

**Transcription ICANN Dublin
Tuesday 20 October 2015**

Internet Service Provider and Connectivity Providers Constituency (ISPCP)

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On page: <http://gnso.icann.org/en/group-activities/calendar#oct>

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

Tony Holmes: Welcome everybody here. This is the Internet Service Provider and Connectivity Provider's Meeting. We do go through to 1630. We've got quite a full agenda but just whilst we're preparing if I could ask people to introduce themselves and we'll also have a list circulating for people to add their details.

So I'm Tony Holmes and I currently chair this group and I'm here representing BT. Perhaps we could go around this way. Thank you.

Bastiaan Goslings: Good afternoon everyone. My name is Bastiaan Goslings here on behalf of AMS-IX - the Amsterdam Internet Exchange - and also I'd like to plug another platform that we're part of - recent one - the digital infrastructure Netherlands platform that unites data centers, carriers, the internet exchange, the academic network, also SIDM - the registry for (unintelligible) - in order to promote the Dutch digital infrastructure. Thank you.

Tony Holmes: Welcome.

Esteban Lescano: Esteban Lescano from CABASE, Argentina and that meeting as an ICANN Fellow also.

Fiona Asonga: My name's Fiona Asonga representing the Telecommunications Service Provider's Association of Kenya that brings together both ISP's, carriers, mobile operators in Kenya and the South Africa region and I'm particularly here to see how we can be part of this constituency following a lot of communication that has happened between I and Tony Holmes.

Maemura Akinori: Maemura Akinori Japan Networking Informational Center (unintelligible) Japan.

Oswaldo Novoa: Oswaldo Novoa from Montel ROI. I'm also the outgoing counselor in the GNSO Council.

Eduardo Parajo: Eduardo Parajo from Arromanches with the Brazilian ISP Association.

Alain Bidron: Alain Bidron from Orange Group and representing Consult.

Olivier Muron: Olivier Muron from Orange.

Toshi Tateshi: Toshi Tateshi from Japan ISP Association.

Malcolm Hutty: Malcolm Hutty from Linked London Internet Exchange, the ISP Association of the UK and also Eurispa - the Pan European Association of ISP.

Wolf-Ulrich Knoblen: Wolf-Ulrich Knoblen. I'm a consulter and directing for Echo Internet Association in Germany and I am ongoing counselor for the GNSO.

Wanda Perez: Wanda Perez. I am from the IPDC Taskforce where all Dominican ISP's are registered.

Mourad Meuiti: My name is Mourad Meuiti and I'm from Tunisia and I represent the Internet - Tunisian Internet Agency focal point of Tunisian Internet Agency's point and IPDC Taskforce.

Rita Etenati: Hi. Rita Etenati from San Juan. First time Fellow, first time ICANN meeting. I work for ISP in San Juan. Thank you.

Jennifer Taylor-Hodges: Jennifer Taylor-Hodges, BT for Shelli.ca.

Lars Steffen: My name is Lars Steffen. I'm with Eco Association of the Internet Industry by proxy of (Oliver Zuma).

Jim Baskin: Jim Baskin from Verizon.

David Meehan: David Meehan. I just retired from lecturing in University in Dublin working on Horizon 2020 projects at the moment.

Rob Hoggarth: Good afternoon. Rob Hoggarth ICANN staff.

Tony Harris: Good afternoon. Tony Harris from CABASE in Argentina and incoming counselor.

Christian Dawson: Christian Dawson. I am the chairman of the Internet Infrastructure Coalition.

Tony Holmes: Okay, thank you everybody. The list is now circulating around to add your details and if you aren't members of the constituency and would like to work with us, we'd more than welcome for you to join us. Just perhaps give us a business card at the end and we can take it forward from there.

So we do have quite a lengthy agenda. We also are going to be joined by a couple of other people representing other groups here. (SSAC is coming in at one stage. Steve DelBianco who's been doing a lot of work on accountability will be joining us as well to pose some specific issues for us to not only discuss today but take forward in the future.

But the first - the first agenda item we have and I think quite appropriately for this meeting is the accountability issues. And once we have worked within the

commercial stakeholder group in terms of representation, there are a number of people in the constituency who have also been pretty much involved in the CCWG. One of those is Malcolm and I've asked Malcolm to take the lead on the discussions here around the issues that are particularly pertinent to where the discussion stands now and we would need to give some feedback on.

And certainly those who are in the earlier session just before lunch when the constituency met with the board, we had a specific request to provide them with information on some of the key points regarding the discussion now and the view of the constituency.

So rather than me get into those issues Malcolm I'll hand it over to you to set them out in a far better manner I'm sure.

Malcolm Huty: Alright, thanks. I thought a general overview of this was going to be given by Steve from the CSG first so I wasn't quite ready for that. If that isn't the case, okay so allow me then just to pick out not an overview of the whole situation of where we stand but instead a personal view of some key decision points that I think are most relevant with regard to this constituency's interests.

Certainly one of the key things that's being discussed now is the model. The model has been the principle point of major controversy that has run through the entire process. We started off oddly enough in our first comment period with the empowered UA model. We then moved to the single member model for the second draft report which is one that is the latest view of the group as a whole. And since then - this meeting - the group has been investigating moving from the single member model to somewhere in the model to the sole designator model.

What is a sole designator you might ask? It's basically the sole member and the sole designator are both constructs in which essentially an artificial concept in which there would be one thing that would highlight decision

making power for certain community powers - the community powers having being identified in the report.

But the - and each of the SO's and the AC's would participate in the sole member or the sole designator so as to cause it to take a decision to use one of those powers if whatever thresholds were met. The differences between them is that the sole member is a member of the corporation with statutory powers of membership. It's the same as - and not saying that's a part of - but for example a shareholder corporation in a company limited by shares is also a member of the corporation so it's that kind of relationship.

The sole designator - designator is a construct that I'm only aware of under California law. I'm not a California legal and I'm not a corporate government site so I'm sorry about this but I'm only aware of this. But it's - but for my legal - the legal tradition or the bit that I'm more familiar with is basically like a nominator of directors. It's an entity that has the power to nominate who the director should be and that comes with certain statutory powers on the Californian law as well and can be given some extra but does not have the same set of powers that a member has which may be a good thing or a bad thing depending on what you're trying to achieve and that's where a lot of the controversy lies at the moment.

Now there are some who object to the sole members being the model. There was a lot of support for the sole member model but there was some that object to it. The main source within the group that was not convinced that the sole member was the right way to go was the ALAC but they accepted it given that it was supporting the rest of the group to go to the second public comment. But when we went to the second public comment, a very important stakeholder came back and said we really do not like the sole member and that is the board.

The board basically trashed the sole member as an option and proposed something completely different. And so a lot of the discussion this week has

been - and we've been - we had 14 hours of discussion in the first 24 and this week starting Friday and the chairs have led us to look at can we do sole designator rather than sole member. Can we - can that be sufficient? Can that be made to be sufficient by supplementing the proposal for sole designator that we have at the moment with some additional provisions so that those that think that sole member is the way to go could be sufficient for them. This discussion is still open.

My own personal view is that that's the way it's standing at the moment. Here is the chair of the group who could probably explain this much more accurately and clearly than me.

Yes. So anyway, that is what's been - that is one of the things that's being looked at there. So I said I was going to give some personal views as to what I thought within this constituency may be some of the things - decision points that are coming up. Clearly whether or not to go along with that is going to be one of them but then it becomes also not just whether or not to go along with it but engaging in good faith with the request. Can we see if this sole designator model can be made to work potentially by supplementing it with other things? What things would we need to have to see potentially supplemented in order to be successful?

For us I think I would pick out the key thing - a key interest that we have. We're mainly interested in ICANN from a point of view of operational stability, security and resilience all of which is being really - those issues are mainly with regard to the internet access that's going to be dealt within the CCWG.

And then the other area which we get dragged into in this place as in all places is matters of the responsibilities of intermediaries and then and that comes up in the CCWG with regard to essentially scoping the limit and mission of ICANN and should its mission be - what would happen if our good friends down the corridor in the IPC. As I sat - those of us that sat in the board meeting saw the IPC saying we want - to the boards - we want

contractual enforcement of commitments that are made so as to insure that our interests are not undermined and we want to see those commitments made. We want to see those commitments enforced.

By many - obviously those contracts are important but what if they're outside the scope of the mission and one of the live topics of discussion right now is should the limited mission of ICANN be deemed to be only the things that are currently stated as within the mission of ICANN or should it be those things that are stated as being within the ignition of ICANN plus anything else that's in those contracts even if it's outside of the mission of ICANN if the registries are voluntarily entered into them - into those commitments because those additional commitments are the things that the soft ends in the IPC but also in law enforcement and others would like to see used so that ICANN can enforce that and protect their interests.

So that is one of the key decision points but it's absolutely going to be a key thing. There's going to be process decision points as well which is when we go through this process, we're going to end up with something that's different than the second draft report. I don't know how different it's going to be but my sense at the moment is that we are indeed heading to a sole designator plus rather than reiterating the sole member and then trying to accommodate concerns that are being raised about it which suggests there may be a significant difference - a substantial difference between the second draft reports and the next draft reports - maybe the final draft report or whatever.

And then the question will be does that require another public comment round and how extensive should that be and how much time is required for it?

There'll be a lot of pressure from some places to say these aren't big enough changes to have another public go around or these are sufficiently small changes but we can keep that extremely brief and streamlined. We will need to form a view as to how that is and it's very difficult to do that at the moment since we don't know how different it's going to be because the proposal isn't

there yet. It's still in the discussion. So that's going to be one of the things I think that we're going to need to look at going forward.

But certainly in the work that I've been doing I've been focusing very clearly on the limited mission element and the IRP and the enforceability of the IRP and the ability to challenge ICANN action whether that be the board or community consensus policy on the basis that it's inconsistent with the limited mission and essentially the ask that I've been pushing could add some (unintelligible) pretty consistently has been we want to see an independent body that takes an objective decision on a complaint that something is outside the scope of ICANN' mission that can take an independent view on that and objectively decide.

And if it decides that something is outside ICANN's mission, can rule that that is the case and that it will have binding effect and that the thing that is being done that has been determined to be outside the mission is annulled or canceled or suspended. Now maybe it's correctable depending on the nature of the situation and maybe it's not. But that should be the ability and the ISP's - not just registries - but ISP's or I users must have the right to go to that independent body and to be sure that they will be able to go to that independent body and get an independent and an objective ruling on the complaint of that nature.

And then that the outcome of that decision must have effect. It must be the thing that ICANN follows. That's basically the - I think the core of what our interest in this is plus the CWG side of things which is the separate thing but is obviously a vastly important area there on the security and stability side. I haven't been working in that area. Okay.

So when it comes to the member and designator, how does that apply to this? It hasn't been the main focus of the discussion I must say. Most of the discussion about the difference between the two has been analyzed in terms of the five community powers that are being created - the ability to veto a

change in the fund - veto a change in the bylaws - the right of the community to consent to a change in the fundamental bylaws - positive consent required.

The ability of the community to terminate a given director - a specific director - the ability of the community to sack the entire board and the ability of the community to veto the budget or the strategic and operating plans. These are the things that the focus of the discussion is to the adequacy of the sole member versus the sole designator has been focused on consideration of how it applies to those particular things.

In my view - my personal view - these five powers are not central to the concern - to the concerns of us. In my view the most central thing - obviously they're important but most central is this ability to insure the independent arbitration of whether or not ICANN is abiding by its bylaws and it's acting within its mission.

And the - I'm afraid it's obvious but, you know, the - I don't think that sufficient attention has always been given to analyzing the adequacy of the sole member versus sole designator with regard to that particular question. So now we're going to have to look at it. We're going to have to see can sole designator be made to do it. Sole member does have a difference. It is relevant to the - to the enforceability or the availability of the bylaws - the availability IRP.

The IRP is an independent form of arbitration. It can be made binding upon ICANN under the Federal Arbitration Act as our lawyers tell us but arbitration happens between two parties that agree to enter into arbitration and if ICANN in a particular case said we refuse to enter into this independent arbitration, there is a question as to what anybody could do about that.

It says in the bylaws that they must enter into that independent arbitration with the IRP but what happens if they don't? Who can do anything about it? Under the sole member model, the sole member would have the power to go

to the court in something called a derivative action and say look, these bylaws say that these issues must be decided through independent arbitrations with the IRP. The ICANN board is refusing to enter into that arbitration. You must compel them to do so.

Now that is something called a derivative action. It is a right to enforce the bylaws of the corporation but we are told that there are only two classes of people that have the right to bring that kind of derivative action and they are a director of the corporation and a member of the corporation. You'll note that a designator of the corporation is not on that list.

Then it only becomes the question of well what else might there be that could be added to the sole designator so that it would also be able to insure or that by some other means there was a means of insuring that in the event that ICANN refused to enter into the IRP as the bylaws say that it must that it could be compelled to do so and that's something that we're going to be looking for ideas on. I think some of us here refer to it as patching.

The idea of taking the sole designator model and maybe adding something that we haven't seen at the moment - haven't proposed at the moment so as to achieve something that would be otherwise be achieved by the sole member without having to use the sole member as the model and thereby resolve the disagreement with those that are unhappy with that as a model. I think that's a good place to stop.

Tony Holmes: Okay. Thank you for that Malcolm. There are clearly two elements of this that we need to discuss. There are the issues around the model and then there are the issues around timing and whether we have another round of comments. But before we address any of those, firstly welcome back to the ISPCP, Thomas. Great to have you back with us and I know how much effort you've been putting into this.

Is there anything that you want to add to Malcolm's description of the models at this stage before we get into the discussion?

Thomas Rickert: Briefly or as briefly as I can - first of all thanks for the warm welcome and let me point out that Fiona and Malcolm are outstanding members of our team. You know, they are providing excellent suggestions, very hard working so you are in capable hands. Malcolm is sometimes a little bit of a pain but...

Tony Holmes: We know.

Thomas Rickert: But joking aside, I mean this is really a team effort and I think we are very close to getting this over the line. It's crucial we get it over the line.

There's been a lot of talk about who blinks first and I'm sure that you read the blog posts, you know, will the board get its wish. Will the community get its wish? Let's move away from that. We have established as a community requirements for what enhanced accountability needs to deliver on. CWG has established requirements. The conditionality we'll remember of the traveling organizations who said if these conditions are met, our approval will hold. If you don't deliver on those, the approval will not hold.

And NTIA has placed some requirements on us and I think that it's accurate to say that whether you take a designator model or sole designator model or single member model, both of them deliver on the requirements. The question is is everybody 100% happy with what we're getting and there I think we really need to look at what model has the highest chances of getting consensus, what would you die in the ditch for in terms of your own wishes and what can we do to remove as many concerns as possible.

And consensus finding is always associated with sacrifices that you have to take. So if you look at the membership idea and how we get to it, we discussed designator earlier in the process. Sole designator approach is in our first report already. The people though that, you know, if we - if we only

have a designator approach, the only thing we can do enforcedly is put people on the board and take them out again.

So it was (Chris Payne) who at the time said let's use a more nuanced repertoire of sanctions so that we don't always have to take out the sledge hammer and remove the board. In our search for more nuanced set of powers - enforceable powers - our legal advisors have said take the membership model which gave us a surplus of additional rights that are less intrusive but which brought along with it unintended side effects.

Now our legal counsel tells us we can control these unintended side effects being that for example the member can dissolve the organization - that they can do other things. There's a long list of statutory powers. Our lawyers say we can control these by making sure in the bylaws that the member being composed out of the constituent parts of the community can only jointly exercise those other legal advisors that can't be fully controlled.

So that leaves us with uncertainty and we are going to present to the global public a model that we need them to trust.

Tony Holmes: Just a clarification there Thomas whilst you got to that point. You said other legal advice. Is that the legal advice that the board sought?

Thomas Rickert: Correct, correct. But nonetheless I'm not taking sides here but what remains as uncertainty as to which legal advice is the correct one and you have two lawyers, three opinions, you know, all this. But the question is are we well advised to propose an accountability infrastructure to the global community that has the doubt of potentially destabilization potentially destabilizing the ICANN as an organization.

Malcolm is correct. There are some differences and nuances but if we could get to a model that delivers on the requirements that we have established that the CCWGS established and the CWGS established and by the way,

they have confirmed that they would be okay with either model and the question is can we remove their biggest concerns and can we patch the issues that are outstanding?

And one of the biggest concerns was with the second report reallocation and centralization of powers that a few designators or a few members - in that case it doesn't really make a difference - could control ICANN leaving, you know, bypassing the rest of the community and by going to a sole model be a designator or member. We're going to fix that. We're going to pool the exercising of the community powers.

Also we're not going to let them vote. We're moving to consensus. That's also good. Do we have a glass of water somewhere? No? I'm sorry.

Tony Holmes: Don't worry. Just whist you're coughing there I'll let you get your breath. One of the issues that's been discussed around and I'm not quite sure how it's been evaluated within the group is how much you could shape the bylaws to cover our concerns on the basis that to cover their fiduciary duties, the ICANN board would have to basically - it would have to uphold everything that's in the bylaws. So how much of this can we get around in terms of resolving issues where we have some concerns by embedding that in the process that has to be adopted through bylaw changes?

Thomas Rickert: We can address that a little bit. Let me speak to the fiduciary duties in a moment and I hope that I can talk for a moment without coughing. But the question about who blinks first - the board has accepted our invitation to walk through the door. They blinked first, right so they said we're willing to look into the sole or multiple designator model.

And since the board moved, other groups also moved. They said we're okay with this. ALAC went on record saying that they're willing to support this. We need more of those signals. You know, I'm jokingly saying that the board has pulled out the peace pipe. Let's smoke it, right. So I guess we're very close to

consensus so let's try to flush out what the differences are and in fact you're correct making reference to the fiduciary duties issue.

People say that if we're doing an IRP if the board claims it has made its decision exercising its fiduciary duty, that's something that can't be challenged by the panel and that's correct but at the same time we want a board that can exercise fiduciary duty. It may well be that a community decision in a certain instance was plain wrong so it's good for them to be able to say well this is actually not in the global public interest.

I think it would be glad for them to say so but if we see that there is a pattern or if we see that something's completely wrong with the IANA functions and we see that the board is not willing to honor an IRP decision then we need to split the board and they are not the right people and we can do that. So the difference is basically between direct and indirect enforcement.

And talking about enforcement - hope that some of you have been in the engagement session where we explain this long path of engagement escalation and then ultimately enforceability. So only in the case where after an engagement process the board takes a resolution that doesn't reflect the outcome of the engagement with the community. Only if the board chose to not react to a community objection against the board resolution - only if the board chose not to honor an IRP decision favorable for the community then we would see the difference between the two.

And then the question is do we really want to exercise community power - force the board in court for two to five years? We always said it would take like one year. Others say two to five years in a court spending a fortune to the sole effect that we can get our budget veto but we would retain the board. I think that's highly unlikely. If that actually happens, the relationship between the board and the community is broken.

So do we want to have this legal battle that everybody will watch which is highly destabilizing for ICANN and its trusts or should we rather pass a resolution as a community, split the board and if they're not willing to leave, we file for a preliminary injunction and remove them and move on with the new board?

I know that this doesn't answer Malcolm's issues but I think that we've put language into the bylaws that sufficiently limits ICANN's mission. We're trying to or we have I think efficiently avoided mission creep. I think we should try to get a solution for this IRP detail that you were discussing but ultimately I think if we see the board continuously refusing to honor IRP decisions or to agree to an IRP, we need to get rid of them. And I think that at that point the community will agree that we can't afford to have a board that is not willing to play by the rules.

Malcolm Huty: A point of order. Before we move onto an open discussion, can I just check is this intended to be an open meeting or closed meeting for ISP's?

Tony Holmes: Open.

Thomas Rickert: I'm willing to leave at any time.

Malcolm Huty: No, no, no. It wasn't you. I just noticed that someone was live tweeting - someone not in this room was live tweeting my comments and I thought we were in a closed session so I just wanted to check the status and make sure that everybody else knew that they were in public.

Tony Holmes: No, it's an open meeting for ISP's.

Thomas Rickert: So but actually I have to leave in like five minutes. I wanted to come by and see whether there are questions that you have. Malcolm and Fiona know everything about this process but I would just plea that if you could give a

signal that helps us move this towards consensus, I think that would be hugely appreciated.

Olivier Muron: I have a question Thomas. You mentioned that there could be a (unintelligible) and I want to know who decides that and under what the criteria.

Thomas Rickert: Sorry. What was your question Olivier? I didn't quite understand that.

Olivier Muron: So the question is is there going to be a (unintelligible) or a final report for the decision of the organizations and who decides that? I'm not quite there yet.

Thomas Rickert: Just for the avoidance of doubt, there will be a final report. No doubt about that. So we will update our report, include all the changes that we discuss with the group and there was one point where Malcolm said we need to fix something in the bylaw language. We don't need to see the final wording. What we're going to do is put in a requirement to insure that Malcolm's point is going to be addressed you will remember from yesterday's discussion and then we will see what the draft bylaw language is and we can all comment on that.

So there will definitely be a final report and definitely questions whether we need to take to public comment and I guess that's a decision to be taken collectively by the group. I think if it were for my liking if I were a community member not involved with this, I was informed about designator structures earlier. Sole designator has been mentioned in the previous report. The core thing was issues with voting. We're fixing that.

So in many areas we're just refining the proposals and concepts that the community is already familiar with but having said that, we need to be as inclusive as possible. So if our group feels that we need to have another public comment period in order not to be under attack for procedural aspects and increase legitimacy of what we're doing then we need to do that. But I

think we need to know more about the level of change before we have the discussion on the public comment period.

Tony Holmes: Just before you go Thomas on the issue of public comment isn't the issue of how long that period would be because if you look at the time frame, I believe you can build in a limited comment period without that much angst. If you go for a full public comment period, it's a different situation. Is that a correct interpretation?

Thomas Rickert: I'm not sure whether, you know, I think we have different parameters. We can discuss the length although I think, you know, we've got a lot of pushback if we - if we truncate. We can also look at the format of the report so we could try to just have a short report only reflecting the differences to the second report and not write up a full report. So we're looking at all the options at the moment in order to manage the timeframe but I can't predict the outcome at the moment. Thanks. Two comments. Jim.

Jim Baskin: Thanks. This is Jim Baskin. A moment ago Malcolm was talking about I think the ability of a single constituency or some sort of single group to bring a concern to some kind of - was the phrase arbitration or to the IRP. Does the designator model or any model allow for a single entity to do things like that - to take those kinds of things to the IRP?

Thomas Rickert: Yes, the IRP already exists and it's already available for individual entities to go to. One of the proposals in this report is that there should also be the ability for the collective IRP on behalf of the community. That's new. Another thing that's new is to expand the scope of who is allowed to go to the IRP to all materially affect the parties, not just to those that have been directly affected by ICANN as opposed to affected via registry. So these are expansions in the IRP, yes.

Jim Baskin: And also that the IRP's could go beyond just looking at the - whether the rules or the procedures were followed correctly?

Thomas Rickert: The IRP's - also the scope of the IRP has been expanded from merely whether or not there was a contract procedure to also certain kinds of substantive tests - not the right decisions. So it's not going to review whether it's good policy for example but it is going to review whether or not that policy's within the scope of ICANN's mission consistent with its core values, yes. So this has been expanded and these are all expansions that I think we would - that are in the interests of our constituency.

The only question that I was referring to is the question of the enforceability of the promise that that's available where you can write stuff into the bylaws but what happens if ICANN doesn't follow the bylaws - doesn't follow it as bylaws. You're supposed to change a failure to follow bylaws through the IRP which is great but what happens if the failure to follow the bylaws is a failure to use the IRP? That's the question.

Eduardo Parajo: Eduardo Parajo. The team made the question that I would like to ask you but if something that you believe to have more enforcement is not only one community need to be together in this IRP. Do you think something about that?

Thomas Rickert: I think we need to make a distinction between two different kinds of IRP's. So we're talking about an enhanced IRP but actually we're talking about the community IRP which helps the community enforce the limited number of community powers that Malcolm enumerated for you and then there is an IRP for agreed parties. You know about the Dot Africa case for example. That was an IRP. And we're going to insure with the enhancements that the IRP is going to be better with the enhancements that Malcolm mentioned.

I'm afraid I need to leave now. Thanks so much again for having me and keep your fingers crossed. We're going to do the first reading of a decision on the enforcement model tomorrow. That's the plan. We need to get that over the line in order to have a chance to deliver within the timeframe that we

planned for. So keep your fingers crossed and you're part of this. I think if you can give us a signal that you can join, you know, one or the other models, I think it will help hugely to get this - get this done. Thank you so much.

Tony Holmes: And on behalf of the constituency, thanks so much Thomas for all your efforts.

Thomas Rickert: You're most welcome.

Tony Holmes: It's been tremendous. Thank you.

We're left in a situation where I think we're gradually getting clarity of what the issues are. Does anyone want to express any views or seek anymore clarity of the final points? Christian.

Christian Dawson: So I just actually wanted to give some personal observations and thoughts around the general community acceptance of the final product and not just the community acceptance here at ICANN but the eyes of the world around this process. And when we're looking at even a question like do we go to another public comment, there's a couple of issues at hand.

There is a way to look at the way that the board presented their problem with the sole designator model and take a look at what is now potentially coming from it as a top down driven change that they are - that they're bringing to the community and is that going to in the public's eye be seen as a diligent amount of force. These are just questions and thoughts at the top of my head.

Also and in so doing the public comment just to adjust to whatever we come up with - make sure that that is ameliorated. The second thing is Malcolm brought up some very important points regarding indemnification issues. If those things need - likely need to be addressed in the public comment period or we're not going to have legitimacy, we need the final model.

Tony Holmes: Good question. Anybody else?

Malcolm Hutty: First I might say about the discussion we had with the board this morning or would you like to do that actually?

Tony Holmes: No, you're fine Malcolm. You're closer to this than I am. Go ahead.

Malcolm Hutty: Okay well anyway I think you've seen - you can form your own view on someone else's approach and phrasing but I think you see now certainly what I've seen from him before. He is keen to guide us to agreement with the sole designator model and keen to ask us to coalesce around that model with potentially these patches.

The board this morning in the CSG board interaction gave an explicit - not even an invitation - I think it was a request to this constituency and the others to say we would like to hear from you an opinion on this process - on the requirements for this process.

Now those two things basically go together I would say. The - if we are potentially - I mean we need to decide whether actually single member is something that is really important to us for arcane reasons and we need to stand by it but if not - if we are potentially willing to take up Thomas's invitation or invitation and request there that we should be - should instead be looking to say well if you're going to go to single designator then you want these things. Then we should be clear about what is fundamentally important to us - as he said what will you die in a ditch over.

And I've given an indication to you - very clear steer to you as what I would - where I suggest that sort of thing lies. Similarly though we've got this request from the board. They want to know what is most important to us. It's the same request and I think we should probably have that discussion and pull out what that is not there at the moment or what that there might be lack of clarity or

uncertainty or differing interpretations or indeed that other parties that are in that group are currently pushing in another direction. What are our bottom lines to achieve?

Olivier Munro: Yes, thanks. Olivier Munro speaking. Coming back to the technical proposal where all constituencies have been commented on so we assign as PCP as well. So basically we were satisfied with the proposal so that's one thing.

So now we have a situation and you really - in a brilliant way you explained to us where the problems are in the end, you know, with it all. To my understanding it all focuses now on this question of the arbitration and the IPR in that regard and the question of enforceability of that.

So I understand you will work on that over the next one or two days with a new CCWG and come up with this - with an - with this recent result. So I understand we should give you guidance in regard to that and the question here is up to which point that enforceability must be - should be imposed - imposed due to the proposal.

So I am not a lawyer. Well I trust you in this sense really so it comes down to you. I do not have any other requests, requirements with regard to that proposal. If that is the key point and if that turns it to that - in that direction that we could accept a policy to the designator model, I will review. so it's just a question about you have to come back and lawyers maybe and discuss that to what extent this enforceability question is going to be solved.

Tony Holmes: Okay, we have five minutes more just to carry on this but we are going to return to it after we've spoken with our colleagues from the SSAC because this is a really important issue. So a few more moments and then we'll have a short break. Please go ahead.

Fiona Asonga: Fiona Asonga. I've been - as someone who's been in front of the process with Malcolm I've been sitting in there on behalf of the address supporting organization that where I represent the African continent.

I would suggest that we - as members of this community with ICANN having been there for the last almost 16 years - we have done a lot. We've achieved a lot together. we have built that by working on things that have kept us together focusing on the commonalities and I think it is important that moving forward as we get to the critical point where we are throwing together final report, we bear that in mind and look at what are the things that bring us together as an ISP constituency for example with ASO - with all the other constituencies.

If we can focus on the issues that keep us together, we'll be able to get the right proposal to move us to the next level. We cannot achieve everything that everyone wants achieved within this vast document and let us be realistic. The truth is we cannot accommodate everything but there's going to be like the accountability process. There's a work stream too that is also looking at things that will have to be worked on after the transition.

So we are honest and realistic about the practicality of what can be accommodated. I think it will be possible for us to come up with a model that fits everybody and a proposal that as a community we are comfortable with and the external global community who are not really part of this call ICANN activities can accommodate, relate to and be able to appreciate the (unintelligible) model has worked so well so far.

But it seems when we try to document it and to document the accountability mechanisms, we are hitting a wall. We are only hitting a wall because I think for such as every constituency had come in with its own interests to be addressed but it's not possible to accommodate everything. In the interest of the organization it's good that we - we appreciate we're different but we're still

one and with our similarities we - I think we can be able to get a good proposal.

And Malcolm has done a lot to present the constituency and the CCWG has never spoken on behalf of us because just so you know, I represent ISP's. I have always left it to Malcolm and consulted him on the side on things I thought needed to be addressed from that angle because then I was more focused on the numbering point and the numbering issues but I think there is a lot of progress that has been made moving forward.

Tony Holmes: So tremendously helpful Fiona. Thank you. And I think it's a good place for us to pause for a moment. I - well I'll come back to you straight away as soon as we come back Olivier but I think now because I know these guys are under strict time constraints as well so we should make room for Patrick.

Man: Patrick (unintelligible).

Tony Holmes: Oh, he's in - alright - to focus down on a few issues that came out of your earlier presentation to this ICANN meeting. Thanks Patrick.

| Patrick [Falstrom](#): Yes, Patrick [Falstrom](#).. I'm the chair of SSAC so thank you very much for inviting us at SSAC again to this group which I must feel sorry for you because I thought that we at SSAC had a small room but this is even smaller.

So it's always problematic. What I really would like to have one day is have a longer discussion between your constituency and more people from SSAC because we are now three people here - me, my vice chair, Jim and Ben that has been working with one of the top experts you sent over to us but we have more people in SSAC so when we go to the Q&A which I hope we can do very quickly today in the 20 minutes we have that we manage to get of your time so thank you very much for that.

Tony Holmes: Well Patrick one of the things we're doing - you may not have been in the session with the board this morning but we are pushing to have a technical day for ISP's at ICANN and very much I would see some of the work that you do fitting in with that.

Patrick [Falstrom](#): Yes, regarding technical work - as you know - there is a - there is the - both we and SSAC do have DN SSAC for beginners. We have a DN SSAC day Wednesday but also CCNSO have earlier had a tech day - what is now just tech day, not CCNSO. And there is pretty good coordination between us who arranged these kinds of sessions and I would welcome if it is that kind of technical discussions you're after which is more than policy related in that case, I urge you to - and I can help you with contacts and how to be involved in that work because the CCNSO tech day is automatically - is no longer CCNSO's tech day. It's borderline that.

And specifically when we are moving over to the new - to new meeting formats - specifically the meeting type B - there will only be one day when these kind of technical issues are brought up which is also supposed to be very explicitly outreach and so that's pretty important.

Tony Holmes: That's exactly where our thinking has gone because of the meeting schedule and the focus there but we very much as a community want to engage so (unintelligible).

Patrick [Falstrom](#): Let's - I think you and I can start talking about it offline and I can help you with how to do - how to do that. So anyway so let's go through the - we had a couple of - we had had a presentation. I just had requested to - whether I have a slide deck to put up - I just sent over the slides to you guys.

Man: They're up.

Patrick [Falstrom](#): It's even behind me. Cool. So before we go into those topics, I would like to go to slide three because I would like to give a context which is pretty important. The context which we are in - we're having this discussion.

So our charter as you see at the top right is to - and you can look in my screen here.

Man: Thank you. I appreciate it.

Patrick [Falstrom](#): The charter is to advise the ICANN community on board room matters relating to the security and integrity of the (unintelligible) mainly address allocation systems. That's SSAC charter which is also in the bylaws of ICANN so that's what we are supposed to do.

And if you then go to slide four, you see on the top left what ICANN's mission and core value is - to insure the stable and secure operation of the (unintelligible) identify systems and preserving and enhancing the operations, stability, reliability, security and global interoperability of the internet. So those two things sort of fit together.

And then if we look at the publication process, we form a work party and decide whether we're going to publish something and then we publish our documents which might include recommendations and some of those recommendations are directed at the ICANN board and then you have the flow to the right.

We submit the advice to the board. The board acknowledges and studies the advice and take formal action and this is something that was part of the ATRT2 recommendations that it should be included in the bylaws of ICANN that ICANN board must take advice from the advisory committees into account.

That might imply like at least four different things is fort of for in broader terms that it is injected to one of the PDP's, that staff is requested to do an implementation with a normal public consultation. We all know how that works. Or it could be dissemination advice to affected parties including discussion with other organizations like W3C. We are doing some interactions with CA browser for economical issues for topics that I know specifically have been interesting for you or it could be very well that the board chooses a different solution and then explains why advice is not followed.

So this is sort of - this is where we are and where we sit in this sort of - in the ICANN ecosystem and this is also - the reason we want to explain this is that during this week when the CCWG work is going on or replacement of people on the board and voting power and all of those kinds of things, we have got a lot of those questions as ASAC.

These are the - this is the reason why we find we being in a different situation than the SO and AC's - than the SO's, okay just because we are - we fit in part of the bylaws are chartered together with ICANN mission which is completely different from bringing issues to the board and having the board make a decision. That's why we're confused. Nothing more.

Tony Holmes: Okay.

Patrick Falstrom: So anyways - so if we - if you look at the various things we are working on if you go forward to slide seven - we are currently investigating the - we are going through the advice that we have given related to the current round of GTLD's - which one of those were effective, which of those has been acted on, what kind of device have not been implemented yet that we do think must be implemented before the next round.

So we are basically going through what we have said and trying to sort of think - rethink how was this. And of course it - to some degree it is time

consuming work just because we don't have any real tracker advice yet. That is another thing that we're working on that we heard that you are interested in because for example we gave advice on the international domain names relationship with the Trademark Clearinghouse.

We gave that advice in June 2013 and we got written response Saturday this week like four days ago. And if it now - of course the earth is still spinning around the sun and everything so obviously the advice was not necessary for the earth to spin around the sun but the question is then if it is the case that that advice actually - regardless of whether we can - one discussion is of course whether the device was important or not. Another one was if it was the case that that advice actually would have been really, really important for the process, waiting two years to sort of respond is not really good enough which of course discernably is our fault.

Like we could have knocked on their door so I'm not doing finger pointing. I'm just talking about an error in the process and (unintelligible) working on prior - between the (unintelligible) on priority mechanism matrix that actually Rob is holding the pen on that so we're trying to do a lot of better work there.

Other things we're working on is the registrant protection potential management which I think we should spend most time on and one - oh yes - one thing which might be interesting for you guys. We just launched a new work party that looked at the IPR4 address exhaustion because what we have seen is that - well first of all some people think that we only work with DNS but that's not the case. We are keeping our IP addresses as well.

We have discovered that lately when IP addresses really have - when we are out of IP addresses - IPR4 addresses in the RAR's we have seen - we have kept our eyes on how much allocated but non-announced IP address space had been used - specifically being used by people to which the address space is not denounced to.

And that has actually - from our perspective - that usage has increased really fast the last six months. So we are what I personally call moved into the second phase of IP address usage when you can no longer get IP addresses by requesting it from an RAR. Instead you look what is not announced and you just start to use what is not announced. You just start announcing it. That is actually pretty popular at the moment. So that is what we are looking into.

Of course the third phase which I don't want - personally don't want to happen - is when people - when we actually do announce everything - the whole address space because at that point in time people will start to use what other people are also using and that will - that will most specifically harm I think personally for example developing countries.

Like for example in Sweden if I announce something that Fiona is using, it will not harm companies in Sweden. They will be able to communicate with each other without any problem because they trust each other but the announcement that is coming from Nairobi will not be - will not reach Sweden.

So to put it mildly, personally I absolutely don't want us to move into the third phase. We must have IPB6 deployed before that. So anyways so this is what we just started to look at in SSAC and we actually - that was actually the meeting we had in the next door just in the last hour.

So IPR4 addressed that but as always when we bring up things to do in ASAC, the main question is given that we have this messy situation which specifically the people in this room know more about than I do because I'm more a DNS person - what recommendation can SSAC give to whom to make the situation better?

We don't - we are not an organization that just appears sort of in other news article oh, the sky is burning. Like that doesn't help, right. So the big work for

us is to understand what recommendation can we give if any to make this situation better? And if you have any idea, please come back to us.

Tony Holmes: So at this stage you're just doing the - excuse me - we're all suffering in this room - the analytics. You're just collecting the data at the moment. Is that correct?

Patrick Falstrom: Like I said, the RAR's have already collected quite a lot of data and they - and we do have - and they have shared that with us so we already have that. So we have historical data and we are looking at how bad is the situation and what can ICANN do, what can the community do like and help the RAR's with because this is of course something that the RAR's and the IX community is already working with but maybe it is the case that something larger is needed but also sort of the names community is sort of helping with this problem. We don't really know. We just started thinking about it.

But just to also give you a little bit of insight on how SSAC is working. In fact we try to understand what helps - what might help.

Tony Holmes: And from where you are on that, just a little bit interested in - more interested in this as it was in some regions - some RIR's and others.

Patrick Falstrom: Personally I don't know. This is one of those situations where I really would like to have had more SSAC people in the room actually. But I think it's far too early for us to say but on the other hand that's not really the issue. If it's worse in one region than another one at the moment, that doesn't matter, right?

Tony Holmes: Well it may - it may help determine what you can do.

Patrick Falstrom: That is true. Yes, that is true. So anyways so let's move on to let's say you had just one future milestone.

Tony Holmes: I think that's the next slide, right - slide eight?

Patrick Falstrom: Yes, there. So what you see is that this work has just started. So Q1 we should be ready with the report and advice around UGTLD program review but this IPL4 address (unintelligible) is something that is further ahead in the future.

So the next thing that I just want to adjust forward to slide nine - I just want to mention that we released stack 73 regarding root zone KSK rollover plan. The only thing we are saying in stack 73 is that we wrote stack 63 which includes five recommendations and we actually would like to have the design team that looked at how to do the key rollover to explicitly address those five recommendations not only implicitly which they seem to have done.

Which of course remember one of the first slides I showed you that they might draw conclusions to choose different path forward. We just want them to address those five because they talk about the risk with key rollover and etcetera.

So that's 73 and then we can move forward to slide 12. And this is where I would like to have Ben come over here and do this instead of me.

Ben Butler: Okay. So I am co-chairing the work party on registrant data protection and credential management. We are very near publishing the paper. We're just ironing out some final details and I would love to hear any questions you guys might have on what the scope of the work is, what we've identified, how it might affect you - that sort of thing.

Tony Holmes: Certainly if you can - you say you're close to publishing.

Ben Butler: Yes.

Tony Holmes: So what is the scope that you've covered currently?

Ben Butler: So what we are - obviously credential management as a whole is a potentially huge problem. When a registrant has their account with the registry - or I'm sorry - with the registrar compromised their user name and password, domain hijackings occurred, malicious DNS records can be created on that domain and all sorts of problems.

But overall credential management is a systemic problem so we're trying to identify best practices in credential management throughout the lifecycle whether it's creating the credentials. How do you manage them when they're in use? How do you destroy them? How do you recycle them and how do you do, you know, the forgot password flow?

We wanted to identify best common practices and then make recommendations based on those best practices. How do we get them more widely implemented?

Tony Holmes: For IDN's as well?

Ben Butler: It's not specifically - IDN's are not specifically called out in the paper but these are best practices that would apply to any model where there are credentials involved.

Tony Holmes: I'm struggling a little bit to get my mind around how this relates to the work that Christian is doing as well with universal acceptance. Isn't there a knock on effect there from this potentially or...

Ben Butler: Do you think...

Tony Holmes: Or not because you were talking about scope and I'm wondering whether that is it.

Ben Butler: I don't think there's a lot of crossover there.

Patrick Falstrom: No, I don't think so because this is really more like the credential management itself like how - when you get breached it's not going to stop it.

Tony Holmes: Right.

Patrick Falstrom: It has something to do with the functionality there, right.

Tony Holmes: Right so it's further down the track.

Patrick Falstrom: So for example if you have a break in and people steal your password, it doesn't really matter whether it was - whether it was an IDN or not, right.

Tony Holmes: Christian.

Christian Dawson: This portion only happens in the - so we're only talking about data that's collected in the registrar ecosystem. Is that correct? So that's not us, right?

Ben Butler: Well we're focusing primarily on credentials used in the registrar system and in the registry system.

Christian Dawson: How can the ISP's - our part of the ecosystem assist you with those efforts?

Tony Holmes: Yes, that's where I'm struggling as well.

Ben Butler: Well I think - I mean obviously you - as ISP's you all have customers and they have accounts that they log into your systems with to perform some functions. So if those credentials - if those accounts were compromised - a bad actor could do terrible, terrible things on behalf of your customers.

So I think at its most general level these best practices are not specific to registrars and registries. They're best practices concerning the entire credential management lifecycle.

Man: You see value in - as we continue forward with our plans for tech day - to build outreach mechanisms that come out of those things to talk about potential threats like that so that's useful.

Tony Holmes: Yes, it's quite hard for us at this stage to take a view on this before we see the report. I suppose that's the key thing in terms of scoping and where we go from here. But certainly in terms of the follow-up when we reach that stage I think, yes we definitely have an interesting edit at that stage but I'm not sure we can actually help you at this stage.

Ben Butler: Well I appreciate that feedback. One of the recommendations that we are looking at involves creating - ICANN creating an outreach and training mechanism for parties, you know, whether they be registrars or ISP's or whoever who are having trouble getting set up on better credential management practices for just as an example, if there's someone who wants to set up multifactor authentication and they're not sure how to do that from a technical standpoint, we're looking at recommendations around getting some training available through ICANN to the wider community.

Tony Holmes: Well then there is a link with us directly from that as well because one of the things that we have recently set up - gone down the path - is a more focused technical mailing list which is going to cover some of the broader technical aspects for ISP's who are obviously interested in what happens at ICANN but it's not the thing that drives their business so it's a separate stream. So that clearly fits into that and in terms of outreach that is something we could do.

I also agree with Christian. I think if we are looking to promote these technical focused days then it fits in with what we would want to do as well because it's part of our audience who would be impacted by that so sure, yes. I think there's a lot here for the future and we certainly want to report out - we should talk with you about how we - how we front some of this work through that

mailing list and the people we've got on that. It would be really pleased to do that.

Ben Butler: Okay.

Tony Holmes: Okay, did you want to carry on through Patrick or...

((Crosstalk))

Tony Holmes: Right, okay.

One of the things that bugs me permanently is how we can actually help you when you do get into the situations not only where you don't have an answer but if we look back in history, you and I know that there are instances where the advice just isn't followed through. How can we help with that?

Patrick Falstrom: Well I think...

Tony Holmes: You said to us earlier actually in an interaction that we cite your work in a lot of our stuff and I think that's great to do but it doesn't overcome that problem.

Patrick Falstrom: No, that is correct but what we will get now which we are working on and we actually got the demo this morning - today - is an ability for everyone including you to see the status of all advice that not only us but also others have given to the board and how they are following that up and that will make it easier for all of us to know - to know where various recommendations are and that will make it easier for you also when you see that our reports are released.

You see that a fraction of those but even if it's only one that is interesting for your community - there's new tools and other kinds of stuff which also makes it easier for you to follow the specific recommendations that are interesting for your community because today even if you ask me so where is the

implementation of that recommendation in that report if it was the case that you remember those numbers.

Even though you do it, I definitely don't and I have to go to backend trace and see where we are. It's extremely cumbersome and problematic today. So it will be easier for you also to sort of - you pick out this is interesting for us - recommendation three in SSAC 93 and then you just continue to follow that.

Tony Holmes: And the obvious one I think for all of us was names collisions back in the past.

Patrick [Falstrom](#): Yes, for example.

Man: Have we already missed the SSAC public session or is that still to come up later in the week?

Patrick [Falstrom](#): The public session for SSAC will come up on Thursday morning. It is 8:00 AM on Thursday. It is always 8:00 AM on Thursday, yes. Bring coffee.

Tony Holmes: Okay.

Patrick Felts: And there is one thing I will - let's say ICANN 54 - there's actually one thing that also if you are really interested in what we are doing - let's see. Where did that go? I'm trying to find the ICANN agenda here. Schedule. Where are we? Tuesday.

Tony Holmes: Just whilst you're looking, I'm aware that you're not with us for very long Patrick. Got a couple of other people...

Patrick [Falstrom](#): Oh other questions, okay yes. I just wanted to mention to you we just discovered both - we and the board - that we actually for the second time that I remember we actually do have a meeting with ICANN board - we in SSAC -

and that is actually an open meeting. No one knows why but now when it is, you are welcome to that as well between 6:15 and 7:15 tonight.

Man: So wow, wow.

Tony Holmes: Yes.

Man: So as you heard, we're interested in taking out a role in the community as an organization that takes some of the things that we talk about in this environment and does technical outreach outside of this community and many of the things that we focus on - be it universal acceptance, name collisions - some of the things that you're talking about are of great interest to us.

The IPB6 and IPB4 exhaustion things that you're talking about are of great interest to us. We want to carry those forward to communities outside of this area. We also want to be cognizant that the heavy lifting - we don't want to reinvent the wheel.

When you talk about the communities that you've been looking to - particularly when you were talking about the IP before exhaustion to figure out how you can interface with them. Have you looked to the known communities engaged there?

Patrick Falstrom: No. For that specific report, no we just started. So regarding the outreach - no, no, no - that is further in the future.

Man: And in general have you engaged in that community in a lot of the things that you've done?

Patrick Falstrom: Oh absolutely.

Man: How do we help you with that in the future and be an outreach mechanism for some of the work that you do?

Patrick Falstrom: Yes, absolutely. Like we need all the help we can and so far - but okay let me - so far we have been working a lot with ALAC because they have started to (unintelligible) to be able to sort of have something that is up and machine driven running and also together with Internet Society. So we have been working sort of semi-closely with the specific labor costs of the DN SSAC work we're doing. We're doing that very close to the SSAC deploy 360 program so that is where we have had the connection which sort of ties towards the logs, okay but yes absolutely.

The specific (unintelligible) start talking more about IP addresses is definitely that direction where we should go, yes.

Man: Great, thanks.

Tony Holmes: That's the link we were referring to earlier. Malcolm.

Malcolm Hutty: So I'd just like to convey what we've got Patrick - a request and RFA CCWG related. Now I know that SSAC - when we were looking at within the CCWG at models where the community powers would be exercised by voting - SSAC communicated to the CCWG that it would not wish to participate in a vote in the use of power such as SSAC board as an advisory body. I understand that.

However we've now moved on where it's now being described in terms that attempt to make it sound less like voting and more like a discussion where it would proceed provided there would seem to be support from - and I think the threshold is four for the SO's and AC's - and no more than one objection or advice against them. That language is still open.

I don't think we are clear as to and whether SSAC would be willing to participate in that. Would they be willing to provide advice into that process? Would SSAC still be willing to provide advice into that process if it felt that advice in the negative would be treated as being an objection that prevented something from occurring or contributed to a decision for it not occurring in that way?

We're not clear where you stand on this and we would appreciate some greater engagement and clarification and you don't need to answer it.

Patrick Falstrom: Yes - no let me just explain to you where we are because I cannot answer that question now. The two members - the two SSAC members which are members of CCWG are in the room - (Lyman) and (Julie). And it's actually the case that we now at 3:00 PM are starting our internal meeting of SSAC and one of the main topics of that meeting is to discuss the situation so we cannot preclude anything.

Malcolm Hutty: That's perfect.

Patrick Felts: But maybe you would like to say something about this still (Julie) or (Lyman).

Julie Hedlund: If I may – Julie Hedlund. The way that you expressed that Malcolm, I'm not quite sure I would agree with. We've never said we would not participate in a vote that would do a particular thing.

What we've said is that SSAC wishes to restrict or it's likely to wish to restrict itself to its remit. That is to only express a view whether it be a vote or whether it be a statement of support or a statement of objection on issues that impact the security and stability of the unique identifier system and that's a subtly different thing.

And it could be that there's a situation where the recall of the whole board would in fact impact that where SSAC may on a particular situation choose to

make its view known in whatever way the mechanism ends up working. So I think it's mincing words a bit but I think there's a subtle difference there.

Malcolm Huty: No, that clarification is very helpful. Thank you very much.

Patrick Falstrom: And this is one of the reasons why we wanted to show - why I wanted to show you these slides so we are very clear about what is our charter, what is currently in the mission of ICANN and the connection between the two. That is what is key for us and I hope that might help you as well. But (Julie) and (Lyman) you can - you probably can talk to each other directly and they will get more input from SSAC during the session that we will have now internally so thank you.

Malcolm Huty: And of course this isn't really just for me. The group as a whole would appreciate that.

Tony Holmes: Okay, thank you and thanks as ever for that.

Patrick Falstrom: Yes, my wife's chair is waving at me. We should leave to the next room. Yes, thank you.

Tony Holmes: Can we work on the fact that we can get more time with you though because we always just get rolling?

Patrick Falstrom: Always, always.

Tony Holmes: Even though the meetings are getting smaller.

((Crosstalk))

Patrick Falstrom: Thanks.

Tony Holmes: Thank you. Okay, we're going to go right back to where we are and this is such an important - particularly after the request we had from the board this morning - they're clearly looking and waiting for us to go back to them. So a couple of times that are on this agenda - the GNSO review and the GNSO council issues. I'm sure we can squeeze those down into ten minutes so I'm going to utilize a lot of that time to have more discussion on IANA and we'll go right back to where we are. Olivier you wanted to make a point.

Olivier Muron: Yes, I just wanted to make a comment because we spend a lot of time out on the very important question of the model but if we look back at the position of the draft comments that we published now under second draft proposal, there are many other important points that where we do not disagree with the draft to answer (unintelligible). We agree on everything. We disagree on some of the points.

One of the points is awaiting model to get a decision. You know, remember that there are equal weight for the start of organization for ALAC and (unintelligible) and as Malcolm just mentioned, now we are moving more to something with a consensus. So that's very important and that's a very important move for us because it was really not acceptable to count and to be on the same level that other organizations that really are much smaller activity within ICANN.

And the other point that is still difficult to progress is whether the recall of individual board member that had been appointed by your supporting opposition. Opposition that was that such recalls will be decided by the whole community and on that point there is no progress. Still some people are really defending the idea that the board members that are appointed belong to them and they should be able to remove it.

So now they introduce a level of discretion but in fact to start the removal and to decide firmly on the removal, that supporting organization that has been

appointed - that particular director will have the hand. So I think that's still a problem for me but I don't know (unintelligible).

Tony Holmes: Well on that point or on that approach I don't think we're going to be able to decide here exactly whether we can offer support or not because there are too many issues - those included - undecided.

Olivier Muron: Sure and we've been seeing that on the two - we've already defended this position on the two comments we find and so...

Tony Holmes: So we can refer back to our earlier statement and I think whatever we send - choose to send to the board after today - one of the points that is going to have to go in there is going to be the issues that we've raised in our earlier response that are still relevant and they need to be - they need to be dealt with because they haven't been dealt with.

Olivier Muron: Yes, they do...

Tony Holmes: The other - that brings me to another point as well Steve DelBianco picked up this morning that we seem to be in a different place to the rest of the CSG regarding the gap and that is still very much an alive issue and I had questioned whether it - as we move towards a more consensus approach - whether that still remains as a big issue or not and I'm not sure in my mind. Maybe you have a view on that Malcolm how the GAC weighting is taken into that issue of achieving consensus because I don't really understand that at the moment as to how that would work.

I can see (Walt). Is that the same comment you wanted to comment on (Walt)? Maybe if you go first and then we'll go back to Malcolm.

(Walt): The reason why we put that in as a requirement or a recommendation more or less in our comment, there was some - the one thing is the GAC is the GAC and will be the GAC. If it's in political discussion or in policy discussion

or what else or if they are participating in operational - in the operational work and in decisions regarding operational work, they will remain as GAC.

So and the question here is still open to me here. As we know from our experience, it was always a problem for the GAC to participate in other working groups and taking a vote there or there was obviously a problem. I wonder how that shall - that shall appear in the new environment. That was one thing.

The other thing was that it was said okay, it's just about operational issues. These groups where the GAC is going to be participating have to be decided and take a vote on however it's not clear to me and others as well I discussed with whether to some extent a - if it comes to operational issues that there are also public policy matters are raised - that the GAC is aware of that. And then it comes to the problem how the GAC is stealing these ads.

So I don't see that the GAC is going to put members forward who are in the position we are to vote on behalf of the GAC with regards to public policy matters so that is - that will state the reason why we put that in.

Tony Holmes: But isn't that rather a slippery slope to go down that if you start questioning the viability of any group to respond on particular issues then you open Pandora's box to some degree?

(Walt): It was just a recommendation. It's not - it's not a requirement let me say just in this respect. So just to be aware about what the position of the GAC is. In the end it's up to the GAC to them to decide upon okay whether they would like to participate and vote if they have to discuss internally, yes. So but that was just a recommendation coming from that experience.

Tony Holmes: Jim.

Jim Baskin: Yes, regarding whether the GAC votes or has one of the six responses, one of my concerns would be that we don't get in a situation where the GAC demands that there must be a two month period during which the votes are collected to give them the time to vote. I think we need to find a way that when votes need to be taken, we don't have to wait for them all the time.

Tony Holmes: But it's not a different issue and it's not our job to tell the GAC how to have their own processes.

Jim Baskin: But it's our job right now to come up with a process that works and one of the parts of that process is how long does it take to make for the six designated parties that are part of the designator to come to a decision.

Man: Going through this process it is up to the CCWG now to specify whether people have an unlimited amount of time to make up their minds as to whether or not to do it or whether it should be a limited amount of time and if so, how long that limit is going to be.

Jim Baskin: But that doesn't have to be pointed towards the GAC.

Man: No, no, it doesn't have to be specified towards them but nonetheless if we do propose a period of less than two months, I anticipate the GAC will start to complain about that. That's just the GAC.

Tony Holmes: So that's fine Malcolm because the fact that this is on everyone's agenda and if the consensus is to go for a set timeframe if they can't make that timeframe, they have to make that point and speak up and then it has to be discussed within the group. I don't think it's for us to lay down rules. So I would quite like to - if that was the reason it was put in there I would quite like to step back a little bit from that.

Man: Tony, I agreed to that but so but one major target of that - is Steve DelBianco going back then to the group and saying there is no issue with or...

Tony Holmes: Well that - I do not know the definitive answer to that but it was certainly on his list of issues that he was putting before us to give him an answer on so this is one I think we can go back and say...

((Crosstalk))

Tony Holmes: We'll contribute to the discussion around the timeframe but we're not going to comment on the ability of others to meet it.

Man: Yes but you leave the comment as it is - as a comment.

Tony Holmes: Well the comment's filed but we are now looking at that comment and how it stands against...

Man: But it's up to the group.

Tony Holmes: We're looking at how that comment now stands against the latest movement that's occurred since and that comment was against a model that may or may not be around at that time. So it's just history. I think what we need to do now is to point out the issues that were - that were in our first or in our latest response back that are still pertinent that we won't resolve. That's the way we should do it - the other way around - the ones that we want to positively consider. I mean do you agree with that Malcolm?

Malcolm Huty: Yes. I mean I think we need to separate out what we're pressing for in the group from how we respond to the board, yes.

In terms of the discussion in the group, the discussion has moved on from the second public comment. We are looking - and there are other things around the table now that are variations of that or changes from that and we need to engage with that discussion and those of us that are actually participating in that group (unintelligible).

Though I'm not participating on behalf of the ISPCP in that group, I'm not taking an ISPCP's position as (unintelligible) part of my own organization. Nonetheless I would greatly welcome and feel assisted by comments from the ISPCP as to how they feel on the topics that are being discussed in the group at the moment so that we can - I can engage with those effectively in a way that's likely to be supportive of my members and likely to be - reach a consensus at least within our own group and hopefully more broadly.

However the question of replying to the board in a sort of statement which might be a published statement - I imagine that this is going to be an open letter, you know, which might have an impact more broadly. What's that replying to because it can't really - I don't think it can really be a comment on whether or not the comments that we gave in the second draft report have been adequately addressed in a proposal that hasn't been finished yet, let alone published.

Yes, so I think that what we say to the board is going to have to be a higher level statement that is going to be something that talks about our fundamental objectives and what we think we are going to be our criteria for assessing the third public reports - what we think is going to be necessary for us to support it - that kind of comment rather than working through and saying that we do or we don't think that this particular development because I think that's too fluid and it's moving too rapidly for that to be something that we can do in a reply - in a reply to the board now.

The reply to the board needs to be something that sets an overarching statement but guides the group as a whole as to whether we are likely to be satisfied with the kind of outcome they're edging towards and help push them in the direction of the sorts of things that will meet our fundamental requirements. That's how I pitched that. Christian.

Christian Dawson: I do think in order to get there that it probably makes sense to go back to the things that Steve DelBianco did want clarity on so that we can get to the bottom of where we as a constituency agree with other members of the CSG and where we don't because I think that we haven't talked about in details somewhere we may have very distinct differences particularly around the issue of the enforceability of the voluntary provisions.

Man: (Steve) is participating in the CCWG on behalf of the CSG, you know, the Commercial Stakeholder Group. So when he asked that questions, he's actually asking whether or not there is a consensus on a particular point that he can be expressing as being the CSG position. So that's a different level thing and that is in the discussion on an ongoing basis so that's not like the board comment - the reply to the board. He needs answers on particular things.

Are we in unison with the BC and the IPC on particular issues? And I think really we're going to find that the answer is - on some of them the answer will be yes and on some of them the answer will be no and we'll need to restrain him where the answer's no. Particularly I don't - I don't like - don't want to see (Steve) saying CSG broadly likes this sort of thing although the ISP's aren't necessarily on board. Yes. It's going to be limited to the things that there is true consensus amongst the three constituents so I think that's important.

Tony Holmes: Yes so an issue - there were three issues roughly. They were around - the [WHOIS](#) language was one of them. The other one was the review committee - the makeup that was talked remember about 21 or 14 and who's represented and how.

((Crosstalk))

Tony Holmes: Yes, yes. Sorry, are we...

Woman: (Unintelligible).

Tony Holmes: Yes but it's a community review is my understanding.

Man: Yes.

Tony Holmes: Yes, that's right.

Man: So that's really - that's separate from - that's separate from the accountability though, isn't it?

Man: (Unintelligible).

Tony Holmes: Well that was the third item - the consumer trust one. The CWG was the first one, yes. But the important thing for this meeting is really the makeup of what you said at the board level and...

Man: No. I'm sorry but I think we must respond - we must respond to (Thurman) because he asked us some (unintelligible). We must respond to the CSG but the board - I mean we don't have to respond to the board. We are following our policies.

Tony Holmes: No, no. We do need to respond to the board because we were specifically asked by (unintelligible).

Man: But that's not the reason.

Tony Holmes: But the answer shouldn't be that much different.

Man: Okay.

Man: I would think - I don't know. Maybe you would have a different view but I would think that the kind of response that I just described as appropriate

response to the board at this time actually and that response to Thomas probably both are the same really (unintelligible).

What Steve needs is different. Steve needs more details - responses on particular points at a fine level of detail that are rapidly moving. That's a different thing.

Tony Holmes: Yes, the points raised by Steve were purely about what he needs to represent back from CSG and the points he raised were where there were differences between us and the rest. So those things are different but we have to walk out of this meeting with a clear understanding of our response back to the board and I think I'm on the same course as you Malcolm that at this stage it's a really difficult thing to say because we don't know what the proposal is.

So we don't know how our earlier comments map on or even whether they're appropriate for that latest development. We can commit to carry on engaging and providing views as it becomes clearer but in terms of offering support for one model or the other which I got the impress some of that was targeted towards that. It's a really hard decision to make.

Malcolm Hutty: If I can suggest that we keep it to criteria and we express criteria as well as - in our previous public comments - in our previous responses in the public comment period we mainly kept it to criteria and also made specific points on specific details. If this letter we keep only to criteria and we say, you know, I think we kind of want to put in some boiler plates about how much we support this process and want to see it achieve a successful conclusion. That's going to be important to express.

And then to say that the successful conclusion for us will mean that we are satisfied that these points have been addressed adequately - that these overall objectives rather have been addressed adequately, yes. And then

merely the fact that we are not saying it must be this model is they will find us some useful inputs.

Tony Holmes: Yes.

Malcolm Hutty: Yes, they will find it very useful to hear that okay, you want to achieve these things but if you can be satisfied that it's been achieved through this model or that model, you can actually be persuaded to go with either. That will be something they will be very pleased to hear and Thomas will be very pleased to hear.

Tony Holmes: Okay so Fiona and then Alain.

Fiona Asonga: I would actually support what Malcolm is proposing right now because in the ASO that's the same thing that we've done. We've not gone into specifying which of the models but just highlighting what are the important things as for the criteria provided by NTIA that should be accomplished to enable us to move forward. And I think the ALAC - they have also done something similar although a bit more specific that they are now going to insist on one of the modules.

But basically the feedback I'm getting from all - most of the constituencies is there's a lot of emphasis on the commonality which is what the NTIA criteria was and has been the core and then any other additional things that our group feels are important to get at moving forward. That gives a lot of set ground so to say for the community and all parties involved to be able to come up with a good proposal.

Tony Holmes: Thank you. (Alain).

Alain Bidron: Yes. First to say that I agree with what you just said and I think the risk point from the (unintelligible) community is very good in that way so only is that really different from what we expressed on our last position paper? It's

frequency. It's not the wording we agreed between you and us was exactly on that line and I would agree to reiterate that.

Man: (Unintelligible).

Alain Bidron: This is frequency (unintelligible).

Tony Holmes: Yes. So what I'd really like to ask at this stage is maybe Malcolm Fiona (Alain) and Olivier yes, can you do that? Would you be willing to? That would be really - so that covers part of our response back. The other response that we still have to discuss is the issue of comment periods because that's the other element the board are really looking to get a view on and we should start that discussion now. So I have a view on that but I don't want to go first so does anyone else want to express it?

Man: Is it actually possible for me to go back and ask one question about the prior write-up?

Tony Holmes: Sure.

Man: I've come back to this a couple of different times. Does it make sense for us to - before we move onto that other issue - to speak a little bit about whether we need to talk about this other issue which I think we might be at odds with the other constituencies around the voluntary contractual provisions?

Do you think it's worthwhile to have this conversation to determine whether we want to say something about that because I think as intermediaries we have to take a look at this? I brought up the mission and core values here right now of the - of the organization - and there's a distinct possibility that we're going to be involved in conversations that are going to hinge on whether this ends up working or not that are going to come down to how we account for that issue around voluntary provisions.

And what it's going to come down to is whether we're willing to expand the mission and core value of the organization as a whole. I think it's a big enough issue that we as a constituency should discuss it for at least a few minutes and maybe even consider putting something in here if we have some broad agreement as to where we stand on this.

Tony Holmes: Well this is one issue where we could have a slightly different slant within the CSG of course so maybe that warrants that discussion anyway. So Malcolm?

Malcolm Hutty: I think that's a - I think that's a good point because I think it constitutes something that you saw in this because the - the group is going to have to hammer out some kind of compromise on this issue.

The current - actually lunch - I gave up my lunch for a small group amongst the people that are trying to hammer out a compromise on this and I think there will be something that will be on the table but as a compromise that will be presented on the table that only the most moderate of the IPC side of the argument were represented in the formulation on that compromise.

And if that compromise is going to carry, it would be useful to have something that gives more weight to it and says actually you know what - if you're going to push for everything we're not going to reach an agreement so you need to compromise too.

So I agree with Christian that it would potentially be useful but I would think that it would be probably appropriate to keep the statement on that quite high level, not to get into the details of contractual stuff and all the rest of it at least at a micro level but certainly to say instead that we believe that all the activities of ICANN must remain within the parameters of what's authorized by the mission. And merely the invitation for it to step out - outside of the bounds of that by some other party offering to make commitments to engage in that together should not allow it - should not extend the bounds of what it - of what ICANN is allowed to do.

Man: I would feel much better about our statement if it included that.

Man: (Unintelligible).

Man: Sorry. I would feel much better about our statement if it included that. I very welcome - I welcome that very much.

Malcolm Hutto: I'm happy to draft some text of that for your review. I better - it's going to have to be very delicately written because I'm going to try and do it - essentially the purpose is going to have to be to try and give a clear signal that there is a line that we won't be pushed over but at the same time providing a clear signal of that we are willing to make the kind of compromise that I believe that's just been discussed in that small group, yes so that this is intended to - so that this comes across as something that creates additional pressure for supporting a solution rather than creating - rather than contributing to a problem.

But I will do my best to draft some text for you on that that in my opinion would contribute to that and share it with you.

Tony Holmes: Thank you. We'll certainly take you up on that. The problem is if you make it too nuanced, it's not going to carry the...

Malcolm Hutto: Well I'll take that into...

Jim Baskin: Jim Baskin. What are the core differences between various parties? I guess it's the IPC that is most strongly in favor of enforcing or allowing ICANN to enforce all contractual agreements including voluntary agreements that may have been or that some may consider to be outside of the scope.

Malcolm Hutto: It's worse than that. It's actually insisting that ICANN enforce those contracts.

Man: If I can have the mike. Yes, the IPC had always - well members of the IPC had always expressed some concern about some of the language in the limited statements of the mission in the previous draft reports but the view of the CCWG or the CCWG working party that was dealing with that had been that those comments that they had received were consistent with what was being proposed provided that there was an understanding that the mission didn't - for example didn't preclude Dot Bank being limited to banks.

The mission wasn't intended to be so narrowly casted that such a provision would be excluded and essentially it was our understanding that those comments were not a problem - that it was a - that the mission was not so narrow as they were suggesting it was and therefore provided we could be clear, the mission is actually quite expansive. There's no disagreement here.

But in the last week the position has shifted and we have had comments in from (Steve Metcalf) is his name and from the IPC - (Metalis) - and Steve DelBianco has sort of brought them forward on behalf of others that what they are asking for now is that the statement that ICANN's mission is limited to de-specify things. It needs to be supplemented by a statement that says ICANN's mission is also to enforce commitments voluntary and entered into regardless of whether the contents of those commitments is in any way connected with the ICANN mission.

Yes and that's - that's basically asking for the whole bag of marbles, yes. And so if you would like me to draft that language that specifically addresses pushback on that, I think - I think we should do that.

Tony Holmes: Without spelling the issue out if you can do it.

Man: I will indeed, yes.

Tony Holmes: And Jim the look on your face - is that you're struggling with how we could do that or the fact that you don't like us doing that?

Jim Baskin: I'm trying to figure out how - it seems that on either side of it there are going to be - could be situations where things that many people would think are in the mission that would be attempted to be ruled out. You know, I heard some examples the other day but I can't think of what they were but it just seemed to me that if - on either side if you get everything you want, you could be expanding the mission too much just by letting people somehow get stuff into contracts.

But on the other hand if you don't have something in there then there could be a lot of very important things that are in contracts that might get ruled out like the voluntary - what are the things that a lot of...

((Crosstalk))

Jim Baskin: Yes, the picks.

Malcolm Huty: To be honest, the picks are actually half of this because frankly the picks are variable. They were written by registries without any other sort of situation with whatever they wanted to write into them at the given moment.

Now some of them contain exclusively things which there really could be no question. It's clearly within the scope of ICANN's mission to be achieving these sorts of things and these commitments are absolutely, you know, there's not going to be any hint of a problem. And I am told by Steve that there are also some things in some of those that are so far outside the scope of ICANN's mission, you couldn't begin to justify it as being in ICANN's mission to achieve that outcome, yes.

And so the question is should ICANN be involved in trying to bring that outcome about? That is outside the scope in that way. This is not saying that it shouldn't. This is in no way limiting the ability of a registry to make such an offer or commitment or to enter into it as a binding commitment with

somebody else. It is just saying that ICANN should not be engaged in bringing about something which is completely outside its charter, you know.

And that's the thing because otherwise you get, you know, otherwise you certainly do open a possibility that, you know, ICANN then essentially as a general regulatory power to put whatever it likes in those commitments and say well it's a voluntary commitment but of course you're not going to get domain if you don't sign up to it, you know. And if there's - if you get to that sort of position and you don't have any limits on the sorts of things that could get put in there then you're turning ICANN into a body that everyone's going to come along to and say we want you to put these things in and that's the danger. So we have to have some way of addressing this.

Man: Or the million dollar payments in order to move things forward.

Tony Holmes: Christian and then I want to wrap this one up.

Christian Dawson: I just wanted to say that not only do I agree with every word that Malcolm just said but it's also one of those aforementioned hills that I'm ready to die on and that I absolutely don't expect to budge from that position at all. It's important.

Tony Holmes: Well it depends.

Christian Dawson: Well the compromise is fine.

Tony Holmes: Yes, okay.

Christian Dawson: I don't mean from that. I mean the general concept of not heading down that slippery slope. If there's a compromise, that's fantastic. I'm not being dogmatic about the compromise.

Tony Holmes: We'll leave it to you to use your best (unintelligible) to find the word because that's the hard part.

Malcolm Huty: Again normally the way out of these things is to try and keep it as high level as possible so that we can express that principle and leave ourselves the room to negotiate other workable compromise in terms of how it's implemented.

You know, one thing I would - I think I should actually just mention to the group I imagine that it's possible - at least conceivable - that when this compromise comes to the floor that some things may be identified as problems with it in the existing things that others are unwilling to give up and that it will be floated as a way out of that - the possibility of grandfathering - the possibility of saying these - for example that our registry of previously made public interest commitments that it's important that so the decision to grant - to delegate the remaining that that commitment was made but that in the future we wouldn't want the same kind of thing to happen.

So that can continue and isn't considered outside the scope. ICANN is (unintelligible) enforcing it with regard to past things but in the future in future rounds if people want to make those sorts of commitments and have it sourced, they're going to have to find some mechanism other than ICANN to go through it. Are you not happy with that?

Christian Dawson: Well it's still an expansion of scope and my whole - so my whole thinking is that we really do have a, you know, for me to stick to your knitting issue.

Tony Holmes: Well we need to be really careful here because I heard you say about dying in the ditch for it and my understanding is that on the other side of this argument they're making exactly the same noises that the whole deal is dependent upon this being underpinned in any new arrangement. So we need to be careful how far we go at this stage. I think there will have to be

some compromise if I'm honest and I don't want you to die in a ditch
Christian.

Christian Dawson: No, I appreciate it and I think that I mischaracterized how I put the - there is some compromise that we're going to get to. It's - it is an unwillingness to go completely in the other direction and support that that I was willing to die in the ditch for.

Malcolm Hutto: I think that's very important. I actually agree quite a lot with that. If we are to weaken this moment on this and we are forced to compromise further than we are willing to go, it may actually undermine the ability to get an outcome in the end. This is the kind of issue that congress is perfectly capable of splitting down the middle on. If we can work out an acceptable compromise within this community and get it through, we're more likely to achieve that being accepted by all parties outside.

If we feel that we've gone too far - that we've accepted the things that we don't want to - probably others will too and that will cause - that will put place a threat to the other.

So I think similarly a degree of strength isn't necessarily undermining the ability to seek compromise. It may actually be supporting it. So it's going to be very difficult - very delicate as to how do we phrase this and I'll rely on your review and your support once I've circulated something. But both sides of this need to be taken into account - both the arguments for insuring that you aren't too aggressive in what you ask and then to understand that you're going to have to compromise but also it's equally important to remember that you mustn't appear too weak or too - or willing to give up too much. That's equally important.

Tony Holmes: Because it is potentially a deal breaker on both sides, yes. Okay, let's go to the issue of public comment and does anyone want to issue a view on that?

Man: (Unintelligible). No, I wanted to understand which are the pros and the cons of open to a new public comment period. This is very also around just what we discussed in the ISCT over the weekend because well the question was really so what is the impact on the overall category on that. So and I think there are two things to be taking into consideration.

One thing - at the moment the NTIA contract is going to end September next year so there is an option - a further option to extend. So that means the NTIA every time has set - we don't set a deadline so it's up to you. We would like to have a consistent proposal and then full proposal taking into consideration all the issues. So don't feel under stress, you know, with regard to a deadline. That's the official - the official communication from them. That's one thing.

On the other hand so we have also discussed what is the impact on that and what I got from (Kapu)'s presentation is that he was - there are two options. The one is well without a public comment period which would mean tentatively so depending on the outcome of this session right now that there could be a proposal by mid of November around the 18th or 19th of November was targeted.

And we set a public comment period that could be on the first of February so that was showing in that direction. So for me that was a - it's not a big deal - so in that I would like to hear and discuss is in this respect not from the point of view that is really impact, you know, the delivery of the - of the proposal - in a sense that the September deadline might be touched or not rather than the necessity of the public comment period or not so under which conditions.

I heard Thomas saying so there is some discussion going on and if you put together information which has been delivered already with the first - with the first draft and emerge it together, we'll have what was communicated in the second graph and there might be no necessity but so I would like maybe to hear so what is a necessity about that so that's it.

Tony Holmes: One question here. Was anybody - I know Jim was but was anybody else in the hole the other night when the members of congress spoke? That would be helpful. So because one of the other idea dimensions I think is how it fits with that process as well so I don't know if Fiona or Jim maybe can give let's say a brief explanation of anything they said that was relevant to this particular point of timing.

Fiona Asonga: I think from the CCWG process when it comes to time lenses, we looked at whether to go for another public comment once this proposal is done or - and how to (unintelligible) considering we are a bottom up organization and therefore we will be forced to still go for public comment.

We've looked at scenarios of what was likely to happen but our biggest challenge is that we are going to need from the US legislative bodies 40 days to go through our proposal. The 40 days are not sequentially 40 days but 40 working days of the calendar and that basically means that before the houses close to go for elections, they need to have had in addition to whatever else they are going through, 40 days during which the work on looking at our proposals.

The teams that did the presentation were from the legal representation of staff from the different houses and they said that they have prepared summaries and continue to prepare summaries for all the members of the committees to look at and to go through which means and it should be easy for them to understand the processes and what needs to be done and they have been very open inviting witnesses to come and explain to them what the process is all about.

So right now they are involved with that in the process and that should be able to save us on time in terms of being able to cover the 40 days that is needed to be covered by the US legislative organs to go through our proposal. The only challenge is that because of...

Man: ...then know or have a control of which of those - how long the 40 days would be. It could be a 90-day period during which they watch for 40 days, it could be a 100-day period during which they watch for 40 days. So it's not anything within our domain to be able to control, but they say they'll do their best to minimize that as much as possible.

Man: (Unintelligible).

Fiona Asonga: Yes, sure. I'd just add on the question of timing, more generally, and the, you know, concern about the elections and what Senator Cruz (unintelligible) on. You know, the four staffers who are very evolved in these issues - I've sat in on a load of congressional hearings that they've held with a lot of different very - and active and educated people who are, you know, working on these issues.

So they - you know, they did make an effort to, I think, allay some of those concerns. But one (belve), which would essentially approve the community-approved proposal -- Dotcom (unintelligible) -- is trying to get through the senate. It does not have the Cruz amendment in it right now, which would require proactive - or active, I guess - approval by congress.

So that's a plus. And, you know, people did ask questions -- well, what about the elections, what - you know, and I think the good point was made that there are a lot of issues out there for, you know, for election hysteria. And while the future of the internet may be one in some ways, that's - you know, there are a lot of other lightening rod issues that your average person in, you know, the middle of America may be more concerned about, in some ways.

So I think that, you know, the session - I won't go through the whole thing, but if anybody wants to talk to me about, you know what was said, I'd be happy to chat about that, or DC more broadly (unintelligible) them - well, both of us are based there but - and engage with Congress (unintelligible), I'd be happy

to chat more. But, yes - but this session in - as a whole, I think did a lot to try to dispel some of the hysteria (unintelligible) over.

I don't know if it's...

Man: (Unintelligible).

Man: So let's have some discussion around the actual issue, now, of where we stand with regards to the necessity for a comment period -- an additional comment period -- take in full account of the fact we don't know what we're coming to now. Yes.

Man: Yes, well, one thing I say I need to understand is that if were to be on the side of no need for a specific comment period from this next draft or final draft, would that - and if that sentiment won the day, would that cause some other repercussions that could further delay us while people fight over whether we need to have the review period -- comment period.

Man: That would certainly be my concern. If - I mean, the fact is that these models have been the most controversial part of the whole thing throughout the whole discussion. And if it happens in the way that it looks like it's about to happen, we're about to change the model.

If we do that and then go to final draft without a public comment, I would expect that some people will be unhappy and they will likely make - try to make their unhappiness known. I don't think - I think the most important thing here in making this transition succeed is getting to the point where everyone has said we want it to happen in this way - we've already said we want it to happen, in principle.

We need to say, right, and we've agreed on how it's going to - happen. Once we've got that, I think we've got a huge momentum behind it that even a new administration will find it very hard to derail.

But if we get - if we manage to erect methods in front of ourselves by just fumbling the bolt - sorry, I mixed my metaphors here - but if we've managed to fumble this ball enough that we're still arguing about whether we are indeed happy with what's on the table, by the time the clock runs out, that's when transition is much more endangered than if we haven't actually achieved transition by the deadline but we have got a clear commitment to a particular thing, you know.

So rushing to fast could be - cause us a greater problem. And it's not just about having a public comment; it's also about how much time we take to write the next draft. You know, the co-chairs have actually proposed, and then last time that I saw a timetable, a week to draft the next draft followed by another week to review it.

I'm gravely worried that that will result in an inadequate draft that will then result in people saying this isn't good enough; you've got to go back and do it another time. We need to remember we were never expected to be producing a third draft report or a second draft report. We were expecting to produce the first draft of public comments, and then a final report.

So we've already had pushback having to go through successive rounds because our first version wasn't good enough. If we push ahead too fast at this stage now and do another one that isn't good enough, we're going to have to go around the whole proposal again. That's worse.

It would be better to take the time to make sure that we really get it right now and can get everyone to just say yes. So I would - so I - Thomas, I think you could see, feels under a lot of pressure to get this out. And I think we need to show him that the best way of getting it out isn't the fastest thing you can do.

It's that - because that doesn't have - that won't necessarily be the end. You don't want it coming back again.

Man: Olivier, did you want to...

Olivier Muron: Yes, (unintelligible) consent, I think that the - this one week plus one week is really crazy. I mean, you have to get to something final.

But on the other end, most of the topics as - have already been discussed -- even the models. As you said, the model has been discussed is the first draft people. So all of the (PICs), we know exactly what - the position of one or the other, so we have to fix or limit not too far.

And then, if we - my position would be try to avoid comment period (unintelligible).

Man: Yes.

Olivier Muron: So, most time to write the best report, but not to avoid the (unintelligible).

Man: Right. Fiona.

Fiona Asonga: Just so that we are understanding each other, I think the issue that is going to determine whether or not we - how we move forward is there are two proposals - two approaches - that have been looked at by CWG-1 is for us, as CWG, to just flag the issues of concerns. And the edits we'll have done to that (unintelligible) which means, then, we will not be presenting the whole proposal.

We will be presenting to the community our edits and expecting them to respond to those because all other issues are assumed - are in consensus. Now, to the extent that our edits impact on the already-agreed on issues is whether the mess begins. And so if we do not - my thinking is if we do not have the full proposal and only go out with the edits, we run the risk of having

developed edits, which from our end, we think are okay, but from some of the members of the ICANN community, are affecting as our already-agreed area.

So then they are as conditional issues, which then would require us to have a full public comment. I think it is safer because when we look at the timelines, we are looking at if we go the way of the edits, then we can have everything done and agree by the 24 of November and our proposal in. if we decide to have a full report, considering the time that is required, then we can - the (unintelligible) would be able to probably have our report around the 8 of January -- early January.

And that is, having raised concerns and having the final report and going for third round of public comments. If we do it that way, then that means, then, that the proposed - the board and need to walk fast through the proposal to get it to NTIA and NTIA needs to quickly going through it (unintelligible) now. The processes there are a bit too complicated for me to understand exactly how that will go.

But then, it means that that has to be handled fast enough for us to have our proposal within the senate giving them substantial time to have their 40-days discussion. My thinking is that we - for the purpose of being very clear on how we have taken our approach - alike what Malcolm has said - we have to make sure we go through the process.

However, we need to find ways - some of the ways I think we need to find of making sure we go through it properly is making sure we are building consensus with everyone who needs to be involved, who we can reach between now and then to be part of the continuous feedback process. Personally, I like the board's approach in L.A. when they give us their feedback and those - many CCWG people are not comfortable that approach.

But it was the only way of us beginning to build consensus moving forward. That should shorten the time - if the board are watching the CCWG and the

community moving forward, it really says the time that they need to review the entire proposal, it saves us on time because we'll already have a consensus. Then, is NTIA have been involved, and continue to be involved in the whole process.

We are setting times - it's about finding ways in which we still are having our bottom-up process, but we are trying to save on periods that need a lot of time. So we capped the NTIA period of grace for their proposal on their own to a week, you know. We reduced - my period of time that now give us enough time with what we have no control over because I think the entities we are able to reach (unintelligible) with us at their Dublin meeting and we can then engage and agree to work together to reduce time.

But we - it needs to be all the constituencies saying the same thing. We need to work towards consensus-building -- the things we can agree on -- and move forward. Thanks.

Man: James

Jim Baskin: To me, it seems that moving a little bit more slowly than - is an option that might get us there faster -- that if we do things fully according to the expected - the traditionally-expected mechanisms, including the comment periods, then I think we can - we will have a much higher - a timeline that has a much higher probability of being stable.

If we try to rush it, and we stumble, it's going to push us back further than we would have been if we had just taken the extra steps. And there are some other - extra steps that I don't think we've talked about today. I think one week here and one week there, well, I thought I heard sometime this week that the legal advice is going to take a month to put together the pieces that need, you know, from the legalese wording that has to go in there.

That's not something that the CCWG itself is doing. That's something that's being handed out to the law firms. And I heard it was a month or more. But I'm not saying that that's a reason not to take the time. I'm just saying, we have to understand all the pieces - all the parts of the mechanism that have to work and get it clear and so everybody can see what - how we're going to get from here to there -- more slowly but more reliably, higher probability.

So I think we might want to just go ahead and say "Yes, let's do the comment period."

Man: Okay, so can we craft (unintelligible) that said basically that but also makes the point that it's very hard to be definitive now. I don't think we should totally shut the door to this. So I think the approach that we're putting forward looks to overcome problems with a second - with an additional comment period.

But probably, it would be unwise to totally come out and say we don't need one because until we know quite where we are with the final draft, it's difficult to say that. So we can give all the best intentions that we are committed to working towards -- getting it done in the right way, slowly, and with the intent that we will not require one.

But I don't think we should totally shut the door to it now. What - our intent is to work through the process so that it would not require - well, and that's what you were saying -- go slowly.

Man: I (unintelligible).

Man: Well, one of the things around that is one of the remarks we should be making and is what that comment period should be open to, and certainly, if it's going to work and give us any chance of even having a comment period and getting it through, you can't just have an open comment period where everyone throws in a load of rubbish and says, "I don't like what's on the table here. Here's 1,000 other ways of doing this."

But I think it needs to be explicit so that it rules out any opportunity to do that. It would need - and I think we should say these things now that it would need to basically make it clear that the comment period is only pertinent to the changes that have come through in the document, and any other comments will not be taken. And that gets us out of that hole to some degree.

Man: I - right. Yes.

Man: I'd want us to avoid saying go slowly. I think go steadily and...

Man: Yes, yes, you're right. (Unintelligible) word.

Man: ...follow the procedures that we've - that we have developed...

Man: Yes.

Man: ...to make this happen. Don't use the word slow.

Man: Yes, no you're right. It wouldn't be appropriate. No that would be a wrong message. I think what we would - want to say is not go slowly, but to emphasize the need to ensure that the quality of the report that we produce...

Man: Right.

Man: ...is so far out and so clearly explained that we do not provoke a large response saying that we do not understand the consequences of these changes and do not understand what is being said, forcing us to go back to yet another draft.

Man: Okay, those words are the comment. But then we should also put...

Man: Yes.

Man: ...something in about if a comment period is required.

Man: If a comment period is required - and we hope that this can be restricted to the impact of the changes that we've made in response to previous comments received.

Man: We should go beyond that and say it should be restricted, I think.

Man: All right, okay. Sure, that's fine.

Man: (Unintelligible).

Man: Okay, I'll look on...

Man: Yes.

Man: I'm not going to remember that draft. I'm going to send it back to you and...

Man: Okay. So I think with that, we actually are now in a position to go back to the board and give the indication that they asked for.

Man: Do we say the stuff about the comment period to the board?

Man: Well, that...

Man: (Unintelligible) pose it to Thomas.

Man: I thought I specifically heard (Chris) refer to that when he was at (unintelligible) this morning.

Man: Right, okay, okay. And that's (unintelligible).

Man: So it is

((Crosstalk))

Man: And I guess we should, yes.

Man: Yes.

Man: And then, the other issues that - where we have a slight different - slight - well, we have difference of opinion with the rest of the CSG. Haven't had that conversation this afternoon around some of the elements that may not be particularly pertinent to any updated draft. We should probably do that quickly on the mailing list or maybe even have a call with (Steve) next week to do that rather than try and do it here because we - we're going to buffer up against the time, otherwise.

Then, perhaps, what - we can either do it on the mailing list or we can have a call with (Steve) next week if everyone's okay.

Man: Right. Sorry that was so labored, but we're - we are under pressure to respond -- particularly after this morning. And we needed to deliver as a constituency on that. So, now, we can hand over to Christian on the (unintelligible) stuff -- Universal Acceptance.

Christian: Absolutely. And despite the fact that we've had (Mark) here waiting, pretty much the entire meeting, and we're going to try and keep it relatively brief. What I'd like to do - I'm going to pull up (Mark's) slides so that (Mark) can talk to us a little bit about what we've been able to accomplish.

And what we're working towards next is sort of a CIO's guide in order to drive things forward as next steps. Even though we have this slide deck -- what is Universal Acceptance -- I'm going to sort of assume that most of the people in the room understand the issue. If you don't there's a good primer in this

(ISPCP) booklet, and I recommend you get that rather than us reiterating what it is.

In the interest of time, (unintelligible) gets a whole bunch of other stuff done in a very short amount of time, we can just focus on what it is you're working on at the major deliverable, I think, is the next stage.

Man: (Unintelligible).

Man: It impacts us because soon as there's anything that causes our users -- our customers -- any problems, we get the phone calls.

(Mark): Okay, fair enough. Do you have the slides up? Let's see.

Man: Yes indeed.

(Mark): All right, turn the page. So we've been explaining Universal Acceptance in regard to five criteria. This deck does include a bunch of user scenarios. I assume that you're aware of the scenarios, but we'll touch on them very briefly.

There are a few examples of failure to comply. Then the deck becomes increasingly detailed -- more about what the criteria really mean and some implementation details -- things that you would use if you were a software developer creating an app, or if you were an IT professional trying to evaluate whether your vendor's offerings were compliant.

Man: What I think us, as a (unintelligible), might be most interested in...

Man: Okay.

Man: ...is - and I know that I asked it for the slide deck, but now that I think of it, and especially in the interest of time - so we're desperate for something to

hand to our - the people who work for the (ISPs) and the organizations that we - that are our customers who are asking us for, well, what do we do? And so you're leading a project right now to create sort of our first technical content document.

Like, we call it, I guess, a (CIO's) guide.

(Mark): Well, it's been called a number of things. It's been called an FAQ, an executive's guide, a best practices document, a developer's document. As I mentioned at the workshop this weekend, it's becoming a single place to capture all the information which risks becoming everything for everyone, which is nothing for no one.

So we've decided to break this out into more manageable chunks that will be slightly more focused to specific audiences.

Man: That might be useful as - to use our time to talk about sort of what's going into that -- maybe even going over the parts, very briefly and high-level -- and the talking about how we can help drive forward the creation of the content because we definitely need it.

(Mark): Okay. So go to Slide 3. It's a build, so just keep clicking. So hopefully this is fairly straightforward. Universal Acceptance means you can't accept and store and process and display all of the TLDs and all the IDNs and all the e-mail addresses equally. And during the process of accepting, storing, processing, and displaying, you can perform proper validations on them.

So that probably sounds pretty straightforward. The actual implementation details are where it becomes interesting. So I suppose - which slide would be of interest here - you know, the user scenarios are things like I would like to register a new gTLD; are they available?

So that's a sort of mundane scenario. Accessing it, of course -- so, my mobile apps, do they access it correctly? If they don't, what is that a failure of? Is it a failure to absorb, you know, things from the public suffix list, or is that a failure to provide the correct tools to the app developer such that the libraries and the EPIs aren't doing the proper validation to be either of those.

Using these domains as an identity -- you know, an e-mail address that I type into my bank websites or my airline loyalty miles and they say, "This is not a valid e-mail address. Please type in a valid e-mail address." I think this is a very - this will be a more common one as we open up the internet to more and more people because most people do not use the native - do not use the Latin script natively and, you know - so it's a big disadvantage for them when they have to create identities in a script other than their own.

And so, you know, you could go through the long - you are an identity provider as we are or Google is and see that there's a lot of, you know, 123, QWERTY.live sort of e-mails for people in those regions. So they're not meaningful; they're barely mnemonic, you know. So that's not so good.

Another one is creating a link in a document when you are typing into a document and when something looks like a web address or a - an IRL doesn't correctly (linkify). That's not really the most technical term. Maybe dynamic IRI generation is the more correct term.

And then, the last one is if I'm a developer. If I'm a developer creating a new app, if I'm a developer maintaining an old app, do my tools help me to do this correctly? Do I have tools that allow me to find the errors correctly?

So those would be the use cases. Failing any of those, of course, is a failure of Universal Acceptance. There are some other things that may not be as obvious.

You may be, you know, relying on certain heuristics to do your validation. And we've found that sometimes different parts of the same website are using different heuristics. And that's not so surprising you've never been a software developer.

You know, code can be old and cobble together and built in the - in components, but it's a very, very bad user experience. You know, I've created a reservation using my identity -- when I go to check in, it doesn't work. How did that happen, you know?

Exposing the technical details of this is considered to be a failure. So this deck includes some definitions. One of them is something called an A-label. Users don't want to know what an A-label is.

The certainly don't want to have to look at them. But there are some user experiences that we've discovered during our own testing -- even at Microsoft -- and we've been actually supporting EAI and IDN in many of our products. All of our server products are OS products, not necessarily our apps and services.

But even we find cases where we're exposing A-labels or if you were to say sign up for Office 365 and request a specific domain, you would have to type it in in the PUNY code format, if it were an IDN. It would work then, but you could not type it in as an IDN itself. That's a failure.

And then there are some applications there is a mobile internet - mobile e-mail provider -- so an application that comes with a particular phone where if they receive the e-mail in the correct format, they will reply in a downgraded format. And that is, you know, probably guaranteeing greater compatibility, but by RFC, it's completely wrong and we certainly can't encourage that.

I don't know if we really - wanted to get into the rest of these slides, but this is a lot of technical detail. You can peruse the slides and come back to me if they're of interest. I don't know that they are.

Man: Sure, we will put those to the list for sure.

(Mark): Yes.

Man: One thing to mention -- the last slide has the logo that we've developed for the Universal Acceptance effort -- Universal Acceptance Steering Group, of course, having chosen this. (Edmund Chung) put this together and it represents - so that's - it's a regular expression, but what - what's it say - well none of - okay, so it's wildcard.wildcard, which is, I guess, not a regular expression; I was wrong.

Man: (Unintelligible).

Man: Whatever. Yes, it's an invalid regular expression is the - the phrase you're looking for.

Man: There you go. Okay, well, it's wildcard.wildcard -- anything.anything is supposed to be what it designates and - as a logo. And so some of us think it's very clever and some of us think it's very puzzling and obscure. So I hope more of you fall into the first camp than the second.

Man: I guess it's important to update the group that a lot of the work that we're doing right now is going to focus on creating this documentation and creating some influential documents, which we're in the process of developing as well. And then, we have developed lists of organizations that we want to target first that we're going to go out there with these documents to try to influence to get them to change things.

We're focusing our attention at first on large-scale e-mail providers and on software development associations as primary goals for - and targets for the documentation that we're putting together right now. And (Mark) is leading the technical end of the documentation process, and so we thank him very much for that effort.

(Mark): I will also - and this is new effort so I have nothing, in particular, to show for it. But I will be leading what we call the measuring and monitoring effort, which is, you know, trying to determine what is the state of the ecosystem today, which providers are offering compliance solutions, which are not, and then, the outreach work stream can attach to that and follow up.

And so that's the sort of thing where we might have some interesting data to report in Marrakech.

Man: Yes, that was my question, actually. I'm glad you covered that kind of. Are you - how are you organizing that? I mean, is it just big providers, is it via regions of the world?

How are you actually gathering the info?

(Mark): Well, one approach is to go after the biggest e-mail providers in the world. And there are people who are, you know, the absolute biggest providers -- people like Google, Microsoft, you know, Yahoo. There's another way of looking at this which is who are the biggest regional providers.

Microsoft has a certain amount of telemetry based on this -- people who come to our Office 365 service. And so we can, you know - we can slice this data any way you like and share it without revealing too much intellectual property. But, again, that's limited to just people who talk to our customers -- not our customers, but the people who talk to our customers.

I expect that Gmail could get equivalent telemetry, although they haven't exposed it yet. On the website side, you know, the IDN side or signing up with an EAI, Donuts has come up with a method where they just identify the top websites based on, you know, market research. And then they manually went out and hit them all, measured which ones failed, and then began an outreach to the ones who failed.

And they've had a few respond back and fix themselves, and most of them are so far disregarding. And I think that's where the measuring, monitoring, and reporting aspect will be good so we can begin building a, say, name and shame approach to the problem.

Man: There is an (unintelligible) I feel I've done a particularly bad job in terms of IDNs so far in support for IDNs. It would be a really bad news if we suddenly found that they're also really the ones that are suffering most from this as well. So...

(Mark): One of the things that was discovered -- there was a recent (AP NIC) survey that was done that determined that a particular scripting language used commonly in plugins for, say, Mozilla or IE was failing to resolve IDNs. And it turned out that it was limited to those platforms -- that Chrome was working and, I think, Safari was working.

And so we filed bugs against that company and they've assured us that they will fix that. So I think this is - if you're familiar with the phrase "Whack a Mole", there is a lot of iteration that will be involved in this as we develop more and more test cases...

Man: Right.

(Mark): Exercise them and we'll just continue to learn more things, hopefully, becoming more and more effective over time.

Man: Okay, thanks, (Mark). (Tony).

[Man:](#) Yes, (Mark) and Christian, actually, are - well, I'm working with you guys in the UASG, but some new thoughts came up through conversations I've had. And something you just mentioned about the tools for the apps developers, I think, in a - to a large extent by, let's say, Samsung or Blackberry; they have their clubs of developers so they have these meetings every three, four months and they give them these tools.

I've seen this done in public. So those would probably people we should be talking to who give their developers tools because obviously the developers that are developing apps, which is going to generate traffic and the use of cell phones. So that's why these clubs exist.

And the mobile operators also have them. And the other thing, as somebody said to me today, have we contacted the major software development companies? And they mentioned, specifically, (Sap) and Oracle.

Are they in our breadbasket or shouldn't we be worrying about them? I - as a non-technician, I don't know.

(Mark): So, to the first question, we have definitely talked about going after various tools vendors and going to various developers' conferences. That concept is not as well-developed as the concept of going after top e-mail providers. So, yes, it's on the list but it hasn't been really pursued.

Inside of Microsoft, I pursue it -- you know, our .net offering and visual studio is compliant. I - you know, perhaps not the biggest players in mobile but...

[Man:](#) So, yes, I mean there are a number of different lists out there as far as who we want to target and we're trying to be systematic about who to approach first. I actually came from the GAC where I was giving the GAC (unintelligible) update on the effort that we did here.

And one of the things that they said was we have a keen influence in this area. And the more information that you can get us, the more we can incorporate into our procurement processes and that can help drive change. So that was extremely useful.

(Mark): Yes, that's useful. It's not a panacea. Please don't be confused. For those of you who work with IPv6, I think you know that there is - there - it's one thing if there's a government mandate and there's another thing if there's a procurement requirement. And then, there's yet a third thing if the public sector entity actually has done their own work on their own side and has a way of enforcing that mandate.

So this is actually easier. You know, IPv6, you have to have to connectivity working on both sides, which means that your government customer has to have their bit put together as well, whereas this, you know, you can acquire a service or packaged software without having to do anything on your own side, theoretically.

Man: But I think that governments can be very instrumental in drawing attention to this.

(Mark): Yes, that's true.

Man: That would be a plus.

(Mark): So, for instance, we work closely with EDTA and (TH NIC) and if you're familiar with (Monowit) and his team. So Thailand is definitely trying to push this and be a leader in creating government incentives through our public sector incentives and purchasing mandates.

| Tony [Harris](#): Yes, I guess in the interest of time, I'll try to close out our sort of presentation so that we can open it up to any questions. But ultimately, what I wanted to say was that these are clear partners that we have and, ultimately, one of my

goals within the (UASG) is to reach out to whatever partners we can. We are a coordinating body; we're producing content as well and we're doing outreach, but we're also going out there to other organizations that are doing work in this field and making sure that we don't redouble efforts and that we magnify and amplify the work that the other organizations are doing.

We're actually - we're also pulling in important organizations into our efforts like (MOG), who need to have a place in making sure that we do this thoughtfully and responsibly.

(Mark): And I've been able to use the (UASG) efforts to accelerate work within Microsoft itself. So, for instance, a few weeks ago, we released a new version of Outlook that is EAI-compliant. So - and by Marrakech, I should be able to tell you more about Office 365 in exchange.

So definitely a good forcing function for various organizations.

Man: Okay, that - thanks for that, (Mark). A question from our perspective on this. You're obviously doing a lot of work getting under the problem reaching out to the people that are going to fix the problem.

What about the problem from our side, as (ISPs)? Are you going to provide us with easy links and pointers so that when we do get these irate people screaming things don't work, we can point them to the right place to fix the problem?

(Mark): Yes.

Man: Right. That's work yet to be done, I see.

(Mark): Yes, that's work yet to be done. We discussed some of this at our workshop on Sunday and there was some talk about how do we celebrate that?

Man: Right.

(Mark): And I've put forth a candidate to hire to help me do this work and we'll just work - you know, put it through the ICANN tender process and see how many people we get who are - who can help to do it?

Man: Brilliant. Thank you.

Man: (Unintelligible)

Man: Yes, so can we just sort of have a standing arrangement that we will invite you to our Marrakech meeting to catch up?

(Mark): That would be my pleasure.

Man: Okay. Thank you very much and apologies for making you wait. And thanks for hanging in there and good luck to all of us. So I noticed that we'd actually finished with. I can't - (unintelligible) that (Steve) here.

Just a brief update for where we are, (Steve). The - what we're going to do is we're actually going to pull together a statement that's going to be fairly top-level that's going to try and give as much indication back to the board that (Chris) asked for at lunch time with where we are in the process, which - well, it needs to be top-level, but it's certainly show the intent we had.

And we're pretty open at the moment. We're not at the stage where we're saying this model's right or that model's right because we don't know what's on the table. So it's going to have that flavor on it.

And also, we're pretty open on whether we will need another consultation process, but we're going to emphasize that the detail that goes into the process can alleviate a lot of the problems if it fixes that.

So that's the key message. The other thing that we - we'd never - because we spent a lot of time getting there, we haven't gotten to the stage where we've answered the questions that you raised specifically where, as ISPs, we have different opinions to the rest of the CSG.

What we said we would try and do would be to give you feedback on those via e-mail. But if we can't do that or you need it quicker, we was going to ask at the possibility of setting up a call with you in the next week to do that.

Man: Did you answer the hypothetical question (unintelligible).

Steve DelBianco: Steve DelBianco. Did you answer whether you thought you could get comfortable with designator as the ultimate enforcement as opposed to membership?

Man: That - the discussion we had highlighted it's really difficult to take a decision on that before knowing what the full picture is. That's a...

Steve DelBianco: Part of a package.

Man: Yes.

Steve DelBianco: That's a great answer. I can share with you that the BC was generally comfortable they could live with designator if we made sure that it didn't take four to spill the board because - more than four because then it would never happen, right.

Man: We are open to considering it. That's as far as we've gone.

Steve DelBianco: I look forward to you guys conveying it to me. And then, you, of course, you convey directly to the board, if you wish and I'm happy to reinforce that and make sure that the CSG, whenever we're asked for the CSG position, I always include the ISPs along with IPC and BC.

Man: Okay, Steve, we're going to be following (Thomas's) requirements-based approach.

Steve DelBianco: Yes.

Man: So - as he had recommended - so we are going to be setting out these are what we consider of other things that are most fundamental to us, and whatever comes out of it needs to meet these. And then we will analyze when we've finally got a completed package...

Steve DelBianco: What's on the table.

Man: ...whether or not - what is on the table and all its details fully meets those requirements. And that will be how we arrive at a final position. So we're not saying it needs to be this model or that model or it needs to be this approach or that approach.

We're instead, saying this is what it needs to achieve and this is the assessment criteria that we're going to use.

(Mark): As we get down near the end, you wouldn't ask us to take your criteria and apply it against the model. You'll be the ones to do that.

Man: We will do it.

Man: No, it's our role.

(Mark): Right, and since you know, in the next three weeks, we are going to be writing the third draft. When we're doing that, that's where, if the requirements can be folded in, I'll do that because I was doing all the public comment analysis on the all the affirmation of commitments reviews and, as well, on the stress test where Malcolm (unintelligible).

Man: Well, you will be a party to that. I mean, what's going to come out of this, you would obviously see those - this data. So...

Steve DelBianco: The sooner the better and the clearer that we can use it. That's great. Thank you.

Man: Okay, so from what you've said, you've come from the BC discussions, you're in a similar place.

(Mark): Well, I could clarify. The BC was a little bit more explicit. The designator could work, provided that it's not too hard to spill the board so that we discussed sticking to the line that it's four ACs and SOs for it and no more than one against.

We said that public comment period was probably necessary because of all the detail that's been fleshed out, but we thought it could be shorter than 40 days if it was accompanied by a professionally-written executive summary because it's clear, on the CCWG, that there's too many lawyers and engineers and we write rather verbosely. And at the same time, NTIA is requiring more and more detail, so we're going to have to start moving that into the appendix or something to make an executive summary that's readable.

Man: Okay, thanks. Like, we're very aligned on the need for readability. We are going to be expressing that we think that care needs to be taken to ensure that we do not provoke a public comment response that says we don't understand what happening here; we need to go through another round of process.

That's what we need to seek to avoid.

Man: Okay. Thanks, Steve and thanks for popping in. there's a couple of items that we can deal with left on the agenda - deal with quickly. One of them is GNSO review, which at the time it was put on the agenda, I think we were going to have quite a bit of discussion about because we were very unhappy with what came out at the final report.

That isn't such a big issue for us now because this was related to the issue we raised with the board this morning and (unintelligible) discussion afterwards with (Renalia) about how to take that forward where she's listening not only to what we think needs to happen in terms of structural reform. And we did get over to her quite clearly that if the board's idea is to go and take it to the GNSO, it's not going to happen.

I think that's been accepted now because their parties to the GNSO are happy with the current arrangement. So what we agreed after with (Renalia) was that there's going to be a meeting of the CSG with - and they don't call it the Structural Reform Committee now. It's got some...

((Crosstalk))

Man: ...yes, Organization Improvements Committee. So the OEC is going to meet with CSG in Marrakech. And by then, what - they want us to present to - not the answers, but the principles on which we can agree to look at the structural reform with the GNSO and also, potentially, how that impacts other parts of ICANN -- so relationships with other bodies, with people like ALAC -- to have some higher-level discussion.

That will be followed up through the EAC committee. And as part of that, we - she's also seeking input to feedback into how the meeting schedule can be considered against meetings A, B, and C, moving forward. So we've actually got a way - a much better way forward on that than we had before we came here.

So that's really a success story for here, and the others have bought into that -- the other CSG constituencies. Question?

Man: We likely need to put together - and this may be something you're already working on or thinking about - but put together a group to start to formulate what that plan is going to be and what we're going to carry forward.

Man: Yes.

Man: And that's fantastic. I was - we were talking the other day about how as a component of preparing for this, it might be useful to also put in a - put together a group within our own community to do a core documents review with the reasoning that, when we enter into this process, we're going to be making the case that we are distinctly different in our missions and goals and other organizations and by making sure that we properly illustrate those - that and bring things up to speed at the current moment might be a very useful project for us to undertake independently, on our own, as a group.

Man: I think you're right. There's a couple of pieces of work to be done here. One is coming up with the principles that we're going to talk about when we get to Marrakech as well, that we hope everyone else will be able to buy into as well.

So I think we need to start doing it within the ISPs and then we need to, obviously, share and get an approach that's acceptable within the CSG. So that's got to be done. The good news is that it - Marrakech is six months away, so we've actually got some time to do this for once.

So that covers that off and that was a good news story. The other thing that was on the agenda was what's happening in GNSO. There's only a couple of motions which aren't contentious, but Osvaldo, if I could ask you just to run through those quickly.

Oswaldo Novoa: This is, typically speaking, it's only - there is only one motion in consideration for the counsel and it's the data and methods for policy-making working group. And it just - the motion is to approve the recommendation of the working group. I don't know if you want to go over the proposal.

They are just regarding that and methods, I think is not worthwhile going - the other motion was regarding to the new (unintelligible) there and (unintelligible) call it. Next, (unintelligible) generation registrations directory service -- it was - presented the motion.

It wasn't seconded because it was thought it was - at this moment, it was not convenient to go ahead with it since it was a board-initiated PDP. The board was asked if there was any timeline or urgency on it. There wasn't, so I think it won't be created any near - in the near future.

And then there is the motion that Avri Doria proposed that - she proposed (unintelligible) presented it late, but proposed to be created as an exception. The - I don't know if we'll reach - we are - all the CSG support the motion in general. There are some, as I said, friendly amendments -- proposals I don't know it will reach any argument with a (CAG) in general regarding the amendment.

Man: That was the motion that was discussed earlier today when we had the CSG meeting. And it's been applied for under a 10-day waiver to get it on the table quickly. I don't think there's a problem with that; it's just an issue of whether we agree what's in the motion.

And there were those changes - if you remember - proposed this morning. Malcolm proposed, I think, the final version of that. But there's a couple of options that, as counselors, we can work around with the text if they nitpick over the text, whether the final paragraph's in there and whether it stays or whether it's - it doesn't.

And we'll have to take that on the fly tomorrow - take in account of what happened today in the discussion.

Fiona Asonga: I got to a boiling point in the middle of the whole accountability discussion where I could see where Malcolm was coming but I could also see a lot of distrust between the different constituencies in the GNSO. I have ended up again in leadership training program by ICANN where, again, these groups came together and they nearly strangled each other (unintelligible). I've looked at all that and I sort of feel frustrated that, okay, I'm joining this constituency but it's sort of hidden somewhere (unintelligible) and has to put up with the new senses.

So to say - allow me to use that word, but it may not be the appropriate word to use - of the other entities that we have to work with. I have launched a complaint and I'm following up on it and I will be commenting during the public period so that you know. I want to ask why a group that has influence of about the names and the numbers - ICANN is names and numbers - cannot be given the space it requires to effectively influence and participate in policy development about the names and the numbers within this space.

I think the guys who own the infrastructure that facilitates the interaction of all these names and numbers and IANA functions (unintelligible) need their space and need to be had and maybe our own voice. So I'm just letting you know that I'm going to be going public on that. If you can support, you're free to do so.

If you still feel that you're justified being hidden in the GNSO, you're free and entitled to your opinion. Thank you.

Man: That's a brilliant comment. I don't think you're going to lack the support (unintelligible).

Man: You're going to make the RRs very nervous.

Man: It's so - refreshing to hear that come from somebody in the outside as well that's just coming into the (I space). And could I ask you, as you've made that remark, Christian mentioned that we're going to have a small team to work on some of the points for GNSO review, would you join us?

Fiona Asonga: More than happy to. Steve Crocker has already told me I should find out where the GNSO review is happening and start giving my input. And I'm more than happy to help to get that done because I think all groups are important.

And by the way, the RRI's will not be nervous about that. There's a plus side to the RRI's being able to engage directly to with the ISP constituencies when they come for this meeting and not - and it's sort of like carries on our conversation from the region. It's important, as someone involved in the RRI space, it is very important that when we come here, we're still able to meet the ISPs and the carriers and still address some of the issues and challenges that we are not able to finalize on - in our respective regions or that go across the continents.

So it's really important that the ISPs and connectivity guys are - it brings a good balance into their - let me just put it back to it because having been with the RRI's, knowing I need to be here, looking at what is going on, man, they need to look at a decision.

Man: Thank you so much. That's brilliant; really appreciate that. And we're making progress.

Man: (Unintelligible) very well, yes.

Man: Okay.

Man: Sorry, I just had a complete lapse there. I wasn't paying attention to what you were saying about (LEOB), and then Fiona woke me up again. And I - and it -

just in line, really, with (Fiona's) comments, did you justly cover starting a process to engage with (Renalia)?

Man: Yes.

Man: (Unintelligible).

Man: That's what I...

((Crosstalk))

Man: But I'll tell you...

((Crosstalk))

Man: ...I didn't want to exactly (unintelligible).

Man: Yes. No, that's what I covered up.

Man: (Unintelligible).

Man: Yes.

Man: One is the - the correct name of that - of her group is the Organizational Effectiveness Committee.

Man: Right.

Man: And it's her and Ray Plzak, Wolfgang Kleinwachter, (Marcus Cumer), (Bruno Alanzan), and (Ku Wi Woo).

Man: Yes.

Man: Are they current members?

Man: And the only ones I haven't spoken to is (Ku Wi Woo) and Ray. But we'll have to hand to Ray the others who're really, really there to help us. That's good.

Woman: (Unintelligible).

Woman: Just to let you know, Ray and (Ku Wi Woo) come from the ASO, the RRI, the number scale and they are definitely going to be helpful in trying to (unintelligible).

Man: Great. Wonderful news; you brought great news along with you as well. So thanks, everyone.

Man: (Unintelligible).

Man: Yes. Thanks, everyone, for attending. We'll have to - we must close the meeting now.

END