

**Transcription ICANN Singapore
gTLD Registries Stakeholder Group
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Part III**

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

Cherie Stubbs: We can start the recording now and if - is there anybody on the telecom bridge if you'd like to announce yourself. Thank you.

Paul Diaz: All right folks this is Paul Diaz, alternate chair. I'm going to give Keith a break and run us through the final session here - final section. So looking over at you, Samantha, we'll begin with an NTAG report, can you give us a status update where things stand?

Samantha Demetriou: Thanks Paul, so anyone who happened to be at the meeting yesterday realized that yesterday's meeting really underscored the kind of lack of a need for a separate NTAG now.

So since the last time we were all together in LA we had agreed that NTAG would sunset eventually to be reeled in at a time when a new application round is available to people. So what we talked about yesterday was what a timeline should look like for that and I think just given the lack of distinct issues facing in the community and the fact that so much of it gets discussed and is addressing this forum that we're right now looking at the Buenos Aires meeting to sunset NTAG.

So we're going to put that out to the list - the mailing list, you know, see if there's any other thoughts about that. But basically put it to vote and, you know, this time next meeting I think we probably won't do a physical in present NTAG meeting. We'll just do, you know, ten minutes in the registry

meeting to say thanks everyone and there goes NTAG. So that's pretty much it from yesterday's meeting.

Paul Diaz: Just to be clear the plan was always to mothball NTAG but not to completely decommission it, right?

Samantha Demetriou: Yes sorry for the lack of clarity. But yes it will be - it will go into storage to be resurrected at a later date.

Paul Diaz: Until the next realm, okay any questions from anybody's who's in here about that plan - Bret?

Bret Fausett: It's not really about the plan per se, just the NTAG in general. How many members are there at this point?

Woman: It really does vary day-by-day but I'd say right now we probably have about 50, right in that neighborhood.

Bret Fausett: Thank you, I was kind of concerned because of the way I - my understanding is that I think Fadi was supposed to show up and he never did and the (DM Buzzman) was like 20 minutes late and at that point the meeting was over.

And just sort of the reaction of ICANN to the NTAG, obviously it's smaller now but it sort of - it's kind of indicative of the whole sense that we're getting of them. I don't have much to say about that other than to point it out but thank you for the numbers I appreciate that, (I could) be a part of that.

Samantha Demetriou: Yes just to follow on that, I don't believe Fadi was on the list. And (unintelligible) would - he was just running a little late so what we're going to do is have him join an NTAG call because we think it would still be a good idea to have people know what his role is.

Because like I'll be honest I don't really know what his role is, so we're going to invite him to an NTAG call in the future, but yes.

Bret Fausett: Thanks.

Paul Diaz: Okay great thank you - anything else - anyone else? All right next issue on our agenda here there are open comment periods.

And Cherie and I kind of went over the list, we don't have it printed in front of you but please understand the - when we walked registrars they were discussing this WHOIS Accuracy Pilot study. What I took away from that is that the registrars will be submitting comments much like the last WHOIS related issue. They did a very good job laying out all the issues, it made the WHOIS (of us) just simply see in advance of that and decide if we want to offer supporting comments.

The deadline though is the 27th of February, so if there's something that we want to say about the WHOIS Accuracy Pilot project we're going to have to (work) - somebody pick up the pen and get started fairly soon. That's coming up in fairly short order. As we look at the rest of the calendar for public comments there are two IDN related, when the original comment period was closing I reached out to members who have historically been involved in these issues.

At the time nobody felt it was necessary to weigh in, we might want to circle back to make sure that's still the case. It was a real dearth, hardly any public input during that original period. So we need to take another quick look and see again the 27th of February's the first one. A companion initiative, comments are due by the 16th of March. So there's a little bit of time here, we'll follow-up. Anybody who's been involved in IDN issues and can speak to this, both of the comment periods are for fairly technical things that I mean I looked at and I - it's not in my (wheel house).

So we will have to find those folks - (Edmon), (Ching), (Ram), some others that are - have the engineering background just to make sure that we're not overlooking something - question? All right next one in terms of sequence will be by the 3rd of March we have to have comments in on the GNSO Policy and Implementation Working Group Status Report. Chuck is leading an ad hoc team, in fact I think we're still trying to meet tomorrow morning Chuck, is that correct?

We've had a couple phone calls; we're working through the report collaborating on comments. And we'll pull all that together well in advance so that we can share on the list, make sure everybody's comfortable. It might be nice to actually have a more formal vote on comments if necessary or if possible. The 3rd of March is the deadline if we can - at least that we've circulated them and make sure there's not opposition and get our input in ahead of the deadline.

Okay the last one is all the way out until May but it's a rights protection mechanism review. Again since it's so far out and was just recently posted I haven't really looked into that, but if it's about RPMs it's probably something that we're going to want to take a (best) look at. Not on the standard public comments list but an issue that came up, what Karen Lentz mentioned earlier today, inputs on the affirmation and commitment, data support and inputs - the survey that they're going to do, helping craft.

She talked about the end of the month - I asked her and she said kind of unofficially it's very likely they're going to extend that deadline. They recognize with everybody here now that there's not enough time to get the inputs that are necessary. But to the point Statton made earlier in the day very important that we take a look at what's being proposed and that we come up with something. There is precedent for - not with bad intent - but questions can be asked in such a way that data, the results that are - that come out of it put contracted parties in a very, very awkward position.

Because it can be made to look like there's support for certain courses of action and if we don't make sure that we have our input, our views taken into account in the survey of preparation we're going to regret it on the backend. So that's something that we'll look to do and I do believe that we'll have a little bit more time. But I see hands - Stephanie?

Stephanie Duchesneau: If it's not a standard comment period where is it that we go to look for the current version of the survey and to provide input for that?

Paul Diaz: That's a fair question, Cherie. Karen mentioned that the - she had forwarded something to us. I quickly scrolled through my email and I didn't see it but we'll get back with that. I think this (instance) it's still kind of like in an ad hoc stage it may not be posted somewhere. Its part of a list - we'll get that out to the group - Donna and the (Zapod) - so (Michele).

Michelle King: For the rights protection mechanism the comments are actually due in early April, we said May. So it's a fairly lengthy report, maybe we should start to get a group together to work on draft comments. I don't know it's just a thought.

Paul Diaz: I'm sorry if I misspoke, I meant 4/3, yes.

Michelle King: Oh.

Paul Diaz: The beginning of April, I think I misspoke.

Michelle King: That's an idea, so.

Paul Diaz: Do I have a volunteer?

Michelle King: Yes I'd be happy to help work with the group on that.

Paul Diaz: At least initially.

Michelle King: Yes.

Paul Diaz: I mean the best thing to do is probably post to the list that this is coming up, seek volunteers. We can create as we have for other groups a - an email alias for those and we can start collaborating sharing on the list. That's usually the most effective way to get started.

Michelle King: Okay.

Paul Diaz: Sorry - Donna?

Donna Austin: Thanks Paul, Donna Austin - I was just going to say that the work that Karen has started on the next round stuff is actually a microsite. I'd have to find the list but I suspect it's there somewhere. I think there was an announcement on the New gTLD page that went up about it.

Paul Diaz: We'll get that clarified and get it to folks. All right so there we are with the comment periods; next issue on the agenda is the charter amendments process.

As you should have seen we had to put a hold on the previous ballot, my fault - I was kind of getting ahead of myself with the second question as it relates to how do we want to move forward on understanding the definition of membership. And, you know, correctly was brought to attention the question should be status quo or do more work based on the recommendations or the proposal so the first evolution working group. So we have reset that ballot, the link was pushed out last night I believe or this morning evening.

And I ask all voting members to please cast their ballot if you did previously. Please cast for this ballot, it's all new the last one doesn't count it will be open for two weeks. Because it involves our charter this is a really important one, we would love to have 100% participation. We certainly want the super

majority so that there's no doubt whatsoever what the will of the group was in terms of the administrative amendments that were suggested.

And then there's a broader question about what it means to be a member and do we need to do additional work in fleshing out the details for an alternative approach to what we currently have - Chuck?

Chuck Gomes: Just a quick procedural question Paul, if the ballot comes back that a lot of people want to do work - additional work am I correct in assuming that we'll probably hold off in submitting? Or will we go ahead with the other amendments and put those forward?

Paul Diaz: My preference would be to put forward - okay, the first question is structured all or nothing in terms of the administrative changes, do you support them all or do you support nothing?

If we have clear support for the changes which I would hope everybody can support, they are administrative in nature or they are true efficiency in (absence) for the stakeholder group. The recommendation is to put that process forward. Getting ICANN approval for the charter change is going to be at least a six month process, with that in mind I think it's realistic to assume that if again there's support for this alternative membership structure that process would probably take at least six months to sort through.

Would much rather have the administrative pieces in place so that looking ahead to the fall we could potentially elect a new officer, get on the staggered officer rotation and the other minor issues that were included in the admin portion of it. I think if we were to wait who knows how long it would take and why burn another year or six months or whatever it will be -any other question? No, okay going quick, let's see I wanted to add in any other business and I know Maxim you had a point that you wanted to raise with us.

Maxim Alzoba: Maxim Alzoba for the record, actually one small question. Registrars have a way to file for the personal data protection or that retention waiver and the registries do not have.

Could we just stop process of requesting that or something or maybe adding that to renew registration? Because in renew registration there is something about (all 7.6) and 7 about (wheelers) and outcome is not only it - thanks.

Paul Diaz: Okay Maxim thank you. Jon, I have a question for you; the status of the current Registry Agreement negotiations is there a possibility of adding an additional element? Or are we far enough along the road that you'd want to hold that - this potential of a data waiver provision for maybe a future effort?

Jon Nevett: You're talking about WHOIS data waiver? No I'm sorry I wasn't - I didn't hear what you said (Maxim).

Maxim Alzoba: Make - it's more about data retention I think. And WHOIS yes - actually (two weeks signal) though.

Jon Nevett: So the WHOIS issue was raised, so that's not a new issue. We added a tangential issue or two in the last round and they beat us up a little bit about it, so I think I'd be a little reluctant to do that at this point, but if it's the WHOIS issue then that's certainly on the table for consideration.

Paul Diaz: Thanks (Jon), Maxim let's do this, I haven't looked at the most current redline but let's see if it captures some of the things that you - you're expressing concern about.

If we need more then maybe we circle back and figure out another way. I would not want to derail or slow down the work that (John)'s working group has already achieved. But maybe we already it covered, let's take a look at it

offline. All right we're supposed to be joined by the NomCom community people in a half hour so we have time - other business Chuck?

Chuck Gomes: I think it would be really great - and I know we've lost a lot of people but if we could go over the questions from the CWG discussion paper I think it would help those of us that are on our little team and working in the working group.

So is that - now if somebody else has other business go ahead and bring it up, but if between now and 4:30 if we could do that I think it would be very helpful to us.

Paul Diaz: Sounds like a good idea Chuck, before we get to it any other issues to raise - and other questions? All right Cherie would it be possible - Chuck where is the quickest place we can find the questions so that we might be able to project them?

Chuck Gomes: Are they - were they on your slide presentation?

Paul Diaz: On the presen...

Chuck Gomes: So if we could bring up that slide presentation they're on it, okay. I'm sorry go ahead Donna, what?

Donna Austin: Could you give an (enter) to the questions and give some context to them, thanks.

Chuck Gomes: There we go okay, yes and before I do that we ran out of time in our previous discussion on this.

But besides that fact that we need to be responsive to NTIA's concerns that we've heard this week - and that's really critical - we also have to keep in mind on whatever proposal that the CWG puts forward it's going to have to have consensus support from all of the supporting organizations for the

charter - the chartering organizations and that includes the ccNSO, the GNSO, the ALAC, the GAC and the SSAC.

So as we're looking at options we also have to make sure - that's why it's not just a simple matter of getting what we want, we have to get as close to what we as customers want, but we have to do it in such a way that we would support - get the support of the other SOs and ACs. And they're only going to have about 21 days to approve it under the best case scenario timeline. So now with regard to the questions - and I assume there's somebody trying to get up the presentation on this, it looks like Cherie's working on it.

Paul Diaz: Okay, yes.

Chuck Gomes: The questions - and Donna and I don't know (Stacy)'s not here now but or (Sarah) but Stéphane and Donna if you could add some context here too please feel free to jump in.

But the questions were mostly developed by the RFP3 Working Group, the one that Greg Shatan chairs, although there were some others on there too and then they were (edited) some and so forth. And it would help us if we know where the rest of you - just your opinions. And I'll probably do - when I go through these I'll probably just start off with just a raise of hands just to get a sense and then let people comment and that will be very helpful. But it will give us a general sense so that for example in our working group meeting tomorrow we'll have a sense at least for those of you who are still here in terms of what you think. And that will give us a pretty good sample I think - so Stéphane Hankins did you have anything to add to the questions?

Stephanie Duchesneau: I'll just input as we go through them.

Chuck Gomes: Okay, Donna anything else before? Okay so Donna had asked me earlier to - if I'd take the lead on this and so I'll just go through the questions. They're not up there yet but let me read them, they're not long questions.

The first question and it looks like it's coming up so I think it's at the end of the slide presentation is where they are and this is questions for the community. And if you haven't looked at the discussion paper (and) it's posted in the ICANN announcements a few days ago and yes that is it, okay those aren't numbered but that's okay. The - look at the discussion paper, you know, Donna because of time constraints didn't describe the four options, the two internal and the two external options that are in - are under consideration by the working group.

But there are high level descriptions of those in the discussion papers. The discussion paper is quite brief, it's only 11 pages long and that intentional because we got it out so late before the meeting. But take a look at that if you want to see it - see a little bit more detail on those without going into the full detail, okay. So the first question as you can see there is do you believe that the transition from the NTIA should happen? And let's just stop right there and let me just - how many of you think it should happen?

Okay anybody think it shouldn't happen? Maxim go ahead, tell us why.

Maxim Alzoba: (Just) a small note, actually without the resolution of accountability issues do we really want ICANN to be - to behave the way we see without control, some saying body?

Chuck Gomes: So if I'm translating correctly and I want you to correct me if I'm not, if I'm translating correctly in other words you want it to happen if there are appropriate accountability mechanism in place?

Maxim Alzoba: Yes, otherwise we will (see kills) of some level.

Chuck Gomes: Thank you - Reg go ahead.

Reg Levy: So I'm kind of in the same boat as Maxim on this one, I see the reason perception-wise that it should be transitioned away from NTIA.

But I'm also sort of coming from the standpoint of if it's not broke don't fix it and potentially that ICANN has the extreme ability to break things. And I mean that in terms of the community and like I'm not trying to blast staff at this point. But somebody mentioned in another session that we have to be careful not to put in something that's really, really complicated, has lots of moving parts and that that's just going to snowball this whole thing.

So I think that yes it's probably a good idea but that question may be a little bit premature just in terms of, you know, well what are we replacing it with because maybe not.

Chuck Gomes: Thank Bret and one second (Tim) just a response (for) now, this question was really designed I believe and actually stepping in Donna knows this better than me because they worked - they were a part of the working group that may have submitted this question - the subgroup.

But it was really more do you support the transition itself? In other words moving away from the US Government the assumption was that it would be done in a reasonable manner, so thanks - (Tim) go ahead.

Jonathan Robinson: Thank you (Tim), I mean I think - I suppose in my mind that the - I've asked myself a few times two questions, why and why now?

And I suppose the - I'm not sure I can right now quickly articulate both of those world but it certainly feels to me like those are key questions. I think the why - and I can see why that someone like Bret might say, well if they ain't (sic) broke don't fix it, but I think there are probably some pretty good geopolitical arguments as to why. And then they become more but not entirely national political arguments as to why now although some of them are more international political arguments for why now as well.

Because there are other events coming up in the calendar that we then come up against which puts some pressure on the timing. So I think the short answer is I'm convinced why and why now and then it becomes well how do you do it properly.

Chuck Gomes: Thanks (Jonathan) - (Tim).

Tim McGinnis: Thank you Chuck, from an engineering perspective no it shouldn't happen. You know, we should keep it simple, what we have is stable and predictable and works reasonably well - it works very well, it's never not worked.

But I do understand the geopolitical arguments, I've been at this base for the last 15 years and I've heard them all. I don't think this is a question that actually is an open question. I didn't realize it was an open question. I would prefer it didn't happen but I didn't think I had any say in it. I'm coming to the opinion that it should not happen at this point because the solutions I've seen are the medication is far worse than the illness.

Chuck Gomes: That's helpful, let's go to the second question - oh go ahead Maxim, go ahead.

Maxim Alzoba: A small note, I tried to find the place in design which says what happens if hypothetically ICANN fails to perform. For example they don't work out of principal for two weeks, so what happens? Is there any technical plan, any technical background? I fail to find any - most think it's a good idea to have one.

Chuck Gomes: Thank you and maybe I haven't looked at the IANA functions contract with NTIA right now so - or excuse me, haven't in awhile.

So I don't recall right off whether there's a - in that contract whether there's a contingency plan if for some reason ICANN, you know, they're down they

can't perform it. So if anybody is - has that handy or you remember that. But I also encourage Maxim to come to the session if you can on Thursday morning, the Q&A session with the working group and that would be an excellent question to ask in that session and for the whole working group.

Now obviously those of us on this team can carry that forward too but it's even better if you can ask that in the session on Thursday and I'm sure (Jonathan) would appreciate that. So go ahead (Tim).

Tim McGinnis: Thank you Chuck, you know, I had this random thought when we were listening to the presentation about an hour ago, if we are going to have a contract it's got to be an entity to let that contract to ICANN to run the IANA.

And for the (IA tip) that's for the protocols, the parameters and ports, assignments that will be the IAB and for the numbers that will be the RARs. But there doesn't seem to me to be a good reason why the IAB could not be that contract letter for the names as well. They're the Internet Architecture Board and this is about, you know, this is about Internet architecture. I'm not sure that they want that, they are the kind of independent, you know, completely neutral entity that I would want to be providing oversight to IANA.

I wouldn't really be keen on a new entity that would be subject to all the GAC nonsense that we've been dealing with. And that you've been dealing with (I don't know).

Chuck Gomes: Thanks (Tim) and of course that whole issue of whether there needs to be a contract to replace the existing contract is what led down the road to something like contract coup, okay and like that as you understand I think.

So okay let's jump to the second question and I'm - I am assuming that Donna and Stéphane Hankins will yell at me if they want to jump in so - and add anything. Number 2; are you comfortable with ICANN as policymaker

also being the IANA operator without the benefit of external oversight? And I'll
- I mean...

Bret Fausett: Chuck I - I sort of think of the last four bullet points in a clump but I'll try to
address to this one.

I - and I'll use the analogy of my commute, I live in Los Angeles and I have a
long commute to work and I have a long commute home. And every time I get
on the other side of downtown Los Angeles I have this sigh of relief because I
feel like the hard part of my day is done and now I just can coast to my
destination. And I feel that a little bit with when we're migrating from ICANN to
the IANA.

Once I get past ICANN and get to the IANA I have this sigh of relief because
everything at the IANA is easy, it's functional, it happens predictably and a lot
of the ICANN policies and processes seem sometimes ad hoc. So I, you
know, as long as it continues to function the way it's functioning for us now -
I'm feeling this as sort of - as a consumer of their services for the 20 TLDs
that we've put through them. You know, I - a lot of the answers to the
questions don't matter. Am I comfortable with ICANN as policymaker?

I'm not comfortable with ICANN processes being applied to the IANA
processes because ICANN processes don't work and IANA processes do
work. So, you know, to that extent I'd like to see that sort of separation
maintained. If anything I'd love to see the ICANN work like the IANA works
because the IANA works. So, you know, I don't - as long as we don't break
what is currently happening with the IANA I guess I care less about how we
solve it as long as we don't, you know, mess anything up.

Chuck Gomes: Great feedback, thanks Bret and so this basic question is - I'm going to
phrase it in a different way, how many of you think that the IANA processes
should be separated even if it's within ICANN from the policymaking
processes - raise your hand so I can see that.

Anybody disagree with that and if so I'd love to hear why you would disagree. I think it's been a pretty common thing in the working group that there's agreement that there should be some policy separation. And by the way the current contract between NTIA and ICANN requires some separation, it's obviously not literal organizational separation but within the organization. So any other comments on that before we go to Question 3?

Jonathan Robinson: Just a quick practical point, how we recording or capturing this is - I didn't hear the beginning, I apologize if I...

Chuck Gomes: This meeting is being recorded, right Cherie in a transcript?

Paul Diaz: Yes a transcript will be forthcoming.

Jonathan Robinson: So and I'm just wondering how this will be - because I mean ideally this has been fed into - if we have this in the Q&A session on Thursday ideally we can say, well the Registry Stakeholder Group position is really that kind of thing.

Chuck Gomes: That's really good, in fact let's deal with that now - well Keith's gone, I can't pick on him. I guess I can pick on the Vice Chair huh - Paul? I mean do we want to have one of our officers share the responses to this? What do you think- on Thursday? And just speaking for the - at least those in the group that were in our discussion here?

Paul Diaz: Well I'll volunteer Keith because I'm going to be in my own board meetings all day.

Chuck Gomes: If he can hear the recording then that's probably okay, if he can't - if the recording isn't available beforehand that might be hard.

Jonathan Robinson: Certainly I was going to say from a receiving point of view I think it could be - could carry - it could be quite impactful if, you know, if anyone can come in and say I speak for the, you know, this is the Registry Stakeholder Group discussed it and this was the sense of our (onset) the balance, you know, if we could get some kind of.

Chuck Gomes: So if Keith's coming back in and we can let him know that we're talking about (him) then we can also have our official member do it. Donna probably knew I was going to look at her - or she could delegate it to Stephanie.

But anyway let's not spend too much time on this but I think you're right (Jonathan) I think it would be very good if we had someone there on Thursday that would share the results. And if we can't call it consensus results because we're - not everybody's here but we had a good discussion of these questions and here's our thoughts. While Paul's bringing Keith up to date is that something Donna you would feel comfortable doing as our member?

So Donna's comfortable with that which takes Keith off the hook unless he really wants to do it badly. So okay so...

Man: (Unintelligible).

Keith Drazek: So I've been volunteered?

Chuck Gomes: Not necessarily, Donna's willing to do it but if - I'm sure she's comfortable with you doing it as well, so.

Keith Drazek: So which session are we talking about?

Chuck Gomes: We're talking about the CWG Q&A session on Thursday morning, so now you'll have to be brought up to speed for when you stepped out some - were you here for Bret's comments?

Keith Drazek: No.

Chuck Gomes: Okay so they were really - really I thought very articulate comments that I think would be good to share at least part of those - Paul?

Paul Diaz: Just administratively I sincerely doubt as good as they are we're going to have transcript that quickly. I mean if we haven't taken...

Chuck Gomes: So shall we ask Donna to do it - is that good? Okay and because she's been here the whole time and of course she's very familiar with the issues, so thanks Donna I appreciate that.

Paul Diaz: It certainly doesn't...

Chuck Gomes: And thanks for raising that issue (Jonathan), that's great.

Jonathan Robinson: I don't think Donna's thanking me but.

Chuck Gomes: Okay so, Number 3, should registries as the primary customers of the IANA functions have more of a say as to which transition proposal is acceptable? Are those hands of people who have - okay how many agree with that?

Woman: I don't think (unintelligible).

Chuck Gomes: Does anybody disagree? Okay please explain - Rubens.

Rubens Kuhl: Rubens Kuhl for the record, I think there is a risk of not dealing very well with other communities if we say that. We might feel that which is different from us saying that, so I only have reservations about us saying that, not about us feeling that. I feel that as well.

Chuck Gomes: I understand, that's helpful thank you. Go ahead Bret .

Bret Fausett: I'm with Rubens on this, I think - I presume that these are questions for the community and not just for the registry that said that.

It's not like the registrars are also going to get it similarly. Should the registrars be the ones who have the most say or (we'll have) - does the GAC think that they have - should have the most say? So on the one hand I think that it's very obvious that we're going to say yes we should. But I agree with Rubens that we should be careful about how we frame that and I think ensuring that we frame it in a way that we articulate the fact that it shouldn't mess up our systems.

And as Bret was talking about, you know, the IANA works right now and as long as that is maintained then we don't need to have more say than anyone else. But if somebody starts to input processes that are going to adversely affect the process - processes process then we should have a say. And say okay well if this is going to require so much more additional work on our end then someone else needs to give something up.

Chuck Gomes: Thanks - (Mike) and then Liz.

Michael Palage: So just following up on Rubens, there will be some people that will look at that statement to make the argument that this is a cartel instead of a multistakeholder model. So I would just be mindful of that.

Elizabeth Finberg: Liz Finberg, Public Interest Registry. I'm going to take just a slightly different path and in terms of how we would frame it and what's the justification.

How do we say it without seeming to be sort of imperious? And I - to me the answer is we're contracted parties and we have an abundance of SLAs and specs and performance functions that we functional perform- I'm sorry functional performance specifications that we are obligated to honor and just

above and beyond other parties. So to me it makes sense that the question is there and that we answer it in the affirmative.

Chuck Gomes: So I want to make a suggestion here so we don't spend all of our time on this one, this is Chuck speaking again.

I think better than just saying yes and ticking off some people which we would that we - it might be better and I'm - what I'm going to do is ask to see if you agree with me or want to modify it so be thinking. If we said something like, you know, we definitely think that - that registries both c's and g's need to be - have strong input into this because we're the direct customers. But we believe this is a decision for the community to make and that we make it in consensus.

Something like that rather than just - because I think you're right Rubens that if we just come out and say, yes, you know, and we could say something about that. And we can justify it too because we're the direct customers. But anyway I'll throw that out, let's - how would you modify that - Donna?

Donna Austin: I guess I just want to make the point that one of the four requirements of the NTIA statement was that it has to be acceptable to the customers. So I think...

Chuck Gomes: In fact that's a nice way to modify what I said. So it - so definitely the direct customers need to be supportive of the proposal, but we don't have to come out and say we need - me make the decision by ourselves.

So if we - and that implies what you said Donna that implies that if we're not supportive with (not) necessarily saying it directly that if we're not then NTIA's not going to buy it. That's excellent - any comments on that? Okay let's go to four, okay so it's what does functional separation of IANA from ICANN mean to you? And note that the parenthetical there it's not referring to having another operator performing the IANA function.

Okay so functional separations of the IANA from ICANN - what does that mean to you. And I guess that kind of goes back to number - question - the second bullet up there as well - anybody want to comment on that? Go ahead Liz.

Elizabeth Finberg: Liz Finberg, when I read the question I think you're right it back to Number 2 and I'm (unintelligible) (for additional). There has to be meaningful swift mechanisms for redress and accountability. So I'm not necessarily opposed to having ICANN assume oversight over the IANA functions but there - in my view there has to be - I don't know if it's an external third party or not but there has to be an independent body to which ICANN is accountable. Because otherwise, you know, functionality could go out the window and that's - I think everybody's worried about that.

Chuck Gomes: So if I can probe a little bit on that it sounds - if I was to interpret that I would think that you favor an external solution rather than an internal - am I reading that right?

Elizabeth Finberg: Yes speaking personally, not necessarily on behalf of public interest registry but speaking personally yes. I haven't thought it through completely but yes I do, I do. And for the record I don't buy the argument that the ICANN Board can't contract out its fiduciary responsibilities - to me this is operations, so.

Chuck Gomes: Thank you and we got a whole bunch of hands up now and I'm going to pick on somebody who hasn't said anything first. I'll start with Peter and then (Jonathan) and then Keith and then Bret , okay. And you guys don't have to wait for me to call on you, let's just go in order.

Peter Dengate Thrush: Thanks Chuck, Peter Dengate Thrush - just so I could help there already is functional separation that was the result of the amendment of the Statement of Work when the IANA contract was rebid.

And there currently is a band on ICANN staff involved in policymaking from being involved in the IANA staff and IANA staff a band from being involved in the policymaking. So I'm not - I think you could probably move off this question because it's the status quo. I don't want to get into the internal/external debate but there already is functional separation under the current contract.

Chuck Gomes: Okay thank you and I said I was going to let you just go in order but I want to refer back to what (Elise) said earlier to- remember when she - we brought up the question - one of the questions that was asked of (Elise). She said the IANA doesn't make policy, so very good - okay.

Jonathan Robinson: So Chuck I didn't hear - I didn't interpret these comments quite like you did. I didn't - she talked about some form - well I'm just - I'm obviously trying not putting words in your mouth but trying to clarify.

What I understood you to say was that you felt some form of external oversight of ICANN such that it had external oversight of the IANA function effectively was important. But not - that doesn't in my mind translate to support for what we call in the CWG the external solution which is the - what do we call it? The structural separation of the IANA function, so.

Woman: Yes that's fair, yes that - it' doesn't - again, you know, I'm not thinking necessarily the use of the word external in a literal sense. But again there has to be swift, meaningful accountability and oversight.

Jonathan Robinson: That's right, I understood that to be a robust accountability mechanism.

And in some people's view - I'll just put this count - some people's view is an effective board with robust procedures and good independent non-executive directors is in effect external oversight. I'm not arguing for that, I'm just explaining that if there are - adequate corporate governance can provide appropriate external oversight in effect.

Woman: And...

Chuck Gomes: Okay and you want the same thing?

Woman: I just want to respond quickly, I agree with you and along with that meaningful redress - meaningful avenues for redress.

Chuck Gomes: Now (Brad) are you going to - do you want to follow on that same (trend) or should I let Keith and Bret go first? Okay.

(Brad [?]): All right thanks Chuck, so to Peter's point if there is functional separation between IANA and ICANN staffs and resources and all of that today.

I think one of the questions that this question raises is how do you ensure that remains the case in the future? And how do you manage, you know, make sure that if that - if there's some crossing of the line that there is redress. And not just, you know, sort of functional separation but just generally speaking. So I think the bigger question is, you know, how do you ensure with the lack of a rebid of threat for lack of a better term, how do you ensure that this - if it's - if the status quo is acceptable and everybody thinks that it's a good thing how do you ensure that it remains that way?

And so, you know, is it a board in some way ensuring that? Great but what if the board fails in that duty, where is that next level of redress or authority if you will, enforcement? And I think that's where, you know, some of the conversations that are going on in the accountability CCWG come into play. Where there are proposals for example a possible membership structure that would enable the chairs of the existing SOAC and SGs for example to in a sense have a membership that would be the enforcement mechanism over the board.

I mean so this is - at the end of the day this is all going to be wrapped up together. But I think the question about functional separation - if you think it's a good thing and, you know, what does it mean to you? If you think it's a good thing the question is how do you secure that?

Bret Fausett: I was going to say something very similar in terms of the fact that I don't exactly know how it works right now but it seems to be working okay.

So again making sure that that is maintained. However that needs to be explicitly written potentially into the bylaws of ICANN, I mean I would say that it is that important to maintain this separation. We had the President, the Vice President here earlier who was speaking to us and is it the case that she often comes to ICANN meetings where should could potentially be lobbied by people? Potential registries, current registries - I don't know. Is that something that we want to curtail in the future? Maybe, I don't know.

And so to some extent it's a matter of what is the status quo and given that it's working again don't break anything.

Chuck Gomes: Just one second Bret because I think it's helpful to comment on this a little bit.

One of the things that the CWG hasn't dealt with yet is this idea of authorization because (Elise) for example right now doesn't make any decision as to what goes into the (route). She- her team does what is approved by NTIA. So one of the questions and we probably won't have time to talk about this now but we will in the near future with the rest of you and that is should that authorization function be replaced so there's some other entity that does that? Or does it - is it necessary? Some people think it's not necessary but we'll come back to that at another date - Bret please.

Bret Fausett: I think it's important to remember it wasn't that long ago, maybe as recently as I mean it's been ten years now.

But, you know, that's still, you know, not very long ago that routine request to the IANA for things like just changing a server address were being held up until, you know, ICANN - well was asking people to sign a ccTLD contract. We won't process your request until you do this policy thing we want you to do and we can never go back there. You know, I - so I think structural separation is important so that the operational things that we need to happen are never held hostage to a policy question.

So, you know, I hope that - I don't know of what conversations you've had in the working group but I hope maybe some of the history of the more malicious for want of a better word, actions that have been taken in the past with regard to IANA requests don't come back to us.

Chuck Gomes: Thanks, great discussion. Let's go ahead - I don't think we have too much time but let's try and get at least one more in.

Do you believe the IANA function is adequately separated from ICANN under the current arrangements? So this is very closely related to the others. How many of you think that the way it's separated now is fine - policy functions verses the IANA functions? Anybody disagree? Okay so Donna go ahead.

Donna Austin: I don't disagree but I think potentially there's another here and it's not - and it goes to what Peter said.

And that's that under the current contract there was a deliberate clause in there that ensured that the IANA function staff was kept somewhat separate from the rest of the (kind of change). So I think in some sense that's the kind of separation that we were talking about as well. And Chuck I don't know if you remember but we've had some discussion in the group about the fact that there is no known budget figure associated with the IANA function right now.

So we don't have any visibility to the costs that are associated with it and the other elements that would, you know, maybe some other paths that could be identified that would potentially maintain that corral around the I- the IANA function.

Chuck Gomes: Yes to close that off and then turn it back to Keith I think I may have mentioned this earlier today but in our - the meeting with finance last night I alerted them and they were aware of it because they've been tracking some of the discussions in the CWG that they were probably going to receive a request for the total cost of performing all of the IANA services.

Xavier's response to that was that's probably a customized request so I think they can probably do it in a customized manner. It's not something they can pull out automatically as some of us might think should be possible based on the way data is entered and the way they spread out the cost and so forth. So I think that they're on alert that we will be requesting that, okay. And now what I'd like you to do - I'll give you a chance Peter - is because we're going to have to cut off here and we may not have any time, depending on how long-winded Stephane and Cheryl are to cover this again.

The - take a look at those other questions and if you have any feedback if you can send it to us - to - well send it on the list but call it to Donna's attention because she's the one that's going to represent us on Thursday morning. Okay thanks - Keith it's back to you.

Paul Diaz: Back to me then, no Chuck Paul for the record - Paul Diaz. Okay (thank you), I just wanted (today) I'm glad we were able to use the time that we had to provide that input, very useful.

And thank you to our NomCom colleagues who are here, we're going to turn it over to you guys. We have until the top of the hour so about 20 minutes, do it in less much appreciate it.

Ron Andruff: Six and a half minutes.

Stephane Van Gelder: Hi Ron I don't know whether to do it in 6 1/2 or 20, but I'll try and wing it then. My name is Stephane Van Gelder, I'm the Chair of the Nominating Committee for this year. Next to me is Ron Andruff the Chair-Elect and next to him is Cheryl Langdon-Orr the Associate Chair.

We wanted to touch base with you, let you know how we're doing in terms of our current cycle and answer any questions you might have. So we've got a short presentation for you if I can ask for the first slide to be put up and we'll run through that quickly. So just to remind you of the positions that we're recruiting for this year, we're looking for three members of the ICANN Board of Directors.

We're looking for three members of the ALAC, one from Africa, one from Asia Pac, one from Latin America. Two members of the GNSO Council and one member of the ccNSO Council and you've got the term lengths there in front of you on the slide - next slide please. I wanted to so show you the GO diversity structure of the current board and flag to you the fact that because Asia Pac has five people in it already, five board members off from the Asia Pacific region that means we can't recruit to that region this year.

But it does mean that other regions are more underserved like Africa, Latin America or North America, we can recruit to them - next slide please. That's our timeline so currently we're still in the recruitment phase, so the application period is open - it will close mid-March. That means anyone you know in your networks or yourselves if you want to apply that's still very much open and you can do so.

After the close of the application period we'll go into an assessment phase where we look at the pool of candidates of applications that we've received. And from that we work through to the Buenos Aires meeting to make a final selection and then we announce it in time for the Dublin meeting so that

there's a new slate of people that are ready to be seated at the AGM or just after - next slide please.

And that's - just to finish with a snapshot of where we are currently those will be - these are people that have sent in a request for an application form so they started the process to apply. And as you can see we've had 43 people name the Board as their first choice, 15 have named ALAC as their first choice, 11 have named the GNSO as their first choice and 8 have named the ccNSO as their first choice.

There are second, third and fourth choices and the reason for that is that we're recruiting for four different bodies and people can actually apply to the four bodies. What that also means is that for example if we get someone applying for the GNSO and we feel that they're not quite right for the GNSO but they could be a good fit for the ccNSO for example we can only consider them for that position if they take that box a second or third or fourth choice.

So it's important when you outreach and ask people to either apply or whether you're considering applying yourselves to think about, you know, don't only choose one position, don't only choose one group. Do - put your name in for several positions and that way we will be able to consider you for those positions.

There's other stuff to be said but my co-leaders have reminded me all day that I keep on hogging the mic and saying all the good stuff and then handing it over to them and they've got nothing to say which obviously isn't true because they've always got something to say. But so I'll do it now and then hand it over to Ron and Cheryl - thanks.

Ron Andruff: Thank you Chair, you have three Type A - sorry three Type A personalities. Thank you all for taking the time to listen to us because this is really important stuff.

One of the things that we all recognize there's a lot of change going on in ICANN, a lot of - when I look at it as Chair-elect, you know, in the time that I would serve in leadership that would be in theory Chair-Elect this year, Chair next year and then Associate Chair by tradition. Whether or not that comes to be we'll find out if my colleagues will tolerate me.

But the key here is that as I look at what's ahead of us and I consider the changes that are happening on the Board, the number of people who are doing heavy lifting that may no longer be on the Board over this period it's almost a wholesale change of the Board over three years. Then you can look at the fact that our Chair his term now would end in 2017, he may or may not continue. Our CEO has a contract through 2017, so there's a lot of things in front of us that we really need to come together as a community and start doing outreach to everywhere we can.

So we've been appealing to all of the other groups that we've met with over this last day to say please look at your rolodex, please consider who might be someone you could recommend to step out and fill in an application form and take on a role within ICANN as a leader. When we talk about the Asia Pacific Board positions, the five positions all being filled it's true. But that does not mean there may not be good quality Board candidates over there that in this - or actually were in this region that might - we could invite them to go and put an application in for GNSO or ccNSO.

And in doing so what that does is allows those individuals to come into ICANN, into our community, get training on the ground in those areas, raise the level of quality of dialog because they are of that quality. And then when - if they should so choose to reapply for a Board position they would be very welcome to join that Board because instead of coming in and taking the first year to learn what's going on and the second year to start getting their legs under them and by the third year be ready to really serve as a Board member we would actually get Board members that would move from GNSO and so forth onto the Board.

So that's our plea, please give some consideration to this. Look at your rolodexes and send the link out to all of those people that you might think would be helpful. Because the deeper the pool the better quality of candidate the members will be able to select. Our job is really just to direct and keep the focus for the members but the members make that decision. So we want to give them as much quality - as many quality candidates as we possibly can - thank you very much.

Cheryl Langdon-Orr: Leave it on I'll project - the - Cheryl Langdon-Orr for the transcript record, the importance of seeing that even though we have very few members geographically speaking in some regions compared to others is something I think we should all have a look at.

Because one person out of Latin America and Caribbean is not reflecting well but we've also had a number of questions as to why the number of positions being occupied from people from the African content and it's slow - it's so low, sorry. And I answered rather glibly to one of these questions because it's a meritocracy. But what it is is we have to have a large enough pool of quality candidates who meet the needs and the criteria for any given year.

And - and this is particularly important - they have to be able to be the best of breed if I can use that term rather than be positioned because of what diversity shortfall they're filling. So we're not going to put women in because we need one. We're not going to put a geographic or social-economic or cultural or language group in because we need one, other than they must be, one, from (each) region on the Board. It has to be the meritocracy approach and to that end the only way we can change the diversity issues is to get more in the puddle of the selections in the first place.

And I guess that very much goes back to and take more than one of the boxes and I just want to point out it may not be a reapplication to a future NomCom. Point in case is of course the Nominating Committee two years

past, so two years - minus two years appointed from the Asia Pacific region. Someone who served that At-Large Advisory Committee so well that the whole of the At-Large community appointed her to the Board.

So it may not be a matter of and I might need to reapply, so that is very much an outreach opportunity we hope you'll be able to help by looking at quality people you work with day-to-day, thank you.

Chuck Gomes: Chuck Gomes from VeriSign thanks and thanks for all the work that you and your whole Committee do because I know how much it is.

But I know that you identify requirements, in fact Cheryl I think you referred to the requirements that you have this year where there may be some weaknesses. And I'm particularly taking about the Board right now, we probably understand the GNSO pretty well. But do you communicate the requirements that you've identified out to the community and how is that done?

Stephane Van Gelder: Thanks for the question Chuck, we've actually worked very hard in past years to communicate a lot more stuff to the community. To open up the NomCom black box that was considered by many to be completely obscure and no one knew how the work was done.

So we've done a lot of work to explain to people how the process works, how they should apply and what skillsets are required. Skillsets vary from year to year, we - what we do is when a new NomCom sets after the AGM every year they start with a kickoff meeting where they will reach out to for example the Board or the CEO or others and ask what are you looking for this year. Not everyone responds so we'll reach out to the four groups that we recruit for - to.

Not everyone responds in the same way or in the same timeframe but we keep on badging them until they do and we then publish those skillsets on our

Web site. And the Web site also now has information - a lot more information than it did before. So for example you will see on the Web site there's information on the current structure of Board, who's up for renewal, what we're looking for in terms of (GO) diversity.

And the way we are working the Committee produces a monthly report card explaining its work so that the community's aware of how we work. And if you've read those documents or if you haven't they're on the Web site you'll see that this year we've done - we've created several subcommittees. And my fellow co-leaders are chairing many of those subcommittees and they're working on things like producing better - improving transparency, producing better data for the community.

And refining the application process itself which was pretty dismal before, a few years ago it was complicated to work and now it's a lot better to work. So all that is what we're doing on an ongoing basis and the leadership succession that you see here is also a part of that work. So Ron's been involved in a lot of that work at the subcommittee level this year and obviously he'll then have the experience to pick it up next year as chair.

Cheryl was involved in a lot of that work last year and is helping me this year with that (experience) so all that kind of fits together in that way, thanks.

Chuck Gomes: Paul - Chuck again, do we have an issue with our NomCom rep now? You know, I believe (Don) was our NomCom rep and is still on the NomCom this year, is he able to continue to serve or do we have an action there?

Keith Drazek: Thanks Chuck I think I had a conversation with Stephane earlier and I think, you know, basically whomever is sent to the NomCom serves on the NomCom and it's probably something that we need to take offline as a stakeholder group, thanks.

Chuck Gomes: Other questions - Bret?

Bret Fausett: Yes more of a comment than any - then of input to you when you're selecting this year.

But one of the conversations that the GNSO had with the Board over the weekend was that sometimes the Board members sort of act as a cipher, you know, we talk to them but they don't really engage us at all. So, you know, when you're interviewing people I would encourage you to look for engaging personalities. I mean I just had a Board member who was appointed at the last annual meeting come up to me after the Board session that we had with them and to just say hello. I just wanted to say hello because I, you know, I'm new here and I wanted to meet you.

And that's what I would do - I mean if I were on the board of directors of a company - I have served on the board of directors of private companies before, you want to go and meet the people who are running it. And you want to engage with the employees and you want to find out what's going on and I think it's the same thing with the Board. I would love to see a more engaged Board who wanted to know who we were, who wanted to tell us what they're thinking.

So often I don't - I mean I hear from the Chair, I hear from the Vice-Chair but - and I hear from a couple of people who are very vocal but there's still like seven or eight people who like don't speak. So I - finding people who are comfortable with words would be helpful.

Cheryl Langdon-Orr: Thank you, Cheryl Langdon-Orr for the record. You might be psychic because in fact some of our improvements for this year - last year we were terribly radical and without any requirement asked if people would care to give us a picture of themselves and that was really helpful.

This year that's a requirement - this year is our radical (movement), there's been several radical moves but we're actually asking them to give us a video,

60 second pitch on why they are the right person for these positions. And that's the sorts of things that now in a current version of NomCom those soft skills where we are looking for and we are (trying to slate) for. They still need to be in the puddle of people for to pick from but yes but yes and we're even doing interview training and get external expert analysis to make sure we do try and make those picks better.

Ron Andruff: You know, and this is really - you've hit on a very important point because one of the things that we've even talked, you know, just us as aside in our (inter-session) that we had with the non-contracted parties house in Washington with Board and staff we talked about the fact that we want the Board to instead of sitting in one room where we all go in and spend, you know, our 45 minutes with the king in his court and then the next one's coming up and the next one's coming up better why don't you come and spend the day with us and learn and listen what we're doing.

So this is when we're doing our interviews, when we get to the short list we start talking to them about how would you engage the community and so forth. So we're actually on that path and I'm glad that you brought it up because it is a critical path that we need to get to the other end of and we're certainly walking in that direction Bret, thanks very much.

Cheryl Langdon-Orr: And not just for the Board - not just for the Board all these leadership positions need quality thought leaders who can present well.

Paul Diaz: Sure you want to close with a comment - go ahead Stephane.

Stephane Van Gelder: Thanks Paul, if there are no more questions I just want to take the time to recognize at the - at least one NomCom member who's in the room John Levine and you can recognize us by the red (lancets) we wear.

The idea also being that, you know, people may not feel comfortable speaking up in public but they might have questions. So we try and make

ourselves as easy to spot as we can so that people can come up and ask, you know, how does this work and how do I apply, you know, how I volunteer someone else? So don't hesitate, come up and talk to us - thank you very much for the time we appreciate the opportunity to talk to you. And see you all soon, thanks.

Ron Andruff: Thanks all.

Paul Diaz: Thank you all, okay.

END