

**Transcription ICANN Singapore
Registries Stakeholder Group
Tuesday 25 March 2014
Morning Session (Part 1)**

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Cherie Stubbs: Good morning, ladies and gentlemen, and welcome. My name is Cherie Stubbs, and I'm the secretariat for the registry stakeholder group. And just - I would like to do a couple of housekeeping details before I turn the agenda over to our chair, Keith Drazek.

First of all, we can start the recording anytime. We do have two remote participants currently online, one being Ken Stubbs with (Affilias), the second being Barbara Knight with VeriSign. And if we have others join in, we will so announce when they do join the call.

And just a reminder to everyone to - for the purposes of the transcript and the recording, would you please be sure to announce yourself prior to speaking and to use the microphone. Thank you.

Keith Drazek: Okay, thank you Cherie. Good morning, all. This is Keith Drazek, Chair of the registry stakeholder group. Welcome to the registry stakeholder group meeting of Tuesday 25 March 2014, ICANN 49 in Singapore.

We'll go ahead and do a brief overview of today's agenda and at the end I'll ask for any additions or input or edits, if anybody would like to add anything. So we're obviously beginning just a little bit after 9 o'clock. We will get into immediately into GNSO and registry stakeholder group business. You'll see on the screen the actual details of what we'll talk about during that session. There's quite a bit in there so we'll need to keep things moving, but we do

have a little bit of overflow capacity in some of the later afternoon sessions, including our working lunch.

We'll take a break as planned at 10:30 for 15 minutes, at which time we'll get into ICANN updates and new gTLD process developments. We'll have ICANN staff joining us for that. (Cyrus) is going to join us at 12:15 over the lunch. He won't be here for the 10:45 session, but he will be participating with us today. So (Christa) and (Francisco) will join for the 10:45 session. We'll have our working lunch at noon.

Following that, we will move into the registry stakeholder group meeting with the ICANN board, and you'll see in the agendas online and in front of us that there are four items identified for discussion with the board. I'll read those now so folks can start thinking about any particular comments or input that you'd like to make.

The first is experience with the global domains divisions, and Brett and Jacob are going to lead that discussion. Financial accountability. Paul Diaz and Chuck Gomes will lead that discussion. Internet governance updates and the multi-stakeholder model, implications for contracted parties. Obviously there's been a lot of development and discussion around the NTIA announcement regarding IANA.

There is the upcoming Brazil meeting, the (unintelligible) Brazil meeting, with regard to Internet governance, and internal ICANN CCWG on Internet governance that we can provide an update on there. But those are - I think it's going to be a little bit more of a broad discussion with the board in that area. And then fourth, is protection of IGO acronyms, and Jeff is going to lead that one for us. Now this is the topic that came up with regard to the letter that was sort of issued by the board, the IGO acronyms issue.

Jeff Neuman: So I'm going to lead this is the board discussion?

Keith Drazek: Is that all right?

Jeff Neuman: Yes it's okay.

Keith Drazek: You were the one that brought it up on the list so you - that was your means of volunteering.

Jeff Neuman: Okay.

Jonathan Robinson: I mean Jeff do you want to do this still? Do you think it was covered in the GNSO council? Do you think it - I mean we brought this up. We had a pretty substantive discussion with the council. I mean, you'll recall that...

Jeff Neuman: I think this issue significantly affects registries, so I think we do need to kind of hammer it home, yes.

Keith Drazek: So Jonathan, Jeff I think as you said this has been addressed in other fora, so it may be that we don't need to sort of go into a lot of detail or belabor the point, but just to reinforce that this is a concern.

Jonathan Robinson: Yes that's fine with me. I don't - I just want to say A, is it on the agenda, and B, how much time do we spend on it. But yes, I'm not trying to sweep it under the carpet or anything, just checking relative to that whether it was still necessary to be there. So.

Keith Drazek: Okay. And that's an open question for the whole room. Chuck, I see your hand. Go ahead.

Chuck Gomes: Thanks, Keith. Chuck Gomes. Some of you may or know, or may not know, that I ran into Cherine [Chalaby] over the weekend at the fitness center, and - so I took advantage of the opportunity to question him on this. And at the time, he didn't really - couldn't really answer my question with regard to the

one that we were debating on list whether it included sunrise or not, and so - and what the definition of eligible meant as far as eligible IGOs.

And so he followed up with me later, a couple days later, just one on one, and his understanding is that eligible just means like others of you observed was probably the case, whatever eligible IGOs are in the guidebook right now. So there was no additional differentiation on that. He also said it was his understanding it included sunrise. And so I just wanted to pass that on because we had questioned and thought we might need some clarity on that, not that that affects at all what Jeff was going to lead in there, but I just wanted to make sure you had that information.

Keith Drazek: Okay thanks very much, Chuck. I think Cherie is probably going to start staggering his workout times now. So thank you for that.

So let me just run very quickly through the rest of the agenda at a high level and then we'll get back to some additional housekeeping. So that was the meeting with the ICANN board which was from 1 to 2 o'clock. That will be in the boardroom. At 2:15 we'll have a follow-up session here internally discussing the discussions with the board, reviewing the discussions with the board. At 2:30 we'll have DNA, or domain name association, from Kurt Pritz. At 2:45, new gTLD process developments. Actually Cherie, we need to update that, correct? Because (Cyrus) is coming in at 12:15, correct? So we have a little bit of space on our agenda for other business at 2:45.

Three pm wrap up, 3:50 break, and then at 4 o'clock we'll go to our - actually I take that back. The registrars are coming to us today, so we will have our joint session, registry and registrar stakeholder group session, in this room. We'll want to make sure that there's space at the table for our registrar customers. And there are, you know, three items that we've got on the list to discuss with them. NomCom will give us an update at that time, a joint update. We'll talk about the strategy panels and GNSO council issues and motions and any other business. If there's anything folks would like to discuss

with the registrars, you know, let me know and we can certainly add it to the list. Okay?

So that is a quick overview of the agenda. Let me pause here to see if there's any proposed additions or edits anybody would like to suggest. (Donna)?

Donna Austin: I just have a question. Was (Akram) invited to attend today at 12?

Keith Drazek: (Akram) was invited to attend, and I actually spoke to (Akram). We heard that he was not available, so I approached him directly and he said that because it's stakeholder group day and the board is meeting with the entire community, that the board wanted him with the board throughout the day. So he sends his regrets, but basically the response was he couldn't come to our session today. He will be in the session with the board, our session with the board, but that he was unavailable to spend a significant amount of time, or any time, with us in our session today because he had other obligations to the board. So, good question.

(Donna): Can I have a follow up?

Keith Drazek: (Donna), go ahead.

(Donna): When was the last time he actually attended one of these meetings?

Keith Drazek: I can't answer that. I don't know. Cherie, go ahead.

Cherie Stubbs: Ken Stubbs has his hand up in Adobe, so.

Keith Drazek: Oh thank you.

Cherie Stubbs: I think it was in Durban that (Akram) attended. Thank you.

Keith Drazek: Okay let's go to Ken in remote. Welcome, Ken.

Ken Stubbs: Thank you. I hope you can hear me all right, Keith. I'll start out by asking that.

Keith Drazek: Yes. Yes, we can, Ken. Thank you.

Ken Stubbs: Okay fine. This situation with (Akram) dovetails perfectly into an additional agenda I'd like to talk - us to consider discussion with registrars, and that is enhancing communication between the contracted parties and the GDD (Global Domains Division). We have some serious issues that we need to really discuss on both sides that we need to present to the GDD. I think it would be a good idea if we couldn't put together some sort of group with the registrars and schedule some sort of a meeting or conference with (Akram) because it has been a continuing issue enhancing the communications.

We all know what we're talking about. Things happen at the very last minute. Nobody gives us any advanced notice. There's really an awful lot of things that could be brought up. I'm sure the NTAG would be more than happy to participate in this. It's difficult to talk about this with (Akram) in front of the board. It feels a little self-conscious about calling him out, and it's really as far as I'm concerned an issue between the generic names division and the people that they service.

So if that makes sense to anybody, if everybody's real happy with the communications they're getting from the GDD then we don't need to take this any further, but I know an awful lot of registrars that are very upset. Thank you.

Keith Drazek: All right thanks very much, Ken. I think you raised some good points. (Cyrus) will be here with us for some time today so I recommend any issues that we would have wanted to raise with (Akram) we make sure that we raise with (Cyrus) and again at the board session, and just to basically use (Cyrus) as a conduit to (Akram) today. I think that's the most appropriate thing for now. I mean yes we would love to have (Akram) with us so we can engage directly. I

agree that perhaps another session at another time dedicated to the issue would be highly appropriate, but let's not miss the opportunity to express our concerns or views or questions to (Cyrus) when we have him.

Okay any other additions or questions for the agenda before we get back to a couple of, I'm sorry, housekeeping issues. Okay I don't see any hands so let me go back then to two things, one to acknowledge the new registry stakeholder group members that we've added since our last meeting in Buenos Aires, and forgive me if I've missed any here. Cherie and I put our heads together and think we have the list, but if not, feel free to speak up. But (Famous Four Media), (Plan B), (Funto 2012), (Right Side Registry) and (Club Domains). So welcome to all of you, and anyone else I missed, please speak up.

Did I miss anybody? Okay. Great. Let's move on then. I'd like to now do some introductions of the ExCom, the registry stakeholder ExCom and the NTAG ExCom, rather than going around and making, you know, having 39 folks introduce themselves. Let's limit it to the ExCom's today. So again I'm Keith Drazek, Chair of the registry group.

Paul Diaz: And I'm Paul Diaz from Public Interest Registry, alternate chair.

Jonathan Robinson: Jonathan Robinson, councilor from the stakeholder group and council chair.

Ching Chiao Ching Chiao, DotAsia, council representative.

Michael Palage: Mike Palage, treasurer.

Brett Fausett: Brett Fausett, GNSO councilor.

Jacob Malthouse: Jacob Malthouse, NTAG chair.

Reg Levy: Reg Levy, NTAG treasurer.

Andrew Merriam: Andrew Merriam, NTAG secretary.

Keith Drazek: Okay thank you very much. And Chuck, I was actually going to get to you now. We have some visitors, some guests, with us today. And if I could ask you to introduce them and welcome them.

Chuck Gomes: Thanks, Keith. As some of you know and some of you may not, DotAsia for several years now has been sponsoring a program where they bring in students to the ICANN meetings to introduce them to the ICANN world and what's going on in this world. And so he enlists mentors. Some of you have served in that capacity in other times I think, and I'm one of those mentors.

And sitting to my right here is their leader, (Wilson). (Wilson)'s from Hong Kong. Welcome, (Wilson). And next to him is (Lucy) from Armenia, and (Rohan) from India, although he's studying in Japan, and (Kiki) from Japan. So they're going to be observing today. If you see me sneaking over to them it might to be clarify something, and I'll try and be real quiet and discreet. And they're going to write their questions down during the day so I can answer them later, but welcome guys.

Keith Drazek: Okay thank you. So thank you, Chuck, and welcome to our guests. It's an honor for us to have you here with us today. So please feel free to ask questions and if there's something that comes up even during our discussions where you'd like to approach the microphone, feel free to do that. We're very inclusive and would welcome any input.

Cherie Stubbs: Keith?

Keith Drazek: Yes, Cherie. Go ahead.

Cherie Stubbs: Excuse me before going on. This is Cherie. I just wanted to announce that Carolyn Hoover, DotCoop, is participating remotely and (Rueben Skol) also is participating remotely and introduced himself on Adobe. He is the vice-chair of NTAG.

Keith Drazek: Great. Thanks very much, Cherie, and welcome to our colleagues on Adobe and on the phone. And Cherie, I'll look to you to make sure I'm not missing any hands that are raised, so thank you, and Elisa.

Okay let's get into our stakeholder group GNSO and registry stakeholder group business now then. And the first item on the agenda is an evolution working group update. And with that I'll hand it over to Philip Sheppard. Thanks, Philip.

Philip Sheppard: Keith, thank you very much. So my name is Philip Sheppard and I'm director general of the brand registry group which is the group trying to consolidate the various stock brand applicants. The evolution working group is ongoing since September. We met very regularly ever since. Just a quick reminder of what our charter was about, what I'm trying to reference were first of all we were looking at understanding what the existing charter of the stakeholder group is seeing.

We then look to the needs both of current members and future members of the registry stakeholder group, and we looked at those needs both as individual organizations who might want to join but also the concept of groups of those organizations that might want to join. And having looked at those needs, our job was then to compare that to the existing charter and recommend certain amendments that might be needed to be made to that charter.

We divided our work into two groups. The first was the slightly easier task of looking at the existing charter and asking ourselves a question, and it's going to move from a relatively small group to a much larger group (unintelligible)

charter simply as a result of that change of numbers of people who have actually been members of the group. And the answer to that question was yes there were. We made a number of recommendations. Of that, a summary of that was sent to the executive committee here recently and additional language of what those were.

They were five recommendations altogether. One was do with the definition of members, of active members and what that meant. Second was to do with the interest groups and the likes interest groups have. We made a suggestion to change the language for what the rights of observer groups and interest groups were to be similar. The third recommendation was due to the terms of the officers and suggesting they could be reduced as there have been more people available to fill those roles, and an associated recommendation that one term limits. And finally a suggestion of changing quorum, recognizing that the quorum for that vote is likely to be more challenging as an organization grows and that should get smaller.

And what we have done recently is turn those sort of top line recommendations and we've actually put some suggestive wording for the charter on that. And that will also be transmitted to you in a final report, which we're probably planning on doing after the next couple of meetings or so. So that's the first chunk of work we're doing, just looking for recommendations about the growing size of the organization.

And more recently, we've been talking about the much more challenging question of different needs of different types of organizations joining. And that's relevant of course to the members of this evolution working group who are both current members of the stakeholder group but also future members such as the dot brands and the dot geos in particular and the various representatives from those within the evolution working group.

And what did on our work was look at theoretical options as to how different structures might be then looked at some of those options and decided what

the most favorable may be just to look at it further to understand what that might mean. And we ended up really looking at three particular options.

One is a status quo with the possibility of interest groups within the stakeholder group. The second is a constituency model, and we looked at a model based on the one that operates within the commercial stakeholder group so you would have three or four or however many constituencies you wanted, obviously the birds of a feather groups and how that might look.

And the third was something slightly outside of the box in terms of current GNSO thinking, and that's just looking at the way that you might have a structure that either individual organizations or groups would join. And in our discussions we tried to make a list of the pros and cons of all of those, and so the full detail will be in the report. But what I think came out of that was an interesting set of discussions that we found there was common ground on some issues, certainly things that we were trying to achieve.

And in fact I think that will be list in the caption in the following statement and that we agreed that certainly one of our goals was in order to benefit from a structure that's simultaneously relevant. Of course members are recognizing diversity of the members and facilitating the most efficient means of policy development, and having agreed I think on that goal we're looking at the different structures.

And that is where I think there was some disagreement within the group, certainly with those representing the current stakeholder group members favored the existing single grouping status quo. Those representing dot brands and dot geos saw themselves forming into non-for-profit associations that exist outside of the GNSO would favor options of the type that they can join as a group as opposed to as individual organizations. And we discussed I said looking at that.

One of those options constituency model you might envisage you could have generics and community constituency dot brands, constituency dot geos constituency . And yesterday in fact just at the meeting here, we looked at this model where you might have both - you might have a stakeholder group which would have both the group members and individual members and just trying to understand the pros and cons of that. And I think we are - what we'll present to you finally is a list of those pros and cons so that further board discussion can be had on that.

But I think certainly in the meeting that we had yesterday a couple of interesting things came out of that, one of which is that the nature of this group, which is always being virtually 100% inclusive of the registries and therefore involve a unique within the GNSO because most other groups - every other group is not, that is also going to change.

And it's very likely that not every new registry will wish to join the registry stakeholder group. If we do nothing about it, it's very likely that even if you had a facility whereby some groups would join, you might have people who want to join individually and also as part of those groups, so the whole nature of what the stakeholders want and how they might want to interact is going to change.

And of course that then relates to the whole discussion with GNSO review which is coming up and the fact that certainly taking the example of the dot brands, at the moment at least two of my members who are active in the business stakeholder group and the business constituency group, all my member are members of associations which are members of the BC or the IPC.

All my members have contracted with suppliers for their backend providers who are company members of the registry stakeholder group. So the whole set of relationships between us is radically changing and I think that anything that we look at and recommend in terms of changes within the stakeholder

group needs to be looked at I think in the light of the GNSO review coming up. And with that, I shall end. Thank you.

Keith Drazek: Thanks very much, Philip. And thank you for all the work and effort that you and the working group have put into this. So I'd like to open it up now for any other contributions or questions, contributions from other members of the working group and any questions for Philip at this point. Okay I don't see any. So Philip, thanks very much. I look forward to the continued work and effort.

We are now going to make a minor adjustment to the agenda. Don Blumenthal, sitting to my left, is going to give us an update. He has a conflict and will need to leave at 9:50, so we're going to move him up in the agenda to provide a Whois update and then we'll get back to the original agenda, back to Ken and the budget review. Okay, so Don over to you.

Don Blumenthal: Okay appreciate it. I didn't realize I was getting special status like that. I think I've been working on Whois issues for longer than I care to admit, and there are a couple of things going on right now. I'm chair of the PDP working group on the proxy privacy accreditation issues effort that came out of the 2013 RAA.

Briefly for those who haven't followed it, the RAA pretty much bakes the accreditation concept into the system for the first time, and we've been assigned to come up with policy guidelines on how accreditation will work. We're relatively early in the process, and we're right now we don't think we'll have a final report out for another year.

But we're looking at such issues as whether there should be criteria for having privacy or proxy registrations, whether there should a difference in how they treated, if there should be different rules for relay and reveal as opposed to what a registrar has to do. So it's quite a wide variety of issues. At this point we're just, like I said, in the very early stages, working out some of the core issues on whether privacy and proxy should be treated differently.

We have a meeting, a public meeting, 9 to 10:30 on Thursday and really encourage people to attend if you want to see what we're doing, but more importantly if you have thoughts to contribute, we're going to make sure to put time aside for comments. The interesting thing about this group, as you might imagine, is that the battle lines were drawn early, and the more we can get public discussion from people who aren't maybe so vested in some of the interest, the better we'll be. We've already specifically asked for some ccTLD representatives to come to see if they can give us perspective on their registry rules.

Should we see if there any questions?

Brett Fausett: Thanks, Don. Brett Fausett. Thank you for doing all the work. I know it's going to be you talk about a year PDP, I know how much time you're going to put into that. You mentioned that the battle lines had been drawn early. Could you provide some additional clarity around sort of where the battle lines are and where the hot issues are?

Keith Drazek: And Don, while you think about that -- this is Keith Drazek -- let me just add a little bit more information. I'm particularly interested in where the registrars, our customers, are and to understand whether there's any, you know, any space between registry and registrar on this issue in terms of the stakeholder groups, but certainly I think Brett's broader question is entirely appropriate as well.

Don Blumenthal: I probably should have had coffee. Maybe battle lines wasn't the best term to use without thinking first. The privacy proxy to a large extent has to do with the issue of how public domain registration information is. And historically there have been conflicts. On the one side, privacy advocates who would expect or most clearly represented by the NCSG, on the other side the intellectual property community has always been heavily opposed to the hiding protect, whatever you want to call it, registration information.

And it's particularly - if you look at the membership list of the working group, you can see a clear effort to have a lot of representatives from both sides on the group. Law enforcement -- I'm a fugitive of that world -- also has always been active. And we mention that because for the first time, and I think this is a good thing, we have a member of the GAC on a PDP working group, (Gemma), and I'm not going to try any further, from state group Spanish government is active member. And it's been nice to have that hands-on contribution. Like I said, it's the first time I've encountered it.

It comes down to protection versus no protection, and that's a very, you know, that's truly oversimplified. And those things are already and will be servicing more in the issue of reveal and relay, particularly since the idea of whether privacy and proxy will exist is off the table, they will as of the agreement. Does that cover? Okay.

Keith Drazek: Thanks, Don. I just want to see if there are any other questions or any other follow up. Chuck?

Chuck Gomes: Don, Chuck Gomes speaking. Is it correct that - to assume that the Spanish GAC rep is participating in her personal capacity? And secondly, is there any understanding that she will provide and liaison to the GAC?

Don Blumenthal: To be honest I can only go on impression because we haven't discussed that specifically. (Gemma) is listed on the roster just with her own name, not as GAC, only with her Spanish government affiliation. But certainly the fact that she is a GAC representative is known to us and the fact that she is on the working party is known to at least a number of members of the GAC.

I'm going to be speaking to them, that's why I have to leave early, and she was on the e-mail circulation setting that meeting up. But we've never really talked are you representing the GAC or just a law enforcement government type perspective.

Elizabeth Finberg: Good morning. Liz Finberg, PIR. Don, you mentioned that it really comes down to protection versus no protection. Do you envision any consideration of a tiered access approach?

Don Blumenthal: I don't think that's going to be part of our discussions, no. That goes more to just basic Whois structure and access. The issues we're facing there will be privacy, there will be proxy services, and what criteria we will have to accredit them. The tiered access a separate issue and probably won't be under consideration by the EWG, it probably won't be feasible to have it all until the new protocol is in place. And there might be even be some recommendations on that from the IETF by the end of the year, if not sooner.

Keith Drazek: Okay. Thanks, Don. I think Chuck has a follow up. Go ahead.

Chuck Gomes: Chuck Gomes. Sorry, I'll be brief. I wanted so that Don has this background, in the - often in the (unintelligible) working group we have a couple GAC members on the list, although I'm not sure that they participated much if at all, and we actually sent a letter to the GAC asking whether they would be willing - would it be proper to have these people serve at the liaison function for communications back and forth. We have yet to hear from the GAC on that, but one of - at least one of those individuals said they'd be willing to do that. That's just background for you as you're moving forward.

Don Blumenthal: I appreciate it. When I see (Gemma) later today, I'll -- and I've never met her, just the usual phone call introductions -- I'll clarify that.

Keith Drazek: Okay. Thanks, Chuck. Thank, Don. This is Keith. Just Don, a quick follow up. I apologize if I missed it, but are the registrars and the registries mostly aligned with regard to this issue, the registrars participating? I apologize if I missed that earlier.

Don Blumenthal: No, I was going to get your question once we finished these others. The registry, the registrars are very active. James Bladel, Michele Neylon, (Graham Bunton) from (Two Cows) is kind of a vice - one of my vice chairs. And I know I'm missing some others.

We have some other registry representatives but for the most part, and it's one of the reasons I was asked to be chair, we're in kind of a non-engaged position for lack of a better term. It's important issues, but the folks that are most closely tied to whatever we come up with are the ones that are most vocal calls on the e-mail list.

Keith Drazek: Okay. Thanks, Don. So it sounds as if I, you know, if I'm hearing you right that the registries could stand for some more contribution or participants volunteers on the group. In other words if there were folks in the room or anyone else who would be interested in participating and contributing that that would be welcome.

Don Blumenthal: Oh absolutely. Yes, we - if nothing else to balance the packing that I've seen from some other constituencies.

Keith Drazek: Okay very good. Any other questions for Don? Don, any other updates for us?

Don Blumenthal: Well recently there was a - ICANN posted a request for comments. It's preparation issuing an RTF concerning Whois accuracy studies. That's how we resolved recognition to the Whois review team a couple years ago and then subsequent efforts. We kind of had some internal discussions on -- not discussions, just should we comment or not. And after talking to some people in Singapore, I think it's probably worthwhile for the registry stakeholder group to submit a comment.

This was posted - ICANN recently has been (unintelligible) by not posting right before meetings. That didn't go so well this time and there was a lot of

ICANN staff got a lot of feedback about that. So their solution was to say send it out and use the reply period as the comment period. Well that's not unusual. I didn't like that. People used a number the focus group that came up with reply comment concept, but we don't have to have something in by next Monday. We've got another month to put something together.

Keith Drazek: Great. Thanks very much, Don. Any other questions or comments? All right very good. And Don, thanks a lot for making the time to be with us this morning. I know you have other conflicts and other meetings with the SSAC. Thank you.

Okay so let's then move to the next item on our agenda, which is going to be financial updates. And I'm going to hand this over now to Ken, who is joining us remotely and on Adobe. So Ken, over to you.

Ken Stubbs: Thank you very much. If you'll just hold on for a second, I have to pull up the budget and shut down my speaker so I don't get duplicative here.

Cherie Stubbs: Ken, this is Cherie. Hi, Ken. This is Cherie. I just wanted to let you know too that we're posting up overview for talking points. It was distributed, as well as some detail budget. So if you want to refer to any of that.

Ken Stubbs: Thank you very much.

Cherie Stubbs: You're welcome.

Ken Stubbs: First of all, Cherie, will you stay close because I may ask you some questions if I can get responses back? I believe the budget along with the overview was sent out to the group approximately four business days ago, so most people have had the opportunity to review it either while they were traveling or since they've gotten to Singapore. Am I correct here?

Cherie Stubbs: This is Cherie. Yes.

Ken Stubbs: Thank you very much. Okay well then the first question I'm going to ask the group before get started on numbers and so forth is this. Cherie posted this review and the overview and I'm wondering if anybody has any questions on the overview that either Cherie, myself or by the way, Paul Diaz has been very active in this, so he's available as a resource as well. Paul, please step in anytime you feel comfortable doing so.

We've tried very, very hard to poll the current NTAG members to get an idea on what their thoughts are about joining as full members after they've spun their contracts and get into the route. Unfortunately we have not had as many people respond as we'd like, but I believe Cherie's indicated now that she was able to reach out to a few more. But the one issue that we have and the one unknown in the budget as we move forward is how many people are actually going to become full members.

So I think from a practical standpoint, Cherie, why don't we just - do you want me to put the budget - are you going to put the budget up or do you just want me to go ahead and talk on it?

Cherie Stubbs: Either is fine. Whatever you're most comfortable with.

Ken Stubbs: The best thing to do is to just go ahead and put the budget up. First of all let me start by saying that right now we have approximately \$54,000 in the bank account, and the budget indicates that we're projecting through the balance of this year a positive cash flow, with a balance left at the end of the fiscal year, which is June 30, of approximately \$30,000.

Through 2015, we have indicated that we will have a slight surplus of revenue over expenses. So if things go well for next year with any - I don't anticipate any unusual expenses, there are a couple of issues that we have that are open that we at least need to look at. And that is the budgeting for interest groups. That's up in the air because basically we originally budgeted \$10,000

for NTAG, which was supposed to be used primarily to support NTAG operations. And most of that money was used either for sponsorship of a technical session in San Francisco or to help send one of their members to one of the early meetings when NTAG had just been formed.

As I look the budget here, I really don't see anything really unusual. Cherie is requesting a slight increase in support. Primarily she can answer questions on that. She needed assistance in managing data and I believe that the ExCom has reviewed Cherie's request, and I'll ask either Paul or Keith to comment on that. There's nothing really unique here.

There is \$10,000 that is put into a contingency portion of the budget that is primarily for education, et cetera. I think that needs to be explored more with both the ExCom preparing a proposal, and also discussions with possibly the NTAG ExCom because part of that education may very well involve new TLDs.

I'm going to stop for just a second and ask if there any questions from the group because I can't follow the draft here remotely. Paul, why don't you take over for a couple minutes and kind of manage that for me?

Paul Diaz: Okay thank you, Ken. For the record, it's Paul Diaz. As Ken noted, this went out a couple days ago. We realized people maybe haven't digested the numbers. Let me underscore, this is the ExCom working with NTAG's ExCom. Our first effort to craft a proposed budget.

We - our fiscal year runs like the ICANN year. It starts on July 1, so we still have time to think this through and potentially update numbers. All of our projections are based on survey work we've done, our best guesses about planned expenses, et cetera. Obviously if it changes between now and the end of June, we can adjust the budget accordingly.

The key takeaways though, if you haven't had time to really did into it, what Ken just presented to you, the stakeholder group is going through their financial position. With all the changes that are coming, all the positives, the influx of new members and uncertainties about what things we may have to do and whatnot, we've taken a pretty conservative approach to its planning for the coming fiscal year.

Importantly at this time, we anticipate keeping the dues structure as it currently exists. So the implications for the new members how dues are assessed, et cetera, it's all there in the paperwork. But those are the key things. Again, we will have more opportunity to debate this. This will remain an agenda item, maybe not the first meeting when we get back, let people digest it a bit, but certainly later in April and in May we will have a vote on this.

This is stakeholder group's budget, it's your budget, so there's more opportunity to look at it. It's not like we have to decide on this today, but I think the numbers speak for themselves. It's not a very difficult budget to wrap your head around. And clearly if there are things that don't make sense to you that you don't like or don't understand, speak up on the list, come to one of us. We can make the adjustments, we can debate it, and then we will plan to have a vote, you know, late May, early June so that we're all set, prepared as we exit the end of the current year and start fiscal year on July 1. Thanks, Cherie.

Cherie Stubbs: Ken, excuse me. This is Cherie speaking. I just wanted to note on the first page of the summary that I apologize, there was a typo. We actually have heard from 32 of the current NTAG members who have not executed a contract who fully intend on joining in the coming fiscal year. And I thank the NTAG ExCom for helping get response to that request.

Ken Stubbs: Thanks, Cherie, for the update. Jacob (unintelligible). I'd also like to let you know that Cherie did (unintelligible) I think you're going to find as you look at

through it that most of the questions that you might have are answered in that document, and I draw your attention especially to the membership dues schedules for those new members. It will make it much easier for you in budgeting for your membership as well. Keith, I don't really...

Keith Drazek: Thanks, Ken. We do have a question in the room. Ken, hang on sec. (Tim), please.

(Tim Switzer): Thank you. (Tim Switzer), (Dot Build). Having been involved with this somewhat from my NTAG ExCom days, as well as some working group activity, a couple of comments. First of all, I certainly support the continued I guess focus on ensuring that Cherie in the role of secretariat of the registry stakeholder group that we keep an eye on ensuring we have the support there as the size of this group grows.

Secondly, it's a good not problem, it's good to be in a sound financial position and have, you know, a good surplus of money. I don't necessarily have an answer, but I think one thing we need to be thinking about as a group as we continue to get larger and the dues will continue to increase is what can we do with some of that money that would benefit the registry stakeholder group as a whole.

Again, I don't know what the answer is off the top of my head, but I think if we continue, we'll probably continue to be in a very good financial position, and we're probably looking to add expenditure type line items that are kind of "traditional" from what we've been used to over many years, but maybe going forward our spending might take on a different view. So thank you.

Ken Stubbs: Thanks, (Tim). There is one comment I want to make and that is we all are aware of the fact that ICANN is very flush. I really am not comfortable with the fact that they're spending huge amounts of money supporting the ALAC and

sponsoring special functions that the ALAC is doing and yet we're looking at having to spend 15 grand next year just for lunches.

And I think as we move forward on this, we have to be a little more aggressive with ICANN in pointing out that, you know, we are major contributors to their cash flow and we are as important in the growth in the future and they should make it as easy as possible for our meetings to be effective and efficient. And this is just one of these irritations that frankly doesn't really belong here. I know it may sound like nickel or diming, but rumor has it that ICANN spending hundreds of thousands of dollars in London on an ALAC function, and that's very troubling to me.

I'm pretty well finished as far as I know, Keith, unless there are any more questions. And thanks for helping me out, Paul and Cherie.

Paul Diaz: Certainly. Thank you, Ken. And just to follow up with you, (Tim), again this budget that we've crafted, we took a conservative view. We share the point that you make, the perspective of it's good to have the resources available. And very importantly, we're not just going to set a budget and then sit on it, so exactly what you're saying is we assess what we need to spend on, what the needs are, and quite honestly there could be a view towards adjusting the membership dues down.

It's not necessarily a foregone conclusion we're going to spend more. To Ken's point, we're not necessarily like a certain other organization that just wants to grow by double digits every year. That's not a foregone conclusion, so we absolutely will continue to evaluate, reassess as we move forward.

Cherie Stubbs: We have a comment in Adobe.

Ken Stubbs: Go ahead.

Cherie Stubbs: This is Cherie. We have a comment in Adobe Connect from (Rubens Kuhl). And he says since membership is below expectations, we should only revisit lowering contributions when we realize stability, whether at, below or above expectations.

Ken Stubbs: That's a well-made point.

Keith Drazek: Great thank you. Any other questions or comments on the financial update?
Jeff Neuman?

Jeff Neuman: Yes I think is a useful discussion. I appreciate it. I just I think there's so much policy stuff that goes on at ICANN meetings. Maybe we should take care of in the future the financial stuff in between the meetings or on the list. I think that would be helpful just because there's so much on the agenda.

Keith Drazek: Okay thanks, Jeff. Yes I think it was - we hadn't given or provided a detailed financial update in quite some time, not at this level of detail, and it was something that we wanted to get in as part of the membership. I take your point. We've got a lot to do and a short time to get there, so with that I will thank Ken and Cherie and Paul for all the work that they've put into this and remind everybody that this has been distributed on the list. Please take a look, if you have any feedback. It's only a draft, and there's an opportunity to update as needed.

So with that let's move on then to the next item on the agenda which is back to Paul Diaz for an update on pending comments. Paul?

Paul Diaz: Thanks, Keith. I think we can get through this one fairly quickly as well today. I'll try to do this in chronological order. We have IRTP, the transfer policy comments due the end of next week, the 3rd of April. Barbara Knight, who has regularly represented us, has posted up onto the list some proposed comments. Pretty straightforward, easy to get your head around. Please take a look at it. And I'm not sure given the press of time if we can necessarily have a vote, IRTP? Let's come back. (Krista) was just offering she has

something to add, and I saw Barbara's hand in the room. One second, Barbara.

So please look at her comments and in terms of logistics, maybe that was Barbara's point, I'm not sure exactly how we are going to work given the travel schedules, if we can do a vote on the comments or not because we don't have a lot of time. So it's something to think about, but Barbara's comments seem very easy to wrap your heads around. Please take a look. Barbara, did you want to jump in here?

Barbara Knight: Thank you, Paul. This is Barbara. I just wanted to indicate that I have made a couple of little tweaks to it and so I'll be sending around an update to those momentarily.

Paul Diaz: Okay thank you. And we will come back to the group on a recommendation on how to process them. Since this is the initial comment period, we might have to punt and say that our comments will be forthcoming in the reply period. That way everybody will have ample opportunity to really consider it and express their view.

Other issues, let's see. Meeting strategy workgroup, there have been a number of - several presentations here in Singapore. The working group has made its proposals. Feedback has been mixed shall we say. Comments are due in the middle of the month, initial comments. And (Donna Austin) and I who are both part of that working group will put our heads together about what we might want to see and push it out to the list.

I'm not sure if anybody's had the opportunity to either review the slides that were presented or perhaps even sit in in the rooms during the meetings. And it's - look we're all suffering under the existing meeting schedule. We all know that schedule conflicts it's crushing. Something needs to be done. What has been proposed is not necessarily the end all be all. That's the whole point of

the comment period. You put something out there, you try and to engage the community in some debate.

I ask everybody to take a look at it. We all spend a lot of time coming to meetings, preparing, participating, et cetera, so there's an opportunity to shape the future. But I will note however that any recommendations that are adopted, changed put into place are not going to happen before 2016's first meeting. So this isn't like we're going to change and then come London you're going to have a whole different approach. This is a process that will evolve over time.

(Donna), anything wanted to add? Not at this time, okay.

The next issue in terms...

Chuck Gomes: Paul?

Paul Diaz: Yes, Chuck?

Chuck Gomes: Yes, sorry. Chuck Gomes. I just wanted to jump in. First of all I want to thank both of you for the time you spent on this and for that group and all they've done. Whereas there are some areas where a couple of us have a few concerns the other day in the session that occurred in the GNSO, I for one was impressed that they have really thought through a lot of these things and the various factors, even though some of us aren't sure they'll work in a couple cases. Because I was impressed with the fact that they really did try to consider the various issues and try to do some things constructively, I for one am willing to give them a shot with the understanding that we have the flexibility to react quickly if we find that some of the assumptions or predictions don't come true.

Paul Diaz: Thank you, Chuck. And again, we have some time to look at this. Please, folks, take a look. And (Donna) and I will post some initial thoughts on proposed comments as soon as we can.

In the interest of time since some of these other comment periods are farther out in April, I'll just very quickly touch on them. There is an IGO-INGO related comment period open, but right now it's the one that's focused on those entities access to things like URS UDRP. Chuck or David, those who have participated in that group regularly, I don't know if you have thoughts on this or if it's something we should just come back to. The comments are due until the third week of April so there's time to think about this.

Chuck Gomes: Chuck responding. The - I think the group's going to have to decide. The IGO-INGO PDP working group did recommend that the URS and the UDRP be looked at with regard to the possibility of adding IGOs for example to those processes. So I guess it'd be - it's not so much that David and I can predict where the rest of you are so if you have concerns about that or something that we want to say upfront, you know, communicate it, because I have no way of knowing.

I think it's a reasonable thing to look at, to provide IGOs and INGOs with another avenue by which they could let trademark holders use the processes associated with that, even if they don't specifically have a trademark. But hopefully that gives you enough context that if you have concerns there, please communicate them on the list and then of course we'll need to identify someone that might develop those comments. I don't think it's a real complicated issue, but I don't know where everybody's at and where your business models fit in all of that. So if you have concerns, please communicate it.

Paul Diaz: Thank you, Chuck. Okay. Let's see, there's a Whois related comment period open. Don Blumenthal will have to lead on that issue. He briefed at the very beginning of our meeting. The final one that's coming up in the near term at

the end of the April comments on strategy panel recommendations. Looking at back at Chuck because I know he's been very diligent in following this as much as he can. Obviously with four different panel reports out there there's a lot of different things to be said and done.

My recommendation at this point because there's so many issues and we do have a very full agenda today that maybe we make this a key part of our first conference call agenda, the 9th of April, and try to figure out how collectively are going to want to weigh in on strategy panels. (Donna), please?

(Donna Austin): I thought on the last registry stakeholder group call we had - there was an agreement to develop the matrix of, you know, the four panels and the various recommendations and try and get some kind of, you know, working groups around some of the issues that take up on that.

Keith Drazek: Yes thanks, (Donna). You have a good memory. Unfortunately the follow through hasn't quite gotten there. You know, Chuck, (Sarah Faldi) and I volunteered I think to take the lead on that, and Chuck actually has circulated an initial draft of his assessments of some of the various panels. We haven't done the matrix as we discussed. I think it is appropriate that we do that, so thanks for the reminder. And certainly once we get the matrix sort of identified, we will look to others in our group registry and NTAG to contribute where they think they have time and bandwidth to do so.

Paul Diaz: Thank you both. And so those are the main public comment periods that are open right now. There are other issues. I'm aware that NTAG has been putting together various statements, so anything that NTAG members want to raise to highlight in case folks haven't seen on the list. Nothing at this time?
Jeff?

Jeff Neuman: Yes so I guess Jacob's not here but there are a couple things that we're working on in the NTAG. One of them is a response on the name collision report which I'm assuming we'll talk about later at some point. And then the

second thing is a response to the opening of a public comment period by I guess it was by the ALAC, but ICANN put it out, which is another thing we're talking about.

On the mandatory use of policy advisory boards for high regulated strings or just regulated strings, so that's - I know the NTAG is looking at comments on those issues. Are we talking about -- I know the name collision one we are -- are we talking about the policy advisory board? Yes so that's what the NTAG is working on, at least (unintelligible).

Paul Diaz: Yes Ching you had a question, comments?

Ching Chiao: Thank you, Paul. This is Ching. I just want to bring this to the members' attention is that there's not a public comment but a survey actually a question on how the translation and transliteration. The working group is asking us for the input, so we're probably going to address this later this afternoon with the registrars which is simply because potentially it impacted the most on what was needed for translating the registry information into a single language if the original registration information is not in the English and then who will bear the cost of that translation and services.

So I'd just like to throw this out and potentially (unintelligible), but actually on the registrars now they've been aware of this over the weekend and they're probably coming to us and talk.

Paul Diaz: Okay thank you, Ching. Before - or Chuck is it a follow up I have you.

Chuck Gomes: Yes. It's Chuck. Ching, is it correct that you still have the pin on that some feedback's been given to what you created? Am I correct on that?

Ching Chiao: That is correct. I'm still working on that. Thanks for the reminder, Chuck.

Paul Diaz: Okay thank you, both. Jonathan?

Jonathan Robinson: Sorry to drag you back to the previous item but just a quick comment on the strategy panels. I expect the council will prepare - I'm expecting it will prepare some kind of formal response to the MSI panel recommendation, so I'll share that with you to the extent that it's relevant because I'm expecting the council to do some work on that over the next - during the course of the public comment period.

Paul Diaz: Great thank you, Jonathan. Okay so for comments then, I think this session's done.

Keith Drazek: Great thanks very much, Paul. Thanks for running us through that. So let's move on with our agenda. The next item is number four, protection of IGO acronyms. I know we've spoken about this briefly already, but Mr. Neuman over to you. Hey, Jeff. IGO acronyms. Over to you. If we need to talk about any...

Jeff Neuman: On the overall issue, okay. Thanks. Sorry about that. So as everyone knows there's a full PDP process on protection of the IGO, INGO names and acronyms, and Chuck and David were instrumental in that. It went through I guess it was a couple year process and got approved by the council by the required consensus vote.

It went up to the board for consideration, and the bylaws provide that the board must within I think it's within two board meetings or the second board meeting after it's submitted to the board, must either accept the recommendations from the GNSO or alternatively must by two-thirds vote send it back - or reject it, send it back to the GNSO council with an explanation of why the proposed consensus policies are not in the best interest of the ICANN community or ICANN. And the GNSO has a right then to prepare a supplemental report back to the board and here it goes through the process.

Well - and the interesting - some people recognized that the recommendations or at least some of the recommendations in the INGO-IGO PDP were contrary to some of the advice provided by the GAC in the last communiqué or maybe it was even the one before that, particularly with respect to acronyms. The GNSO had recommended that acronyms not be entered into the trademark clearinghouse and therefore would not get the protection of sunrise and/or claims. The whole issue of the URS and UDRP is what Paul had talked about before is open for comment, a new PDP.

The board rather than either accepting it, which would mean going contrary to the GAC advice, or rejecting it, which would mean going contrary to the consensus recommendations of the GNSO, decided to something which it has been doing for a long time with the new gTLD process, which is kind of come up with its own compromise, what it thought was a compromised solution.

So a number of issues with that. The first thing that the bylaws do not give a right to the board in a PDP to come up with its own policy or do its own policy development. It basically followed its previous history of coming up with its own compromises, which it did for non PDPs, and that has angered the community before and the community filed in fact - the non-commercial stakeholder group, if you remember, filed a reconsideration petition that basically said the board doesn't have a right to do that. But the board came back and said well technically this wasn't PDP so we could kind of - we have some flexibility in what we're able to do.

But this here in this situation was in fact a PDP. And so the board not only - sorry, I should say one other thing. The board came up with this compromise, what they considered a compromised position and sent it directly to the GAC and said we're basically entering into discussion with the GAC to figure this out, and we're just kind of letting you know that as a nicety. You know, here's a carbon copy of the letter we sent to the GAC.

A number of issues with that. First of all, if the board had come to the GNSO first without coming up with a compromised position and said hey GNSO we're thinking about this solution, the working group would have come back to the board and said, you know, we considered that approach, not exactly but close enough, we considered that approach and we actually affirmatively rejected that approach. So it's clear you guys didn't read the report that was submitted.

It really shows, in my opinion, a lack of respect for the GNSO's role and a lack of respect for the policy development process and for the bottom-up process. It's about as anti-bottom up as you can get. I understand the board's in a difficult position with either going against the GAC advice or going against the bottom-up process, and it tried to -- I'm not saying there's any (malintent) -- but it basically tried to get out of the situation especially in this critical with the NTIA transition.

It can't go around the world espousing the wonders and the greatness of the multi-stakeholder bottom-up model but then, you know, by its actions reject completely the bottom-up model. On the other hand it can't go around the world and reject the GAC advice and argue how it's multi-stakeholder and they're listening to the governments, especially given the political environment it's in. I completely understand the position that they're in.

But I'm sorry, the board is there to do its job, and its job according to its bylaws it to either accept or reject. It is not for a PDP the job of the board to come up with policy on its own or frankly the staff to come up with policy of its own to present to the board and just circumvent the entire PDP process that we're all trying to keep.

I believe that we need to send, we the registries along with the GNSO who met and talked with the board this weekend, we need to send a very strong message that this is not acceptable at all. You may have gotten away with it with the new gTLD process but you're not going to get away with it in a formal

PDP. You have a tough job to do. You, the board, volunteered for this job. You have to do your job, and it's difficult, but you need to do it.

And I think we need to send that strong message and that - one of the board members came up to me and said well would you have been happy if we just rejected the GNSO recommendations, and my answer was yes. I would have been happy in one sense, in the sense that that's what your job is under the bylaws, to reject it but also to send back rationale that it is not in the best interest of ICANN or the ICANN community, which I don't think they can actually do, but let them do that. And then we'd be having a different debate as to what do we do in that kind of environment. But again, their job is to accept or reject, it is not to weasel around or to try obviously don't come up with policy. Thanks.

Keith Drazek: Okay thanks very much, Jeff, and I think very, very well said. Obviously I think pretty concerning. So I saw some hands. I saw Jordyn? Who else? Jordyn, John and -- sorry, hold on a second everybody. Cherie, sorry, go ahead.

Cherie Stubbs: There was a comment in Adobe chat. Would you like me to read it? This is from (Maxim Alzoba) and he says as I understand ICANN can violate the bylaws and is not punishable.

Keith Drazek: Okay. Thank you, (Maxim). Okay. So in the queue I've got Jordyn, Jonathan, John and Brett. Anyone else? Chuck. Okay, Jordyn, go ahead. Thanks.

Jordyn Buchanan: Yes I mean I do think this is concerning. I think, you know, I've been vocal in the past that it's really imperative that as a community we make sure that the policy development process works because it's imperative to give us credibility and then to make sure that ICANN the entity isn't going and doing stuff that doesn't represent the community.

And here like they've done that. Like the board said hey GNSO here's an important topic. We need to have you guys develop policy on it. The GNSO developed policy. They send it up to the board. Like everything seems to be working correctly, and now the board's the one circumventing the process and I think it's incredibly concerning and bad for the credibility of the process. And I think we need to just - I think we need to emphasize the fact that the community has done its work here. The board doesn't think it's done it well. It needs to send it back to the GNSO and explain why that's the case.

But it's totally inappropriate to circumvent the policy development process when it's been successful and develops consensus recommendations. That's the heart and soul of the multi-stakeholder process and this action is incredibly troubling with regards to that, to the policy development process. I just don't think - I don't understand what the multi-stakeholder process is if this is how we're working things, and I think we need to be incredibly firm on this point.

Keith Drazek: Okay. Thanks, Jordyn. Jonathan?

Jonathan Robinson: I mean I think I agree with Jeff and Jordyn. This an accountability issue and, you know, thanks to Jeff for nailing it really. I suppose my take on it subsequent to that is that we raised it with the board, with the GNSO council meeting with the board.

The board actually in the end responded that they do intend to follow the process, and so that's - we should just be aware of that. I'm not saying we shouldn't further reinforce the GNSO council's position with the board, but that's the update I took away from that meeting, that they intend to accept or reject our advice. And I think they recognize that they having it waved under their noses very clearly that they had gone off peace as far as the process was concerned. So that's my take on just where we are at I think.

Jeff Neuman: Yes on that, I actually disagree a little bit. I mean I agree that the council did a great job in bringing the issues up. I agree with that. I really didn't get the impression that some of the board members thought they did anything wrong. They are saying they're going to follow the process from now on, which means the cat's already out of the bag, right. They already sent the policy to the GAC, and yes, ultimately they will accept or reject, but I really didn't get the feeling that any of them realized that what they did was contrary to the bylaws.

In fact some of the things that were said to me indicated that they thought what they did was right and that ultimately they will take the next steps. So they were like what are you guys complaining about? We're going to accept or reject it, but we just thought we'd throw this other policy out there.

I think what needs to be hammered home is policy is developed in the follow-up process through the GNSO, not the ALAC, not the GAC, the GNSO. The ALAC and the GAC have advice into it and that's fine, but policy is developed down here, not up at the board level. And for too long they've gotten away with developing policy and a PDP can't do that.

The other thing, just last point, is I would have been happy with them coming back to the GNSO and saying okay GNSO we're in a difficult position here. We have your consensus policies here, we have GAC advice here. Let us facilitate discussion between you, the GNSO, and the GAC. We know it hasn't been done but let us help you do that. That would have been an acceptable option, but instead decided on its own.

And the board members are not the omnipotent. It's not top down. Sometimes - and the staff is not omnipotent, right? They're the ones that create - I'm sure they're the ones that submitted it. They shouldn't be making policy. They are not stakeholders in the multi-stakeholder process. So it's been brought up before but we need to hammer it home, especially when these things ultimately are coming back into our contracts, ultimately.

And -- sorry, last thing -- it went to the (NGPC), but for those of you that were participating in the group, it actually was supposed to apply to existing TLDs as well and the (NGPC) has no jurisdiction over the existing TLDs at all. And I for one wanted someone like Bruce Tonkin, who's our GNSO rep, to be in those discussions, because if anyone knows anything about this, he does, and he's been excluded wrongfully in the (NGPC) stuff. And now it's something that affects all of us. He's being excluded wrongfully in non-(NGPC) - it should be non-(NGPC) stuff.

Again this is a constitutional moment for us. The board gave us something that we've never had before to go up there and argue, and this is it. If we let this stand, the GNSO's irrelevant as far I'm concerned.

Keith Drazek: Okay. Thanks, Jeff. I completely agree with what you just said. I've got Jon, Brett and Chuck in the queue. Is there anybody else that would like to get in? Okay John, go ahead.

Jon Nevett: Thanks. Just a follow up on the last point that Jeff made. Yes obviously I agree with the concerns that have been raised. Obviously this is a pivotal moment and something that we should look at. But we also need to look at the practicalities in that if we push them too hard to reject and they reject both the PDP process and reject - the advice and reject the GAC advice, we're talking about a six- to eight-month process before this gets resolved.

So to Jeff's last point, had they done what Jeff said, that would have been a good thing. Maybe it's not too late for them to do that, where maybe we can reach some kind of compromise there that we don't have to wait eight months to release these names, and something that might be more effective and more efficient and not lose the constitutional moment that we're all worried about.

Brett Fausett: Thanks. Brett Fausett for those listening at home. The - there was a lively discussion with the board about this issue, and I raised the bylaw issue that Jeff discussed. And the chair, Steve Crocker's view was that he was aware of the process point, but that he thought it was important to have a compromise position in place before he rejected it. I got the feeling that he wanted to have one motion that both rejected the GNSO motion and put in place a replacement. So it didn't (unintelligible) which I don't think is an option.

So I think it's important to, you know, stand on this process point which is we've got a unanimous GNSO resolution which shall be accepted within two meetings. It's been more two meetings. I thought there was some fair consensus on the council for calling the question and just saying go ahead reject it. Or - and calling their bluff effectively, because I think that most people didn't think that they would reject if you had to call the question.

That's one of the things - because I think if we had a parliamentarian in ICANN, which may be something that we may want to suggest to the board at some point, I think we would - because a parliamentarian would say, you know, point of order, that the GNSO motion is before you. It has been more than two meetings. You need to call the question. I mean that kind of thing needs to be I think baked into ICANN at some point.

Chuck Gomes: Thanks. Great discussion. I'm with everyone on this, okay. But there's another nuance that really bothered me. They've been negotiating with the IGOs. I don't think that should be happening. It's bad enough doing it with the GAC without consulting us, but doing it with the IGOs, the IGOs were involved in the PDP. We heard their case. We evaluated their case, and we tried to do that based on objective data.

We requested from the ICANN general counsel a legal analysis to see if there was any basis in international law for protection of IGO names or acronyms, and we got back a conclusion that really isn't a legal basis for it. So we put that aside and then we looked at the public interest, which the board is

supposed to do as well. And it was the conclusion of the working group that it was actually in a lot more public interest to not give the acronyms to the IGOs automatically because it was our assessment that there are lot of comparable acronyms that are much more readily recognizable for corporations and other organizations than for IGO names in general.

So I think we did our due diligence. We tried to base it on objective criteria. And whatever happens on this, even if they reject it, reject that part of the advice, I think they've got to tell us where we went wrong. And I think the assessment's right. They probably can't. It's just a political issue.

So, you know, we need to, and I think the council will do a good job of handling this. I talked to (Thomas Hahn) who is the chair of the group, and we need to make the case of the objective process we went through which I think is right. They didn't really look at the report. They really didn't do an analysis of that. They're trying to find out a way they can appease that GAC. And the GAC, by the way, did not make a strong case for this. They're just trying to appease the IGOs.

Keith Drazek: Thanks very much, Chuck. Very important context. I have Jeff and then Jonathan. Anyone else before we sort of draw a line on this and talk about next steps? Okay Mike. Jeff?

Jeff Neuman: So yes and Brett's reminded me of another crisis that's happened. When Brett said I think what they were trying to do is to reject and at the same time pass this compromise. But again this would affect our existing contracts. They don't have the right to do that. That is actually a breach of contract. We as the registry would all have the legal right of action against ICANN for passing that. Unless they just carved out the new gTLDs that haven't already signed agreements, this would be a breach of contract, plain and simple. And whoever's giving them advice, it's not good, not good advice.

Keith Drazek: Jonathan and then Mike.

Jonathan Robinson: So I can - I'm with the mood of the room here. There are some incredibly substantial process points, but in some ways I suppose what you should know is that myself and (Thomas) met with Cherie and Chris on a one-to-one basis to try and clear the air on this, and really they're on a kind of a non-formal process point the weakness is that they didn't come and talk to us as well. That's one - we're notwithstanding the formal points. At no point did they come and talk to us or write a letter which I effectively received it I think at midnight on Friday before the meeting. And that's the kind of human or interactive way where it could have been done so much more effectively.

So I just think we shouldn't - we should make the process point very, very clearly, make a substantial point but not necessarily as John said perhaps - I mean I think this will get resolved via either an acceptance or a rejection, and there are curative - there is a curative step after a rejection which we have. So this - our process is accommodate all of what needs to be done. It's just a question of whether or not the processes are followed properly, and it's pretty substantial issue on that.

Michael Palage: So Mike Palage. I can agree, as I said on this list and I'll say it now, I really agree with Jeff that this is a constitutional moment. And what I would like to try to add to this discussion is the following: why we find ourselves at this moment. And the reason is it actually began about seven years ago. Back when the bottom up process was working, there was a thing called the reserve name working group which I served on.

And part of what we said was no, I asked that when - so if we go and we look at the guidebook, top level domain names are reserved, ICANN created artificial rights. They created it so no one could have (AfNic) or ALAC. ICANN made this up. I asked ICANN staff, particularly Dan Halloran, what was the legal basis they were creating this. He said I'll get back to you. It's been seven years, still haven't heard.

The reason this list existed, real plain, real simple, 2001 when (Louis) was drafting the original contract, he pulled a map. He just made them up, right? So once ICANN created a set of rights, the IOC and the Red Cross said me too. What did ICANN do? They capitulated because they needed to move forward. Well once they gave them those rights, to solve this problem they made the reserve list go away and we should go to ICANN and have \$100 million. If you think you have enough money and someone registered ALAC as a top level domain, use the owned process that you've put in place and rely upon that. If someone wants to register ICANN, put it in the trademark clearinghouse. Go, bring it.

The whole source of this problem is they created an artificial right that does not exist in law. And for those of us who have been here from the beginning, what made the UDRP work was it was not creating new legal rights, it was based upon existing rights. And when ICANN starts making new law, it's bad. And it's only going to get worse.

So we really need to unwind this and it's not by striking a compromise, it's going to the root of the cancer and the root. The cancer is they created legal rights that never existed in the first place.

Keith Drazek: Thanks very much, Mike. And so we need to draw a line on this right now. I think it's pretty clear to me that we need to go on record very carefully, very, you know, in a very formal and official way, laying out the concerns that have been raised here. So I think what I'm going to suggest is we take our break right now and then we come back.

Let's think about it over the next ten minutes, fifteen minutes before we come back and come back and talk for a few minutes about our next steps in terms of drafting a letter, timing, implications, are there opportunities for a negotiated settlement, what the process would be, Jonathan, as you said through our - through the existing processes, what is the next step on this.

But I think it's pretty clear we need to go on record about these process and procedural issues in a very direct way.

So with that, sorry John?

Jon: (Unintelligible)

Keith Drazek: I was told that we needed to take a break soon. So I don't know if it's...

Cherie Stubbs: This is Cherie. I apologize, but we do have a couple of hard stops that we can reconvene in ten minutes if that's okay with you.

Keith Drazek: Let's take our ten-minute break now. Thanks.

Cherie Stubbs: For those participating remotely, we will be back shortly.

END