fadi yesterday said he doesn't like the world feel - starting to resemble or become let's say less distinctive from ICANN Legal, from ICANN Compliance and I think just kind of more of a focused segment of those teams.

Can you maybe talk about what you see as the vision for those teams and what services or critical functions they're going to provide to us, the Contracted Parties, and how you see that role changing?

Cyrus Namazi: Sure, thank you. That's a very good question James. For sure the role of what used to be the registrar liaison team has evolved, it has changed. In fact until I would say rather recently the entire job of what we call customer support, operations and just being a services team, for which I guess we use the term liaison interchangeably, used to be really done by this team of mine.

So we separated the piece that we call customer support and operations and now that's being done by my counterpart, Christine Willett. So we are going to be more focused on defining services. We are going to be more focused

on being your advocate inside of ICANN and other places as needed without being bogged down by every day operational issues.

So we are scaling up in a way. And the tasks that used to be owned by save the registrar liaison team are now being handled by operation customer support where there is dedicated staff for routine day-to-day matters.

And then on my site we're going to be operating at a higher level dealing with issues of advocacy and services and making sure that the operations team actually implements the services that help you and help us serve you. Does that answer your question?

James Bladel: Yeah, I think so. I mean, do you see this as the transition? And if so what's the time frame where'd you would see - or is this just how you are scaling up in a different direction?

Cyrus Namazi: Thank you. It is a transition. And in fact that transition is in full force on the registry side because we really didn't have an infrastructure in place for 1000 plus new TLDs that are coming on board. We did have an infrastructure for the registrar side. So that transition is sort of officially lagging behind the registry side because registry side has to have an infrastructure to be able to be operational.

So the transition from where we are today to what I was describing as my vision is probably something that will occur in the next 3 to 6 months. There are some staffing issues we need to resolve. There are some new services that we're actually automating that are quite archaic to be honest, they're manually done that we're transitioning into salesforce, things like that.

And all of that my projection is an extra 3 to 6 months we should be substantially leaning toward having accomplished that.

Volker Greimann: Okay, we are almost running out of time that Daniel I still have you in the queue and then Mikey.

Daniel Reed: All right, I'll try to be brief. I want to go back to something that Marika and Thomas said because I think it's really important. I spent a lot of time over the last several years involved in discussions about transnational data flows and digital privacy. And I think it's really important to recognize that much like the old measurements whether children must be tall enough to be able to go to a merry-go-round or playground that's really true here about data retention and digital privacy.

ICANN it's not tall enough to ride the merry-go-round on this issue. They will not win the battle about digital privacy, European protection and differential expectations globally. ICANN is going to have to come to grips with that and recognize that their differential standards and it's going to have to accommodate those. And that'll be the end of my soapbox.

Cyrus Namazi: Thank you.

Volker Greimann: Mikey.

Mikey O'Connor: It's Mikey again. I'm still nice Mikey but I do want to touch on something that - it started to come out during this conversation. But I want to clarify something, in the PDP, which is what we manage, there are four kinds of public comment. And in the PDP the chairs of working groups are required by our rules to document the comment and document how those comments were either accommodated within the consensus policy that emerged or were addressed and in the group declined as suggestions.

Something that's just come into my head is that when PDP terminology, like working groups, like public comments, are used in a different context they're sometimes use like magic paint. And so, you know, this conversation about

data privacy is a good example of that. We have a document, blah blah blah, we've done it, it's going out for public comment. We'll paint the magic paint.

But please use different terminology because those are not the same kind - they are not held to the same rigor that the PDP process holds the term public comments to. And one of the frustrating things as a fellow that's prepared a number of public comments is that it seems like it's almost like appeasement.

Okay, here's our document, whatever it is, pick a topic. Please comment. So then we comment and then nothing changes. I've got lots of examples about something I know more about, which is name collisions, but, you know, there's lots of examples here.

And so this - again it's not really a question but it's a suggestion that we start to think carefully about the words we use because I'm going to start defending the working group brand, I'm going to start defending the PDP brand, I'm going to start defending the terms that we use because they are held in high regard in many places and I don't want to dilute that brand. So sort of heads up on that. Thanks.

Cyrus Namazi: That's a very good point, Mikey. I appreciate that. Thank you.

Volker Greimann: I do still have questions on the queue but I think Cyrus, you have to go now. And Theresa has also just joined us so I would rather like to cut the queue now unless it's a very brief statement.

John Berard: It is.

Volker Greimann: Okay, John, go ahead.

John Berard: Yeah, John Berard from the Business Constituency. At a meeting earlier today with Bill Graham and Bruce Tonkin Bruce noted that the - that people

are drowning in the public comment process. So as a complement to what Mikey has said about the magic paint it's even worse than that because we're essentially burying people in paper.

And to say that we've covered something because it's been posted is a faint defense.

Cyrus Namazi: Thank you, understood.

Volker Greimann: Okay then I would yield to Jonathan but not before I would like to thank Cyrus for his time and his patience with us.

Cyrus Namazi: If I may say so, I just wanted to thank the Council, all of you. I know discussions appear to be tough and heated at times but I really cherish the opportunity to come here and connect with all of you and get this direct face to face feedback. Not that, you know, at other times we couldn't be doing this. Just wanted to thank again Jonathan, Volker and the Council and everyone else for giving us the opportunity to be here.

And, you know, if there are other questions that unfortunately because of time we couldn't address I'm here until Friday so let me know.

Jonathan Robinson: Yeah, thank you very much, Cyrus. Thank you to you and your team. We very much appreciate it. And I appreciate you taking the direct questions and giving them your best answers so thank you for spending that time with us. It's appreciated.

All right so can we close the recording on this session now please.

END