

**Transcription ICANN Singapore
Brand Registry Group
Wednesday 26 March 2014**

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Richard Graham: Okay, thanks very much everyone. My name is Rich Graham. I am the Vice President of the Brand Registry Group. I'm standing in for our honorable President Martin Sutton, who is - as many of you know, during the course of this week, has been having a number of meetings with regards to Specification 13, and I will have an update in respect to the Specification 13 towards the end of this meeting around - just before 12:00.

But, thanks very much to Martin and Brian, who have done a terrific job in a number of places in Singapore and London on an aircraft in the middle of the ocean, and he's done a terrific job.

So moving on to the agenda, which I'm not sure many of you can see, we're going to do a very brief introduction and do a tour of the table, or a tour of the table for everyone that's here. And we're then going to have the ICANN staff session. We're then going to talk a little bit about the BRG standards and working group that've been set up. Talk about some of the Internet governance aspects that are relevant to .brand.

We'll then have a strategy session and then finish off with some of the events and membership development meetings that have occurred and will occur. And then Brian and Martin will come back to talk about where we are with Specification 13, which is of course the document that makes the registry

agreement relevant for .brand. And then, we'll talk a little bit about the process - the fast track process for a list of country names at the second level.

So moving on to the welcome. I think now is probably good to do a tour of the table. Can we move the slide onto the - thank you.

If we could start with Guillaume at the end. My colleague.

Guillaume Pahud: Hello. Good morning everyone. I'm Guillaume Pahud from Richemont.

(Mike Corasini): I'm (Mike Corasini) from Gucci.

Nick Wood: I'm Nick Wood from Valideus.

Laura Covington: Laura Covington from Yahoo.

Susan Payne: Susan Payne from BBC.

Celia Pendery: Celia Pendery from Sky.

Stephanie Duchesneau: Stephanie Duchesneau from FairWinds.

Woman: (Unintelligible) from (Epson).

Marc Trachtenberg: Marc Trachtenberg from Winston & Strawn.

Paul McGrady: Paul McGrady from Winston & Strawn.

Stacey King: Stacey King, Amazon.

Phillip Sheppard: Phillip Sheppard, BRG.

Chris Mondini: I'm Chris Mondini with ICANN staff.

Katie Myers: Katie Myers, Microsoft.

Man: (Unintelligible).

Man: (Unintelligible).

Beth Allegretti: Beth Allegretti, Fox Entertainment Group.

Nick Woodward: Nick Woodward, Microsoft.

Richard Graham: Thanks so much. We're also sending around a piece of paper just to - for everyone to register in, and so that will come to you at some point during the course of this meeting.

If we move on to the next item on the agenda, the ICANN staff meeting, and there's three parts to this. The results of the BRG Key Challenges Survey, the case study on Specification 13, and the case study on country names. So I'm now going to hand over to Philip, who will take the lead on this agenda item.

Phillip Sheppard: Thank you very much.

And so the purpose of this session really was a function of the fact that we have Chris Mondini with us from ICANN, who leads the Business Stakeholder Outreach.

I really just wanted to share some of those (unintelligible) that came from a survey that we had done when I was preparing a presentation that we made at a (unintelligible) conference in New York, and that was just to ask all our BRG members the key challenges they'd found so far within the whole TLD process, and we had to survey in two rounds.

The first was to say, you know, what are they? Just open questions to see what came back. And, that actually allowed us to punch those results into three parts. And it was quite interesting that one of the parts that came back indeed was about the differences and sometimes frustrations or the interrelationships between people unused to ICANN in dealing with ICANN and dealing with ICANN. And so I've extracted that part of the survey and presenting it here.

And, it's really just you know for Chris to see - we're not asking you necessarily to react to it. We're not here to hammer anything out. But, we thought it'd be useful to share that with you in particular and just illustrate it with a couple of case studies later.

So as I was saying, within the survey, it - the top responses were unprompted and they came through that ICANN - the relationship with ICANN was number one. Internal issues about buy-in (at ICANN) is number two.

And other issues to do with new brand protection, these are the challenges for - these are the historic challenges that we've always had the Internet, and people were still concerned, even though getting the .brand with precisely what some of the new generics might present.

But, we're going to focus now just on that first bullet point of that ICANN results.

And these are just some quotes, and so the ICANN results really sort of went into sort of a couple of different categories. And, one was to do I think with the relationship that they're seeing manifested in Spec 13, which is one size do not fit all. And, we had quotes like, "Understanding the ICANN process itself - just basically understanding what on Earth this application guidebook was all about," et cetera, and how that moves on in terms of a negotiation.

ICANN's inability to take leadership I think was a concern sometimes about asking for something and then finding that somehow that it needs to be referenced back to other people in the organization. This is a function like (can't) be multi-stakeholder as opposed to perhaps a standard contract party when you're both in power to negotiate together.

As I said, these are quotes.

"Getting the registry agreement modifications necessary to make it palatable for us to sign." I mean, so the key question where we've been negotiating this, and that use of the word palatable unprompted was an interesting point.

"Getting ICANN to recognize we are fundamentally different from the handful of registries of the past." So here we are on the very cusp of a huge change in the Internet, and there's some frustration about a contract that seems to be backward-looking and not forward-looking are other attitudes that were reflected (out) too.

"Getting ICANN to change its traditional perspective to accommodate the minimum requirements of companies whose business is not being a registry." Similar point made by different respondent.

On the second point, where it was categorized as the ICANN surprise, which is just how things change that perhaps was unexpected. And examples of that were, "ICANN's list of DNS collisions prevents us from registering all our sub-brands under our own TLD." This is in particular reaction to that first report on name collisions when it came out.

And there were some people that just thought, you know, "What on Earth is this? Here we are. We've got a whole idea and suddenly a technical report is coming out saying actually almost everything we want, we can't have."

“The list - the second level domain names to block has prevented us from moving forward with delegation.” This was a major problem. They started looking again at how we made the right decision. Was it really something we should've been going for in the first place?

Some of the blocked names are precisely those expected to start our launch.

And another comment also was relating to the country names released as a global group. “It is paramount that we can identify all our local entities with the name of the country.” So there's difficulty with actually finding a process of that country name with these, albeit it was in the application guidebook. Was a little bit of a surprise to some, particularly because, you know if you have a country name as a folder, that's all possible. And so, it was also relevant things.

So two things in particular came out of surprises. This concept of collisions and the country name release.

Just a few facts and figures. And apologies. Some of the - we're using Adobe Connect here, and we can't get the screen any larger, so I'll read out the figures here.

But in terms of the response rate there, we asked people to categorize those challenges between major, medium, and minor. And on the first one, getting ICANN to recognize we're different from registries of the past, that was a major challenge for 65%, a medium for 30%, and a minor for 6% only.

Dealing with ICANN changing the rules, that second point we just saw, major challenge, 31%; medium challenge, 30%. So basically, it was 100% either a major or medium challenge for that, so a very high hit rate for people being concerned about those two things.

Just quick illustrations really. What was the manifestation of that? Well I think you have all been aware of that, and the others (in this case) may recall Specification 13, which after all is a really very simple set of changes. It was a definition, it was a limit in terms of what we would do with a better (straws). There was a - and (points) to do a termination of the cooling-off period. A relatively simple set of changes.

A dialog started on that in March 2013, and here we are exactly one year later, and we're hoping - we think has crossed - that that'll be adopted later today. And the volume of emails that I counted on my email client alone were 400, and that doesn't count anything like the emails that are legal advisors, et cetera, (unintelligible). So a substantial amount of work for a relatively small set of common sense changes.

Case Study 2, (unintelligible) better. Fast track (where there's) country names, we started dialog on that back in July of 2013. It took us up until about January before this concept of a group proposal maybe had come around and we started discussing about that in January. But, it's still taken us three months before we had what not only was a very productive meeting here in Singapore with ICANN staff on the 23rd of March. And that one in terms of email tracking of this issue is 60 emails.

So just a couple of, you know, illustrations there of those two things taking perhaps a little bit longer than they might. And I think that was about it for that schedule of things.

Yes, it was.

Richard Graham: Thank you, Phillip.

And are we inviting ICANN to speak? Do you want to respond?

Phillip Sheppard: If Chris wants to, yes.

Chris Mondini: Sure. Thanks very much.

I would like to say how incredibly helpful initiatives like this and the survey are. In my role leading Business Engagement at ICANN, I have the unenviable task of really being - trying to communicate ICANN's role and value, and what it means for business in all different categories. And also really, doing a lot of cross-cultural communication.

I feel very fortunate just in my own personal background that I started out by working government for some years. I then worked for Deloitte in private sector for ten years. I founded a non-profit organization, and that's just in addition to the languages I learned in other cultures I lived in.

And I find that point that you make about ICANN understanding how you are different and how you have needs, and you are an organization with valid concerns to be folded into the broader spectrum of business concerns is hugely helpful and hugely important, just as you are all, I'm sure, undergoing a process of learning how ICANN is different, and it's not a business.

It's something that you're probably tasked with going back to your organizations and explaining some of the - from your perspective, crazy developments that go on. Delays and changes, and so forth.

So this kind of communication, these kind of initiatives is the feedback. A continued dialog and the mutual understanding are the right trajectory. I'm certain as business people, you're sometimes impatient and frustrated, or worse. But again, I thank you for the constructive spirit in which you undertook to show these findings, so thanks.

Richard Graham: Thank you very much, Chris.

We're now moving on to the third item on the agenda, which is the BRG Standards Working Group. Now, there are a number of initiatives that are being developed, but we'd also welcome any further thoughts from anyone really that could add to a standard that brand as a whole will be able to use and implement.

The four up there are very interesting, and actually the first one, the navigation and naming standards, it comes up time and time again. Brands are asking other brands about what's going to be the naming convention? What should we do? And really, there isn't a defined answer yet, but it's something that will evolve throughout the process.

There's also email standards if/and to the extent you can have @brand. Obviously, it's not - it won't work now, but it will in the future. SEO studies and also just how we change external standards and the BRG's obviously been impacted, and we've discussed this before around the name collisions.

Guillaume, is it worthwhile you - to doing a very brief overview of your working group? About what you've been doing?

Guillaume Pahud: Happy to do so, even though we have not done anything really concrete yet. We just decided to set up the working group and work together, so I think that's a good start. It's like we have to define the process before we can do things, so we're - I guess that's really where we are today.

We just have to figure out the sort of four key points we believe that make sense across the brand and trying to find some commonalities across brands who can be competing or non-competing, so - yes, I think that's it.

Richard Graham: Great, thanks. I'll ask Phillip to just - to jump in here.

Phillip Sheppard: Thanks.

Just one comment actually. We had - as many of you are aware because you were at that meeting, a really useful outreach meeting with potential members a couple of days ago, and the feedback that we received from that meeting was in effect that this work, in particular, the forward-looking stuff, the working together, was of particular interest to many of that group there.

So I think it - that was an interesting comment from potential members, and - in terms of what they're looking for from - you know, from the BRG.

Richard Graham: Thanks very much, Phillip.

We now go onto the fourth item on the agenda, which is Internet governance. Do you want to take the lead on this, Phillip?

Phillip Sheppard: Yes.

So Internet governance is, you know, an issue of increased ICANN interest. It's really on our agenda here - it's just as an alert in terms of what's happening and a question to ask ourselves where we may wish to be involved within the debate.

And I know the key issues as to why we may want to be involved are what's up on the slides now in (contracts). Internet governance of ICANN.

And the way ICANN is structured and policy developed will effect changes to our contracts. So there's a potential direct relevance to your contracts.

I think there's a second issue of business freedom that has change in Internet governance may affect the freedom to conduct business via the Internet.

And thirdly, there's an international property dimension, greater involvement of certain governments may affect decision making on the relationship of

international property rights with other rights. And so, there's a potential set of movements there.

So I mean, there's three things that are probably the reasons why we may wish to pay attention to the debate, and indeed, we may want to involve ourselves in a debate.

Key things that are happening now are that recently the European Union published a position in February. It took them two or three months in what's called interservice, which is one part of the European Commission publishes something and it's looked up by all the other parts, and it is non-controversial. That process takes two days. And if it's interesting but has global implications, it takes three months, and this one took three months.

And that was published just in February. I'll go through a couple of details of that later.

And of course as we all know, coming up in Sao Paulo in April 23rd to 24th, is the NETmundial, where this issue is very much it.

The (e)position I think was quite interesting. This is a very - a quick summary of what was in it. It calls for concrete actions. The establishment of a clear timeline for the globalization of ICANN in the IANA functions. Well, that was (precedent).

A strengthening of the Global Internet Governance Forum, and that's a UN-based organization that came out of some discussions about ten years ago perhaps. Launching an online platform for creating transparency on Internet policies, the Global Internet Policy Observatory, which is very - it commissions (speaking like an) observatory, but I think that's just for them to set up something that will help in terms of a transparency in what's going on.

And their fourth point was review of conflicts between national laws or jurisdictions that will suggest possible remedies. And then I think there was a Commission reaction to a number of issues that have come up, in particular, with clashes of European law and others.

The second point of their position was ongoing commitment to improve the transparency, accountability, and inclusiveness of the multi-stakeholder process and those who participate in the process. So a clear signal there from the European Commission upholding the sort of values of the (BC) also here at ICANN.

A commitment to creating a set of principles of Internet governance to safeguard the open and unfragmented nature of the Internet. Principles are not made, but the commitment is there to do that.

And a commitment to -- finally, Number 4 -- to globalize key decision-making. For example, the coordination of domain names and IP addresses to safeguard stability, security, and resilience.

So overall the paper, I think we're making some interesting points, (unintelligible) that we may choose at the BRG to react to.

NETmundial in April is a global multi-stakeholder meeting on the future of internet governance, and their mission statement is, "We are focused on crafting Internet governance principles," principles again, just mentioned earlier, "crafting Internet governance principles and proposing a roadmap for the further evolution of the Internet governance ecosystem." So I'm anxious to see how that goes.

And I think is the end of the session. We had within the BRG a small working group on Internet governance who is looking after these issues. It's more of a sort of holding group at the moment. Anybody's welcome to join it if they feel. We have a couple of members at the moment who were there, and maybe

we would perhaps start to craft our own paper, just in terms of where we may wish to be in the debate in the future.

Richard?

Richard Graham: Thank you very much, Phillip.

Moving on to the next agenda item is strategy, and the three principles we've got up there are ethos, engagement, and membership. And I think because we are a very new group, these - the ethos of the group is still evolving. We are engaging with new brands and we are increasing our membership. But, we are open to suggestions in terms of how people feel that we can take this forward. How we can help each other, certainly from a (unintelligible) perspective.

Being in a group of other .brands who have had no experience of setting up registries is really valuable because you can network, you can share best practice, you can really help in terms of understand what the risk profile is, certainly from the contracting stage, and we are obviously keen to support each other going forward.

But as we develop and move towards being registries, then the requirements and the way we engage, and the - you know, the standards that we'll develop together will change. But really, I don't know whether we're planning to open up this agenda item to see if anyone has any comments in terms of where they want to see this go?

Martin Sutton: Sorry I'm late to the table.

Richard Graham: Not at all.

Martin Sutton: I should have some really positive things to say here, shouldn't I, prepared? But I haven't, so you put me on the spot.

Are we talking - so can I just check? Are we talking first bullet point or all of those?

Richard Graham: Really, the strategy going forward? What's our overall view on that?

Martin Sutton: We will have a Board session later today where we will be looking at that in more detail, but what I would say is that it's very interesting this week. I'm following a meeting with perspective members over an interest for it, for those that have not applied in the first round, to want to join an organization like the Brand Registry Group, in preparation for the next round, which is really good.

It means that people are starting to notice that this is a good space to come into and that there is an organization that suits their needs so that they can understand how things function, how things work. And also, to share ideas about how to take this forward. It's a new model. There's going to be lots of interesting innovation.

And to have that membership share and learn as they go along is going to be fantastic, so I think there's a lot of things that we'll be able to discuss as the Board (unintelligible) Wednesday to take that forward and make sure that we put a roadmap that encourages further participation and further membership on board.

And, we have to also learn to adapt ourselves so that - because I think you know as a nucleus of brands that are probably to some extent those were already represented in different parts of ICANN, there's a lot of new ones in there as well. And, we have to make sure that we make others aware of what a .brand is, how it will function, why it's so different, and take away the nervousness I think that sometimes exists when change comes along.

And so, those are my comments. Anybody else?

Richard Graham: Nick?

Nick Wood: Yes.

I'm interested in this question because this room is full of future contracted parties with ICANN and consultants, legal advisors. It's a very broad church of people who are here, and I think that's given its - but one of things that mix of people has given the BRG, particularly over the Specification 13 discussions, is the ability to be fairly nimble. So I think it's good that everyone is here, and I think people think that everyone is welcome here.

For the question I'd be wondering, is where the BRG goes in the future. Does it become - does it seek to become a part of the ICANN infrastructure? Does it seek to become some kind of constituency or subgroup of a constituency? Or, does it remain just outside talking with them?

At one stage, I thought being part of the ICANN infrastructure - a formal part, would be a really good thing. I'm currently thinking it's actually perhaps better to be slightly one side of it, and to be a bit more agile.

So for example, we don't have to get dragged into all of the - what's sometimes characterized as negotiations, but it's sometimes horse trading. So, I'm interested to see what people think about that.

Man: (Unintelligible)?

Woman: Yes. Sure.

I mean, I agree. I think when we were looking at it - becoming a part of the infrastructure, and I think there's a big question, particularly right now. Everything's changing so much and it's not just brands. You've got geos. You've got a whole variety of different business models that will emerge in

the next few years and will have different interests than the traditionally we've seen. So, I think it's a waiting space.

Whether we - the one thing I would qualify that with is whether we are inside the official ICANN structure or remain outside of this structure. I think it is important to just reiterate that this organization plans on being a part of the community and interacting with the community. It's not just about coming in and saying, "This is what we want," and backing out. It's that we still are going to have to have those negotiations. We still want to find a middle ground that - you know, these are partners now.

And so, there's that important element of just making sure we always do remain a part of this community and interact in a way it's intended to.

Richard Graham: Back to Martin.

Martin Sutton: I think that's a good point, and I wonder if it's balance of both then, so that there's still a flexibility and nimbleness of operating outside of the ICANN structure, but with the flexibility of gaining positions - leadership positions so that they are recognized as a, you know, welcoming of new models of innovation. And, that's important too.

So, I think we do have to seriously think about how we do this, because it does cause a drain on resources if we're having not sufficient - to cope with the ICANN world, which as we know it can be exhausting. I'm sure we appreciate.

But you know, that means that means that we have to make the effort. We'll have to consider how to do it, but look after the value of being able to look at it from the outside world and not get too hung up on the detail.

Richard Graham: Yes. Okay, thank you Martin.

Do you want to...

Phillip Sheppard: Yes. To be fair, we put this on the agenda really as (affection) that we think perhaps thinking about this now would be useful, and we've all been very focused on Spec 13, and it was really just a point to say, "Well, look, that appears to be reaching its conclusion; and therefore, to start to think about where next is appropriate."

And just to respond to the couple of comments in terms of ICANN engagement, as some of you will know, I've been Chairing a little group called the Evolution Group within the Registry Stakeholder Group. Martin's been a member of that as well, as have the .geo guys. And, that was just looking at the sort of pros and cons of various different types of structure, and a very sort of objective way as to how that stakeholder group might evolve and might change.

And, we looked at things like the constituency model based on the commercial stakeholder group and the business that you could have. You know, a brand constituency, a generics constituency, a geo constituency, perhaps more. And, we also looked at a model where in fact you would just have a slightly sort of messier structure where a trade organization like ourselves could be a direct member in some way alongside another member, recognizing there could be overlaps.

All of those issues of course had consequences for the voting structure.

And a lot of times, we've agreed on the general direction of travel for what we're trying to achieve in those changes, and we have come out fairly cleanly divided between the incumbent registries and the new registries as to what we would like, both the brands and the .geo's are saying clearly, "We want to be involved as the association, rather than individually."

And I think that's - and part of that of course is wrapped up in a discussion about to take place about the whole GNSO reform, and we'd written to the Board member for that, who's got oversight for that process, to say that you know perhaps GNSO reform should be perhaps a clear look at ICANN policy-making rather than merely a narrow evolution of the current GNSO.

Richard Graham: Okay. Great. Thank you.

So we'll move on now to the sixth item on the agenda, which really is the membership development meetings and the wider outreach.

Phillip, do you want to go into the - each of these events?

Phillip Sheppard: Yes. I'll let Martin - are you happy to speak about New York and I'll (unintelligible)? Just anything. Any feedback you thought about New York.

Martin Sutton: The New York event I thought was - it was really interesting. There was a lot of good content. It was interesting to listen to (Akram) and (Cirrus), who were both in attendance and speaking at that event, and the positive and welcoming attention that they were giving to the brands, and they expected to have a lot more brands coming in in the future, even in the next round.

And when questioned about the timeline, there was - it was quite interesting that they were looking at the ambitious earliest date probably of end of next year, which ties back into comments earlier with prospective new members. It may not be that long before they will be potentially able to apply.

But, there's a lot of work from cover to - ground to cover before they can actually start that next round, but I thought that was a useful thing to take away.

What was apparent there I think is that there's still the traditional industry players in the room for an event that is very much focused on brands and

learning about what they can be doing in this new space, and I think it gets a little bit awkward because you tend to think - get channeled through the traditional second level domains, (so) we'll have loads of them for more Web sites, more email.

And, I think that we - as a learning point from that is perhaps conduct some more regular workshops that we've done already in small groups in different locations, and not necessarily under the BRG. But certainly, I've been to a few of the little workshops. Brands just get stuck in a room. You can have marketers, IT people, digital, and they're coming up with some really good ideas about what these TLDs can do for their business to support their business - their traditional business.

So I think that's starting to gain some traction, so people are now obviously thinking that it's time to get internal resources engaged again probably, because - I mean like I - you've had to put off and put off because of the delays with the contracting and the other issues like name collisions.

But, people are starting to get excited about it and think about creating things and doing things, because we like to do things rather than wait, and wait, and wait. So, I've got that general feeling from the New York event.

Richard Graham: Thanks, Martin.

I'm now going to hand over to Susan Payne who'll talk about the INTA Hong Kong BRG outreach meeting.

Susan Payne: Thank you.

Yes, we still have a bit of planning to do, but we've been talking to (unintelligible) about having a sort of formal slot on the agenda at the INTA meeting, which is coming up in Hong Kong in May. And, have now had it

confirmed that we should be able to have a slot on the afternoon of Wednesday, the 14th of May, between 1:00 and 3:00.

I think amongst ourselves, we'll - there's a sort of small working group who will now convene and plan that in a bit more detail, exactly what we want to do and how much time we want to take up with that slot. But, we've got potentially up to two hours if we wanted that long to do something which we thought would be more of a sort of - a kind of an informational session about what some of the existing members have encountered in terms of the application process and sort of what benefits we've had from being BRG members and that kind of thing.

And also, to try to - you know, there'll be a number of people at the INTA meeting who perhaps don't actually know that much about the gTLD process, but potentially are working for companies who may in the future be brand applicants.

So we wanted to just sort of make it quite a sort of educational and informational session, but also it had to be quite informal and an opportunity for people to get you know sort of a dialog going.

Richard Graham: Thank you.

And then the Momentum Hong Kong, Phillip?

Phillip Sheppard: Yes.

So just briefly, we've - the BRG again is an association sponsor for the Momentum Hong Kong event. That means a 15% discount for BRG members. I think I've yet to receive the code for that. As soon as I get it, I'll let you have that if you're interested in attending, and there'll be some - I think there's a couple of speakers again from the BRG that are part of that

program. And the agenda I think is also now out, and I'll be forwarding that to you shortly.

Richard Graham: Thanks very much.

We now move on to one of the easier topics on the agenda, the .brand registry agreement, and I'm going to hand over to Martin to give an update on the status of Spec 13.

Martin Sutton: No comment.

Only kidding. Only kidding. Only kidding.

It's still on the table, so I think that's the good news. How that's treated in the NGPC later today announcement. And, there's been a lot of work undertaken. Very short notice by a lot of people.

And it was interesting this morning that even those brands that find it very, very difficult to be able to submit public comments have rallied together and 48 corporates have submitted comments and took that on a call of action just a couple of days ago. So, they've got through their corporate barriers and rules to be able to submit letters to ICANN Board and the NGPC Chair this morning to support the reinstatement of the registrar provision that was previously in the Spec 13 in the comment period.

So I think this is really important, that the community has worked really hard, so we have challenged well because this is not a status quo anymore. We've got to make sure that things aren't twisted around to the point where people take advantage of old policies that don't actually relate to - or contracts that don't relate to the new models that are arriving in the market.

So to encourage that innovation, brands are starting to say, "Hang on. You're getting us to the point where we have to do something," and to activate 48

corporates in two days I think is amazing. So let's hope the right decision is made this afternoon.

Richard Graham: Thank you, Martin.

I'll hand over to Nick.

Nick Wood: You know, I just wanted to - just because I've been sitting for about four days of listening to people speak, and it'd be nice to hear some other people speak in this room as well.

Some of the other people who took part in the discussions around this, I wondered if they could share some of the kind of experiences so we could try and make it - if we have to do this type of thing again, so we can learn from it.

I think it's very interesting that after a year, possibly more than a year of talking about this, it actually came down to the last 72 hours, and even this morning has been running around without any certainty of where it will go.

It - some people say that ICANN's kind of broken and it doesn't work very well. I think very often, people bring bad behavior to ICANN, and the past 72 hours have really shown how there's a lot of bad behavior floating around. And, I don't know how we avoid it, because we've found ourselves being sucked into it sometimes.

Martin, and I, and others had some very difficult conversations. They were necessary, but they were very difficult. It wasn't about a new leaf. We were dragged into the past, if you like. So I wondered if other people - I mean, Jeff, I can see you've got your head down.

But, you briefed - you spoke to Martin and I about this. I wondered if you wanted to come and share something or have any thoughts about what we could do in the future to be better. Putting you on the spot.

As someone who's been here since the start with all of the - your input, and we've got Jonathan Robinson behind us from the GNSO, and I know you hate to be dragged into these things, but we went into this as a new group seeking something that we thought was just common sense, because brands as contracted parties are different.

We weren't seeking any advantage. We were just seeking to do something we thought would ultimately make the registries more secure and better for consumers. And, we ended up being dragged towards horse trading. We tried to resist it, but we went that way. And you told us that was happening.

And, I just wondered what we should do in the future to improve it?

Jeff Neuman: Yes, that's really putting it on the spot.

It's tough because it - it's not just brands. It's also geographic TLDs are having some of these same issues. I think anything that's outside the - what's considered today to be the norm is not very well seen by a number of the parties within the ICANN community.

So whether it's a brand wanting an innovative model with the use of their TLDs or geos that want to do different things during a launch phase, there's a certain expectation within the community that things are going to stay the way that they always are. And so getting them to change is always difficult.

I think - I'm not sure we should've engaged as much in the horse trading. I think it was good to talk to the registrars at the beginning to see what you could work out. I think after a while, it became apparent to - especially during Spec 13, that the registrars were using that as an opportunity to get additional things that they may not have gotten in a previous policy discussion.

And I think this is where the BRG's important going in the future is to look beyond the little things that happen within the ICANN community and to just take a stand and make sure - and it's great that Chris is here from ICANN to really understand the differences of this group.

Chris, I would also recommend you know some people from ICANN attending the other types of organizations that are emerging, whether it's the DNA, which I think we can also be a strong part of, or the geo TLD group. All of these are starting to form very nicely, especially at this meeting.

And, they all have different interests, and they're all important interests. And you know in the end, we stood our ground - the brands stood their ground. I say we because NuStar is a brand as well. I think in the end it's a long fight, it's a painful fight, but I think you'll - we'll get through it.

The industry is going to change, and we're going to change it, whether the existing players like it or not.

So I mean, I think this group did the right thing. I think the last couple days were extremely painful, and I might have stopped it a little bit earlier to do some of this horse trading, but you know, that is part of the ICANN model too. It's a multi-stakeholder process, so there is always going to be a little bit of that horse trading.

I think we got to a certain point and we said, "That's it." I think that was right.

Martin Sutton: Thanks, Jeff.

Just to move on. I mean, we've got a slide on what's been agreed. The exemption from Spec 9, a deferral of sunrise period for so long as the TLD is a .brand. A two-year cooling off period if it's going to be redelegated. An annual self-audit and certification that the TLD's a .brand. And then the

revised definitions of .brand and trademark (licensing), which were all really acceptable from our perspective.

The last bit probably needs to be in square brackets until we've confirmed that, but that will be a (watch this space) this afternoon.

I think - I was going to save this for the Board meeting, but I think it should also be recognized that over - and you know, it's taken 12 months to get to this stage. A long time in business terms for what we've got on the list. So from a business perspective, I think it's important that we apply traditional methodology and say post-implementation review; see where things could be improved, made slicker.

Where cooperation can be improved early on so we don't end up at the last minute having to untangle a mess, because that puts everybody on alert. It's the wrong way to do things. So, we need to work with ICANN, ICANN staff, the community to improve this.

So, I think we should be at least considering offering that practice and expertise into this environment so that we can actually help ICANN get things done in a far more slicker, streamlined, and trusted manner, because at the moment you know we are talking about brands giving trust to the Internet space, and for online users to use it safely. And what we need to do to do that internally within ICANN is to make sure that people actually work together in a trusted manner, in a knowledgeable manner rather than try and protect the old positions that they've held on for too long.

It's far too protective. They've got to open up. They're supposed to be an innovative space, yet the amount of hurdles that have gone in the way in the last year is incredible.

And then as you think you've got through each hurdle, the last one is the most horrific to get through.

And I'd like to acknowledge - I know he's not here unfortunately - I was holding on to he might be back, but he's in the GAC. I mean, there's been tremendous effort on various parts of the BRG and beyond where there's a lot of interest in trying to get the job done. But throughout, the lynchpin to all of this has been Brian Beckham.

He's done just tremendous behind the scenes so that you could - he could understand what the issues were, who the people were that were worth talking to and trying to encourage them to understand this new change should be embraced and how to embrace it. So I've got a personal thank you to Brian to record here, because I've learned a tremendous lot just by following and appreciating what he's done for the Brand Registry Group.

And not only for Brand Registry Group, but the whole .brand community.

Thank you.

Richard Graham: Thanks. I absolutely agree to that.

Stacey?

Stacey King: I just wanted to throw in - I think it's also important - you know, if we do think that brands - looking at what we went through with this Spec 13 matter, and the negotiations, and especially the more recent 72 hours, if we do believe that Brands are going to be one of the new registries that will bring the innovation into the industry, one thing I think is really helpful for all of us to remember is that we need to explain to our businesses why this is the process and to give it a chance to get through it.

So while we need to push ICANN to meet us, we also need to make sure our businesses understand why this is taking time and why we need to go

through the process so they don't back out quickly, because then we don't get the innovation here.

We talked to - we've talked a little bit about - it's almost like - and I hate to use this (unintelligible), but the recording industry, when we first saw digital music, there were a lot of people trying to protect their interest and a lot of people just want to go, go, go. But if we, you know, get everybody to understand and have expectations of where this is going; hopefully, it'll be a smoother transition in the long run.

Richard Graham: Thank you, Stacey.

Paul McGrady: Richard, real quick.

Richard Graham: And over to Paul.

Paul McGrady: I know you want to move on, but a couple of things have come out of the Spec 13 process from my point-of-view, and - that sort of explain the timing.

The first one is that ICANN still seems to be thoroughly dependent on the meeting schedule as if somehow only things can get done when we're together.

And the second thing, and it relates to the first, which we hear - we've been hearing more frequently, is ICANN's not a business. Well, ICANN may not be a business in the sense of shareholders and stock dividends, and the like, but that doesn't give it a pass on lowering the standards in terms of how it behaves, right.

It may not be a business. The Red Cross may not be a business in the traditional sense, but it still you know has executives and people do things.

And so, I think that one of the things that maybe we can help bring to the table in our sort of post-mortem on Spec 13 is to have a talk with ICANN about our experience, as we're doing a little bit today. But also, just start to push this notion of decoupling from the meetings. That you know, there are interstitial spaces between the meetings where things can actually still get done.

And I think if ICANN's not going to be completely overwhelmed by going from 18 registries to 1200 registries, it's going to have to learn how to do that, and so maybe we can help bring that concept in and start talking about decoupling from the meetings.

Richard Graham: Thanks, Paul.

Marc?

Marc Trachtenberg: I think when you look at the list of things in Spec 13 and you talk about it took 12 months, it's a little bit deceptive because at the beginning, there was a lot more things on that list. And so, you know, I think maybe one of the lessons is you know we can ask for a lot of things, but maybe focus on really what the most important things are. And, I think that final list really represents, you know, what were the most important things?

And I think you know very - not immediately in the beginning, but you know soon after the process started, you know it became pretty apparent that we had to let go of a lot of the other things that normally as a business or a brand you would insist be in your contract, whether it's you know reciprocal indemnification or many other things that - any other space; there's no way you would accept that.

But again, just to remember, you know, what the context is, where you are, and what the most important things are.

Martin Sutton: Can I reply to that?

Richard Graham: I can't say no.

Martin Sutton: You can.

I think that's a good point, so let's take the large list, we shrunk it down 11 months, I'll give you that.

Richard Graham: Jonathan's come up and he's going to say a word or two.

Jonathan Robinson: Thanks, Richard.

I mean, Nick helpfully introduced us.

You know, I haven't attended one of your meetings before, so for me this is a first, although I've been tracking a little bit what's been going on from a distance obviously. But it's great to see, and genuinely interesting to see the kind of perspectives and what's going on here.

And, I understand from what you've said now and from previously what I know that it's not yet clear how you may or may not choose to fit into the existing structures or how you may formally fit in, but you know your (sort of participate) and engagement is obviously very, very interesting and worth tracking and worth - and from my perspective, you know, it's clearly significant change (unintelligible). So, that obviously presents some real challenges to the structures and processes, and you've obviously - it sounds like you've clearly experienced that over the last couple of days.

And I would say, though, that to the extent that existing processes exist, whilst sometimes they may be very frustrating, their integrity is very - is potentially very valuable to all of us.

So in a sense, to the extent that they don't work, I'd encourage you to work to change them rather than work outside of them. And so really, you have an opportunity to influence and shape the future, and clearly will because of the sizable change that's afoot.

And so, I guess my first sort of touch of being - sitting right within your meeting is very positive and very encouraging, and it's great. And so to the extent that it's my position to do so, it's - you know, I'd offer you a welcome to you know the structures and to participate in the whole process.

So, thanks very much.

Richard Graham: Thanks very much, Jonathan.

Jeff Neuman, to close this agenda item.

Jeff Neuman: And so I think when you're going out and we're trying to recruit more members for the BRG, and talking about the successes, and Marc just kind of brought this to light, we actually started with a large list, but the successes of the BRG wasn't just Spec 13. We actually got some things in the base agreement.

So I think when you go out, there were a lot of victories. Maybe not as many as the large list that we wanted. But when you go out and you go to your companies and we're trying to recruit others, the successes aren't just Spec 13, but there's some of the changes that were in the base agreement as well.

Richard Graham: Thanks, Jeff.

So we're just closing off the next steps for this as really a process to enable Spec 13 and also to deal with an extension to the requirement to contract by nine months to the extent we have been delayed - agreeing Spec 13, but that's a (watch this space).

We have a letter prepared to send, and we'll be looking for input into that if and when we require.

Okay. So the final item before we close the meeting...

Martin Sutton: Can I just...

(Unintelligible) slide. To - I mean, I think we would have to revisit that anyway, because nine months may not be sufficient if...

Richard Graham: Yes.

Martin Sutton: ...if we feel that you know named solutions is still on the table and the issues around contracts.

I think we just - we probably just need to revisit that and make sure that that's still a comfortable thing for members to do.

Richard Graham: Okay.

So release of country names. We had a meeting on Sunday to do this, and Phillip's going to basically summarize what - where we are with this.

Phillip Sheppard: Yes.

So we had a meeting with what, four or five ICANN staff. (It was) very productive. We were saying that we have a problem to solve, and they were helping us to solve it, so that was a very encouraging dialog.

What we've come up with is that it looks like using the offset proposal existing (unintelligible) extension idea is the right way to go.

We talked about how that might be grouped and that how some issues in terms of the BRG itself could not put in application. But, we decided it would make sense though for the BRG to come up with some templates that everybody could use. These would also refer to Spec 13, and everybody would use the same thing.

So a series of thing would come in, they would look standard - a standard form, and therefore be much easier for any assessments to be made on that.

The only glitches that are there, and ICANN are going to come back to us, is to the slight difference which is in the Spec 5, which covers this issue, as to the release of two-character codes in which you're required to get agreement with a government and country code manager as opposed to country and territory names, which is subject to review by ICANN's Government Advisory Committee and approved by ICANN.

In some extent, you're (getting a second on) that we're going to focus on more to GAC about, so it may mean there were two templates because there are two different processes, but ICANN are going to come back to us to see precisely what they may be interpreting, particularly on that earlier one.

And, we also agreed that - what would be sensible for us to do, in the short-term anyway, is to create some templates and submit them as tests to ICANN so they could advise us on the content of that so that when we actually put through a real one, that would fly through the system with a bit of relative ease.

I think that's it, Richard.

Richard Graham: Thank you very much.

That is the final item on the agenda, so we're going to close the meeting now. Thanks again to Martin and Brian for their excellent work on Spec 13. There's

a lot of work that's happened there, and we as Brands, really appreciate that,
so thank you very much.

END