
SINGAPORE - Joint Meeting of the ICANN Board with the Registry Stakeholders
Tuesday, February 10, 2015 – 14:15 to 15:15
ICANN – Singapore, Singapore

KEITH DRAZEK:

Hello, hello? Okay. Thank you. Hi, everybody. We'll get started here very, very shortly so if everybody could please take their seats.

Hey, good afternoon, everybody. This is Keith Drazek, chair of the registry stakeholder group and I guess I can welcome everybody. Even though it's the board's meeting room, I'll do the honors and welcome everybody to the meeting of the ICANN board and the registry stakeholder group, ICANN Singapore 52.

As always, we're thrilled to be here and look forward to a lively discussion.

As we kick things off, just a couple of maybe administrative notes or thoughts.

We heard, I think in the weekend session, the GNSO weekend session, that the board would be interested in sort of shaking things up or sort of reformulating Tuesdays and constituency day, and I think we're certainly open to that.

You know, no harm in being creative and if there's ways that we can, you know, engage more constructively together in different ways, then we would certainly welcome that. Trying something new never hurts.

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And maybe to that point, I know that we sent a preliminary list of topics that we wanted to discuss, but in our session just now we sort of decided that we were interested in taking it up a level and maybe providing some detailed discussion around a few points.

But -- and I gave Steve a heads-up just as we were getting seated here, but I think one of the things that we're interested in talking about is the relationship between the board and the GAC and how it impacts contracted parties, the registries, registrars, to a degree also, and really the community overall.

And predictability I think is the buzzword of the week for me, at least. Predictability of process, predictability of policy, predictability where we can all come together and understand that if we sort of follow the rules and engage constructively and in good will, that we can see where the process will end up.

We may not always see how the process will end, but we know where it will end and how we'll get there.

So I think just setting at a high level, that's something that we're interested in talking about.

And then if we have time, it may also be worth talking about some questions that we received from Fadi and from the board sort of teeing up a thought exercise for the week, which is: What does "good" look like for ICANN in 2015 and what are the risks to the enterprise or to the organization or to the community, looking ahead?

And we would really welcome the thoughts and input of the board and the members of the board on those questions because we've had some



thinking about it. I assume that you have as well. And I think a real dialogue here would be very welcome. So thank you.

Steve?

STEVE CROCKER:

Thank you very much, Keith, and on behalf of the board, let me welcome everybody.

Let me just take note of a small but somewhat unusual little thing that just happened that I don't think Keith was quite aware of.

You have all come to a room that we spend our day here and everybody comes to visit us. The logistics work out best. It's an evolved thing. We're going to have to make some bigger changes to the way we handle constituency day, but that's the way it works here.

And so this is the fourth meeting like this that we've had today.

This is the first time, either today or in fact in previous times, the best I can remember, that Keith made note of the fact that this is our room but he gets to open the meeting, and I appreciate that.

My attitude has been this is really your meeting. The fact that it's in our room is a minor detail. But it -- but I thought that was an element of sensitivity that speaks well, and sets us off on a positive note.

The wish of board/GAC -- not board/GAC -- registry/GAC interactions and predictability is a very, very interesting and somewhat challenging thing, because the natural dynamics are so very different.



And having identified it, it strikes me that there may be some positive and slightly creative -- not deep and not -- you know, not really super deep kinds of things but once having identified the issue, that there may be ways to knit those processes and bring the natural dynamics of the two groups in greater harmony.

But I'll turn things back over to you and let you lead, but thank you all and I'm looking forward to a vigorous discussion, as usual.

KEITH DRAZEK: Okay. Thank you very much, Steve. And so just to be clear, I did ask permission to open the meeting.

[Laughter]

KEITH DRAZEK: So, yeah, thank you very much, Steve.

STEVE CROCKER: No need. We'll forgive you.

[Laughter]

KEITH DRAZEK: So -- anyway, so, you know, I think this -- and we understand that the discussions of relationships between, you know, different community groups and sort of structures is a sensitive topic, and we recognize that, but I think it just underscores that it -- it's -- we feel that it's worth discussing and making sure that you understand and hear from us and



from the members, so it's not just a couple of voices that you keep hearing over and over again, but hear from the registry stakeholder group members about the concerns and questions, because it -- we fear that if it's not sort of met head-on, that it will perpetuate and continue, and if that happens, the community as a whole becomes less predictable and more contentious, and we're, I guess, hoping to find ways to avoid that and to make sure that everybody understands how things, you know, are structured to work and how they need to work.

So with that, I'm going to stop and ask if there are any of the registry stakeholder group members that would like to sort of kick things off.

To tee that up, I'll say, you know, there are some -- some current events, some issues that we're dealing with even this week -- more than one -- that have raised the concern of, you know, sort of the relationship of the GAC to the rest of the community, the board's decision-making, the staff's decision-making in terms of reacting to communications from the GAC, whether it's advice or, you know, something less than advice, and, you know, the two-character second-level new gTLD issue is one, highly regulated strings possibly another. I mean, so there are multiple instances, and I don't think we want to -- you know, we're not here to, you know, sort of complain, necessarily, about those specific issues in minute detail, but it's more an illustration of the -- I think the bigger concern.

So let me stop there and see who would like to raise their hand.

Okay. Chuck?



CHUCK GOMES:

Thanks. Chuck Gomes from VeriSign.

I'd like to understand the process that is used by staff and the board when a request is received from the GAC.

And I think I understand it if consensus advice is received from the GAC. The bylaws spell that out pretty clearly.

But what process is used when a communication comes from the GAC, whether it's verbal or in writing, that is not based on consensus advice?

And of course the example we're dealing with right now, we're told that staff saw the letter, they put a process on hold that we -- had already been approved, and that they're now waiting for board advice on that before they will reopen it.

Is it -- is there a process in place to deal with issues like that? Is that the way it's supposed to happen?

STEVE CROCKER:

So I'm going to pass the baton here in a minute, but the -- I think it's very important to untangle the assertions, the statements that are embedded in your question.

Fadi just disappeared.

BRUCE TONKIN:

Yeah, he's trying to find out --

STEVE CROCKER:

Yeah. He just --

BRUCE TONKIN: Can you just -- yeah, he's finding a friend, yeah.

Chuck, can you -- because a lot of us speak in code because, you know, we know what the conversation is about, but can you just elaborate what specific letter you're talking about? I think that would help Fadi.

CHUCK GOMES: This is with regard to the two-character domain names.

And we're not here to talk about that all over again, but I'm more interested in what kind of process, if there is one, is in place to deal with situations like that.

FADI CHEHADE: So the chairman of the board, not the staff, received a letter from the GAC advising him that they have concerns about that issue, so that's what happened.

And when the chair of the board received the letter, we responded to them that, you know, we acknowledge receiving of the letter, and then staff started coordinating with the community to figure out -- to at least be aware that the GAC is concerned with that.

We're dealing with a lot of these things sometimes late, and so when we get a letter like this, we're trying to be responsive quickly to deal with it.

You mentioned also, Chuck, the issue of the kind of high -- the Category 1 sensitive strings. Same thing. And you know that yesterday we had a

meeting with many of you -- in fact, Keith and Jon Nevett and others -- to actually try to stem these issues before they become communiques and we have to deal with them.

In this case, the predictability issue that Keith brought up was high on my mind and on the mind of many of you.

So let me comment on that first, if I could, and, Chuck, if you want, why don't I take as an action to get back to the registry group with some more specific steps as to what we do when these letters come in.

And there is a process, actually. It is not ad hoc. And especially with the GAC.

But in general, I want to say something that I learned yesterday after two and a half, three hours listening to many of you here, and to the GAC and to ALAC and so on, about the issue of high-sensitive strings.

The predictability that you -- the registries need is deeply affected by the resurrection of issues after they've been addressed. It just makes the whole system almost unstable.

So I'm very, very aware of that. And thanks to you, frankly, because you were very sincere again in explaining to me how this starts affecting you when an issue is dealt with, and then, whoops, suddenly it's back on the table.

We -- the way we need to deal with this, moving forward -- and I think we have an opportunity to do so -- is to, you know, get canaries in the coal mine early and listen to these and solve things before they become massive issues.



Because yesterday when we sat with -- in the same room with a lot of wine, I will admit, but with ALAC and GAC and registries and so on, in a very informal way, Chatham House Rules, and we said, "Hey, guys, what's going on, what are your issues," we talked a bit at each other initially, but then we started understanding what are the issues.

If we had done this back then, I think we would have dealt with things before they happened, but right now, we have -- the staff has an obligation to (a) create a space to remove some of these distances that sometimes become big issues when they shouldn't be ahead of time as much as we can, so that we improve the stability and predictability of what you're hearing from the GAC, and the second thing we need to do is, frankly, educate as best we can all parties that we -- predictability in the system is a huge reason why ICANN exists is to actually help the industry. Ira Magaziner told us this yesterday. He said we created all of this so that the system can become stable and people can invest and participate in this industry without the constant interruptions when issues had been solved.

And I'll finish by telling you, yesterday after I listened to everybody for multiple hours, I think we started getting a simple understanding that even the best European regulations to protect consumers on the current DNS operations in Europe do not surpass what our registries are doing now. That, in itself, was a -- we got to the point where, okay, we're not doing a lot less, we're doing about the same, if not, you know, more swift and more rapid compliance with the PICs.

So it's good. Dialogue is good. And we have -- we need to do more of that. Bret is the one who introduced at the GNSO Council the idea of



mediators. He says ICANN should mediate more and participate more in these processes. Here was a good chance, and I took his idea with Cherine and we -- he and I and Disspain hosted this last night, and that's the kind of thinking we should have more of. I hope this helps a little bit, Keith, with how we're going to reduce the distance with the GAC and avoid the surprises.

KEITH DRAZEK:

Okay. Thank you, Fadi.

I've got a queue building. I've got Jeff Neuman, Jordyn Buchanan, and Bruce. If anybody else would like to get in the queue, put up your hand. Thank you.

JEFF NEUMAN:

Thanks. This is Jeff Newman, now with Valideus.

So I know we said we wouldn't delve into the two-character issue but I think actually it's important to provide some context in this discussion of predictability because I want you to kind of feel what we felt, and so I'm going to go into a little bit of painstaking history here, because again, I really want you to put yourselves in our shoes and it's very important to do that when you look at the issue of predictability.

So rewind back to early to mid-last year. A number of registries wanted to release two-characters, and the only process that was there to do that was to file what they call an RSEP, the registry services evaluation process.



And so they did that according to the rules. They said, "We want to release these two-characters."

After they filed the RSEP, ICANN came out, staff came out, and said, "There's no security and stability issues here," so they followed the process and put it out for public comment.

For six months, at least through two ICANN meetings, nothing was done on those -- I'm sorry, nothing was done to give registries approval to it, because in fact it was being discussed by the community. And the GAC discussed it for two -- at least two entire meetings.

After the second meeting in October of last year, the GAC said, "You know what? We've discussed this over and over again many times and we cannot come to a consensus on what to do on this, and therefore, you know, there is no GAC advice on this."

Then the ICANN board, at the meeting in L.A., instructed the staff, through a resolution -- I think it was actually the NGPC -- I'm not sure if it was the full board or NGPC. There was a resolution that said -- that directed staff to come up with a different process than the RSEP to allow for the allocation of these names, and that included putting these things out for comment for 30 days, and if any government objected, then they would deal with those objections, but if not, they would move forward.

Now, remember, this was -- already six months had gone by with multiple comment periods for each of these requests that had already been out there, so these registries said, "Okay, no longer is it the RSEP. Now I got to file new paperwork on December 1st. I have to go through



a completely different process but it's more lightweight. Okay. I'm going to do that."

So these registries go through this new process, they file the new paperwork, they cancel their old paperwork, and it starts yet another public comment period. And 30 days goes by, and for the most part -- there were a couple of comments from a couple governments here and there, but for the most part, there were no comments received and so now these registries are like, "Cool! It's seven or eight months. It's nine months. I finally am going to get the approval. I'm going to get the amendment from ICANN to go forward with my two-characters. I've been preparing for this because I know it's going to get passed. It's predictability. I'm going to do auctions, I'm going to do whatever it is, I'm going to plan for it, I'm going to market it, and they start doing that.

All of a sudden, it's silence for a couple weeks after their comment periods end when they're expecting to sign their agreements. And then all of a sudden we get -- we see the letter posted from the GAC chairman stating that there are one or two governments that have an issue that have concerns. Not GAC advice, but one or two governments that want to reopen the entire thing that had already been discussed, two full ICANN meetings, there was a board resolution, no concrete GAC advice.

And then staff comes out a day or two later and says, "We've stopped the entire process, and in fact, we have to discuss this again with the community and we may require you to go to -- through full RSEP requests," which, by the way, now nine months earlier, they'd actually already done.



Then we have a call with staff and we say, Staff, you have a letter from the GAC -- I'm sorry not even the GAC, the chairman, where one or two governments complain to reopen it. Why did you stop the process?

They said, Oh, well, we got this GAC letter and, therefore, we stopped the process.

And so we said to the staff, we said, Hey, staff, Okay. Did the board tell you to stop the process? And it was silent. They said, Well, no, it was kind of implied. And then we said, Implied, does the GAC then get to direct the staff to stop a process? They said, No. The GAC advises the board, not the staff.

We said, again, Okay, so that means the GAC advised the board and the board came out with a resolution that directed staff to stop the process. And staff said, Well, no, not exactly. There was no resolution.

So this is what we mean by predictability. The board passes a resolution in October to go forward with the process after many months of discussion and no GAC advice.

GAC sends a letter several months later on behalf of one or two governments that don't like it. Staff stops the process. This is a problem for us and predictability.

So our question is: Was there a board resolution that directed staff to stop the process? And if not, did staff just stop the process anticipating board -- we are just trying to figure out what happened because now our businesses have halted with respect to these names. Marketing and other programs are put in place as businesses to release these names have now been interrupted. So we are suffering harm because of that.



KEITH DRAZEK: Thanks, Jeff. Thank you, Jeff. The history is important here. It is history -- it is important for this specific topic, but it is an illustration also I think of the bigger concern.

So I've got -- Cherine, did you want to respond directly? I have Jordyn, Bruce in the queue.

CHERINE CHALABY: Happy to respond. Yes.

Quite right and I really understand and appreciate the frustration on your behalf. What happened is a letter came from the GAC, I think it was the 26th of January, to the board. And the immediate reaction of staff say, Okay, we cannot just ignore it. It is sensible to just look at it. It is on the agenda on the board this week on Wednesday. They said, Let's stop for a moment. In ten days' time or so, two weeks, the board is meeting. It will discuss it and then give instruction to staff how to respond to the letter and what to do next. It is as simple as that.

I don't think they took it upon them to really freeze and upset everybody. They said it is a sensible thing to let the board have a chance to just address the letter and the concerns of the GAC and then tell us what to do next. That's all there is to it.

But it is on the agenda for this week on Wednesday, and it is going to be discussed. And the board will instruct staff.



KEITH DRAZEK: Thank you very much, Cherine.

Jeff, we have other people in the queue. Can we come back? Okay.

So Jordyn and then Bruce.

JORDYN BUCHANAN: Thanks, Keith. Actually, Cherine's response just inspired me Evan of another question so I will ask that really briefly first, which is you mentioned the letter was on January 26th. We actually had post-submitted through the process in December. I think the public comment period tolled on January 5th for our request. I think there is supposed to be a ten-day turnaround after the public comment period ends to issue the waiver. So that should have completed by January 15th.

So it seems like we are not the only ones situated in this respect. But it seems like a number of requests should have been processed by the time the GAC letter was received in the first place. So I'm curious as to the timing elements there.

And I have another question but maybe just to clarify that, Cherine.

KEITH DRAZEK: While Cherine is thinking about that, let's go to Bruce and then we'll come back to you, Jordyn.

BRUCE TONKIN: Thanks, Keith.



I just sort of wanted to come back to Chuck's original question about how we handle advice, and I think it is something we can improve on.

One of the things is actually categorizing the content we get from these communications or communiques from the GAC that we get at each ICANN meeting. And I guess the way -- it is not a board view, but a personal view, would parse that letter is first identify is there public policy advice that relates to national laws? Is there a set of national laws that I can refer to that anchor that advice. That to me is genuine public policy advice. And ICANN and registries and registrars need to comply with the law, so I think that's the sort of first highest order of information.

Then there's information in there that can be either suggesting a new policy or suggesting a change to an existing policy. And from my point of view, that should be referred to the relevant policy body, whether it is the GNSO or the ASO or the ccNSO. So that to me -- policy discussions happen in those supporting organizations.

And then the third level of information is where there are suggestions for implementation of some kind. And any part of ICANN, whether it is ALAC, whether it is the registries, whether it is the GAC, is welcome to suggest improvements to implementation.

So an example of that letter category in the GAC letter seems to be pretty straightforward implementation advice, like make the information easy to search and access, provide it in alphabetical order. All those sorts of things, I think, are advice really that from a board point of view we would just direct to staff and say, "Take this into account in



designing the Web page along with anything you get from the registries or the registrars."

And then coming back to Cherine's point, so that's how I will parse this letter when we meet on Wednesday. We haven't had a board discussion about it yet, but just sharing how I would think about information in it.

KEITH DRAZEK: Thanks, Bruce.

Cherine, did you want to respond?

CHERINE CHALABY: When I respond to this point.

KEITH DRAZEK: Akram, thank you.

AKRAM ATALLAH: Yes. As we discussed earlier, Jeff, I think just for some clarity, we did not say that we will have to reopen this and do another RSEP. We just basically said that we received the letter. The board advice was to actually deliver the process along the lines of the GAC advice.

When the letter said that they -- that's not satisfactory to them, we believe that we need to go back and address these issues to meet both the GAC advice and the resolution itself.



And we put it on the board agenda, and we told you that we are going to discuss it with the board and get direction from the board, and then move forward. And I think tomorrow hopefully we will dispose of this and move forward. Thank you.

KEITH DRAZEK:

Thank you, Akram.

I have -- coming back to Jordyn for his second question. Then I have got Ray, Tim, and Jonathan in the queue.

JORDYN BUCHANAN:

Okay. I will just note, I don't actually think that addressed the question of what happened between January 15th and January 26th, but we don't need to belabor the point, I guess. It would be interesting to get better information on that at some point.

I'm more curious to ask the board, so I think Fadi gave a great example earlier of using sort of dialogue to help work through these issues. I'm really curious, like, obviously you look at two-letter country codes or Category 1 advice or whatever and sort of say, hey, these are places where the process didn't work the way it should have because we're stuck late in the process trying to, like, fix stuff after the fact.

I'm really curious what's the board's view. What's the right engagement model to get the GAC advice at the right time so that it can get baked into the policy in the first place or into the board action in the first place so we don't have to go and revisit this stuff later on? How can we not just -- not just the GAC but how can the entire community sort of



encourage that sort of engagement in order to make sure that this process is less frustrating for all of us?

KEITH DRAZEK:

Thanks, Jordyn. This is Keith.

I appreciate you taking it back up a level to sort of let's focus on sort of the core problem as opposed to only the specific instance, which is still important but, I mean, this is an opportunity for us to talk, like, about how can we improve this situation so we don't find ourselves in this situation again.

So I'll open that up to anybody that would like to respond to Jordyn. And then I've got Ray, Tim, Jonathan, Jeff in queue.

Or we can come back to it. Thank you, Fadi.

FADI CHEHADE:

Jordyn, you are absolutely right. We need to start thinking how to shortcut some of these things early. One way that is starting to work for us is the fact that we have new leadership in the GAC that is, frankly, a very different leadership. In fact, yesterday we met also with the outgoing chair -- vice chairs because the chair is not here, Heather, and the new team. And one of the outgoing vice chairs himself said, there's a sea change in the style with the new team. So we're taking, frankly, advantage of that, that we have a new chair, a leader with five vice chairs who are very active. He considers himself first among equals with him. So we are engaged with all of them.



We have tripled the size of our team supporting the GAC. And, therefore, these people early on are talking to these guys and saying, Look, this is settled or this has happened. So we're -- we put multiple people who understand policy in the staff team so we can be informing these folks early on as much as possible.

Now, you can't stop 149 governments. I mean, this is a reality. But having the leadership of the GAC at least aware at a broad level that when they enter into a subject, where that subject is in the continuum and where policy is on that is starting to be helpful. I mean, the level of our engagement frankly with the GAC is day and night right now. We are very engaged with the leadership as best we can to support them and inform them. Hopefully that will help a little bit.

KEITH DRAZEK:

Thank you, Fadi.

Ray?

RAY PLZAK:

Thank you, Keith. Since Jeff made his first intervention, several people have spoken. And they completely have blown over one distinction that he made, in that this letter was not from the GAC and it was not GAC advice.

And if you read the letter, you will see that the letter is from the chairman of the GAC and that it references a couple unmentioned or unidentified members.



About five years ago -- in fact, I was co-chair of the board president's review committee of the board/GAC relationships. And one day we asked the magic bombshell question: What is GAC advice? And after about 20 to 30 minutes of what constituted silence, we didn't have an answer. But as a result of that, there were some changes. And we did spend some time over -- everybody as far as understanding what was GAC advice.

Unfortunately, we're now falling back into the shorthands and shortcuts of saying, "It's GAC advice." In this case, it wasn't GAC advice.

And so Fadi's correct. We've got to identify how we're going to process this stuff. And one of the important things that the board has to do is engage the GAC and to get an understanding of what is really meant when a couple of unidentified members raise an issue.

I mean, if it's not the sense of the GAC, what is the purpose of informing ICANN about it? Because GAC is supposed to be advising ICANN, the board, not individual member states.

And as long as we let individual member states who go unidentified to raise a concern and you get a knee-jerk reaction on the other side, our side, no matter where it comes from, that is wrong. And we will then get ourselves into a big turmoil over nothing.

[Applause]

KEITH DRAZEK:

Thank you very much, Ray.



So I saw a couple of hands go up from board members. I know we've got a queue so bear with me, Tim.

But I think it's worth hearing the reaction, if there is a follow-up to that. So I saw Cherine and Gonzalo.

CHERINE CHALABY:

I just want to really echo what Ray has just said. When we receive a clear advice which is consensus advice, we know what to do with it. When we receive a letter which demonstrates some concerns about a few governments, it is very hard for us to act on it as the advice. But we have to do a little bit of our due diligence. We take every letter that we receive seriously, whether it is from the GAC or any SO or AC or any advice, we take it seriously.

But under the bylaws, it's clear. We know what to do with an advice. The others, we have to, you know -- Ray expressed it better than me. But I just wanted to echo exactly what he said because it is very frustrating for us as well.

KEITH DRAZEK:

Thank you, Cherine.

Gonzalo?

GONZALO NAVARRO:

Thank you very much. Well, all I can say at this point, obviously I agree with Cherine and Ray. This is quite an issue.



As you know, I was serving in the GAC for some years. And I'm pretty sure that when the GAC wants to deliver what is called "advice," they're very clear about what is advice. And this is not.

So I think that we agree with you on the concerns that you have raised. We are going to work in the process. Cherine said that we are giving proper due diligence to this letter. But let me list I'm pretty clear this is not GAC advice, and we should not continue to endorse this kind of behavior because it's quite clear that it's not helping in creating a clear understanding and a clear environment for any of us. Thank you.

KEITH DRAZEK:

Thank you very much, Gonzalo. I completely agree. Tim, thank you very much for your patience over there.

TIM MCGINNIS:

Thank you, Keith. Tim McGinnis, National Association of Boards and Pharmacy.

Jeff is, of course, right but Ray has hit the nail on the head. This is not just about this issue. This has happened before. And it's happened in cases where people who were not the GAC or not governments wrote to the chair of the board and staff froze a process without direction.

I have been around for a while, and I've watched over the last sort of decade listening to the ALAC and the NCSG talking about how the staff is taking inappropriate actions and staff is making policy. And I always poo-poo'd them -- sorry. I always sort of disregarded them or discounted them. But now that I work for a registry and I see it once a



quarter coming up, it doesn't give me any confidence to support the idea that ICANN can float free from external oversight. So to me, it's -- the metaissue is accountability.

KEITH DRAZEK:

Thank you, Tim. I've got Jonathan and then Jeff in queue, if anybody else would like to jump in.

JONATHAN ROBINSON:

Thanks, Keith. I think Bruce made some good practical points as usual about processing the advice.

I think the key next step then will be to communicate that and work with the GAC to make sure that they understand that that's what you're doing.

So my question would be: Is the board in good enough contact with the GAC to make sure they understand that that's the way you are going to work? I was encouraged by what Fadi said, and that's great that he is so positive about the prospective future relationship. But I think this goes to the board and the staff, which is why I asked Bruce the question.

And I think to some extent I would follow on from the previous speaker, which we have talked about integrity of process, which leads to integrity of the model which leads to mutual and combined trust, which is a key issue for all of us. And ultimately that's accountability. So there is a kind of -- feels to me like there is a magic formula for all of us. It's waiting for us to seize and grab, and it is just -- it's just about there and



the grassroot -- the sort of -- yeah, the opportunity is there to seize. I will leave it at that.

KEITH DRAZEK: Thanks, Jonathan. Jeff took his hand down, but Jon Nevett put his hand up.

JON NEVETT: Thanks, Keith. Jon Nevett from Donuts. Just a quick point about this two-character issue. I think we're setting something up for essentially individual GAC member veto. And I think that's probably a problem. In fact, I know it is a problem. So when we put something out for public comment -- and the way we structured this process is we're going to put it out for public comment and saying, you know, an individual registry wants to release two-character names. And if an individual government says "I object," what are we going to do? Italy today apparently said that they will object for "i-t." So there is no basis in international law or probably local law that the country of Italy owns the word "it." It just doesn't exist.

So if they object, what is ICANN going to do about that on an individual basis? And then will all the countries just do that and essentially have an individual veto country by country?

So at some point we need to think about the relationship and when we're discussing it, sometimes some of the advice from an individual country or region just might be unreasonable and we just have to push back once in a while. And I would encourage you all to think through

that and not be afraid to say, no, it just doesn't make sense. It is not good policy where you are coming from. Thank you.

KEITH DRAZEK: Thanks, Jon. I have Cherine and then Tim again.

CHERINE CHALABY: Just to follow up on Jon's point -- sorry, I will get closer to the mic. There are two situations here, Jon. One is when we receive a letter directly from a government, okay, we react quickly to that and most of the time we push back, unless it's something sensible. But if it's -- this time we receive a letter from the GAC. If I read to you the last sentence, the GAC says, "We request a stay in resolving requests made by some registries to release the use of those names at the second level until the Singapore GAC meeting." That is the -- the sound of the GAC letter says we request, we, the GAC requests, even though it's not an advice. So you want predictability of process. Trust me, we want predictability of process ourselves. I mean, it's very hard to be on the Board -- by the way, that is Board issue, not an NGPC issue. But just to let you know, it's Board. We also -- it's very difficult for us because we want to provide you with that predictability and then you receive a letter like this. And you can't just ignore it, but we will address it tomorrow in the shortest possible time. And I agree with you, if it doesn't make sense, we push back. We will push back if it doesn't make sense. So we need that predictability as you need it. Thank you.

KEITH DRAZEK: Thank you, Cherine. Tim. And I'll put myself in the queue.



TIM MCGINNIS:

Tim McGinnis again for the National Association of Boards of Pharmacy. Jon reminded me of one other thing I wanted to say. Back in October we sent the Board a communication regarding our sense of -- our opposition to changing the voting threshold to overcoming GAC advice. Have I got that right, Paul? And we're asking you to push back against the GAC and we're reminding you that we have opposed dropping the threshold to make it easier for the -- make it harder for the Board to override GAC advice. I mean, in this instance Cherine has used the words "sensible." Well, it might be sensible, but is it appropriate? And my sense is, it's not. Having experience working for the secretariat of a policymaking community, I can tell you that if I had frozen a process that came from the community and was agreed upon, I would have gotten the sack. It's just not -- and he also used the words "we need to take it seriously." Yes, you take it seriously. But there is no action required. In fact, what is required is for you not to take action and let the process continue until you have advice either from the policy community through the Board or from the Board directly.

KEITH DRAZEK:

Thank you, Tim. I think that's very well said. So, you know, I just want to take a moment to note that, you know, really to make it clear that the Registry Stakeholder Group, and I think the entire community, respects the role of the GAC. I mean, we really do respect the role of the GAC, and I think that's clearly demonstrated by all of the GAC advice that has in fact been accepted and incorporated through PIC specs or contractual obligations and the new gTLD Registry Agreement. I mean,



we absolutely respect the role, and I just think the key is that we need to be -- we all need to have a predictable process. And I think to Gonzalo's point earlier is that it's -- we need to make sure that the behavior isn't perpetuated in that any group, any structure in our community, expects that it can keep coming back and keep coming back because it's allowed to. I think at some point there needs to be in a sense a line drawn and say we are going to follow the processes, and we all need to have that predictability. So thank you. Fadi, you're next.

FADI CHEHADE: Yeah, I just want to say that I'm not in agreement with the gentleman there, I don't know your name, sorry.

TIM MCGINNIS: Tim.

FADI CHEHADE: Tim. I'm not in agree with Tim that the staff willy-nilly stops the program. In fact, I'd love to get from you a list of when these things happen. Because we don't do things willy-nilly. Our chairman receives a letter from the chairman of the GAC. Our job is to get an answer from him. You would do that. You just said, we shouldn't move until our chairman tells us what to do with a letter he received. The letter was received days before most of us got on planes to get here, and the staff said we will meet with the chair as soon as we get to the Board and the Board is meeting on Wednesday. I mean, we spent half an hour talking about this, folks, but this is not willy-nilly work. This is the proper thing to do. We need to get direction.



The program hasn't stopped. It's only a few days, and we will figure things out quickly. And I hope we will deal with this tomorrow swiftly. But please do not take this -- this situation and extrapolate it that we -- we respect the correspondence we get from you. We don't get just policy from the GNSO, we get letters from you. Do we ignore them? No, we take them very seriously. And if you write our chairman, we do the same thing. It's not just the GAC. We have to do this.

We're committed to give you predictable space to get your business done. I'm a business person, I come from your background, I've managed regulated businesses, and I know what it means that you are frustrated. I assure you of that. But at the same time I cannot ignore the letter and I can't let the GAC -- by the way, we should know that when a new GAC chair starts sending us letters like this, these may be canaries in the coal mine. In other words, we should listen to him and talk to him and figure out if this is an issue these two countries don't understand that we dealt with already or is this an issue that is about to become a massive GAC communique. And if it is, let's nip it in the bud. It's important to appreciate that this is a good thing he's writing us.

Now, I am not going to stop the program for seven weeks while I think about the letter, but we needed to get advice. We're waiting on it. I assure you we will deal with it swiftly.

KEITH DRAZEK:

Okay. Thank you very much, Fadi. Tim, last commented -- is that Reg? Okay, Reg.



TIM MCGINNIS:

I just want to echo what Ray say. It wasn't GAC advice, and you had no direction from the Board. This is not the first time it's happened. It's not the first time it's happened this year. You know, we are a highly-regulated string, we're in the healthcare field, and folks wrote to Steve Crocker and opposing .HEALTH and we're .PHARMACY. We got held up with all the other health-related TLDs. And there was no GAC advice. There wasn't even a letter from the GAC. So I'm saying this is not the first time it's happened and it's not inspiring confidence.

I know you have to take it seriously, and you should. But that does not mean that you should stop the process that Jeff described because that's what we were all expecting and planning on.

KEITH DRAZEK:

Thanks, Tim. Reg, last point on this before we move on in the last five minutes?

REG LEVY:

Thanks, Keith. This is Reg Levy from Minds + Machines, and I just want to emphasize what Jeff has said, that the Board -- or excuse me, staff made a decision in advance of getting the letter, which is kind of impressive. So if the stall had happened on the 26th, then maybe we wouldn't all be here and so frustrated. And one thing that I'd like to emphasize in response to you, Fadi, is that when we come to you with examples we're told not to get wrapped up in specifics. And so when we dwell on specifics, we're told -- sorry, we're told not to talk about specifics and so when we come with general comments we're told to give examples. So here we are with an example where staff did



something way in advance of a letter that may or may not have resulted in the ultimate issue, and when we say things like staff is doing stuff willy-nilly, we may not actually mean staff is just throwing darts at a board but that's what it feels like to us because there is zero transparency.

KEITH DRAZEK:

Thanks, Reg. So I want to take this back up a level again and to point out that this is an illustration, a very timely and, you know, important illustration, but it's an illustration of a bigger challenge at that we all face and that I think we all need to commit to work together in the coming weeks and months and as long as it takes to make sure that we develop or improve sort of the environment for confidence and trust and predictability. So I just want to leave it like that. If Steve or Fadi want to have any final words on that, but while you're thinking about it, when we first came in and before arriving in Singapore, I noted that there were some questions that were posed to the community, first by Fadi, you know, what would good look like for ICANN in 2015, very thought-provoking questions and we heard the question from the Board, I think, you know, what are the potential risks -- it was the Board governance committee, what are the potential risks to the organization or to the enterprise. And I regret to say that we have not come up with our list on either of those questions. We have not come up with the answer to those. But we're still very interested in that dialogue and still very interested in doing so. So I think they're both very important questions that deserve the attention and deserve the energy, and you have our commitment to get back to you with answers to those questions.



We have just a few minutes left. If anybody would like to actually -- I mean, I would love to hear from a Board member, any Board member thinks about what would good look like and what are the risks to the enterprise. It would help us -- I think it would help us trigger our thinking.

UNKNOWN SPEAKER: (Off microphone).

KEITH DRAZEK: So what would good look like for ICANN in 2015 and what are the risks to the enterprise. And we can take that for another time, if necessary.

[Laughter]

Hey, we can do something different, Steve, and actually end five minutes early. That would be a change.

STEVE CROCKER: That would fail the predictability test. Well, quite obviously the question, the word of the moment is predictability, and a higher degree of understanding and certainty about how things work would be helpful to everybody. And so at least one element of what good looks like is reduction of those areas that have been uncertain in the past. I suspect that it is a tedious process, that there's not a single formula that automatically makes everything more predictable. I mean, there's simplistic ways to make things more predictable but much worse. These are real world issues that come up and there's evolution in the whole process. I don't mean to equivocate or, you know, apologize but I think



the answer to the question about what does good look like is smoother running, more predictability, and more clarity that goes with that predictability. And every single issue that comes up runs in the opposite direction, sort of creates an impediment to that, and we have to work our way through. Hopefully we're getting better at it. Hopefully we're reducing the number of open areas that we don't understand or that bring new issues and that -- that hope -- and actually it's more than a hope. That expectation that we are in fact making progress in all of that is one of the things that allows us to get up with a fresh positive attitude every morning instead of oh, my God, we're not ever going to get through this.

So I don't want to be dismissive of any of these issues, but I think it is important to keep them in perspective and then to keep the longer view that we are in fact all, everyone, staff particularly, management, stakeholder groups, the GAC, and certainly the Board, are committed to improvement on all of these dimensions. I've used up the five minutes, haven't I?

KEITH DRAZEK: Okay, thanks, Steve. Ray.

RAY PLZAK: Thanks, Keith. The biggest improvement that we can make is to actually sit down and really soberly look at how we conduct business. Because if we conduct business in the proper way, we will have predictability, we will have transparency, and we will have accountability. And so we have to really understand how we are going to do business. And we have to



make sure that any process we put in place will allow for predictability, transparency, and accountability. And the problem is that we continue to get things to work on, we continue to come up with very quickly defined processes or one-off procedures or we haven't got time to make this process work so now we need a fast track and so we create now another process to do the same thing and we -- you know, this is, you know, 13th century Constantinople. We are very, very Byzantine, and we have to get off this track.

[Applause]

KEITH DRAZEK:

Thanks, Ray. Would anybody else like to -- Bret, thanks.

BRET FAUSETT:

I think Ray's point was a great one, and it dovetails with something I've been thinking about with the Government Advisory Committee. The GAC has the least rigorous decision-making processes of any ICANN body. If you look at their operating principles, it does not require them to show that they've actually studied the issue, there's no background report, there's no issue report that's required. They work pretty much at the ICANN meetings. They don't work very well intersessionally. So pretty much the outcome of the GAC is stuff they do in the room for a couple of days here at these ICANN meetings. So when we're thinking about processes and ways of making our lives more predictable, I would hope that we could recommend to the GAC that it adopt some operating principles that would be more rigorous and it would force it to go through a more thoughtful exercise than it currently has.



KEITH DRAZEK: Thanks, Bret. Any other thoughts before we wrap up? We're at the end of our meeting, our scheduled time. Going once, going twice. All right. Thank you all very much. This is always something we look forward to as the registries and just thanks very much for your time. This was a great conversation.

STEVE CROCKER: Thank you very much.

[Applause]

[END OF TRANSCRIPTION]

